SOUTH HOLLAND DISTRICT COUNCIL

Town and Country Planning Act 1990

Approval required by Condition of Planning Permission

Reference: H16/0473/93 Received:21-MAY-93 Type:CONDITION COMPLIANCE

Earlier Permission: H16/0326/87

Name: Mrs J Kench
1 Gamlyn Close
St Thomas's Road
Spalding
Lincs

Agent: Mrs J Kench
1 Gamlyn Close
St Thomas's Road
Spalding
Lincs

Description: Erection of fencing (Condition 3 of H16/0326/87)

Location : 1 Gamlyn Close St Thomas's Road
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
21-JUL-93 H16/0473/93

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

4 COPIES OF FORM AND PLANS REQUIRED

For office use only
Application No. H16/0473/93
Date registered 21 MAY 1993
Grid reference

1. Please complete in block letters

NAME AND ADDRESS OF APPLICANT

MRS. J. KENCH,
1 GAMLYN CLOSE,
ST. THOMAS'S ROAD,
SPALDING.
Tel. No. 767809

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

Tel. No. (Contact)

Please complete in block letters

FULL POSTAL ADDRESS OF THE APPLICATION SITE

1 GAMLYN CLOSE, ST. THOMAS'S ROAD, SPALDING, LINCS PE11 2X2

OFFICE COPY

Please complete

EARLIER APPLICATION No.

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

H16/326/87

Please complete

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

Signed J. M. Kench Date 15th MAY 1993

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

CONVEYANCE PLAN LL65405
dated 4.5.88

PHOTOGRAPH of FENCE

State drawing no's relating to the current submission

State condition no. under which this application is required

5 3 PDM 14-6

APPLICATION ASSESSMENT

Notes for Case Officer

Site Inspection

Accuracy :
Neighbours :
Boundaries :
Site Features :

Inspected by
Date

Site Notice posted by
Date
Expiry

Individual Resident Notices required:

Addresses to be sent to –

Addresses delivered to –

Case Officer Conclusions

take to dtc · objection received

RECOMMENDATION/DECISION

NON–DETERMINATION

Permitted Dev (or equiv) .....
Non Development (or equiv) .....
Non Response after Direction .....

Senior Officer confirmed .....

Withdrawn .....

COMMITTEE

Confirmed as agenda .....

SUB–COMMITTEE

Confirmed as agenda .....

DPBCS AUTHORISED

Decision Issue confirmed .....

DELEGATED DECISION

Case Officer Recommendation

Approve (or equiv) ✓

Refuse (or equiv)

Signed [redacted] Date [redacted]

Notes:

☐ Disabled
☐ Prev conditions
☐ Amended plans –
Dwg no:
Received:

Conditions/Reasons: (cont overleaf)

ADMIN RECORD SHEET

Initial

Submitted Fee £ NIL

Receipt No

Date first Rec'd 21 [illegible] 1993

Registration

Reference H16/0473/93

N/A

Cross-Ref

Date 24-MAY-93

Validation

TYPE C · COMP

Site area
No of dwellings
Floorspace

Earlier permission – Ref:
New/Redevelop/Use/Ext/Alt/Works

Description to be recorded

Invalid
Site plans ☐
Certificate ☐
Fee ☐
Fee (not free) ☐
Inaccurate ☐
Incomplete ☐
Unclear ☐

Fees
Correct fee £ NIL
Nil fee ☐
Discounted ☐
Previous app – ref:
Type of app
Reason:

Additional £
Refund £
Receipt No
Voucher No
Date
Date

Information

Index sheet 220 OS Plots
Grid ref 524503219850

Ward
Parish

Inside IBD
Inside LP area

Constraints:

CA Cons Area ☐
LB Listed – Grade: ☐
ARC Archaeology ☐
AM Ancient Mon ☐
SSI Special Int ☐

TR Rural ☐
BP TR proposed 67m ☐
LC Level Cross ☐
FP Footpath ☐
TPO Tree Pres ☐

Hazards –
HAZ Site ☐
AIR Safeguard ☐
LIN Elect ☐
PIP Pipe ☐
CON Waste/contamin ☐

Linked to site
Ref

Linked to property
Ref
01/85740

Dist Bound ☐
Other: ☐

Planning Records:
Earlier apps

B Reg Records:
Already submitted – Ref:
Request needed
Requested

503. PLANNING APPLICATIONS (Continued)

(f) **Applications Director of Planning and Building Control Services Authorised to Approve** (Continued)

Plan No. and Applicant	Proposal
H08/0368/93 Lincoln Co-Operative	Single storey front extension to retail store at Co-Operative Branch Store, High Street, Gosberton.
H08/0393/93 Gosberton PCC	Church hall at Gosberton Church, Salem Street/Church Street, Gosberton.

(Subject to suitable conditions to ensure that the provision of the drain does not damage the existing trees on the site.)

(g) **Conservation Area Consent**

Conservation Area Consent be granted for the undermentioned proposals in accordance with the recommendations of the Director of Planning and Building Control Services as amended where indicated:-

Plan No. and Applicant	Proposal
H08/0394/93 Gosberton PCC	Demolish existing church hall and rebuild at Gosberton Church, Salem Street/Church Street, Gosberton.
H02/0487/93 Mr & Mrs R J Capper	Remove unfinished first floor extension and boundary wall at 10 Abbey Walk, Crowland.

(Subject to the time limit within condition 2 being amended to refer to a period of one year, and to a condition requiring the applicant to notify the local planning authority when the work is to commence on the reconstruction of the boundary wall. It was also agreed that the Director of Planning and Building Control Services be authorised to carry out a photographic survey of the wall prior to its demolition.)

(h) **Application Director of Planning and Building Control Services Authorised to Refuse**

The Director of Planning and Building Control Services be authorised to refuse planning permission for the undermentioned development in accordance with his recommendation:-

Plan No. and Applicant	Proposal
H16/0419/93 Woodlands Hotel	Marquee to provide hotel extension at Woodlands Hotel, Pinchbeck Road, Spalding.

(The Director of Planning and Building Control Services reported (i) that a further letter of objection had now been received from the existing objector and (ii) that suggested conditions had been submitted by the Department of Transport.)

(O.A. denotes outline application.)

DC INSTRUCTION SHEET

APPLICATION REF: H16/0173/93

Directions

Art 7 (Outlines)

☐ RM checklist

	Sit	Des	Ext	Acc	Land
Previous					
Current					
Required					

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

☐ Non Std

Precise details:

Direction authorised by Senior Officer..... Date.....

Revalidation after Direction

Information satisfactory Signed..... Date.....

Valid date:

Amended description

Reconsultations:

All.....
Specified:

Unsatisfactory –
Further direction:
Signed.....
Senior Off.....

Precise details:

Additional Consultation/Publicity Required

PDM 27-5

		Publicity: >>	Consultations:	
Departure		.....	County	.....
Setting of LB		.....	E Heritage	.....
Public Right of Way		.....	Societies	..... G ROW
Discretionary		.....		

Extra Consultations:

WP Note –
G Group available
G* Group essential
(longer expiry)

Transport	D/Transp A15	..... G* T15	
TRA	D/Transp A18	.....	
	B Rail	.....	
Environment/	Env Services	.....	
Drainage	NRA	.....	
WAT	IDB	.....	
	Env Assess	..... G ENV	Specify:
Conservation	LB Demolish	..... G* DEM	
LB	Archaeology	..... G ARC	Specify:
	Eng Heritage	.....	
	Consultant	.....	Order No:
	Other	.....	Specify:
Hazards	HSC Group	..... G* HAZ	
	Specific	.....	Specify:
Other PLA		.....	Specify:

Case Officer

Senior Officer Confirmed .....

Date..... Recorded DC....

504. GAMLYN CLOSE, SPALDING - FENCING H16/473/93

The Director of Planning and Building Control Services reported that, when planning permission had been granted for residential development at Gamlyn Close, Spalding permitted development rights relating to the erection of walls, fences or means of enclosures had been removed to ensure that occupiers had adequate visibility when emerging from the access onto the public highway.

A complaint had now been received that the occupier of 1 Gamlyn Close had erected a fence at the front of the property which prevented the adjoining occupier from using a right of way across the land. Members were advised that this was a private matter, and was not a planning consideration, but were requested to consider an application which had now been received for the retention of the fence.

RESOLVED: The Director of Planning and Building Control Services be authorised to grant condition compliance for the retention of the fence.

505. PEAK HILL HOUSE, BARRIER BANK, COWBIT - ERECTION OF FRONTAGE WALL

The Director of Planning and Building Control Services reported that planning permission had been granted in 1988 for a house and garage with vehicular access at Barrier Bank, Peak Hill, Cowbit which had subsequently been amended to permit a 1 metre high means of enclosure along the front boundary and the two side boundaries of the property. The applicant had now erected a wall which was higher and different in design to that which had been approved. Members were advised that the wall was so different from the original scheme that it would be necessary for a formal planning application to be submitted for consideration, but in view of concern that the wall in its present form was detrimental to highway safety it was

RESOLVED: That consideration of this matter be deferred pending an inspection of the site by the Plans Sub-Committee.

(Councillor B.A. Paul left the meeting during consideration of the above item.)

506. KINGSGATE, GEDNEY - APPLICATION REFERENCE H06/0442/92 - KINGS QUALITY HOMES (903/92)

Further to the above minute the Director of Planning and Building Control Services reported that the Chairman and Vice-Chairman of the Committee together with officers from the Planning Department had met with Councillors and Officers of the Lincolnshire County Council in January 1993 to discuss the problems regarding the surfacing of the road serving the development by Kings Quality Homes at Kingsgate, Gedney. Subsequently, the County Council had agreed to accept an asphalt surface with a surface dressing of uncoated rolled in chippings, and with an area of setts or block paving at the entrance of the road.

Kings Quality Homes had now submitted a condition compliance application reference H06/0526/93 for (a) a road with an asphalt surface with appropriate surface dressing of uncoated rolled in chippings, (b) footpaths with an identical surfacing and (c) standard concrete kerbing, which was acceptable to the County Council. An amendment had been proposed to the application to provide areas of setts or blocks at appropriate points, and also to provide a "grasscrete" access to the pumping station from Kingsgate.

RESOLVED: That the application reference H06/0526/93 together with the amendments mentioned above be approved.

POST CTTEE

AGENDA ITEM NO. 4 PJU.

AS RECOMMENDED

SOUTH HOLLAND DISTRICT COUNCIL

REPORT TO: THE PLANNING COMMITTEE 13TH JULY 1993

BY: THE DIRECTOR OF PLANNING AND BUILDING CONTROL SERVICES

1.0 SUBJECT: CONDITION COMPLIANCE APPLICATION FOR APPROVAL OF FENCING DETAILS AT 1 GAMLYN CLOSE, SPALDING

PURPOSE: **To authorise the development.**

1.1 Background

1.2 The fence has been erected by the applicant and this Condition Compliance application was requested after a complaint was received.

1.3 The planning application which granted planning permission for this development has a condition which removes the permitted development rights as they relate to walls, fences or means of enclosure. This was placed on the planning permission to ensure adequate visibility when emerging from the access onto the public highway. The County Highways Department have no objections to the fence. Therefore, before the fence was erected the Applicant should have applied for a Condition Compliance application.

1.4 The Complainant, who originally brought this matter to the Council's attention, says that a path which runs across the front elevation of the two dwellings was to be shared between the two properties to allow pedestrian access to his house. The fence which has been erected prevents this means of access. The Complainant has been advised in writing that if the fence contravenes any agreement made when he purchased the property in relation to its means of access, it is a legal matter upon which he should contact a Solicitor. The fence which has been erected only needs permission because the permitted development allowances have been removed, and it was not considered that permission would be withheld owing to its effect on a legal matter unrelated to planning law. The Complainant has now objected to the Condition Compliance which has been received and reiterates the point that his right of way has been blocked.

1.5 The Applicant has submitted a plan which was attached to her Deeds which shows that she has responsibility to maintain a fence on this boundary.

2.0 Conclusions

2.1 The planning issue is that the planning permission has a condition removing the right to erect walls and fences along boundaries fronting the highway without the prior consent of the Local Planning Authority.

2.2 The arguments relating to the fence blocking a right of way are legal issues upon which a Solicitor needs to be consulted.

2.3 It is considered that in planning terms the fence which has been erected is acceptable.

2.4 The Objector can still gain access to his front door by crossing the front lawn on paving slabs he has installed.

3.0 **RECOMMENDATION**

That the Director of Planning and Building Control Services be authorised to grant the Condition Compliance.

Background papers: H16/0473/93
H16/2502/93

Local Government (Access to Information) Act 1985

The Officer to whom reference should be made concerning inspection of the background papers is the Director of Planning and Building Control Services, Council Offices, Priory Road, Spalding, Lincs. Tel: (0775) 761161

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

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

SOUTH HOLLAND DISTRICT COUNCIL

H16/0473/93
CONDITION COMPLIANCE

Applicant: Mrs J Kench
Tel: 0775 767809 3 PJH 14-6

Agent: Mrs J Kench
0775 767809

Description: Details of fencing
(Condition ~~5~~ of application
H16/0326/87)

Location: 1 Gamlyn Close
St Thomas's Road
Spalding

Valid date: 21-MAY-93
Target dates:
To case officer 28-MAY-93
Inspected by 04-JUN-93
Extra contacts 11-JUN-93
Report if not clear by 25-JUN-93

Terminal date: 16-JUL-93
Target Committee: 13-JUL-93
Report deadline: 29-JUN-93

Case Officer:
P J UDY

DEVELOPMENT/CONSTRAINTS

Size:
Category:
Listed building:
Conservation Area:

Other Constraints:

CONSULTATIONS CARRIED OUT

	Sent	Expiry
2 C.C - No obs fr CB 10/6/93		

Mrs J Kench
1 Gamlyn Close
St Thomas's Road
Spalding
Lincolnshire

Mr P J Udy

PJU/SJS
H16/0473/93

21 July 1993

Dear Madam

Erection of Fencing (Condition 3 of Application H16/0326/87)

I refer to the Condition Compliance application which you recently submitted for consideration.

I write to advise that it was considered by the Planning Committee on the 13 July 1993 who resolved that consent should be granted.

I enclose the necessary decision notice.

Yours faithfully

N R Midlen
Principal Planning Officer
Development Control

Enclosure

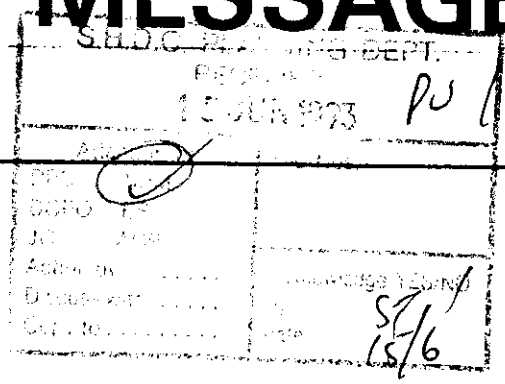
Planning
Reception

MESSAGES

From: NAME N.B. RUSSON

ADDRESS 8 HELMSLEY WAY
SPALDING LINCS.

Tel no SPALDING 761374



OBJECTION

ENQUIRIES

SUBJECT :

Please advise me regarding the following...

FENCING PUT UP ALREADY AT Nº I GAMLYN CLOSE SPALDING. (DENAIL OF RIGHT OF WAY TO Nº 2 GAMLYN CLOSE.

COMMENTS ON APPLICATION

APPLICATION NO : H16/0473/93

SUBJECT : MRS KONCH. / GAMLYN CLOSE SPALDING LINCS

My comments are as follows... THE TENANTS OF Nº 2 GAMLYN CLOSE INFORM ME THAT WHEN THEY PURCHASED THEIR HOUSE AT Nº 2 GAMLYN CLOSE PART OF THE DEAL WAS THAT THE CONCRETE PATH RUNNING ACROS Nº I AND 2 GAMLYN CLOSE WAS A "RIGHT OF WAY" BY PUTTING THIS FENCE UP (WHICH IS ALREADY UP") PREVENTS THE OCCUPANTS OF Nº 2 USING THIS "RIGHT OF WAY"

APPOINTMENTS

You must leave a telephone no for the office to contact you.

Please make an appointment for me to come and discuss the following with an officer of the department.

SUBJECT :

State any times or dates when you will not be able to visit the office :

(The Director of Planning and Building Control Services reported (i) that a further letter of objection had now been received from the existing objector in relation to the above application, and (ii) that the Department of Transport had submitted suggested conditions. had now been submitted by the Department of Transport.)

(O.A. denotes outline application.)

GAMLYN CLOSE, SPALDING - FENCING

The Director of Planning and Building Control Services reported that, when planning permission was granted for residential development at Gamlyn Close, Spalding permitted development rights relating to the erection of walls, fences or means of enclosures were removed to ensure that occupiers had adequate visibility when emerging from the access onto the public highway.

A complaint had now been received that the occupier of 1 Gamlyn Close had erected a fence at the front of the property which prevented the adjoining occupier from using a right of way across the land to allow pedestrian access to the adjoining property. Although this was a private matter, and was not a planning consideration, an application had now been received for the retention of the fence.

RESOLVED: The Director of Planning and Building Control Services be authorised to grant condition compliance for the retention of the fence.

PEAK HILL HOUSE, BARRIER BANK, COWBIT - ERECTION OF FRONTAGE WALL

The Director of Planning and Building Control Services reported that planning permission had been granted in 1988 for a house and garage with vehicular access at Barrier Bank, Peak Hill, Cowbit which had subsequently been amended to permit a 1m high means of enclosure along the front boundary and the two side boundaries of the property. The applicant had now erected a wall which was higher and different in design to that which had been approved.

REF 0473/93

SOUTH HOLLAND DISTRICT COUNCIL
PLANNING & BUILDING CONTROL DEPT.
PRIORY ROAD,
SPALDING.

20th MAY 1993

DEAR SIR,

YR. REF: H16/0326/87
ATTENTION MR. P.J. UDY.

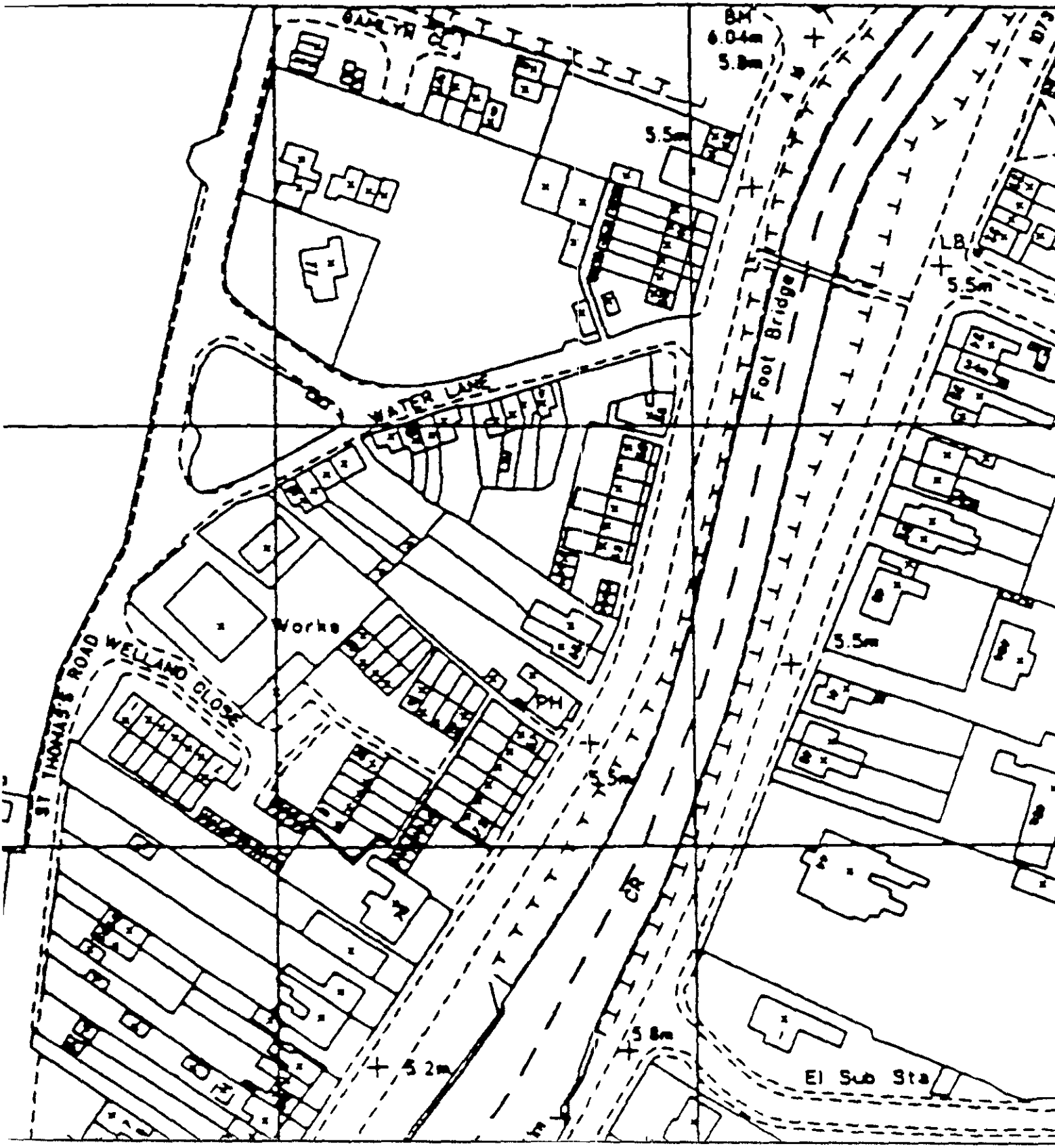
ENCLOSED PLEASE FIND FORMS COMPLETED AS REQUESTED & PHOTOGRAPHS.

PLEASE NOTE I AM AWAY FOR 2 WEEKS FROM 21/5/93.

Yours faithfully
J. M. Kench.
MRS. J. M. KENCH
1 GAMLYN CLOSE
ST THOMAS'S ROAD,
SPALDING.

P.S. AS MENTIONED IN MY PHONE CALL TO YOU THERE APPEARS TO BE A FENCE SHOWN ON THIS CONVEYANCE PLAN WE WERE GIVEN WHEN I BOUGHT THE HOUSE.

J. Kench


BARCLAY CL
BM
6.04m
5.8m
5.5m
WATER LANE
Foot Bridge
LB
5.5m
Works
WELLAND CLOSE
ST THOMAS'S ROAD
5.5m
5.5m
CR
5.8m
5.2m
El Sub Sta

REF 0473/93

adjoining property now or formerly belonging to the Vendors any part or parts thereof

4. Rights of entry upon the property as and when necessary for the purposes of inspection cleansing maintenance repair and renewal of such sewers drains pipes channels and conduits when laid (but for no other purpose) and (so far as necessary but not otherwise) for the purposes of inspecting cleansing repairing maintaining and renewing any structure on the Vendors' adjoining land subject to the Vendors or their successors in title and assigns making good all damage to the surface of the property or to any buildings or other erections thereon in the exercise of all or any such rights and SUBJECT TO the payment of the proper levies charges or liabilities for the supply of any such services as aforesaid

5. The full right as may be necessary of support from the said property for any part of the Vendors' adjoining property

The Third Schedule hereinbefore referred to

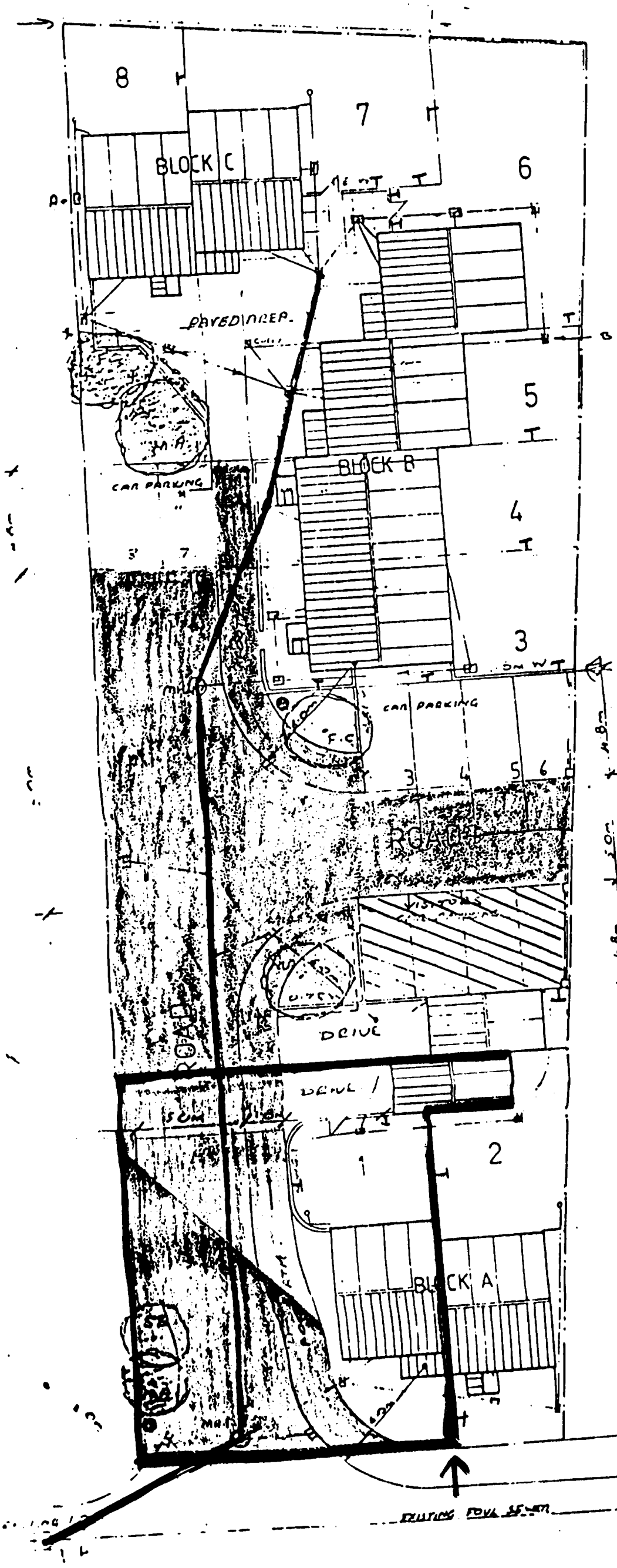
Stipulations

1. To maintain good and sufficient boundary fences along the sides of the property marked with an inward "T" on the plan

2. No corrugated iron built buildings fences or other erections shall be erected on the property nor any boat or caravan or hut on wheels placed thereon without the consent in writing of the Vendors first had and obtained and no timber building shall be erected on the property except one shed and one greenhouse

3. Not to use either the property or any existing or future

PLAN REFERRED TO



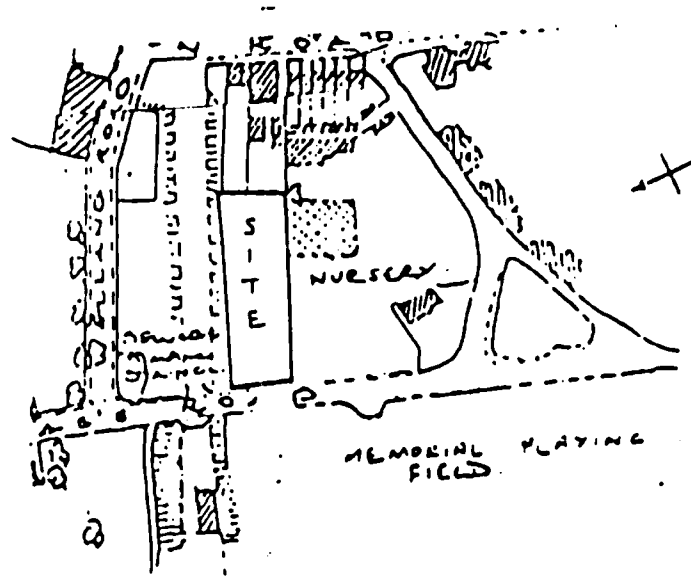
21 MAY 1993
0473|93

PLOT NUMBER I

SAINT THOMAS' ROAD

SPALDING

H137
H M LAND REGISTRY
Title No: LL65405
COPY *(liable to distortion in scale)*
of plan to Conveyance
dated 4-5-88
6/80



LOCATION PLAN