Application no: H16/0328/03

Original Applicant: Castle Building Ltd
Yew Tree House
47 Old Fendike Road
Weston Hills
Spalding, Lincs. PE12 6DO

Original Agent: Morley Newborn
16A Portland Street
Lincoln
LN5 7JX

Beacon Council 2003-2004 *Supporting the Rural Economy*

FILE COPY

SOUTH HOLLAND

Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE

tel: 01775 761161
fax: 01775 710772
web: www.sholland.gov.uk

Description: Demolition of existing buildings and erection of 48 dwellings with associated garages

Location: Holbeach Road
Spalding

Amendment: Revised site layout (landscaping & boundary treatment) & tree planting (dwg no.1003.03.20A)

Letter Sent: 30-DEC-03

Dear Sir/Madam

TOWN AND COUNTRY PLANNING ACT 1990
NOTICE OF ACCEPTANCE OF AMENDMENT

The amended details submitted in respect of the above proposal have now been considered and there are no objections to the amendment being implemented to the extent described above.

Note: This Notice does not convey any approval under the Building Regulations and you may need to make a new submission.

Yours faithfully

Head of Planning & Development

NOTE
This approval does not extend to permit the 2 metre high fence to the rear of Plots 35, 36, 45 and 46.
The applicants attention is drawn to Condition 15 of H16/0328/03 which relates to the need

AMENDMENT RECORD SHEET - POST DECISION

Admin

Validation:

Inadequate/Inappropriate ☐

Clarification/Details required:

Appears valid ☑ KP

Registered SAS 4/12/08

DC Procedural Assessment

Is the information given correct? Yes/No (If No, state above what details are needed)

Is it an amendment in principle? Immaterial/Needs new app

Confirmed: DL 17/12.

Give a revised description if the details accepted are different to the submission:

Note This approval does not extend to permit the 2m High fence to the new 7 post nos 35 & 36 & 41 & 46. The applicants attention is drawn to condition no 15 of the planning permission which relates to the need for hedgerow planting in this location.

Acceptance issued: 30/12/08

DECISION SENT

CB DESIGN GROUP
24 COMMERCIAL ROAD
SPALDING
LINCOLNSHIRE
PE12 2HA

Application Amendments

Application H16/0328/03

Location Holbeach Road
Spalding

Postcode House Number

Amendment 2 Date 01-12-2003

Type POS Post-Decision

Sub-Type

Description Revised site layout (landscaping & boundary treatment) & tree planting (dwg no.1003.03.20A)

Long Description

Agent Des'n

Name Morley Newborn

Address 16A Portland Street
Lincoln
LN5 7JX

Post Code E-Mail

Tel 01522 542589 Fax

Ref David G Holman

Change at decision stage.

CB
DESIGN
GROUP

ARCHITECTURAL &
PLANNING SERVICES

South Holland District Council
Department Of Planning And Building Control
Priory Road
Spalding
Lincs
PE11 2XE

SHDC
Planning & Development
01 DEC 2003
Ref 0328/03

Our Ref: DGH/JA/1003
FAO: Mr D Roberts

Dear Sir

Date: 24/11/2003

Re: Holbeach Rd Development Spalding Planning Reg: H16/0328/03

Further to the Planning Permission in connection with above, please find enclosed, three copies of amended site layout, drawing 1003/03/20A which states landscaping and boundary treatment revision to the approved site layout.

Tree planting proposals have been revised together with the provision of low walls adjacent to the estate road and locations indicated and along the eastern boundary owing to the raised road levels to accommodate the surface water sewer and final outfall into River Welland.

With regards to the materials proposed for the walls and roofs of the dwellings we have specified facing bricks and roofing tiles on the schedule shown on drawing no: 1003/03/20A. Samples of materials will be delivered to the department early next week for final approval.

Your early response would be appreciated.

Yours faithfully

CB Design Group

A2

Partners: David G. Holman, Steven Thorne, Paul Aitchison
24 Commercial Road, Spalding, Lincolnshire PE12 2HA.
Tel: 01775 722241 Fax: 01775 769986

PLANNING AMENDMENT

For office use only

Application No. H16/0328/03/AR

Date Registered 11 DEC

Case Officer DJR

1. Please complete in block letters

NAME AND ADDRESS OF APPLICANT

Castle Building

Tel. No

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

C B Design Group

Tel. No. (Contact)

Please complete in block letters

FULL POSTAL ADDRESS OF THE APPLICATION SITE

Holbeach Road, Spalding

OFFICE COPY

Please complete

APPLICATION No.

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

H16/0328/03

Building Regulation reference relating to same development (if any)

2. Please tick **one** box only

Amendment is proposed where permission already granted — A ✓ — or — Amendment is to a proposal currently being considered — B

If yes, submit two forms and two plans. — If yes, submit four forms and four plans.

Please complete

I attach the necessary plans and request that the changes described below be accepted as an amendment. I understand that the Council may require a fresh application, together with fee if appropriate. If the amendment relates to a current application, I agree to an extension of the terminal date.

Signed ..... Date .....

3. Please complete in block letters

FULL DESCRIPTION OF DEVELOPMENT IN ORIGINAL APPLICATION

Residential

State details of amendments proposed

(Give a full detailed list of the changes, and also mark these clearly on the accompanying plans. Only the changes listed here will be considered.)

Site Layout
Screening
Treeplanting

State drawing no's of the current submission

Has this amendment been requested by the Council? (If so, state Officer dealing with the application)

YES / NO

Describe any part of the original development which is excluded by virtue of the amendment, and state any alteration to plot numbers

Has a similar amendment been submitted under Building Regulations? Yes / No

Application no: H16/0328/03

Original Applicant: Castle Building Ltd
Yew Tree House
47 Old Fendike Road
Weston Hills
Spalding, Lincs. PE12 6DO

Original Agent: Morley Newborn
16A Portland Street
Lincoln
LN5 7JX

Beacon Council 2003-2004 *Supporting the Rural Economy*

FILE COPY

SOUTH HOLLAND DISTRICT COUNCIL
Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE

tel: 01775 761161
fax: 01775 710772
web: www.sholland.gov.uk

Description: Demolition of existing buildings and erection of 48 dwellings with associated garages

Location: Holbeach Road
Spalding

Amendment: Amended dwelling types on Plots 14-17 inclusive, including repositioning garages

Letter Sent: 25-FEB-04

Dear Sir/Madam

TOWN AND COUNTRY PLANNING ACT 1990
NOTICE OF ACCEPTANCE OF AMENDMENT

The amended details submitted in respect of the above proposal have now been considered and there are no objections to the amendment being implemented to the extent described above.

Note: This Notice does not convey any approval under the Building Regulations and you may need to make a new submission.

Yours faithfully

Head of Planning & Development

CB Design Group
24 Commercial Road
Spalding
Lincolnshire
PE12 2HA

Your Ref :

AMENDMENT RECORD SHEET - POST DECISION

Admin

Validation:

Inadequate/Inappropriate ☐

Clarification/Details required:

Appears valid ☑

Registered 19/12

DC Procedural Assessment

Is the information given correct? Yes/No (If No, state above what details are needed)

Is it an amendment in principle? Immaterial/Needs new app

Confirmed: DC 24/1/04

Give a revised description if the details accepted are different to the submission:

Acceptance issued:

Application Amendments

Application H16/0328/03

Location

Postcode House Number

Beacon Council 2003-2004 Supporting the Rural Economy

SOUTH HOLLAND DISTRICT COUNCIL

Amendment 3 Date 04-12-2003

Type POS Post-Decision

Sub-Type

Description Amended dwelling types on Plots 14-17 inclusive, including repositioning garages

Long Description

Agent ? Des'n

Name Morley Newborn

Address 16A Portland Street
Lincoln
LN5 7JX

Post Code E-Mail

Tel 01522 542589 Fax

Ref David G Holman

Decision Date

DES. OK
?

PLANNING AMENDMENT

For office use only

Application No. H16 | 0328 | 03 | A3

Date Registered 14 DEC 2007

Case Officer DJR

1. Please complete in block letters

NAME AND ADDRESS OF APPLICANT

CASTLE BUILDING LTD

Tel. No

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

[illegible]

Tel. No. (Contact)

Please complete in block letters

FULL POSTAL ADDRESS OF THE APPLICATION SITE

HOLBEACH ROAD, SPALDING

Please complete

APPLICATION No.

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

H16 | 0328 | 03

Building Regulation reference relating to same development (if any)

2. Please tick **one** box only

A — Amendment is proposed where permission already granted ✓
If yes, submit two forms and two plans.

or

B — Amendment is to a proposal currently being considered
If yes, submit four forms and four plans.

Please complete

I attach the necessary plans and request that the changes described below be accepted as an amendment. I understand that the Council may require a fresh application, together with fee if appropriate. If the amendment relates to a current application, I agree to an extension of the terminal date.

Signed ..... Date .....

3. Please complete in block letters

FULL DESCRIPTION OF DEVELOPMENT IN ORIGINAL APPLICATION

ERECTION OF 48 DWELLINGS WITH ASSOCIATED GARAGES

State details of amendments proposed

(Give a full detailed list of the changes, and also mark these clearly on the accompanying plans. Only the changes listed here will be considered.)

AMENDED DWELLING TYPES ON PLOTS 14 - 17 INCLUSIVE.

State drawing no's of the current submission

Has this amendment been requested by the Council? (If so, state Officer dealing with the application)

YES / NO

Describe any part of the original development which is excluded by virtue of the amendment, and state any alteration to plot numbers

Has a similar amendment been submitted under Building Regulations? Yes / No

A3

CB DESIGN GROUP

ARCHITECTURAL & PLANNING SERVICES

South Holland District Council
Dept of Planning and Building Control
Priory Road
Spalding
Lincs
PE11 2XE

Our Ref: DGH/JA/1003
FAO: Mr D Roberts

Dear Mr Roberts

Date: 04/12/2003

Re : Holbeach Road Development . Ref: H16/0328/03

Please find enclosed two copies of a drawing showing the rear elevation to amended dwelling types on plots 14-17 inclusive as requested . The rear roof windows to the rooms over the garages would serve shower rooms ensuite with the proposed additional bedroom accommodation.

We look forward to hear from you in due course.

Yours Faithfully

C B Design Group

DEC

0328/03

Partners: David G. Holman, Steven Thorne, Paul Aitchison
24 Commercial Road, Spalding, Lincolnshire PE12 2HA.
Tel: 01775 722241 Fax: 01775 769986

CB
DESIGN
GROUP

ARCHITECTURAL &
PLANNING SERVICES

A-3

South Holland District Council
Dept of Planning and Building Control
Priory Road
Spalding
Lincs
PE11 2XE

Our Ref: DGH/JA/1003
FAO: Mr D Roberts

0328/03

Dear Mr Roberts

Date: 28/11/2003

Re : Holbeach Road Development .

Further to our recent discussion regarding the above and in particular the position of the approved garages to Plots 14 and 15, we propose to incorporate the garages between the dwellings on these plots. In addition to avoid future objections relating to garages 16 and 17 we suggest a similar proposal. As the revisions will affect the market value of the plots ie, loss of detached garage and direct access to the rear gardens, we propose to provide bedroom accommodation over the garages, which achieve the required market value.

Please find enclosed a copy each of draft plans and front elevation to the Estate Road for your consideration, should your comments be favourable we request that the revisions would be treated as an amendment to the original permission.

Yours Sincerely

C B Design Group

Partners: David G. Holman, Steven Thorne, Paul Aitchison
24 Commercial Road, Spalding, Lincolnshire PE12 2HA.
Tel: 01775 722241 Fax: 01775 769986

AMENDMENT RECORD SHEET - LIVE APPLICATION

Admin

Validation:

Inadequate/Inappropriate ☐

Clarification/Details required:

Appears valid ☑

Registered .....

Terminal date/committee updated .....

DC Procedural Assessment

Is the information given correct? Yes/No (If No, state above what details are needed)

Has this amendment been requested? Yes/No *
If Yes, is it what was asked for? Yes/No *

Who do you need to reconsult as a result of this amendment?

PC None ☐
WM
Press
Residents
Other –

Is it an amendment in principle? Yes/No

Is it the same character/description for fee purposes? Yes/No (Refer to Admin ?) *

If No, but Yes to (*) requested :-

Do development objectives outweigh financial objectives? Yes/No Confirmed.....

REJECTED as an amendment – new application needed

Confirmed: .....

Notes/Advice/Rejection Reason:

☐ Tick if you wish this note to be a paragraph in the Rejection Notice

AUTHORISED to treat as amendment

Confirmed: .....

Superseded details removed ☐

Give a revised description if the details accepted are different to the submission:

Acceptance issued:
Public register updated:

DC Professional Assessment

NOTES:

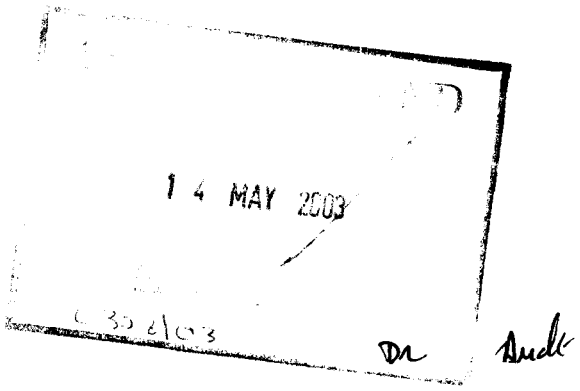
AMENDED PLAN
Ref. 111

Morley Newborn
architectural technicians
16a PORTLAND STREET
LINCOLN LN5 7JX
TEL. LINCOLN (01522) 542589
FAX. LINCOLN (01522) 530652

12th May 2003

Our ref: DGH.CBH.1721

Mr. D. Roberts
Senior Planning Officer
South Holland District Council
Council Offices
Priory Road
Spalding
Lincs
PE11 2XE



Dear Mr. Roberts

HOUSING DEVELOPMENT HOLBEACH ROAD SPALDING
PLANNING APPLICATION NO: H16/0328/03

Further to our Planning Application and subsequent meetings to discuss the proposals in detail, we have amended the site layout to address your concern with various planning issues and comments received from Lincolnshire County Council Highways, Lincolnshire Police and the Civic Trust. The main points and amendments for your further consideration are:-

1. AMENDED PLOTS

   Plots facing the south west/southern boundaries have been amended to provide additional space between dwellings and clearance from the properties fronting Holbeach Road.

2. Two semi detached dwellings and plots have been omitted along the southern boundary to provide additional space and a 6M wide easement for the proposed surface water sewer to serve the site.

3. Plots 41-46 inclusive have been amended to provide a private access road and orientation for surveillance of the Public Open Space.

4. The Public Open Space has been reduced to 0.325 ha. (11,4% of the site area) to accommodate the plot revisions.

5. Turning head facility - The 1.8M wide footway has been extended around the turning head.

6. Carriageway - Width has been reduced to 5.0M.

7. Footpath Link - The footpath link between Units 6 and 7 has been re-routed towards the western side (Plot 7 boundary) to provide a more direct route. In addition a 1200 wide tarmac footpath is proposed across the front of housing blocks A and B to link with footpath between Plots 6 and 7.

8. Housing Block A and B. We propose a 900 high brick wall with intermediate piers and infill metal railings to the northern boundary of the housing blocks as suggested by Lincolnshire Police. However, we consider a maximum height of 1.5M suitable. (Drawing No: 1721/02/20).

9. SOUTHERN BOUNDARY

We confirm that the sparse hedge to the southern boundary will be supplemented with additional hedge planting to provide the required security.

10. Driveway lighting - Private driveway areas will be provided with adequate lighting. We request any subsequent Planning Permission will include a Condition for a lighting scheme subject to the Planning Authority's approval.

Please find enclosed four copies of an amended layout drawing number 1721/02/10C together with four copies of drawing number 1721/02/20 showing the north boundary proposals to housing blocks A and B for your consideration.

Yours sincerely



Morley Newborn

encl

c.c. Castle Building Ltd.

FILE COPY

SOUTH HOLLAND DISTRICT COUNCIL

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

Application no: H16/0328/03

Applicant: Castle Building Ltd
Yew Tree House
47 Old Fendike Road
Weston Hills
Spalding, Lincs. PE12 6DO

Agent: Morley Newborn
16A Portland Street
Lincoln
LN5 7JX

Description: Demolition of existing buildings and erection of 48 dwellings with associated garages

Location: Holbeach Road
Spalding

Amendment: Revisions to layout
Dwg.Nos.1721:02:10C & 1721:02:20

21-MAY-03

Dear Sir/Madam

ACKNOWLEDGEMENT OF AMENDMENT

I acknowledge receipt of the amended details in respect of the above and confirm that the changes are able to be incorporated in the application which will now **only be considered in its amended form**.

As a result of the need for the Authority to repeat certain procedures because of the amendment, the period for determining the application has been extended to 09 JUL 2003

Your rights of appeal remain as explained on the original acknowledgement.
If you do not wish to agree to the extended time period and would rather have the application determined more quickly but on the basis of the application as originally submitted, please let me know in writing within the next 5 days.

You are reminded that revision to any submission made under the Building Regulations may also be necessary.

Yours faithfully

Head of Planning & Development

Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE

Telephone: (01775) 761161
Fax: (01775) 711253
Email: Info@sholland.gov.uk

Application Amendments

Application: H16/0328/03

Location: Holbeach Road
Spalding

Postcode: House Number:

Amendment: 1 Date: 14-05-2003

Type: CUR Current Application
Sub-Type:

Description:
Dwg.Nos.1721:02:10C & 1721:02:20

Long Description:

Agent: Des'n:
Name: Morley Newborn
Address: 16A Portland Street
Lincoln
LN5 7JX

Post Code: E-Mail:
Tel: 01522 542589 Fax:
Ref: David G Holman

FILE COPY

PLANNING APPLICATION

Castle Building Ltd
is applying to the Council for planning permission for the following:

Reference No: H16/0328/03
Description: Demolition of existing buildings and erection of 48 dwellings with associated garages

Location: Holbeach Road
Spalding

You can inspect copies of the application, plans and any other documents submitted with it at Planning Reception, Council Offices, Priory Road, Spalding and also at Spalding Library. They are available during normal opening hours until

17 JUN 2003

Please send any comments to me by that date quoting the above application reference number.

Head of Planning & Development
27-MAY-03

SOUTH HOLLAND DISTRICT COUNCIL

PLANNING AMENDMENT

For office use only

Application No. H16/0328/03/AM

Date Registered 14 MAY 2003

Case Officer DR

1. Please complete in block letters

NAME AND ADDRESS OF APPLICANT

CASTLE BUILDING LTD.

Tel. No

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

MOLEY NEWBERN

Tel. No. (Contact)

Please complete in block letters

FULL POSTAL ADDRESS OF THE APPLICATION SITE

HOLBEACH ROAD, SPALDING

Please complete

APPLICATION No.

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

H16/0328/03

Building Regulation reference relating to same development (if any)

2. Please tick **one** box only

A — Amendment is proposed where permission already granted. If yes, submit two forms and two plans. [ ]

or

B — Amendment is to a proposal currently being considered. If yes, submit four forms and four plans. [✓]

Please complete

I attach the necessary plans and request that the changes described below be accepted as an amendment. I understand that the Council may require a fresh application, together with fee if appropriate. If the amendment relates to a current application, I agree to an extension of the terminal date.

Signed ..... Date .....

3. Please complete in block letters

FULL DESCRIPTION OF DEVELOPMENT IN ORIGINAL APPLICATION

ERECT 48 DWELLINGS WITH ASSOCIATED GARAGES

State details of amendments proposed

(Give a full detailed list of the changes, and also mark these clearly on the accompanying plans. Only the changes listed here will be considered.)

Revisions to Layout

State drawing no's of the current submission

Has this amendment been requested by the Council? (If so, state Officer dealing with the application)

YES / NO

Describe any part of the original development which is excluded by virtue of the amendment, and state any alteration to plot numbers

Has a similar amendment been submitted under Building Regulations? Yes / No

DATED 2003

CASTLE BUILDING LIMITED (1)

TO

SOUTH HOLLAND DISTRICT COUNCIL (2)

UNILATERAL UNDERTAKING MADE UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

Relating to land at Low Road, Spalding

The Ringrose Law Group
The Old Vicarage
Church Close
Boston
Lincolnshire
PE21 6NE

DG.LT
10.09.03

THIS UNDERLATERAL UNDERTAKING IS GIVEN THIS DAY OF 2003

BY

(1) CASTLE BUILDING LIMITED (Company Registration No. 3593288) of Keeble House, Doddington Road, Lincoln, LN6 3JY ("the Applicant")

TO

(2) SOUTH HOLLAND DISTRICT COUNCIL of Council Offices, Priory Road, Spalding, Lincolnshire PE11 2XE ("the Council")

WHEREAS

1. The Council is the Local Planning Authority for the purposes of the Act for the area in which the site is situated and is the Authority by whom the obligations hereby created are enforceable.

2. The Applicant has contracted to purchase the Site conditional on obtaining planning permission

3. The Applicant has made the Planning Application to the Council

4. At a meeting of the Council held on 19th August 2003 the Council resolved to defer the Planning Permission subject to provisions being made in respect of Affordable Housing

NOW THIS DEED WITNESSETH AS FOLLOWS:

1. DEFINITIONS

"the Act"	Means the Town & County Planning Act 1990 (as amended)
"the Affordable Housing Contribution"	Means the sum of £100,000 (one hundred thousand pounds) (as may be amended by the provisions of clauses 2.2 to 2.4 of this Deed) to be paid as a contribution towards the provision of Affordable Housing off Site in lieu of the provision of Affordable Housing on Site
"Affordable Housing"	Means affordable housing as defined in paragraph 4 of Circular No. 06/98 : Planning and Affordable Housing.
"the Commencement of Development"	Means the carrying out of a material operation as defined in Section 56 of the Act as permitted by the Planning Permission excluding any operation(s) relating to soil investigations,

	investigations or works in respect of land contamination, archaeological investigations, site clearance, demolition, diversion of services, and/or the erection of temporary fencing, hoardings or site compound buildings, and "Commence" and "Commenced" shall be construed accordingly.
"the Development"	Means the development of the Site for housing, as permitted by the Planning Permission
"the Plan"	Means the Plan attached to this Deed
"the Planning Application"	Means the outline planning application with reference number H16/0328/03 dated 13th March 2003 submitted by the Applicant to the Council for the development of housing at the Site
"the Planning Permission"	Means the planning permission to be granted pursuant to the Planning Application for the Development and which is not subject to any condition requiring the provision of Affordable Housing on Site
"the Site"	Means the land at Holbeach Road, Spalding as shown edged red on the Plan

2. THE OBLIGATION

2.1 The Applicant hereby covenants with the Council so as to bind the Site and every part thereof that the Applicant shall pay the Affordable Housing Contribution to the Council by the following instalments:-

2.1.1 the sum of £48,000 (forty eight thousand pounds) prior to prior to the Commencement of Development

2.1.2 the sum of £52,000 (fifty two thousand pounds) prior to the occupation of the twenty fifth dwelling on the Site

2.2 If Commencement of Development has not taken place by the date being twelve (12) months after the date of this agreement ("the First Anniversary") the Affordable Housing Contribution of (£100,000) one hundred thousand pounds referred to in clause 2.1 above shall be adjusted as follows:

2.2.1 If Commencement of Development takes place at any time after the First Anniversary but on or before the date being twenty four (24) months after the date of this agreement ("the Second Anniversary") by multiplying the figure of (£100,000) one hundred thousand pounds (£100,000) by the "all items" index figure of the Index of Retail Prices last published by the Office of National Statistics (or other ministry government department executive agency or other body on which the duties in connection with the said Index of Retail Prices

shall have developed) before the First Anniversary and dividing the resultant figure by the "all items" figure of the Index of Retail Prices last published before the date of this agreement (with due adjustment being made for any change in the base or basis on which the said Index of Retail Prices is calculated) provided that the Affordable Housing Contribution shall in any event be no less than (£100,000) one hundred thousand pounds.

2.2.2 If Commencement of Development takes place at any time after either (i) the Second Anniversary or (ii) any subsequent anniversary of this agreement but on or before the date being the next following anniversary of this agreement by multiplying the figure of (£100,000) one hundred thousand pounds by the "all items" index figure of the Index of Retail Prices last published by the Office of National Statistics (or other ministry government department executive agency or other body on which the duties in connection with the said Index of Retail Prices shall have developed) before either (i) the Second Anniversary or (ii) the anniversary of this agreement immediately preceding the Commencement of Development as appropriate and dividing the resultant figure found by the "all items" figure of the Index of Retail Prices last published before the date of this agreement (with due adjustment being made for any change in the base or basis on which the said Index of Retail Prices is calculated) provided that the Affordable Housing Contribution shall in any event be no less than (£100,000) one hundred thousand pounds

2.3 Any difference or dispute between the Applicant and the Council as to the adjustment to be made for any change in the base or basis on which the said Index of Retail Prices is calculated shall be referred to an independent chartered surveyor appointed (in the absence of agreement as to his identity) by or on behalf of the President for the time being of the Royal Institution of Chartered Surveyors on the application of either the Applicant or the Council and the decision of such surveyor (acting as an expert and not as an arbitrator) shall be final and binding on the Applicant and the Council and the cost of his appointment and decision to be in his sole award in like manner.

2.4 In the event that the said Index of Retail Prices shall be discontinued an independent chartered surveyor shall be appointed as aforesaid to determine in his absolute discretion what would have been the likely figure for the said Index of Retail Prices if it had been so continued as at the First Anniversary or the Second Anniversary or any subsequent anniversary of this agreement as appropriate and the provisions of clause 2.3 shall apply (mutatis mutandis) to the mechanism for his appointment and the final and binding nature of his decision on the Applicant and the Council and his award as to costs.

3. GENERAL PROVISIONS

3.1 This Deed is made pursuant to the provision of Section 106 of the Act and is a planning obligation for the purposes of that section

3.2 In this Deed the expressions "the Applicant" and "the Council" shall include their respective successors in title and assigns

3.3 The obligation contained within this Deed is conditional upon the Commencement of the Development

3.4 The owner shall not be liable for a breach of a covenant contained in this Deed after it has parted with all interest in the Site or the part of the Site in respect of which such breach occurs but without prejudice for any liability for any subsisting breach of covenant prior to parting with such interest.

3.5 If the Planning Permission expires before the Commencement of the Development or is at any time quashed or revoked or is made subject to or includes a condition or obligation requiring the provision of Affordable Housing on the Site, then this Deed shall forthwith determine and cease to have effect and the Applicant shall cease to have any obligation or continuing obligation in respect of any provisions hereof

3.6 Nothing in this Deed shall be construed so as to require any works to be carried out in relation to any development of any part of the Site or to prohibit or limit any development of any part of the Site where such development is in accordance with a planning permission (other than the Planning Permission) granted by the Council or by the Secretary of State on appeal or reference to him after the date of this Deed

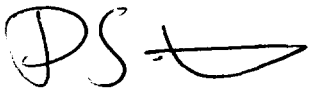
3.7 The planning obligations hereby created are registerable as a Local Land Charge

3.8 A person who is not a party to this Deed has no rights under the Contracts (Rights of Third Parties) Act 1999 to enforce any of its terms.

In witness whereof the Applicant has caused these presents to be duly executed as Deed the date and year first before written.

EXECUTED AS A DEED by
CASTLE BUILDING LIMITED

Acting by

Director: 

Director/Company Secretary:

DATED 2003

CASTLE BUILDING LIMITED (1)

TO

SOUTH HOLLAND DISTRICT COUNCIL (2)

UNILATERAL UNDERTAKING MADE UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

Relating to land at Low Road, Spalding

The Ringrose Law Group
The Old Vicarage
Church Close
Boston
Lincolnshire
PE21 6NE

DG.LT
10.09.03

THIS UNDERLATERAL UNDERTAKING IS GIVEN THIS DAY OF 2003

BY

(1) CASTLE BUILDING LIMITED (Company Registration No. 3593288) of Keeble House, Doddington Road, Lincoln, LN6 3JY ("the Applicant")

TO

(2) SOUTH HOLLAND DISTRICT COUNCIL of Council Offices, Priory Road, Spalding, Lincolnshire PE11 2XE ("the Council")

WHEREAS

1. The Council is the Local Planning Authority for the purposes of the Act for the area in which the Site is situated and is the Authority by whom the obligations hereby created are enforceable.

2. The Applicant has contracted to purchase the Site conditional on obtaining planning permission

3. The Applicant has made the Planning Application to the Council

4. At a meeting of the Council held on 19th August 2003 the Council resolved to ~~defer~~ grant the Planning Permission subject to provisions being made in respect of Affordable Housing

NOW THIS DEED WITNESSETH AS FOLLOWS:

1. DEFINITIONS

"the Act"	Means the Town & County Planning Act 1990 (as amended)
"the Affordable Housing Contribution"	Means the sum of £100,000 (one hundred thousand pounds) (as may be amended by the provisions of clauses 2.2 to 2.4 of this Deed) to be paid as a contribution towards the provision of Affordable Housing off Site in lieu of the provision of Affordable Housing on Site
"Affordable Housing"	Means affordable housing as defined in paragraph 4 of Circular No. 06/98 : Planning and Affordable Housing.
"the Commencement of Development"	Means the carrying out of a material operation as defined in Section 56 of the Act as permitted by the Planning Permission excluding any operation(s) relating to soil investigations,

	investigations or works in respect of land contamination, archaeological investigations, site clearance, demolition, diversion of services, and/or the erection of temporary fencing, hoardings or site compound buildings, and "Commence" and "Commenced" shall be construed accordingly.
"the Development"	Means the development of the Site for housing, as permitted by the Planning Permission
"the Plan"	Means the Plan attached to this Deed
"the Planning Application"	Means the ~~outline~~ full planning application with reference number H16/0328/03 dated ~~13th~~ 14th March 2003 submitted by the Applicant to the Council for the development of housing at the Site
"the Planning Permission"	Means the planning permission to be granted pursuant to the Planning Application for the Development and which is not subject to any condition requiring the provision of Affordable Housing on Site
"the Site" (not attached)	Means the land at Holbeach Road, Spalding as shown edged red on the Plan

2. THE OBLIGATION

2.1 The Applicant hereby covenants with the Council so as to bind the Site and every part thereof that the Applicant shall pay the Affordable Housing Contribution to the Council by the following instalments:-

2.1.1 the sum of £48,000 (forty eight thousand pounds) ~~prior to~~ prior to the Commencement of Development ("the First Instalment" / "the Second Instalment")

2.1.2 the sum of £52,000 (fifty two thousand pounds) prior to the occupation of the twenty fifth dwelling on the Site ("the Occupation")

2.2 If Commencement of Development has not taken place by the date being twelve (12) months after the date of this agreement ("the First Anniversary") the Affordable Housing Contribution of (£100,000) one hundred thousand pounds referred to in clause 2.1 above shall be adjusted as follows:

2.2.1 If Commencement of Development takes place at any time after the First Anniversary but on or before the date being twenty four (24) months after the date of this agreement ("the Second Anniversary") by multiplying the figure of (£100,000) one hundred thousand pounds (£100,000) by the "all items" index figure of the Index of Retail Prices last published by the Office of National Statistics (or other ministry government department executive agency or other body on which the duties in connection with the said Index of Retail Prices

See attached

shall have developed) before the First Anniversary and dividing the resultant figure by the "all items" figure of the Index of Retail Prices last published before the date of this agreement (with due adjustment being made for any change in the base or basis on which the said Index of Retail Prices is calculated) provided that the Affordable Housing Contribution shall in any event be no less than (£100,000) one hundred thousand pounds.

see attached

2.2.2 If Commencement of Development takes place at any time after either (i) the Second Anniversary or (ii) any subsequent anniversary of this agreement but on or before the date being the next following anniversary of this agreement by multiplying the figure of (£100,000) one hundred thousand pounds by the "all items" index figure of the Index of Retail Prices last published by the Office of National Statistics (or other ministry government department executive agency or other body on which the duties in connection with the said Index of Retail Prices shall have developed) before either (i) the Second Anniversary or (ii) the anniversary of this agreement immediately preceding the Commencement of Development as appropriate and dividing the resultant figure found by the "all items" figure of the Index of Retail Prices last published before the date of this agreement (with due adjustment being made for any change in the base or basis on which the said Index of Retail Prices is calculated) provided that the Affordable Housing Contribution shall in any event be no less than (£100,000) one hundred thousand pounds

2.3 Any difference or dispute between the Applicant and the Council as to the adjustment to be made for any change in the base or basis on which the said Index of Retail Prices is calculated shall be referred to an independent chartered surveyor appointed (in the absence of agreement as to his identity) by or on behalf of the President for the time being of the Royal Institution of Chartered Surveyors on the application of either the Applicant or the Council and the decision of such surveyor (acting as an expert and not as an arbitrator) shall be final and binding on the Applicant and the Council and the cost of his appointment and decision to be in his sole award in like manner.

2.4 In the event that the said Index of Retail Prices shall be discontinued an independent chartered surveyor shall be appointed as aforesaid to determine in his absolute discretion what would have been the likely figure for the said Index of Retail Prices if it had been so continued as at the First Anniversary or the Second Anniversary or any subsequent anniversary of this agreement as appropriate and the provisions of clause 2.3 shall apply (mutatis mutandis) to the mechanism for his appointment and the final and binding nature of his decision on the Applicant and the Council and his award as to costs.

3. GENERAL PROVISIONS

3.1 This Deed is made pursuant to the provision of Section 106 of the Act and is a planning obligation for the purposes of that section

3.2 In this Deed the expressions "the Applicant" and "the Council" shall include their respective successors in title and assigns

3.3 The obligation contained within this Deed is conditional upon the Commencement of the Development

3.4 The owner shall not be liable for a breach of a covenant contained in this Deed after it has parted with all interest in the Site or the part of the Site in respect of which such breach occurs but without prejudice for any liability for any subsisting breach of covenant prior to parting with such interest.

3.5 If the Planning Permission expires before the Commencement of the Development or is at any time quashed or revoked or is made subject to or includes a condition or obligation requiring the provision of Affordable Housing on the Site, then this Deed shall forthwith determine and cease to have effect and the Applicant shall cease to have any obligation or continuing obligation in respect of any provisions hereof

3.6 Nothing in this Deed shall be construed so as to require any works to be carried out in relation to any development of any part of the Site or to prohibit or limit any development of any part of the Site where such development is in accordance with a planning permission (other than the Planning Permission) granted by the Council or by the Secretary of State on appeal or reference to him after the date of this Deed

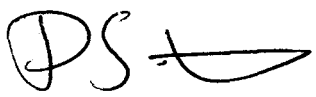
3.7 The planning obligations hereby created are registerable as a Local Land Charge

3.8 A person who is not a party to this Deed has no rights under the Contracts (Rights of Third Parties) Act 1999 to enforce any of its terms.

In witness whereof the Applicant has caused these presents to be duly executed as Deed the date and year first before written.

EXECUTED AS A DEED by
CASTLE BUILDING LIMITED

Acting by

Director: 

Director/Company Secretary:

2.2 If Commencement of Development ***(in respect of the First Instalment) and/or the Occupation (in respect of the Second Instalment)*** has not taken place by the date being twelve (12) months after the date of this agreement ("the First Anniversary") the ***First Instalment of (£48,000) forty eight thousand pounds referred to in clause 2.1.1 above and/or the Second Instalment of (£52,000) fifty two thousand pounds referred to in clause 2.1.2 above (as appropriate) shall be adjusted as follows:***

2.2.1 If Commencement of Development ***and/or the Occupation (as appropriate)*** takes place at any time after the First Anniversary but on or before the date being twenty four (24) months after the date of this agreement ("the Second Anniversary") by multiplying the figure of ***(£48,000) forty eight thousand pounds and/or (£52,000) fifty two thousand pounds (as appropriate)*** by the "all items" index figure of the Index of Retail Prices last published by the Office of National Statistics (or such other ministry government department executive agency or other body on which the duties in connection with the said Index of Retail Prices shall have devolved) before the First Anniversary and dividing the resultant figure by the "all items" figure of the Index of Retail Prices last published before the date of this agreement (with due adjustment being made for any change in the base or basis on which the said Index of Retail Prices is calculated) provided that the ***First Instalment and the Second Instalment shall in any event be no less than (£48,000) forty eight thousand pounds and (£52,000) fifty two thousand pounds respectively***

2.2.2 If Commencement of Development ***and/or the Occupation (as appropriate)*** takes place at any time after either (i) the Second Anniversary or (ii) any subsequent anniversary of this agreement but on or before the date being the next following anniversary of this agreement by multiplying the figure ***of (£48,000) forty eight thousand pounds and/or (£52,000) fifty two thousand pounds (as appropriate)*** by the "all items" index figure of the Index of Retail Prices last published by the Office of National Statistics (or such other ministry government department executive agency or other body on which the duties in connection with the said Index of Retail Prices shall have devolved) before either (i) the Second Anniversary or (ii) the anniversary of this agreement immediately preceding the Commencement of Development***and/or the Occupation*** as appropriate and dividing the resultant figure found by the "all items" figure of the Index of Retail Prices last published before the date of this agreement (with due adjustment being made for any change in the base or basis on which the said Index of Retail Prices is calculated) provided that the ***First Instalment and the Second Instalment shall in any event be no less than (£48,000) forty eight thousand pounds and (£52,000) fifty two thousand pounds respectively***

Application no: H16/0328/03

Original Applicant: Castle Building Ltd
Yew Tree House
47 Old Fendike Road
Weston Hills
Spalding, Lincs. PE12 6DO

Original Agent: Morley Newborn
16A Portland Street
Lincoln
LN5 7JX

Beacon Council 2003-2004 *Supporting the Rural Economy*

FILE COPY

SOUTH HOLLAND DISTRICT COUNCIL

Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE

tel: 01775 761161
fax: 01775 710772
web: www.sholland.gov.uk

Description: Demolition of existing buildings and erection of 48 dwellings with associated garages

Location: Holbeach Road
Spalding

Amendment: External material schedule amended and elevational design altered to single garage

Letter Sent: 17-MAY-04

Dear Sir/Madam

TOWN AND COUNTRY PLANNING ACT 1990
NOTICE OF ACCEPTANCE OF AMENDMENT

The amended details submitted in respect of the above proposal have now been considered and there are no objections to the amendment being implemented to the extent described above.

Note: This Notice does not convey any approval under the Building Regulations and you may need to make a new submission.

Yours faithfully

Head of Planning & Development

Ashwood Homes
Seagate Hall
The Coach House
Vicarage Lane
Long Sutton Spalding
Lincs PE12 9AF

AMENDMENT RECORD SHEET - POST DECISION

Admin

Validation:

Inadequate/Inappropriate ☐

Clarification/Details required:

Appears valid ☑ AP

Registered V.S/S

DC Procedural Assessment

Is the information given correct? Yes/No (If No, state above what details are needed)

Is it an amendment in principle? Immaterial/Needs new app

Confirmed: [illegible]

Give a revised description if the details accepted are different to the submission:

Acceptance issued: 17/5/04

PLANNING AMENDMENT

For office use only

Application No. H16/0328/03/A4.

Date Registered 05 MAY 2004

Case Officer DJC.

1. Please complete in block letters

NAME AND ADDRESS OF APPLICANT

ASHWOOD HOMES
SEAGATE HALL, THE COACH HOUSE,
VICARAGE LANE, LONG SUTTON, SPALDING,
PE12 9AF.

Tel. No. 01406 366100

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

ASHWOOD HOMES.

Tel. No. (Contact) M DENNIS.

Please complete in block letters

FULL POSTAL ADDRESS OF THE APPLICATION SITE **FILE COPY**

HOLBEACH ROAD, SPALDING, LINCS.

Please complete

APPLICATION No.

This amendment cannot be considered unless the relevant reference is stated

H16/0328/03

Building Regulation reference relating to same development (if any)

B16/1320/03.

2. Please tick one box only

A. Amendment is proposed where permission already granted — A ✓ or B. Amendment is to a proposal currently being considered — B

If yes, submit four forms and four plans

Please complete

I attach the necessary plans and request that the changes described below be accepted as an amendment. I understand that the Council may require a fresh application, together with fee if appropriate. If the amendment relates to a current application, I agree to an extension of the terminal date.

Signed [signature] Date 5.5.04.

3. Please complete in block letters

FULL DESCRIPTION OF DEVELOPMENT IN ORIGINAL APPLICATION

DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 48 DWELLINGS WITH ASSOCIATED GARAGES.

State details of amendments proposed

I. EXTERNAL MATERIAL SCHEDULE AMENDED.

II. ELEVATIONAL DESIGN ALTERED TO SINGLE GARAGE.

Give a full detailed list of the changes, and also make these clearly on the accompanying plans. Only the changes listed here will be considered.

State the details of the current submission

1003.03.20 D. 1003.03.19B.

Has a pre-amendment been requested by the Council? (If yes, state officer dealing with the application)

NO P. UDY / D. ROBERTS.

Describe any part of the original development which is excluded by virtue of the amendment, and state the alteration to plot numbers

Has a pre-amendment been submitted under Building Regulations? Yes

Beacon Council 2003-2004 Supporting the Rural Economy

SOUTH HOLLAND DISTRICT COUNCIL

Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE

tel: 01775 761161
fax: 01775 710772
web: www.sholland.gov.uk

Application no: H16/0328/03

Original Applicant: Castle Building Ltd
Yew Tree House
47 Old Fendike Road
Weston Hills
Spalding, Lincs. PE12 6DO

Original Agent: Morley Newborn
16A Portland Street
Lincoln
LN5 7JX

FILE COPY

Description: Demolition of existing buildings and erection of 48 dwellings with associated garages

Location: Holbeach Road
Spalding

Amendment: Amendment to Plot 13 - design amended to incorporate attached garage

Letter Sent: 21-JUL-04

Dear Sir/Madam

TOWN AND COUNTRY PLANNING ACT 1990
NOTICE OF ACCEPTANCE OF AMENDMENT

The amended details submitted in respect of the above proposal have now been considered and there are no objections to the amendment being implemented to the extent described above.

Note: This Notice does not convey any approval under the Building Regulations and you may need to make a new submission.

Yours faithfully

Head of Planning & Development

Ashwood Homes
Seagate Hall
The Coach House
Vicarage Lane
Long Sutton Spalding Lincs PE12 9AF

AMENDMENT RECORD SHEET - POST DECISION

Admin

Validation:

Inadequate/Inappropriate ☐

Clarification/Details required:

Appears valid ☑

Registered 21.7.04

DC Procedural Assessment

Is the information given correct? Yes/No (If No, state above what details are needed)

Is it an amendment in principle? Immaterial/Needs new app

Confirmed: DR 21/7/04

Give a revised description if the details accepted are different to the submission:

Acceptance issued: 21/7/04

PLANNING AMENDMENT

For office use only

Application No. H16/0328/03/AS

Date Registered 15 JUL 2004

Case Officer DJR.

[illegible] block letters

NAME AND ADDRESS OF APPLICANT

ASHWOOD HOMES
SEAGATE HALL, THE COACH HOUSE,
VICARAGE LANE, LONG SUTTON.
SPALDING. PE12 9AF.
Tel. No. 01406 366100

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

FILE COPY

Tel. No. (Contact)

[illegible] block letters

FULL POSTAL ADDRESS OF THE APPLICATION SITE

HOLBEACH ROAD, SPALDING, LINCS.

APPLICATION No.
[illegible] cannot be considered
[illegible] reference is stated

H16/0328/03.

[illegible] reference relating to [illegible]

—

[illegible] A ✓ or Amendment is to a proposal currently being considered B

[illegible] plans and request that the changes described below be accepted as an amendment. [illegible] the Council may require a fresh application, together with fee if appropriate. If the [illegible] to a current application I agree to an extension of the terminal date.

Date 13.7.04.

[illegible] block letters

FULL DESCRIPTION OF DEVELOPMENT IN ORIGINAL APPLICATION

DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 48 DWELLINGS WITH GARAGES.

[illegible] proposed

[illegible] of the changes, and [illegible] on the accompanying plans. [illegible] here will be considered.

AMENDMENT TO PLOT 13.
DESIGN AMENDED TO INCORPORATE ATTACHED GARAGE.

[illegible] the current submission

1003.03.20G / AH2401/001C / AH2401/003F.

[illegible] been requested by the Council? [illegible] with the application)

NO D. ROBERTS.

[illegible] original development [illegible] of the amendment [illegible] to plot numbers

—

[illegible] been submitted under Building Regulations?