H116/1186/91

CONTENTS PAGE (30 PAGES AND OVER)

	PAGE
CONTENTS PAGE	1
DECISION NOTICE	2
LOCATION PLAN	3
APPLICATION FORM	4-7
CHECK SHEETS AND FRONT FILE SHEET	8-10
ALL OTHER CORRESPONDENCE	11-94
ALL OTHER DRAWINGS	95-100
POST DECISION AMENDMENTS (FORMS, CORRESPONDENCE, PLANS ETC)	

FILE COPY

SOUTH HOLLAND DISTRICT COUNCIL

Town and Country Planning Act 1990

Planning Permission

Reference: H16/1186/91 Received:18-JAN-90 Type:FULL

Name: John D Lynch
Catherine House
Millgate
Whaplode St Catherine
Spalding, Lincs

Agent: John D Lynch Partnership
Mercia Lodge
65 Pinchbeck Road
Spalding
Lincs

Description: Existing dwelling to be used as offices
(registered as H16/0054/90)
Location : Mercia Lodge 65 Pinchbeck Road
Spalding Lincs

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

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

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

Notes to Applicant:

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

Director of Planning and Building Control Services
15-MAY-92 H16/1186/91

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)

FOUR COPIES REQUIRED

PLANNING APPLICATION

For office use only

Application No H16/0054/90

Date Registered

1. Please complete in block letters

NAME AND ADDRESS OF APPLICANT

John D Lynch
Catherine House
Millgate
Whaplode St Catherine

Tel. No. Holbeach St Johns 302

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

John D Lynch Partnership
15 High Street
Spalding

Tel. No. Spalding 724187
(Personal contact name) Mr J D Lynch

Please complete in block letters

FULL POSTAL ADDRESS OF THE APPLICATION SITE

Mercia Lodge, 65 Pinchbeck Road, Spalding

Please complete in block letters

DESCRIPTION OF PROPOSED DEVELOPMENT

Existing dwelling to be used as offices

Please complete

I attach * Four copies of all plans
*an ownership certificate (see back page)
*a fee of £76.00 If you consider no fee is payable include a written explanation instead.

Signed pp John D Lynch Partnership Date 17th January 1990

Previous application No:

Please tick **one** box and answer the extra questions under that section.

2. **TYPE OF APPLICATION**

(✓)

This is a **full** application for change of use ~~and/or new building works~~ [✓] → Now complete Parts 3, 4 and 5 and an Ownership Certificate

or This is an **outline** application [ ]

Please state Site Area (Hectares)

Please tick **any** box where you are including details which you wish to be considered as part of this application.

Siting [ ] Design [ ] External Appearance [ ]

Means of Access [ ] Landscaping [ ]

Now complete Parts 3 and 5 and an Ownership Certificate.

or This is a **reserved matters** application. [ ]

A. Please state Reference Number of outline permission.
B. Please state which reserved matters are dealt with in this application.
Now complete Part 4 only

or This is an application for **renewal** of temporary permission or **continuation** without complying with planning condition. [ ]

A. Please state Reference Number of previous permission
B. Please state Condition Number referred to
Now complete an Ownership Certificate

or This is an application for **modification** of a condition on a planning permission which has not yet been implemented. [ ]

A. Please state Reference Number of previous permission
B. Please state Condition Number referred to
C. Please state variation required
Now complete an Ownership Certificate

TYPE OF DEVELOPMENT

3. A. Please state whether the proposal involves:- (Tick one or more boxes)

(i) New building(s) ☐

(ii) Alterations or extension ☐

(iii) Change of use ☑

B. If new dwellings are proposed, please state how many: N/A

4. A. If building works are proposed, other than residential, please state extra floorspace to be created: N/A sq. metres

B. Please state size of any new structure:- (a) max. height: N/A metres

(b) max. length: metres

(c) max. width: metres

C. Please state type and colour of materials for facing external walls: N/A

D. Please state type and colour of roofing materials. N/A

5. GENERAL INFORMATION Please complete each section

EXISTING USES
Please state existing or, if vacant, the last use(s) of site.

Property vacant - last used as dwelling

ACCESS TO ROADS (VEHICULAR AND PEDESTRIAN) Please tick **one** box

A. There will be **no** new access to a public road and **no** alteration to any existing access to a public road ☑

or

B. There will be a new or altered access to a public road ☐ → If so, name of road:

Will there be —
Individual access(es) ☐
New estate road ☐

C. What provision will be made for garages or parking within the site? As existing

TREES Please tick **one** box

A. The proposal does **not** involve the felling of any trees ☑

B. The proposal does involve the felling of one of more trees ☐ → If so, please show details on plans

DRAINAGE Please complete

A. Please state how surface water will be disposed of: Existing soakaways

B. For estate developments, please state how highway surface water will be disposed of: N/A

C. Please state whether a land drain will be affected: NO

D. Foul sewerage will be disposed of to:

Mains sewer ☑ Cesspool ☐ Septic tank ☐

OTHER MATTERS Please complete

	State Yes or No	
The proposal is in connection with agriculture	NO	→ If so, **please give details in Part 6**
The proposal affects a listed building	NO	
The proposal affects a public footpath	NO	
The proposal is known to affect contaminated or filled land	NO	
The proposal is for industrial, warehousing, offices or shopping purposes	YES	→ If so, **please complete Part 7**
In cases where a statutory consultation will be required, please state whether you have sent a copy of the application to the consultee yourself. If yes, please give date sent.	N/A	→ Date: Consultee(s):

6. ANY OTHER INFORMATION

Please add any details you wish in support of your application. Continue on separate sheet if necessary.

7. INDUSTRIAL, WAREHOUSIN OFFICES OR SHOPS Please complete

ease tick **one** box and complete B if necessary

A. The proposal does not involve any alteration in existing floorspace ✓

B. The proposal involves the creation of or an alteration in total **gross** floorspace

Proposed total gross floorspace ____ sq. m. Previous total gross floorspace ____ sq. m.

This new total includes the following net floorspace:

Retail ____ sq. m. Office ____ sq. m. Industrial ____ sq. m. Warehousing ____ sq. m.

Other ____ sq. m. ➡ If so, please state use:

	Office staff	Industrial staff	Other staff
How many office, industrial and other staff will be employed on the site as a result of the development proposed? If you have existing premises on the site, how many of the employees will be new staff?	8 No		
If you propose to transfer staff from other premises please give details of the numbers involved and of the premises affected.	8 No employed at 15 High Street, Spalding		
In the case of industrial development, give a description of the processess to be carried out and of the end products, and the type of plant or machinery to be installed	-		
If the proposal forms a stage of a larger scheme for which planning permission is not at present sought, please give what information you can about the ultimate development	-		
Is the proposal related to an existing use on or near the site?	State Yes or No: NO		
If so, please explain the relationship			
Is this a proposal to replace existing premises in this area or elsewhere which have become obsolete, inadequate or otherwise unsatisfactory?	State Yes or No: YES		
If so, please give details including gross floor area of such premises and state your intentions in respect of those premises	Existing office provides 2,500 sq ft nett of offices. New office area - 3,000 sq ft		
What provisions have been made for the parking, loading and unloading of vehicles within the curtilage of the site? (Please show the location of such provision on the plans and distinguish between parking for operational needs and other purposes)	8 No spaces for parking at rear with double access and exit existing		
What is the estimated vehicular traffic flow to the site during a normal working day? (Please include all vehicles except those used by individual employees driving to work)	8 vehicles per day		
What is the nature, volume and proposed means of disposal of any trade effluents or trade refuse?	Dustbins		
Will the proposed use involve the use of storage of any hazardous materials?	State Yes or No: NO		
What provision is being made for access to the premises for the disabled?	Ground floor access through side entrance		

OWNERSHIP CERTIFICATES

PLEASE COMPLETE ALL THREE SECTIONS.

Use the notice at the bottom of the page if necessary.

1. **APPLICANT'S INTEREST** Please state interest (e.g. owner, prospective purchaser)	Prospective purchaser

2. OWNERSHIP OF THE SITE

This certificate is to make sure that the owners of land are aware of applications made on it.

If the applicant is the **sole owner of the whole site,** complete **Certificate A.**
In **any other case** (i.e. if the applicant is a prospective purchaser, or a tenant, or a joint owner, or the sole owner of only part of the site) then you must give notice to all other owners, and complete **Certificate B.** You can use the notice at the bottom of the form to send to the owner. (An "owner" is a person having a freehold interest, or having a leasehold interest where seven years or more remains unexpired). If you are unable to trace the owner, please contact the Planning Office as a different certificate will be required.

Certificate A Nobody except the applicant was an owner of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

Signed ..... (Applicant/Agent) Date .....

Certificate B The applicant has given the required notice to everyone else who were owners of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

State Name and address of owner:
Exors Mrs G G van Geest Dec'd
c/o Roythorne & Co, Pinchbeck Rd,
Spalding

State Date notice served:
17.1.90

Signed J D Lynch (Applicant/Agent) Date 17.1.90

3. AGRICULTURAL HOLDINGS CERTIFICATE

If the land is not in agricultural use, complete Certificate 1.
If the land is agricultural, but there is no agricultural tenant, complete Certificate 1.
If the site does relate to an agricultural holding, you must give notice to any tenant, and complete Certificate 2. (You can use the notice at the bottom of the form to send to the tenant). If you are the sole agricultural tenant yourself, sign certificate 2 but insert 'not applicable' in the tenant details.

Certificate 1 None of the land to which the application relates is or is part of any agricultural holding.

Signed J D Lynch (Applicant/Agent) Date 17.1.90

Certificate 2 The applicant has given the required notice to every other person who, at the beginning of the period of 21 days ending with the date of the application, was a tenant of an agricultural holding on all or part of the land to which the application relates.

State Name and address of tenant: State Date notice served:

Signed ..... (Applicant/Agent) Date .....

NOTICE UNDER SECTION 27 OF TOWN AND COUNTRY PLANNING ACT 1971

TO BE COMPLETED BY APPLICANT OR HIS AGENT

Proposed development at 65 Pinchbeck Road, Spalding
Take notice that application is being made to South Holland District Council by J D Lynch
for planning permission for Change of Use to Offices

If you should wish to make representations about the application, you should make them in writing within 21 days from the date of service of this notice, to Chief Executive, South Holland District Council, Priory Road, Spalding, Lincolnshire.

Signed J D Lynch Date 17 January 1990
on behalf of John D Lynch Partnership

D C C H E C K S H E E T

APPLICATION NO : H16/0054/90

DATE RECEIVED : 18 / 1 / 90

APPLICANT : John D Lynch AGENT : John D Lynch Prtnshp

DESCRIPTION : Existing dwelling to be used as offices

LOCATION : Mercia Lodge, 65 Pinchbeck Road, Spalding, Lincs

Type : Full Grid Ref : 524710 323180 OS Sheet : 183

Terminal date : 15 / 3 / 90

CONSTRAINTS :

Listed building N

Conservation area Y

PUBLICITY: LBC .....
Setting of LB.....
ie Building affected:
Cons Area/CAC..... ✓
Consultant Arch: Name:
Consult type:
Send other info:
Conserv Bodies: Local .....
All National.....
English Heritage:
LBC Grades I,II*.....
Planning Setting I,II*.....
Planning Cons Area major.....

Trunk road Y

DTp Art 15 .....
DTp Art 18 .....

Other constraints Yes - TPO in front of property

POLICIES :

Inside IBD Y

Inside LP area Y

Consult policy section?

GENERAL : RESIDENTS: Addresses -

Additional publicity: General(71/73).....
Departure.....
Special consults: Env Health.....
Consultant..Name:
Consult type:
Send info:
Any other?.....

Permitted Development Signed.....

Further info directions:
Reg 4.... Art 7 (Out)... Details required -

DPO ..... COMMITTEE ✓.... CASE OFFICER: ..W.....

DECISION (Subject to consultations): Signed:
Date:

ADMIN RECORD SHEET

INITIALS/DATE KL 22.1.

REFERENCE : H/6/0054/90. BC ref : Yes

Type : Full

First received : 18 JAN 1990

VALID : 18 JAN 1990

VALIDATION

Submission incomplete: Forms, Certificate, Site plans, Fees, Section 26, Other

Requested.....

INVALID REF:

Financial:

CORRECT FEE £ 76

Submitted fee £76.

Additional fee £

Refund needed £

Receipt no 7270

Receipt no....

Month.....

Non-fee earning - type, previous app ref:, other

INFORMATION

Site area H

Floorspace M

No of dwellings

Plotted. 22.1

Location -

Index sheet no ...193.

Grid ref 524710..323180

Ward .....R.....

Parish ...SPALDING

Local Plan area ....YES

IBD Inside/~~Outside~~

Constraints -

TR YES

Rural(108)

Bypass

Level Cross

CA YES

LB —

TPO In front of property

Other

Applications -

Last application

Other applications on site

Other relevant apps

Data input.....

FILE SHEET

0054 W	Last Committee before terminal date: 6 3 90 COM	Case Officer WFC PJ

APPLICATION NO : H16/0054/90

RECEIVED : 18 1 90 TERMINAL DATE : 15 3 90

APPLICANT : John D Lynch Agent:John D Lynch Prtnshp

DESCRIPTION : Existing dwelling to be used as offices

LOCATION : Mercia Lodge, 65 Pinchbeck Road, Spalding, Lincs

TYPE : Full

Inside IBD :	Y	No of dwellings	0
Inside LP area :	Y	Site area	0.00
Grid ref :	524710 323180	Floorspace	0

Last application : B Reg :

Ack : 31 January 1990

LIST OF BACKGROUND PAPERS (If reported to committee)

EXEMPT *

CONSULTATIONS	Sent	Expiry	Received	OBJ	RECONSULTATIONS Sent	Exp.	Rec'd	OBJ
Parish Council	—	—						
Ward Member	31/1	7/2						
County Highways	8/2	8/2	No comments Y.R yes					
Dept. of Transport								
A.D.A.S.								
Consultant Architect								
Environmental Health								
Publicity:								
Residents:								
Advertisement	6/2	27/2						

Planning Office

Any notes from officer's site inspection

Applicant:

NOTES

This raises questions about how the character of Packbush Road has changed in past years and how this may change in the future. Does Transport Scotland have views for the local road network?

RESIDENT CONSULTATIONS NEEDED : ~~YES~~/NO

ADDRESSES :

SITE VISIT BY L. Carlin DATE 13/2/20

Splendid piece of residential architecture that could also accomodate office-use Have as stated the problem here is that Packbach Road could possibly become dominated by office use + so the L.P.A. has to form a policy with regards to this because this type of proposal could create a precedent

RECOMMENDATION BY DATE

Town and Country Planning Act etc

DRAFT DECISION

Reference: H16/1186/91 Received:18-JAN-90 Type:FULL

Name: John D Lynch
Catherine House
Millgate
Whaplode St Catherine
Spalding, Lincs

Agent: John D Lynch Ptshp
15 High Street
Spalding
Lincs

WRONG ADDRESS

Description: Existing dwelling to be used as offices
(registered as H16/0054/90)
Location : Mercia Lodge 65 Pinchbeck Road
Spalding Lincs

South Holland District Council hereby give notice
that permission has been granted/refused etc
on the following conditions/reasons:

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

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

SN9 (106 Agreement)

Authorised to issue:

07-MAY-92 H16/1186/91

AD.SAA 8/5...DC.....

54/90. Grant Permission

No conditions other than normal time limit for implementation.

PDM 7-5-92

APPLICATION REFERENCE: H16/0054/90 DATE RECEIVED: 18 January 1990

APPLICANT: John D Lynch
Catherine House
Millgate
Whaplode St Catherines
Spalding
Lincolnshire

AGENT: John D Lynch Partnership
Mercia Lodge
Pinchbeck Road
Spalding
Lincolnshire

Date 29 OCT 91

TYPE: Full

DESCRIPTION: Existing dwelling to be used as offices

LOCATION: Mercia Lodge, 65 Pinchbeck Road, Spalding, Lincolnshire

REPORT

This application was deferred for negotiations on a suitable description relating to the use of the property and the arrangements for safeguarding the character and appearance of the site to enable an agreement under Section 106 of the Town and Country Planning Act 1990, previously approved to be entered into.

Discussions have taken place between the applicant and my Principal Development Control Officer. The applicant has produced a plan of the planting in the grounds of the property which the District Secretary considers can be used in the agreement to ensure maintenance of the grounds. The applicant is agreeable to restrict the occupancy of the property to offices but will not agree to further restrictions on occupancy.

Conclusions

1 In my opinion the occupancy of the property, as a minimum, should be restricted to Class B1 paragraph (a) of the 1987 Town and Country Planning Use Classes Order. This will restrict the use to office other than Class A2 financial and professional services. From correspondence with the applicant this would appear to be acceptable.

2 The applicant is concerned that the landscaping maintenance makes the agreement unwieldy. The District Secretary considers that on the basis of the submitted plan a convenant can be inserted.

3 The maintenance of the grounds to preserve the character of this part of Pinchbeck Road and the Conservation Area is of utmost importance. If the applicant still finds the agreement unacceptable I do not consider that the Council should give further ground. He is currently occupying the premises and it is therefore open to the Council to refuse the application and enforce to overcome this breach in planning control.

PLANNING OFFICER'S RECOMMENDATION - Subject to the applicant entering into a Section 106 Agreement:

A To restrict the occupancy of the property to Class B1 (a) of the 1987 Town and Country Planning Use Classes Order.

B That the grounds will be maintained on the basis of Plan AS/3 received on 3 January 1991.

to authorise the District Planning Officer to grant planning permission.

ADDENDUM

This application was previously considered by the Planning Committee on 3 July 1991 when it was resolved to grant planning permission subject to a Section 106 Agreement. The agreement was to restrict the occupancy of the property to Class

B1) and office purposes for financial and professional services, except for thos_ financial and professional services which rely principally on passing trade. The maintenance of the grounds will still be based on plan A/3 received on 3 January 1991.

PLANNING OFFICER'S RECOMMENDATION - Subject to the applicant entering into a Section 106 Agreement:

(a) not to use the existing dwelling on the land for any purpose other than for (i) office purposes as authorised under Class B1 (a) of the Town and Country Planning (Use Classes) Order 1987 as amended (ii) office purposes for financial and professional services except for those financial and professional services which rely principally on passing trade.

(b) in order not to change the residential character and appearance of the land the planted garden areas as shown on the attached drawing No AS/3 shall be retained permanently and any trees or shrubs which shall die shall be replaced by the same species except as otherwise agreed in writing by the Council.

Authorise the Director of Planning and Building Control Services to grant permission.

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848. PLANNING APPLICATIONS (Continued)

(c) **Applications Deferred** (Continued)

Plan No. and Applicant	Proposal
H16/0729/91 Mr & Mrs R Tongue	Conservation area consent for demolition of "The Residence" for rebuilding, 1 Welland Road, Spalding.

(Pending a site inspection to enable members to assess the impact of the proposed development on this part of the Spalding conservation area.)

H16/0769/91 Broadgate Homes	Residential development - Phase 7 - Plots 11-51 (41 Plots) - detached houses and bungalows at Holland Park, Horseshoe Road, Spalding.

((a) Pending a site inspection to enable members to assess the suitability of the proposed development; and (b) for detailed consideration and determination by the Plans Sub-Committee.)

H18/0835/91 O.A. Bungalow off East Bank, Sutton Bridge.
Mr A J & Mrs M Judd

(Pending a site inspection to enable members to assess (i) the suitability of the development in view of the existing characteristics of the site and its proposed location in relation to the existing adjoining property and (ii) if there is any possibility of setting a precedent for further similar proposals.)

(d) **Applications Approved Subject to Planning Obligation**

Subject to the applicants first entering into a planning obligation in accordance with the provisions of section 106 of the Town and Country Planning Act 1990 for the reasons indicated, the Director of Planning and Building Control Services be authorised to grant planning permission for the undermentioned developments in accordance with his recommendations:-

Plan No. and Applicant	Proposal
H16/0054/90 John D Lynch	Existing dwelling to be used as offices at Mercia Lodge, 65 Pinchbeck Road, Spalding.

(To ensure (a) that the existing dwelling is not used for any purpose other than for (i) office purposes as authorised under Class B1(a) of the Town and Country Planning (Use Classes) Order 1987, as amended, and (ii) office purposes for financial and professional services except for those financial and professional services which rely principally on passing trade; and (b) that the grounds will be maintained on the basis of plan AS/3 received on 3rd January, 1991.)

(Councillor S.W. Hoyes declared an indirect interest in the above application, and left the Council Chamber during consideration thereof.)

APPLICATION REFERENCE: H16/0054/90 DATE RECEIVED: 18 January 1990

APPLICANT: John D Lynch
Catherine House
Millgate
Whaplode St Catherines,
Spalding
Lincolnshire

AGENT: John D Lynch Partnership
Mercia Lodge
Pinchbeck Road
Spalding
Lincolnshire

TYPE: Full

DESCRIPTION: Existing dwelling to be used as offices

LOCATION: Mercia Lodge, 65 Pinchbeck Road, Spalding, Lincolnshire

REPORT

This application was deferred for negotiations on a suitable description relating to the use of the property and the arrangements for safeguarding the character and appearance of the site to enable an agreement under Section 106 of the Town and Country Planning Act 1990, previously approved to be entered into.

Discussions have taken place between the applicant and my Principal Development Control Officer. The applicant has produced a plan of the planting in the grounds of the property which the District Secretary considers can be used in the agreement to ensure maintenance of the grounds. The applicant is agreeable to restrict the occupancy of the property to offices but will not agree to further restrictions on occupancy.

Conclusions

1 In my opinion the occupancy of the property, as a minimum, should be restricted to Class B1 paragraph (a) of the 1987 Town and Country Planning Use Classes Order. This will restrict the use to office other than Class A2 financial and professional services. From correspondence with the applicant this would appear to be acceptable.

2 The applicant is concerned that the landscaping maintenance makes the agreement unwieldy. The District Secretary considers that on the basis of the submitted plan a convenant can be inserted.

3 The maintenance of the grounds to preserve the character of this part of Pinchbeck Road and the Conservation Area is of utmost importance. If the applicant still finds the agreement unacceptable I do not consider that the Council should give further ground. He is currently occupying the premises and it is therefore open to the Council to refuse the application and enforce to overcome this breach in planning control.

PLANNING OFFICER'S RECOMMENDATION - Subject to the applicant entering into a Section 106 Agreement:

A To restrict the occupancy of the property to Class B1 (a) of the 1987 Town and Country Planning Use Classes Order.

B That the grounds will be maintained on the basis of Plan AS/3 received on 3 January 1991.

to authorise the District Planning Officer to grant planning permission.

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506. PLANNING APPLICATIONS (Continued)

(c) **Applications Deferred**

Consideration of the following applications be deferred for the reasons indicated:-

Plan No. and Applicant	Proposal
H09/0457/91 R J Gale	Waste transfer station at Lambert House, Holbeach St Johns.

(Pending a site inspection to enable Members to be fully aware of the activities being carried out on the site.)

H09/0287/91 Holbeach/Fenland Gymnastics Club	Change of use of agricultural store to private gymnastics club training headquarters at Washway Road, Holbeach.

(Pending a site inspection to enable Members to assess (a) the reasonableness of the request for refusal by the County highway authority and (b) the impact of the proposed development on the adjoining property.)

(d) **Application Withdrawn**

It be noted that the undermentioned application has been withdrawn:-

Plan No. and Applicant	Proposal
H02/0464/91 A L I H (Farms) Ltd	Change of use of farm buildings to one dwelling at Bank House Farm, Cloot Drove, Crowland.

(e) **Non-determination**

The undermentioned application be not determined and the applicant be advised that should he wish to revive the proposal he will be required to submit a new application:-

Plan No. and Applicant	Proposal
H16/1179/90 Mr R S Agate	Change of use to a retirement home at 56 St Thomas Road, Spalding.

(f) **Application Approved Subject to Section 106 Agreement**

Subject to the applicant first entering into an Agreement with the Council under Section 106 of the Town and Country Planning Act 1990 to ensure that (a) occupancy of the property is restricted to uses included within class B1(a) of the Town and Country Planning Use Classes Order 1987 and (b) that the grounds will be maintained on the basis of plan AS/3 received on 3rd January, 1991, the Planning Officer be authorised to grant planning permission for the undermentioned development in accordance with his recommendation:-

Plan No. and Applicant	Proposal
H16/0054/90 J D Lynch	Existing dwelling to be used as offices at Mercia Lodge, 65 Pinchbeck Road, Spalding.

(Councillors B. Alcock and S.W. Hoyes declared indirect interests in the above application, and left the meeting during consideration thereof.)

(Councillor M.S.L. Rollinson entered the meeting during consideration of the above application.)

APPLICATION REFERENCE: H16/0054/90 DATE RECEIVED: 18 January 1990

APPLICANT: John D Lynch
Catherine House
Millgate
Whaplode St Catherines
SPALDING
Lincolnshire

AGENT: John D Lynch Partnership
15 High Street
SPALDING
Lincolnshire

TYPE: Full

DESCRIPTION: Existing dwelling to be used as offices

LOCATION: Mercia Lodge, 65 Pinchbeck Road, Spalding, Lincolnshire

County Highways: No comment.

Public Objections: The resident of 63 Pinchbeck Road objected to the proposal on the grounds that the access would result in the removal of the existing shrubs and trees thus infringing onto the privacy of the property.

PLANNING ISSUES

1 The major concern with an application of this nature is the possible precedent that could be set by allowing the change from office to residential use in an area of this nature.
2 The site is within the Spalding Conservation Area when the Planning Act requires Authorities to have regard to the desirability of protecting or enhancing the character of the area when dealing with applications.
3 Pinchbeck Road is a pre-dominantly residential locality that consists of high quality dwellings. Many might be suitable for office developments and so the question arises as to whether or not granting permission in this case could set a trend that would eventually alter the characteristics of Pinchbeck Road.
4 I have little doubt that the current application would maintain the house and its grounds satisfactorily, if only not to do so would reflect upon his business. However, one does not know how future occupants might act, particularly in relation to the mature garden that is an important section of the frontage. The recently revised Use Classes Order groups offices and light industry, so that if approved future occupants could use the premises as a factory.

CONCLUSIONS

1 In view of the future operations that a planning permission could grant, having regards to the Use Classes Order, I feel that the acceptability of the proposal turns on the extent to which the proposed use can be restricted to applicants further intentions. Whilst this could be done by condition, this can always be challenged on Approval and held to be unreasonable and a legal agreement under Section 52, would, if the applicant agrees, be more certain.
2 The views expressed in the letter of objection were considered by the Planning Officer, but as the applicant has indicated that the proposal does not involve the felling of any trees, there does not appear to be grounds for concern with regards to infringement of privacy.

PLANNING OFFICER'S RECOMMENDATION - Subject to the applicant agreeing to enter into a Section 52 Agreement, not to use the premises for other than an architects office, the Planning Officer be authorised to grant permission.

ADDENDUM

Members will recall that this application was approved subject to the applicant agreeing to entering into a Section 52 Agreement to limit the use to an architects office and to retain the residential character of the building.

The applicant, however, proposes to site some visitors car parking at the front of the building and owing to members concerns, the application is reported for further consideration.

The applicant has written as follows:-

"The minor problem we have discovered is that visitors tend to park in front of the building itself and we believe this to detract from the image we wish to present.

We are very much in accord with the views of your Committee and their desire to have Mercia Lodge retained in its present form, presenting its domestic styled facade to Pinchbeck Road, albeit a rather "grand" one. We wish to achieve the same. It is for this reason that we are proposing to create a visitors parking space and free the facade from such an intrusion. In respect of this, I enclose herewith our layout plan demonstrating our proposal".

CONCLUSIONS

1 The site has been inspected and it is considered that losing part of the front lawn would not have a detrimental affect. Also it is considered that parked cars on the drive would not particularly harm the appearance of the building either.
2 The garden is slightly lower than the road and so the farther the cars are pulled away from the facade the more visible it will be.
3 There are trees and bushes to the front of the site which will help screen the cars from the road.

PLANNING OFFICER'S RECOMMENDATION - Subject to the applicant agreeing to enter into a Section 52 Agreement, not to use the premises for other than an architects office, the Planning Officer be authorised to grant permission.

ADDENDUM II

This application was considered initially at the 6 March, 1990 Committee when it was resolved to grant planning permission subject to the applicant entering into a Section 52 Agreement. It was considered again at the 24 April, 1990 Meeting regarding visitor parking.

The Minute for the 24 April, 1990 Committee says that the Section 52 Agreement was "to ensure that the premises shall be used solely as an architect's office and to ensure the retention and maintenance of the existing trees and shrub plants so as to retain the present residential character and appearance of the frontage of the site and that the staff car parking to be provided to the rear is adequately

screened from neighbouring premises".

The Section 52 Agreement has been prepared and sent to the applicant who has altered the suggested wording so that the use is restricted to office purposes only. Reference to "architectural practice" has been deleted.

The Agreement also stated that the rear parking area should be screened from neighbouring dwellings in a manner to be agreed by the Local Planning Authority. The applicant has altered this to read, "to maintain existing screen from neighbouring properties.

Letters on the file show the following:-

28 February, 1990 - Letter from applicant - prepared to enter formal agreement restricting use to offices.

12 March, 1990 - I wrote to applicant to inform him that Committee on 6 March, 1990 had granted planning permission, subject to Section 52 Agreement restricting use to "Architects Office" and retain residential character.

15 March, 1990 - Letter from applicant - agree to enter into Section 52 Agreement to restrict use to offices and residential character of frontage shall not be impaired.

21 March, 1990 - I wrote to applicant confirming that I accepted his letter of 15 March, 1990 "as formal confirmation that you are willing to enter a Section 52 Agreement as resolved by Committee on 6 March, 1990".

4 April, 1990 - Letter from applicant regarding a site meeting on the parking issue which I brought to you on 24 April, 1990 Committee.

3 July, 1990 - Letter from applicant to the District Secretary outlining the above and stating that they could not accept "Architectural Practice" because they are the only qualified Architectural Practice in the area. It could not be readily disposed of ..... restriction would cause substantial depreciation ..... compensation would be sought.

Applicants believe that they can demonstrate co-operation with the Planning Office and are prepared to test reasonableness of "Architectural Practice" with Secretary of State.

CONCLUSIONS

1 The reason that it was considered that an Architectural Practice would be acceptable in this residential area was because such a practice would have a unique interest in conserving the character. This would not necessarily be the case for other office uses within the B1 Class, which includes financial and other professional services.

2 In restricting the use to "Architectural Practice" it was not intended to restrict it to qualified practices. For example, an alternative form of words may be "Architectural Draughtmans Office".

3 The prime considerations reamin those concerned with the acceptability of the office use of the site as proposed, given that it lies within what primarily a residential part of Pinchbeck Road within the Conservation Area, and the effect of the proposal on the character and appearance of the area, coupled with the potential risk of creating a precedent.

4 Notwithstanding the precise use to which the property may be put, it is obvious from an inspection of the site that the location and content of the existing planting regime and landscaping elements of the layout should remain a significant feature of the site frontage and that the content quality of the screening to the adjoining residential properties should retain its ability to safeguard the respective amenities in the event of the change of use being permitted.

5 I believe that given the circumstances now surrounding the consideration of this application which includes the current occupation of the premises warrants an inspection by the Plans Sub-Committee to establish clearly whether or not there is a sound basis on which an agreeemnt can and should be constructed, since the Committee may have to consider the alternative of refusing permission.

PLANNING OFFICER'S RECOMMENDATION -

A. That before the application is determined, the site is inspected by the Plans Sub-Committee.

B. That subject to the views of the Plans Sub-Committee, the Planning Officer be instructed to negotiate with the applicants over an appropriate description of the use and the arrangements for safeguarding the character and appearance of the site to be included in a Section 52 Agreement.

'officer'

PLANNING COMMITTEE - 8th August, 1990

677. PLANNING APPLICATIONS (Continued)

(c) Applications Deferred (Continued)

Plan No. and Applicant	Proposal
H22/0608/90 Kings Quality Homes	House with garage including vehicular access on land adjacent to Chequers Inn, High Road, Weston.

(Pending a site inspection.)

H09/0632/90 P L Ely (Contractors) Ltd	Residential development (10 houses and 12 bungalows) at Park Lane, Holbeach.

(For the Planning Officer to negotiate an improved layout of the site based on the layout approved under application reference H09/1059/87 and incorporating a toddlers play area, and pending clarification of advice from county highways in view of concern relating to the intensification of use of Park Lane arising from the proposed development of the former Machins site.)

H14/0669/90 Mr D Knight	Extension and alteration to house to form granny accommodation at 1 Redmile Close, Pinchbeck.

(Pending clarification of the advice from county highways in view of concern that visibility splays at the junction of Redmile Close with Wardentree Lane which are part of proposals for the improvement of Wardentree Lane might be affected.)

H16/0054/90 Mr J D Lynch	Existing dwelling to be used as offices at Mercia Lodge, 65 Pinchbeck Road, Spalding.

(The site of the above application was inspected by the Plans Sub-Committee prior to the meeting who recommended that consideration of the application be deferred to enable the Planning Officer to negotiate with the applicants an appropriate description relating to the use of the property and the arrangements for safeguarding the character and appearance of the site to enable an Agreement under Section 52 of the Town and Country Planning Act 1971 previously approved to be entered into. This recommendation was adopted.)

(Councillor S.W. Hoyes declared an indirect interest in the above application, and left the Council Chamber during consideration thereof.)

H11/0595/90 W I Bambton	O.A. Five light industrial units on land at Vicarage Lane, Long Sutton.

(Pending a site inspection.)

H16/0638/90 Mr A Kachra	O.A. Sheltered flats and residential care home including means of access at side and rear of St. Johns Vicarage, Hawthorn Bank, Spalding.

(Pending a site inspection, and in the meantime to enable the Planning Officer to seek clarification of the advice from county highways in view of the Committee's concern relating to the number of vehicles using that part of Hawthorn Bank.)

APPLICATION REFERENCE: H16/0054/90 DATE RECEIVED: 18 January 1990

APPLICANT: John D Lynch
Catherine House
Millgate
Whaplode St Catherines
SPALDING
Lincolnshire

AGENT: John D Lynch Partnership
15 High Street
SPALDING
Lincolnshire

REPORT TO PLANNING COMMITTEE
Date: 4 APR 1990

TYPE: Full

DESCRIPTION: Existing dwelling to be used as offices

LOCATION: Mercia Lodge, 65 Pinchbeck Road, Spalding, Lincolnshire

County Highways: No comment.

Public Objections: The resident of 63 Pinchbeck Road objected to the proposal on the grounds that the access would result in the removal of the existing shrubs and trees thus infringing onto the privacy of the property.

PLANNING ISSUES

1 The major concern with an application of this nature is the possible precedent that could be set by allowing the change from office to residential use in an area of this nature.

2 The site is within the Spalding Conservation Area when the Planning Act requires Authorities to have regard to the desirability of protecting or enhancing the character of the area when dealing with applications.

3 Pinchbeck Road is a pre-dominantly residential locality that consists of high quality dwellings. Many might be suitable for office developments and so the question arises as to whether or not granting permission in this case could set a trend that would eventually alter the characteristics of Pinchbeck Road.

4 I have little doubt that the current application would maintain the house and its grounds satisfactorily, if only not to do so would reflect upon his business. However, one does not know how future occupants might act, particularly in relation to the mature garden that is an important section of the frontage. The recently revised Use Classes Order groups offices and light industry, so that if approved future occupants could use the premises as a factory.

CONCLUSIONS

1 In view of the future operations that a planning permission could grant, having regards to the Use Classes Order, I feel that the acceptability of the proposal terms on the extent to which the proposed use can be restricted to applicants further intention. Whilst this could be done by condition, this can always be challenged on Approval and held to be unreasonable and a legal agreement under Section 52, would, if the applicant agrees, be more certain.

2 The views expressed in the letter of objection were considered by the Planning Officer, but as the applicant has indicated that the proposal does not involve the felling of any trees, there does not appear to be grounds for concern with regards to infringement of privacy.

PLANNING OFFICER'S RECOMMENDATION - Subject to the applicant agreeing to enter into a Section 52 Agreement, not to use the premises for other than an architects office, the Planning Officer be authorised to grant permission.

ADDENDUM

Members will recall that this application was approved subject to the applicant agreeing to entering into a Section 52 Agreement to limit the use to an architects office and to retain the residential character of the building.

The applicant, however, proposes to site some visitors car parking at the front of the building and owing to members concerns, the application is reported for further consideration.

The applicant has written as follows:-

"The minor problem we have discovered is that visitors tend to park in front of the building itself and we believe this to detract from the image we wish to present.

We are very much in accord with the views of your Committee and their desire to have Mercia Lodge retained in its present form, presenting its domestic styled facade to Pinchbeck Road, albeit a rather "grand" one. We wish to achieve the same. It is for this reason that we are proposing to create a visitors parking space and free the facade from such an intrusion. In respect of this, I enclose herewith our layout plan demonstrating our proposal".

CONCLUSIONS

1 The site has been inspected and it is considered that losing part of the front lawn would not have a detrimental affect. Also it is considered that parked cars on the drive would not particularly harm the appearance of the building either.
2 The garden is slightly lower than the road and so the further the cars are pulled away from the facade the more visible it will be.
3 There are trees and bushes to the front of the site which will help screen the cars from the road.

PLANNING OFFICER'S RECOMMENDATION - Subject to the applicant agreeing to enter into a Section 52 Agreement, not to use the premises for other than an architects office, the Planning Officer be authorised to grant permission.

---

353. PLANNING APPLICATIONS (Continued)

(d) Applications Planning Officer Authorised to Approve (Continued)

Plan No. and Applicant	Proposal
H16/0247/90 Broadgate Builders	Ten dwellings including private parking spaces on plots 15-24, Phase 5, Horseshoe Road, Spalding.
H19/0260/90 Mr J Cunningham	House with garage and vehicular access at Coronation Avenue, Throckenholt.
H22/0261/90 Mr & Mrs J C Slater	Conversion of farm buildings into dwelling at Whittington Farm, Austendyke Road, Weston Hills.
H23/0303/90 D A Green & Sons Ltd	Access roadway to serve industrial land and buildings to rear of Cobgate, Whaplode.

(Subject to the Planning Officer being satisfied that the development only relates to the proposed new cladding company being set up to operate from the adjoining premises and the traffic in respect thereof.)

H09/1654/89 Mrs E M Stevenson	O.A. Residential development at OS Part 7645, Ravens Gate, Holbeach St Johns.

(e) Applications Approved Subject to Section 52 Agreements

Subject to the applicants first entering into an Agreement with the Council under Section 52 of the Town and Country Planning Act 1971 for the purposes indicated, the Planning Officer be authorised to grant permission for the undermentioned developments in accordance with his recommendations, as amended, where indicated:-

Plan No. and Applicant	Proposal
H07/1480/89 Mr & Mrs B R Bennett	O.A. Dwelling at North Road, Gedney Hill.

(To ensure that the dwelling continues to serve the needs of the workshop authorised under planning permission reference H07/1479/89.)

H16/0054/90 Mr J D Lynch	Dwelling to be used as offices at Mercia Lodge, 65 Pinchbeck Road, Spalding.

(To ensure that the premises shall be used solely as an architect's office and to ensure the retention and maintenance of the existing trees and shrub planting so as to retain the present residential character and appearance of the frontage of the site and that the staff car parking to be provided to the rear is adequately screened from neighbouring premises.)

(f) Application Granted in Principle

The undermentioned application be granted in principle, contrary to the recommendation of the Planning Officer, and the Planning Officer report to the next meeting on appropriate conditions to be imposed in accordance with the wishes of the Committee:-

Plan No. and Applicant	Proposal
H13/0034/90 F Dring & Sons Ltd	O.A. Dwelling with garage and vehicular access at Spalding Gate, off High Road, Moulton.

215. PLANNING APPLICATIONS (Continued)

(e) Applications Approved Subject to Section 52 Agreements (Continued)

Plan No. and Applicant	Proposal
H16/0054/90 Mr J D Lynch	Dwelling to be used as offices at Mercia Lodge, 65 Pinchbeck Road, Spalding.

(To ensure that the premises shall be used solely as an Architect's office and to secure the retention of the present residential character at the frontage of the site.)

(Councillor E J Clarey left the meeting during consideration of the above application.)

H23/1397/89 Mr G M Booth	O.A. House and garage at Little Lane, Whaplode.

(To permit the parking of one commercial vehicle only on the site.)

(f) Applications Planning Officer Authorised to Approve

The Planning Officer be authorised to grant the relevant permissions in accordance with his recommendations, as amended where indicated, in respect of the following proposals:-

Plan No. and Applicant	Proposal
H05/1473/89 Mr A W Burnett	Bungalow at 'The New Inn', Station Road, Fleet.
H23/1337/89 Mr & Mrs C J Lane	Haulage yard/home at Terri, Ravensbank, Whaplode St Catherine.

(Councillor C F Fisher declared an indirect interest in the above application and left the meeting at this juncture.)

H17/1454/89 Mr & Mrs D Coxen	O.A. Residential development at Station Road, Surfleet.
H23/1549/89 Mr M Ayres	Extension for business use at Main Road, Whaplode.
H09/1599/89 Ashwood Homes	Four houses with garages and vehicular access at Plots 6, 7, 8 and 9, Roman Bank, Holbeach Bank.
H06/1598/89 Mr & Mrs Taylor	Reserved matters in connection with bungalow with garage and vehicular access at Plot 3, Churchgate, Gedney.

(The site of the above application was inspected by the Plans Sub-Committee on 27th February, 1990 who recommended that the Planning Officer be authorised to grant permission in accordance with his recommendation. This recommendation was adopted.)

H16/1610/89 J K L Distribution	Change of use of existing industrial buildings from engineering to storage and distribution and extension at Furnell Engineering, Kellett Gate, Fulney, Spalding.

SOUTH HOLLAND DISTRICT COUNCIL

MEMORANDUM

From: The Director of Administration

To: Director of Planning & Building Control Services

Our Ref: *PC/LST/PL.357*

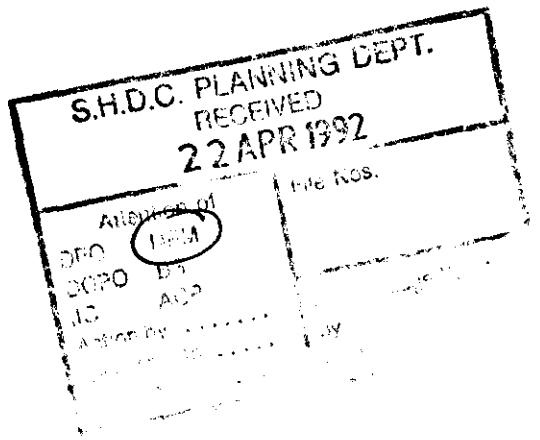
Your Ref: *GS/JJ*

Date: 21st April, 1992

SUBJECT: PLANNING APPLICATION NO. H16/0054/90 : MERCIA LODGE, 65 PINCHBECK ROAD, SPALDING (LYNCH)

Would you please note that the Planning Obligation relating to the above has now been completed and a copy is enclosed for your records. Would you please arrange to release the planning permission as soon as possible.

Director of Administration



SOUTH HOLLAND DISTRICT COUNCIL

DEED

Creating Planning Obligation

under Section 106 of the

Town and Country Planning Act 1990

between

SOUTH HOLLAND DISTRICT COUNCIL

and

JOHN DENNIS LYNCH

and

BARCLAYS BANK PLC

re

Dwelling to be used as office at
Mercia Lodge, 65 Pinchbeck Road, Spalding

I hereby certify that this is a true copy
of the Planning Obligation relating to
Mercia Lodge, 65 Pinchbeck Road, Spalding

R. Gobb

.....
Director of Administration

This DEED is made the 16th day of April One thousand nine hundred and ninety-two BETWEEN THE SOUTH HOLLAND DISTRICT COUNCIL of Council Offices Priory Road Spalding in the County of Lincolnshire (hereinafter called "the Council") of the one part JOHN DENNIS LYNCH of Catherine House Millgate Whaplode St Catherine in the County of Lincolnshire (hereinafter called "the Owner") of the second part and BARCLAYS BANK PLC whose registered office is situate at 54 Lombard Street London EC3P 3AH (hereinafter called "the Bank") of the third part

RECITALS

(1) The Council is the local planning authority for the area within which the land described in the First Schedule ("the Land") is situated

(2) The Owner is the owner in fee simple in possession free from incumbrances of the Land subject to a mortgage dated the sixteenth day of March one thousand nine hundred and ninety in favour of the Bank

(3) The Owner has by written application dated the seventh day of January One thousand nine hundred and ninety ("the Planning Application") applied to the Council for planning permission for the existing dwelling on the land to be used as offices in accordance with the plans and particulars supplied therewith under planning reference H16/0054/90 ("the Development")

(4) The obligation created by this Deed is a planning obligation for the purposes of section 106 of the Town and Country Planning Act 1990.

(5) The Council has decided to grant planning permission for the Development subject to the creation of this obligation without which planning permission for the Development would not have been granted.

(6) The Council is the local planning authority by whom the planning obligation is enforceable.

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

CHAIRMAN OF THE COUNCIL

5521

DIRECTOR OF ADMINISTRATION

SIGNED AS A DEED by the said JOHN)
DENNIS LYNCH in the presence of)

Witness

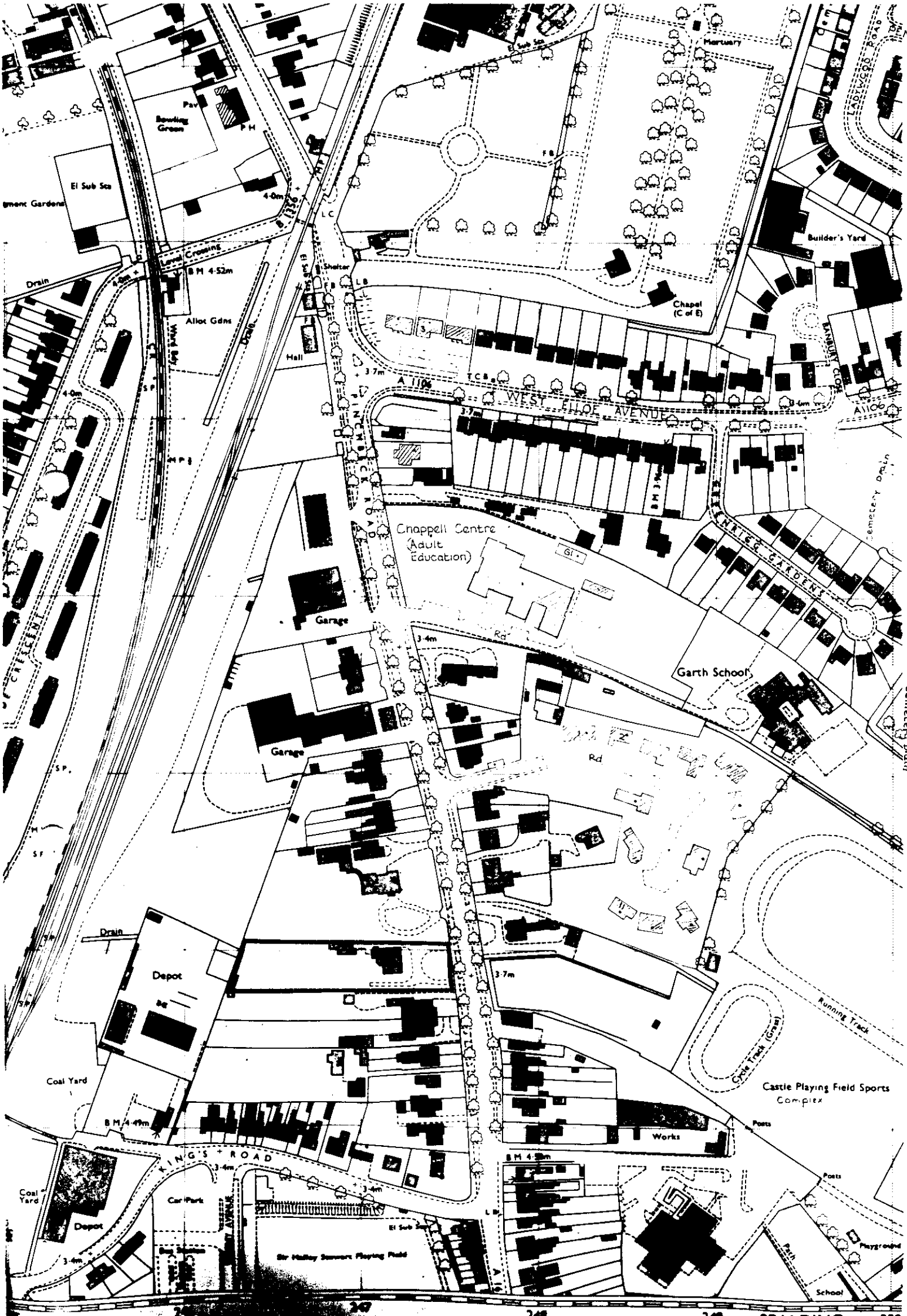
Address BARCLAYS BANK PLC
10 HALL PLACE, SPALDING

Occupation BANK OFFICIAL

THE COMMON SEAL of BARCLAYS BANK)
PLC was hereunto affixed in the)
presence of)

47/92/275

ASSISTANT RISK MANAGEMENT DIRECTOR
Authorised Sealing Officer


Mortuary
Bowling Green
Pav
P H
El Sub Sta
Level Crossing
B M 4·52m
Allot Gdns
Drain
Shelter
Hall
Builder's Yard
Chapel (C of E)
WEST ELLOE AVENUE
Chappell Centre (Adult Education)
Garage
Garage
Garth School
Cemetery Drain
Depot
Depot
Coal Yard
Coal Yard
B M 4·49m
KING'S ROAD
Car Park
Bus Station
Sir Halley Stewart Playing Field
Works
Castle Playing Field Sports Complex
Running Track
Cycle Track (Grass)
Posts
Playground
School
Path

SOUTH HOLLAND DISTRICT COUNCIL

M E M O R A N D U M

FROM: P J Udy
(Planning Assistant)

TO: Director of
Administration

OUR REF: PJU/LAB/H16/0054/90

YOUR REF: JMB/MJP/PL.357

DATE: 31 October 1991

SUBJECT: Mercia Lodge, 65 Pinchbeck Road, Spalding.

I refer to the above application which was considered by the Planning Committee on 29 October 1991. It was resolved to grant planning permission subject to the applicant entering into a planning obligation and I therefore enclose a letter from the applicant dated 4 October 1991 confirming his acceptance of the wording. I also enclose a copy of my letter dated 3 October 1991 for clarification.

Peter Udy

N R Midlen
Principal Planning Assistant
Development Control

Enc

JOHN D LYNCH
partnership
CHARTERED
ARCHITECTS

JDL/EE/GEN.

4th October 1991

P.U. 054/90

S.H.D.C. PLANNING DEPT.
RECEIVED
-7 OCT 1991

Attention of	File Nos.
DPO NEM	
DOPO BS	
JC ACP	
Action by	Acknowledge YES/NO
Discuss with	by
Copy to	date

South Holland District Council
Planning Department
Council Offices
Priory Road
Spalding

Attn Mr N Midlen

Dear Sirs

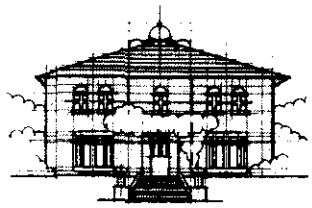
Mercia Lodge, 65 Pinchbeck Road, Spalding

We acknowledge receipt of, and thank you for, your letter dated the 3rd October 1991, detailing the wording of the covenant for a Section 106 Agreement, as compiled by the District Secretary.

The wording as contained in both sections (a) and (b) takes on board the points which we have raised and previously discussed, and I am therefore satisfied that this can go forward.

Yours faithfully
pp John D Lynch Partnership

John D Lynch



MERCIA LODGE, PINCHBECK ROAD,
SPALDING, LINCOLNSHIRE PE11 1QF.
TELEPHONE 0775 724187, FACSIMILE 0775 762212
John D. Lynch, Dip Arch (Dundee) ARIBA, Partner.
Trevor A. Clay, RIBA

BRIAN SMITH Dip TP MRTPI District Planning Officer

Planning Department
Council Offices,
Priory Road, Spalding,
Lincolnshire. PE11 2XE
Telephone: (0775) 761161

SOUTH HOLLAND DISTRICT COUNCIL

J D Lynch Partnership
Mercia Lodge
65 Pinchbeck Road
Spalding
Lincs

P J Udy

PJU/LAB/H16/0054/90

3 October, 1991

Dear Sir

Mercia Lodge, 65 Pinchbeck Road, Spalding.

I have received the District Secretary's comments on how to word a suitable covenant for an agreement made under Section 106 of the 1990 Town And Country Planning Act. These are:-

> "In the event of planning permission being granted for the development the developers hereby covenant with the Council
>
> (a) not to use the existing dwelling on the land for any purpose other than for (i) office purposes as authorised under Class B1(a) of the Town and Country Planning (Use Classes) Order 1987 as amended and (ii) office purposes for financial and professional services except for those financial and professional services which rely principally on passing trade.
>
> (b) in order not to change the residential character and appearance of the land the planted garden areas as shown on the attached drawing no AS/3 shall be retained permanently and any trees or shrubs which shall die shall be replaced by the same species except as otherwise agreed in writing by the Council."

It will be necessary to return the application to the Planning Committee to gain authorization for this, but before doing so I would appreciate your comments.

Yours faithfully

N R Midlen
Principal Planning Officer

MEMORANDUM

From: The District Secretary

To: The Planning Officer

Our Ref: REA/LST/PL.357

Your Ref: JJ H16/55/90

Date: 18th September, 1991

SUBJECT: MERCIA LODGE 65 PINCHBECK ROAD, SPALDING

Referring to your memorandum dated 4th September, 1991 and to Mr Atkins' subsequent discussion with Mr Midlen I can understand the applicants fears and feel that these could be overcome by a section 106 Agreement incorporating the following covenants:-

"In the event of planning permission being granted for the development the developers hereby covenant with the Council

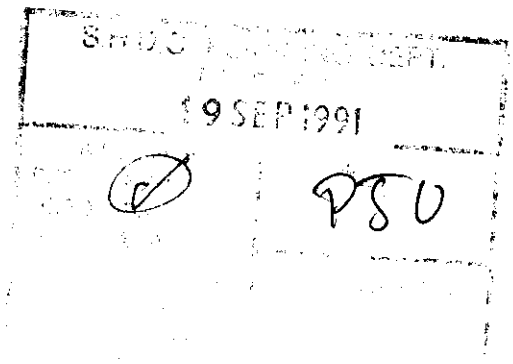
(a) not to use the existing dwelling on the land for any purpose other than for (i) office purposes as authorised under Class B1(a) of the Town and Country Planning (Use Classes) Order 1987 as amended and (ii) office purposes for financial and professional services except for those financial and professional services which rely principally on passing trade.

(b) in order not to change the residential character and appearance of the land the planted garden areas as shown on the attached drawing no. AS/3 shall be retained permanently and any trees or shrubs which shall die shall be replaced by the same species except as otherwise agreed in writing by the Council."

Covenant (a) differs from that authorised by the Planning Committee under Minute 506/91 and would therefore need to be approved by the Committee before the Agreement can be completed.

The above seems to accord with earlier views of the applicant and I do not therefore consider it necessary to hold a joint meeting. If you feel otherwise, Mr Atkins would be pleased to attend any meeting.

District Secretary



NRM suggested writing to Lynda for comments
PJM 3-10-91

NRM What is "planning trade?"

SOUTH HOLLAND DISTRICT COUNCIL

M E M O R A N D U M

FROM: N Midlen
Planning Department

TO: District Secretary

REF: JJ H16/55/90

REF: JMB/MJP/PL.357

DATE: 4th September 1991

MERCIA LODGE 65 PINCHBECK ROAD, SPALDING.

I thank you for your memorandum of 19th August concerning the above. Whilst I think the aims of the applicants and that of the Planning Committee are not far apart at all, we do seem to be making heavy weather of finding a suitable form of words which will safeguard the Planning Committee's concern, whilst enabling the applicant to realise the value of his permission.

I enclose a copy of a letter from the applicant which set out his fears regarding the recommendation which was adopted by the Planning Committee, fears which he explained more cogently at a meeting held at my offices. Can I suggest, in order to find a way through this impasse, that a joint meeting is now held between representatives of our 2 Departments and the applicant.

N Midlen
Principal Planning Officer

MEMORANDUM

SOUTH HOLLAND DISTRICT COUNCIL

FROM: District Secretary **TO:** District Planning Officer

OUR REF: JMB/MJP/PL.357 **YOUR REF:** PJU/JJ H14/0054/90

DATE: 19th August, 1991

SUBJECT: MERCIA LODGE, 65 PINCHBECK ROAD, SPALDING

I refer to your memorandum dated 29th July, 1991 relating to the above. I consider that it would not be legal to restrict the use to those described in paragraph A2(a) and (b) of the Town and Country Planning Use Classes Order 1987 subject to the exclusion of uses where services are provided principally to visiting members of the public, as that class specifically relates to uses which are provided principally to visiting members of the public.

The Planning Committee in July agreed to uses included within class B1(a) of the Use Classes Order and I would suggest that if the applicants are not prepared to accept this restriction that the matter be referred back to Committee with a recommendation that the application be refused.

District Secretary

PJ

S.H.D.C. PLANNING DEPT.
RECEIVED
20 AUG 1991

JOHN D LYNCH
partnership
CHARTERED
ARCHITECTS

JDL/EE/1047

29th July 1991

South Holland District Council
Planning Department
Council Offices
Priory Road
Spalding

S.H.D.C. PLANNING DEPT.
RECEIVED
30 JUL 1991
Attached to
OPO NPM
DOPO BS
JC ACP
Passed by .....
Discuss with .....
Copy to .....
Previous.
Acknowledge YES/NO
by
date

Copied to D. Secretary 2-4-9
for comment

Attn Mr N Midlen and Mr Udy

Dear Sirs

Mercia Lodge, Pinchbeck Road, Spalding

I was pleased to meet you to discuss the situation regarding entering a Planning Agreement in respect of the above offices. Firstly, I am prepared to enter such an agreement if the wording can be suitably defined to be effective but not necessarily punitive.

A measure of agreement was reached if the wording could be devised and approved by your legal department. By the way of assistance I offer the following:

"Class A2; Financial and Professional services other than those financial or professional services which rely principally on passing trade

and

Class B1(a); office use, which is capable of being carried out in a residential area without detriment to the amenity."

I therefore look forward to hearing from you in due course.

Yours faithfully
pp John D Lynch Partnership

John D Lynch

MERCIA LODGE, PINCHBECK ROAD,
SPALDING, LINCOLNSHIRE PE11 1QE
TELEPHONE 0775 724187, FACSIMILE 0775 762212
John D. Lynch, Dip Arch (Dundee) ARIBA, Partner
Trevor A. Clay, RIBA Partner

S.H.D.C. PLANNING DEPT.
RECEIVED
16 JUL 1991
Attention of
DPO NPM
DCPO BS
JC ACP
Action by
Discuss with
Copy to
File Nos.
Acknowledge YES/NO
by
date

JOHN [redacted] LYNCH
partnership
CHARTERED
ARCHITECTS

JDL/EE/1047

15th July 1991

South Holland District Council
Planning Department
Priory Road
Spalding
PE11 2XQ

Attn Mr Udy

Dear Sir

Change of Use to Offices, Mercia Lodge, Pinchbeck Road, Spalding

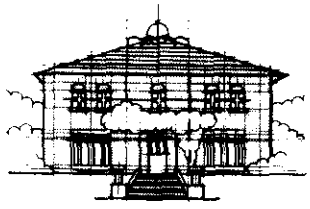
We acknowledge receipt of your letter dated the 10th July 1991 in respect of the above Planning Application for Change of Use, lodged on the 18th January 1990. It is noted that on your advice to your Committee on the 3rd July 1991, the Committee resolved to restrict the property to Class B1(A) Use of the 1987 Town and Country Planning Use Class Order.

We are pleased that our drawing 1047/AS3 is acceptable for the ground maintenance and that you are therefore satisfied that we are committed to the maintenance of this property and site in its present form.

I would however welcome an opportunity to discuss the matter of the B1(a) restriction only, which we are unhappy about because, despite what you suggest is your understanding of the order, it excludes a professional Practice which relies on access by the general public.

Of all our services, as with most architectural practices in small town and rural areas, 60% of the workload comes from the general public requiring building and environmental advice, small extensions, smaller new building works, surveys, disputes and general advice on building matters.

../2..



MERCIA LODGE, PINCHBECK ROAD,
SPALDING, LINCOLNSHIRE PE11 1QE
TELEPHONE 0775 724187, FACSIMILE 0775 762212
John D. Lynch, Dip Arch (Dundee) ARIBA, Partner.
Trevor A. Clay, RIBA Partner.

BUCKAB 010/0005/99
[illegible]

30 July 1991

[illegible] Partnership
Merola Lodge
Bunchberry Road
[illegible]
Essex

Dear Sir

Change of use to Offices, Merola Lodge, Bunchbeck Road, Ten Row

[illegible] application was considered [illegible] by the Planning Committee on 1 July 1991. They resolved to approve the [illegible] of part of the property to offices under Class B1(a) of the 1987 Town and Country Planning Use Classes Order. This would [illegible] the use of the property to offices only, excluding any [illegible] and [illegible] uses such as Employment Agencies, where the services are provided primarily to visiting members of the public, or a shop or cafe for the use of persons working on the premises. It was a condition that the ground floor accommodation should be retained in the present use. All other conditions remain [illegible] apply.

I would point out that you would [illegible] written confirmation that you are prepared to enter into a Section 106 Agreement on this basis.

Yours faithfully

B. Smith.

[illegible] Planning Officer

JOHN D. LYNCH
partnership
CHARTERED
ARCHITECTS

JDL/EE/GEN.2

28th June 1991

Mr B Alcock
Welland Holiday Hire
Postland Road
Crowland
Peterborough

Dear Bryan

Planning Matters

I hope you will not mind my writing directly to you in your capacity of Chairman of the Planning Committee. There is, however, a matter which we view with some concern and that is the issue of the advisory notes to Committee members, prepared by the officers themselves.

Not for the first time we have reasonable grounds for suggesting that the Planning Officers notes do not necessarily present the applicant's case fairly or reasonably, and are therefore misleading. In the particular case in point, our own application for Mercia Lodge, ref no. H16/0054/90, it is considred that it may be misleading to the extent that it is damaging. I therefore enclose the following documents as evidence of the reasons for our fears and opinions:

1) Copy of SHDC letter dated 12th March 1990 and our response of the 14th March 1990.

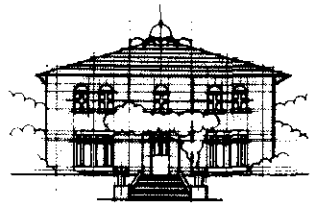
2) Letter from SHDC dated 21st March 1990, and our response of the 4th April 1990.

3) SHDC letter dated 29th June 1990 and our response dated the 2nd July 1990.

4) Letters dated 19th September 1990 and 18th December 1990

5) Our response dated 2nd January 1991

.../2..



MERCIA LODGE, PINCHBECK ROAD,
SPALDING, LINCOLNSHIRE PE11 1QF.
TELEPHONE 0775 724187, FACSIMILE 0775 762212
John D. Lynch, Dip Arch (Dundee) ARIBA, Partner.
Trevor A. Clay, RIBA Partner.

Mr B Alcock 28th June 1991

6) Our letter dated 22nd April 1991

Our concern is that by implication from the notes, it would not be unreasonable to conclude that we are being obstructive. This is not the case and at our meeting in January with Mr Midlen, the view about the Legal Agreement being unweildy was discussed and a measure of agreement reached, subject only to further discussions at the Council Offices.

No-one has said that it is not acceptable and we do not consider that the officers have discussed it thoroughly with us. Moreover, they have not responded at all to our communications since January.

In addition, the attempt to restrict the office usage is unreasonable because Class B1(a) is for use other than financial and/or professional. We are a professional practice and to accept that restriction would simply bar ourselves.

We share the Committee's views about the retention of the appearance and character of the building, and believe an agreement surrounding the landscaping as indicated on our plan is not unreasonable. It is difficult, however, to see why the authority find it necessary to have a legal agreement rather than a Planning condition.

In the end, my aim is to retain and occupy this property in the manner in which I have agreed, but I feel that this can be achieved meeting both parties wishes without unnecessary conditions, which will ultimately affect my investment.

The Planning notes clearly suggest and intransigence on our part, which does not exist.

Yours sincerely
pp John D Lynch Partnership

John D Lynch

P21 28-6

JOHN D LYNCH
partnership
CHARTERED
ARCHITECTS

JDL/EE

P.J 27th June 1991

URGENT: Pl. brief DPO if poss before Chairman's briefing.

S.H.D.C. PLANNING DEPT.
RECEIVED
27 JUN 1991
DPO NKM
PDPO BS
JC ACP
Action by .....
Discuss with .....
Copy to .....
Acknowledge YES/NO
by
date 28/6

District Planning Officer
South Holland District Council
Chatterton Tower
Winfrey Avenue
Spalding

Attn Mr B Smith

Dear Sirs

Mercia Lodge, Pinchbeck Road, Spalding
Application Ref: H16/0054/90

The green paper entitled Schedule of Planning Applications - 3rd July 1991, being the advisory notes for the purpose of assisting your Planning Committee, has been received by this office and in relation to the above application, is viewed with some concern.

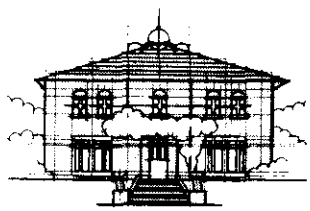
The advisory notes clearly infer an intransigent position and this is certainly not the position that we have adopted. On the contrary, we have been most co-operative in our efforts to achieve a satisfactory situation which meets your Committee's declared wishes of totally maintaining the appearance of this building and grounds.

Our discussions with your officers have been most agreeable and the only matter which remains unresolved was the type of agreement regarding the inclusion of landscaping. In this particular regard, we offered our opinion in January and asked for your comments, but to date none have been received. Furthermore, in our most recent reminder to you of the 22nd April 1991, we requested again your response.

It would therefore appear that you have no wish to discuss matters with the applicant further, and this we do not consider is what was asked of the situation by your Committee. It is our opinion that the Committee is not being fully appraised.

Yours faithfully
pp John D Lynch Partnership

John D Lynch



MERCIA LODGE, PINCHBECK ROAD,
SPALDING, LINCOLNSHIRE PE11 1QE
TELEPHONE 0775 724187, FACSIMILE 0775 762212
John D. Lynch, Dip Arch (Dundee) ARIBA, Partner.
Trevor A. Clay, RIBA Partner

JOHN D LYNCH
partnership
CHARTERED
ARCHITECTS

JDL/EE/GEN.

22nd April 1991

South Holland District Council
District Planning Department
Chatterton Tower
Winfrey Avenue
Spalding

P.O. 54/90

S.H.D.C. PLANNING DEPT.
RECEIVED
24 APR 1991

Attention of
DPO NPM
DOPO BS
JC ACP
Action by .....
Discuss with .....
Copy to .....

File Nos.

Acknowledge YES/NO
By
Date

Attn Mr B Smith

Dear Sirs

Mercia Lodge, 65 Pinchbeck Road, Spalding

We wrote to you last January 2nd enclosing copies of our drawing showing the trees and shrubs to be retained as a Condition of Planning.

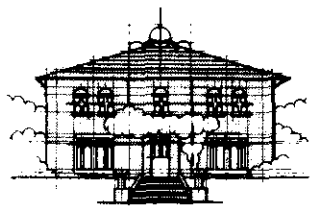
Your response or Planning Permission Approval Document is therefore requested, as it is our understanding that all parties are in agreement.

We look forward to hearing from you.

Yours faithfully
pp John D Lynch Partnership

Awaiting 106 Agreement

John D Lynch



MERCIA LODGE, PINCHBECK ROAD,
SPALDING, LINCOLNSHIRE PE11 1QF.
TELEPHONE 0775 724187, FACSIMILE 0775 762212
John D. Lynch, Dip Arch (Dundee) ARIBA, Partner.
Trevor A. Clay, RIBA Partner.

JDL/PE/GEN.

22nd April 1991

South Holland District Council
District Planning Department
Chatterton Tower
Winfrey Avenue
Spalding

Attn Mr B Smith

Dear Sirs,

Merrie Lodge, 33 Pinchbeck Road, Spalding

We wrote to you last January 2nd enclosing copies of our drawing showing the trees and shrubs to be retained as a Condition of Planning.

Your approval of Planning Permission Approval figures is therefore requested, as it is our understanding that all parties now in agreement.

We look forward to hearing from you.

Yours faithfully
pp John D Lynch Partnership

John D Lynch

SOUTH HOLLAND DISTRICT COUNCIL

M E M O R A N D U M

From: The District Secretary

To: The District Planning Officer

Our Ref: JMB/MJP/PL.357

Your Ref: PJU/JJ
H16/0054/90

Date: 15th April, 1991

SUBJECT: SECTION 106 AGREEMENT
MERCIA LODGE, 65 PINCHBECK ROAD, SPALDING

I refer to your memorandum dated 26th March, 1991 relating to the above. According to my file and further to your memorandum dated 25th September, 1990 it appears I do not yet have a note of the office use to which the above property will be restricted and wonder if your negotiations on the point have yet been concluded. I cannot find that this matter has been referred back to committee since 8th August, 1990, when consideration of the matter was deferred to enable you to negotiate the various points with the applicant, and in the circumstances it would appear that I do not yet have the relevant authority to prepare the section 106 Agreement.

District Secretary

P.J.

S.H.D.C. PLANNING DEPT.
RECEIVED
17 APR 1991

Acknowledge YES/NO
by
date

18/4

SOUTH HOLLAND DISTRICT COUNCIL

M E M O R A N D U M

FROM: District Planning Officer

REF: PJU/JJ
H16/0054/90

TO: District Secretary

REF: JMB/PK/PL 357

DATE: 26th March 1991

PROPOSED USE OF DWELLING AS OFFICES AT MERCIA LODGE, 65 PINCHBECK ROAD, SPALDING.

I reply to your memo of 22nd March 1991.

I was not aware that you were awaiting for further instructions.

I have previously forwarded a plan showing landscaping details and you have supplied a possible covenant to ensure maintenance.

I therefore suggest that the Section 106 Agreement is drawn up. If the applicants refuse to enter into it the matter will then have to be returned to the Planning Committee.

Yours faithfully

P Smith

P Smith MRTPI
District Planning Officer

SOUTH HOLLAND DISTRICT COUNCIL

M E M O R A N D U M

From: The District Secretary

To: The District Planning Officer

Our Ref: JMB/PK/PL 357

Your Ref: PJU/JJ

Date: 22nd March, 1991

SUBJECT: H16/0054/90 - PROPOSED USE OF DWELLING AS OFFICES AT MERCIA LODGE, 65 PINCHBECK ROAD, SPALDING

I refer to my memorandum dated 22nd February, 1991 relating to the above and should be pleased if you would let me know if negotiations have yet been concluded to enable the draft Section 106 Agreement to be prepared.

District Secretary

P.O.

S.H.D.C. PLANNING DEPT.
RECEIVED
25 MAR 1991

Attention of
DPO VSA
DDPO BS
JC ACP
Action by .....
Discuss with .....
Reply to .....

File Nos.

Acknowledge YES/NO
By
Date

SOUTH HOLLAND DISTRICT COUNCIL

M E M O R A N D U M

From: The District Secretary

To: The District Planning Officer

Our Ref: JMB/LST/PL 357

Your Ref: PJU/JJ
H16/0054/90

Date: 22nd February, 1991

SUBJECT: PROPOSED USE OF DWELLING AS OFFICES AT MERCIA LODGE, 65 PINCHBECK ROAD, SPALDING

I refer to your memorandum dated 15th January 1991 relating to the above which was received at these offices on 22nd January.

Although it will be difficult to require the maintenance of the area in view of the difficulties of setting a standard, I do not see any problems in entering into an agreement subject to the following covenant regarding the planting:-

"In order not to change the residential character and appearance of the land the planted garden areas as shown on the attached drawing no AS/3 shall be retained permanently and any trees or shrubs which shall die shall be replaced by the same species except as otherwise agreed in writing by the Council."

District Secretary

P.U.

S.H.D.C. PLANNING DEPT.
RECEIVED
25 FEB 1991

Attention of
DPO NRM
DOPO BS
JC ACP
Action by .....
Discuss with .....
Copy to .....

SOUTH HOLLAND DISTRICT COUNCIL

M E M O R A N D U M

FROM: District Planning Officer

REF: PJU/JJ
H16/0054/90

TO: District Secretary

REF: JMB/LST/PL.357

DATE: 15th January 1991

PROPOSED USE OF DWELLING AS OFFICES, MERCIA LODGE, 65 PINCHBECK ROAD, SPALDING.

I have now received the awaited plan from J D Lynch Partnership along with a letter. I enclose both.

It is clear from the last two paragraphs of the letter that they consider the agreement to be unwieldy. Reading between the lines I question whether they may even refuse to enter into the agreement.

With reference to my memo of 23rd September 1990. I would appreciate your comments on whether it would be possible to frame a suitable agreement because it may be necessary to return the matter to the Planning Committee should the agreement be unworkable.

S Smith MRTPI
District Planning Officer

Enc.

SOUTH HOLLAND DISTRICT COUNCIL

M E M O R A N D U M

From: The District Secretary

To: The District Planning Officer

Our Ref: JMB/LST/PL.357

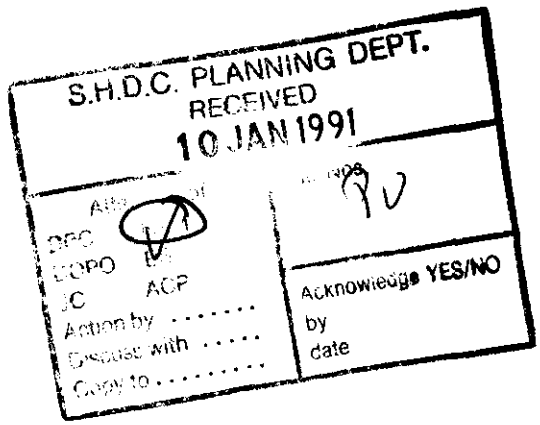
Your Ref: PJU/JJ
H16/0054/90

Date: 9th January, 1991

SUBJECT: PROPOSED USE OF DWELLING AS OFFICES - MERCIA LODGE, 65 PINCHBECK ROAD, SPALDING

I refer to my memorandum dated 10th December, 1990 relating to the above and should be pleased if you would let me know the current situation with regard to this matter.

District Secretary



JOHN D LYNCH
partnership
CHARTERED
ARCHITECTS

JDL/EE/GEN.

2nd January 1991

Mr B Smith
District Planning Officer
South Holland District Council
Chatterton Tower
Winfrey Avenue
Spalding

S.H.D.C. PLANNING DEPT.
RECEIVED
-3 JAN 1991
Attention of
DPO
DOPO BS
JC ACP
Action by
Discuss with
Copy to
File Nos.
Acknowledge YES/NO
by
date

Dear Sir

Mercia Lodge, 65 Pinchbeck Road, Spalding, PE11 1QF

We acknowledge receipt of, and thank you for, your letter of the 18th December 1990.

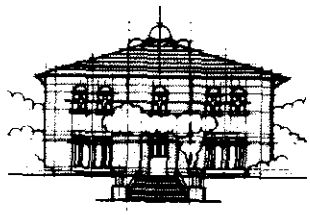
With reference to the points raised in your letter of the 25th September 1990, Mr Midlen at his earliest convenient date did meet us on the 2nd November 1990, and we confirm that we did agree to prpeare a detailed plan, but had anticipated that this agreement would have been confirmed. It was hoped that this would be available before Christmas, but other pressures have prevented this.

The plan has now been completed and two copies are enclosed. However it does concern us, in view of the clear and agreed intentions of both parties, that the Planning Permission is still linked to Legal Agreement as opposed to the normal Condition of Planning in such instances of landscape provisions.

The Legal Agreement is unweildy, particularly because it would have to take account of plant disease, death etc, and be specific about size of possible replacements. Your comments on the matter would be welcome.

Yours faithfully
pp John D Lynch Partnership

John D Lynch



MERCIA LODGE, PINCHBECK ROAD,
SPALDING, LINCOLNSHIRE PE11 1QF
TELEPHONE 0775 724187, FACSIMILE 0775 762212
John D. Lynch, Dip Arch (Dundee) ARIBA, Partner.
Trevor A. Clay, RIBA Partner.

JDL/EE/GEN.

2nd January 1991

Mr B Smith
District Planning Officer
South Holland District Council
Chatterton Tower
Winfrey Avenue
Spalding

Dear Sir

Mercia Lodge, 65 Pinchbeck Road, Spalding, PE11 1QF

We acknowledge receipt of, and thank you for, your letter of the 18th December 1990.

With reference to the points raised in your letter of the 25th September 1990, Mr Midlen at his earliest convenient date did meet us on the 2nd November 1990, and we confirm that we did agree to prpeare a detailed plan, but had anticipated that this agreement would have been confirmed. It was hoped that this would be available before Christmas, but other pressures have prevented this.

The plan has now been completed and two copies are enclosed. However it does concern us, in view of the clear and agreed intentions of both parties, that the Planning Permission is still linked to Legal Agreement as opposed to the normal Condition of Planning in such instances of landscape provisions.

The Legal Agreement is unweildy, particularly because it would have to take account of plant disease, death etc, and be specific about size of possible replacements. Your comments on the matter would be welcome.

Yours faithfully
pp John D Lynch Partnership

John D Lynch

South Holland
District Council

B. Smith, MRTPI - District Planning Officer

Planning Department
Council Offices
Chatterton Tower
Winfrey Avenue
SPALDING
Lincs
PE11 1DB

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

My Reference

Please quote our reference on all correspondence

Your Reference

PJU/JJ
H16/0054/90

J D Lynch Partnership,
Mercia Lodge,
65 Pinchbeck Road,
Spalding,
Lincs.

18th December 1990

Dear Sir,

USE OF MERCIA LODGE, 65 PINCHBECK ROAD, SPALDING AS OFFICES.

I refer to my letter of 25th September 1990.

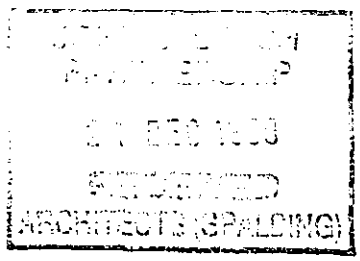
You agreed at a meeting with my Principal Planning Officer Mr Midlen, to prepare a plan showing the existing planting of the grounds of the property back to the rear of the staff car park, with a view to it being used in the agreement.

I have yet to receive this plan and I therefore ask when I may expect to receive it.

Yours faithfully

B. Smith.

B Smith MRTPI
District Planning Officer



EJU/JJ
H16/0054/90

J D Lynch Partnership,
Mercia Lodge,
65 Pinchbeck Road,
Spalding,
Lincs.

18th December 1990

Dear Sirs,

USE OF MERCIA LODGE, 65 PINCHBECK ROAD, SPALDING AS OFFICES.

I refer to my letter of 25th September 1990.

You agreed at a meeting with my Principal Planning Officer Mr Midlen, to prepare a plan showing the existing planting of the grounds of the property back to the rear of the staff car park, with a view to it being used in the agreement.

I have yet to receive this plan and I therefore ask when I may expect to receive it.

Yours faithfully

B Smith

B Smith MRTPI
District Planning Officer

SOUTH HOLLAND DISTRICT COUNCIL

M E M O R A N D U M

From: The District Secretary

To: The District Planning Officer

Our Ref: JMB/MJP/PL.357

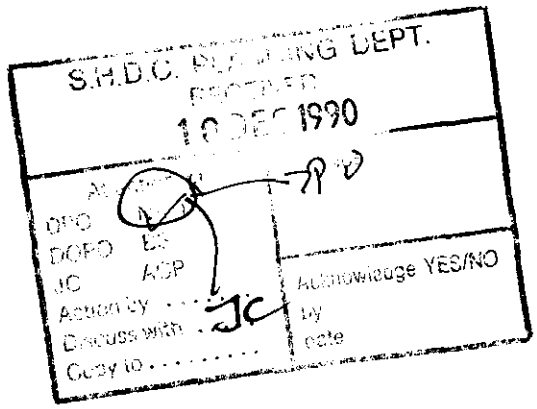
Your Ref: PJU/JJ
H16/0054/90

Date: 10th December, 1990

SUBJECT: PROPOSED USE OF DWELLING AS OFFICES - MERCIA LODGE, 65 PINCHBECK ROAD, SPALDING

I refer to your memorandum dated 25th September, 1990 relating to the above, and your recent memorandum of 3rd December. Following the earlier memorandum this matter was discussed between Mr Atkins and your Mr Midlen, and it was my impression at that time that no written response was required of me, but that, following Mr Midlen's meeting with Mr Lynch, you were awaiting receipt of a detailed plan for incorporation within the Section 52 Agreement. If this has now been received I should be pleased if you would forward a copy to me for consideration.

District Secretary



SOUTH HOLLAND DISTRICT COUNCIL

M E M O R A N D U M

FROM: District Planning Officer

REF: PJU/JJ
H16/0054/90

TO: District Secretary

REF:

DATE: 3rd December 1990

PROPOSED USE OF DWELLING AS OFFICES, MERCIA LODGE, 65 PINCHBECK ROAD.

I refer to my memo of 25th September 1990 ref: NRM/JJ H16/0054/90 a copy of which I enclose.

I would appreciate your comments on it as soon as possible.

D Smith.

D Smith MRTPI
District Planning Officer

H16/0054/90
NRM/JJ

John Lynch Partnership,
Mercia Lodge,
65 Pinchbeck Road,
Spalding,
Lincs.

25th September 1990

Dear Sir,

USE OF MERCIA LODGE, 65 PINCHBECK ROAD, SPALDING AS OFFICES.

Further the meeting held between yourselves and my Principal Planning Officer Mr Midlen on the 20th September at Mercia Lodge I confirm the following:

1. Whilst you were prepared to enter into an agreement to restrict the occupancy of the property to offices, you could not agree to the limitation of architects offices or even to "an architectural practice". Nor were you happy with the restriction say to "professional" offices.

2. You agreed to carry out a survey of the existing planting in the grounds of the property back to the rear of the staff car park, with a view to it being used in the Agreement that this planting would be retained. Whilst you did not wish to be tied down to a regiment of maintenance, you had no disagreement with a more generalised obligation to maintain the grounds.

Mr Midlen agreed to discuss the content of the Agreement with the Council's legal services, to ascertain how far they feel an agreement to maintain the grounds could be enforced.

If the Secretaries Department is satisfied that there are legal powers to ensure that future occupiers do maintain the grounds adequately, the Planning Committee may no longer be interested in a tight restriction of the occupancy of the property.

Yours faithfully

B Smith MRTPI
District Planning Officer

SOUTH HOLLAND DISTRICT COUNCIL

MEMORANDUM

FROM: District Planning Officer

REF: NRM/JJ
H[illegible]0053/90

TO: District Secretary

REF:

DATE: 25th September 1990

PROPOSED USE OF DWELLING AS OFFICES MERCIA LODGE, 65 PINCHBECK ROAD.

As you will know, the Planning Committee has authorised me to negotiate with the applicants over an appropriate description of the use and arrangements for safeguarding the character and appearance of the site which the Committee considers to be included in a Section 52 agreement.

The property consists of a substantial house set in its own mature grounds within the Spalding Conservation Area, and the concern is to ensure that the whole property, including the grounds, are well maintained and preserved in their present condition, in order to safeguard the character of the area.

Negotiations have taken place, and the applicants have agreed to carry out a survey of the current planting in the grounds, in order that it could be incorporated into an agreement. However, these grounds do need continuous maintenance, and I should be interested to know how effectively you feel that you could frame an agreement, to ensure that satisfactory maintenance is carried out.

The other question is the occupancy of the offices. Although a professional service, I would have thought an architects office comes within use Class B1 rather than used Class A2 since I do not think that the business carried out principally relates to visiting members of the public. However, the Committee does not want the property to be used for research and development or industrial process, so they wish for a further agreement to restrict the occupancy at least to Class A of Class B1.

However, I think the Committee may well wish to go further than that. The original rational behind agreeing an architects office was that this class of occupant would have a particular interest in ensuring that his offices and the grounds were well maintained, since it would hardly be an advertisement for his particular business were they otherwise. This is not necessarily the case with other offices, and the Committee may wish to restrict the use as to professional services.

I think the necessity for further restricting the use does depend to some extent on how watertight one can make an agreement adequately to maintain the grounds and the building in perpetuity. I would be interested to have your views.

P Smith MRTPI
District Planning Officer

File 1047.

South Holland
District Council

B. Smith, MRTPI - District Planning Officer

Planning Department
Council Offices
Chatterton Tower
Winfrey Avenue
SPALDING
Lincs
PE11 1DB

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

My Reference

Please quote our reference on all correspondence

Your Reference

PJU/SAH H16/0054/90
(P J Udy)

12 September 1990

JOHN D. LYNCH PARTNERSHIP
14 SEP 1990
RECEIVED
ARCHITECTS (SPALDING)

John D Lynch Partnership
Mercia Lodge
65 Pinchbeck Road
Spalding
Lincs

Dear Sir

Existing dwelling be used as offices, 65 Pinchbeck Road, Spalding

The above application was returned to the Planning Committee following your alterations to the draft Section 52 Agreement.

The site was inspected by the Plans Sub-Committee prior to the meeting, who recommended that consideration of the application be deferred to enable the Planning Officer to negotiate with the applicants on an appropriate description relating to the use of the property, and the arrangements for safeguarding the character and appearance of the site to enable an agreement under Section 106 of the Town and Country Planning Act 1990 (previously Section 52 of 1971 Act), previously approved to be entered into. This recommendation was adopted.

I suggest that you contact my Principal Development Control Officer, Mr Midlen, to arrange a meeting to discuss an appropriate description of the use of the site.

I would suggest that an appropriate arrangement to safeguard the character and appearance of the site would be to prepare a detailed plan showing the existing landscaping of the site; front, rear and both side boundaries. It may also be appropriate to consider how this could be improved.

Yours faithfully

B Smith.

District Planning Officer

Rang N. Midlen 14-9-90 9.15 AM.
Meeting arranged - 2nd Nov. 1990.

FAO Mr J D Lynch,
J D Lynch Partnership,
Mercia Lodge,
65 Pinchbeck Road,
Spalding,
Lincs.

Mr P Udy

PJU/JJ N16/0054/90

29th July 1991

Dear Sir,

MERCIA LODGE, 65 PINCHBECK ROAD, SPALDING.

I refer to your meeting on 26th July 1991 with my Principal Development Control Officer, Mr Madlen, and my Planning Assistant Mr Udy.

It was concluded that a possible solution to restricting the use of the property would to paragraphs a and b of Class A2 of the Town and Country Planning Use Classes Order 1987 with a further restriction to exclude those uses where services are provided principally to visiting members of the public.

I shall be consulting the District Secretary on this matter as agreed.

Yours faithfully

D Smith MRTPI
District Planning Officer

SOUTH HOLLAND DISTRICT COUNCIL

M E M O R A N D U M

FROM: District Planning Officer

REF: PJU/JJ H14/0054/90

TO: District Secretary

REF:

DATE: 29th July 1991

MERCIA LODGE, 65 PINCHBECK ROAD, SPALDING.

I enclose a copy of a letter to J D Lynch Partnership which is self explanatory.

I would appreciate your comments as to the legal acceptibility of restricting the use as suggested. The reason for the restriction is that an architects practice does not experience passing trade in the same manner as a bank or building society does. These type of uses would not be acceptible in this location on land use terms for the protection of the Conservation Area.

Once I have your response I shall return the matter to the Planning Committee once more.

B Smith MRTPI
District Planning Officer

SOUTH HOLLAND DISTRICT COUNCIL.

M E M O R A N D U M

FROM: District Planning Officer

REF: PJU/JJ
H16/0054/90

TO: District Secretary

REF: JMB/LST/PL.357

DATE: 15th January 1991

PROPOSED USE OF DWELLING AS OFFICES, MERCIA LODGE, 65 PINCHBECK ROAD, SPALDING.

I have now received the awaited plan from J D Lynch Partnership along with a letter. I enclose both.

It is clear from the last two paragraphs of the letter that they consider the agreement to be unwieldy. Reading between the lines I question whether they may even refuse to enter into the agreement.

With reference to my memo of 23rd September 1990. I would appreciate your comments on whether it would be possible to frame a suitable agreement because it may be necessary to return the matter to the Planning Committee should the agreement be unworkable.

B Smith MRTPI
District Planning Officer

Enc.

SOUTH HOLLAND DISTRICT COUNCIL

M E M O R A N D U M

From: The District Secretary

To: The District Planning Officer

Our Ref: ADH/MJP/PL.357

Your Ref: PJU/SAH H16/0054/90
(P J Udy)

Date: 4th July, 1990

SUBJECT: PLANNING APPLICATION NO.H16/0054/90
DWELLING TO BE USED AS OFFICES AT MERCIA LODGE, 65 PINCHBECK ROAD, SPALDING

With reference to the above I enclose copy letter from John D Lynch Partnership dated 2nd July, 1990 and Section 52 Agreement as amended by the Company and I will be obliged to receive your observations thereon.

As you know I have no authority to enter into an Agreement on the lines requested as your recommendations and the Minutes have always sought to restrict use to an architect's office.

District Secretary

P.O

S.H.D.C. PLANNING DEPT.
RECEIVED
- 5 JUL 1990

Attention of
DPO NRM
DOPO BS
JC ACP
Action by ..
Discuss with .....
Copy to .....

File Nos.
Can I have

Acknowledge YES/NO
by
date

JOHN LYNCH
partnership
CHARTERED ARCHITECTS

JDL/EE/1047
Your ref: ADH/MJP/PL.357

2nd July 1990

South Holland District Council
Priory Road
Spalding
Lincs
PE11 2XE

SECRETARY'S DEPT.
RECEIVED
- 3 JUL 1990
PASSED TO | FILE No. | INITIALS

Attn Mr A Houlker

Dear Sir

APPLICATION NO H16/0054/90 - DWELLING TO BE USED AS OFFICES AT MERCIA LODGE, 65 PINCHBECK ROAD, SPALDING.

We acknowledge receipt of your letter dated the 29th June 1990 in respect of the above, and enclosing a draft Section 52 Agreement.

As you are aware, following the initial Planning Application dated the 17th January 1990, and in a telephone conversation with your Planning Officer Mr Nigel Midlen on the 28th February 1990, we agreed in writing that we were prepared to enter into a Section 52 Agreement to restrict Mercia Lodge to offices only. It was explained by the Planning Office that under the new Use Class Order 1987, it would be unacceptable to grant an unrestricted B1 use, i.e. a general business use, which would allow research and development of products and processes and general industrial use, which would not be detrimental within a residential area. This we agreed and accepted unreservedly.

The first reference to a restriction to "Architects" office came in your letter of the 12th March 1990, and we further responded the same day that we were prepared to accept the restriction of offices.

We cannot accept the restriction which stipulates an architectural practice only, because we are the only qualified architectural practice in the area. As such, if at some date in the future our occupation as architects should cease, the building could not readily be disposed.

.../2..



MERCIA LODGE, PINCHBECK ROAD,
SPALDING, LINCOLNSHIRE PE11 1QE
TELEPHONE 0775 724187, FACSIMILE 0775 762212
John D. Lynch, Dip Arch (Dundee) ARIBA, Partner
Trevor A. Clay, RIBA Partner

South Holland District Council 2nd July 1990

In effect, a situation of Planning Blight would exist and the imposition of this Change of Use would substantially reduce its then current value. Indeed, we contend that the restriction, if imposed, would cause a substantial depreciation in its value and compensation for such a reduction would have to be sought.

In the above instances we believe that we can demonstrate our co-operation with the Planning Office throughout this application, and will show that we have followed the wishes of all parties to maintain the domestic character of the front. If necssary, we will be prepared to test the reasonableness, or otherwise as we contend, of the inclusion of the words "architectural practice", to the Secretary of State.

It is hoped that you will understand our position, and therefore I enclose the Agreement suitably amended in a form which we believe can be accepted by both parties.

Yours faithfully
pp John D Lynch Partnership

John D Lynch

AN AGREEMENT mad his day of One thousand nine hundred and ninety BETWEEN THE SOUTH HOLLAND DISTRICT COUNCIL of Council Offices Priory Road Spalding in the County of Lincoln (hereinafter called "the Council") of the one part and JOHN D LYNCH of Catherine House Millgate Whaplode St Catherine in the County of Lincoln (hereinafter called "the Developer") of the second part

JOHN D. LYNCH
PARTNERSHIP
- 1 JUL 1990
RECEIVED
ARCHITECTS (SPALDING)

WHEREAS

(1) The Council is the local planning authority for the South Holland District in the County of Lincoln

(2) The Developer is the owner of the fee simple of land at Mercia Lodge 65 Pinchbeck Road Spalding shown edged red on the plan annexed hereto (hereinafter called "the land")

(3) The Developer has by a written application dated the seventeenth day of January One thousand nine hundred and ninety applied for planning permission for the existing dwelling on the land to be used as offices in accordance with the plans and particulars supplied therewith under planning reference H16/0054/90 (hereinafter called "the development")

(4) The Developer has agreed to enter into this Agreement with the Council pursuant to Section 52 of the Town and Country Planning Act 1971 and Section 33 of the Local Government (Miscellaneous Provisions) Act 1982 for the purpose of restricting or regulating the development or use of the land in the manner hereinafter appearing

NOW THIS DEED WITNESSETH as follows

1. This Agreement is made in pursuance of Section 52 of the Town and Country Planning Act 1971 and Section 33 of the Local Government (Miscellaneous Provisions) Act 1982

2. In the event of planning permission being granted for the development the developer hereby covenants with the Council that

(a) the existing dwelling situated on the land shall ~~not~~ solely be used for office purposes ~~except in connection with an architectural practice~~

(b) not to remove any of the trees and shrubs to the front of the dwelling situated on the land in order to retain the residential character and appearance of the frontage of the land

(c) to maintain existing screen from neighbouring properties ~~in a manner to be agreed with the Council the staff car parking area to be provided to the rear of the dwelling situated on the land~~

3. The expressions "the Council" and "the Developer" shall include their successors in title

IN WITNESS whereof the Council has caused its Common Seal to be hereunto affixed and the Developer has hereunto set his hand and seal the day and year first before written

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

Chairman of the Council

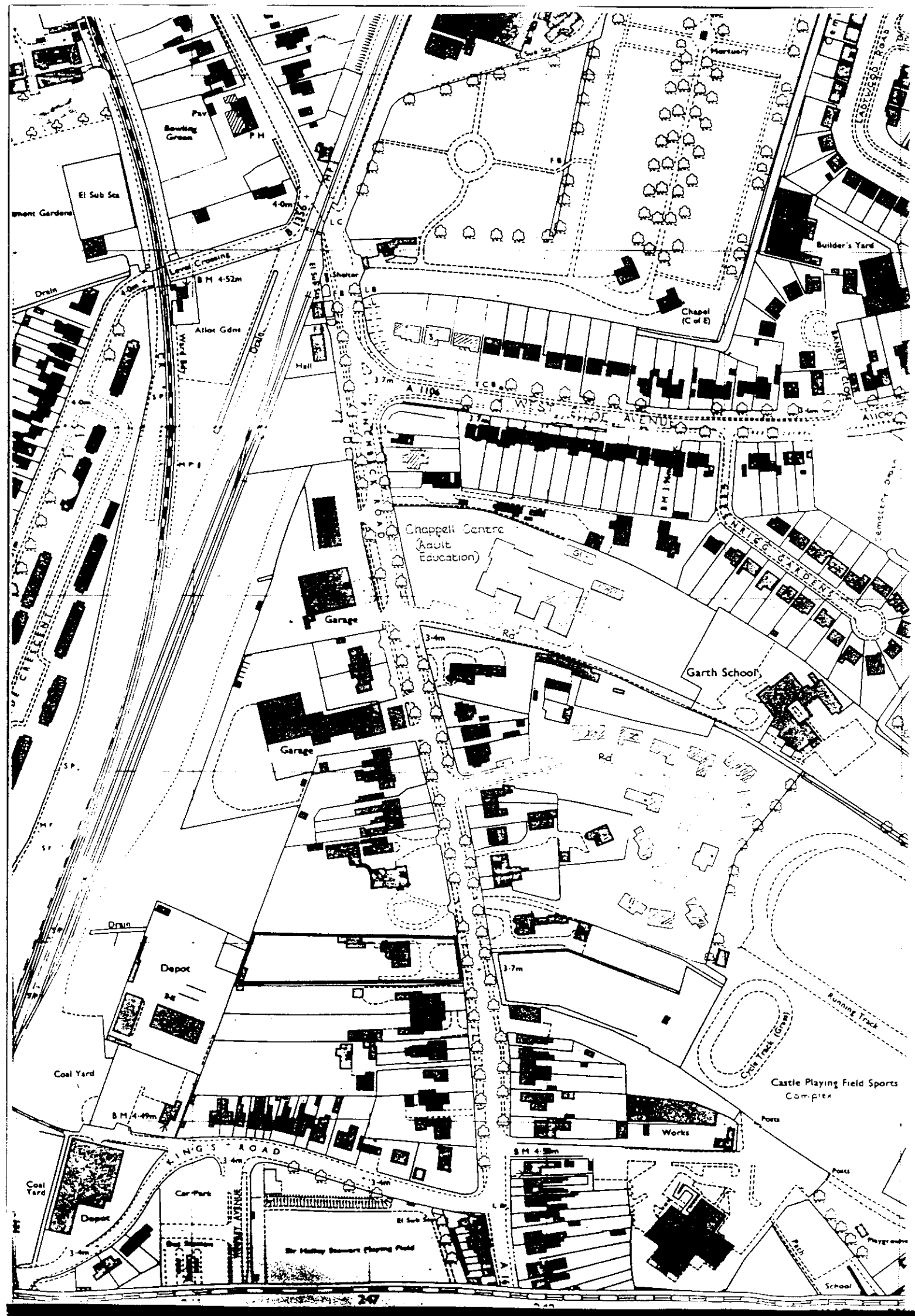
District Secretary

SIGNED SEALED AND DELIVERED)
by the said JOHN D LYNCH)
in the presence of:-)

Witness:

Address:

Occupation:


Mortuary
Bowling Green
P H
El Sub Sta
Builder's Yard
Level Crossing
B M 4·52m
Drain
Shelter
Chapel (C of E)
Allot Gdns
Ward Mtg
Hall
A1106
WEST HYDE AVENUE
Chappell Centre (Adult Education)
Garage
Garth School
Depot
Coal Yard
Drain
Running Track
Grass Track (Grass)
Castle Playing Field Sports Complex
Works
KINGS ROAD
Car Park
Sir Halley Stewart (Playing Field)
Path
School
247

JDL/EE/1047 2nd July 1990
Your ref: ADH/MJP/PL.357

South Holland District Council
Priory Road
Spalding
Lincs
PE11 2XE

Attn Mr A Houlker

Dear Sir

APPLICATION NO H16/0054/90 - DWELLING TO BE USED AS OFFICES AT MERCIA LODGE, 65 PINCHBECK ROAD, SPALDING.

We acknowledge receipt of your letter dated the 29th June 1990 in respect of the above, and enclosing a draft Section 52 Agreement.

As you are aware, following the initial Planning Application dated the 17th January 1990, and in a telephone conversation with your Planning Officer Mr Nigel Midlen on the 28th February 1990, we agreed in writing that we were prepared to enter into a Section 52 Agreement to restrict Mercia Lodge to offices only. It was explained by the Planning Office that under the new Use Class Order 1987, it would be unacceptable to grant an unrestricted B1 use, i.e. a general business use, which would allow research and development of products and processes and general industrial use, which would not be detrimental within a residential area. This we agreed and accepted unreservedly.

The first reference to a restriction to "Architects" office came in your letter of the 12th March 1990, and we further responded the same day that we were prepared to accept the restriction of offices.

We cannot accept the restriction which stipulates an architectural practice only, because we are the only qualified architectural practice in the area. As such, if at some date in the future our occupation as architects should cease, the building could not readily be disposed.

.../2..

South Holland District Council 2nd July 1990

In effect, a situation of Planning Blight would exist and the imposition of this Change of Use would substantially reduce its then current value. Indeed, we contend that the restriction, if imposed, would cause a substantial depreciation in its value and compensation for such a reduction would have to be sought.

In the above instances we believe that we can demonstrate our co-operation with the Planning Office throughout this application, and will show that we have followed the wishes of all parties to maintain the domestic character of the front. If necssary, we will be prepared to test the reasonableness or otherwise as we contend of the inclusion of the words "architectural practice", to the Secretary of State.

It is hoped that you will understand our position, and therefore I enclose the Agreement suitably amended in a form which we believe can be accepted by both parties.

Yours faithfully
pp John D Lynch Partnership

John D Lynch

EXTRACT FROM DRAFT MINUTES OF MEETING HELD ON 24th APRIL 90

H16/0054/90 - Mr J D LYNCH

SECTION 52 AGREEMENT

To ensure that the premises shall be used solely as an architect's office and to ensure the retention and maintenance of the existing trees and shrub plants so as to retain the present residential character and appearance of the frontage of the site and that the staff car parking to be provided to the rear is adequately screened from neighbouring premises.

SOUTH HOLLAND DISTRICT COUNCIL

M E M O R A N D U M

FROM: Principal Planning Officer

REF: H16/54/90
NRM/JJ

TO: Peter Udy

REF:

DATE: 6th April 1990

PROPOSED ARCHITECTS OFFICE, MARCIA LODGE, 65 PINCHBECK ROAD, SUGGESTED PARKING ARRANGEMENTS.

Held meeting on site with Mr Lynch to discuss his proposed parking arrangements on the frontage.

Staff car parking will be at the rear of the property, but clients will in inevitably tend to park on the drive in front of the house. He agrees with the need to keep the character of the property, and feels that it would be better to provide parking further away from the house, to reduce the impact of vehicles on its appearance. The garden is slightly lower than road, so the further vehicles pulled away from the facade, the more visible it will be.

Having looked at the site, I don't think that losing this part of the lawn will have any detrimental affect, although on the other hand I don't think that the parking of vehicles on the existing drive will particularly harm the appearance either. Given Members concern to ensure that the appearance of the property remains as it was, I advised Mr Lynch that his proposals would have to go back to Committee, and I suggested that he wrote a letter to us, justifying his proposals in similar terms to the way he justified them to me on site. I advised him I thought we could then recommend the scheme to Committee.

N Midlen,
Principal Planning Officer

JOHN D LYNCH

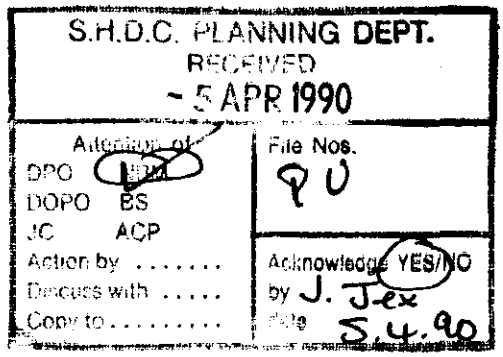
partnership

CHARTERED ARCHITECTS

JDL/EE/GEN

4th April 1990

The Planning Department
South Holland District Council
Chatterton Tower
Winfrey Avenue
Spalding



Attn Mr Nigel Midlen

Dear Mr Midlen

Mercia Lodge, Pinchbeck Road, Spalding

I thank you for meeting me on site to discuss the issue of parking by occasional visitors to our offices. As mentioned, the minor problem we have discovered is that they tend to park in the driveway area immediately in front of the office against the building itself, and we believe this to detract from the image we wish to present.

We are very much in accord with the views of your Committee and their desire to have Mercia Lodge retained in its present form, presenting its domestic styled facade to Pinchbeck Road, albeit a rather "grand" one. We wish to achieve the same. It is for this reason that we are proposing to create a visitors parking space tucked into the landscaped frontage to largely obscure the vehicles and free the facade from such an intrusion. In respect of this, I enclose herewith our layout plan demonstrating our proposal.

As discussed and generally agreed on site, the form and spirit of what we are setting out to achieve is very much reflecting the wishes of your Committee. I would therefore appreciate it if you could bring this matter to their attention and it is hoped that they would agree with our proposal.

We would appreciate your early attention.

Yours sincerely

John D Lynch

15 HIGH STREET, SPALDING, LINCS. PE11 1TW
TELEPHONE 0775 4187 . FACSIMILE 0775 62212

John D. Lynch, Dip Arch (Dundee) ARIBA, Partner.
Trevor A. Clay, RIBA, Associate.

JDL/EE/GEN 4th April 1990

The Planning Department
South Holland District Council
Chatterton Tower
Winfrey Avenue
Spalding

Attn Mr Nigel Midlen

Dear Mr Midlen

Mercia Lodge, Pinchbeck Road, Spalding

I thank you for meeting me on site to discuss the issue of parking by occasional visitors to our offices. As mentioned, the minor problem we have discovered is that they tend to park in the driveway area immediately in front of the office against the building itself, and we believe this to detract from the image we wish to present.

We are very much in accord with the views of your Committee and their desire to have Mercia Lodge retained in its present form, presenting its domestic styled facade to Pinchbeck Road, albeit a rather "grand" one. We wish to achieve the same. It is for this reason that we are proposing to create a visitors parking space tucked into the landscaped frontage to largely obscure the vehicles and free the facade from such an intrusion. In respect of this, I enclose herewith our layout plan demonstrating our proposal.

As discussed and generally agreed on site, the form and spirit of what we are setting out to achieve is very much reflecting the wishes of your Committee. I would therefore appreciate it if you could bring this matter to their attention and it is hoped that they would agree with our proposal.

We would appreciate your early attention.

Yours sincerely

John D Lynch

SOUTH HOLLAND DISTRICT COUNCIL

M E M O R A N D U M

FROM: District Planning Officer

TO: District Secretary

OUR REF: S/H/CAF H16/0050/90 (P. Rdy)

YOUR REF:

DATE: 29 March 1990

SUBJECT: Section 52 Agreement, 10 Pinchbeck Road, Spalding

I enclose copy of a letter from John D Lynch Partnership confirming that they are willing to enter into a Section 52 Agreement.

I would be grateful if you would inform me when the agreement has been signed so that I may release the planning permission.

B. Smith.

District Planning Officer

Enc.

FC/LAB/H16/0054/90
(F Carlin)

21 March 1990

John D Lynch Partnership
15 High Street
Spalding
Lincs
PE11 1PU

Dear Sir/Madam

Planning Application H16/0054/90 - Existing dwelling to be used as offices at Mercia Lodge, 65 Pinchbeck Road, Spalding.

Further to your letter of 15 March 1990 regarding the above application I now accept this as formal confirmation that you are willing to enter into the Section 52 Agreement as resolved at the meeting of the Planning Committee on 6 March 1990.

However, in view of the elected members concern regarding the retention of the existing residential character at the frontage of the site, I feel that I am not in a postion to sanction the frontage parking arrangement as shown on your drawing number AS/3 of February 1990 and so the agreement will proceed as specified in the original plans and submissions.

Yours faithfully

District Planning Officer

South Holland
District Council

B. Smith, MRTPI - District Planning Officer

Planning Department
Council Offices
Chatterton Tower
Winfrey Avenue
SPALDING
Lincs
PE11 1DB

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

My Reference | Please quote our reference on all correspondence | Your Reference

FC/LAB/H16/0054/90
(F Carlin)

21 March 1990

JOHN D. LYNCH PARTNERSHIP
23 MAR 1990
RECEIVED
ARCHITECTS (SPALDING)

John D Lynch Partnership
15 High Street
Spalding
Lincs
PE11 1TW

Dear Sir/Madam

Planning Application H16/0054/90 - Existing dwelling to be used as offices at Mercia Lodge, 65 Pinchbeck Road, Spalding.

Further to your letter of 15 March 1990 regarding the above application I now accept this as formal confirmation that you are willing to enter into the Section 52 Agreement as resolved at the meeting of the Planning Committee on 6 March 1990.

However, in view of the elected members concern regarding the retention of the existing residential character at the frontage of the site, I feel that I am not in a postion to sanction the frontage parkinng arrangement as shown on your drawing number AS/3 of February 1990 and so the agreement will proceed as specified in the original plans and submissions.

Yours faithfully

B. Smith

District Planning Officer

Mr Udy,
5:15 pm rang re above - discuss proposal for parking on front. Mr Udy to consult - report back ASAP.

JOHN D LYNCH
partnership
CHARTERED ARCHITECTS

JDL/EE
Your Ref: FC/SAH/H16/0054/90

15 TH March 1990

South Holland District Council
Planning Department
Chatterton Tower
Winfrey Avenue
Spalding
PE11 1DB

FC

S.H.D.C. PLANNING DEPT.
RECEIVED
16 MAR 1990

Attention of
DPC NRM
DOPO BS
JC ACP
Action by .....
Discuss with .....
Copy to .....

File Nos.
Com / su SR
+ lane + Ch Mercia Lodge

Acknowledge YES/NO
by
date 6/3

Attn Mr B Smith

Dear Brian

Planning Application No. H16/0054/90

Further to our discussion and your letter of the 12th March 1990, I am writing to confirm that we accept entering into a Section 52 Agreement in respect of the restriction of the use of Mercia Lodge to offices. In addition, we will accept the condition that the residential character of the frontage to the site will not be impaired.

In respect of this agreement, I enclose herewith a copy of our site layout drawing, where we show the parking arrangements which we have in mind. As indicated on the application, parking for staff and partners is confined to the rear of the property, but visitors would park on the front area, in order that they may approach the property by the front door.

To avoid conveying the impressing of an all parking frontage, the garden and grassed area around the parking is maintained. Therefore, I would be grateful for your observations.

Yours sincerely

John D Lynch

15 HIGH STREET, SPALDING, LINCS. PE11 1TW
TELEPHONE 0775 4187 . FACSIMILE 0775 62212

John D. Lynch, Dip Arch (Dundee) ARIBA, Partner.
Trevor A. Clay, RIBA, Associate.

South Holland
District Council

B. Smith, MRTPI - District Planning Officer

Planning Department
Council Offices
Chatterton Tower
Winfrey Avenue
SPALDING
Lincs
PE11 1DB

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

My Reference

Please quote our reference on all correspondence

Your Reference

FC/SAH H16/0054/90
(F Carlin)

12 March 1990

John D Lynch Partnership
15 High Street
Spalding
Lincs

So can use as architects

Dear Sir/Madam

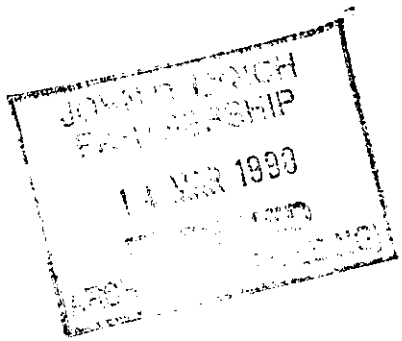
Planning Application H16/0054/90 - Existing dwelling to be used as offices at Mercia Lodge, 65 Pinchbeck Road, Spalding

At the meeting of the Planning Committee on March 6th 1990 it was resolved that the above application be granted subject to the applicant entering into a Section 52 Agreement not to use the premises for other than an architects office and to retain the present residential character at the frontage of the site.

Therefore, I would be obliged if you could reply to the Planning Department confirming that you are willing to accept this Agreement with regard to the application, thus allowing our Legal Department at the District Council to carry out the necessary procedures.

Yours faithfully

District Planning Officer



PC/SAH H16/0054/90
(F Carline)

12 March 1990

John D Lynch Partnership
15 High Street
Spalding
Lincs

Dear Sir/Madam

Planning Application H16/0054 90 - Existing dwelling to be used as offices at Mercia Lodge, 65 Pinchbeck Road, Spalding

At the meeting of the Planning Committee on March 6th 1990 it was resolved that the above application be granted subject to the applicant entering into a Section 52 Agreement not to use the premises for other than an architects office and to retain the present residential character at the frontage of the site.

Therefore, I would be obliged if you could reply to the Planning Department confirming that you are willing to accept this Agreement with regard to the application, thus allowing our Legal Department at the District Council to carry out the necessary procedures.

Yours faithfully

District Planning Officer

6-3-90 Cttee granted Sub to S52
Architects office + retention of character

15-3-90 letter accepting S52

24-4-90 returned to committee re parking
appealed Sub to S52 as Architects office
+ plumbing to retain character

5-7-90 memo from P.S. re returned S52.

8-8-90 Committee Report defer - negotiation on
designation + arrangements to safe guard character

May need to go to Cttee
what is the designation to be?

Rang J.M.B. on 18-6-91 re 'covenant' for Landscaping
as per : Positive covenant not running with land.
: We have no interest in enforcing land

Rang J.M.B. on 21-8-91 re above hasn't had a
chance to look at it yet

J.M.B rang on 25-6-91 re covenant to retain
landscaping + character of site. Says covenant
will run with the land + is registered under land charges.

JOHN D LYNCH
partnership
CHARTERED ARCHITECTS

JDL/EE/GEN.7

28th February 1990

F.C. 6/3 cty

S.H.D.C. PLANNING DEPT.
RECEIVED
28 FEB 1990

Attention of
DPO
DOPO BS
JC ACP
Action by .....
Discuss with .....
Copy to .....

File No.

Acknowledge YES/NO
by
date

South Holland District Council
Planning Department
Chatterton Tower
Winfrey Avenue
Spalding

Attn Mr N Midlen

Dear Sir

Mercia Lodge, Pinchbeck Road, Spalding: Change of Use to Offices: Application Ref. H16/0054/90

Further to your telephone conversation with this office, I am writing to confirm that we are prepared to enter into a formal agreement restricting use of Mercia Lodge to offices.

It is not certain whether you intend to have this agreement drawn up prior to the meeting of the 6th March, or whether you intend covering this by a Planning Condition. In either event, whatever you decide would be acceptable to ourselves.

Yours faithfully

John D Lynch

15 HIGH STREET, SPALDING, LINCS. PE11 1TW
TELEPHONE 0775 4187 . FACSIMILE 0775 62212

John D. Lynch, Dip Arch (Dundee) ARIBA, Partner.
Trevor A. Clay, RIBA, Associate.

fc

NOTICES

E COUNTY COUNCIL

OUSE BANK, PINCHBECK
WEST)
LIMIT) ORDER 199
GIVEN that the Lincolnshire
se to make an Order under
e Road Traffic Regulation Act
ch will be to impose a 50 mph
k West on Beck Bank from a
of its junction with Northgate
on with Northgate and then on
oint 1,630 metres south of the
with Six House Bank, a total
tely 1,800 metres.
d Order and a plan showing the
cerned with a Statement of
g to make the Order may be
ffices, Lincoln, and the offices
District Council, Priory Road,
ial office hours.
roposals, together with the
y are made, must be sent in
gned by March 2, 1990.
WALKER, *County Solicitor*,
n.

187/607FS-2

ONT LOADING BUCKET
wanted to suit 475 International Tractor
Please Tel: Mr S. Williamson
(0406) 380532 6
32 582 96/580/5-2

OUBLEDAY
NDEN
FFER 1990

SOUTH HOLLAND DISTRICT COUNCIL

NOTICE IS HEREBY GIVEN that application has been made to the Council in respect of the following:

PLANNING APPLICATIONS

Change of use from agricultural building to potato merchants' business and siting of mobile home, adjoining Blue Bell Inn, Whaplode St Catherines. (Application No H23/0057/90).

Erection of 26 terraced houses, roads, parking and ancillary works, adjacent 7 Watergate, Quadring. (Application No H15/0074/90).

PROPOSALS IN CONSERVATION AREAS

The proposal may affect the character or appearance of the Conservation Area —

Proposed one bedroom flat unit, 3C South Street, Crowland. (Application No H02/0077/90).

Existing dwelling to be used as offices, Mercia Lodge, 65 Pinchbeck Road, Spalding. (Application No H16/0054/90).

Proposed roof alterations, 22 Victoria Street, Spalding. (Application No H16/0064/90).

LISTED BUILDINGS

The proposal affects a building which is listed by the Secretary of State for the Environment as a building of special architectural or historic interest.

Demolition of existing building, prior to rebuilding 41, 43 Church Street, Pinchbeck. (Application No H14/1573/89).

SETTING OF LISTED BUILDINGS

The proposal affects the setting of Adderley House, London Road, Long Sutton, which is listed by the Secretary of State for the Environment as a building of special architectural or historic interest.

Erection of nursing home, rear of Adderley House, London Road, Long Sutton. (Application No H11/1570/89 — amended plans received).

Applications and plans showing the proposals may be seen during office hours at the Planning Department, Chatterton Tower, Winfrey Avenue, Spalding. Any observations should be sent to me within 21 days of the date of this Notice.

B. SMITH,
District Planning Officer.

Council Offices, Chatterton Tower,
Winfrey Avenue, Spalding.
February 6, 1990.

648 187/607FS-2

HOME

ANTIQUES

Lincs Free Press
6.2.90

C

SOUTH HOLLAND DISTRICT COUNCIL PLANNING DEPARTMENT

B. SMITH, M.R.T.P.I., DISTRICT PLANNING OFFICER
COUNCIL OFFICES, CHATTERTON TOWER, WINFREY AVENUE, SPALDING, LINCS. PE11 1DB. Tel. SPALDING 61161

South Holland District Council

Notice is hereby given that application has been made to the Council in respect of the following:

Proposals in Conservation Areas

The proposal may affect the character or appearance of the Conservation Area:-

Existing dwelling to be used as offices
Mercia Lodge, 65 Pinchbeck Road, Spalding
(Application no. H16/0054/90)

Applications and plans showing the proposal(s) may be seen during office hours at the Planning Department, Chatterton Tower, Winfrey Avenue, Spalding. Any observations should be sent to me within 21 days of the date of this notice.

B. Smith
District Planning Officer

Council Offices
Chatterton Tower
Winfrey Avenue
Spalding

6th February 1990

JOHN D LYNCH
partnership
CHARTERED ARCHITECTS

JDL/EE

18th January 1990

Mr B Smith
District Planning Officer
South Holland District Council
Winfrey Avenue
Spalding

Dear Sir

Mercia Lodge, 65 Pinchbeck Road, Spalding

Please find enclosed herewith four copies of our Planning Application in respect of a Change of Use to the above, together with relevant drawings and cheque to the value of £76.00.

Your early consideration would be greatly appreciated.

Yours faithfully
pp John D Lynch Partnership

pp John D Lynch

15 HIGH STREET, SPALDING, LINCS. PE11 1TW
TELEPHONE 0775 4187 . FACSIMILE 0775 62212

John D. Lynch, Dip Arch (Dundee) ARIBA, Partner.
Trevor A. Clay, RIBA, Associate.

BRIAN SMITH Dip TP MRTPI
Director 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

Application no: H16/1186/91

Applicant: John D Lynch
Catherine House
Millgate
Whaplode St Catherine
Spalding, Lincs

Agent: John D Lynch Partnership
Mercia Lodge
65 Pinchbeck Road
Spalding
Lincs

Description: Existing dwelling to be used as offices (registered as H16/0054/90)
Location: Mercia Lodge 65 Pinchbeck Road Spalding Lincs

Type: FULL

29-MAY-92

Dear Sir/Madam,

PLANNING APPLICATION

The above application for planning permission has now been considered, together with your comments, and it has been decided that permission should be granted in this case.

The full details, including any conditions which may have been imposed, can be seen by inspecting the register of applications which is available in this Department during normal office hours.

Yours faithfully
B SMITH
Director of Planning and Building Control Services

(1)
Mr D Turner
53 Pinchbeck Road
Spalding
Lincolnshire

(2) M S Lishman
63 Pinchbeck Road
Spalding

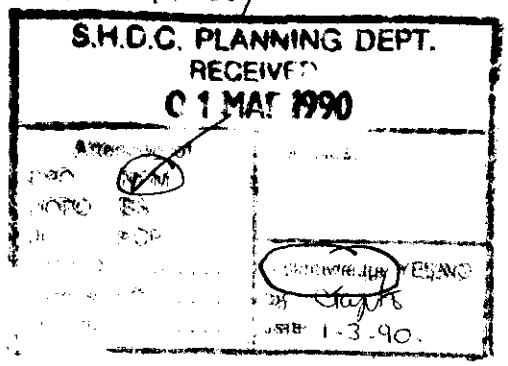
(3) L R Smith
78 Pinchbeck Road
Spalding

(4) A E LeSage
"The Elms"
67 Pinchbeck Road
Spalding

"The Elms"
67 Pinchbeck Road
SPALDING, Lincs
PE11 1QF

28 February 1990

F.C. 6/3 cty



Planning Officer
South Holland District Council
Chatterton Tower
Winfrey Avenue
SPALDING
Lincs

Dear Sir

Re Ref H/6/0054/90
Change of Use application-Mercia Lodge,65 Pinchbeck Road, Spalding,Lincs

I am concerned that the property falls within a residential and conservation area and that adequate car parking be provided at the rear of the property.

The proposal for 8 car spaces seems inadequate as it will only provide sufficient spaces for staff parking and non for clients and visiting trade representatives etc.

The car parking provision should therefore be increased to prohibit parking on the highway and on the front drive of the property.

No mention is made on the application for signage to the property to show whose office it is. The Planning Authority should ensure that any signs applied for (to be located on the frontage of the property) are not obtrusive.

Yours faithfully

A E Le Sage

South Holland
District Council

R Cole DMA, District Secretary

Priory Road
Spalding
Lincolnshire
PE11 2XE

Telephone: Spalding (0775) 761161
FAX: Spalding (0775) 711253

Our Ref: ADH/MJP/PL.357

Your Ref: JD/EE

Please ask for: Mr A Houlker

Date: 29th June, 1990

John D Lynch Partnership
15 High Street
SPALDING
Lincs

JOHN D. LYNCH
PARTNERSHIP
- 1 JUL 1990
RECEIVED
ARCHITECTS (SPALDING)

Dear Sirs

PLANNING APPLICATION NO.H16/0054/90
DWELLING TO BE USED AS OFFICES AT MERCIA LODGE, 65 PINCHBECK ROAD, SPALDING

As you know the Council has agreed to grant planning permission for the above development subject to you entering into an Agreement under Section 52 of the Town and Country Planning Act 1971. I understand that you are prepared to enter into such an Agreement and therefore enclose a draft for your approval from which you will see that it is necessary also to incorporate Section 33 of the Local Government (Miscellaneous Provisions) Act 1982 as this ensures that positive covenants can be passed on to successors in title.

This Agreement can only be signed when you have completed the purchase of the land and no doubt you will confirm when this has taken place.

When replying please inform me:

1) If there are any persons having an interest as mortgagee in the land the subject of the planning application.

2) If there are, they will have to be party to the Agreement to ensure that the covenants can be enforced against subsequent purchasers and I will therefore need:

   a) The name and address of all mortgagees.

   b) Confirmation that they are prepared to be party to the Agreement.

3) Please also let me have details of your full christian names for insertion in the Agreement.

Upon receipt of the above information and confirmation that the terms of the Agreement are acceptable to you I will arrange for an engrossment to be prepared and sent to you for sealing.

Yours faithfully

R. Cole

District Secretary

HILLS of Spalding, Ltd.
DEPARTMENT STORE
18/19 BROAD STREET - SPALDING - LINCOLNSHIRE - PE11 1TB
Telephone 767156

Distributive Training Award

Our ref:

Open Six Days

your ref:

date: 27. 2. 90.

OBJECTION

Dear Sir,

Working as I do next door to the Civic Centre I feel I must protest at the plans I J Lynch to use Masonic Lodge Pinchbeck Rd as offices.

The Market Place has been spoilt by the applicant, now he wishes to start on Pinchbeck Rd which already has Garages, Hotels, Guest Houses, Offices etc. etc.

Yours faithfully

D Turner

53 Pinchbeck Rd.

Directors: D. Turner, E. Hall, F. Turner, I. Turner.
Registered in England No. 380864 VAT No. 119 4651 64

78 PINCHBECK ROAD
SPALDING
LINCOLNSHIRE
PE11 1QF
SPALDING 2574

F.C.
54/90

S.H.D.C. PLANNING DEPT.
RECEIVED
27 FEB 1990
Attention of
DPO (NRM)
DOPO BS
JC ACP
Action by .....
Discuss with .....
Copy to .....
File Nos. 6/3 Oth
Acknowledge YES/NO
by
date 27/2

The District Planning Officer
Council Offices
Chatteris Town
Spalding

Dear Sir,

Mexia Lodge, 65 Pinchbeck Rd.

I strongly object to the idea of the above mentioned property being converted into office accomodation.

Firstly, it is situated in probably the most desirable residential area in the town and secondly, it is one of the few remaining really nice houses in Spalding.

There has already been too much of this so called, "development," in Pinchbeck Road.

OBJECTION

S.H.D.C. PLANNING DEPT.
RECEIVED
20 FEB 1990

Attention of: PO, DPC, PC, CONS, DS, ACP, NPM
File nos.
Acknowledge YES/NO
by
date 22/2

6/3 CFS

63 Pinchbeck Road
Spalding
Lincs. PE11 1QF
Tel: 0775 2464

B.Smith Esq.,
District Planning Officer
Chatterton Tower
Spalding

19th.Feb. 1990

Ref. Application No. H16/0054/90

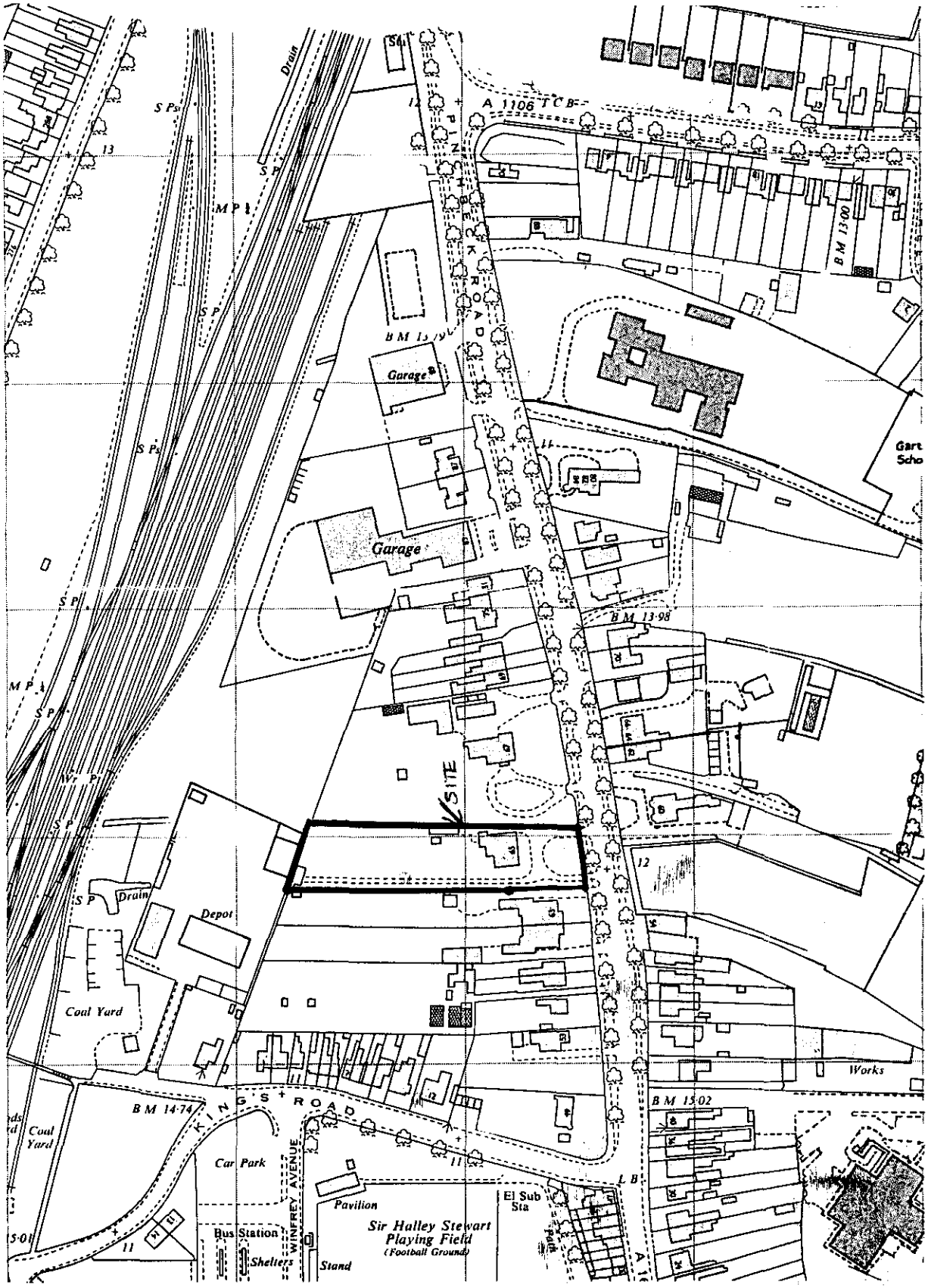
Dear Sir

As a resident of Pinchbeck Road, I regret the continual erroding of the residential and conservational nature of this road by business establishments. However I also realise the inevitability of it in this day and age. As a neighbour of the property concerned, I am somewhat disturbed by the suggested location of the parking area for the proposed office conversion.

The plan as submitted seems to imply that all, or most, of the existing shrubs and trees adjacent to the boundary fence would need to be removed. Such action would drastically

LOCATION PLAN 1:2500





LOCATION PLAN 1:2500

PINCHBECK ROAD

No 65

to supply.

Leave 1200 mm min for future footpath

avoid crossing tarmac surface if possible

14.4 m

N

⊕ - indicates lighting bollard position

SPALDING PLANNING DEPT.
RECEIVED
- 5 APR 1990
File Nos.
Acknowledge YES/NO
By
Date

notes

Do not scale from this drawing.

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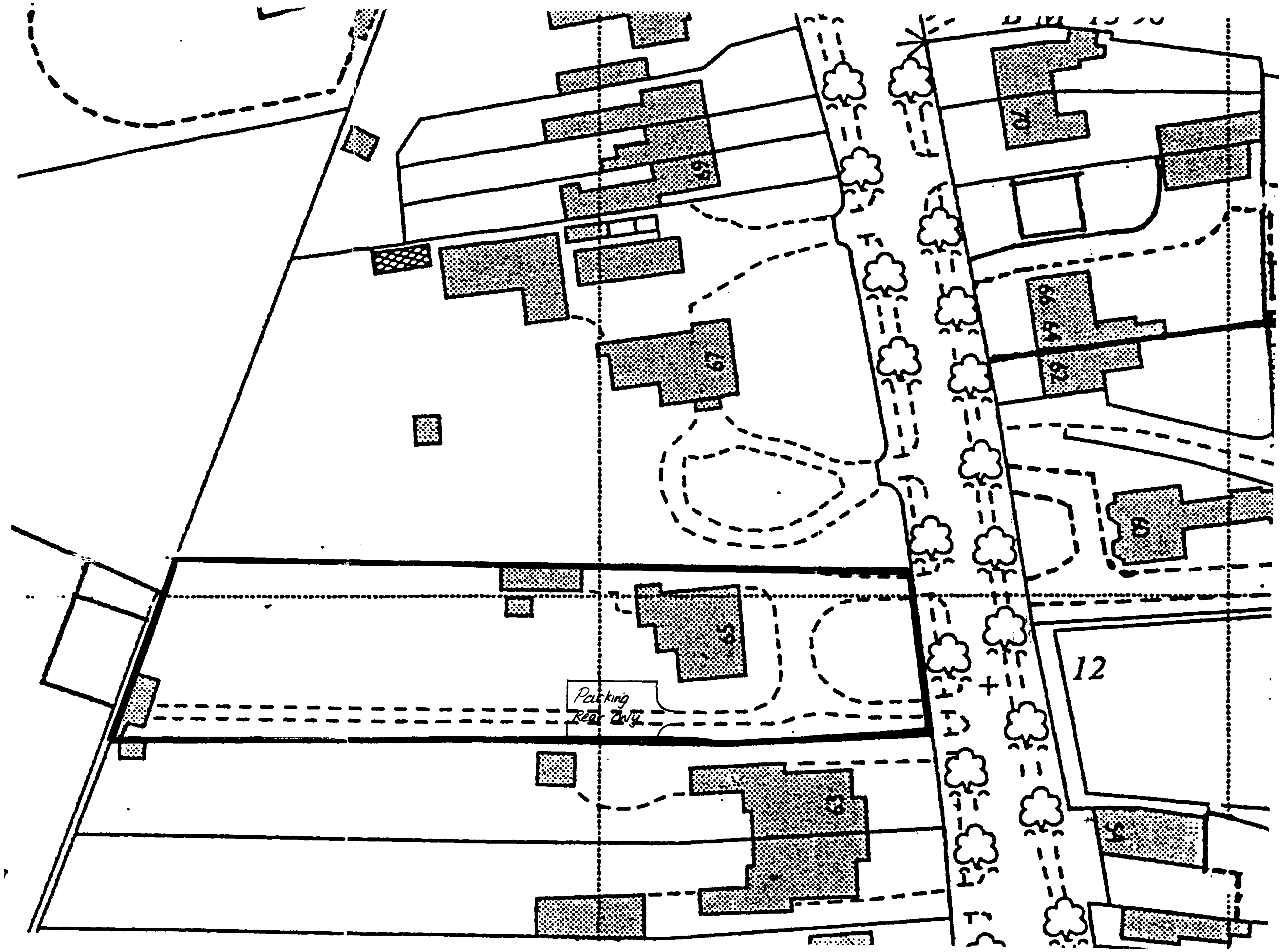
The General Contractor is to check all dimensions on site and report discrepancies to the Architect.

All details shown on this drawing including dimensions are based upon typical site conditions related to the area. No responsibility can be accepted for abnormal conditions which may be discovered during construction unless reported to the Architects so that design amendments may be considered. Site soil surveys are recommended in respect of foundations to establish specific site conditions before foundation work is undertaken.

revision	date revision	date
1.	Add parking spaces (7 no) 14 3 90	

JOHN D LYNCH
partnership
CHARTERED ARCHITECTS • SPALDING • 0775 724187

project	drawn	date
No 65 PINCHBECK RD SPALDING	GH	FEB 90
	project no. 1047	drawing no. AS/5
drawing BLOCK PLAN	scale 1:200	revision 1



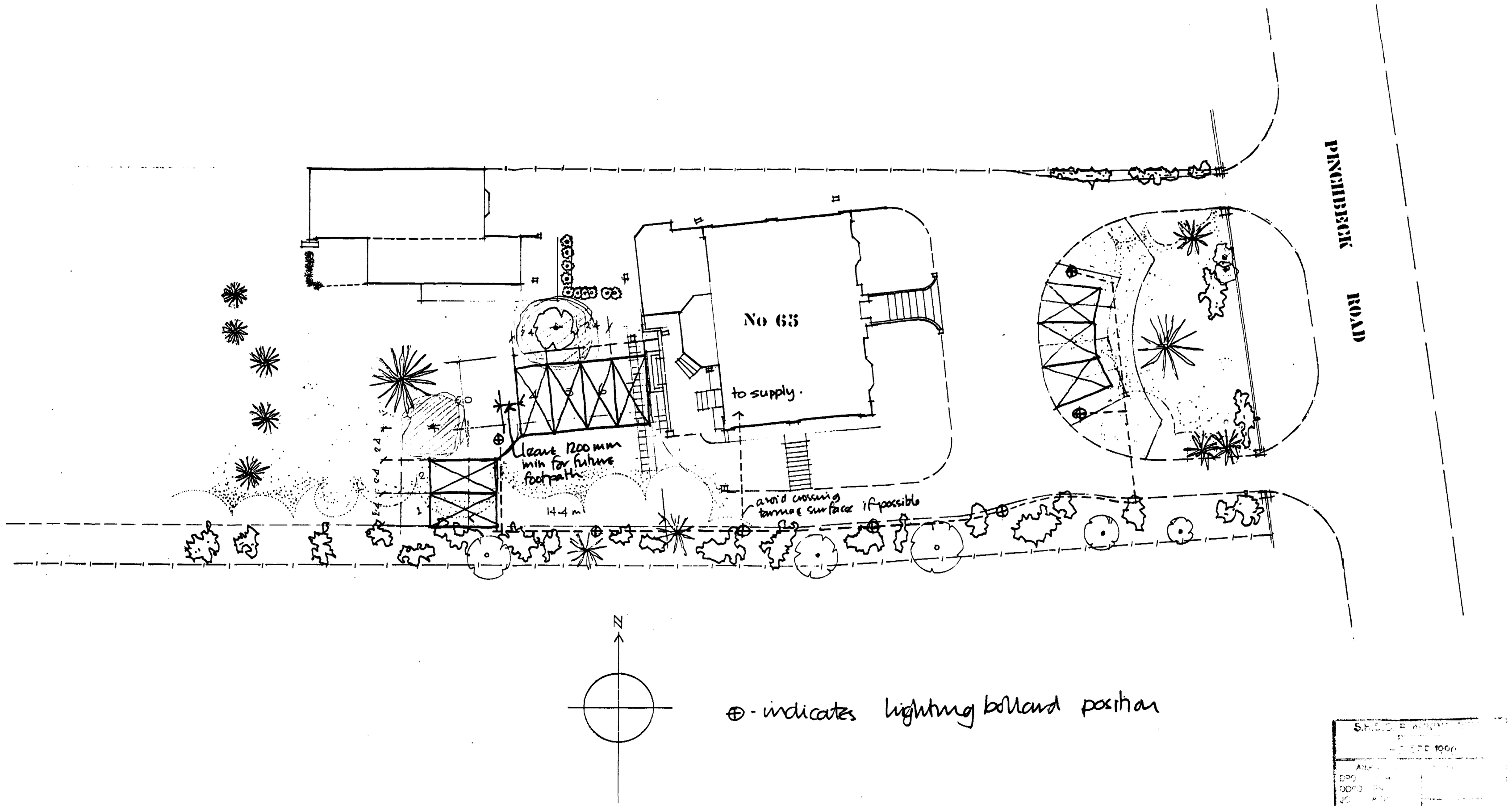
SITE PLAN 1:500

date revision	date
4/90	

JOHN D LYNCH
partnership
CHARTERED ARCHITECTS • SPALDING • 0775 724187

project	drawn	date
65 Pinchbeck Rd Spalding.	JDL.	Jan 1990
Proposed Offices.	project no. 1100	drawing no. SL 1.
drawing: Site & Location Plan	scale	revision

3126-489T



⊕ - indicates lighting bollard position

S.H.D.C. PLANNING
- 5 SEP 1990
ACK
DRG
DOC
JC
Acknowledged
Discussed with
Copy to

notes

Do not scale from this drawing.

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revision	date revision	date
1.	Add parking spaces (7 no) 14.3.90	

JOHN D LYNCH
partnership
CHARTERED ARCHITECTS • SPALDING • 0775 724187

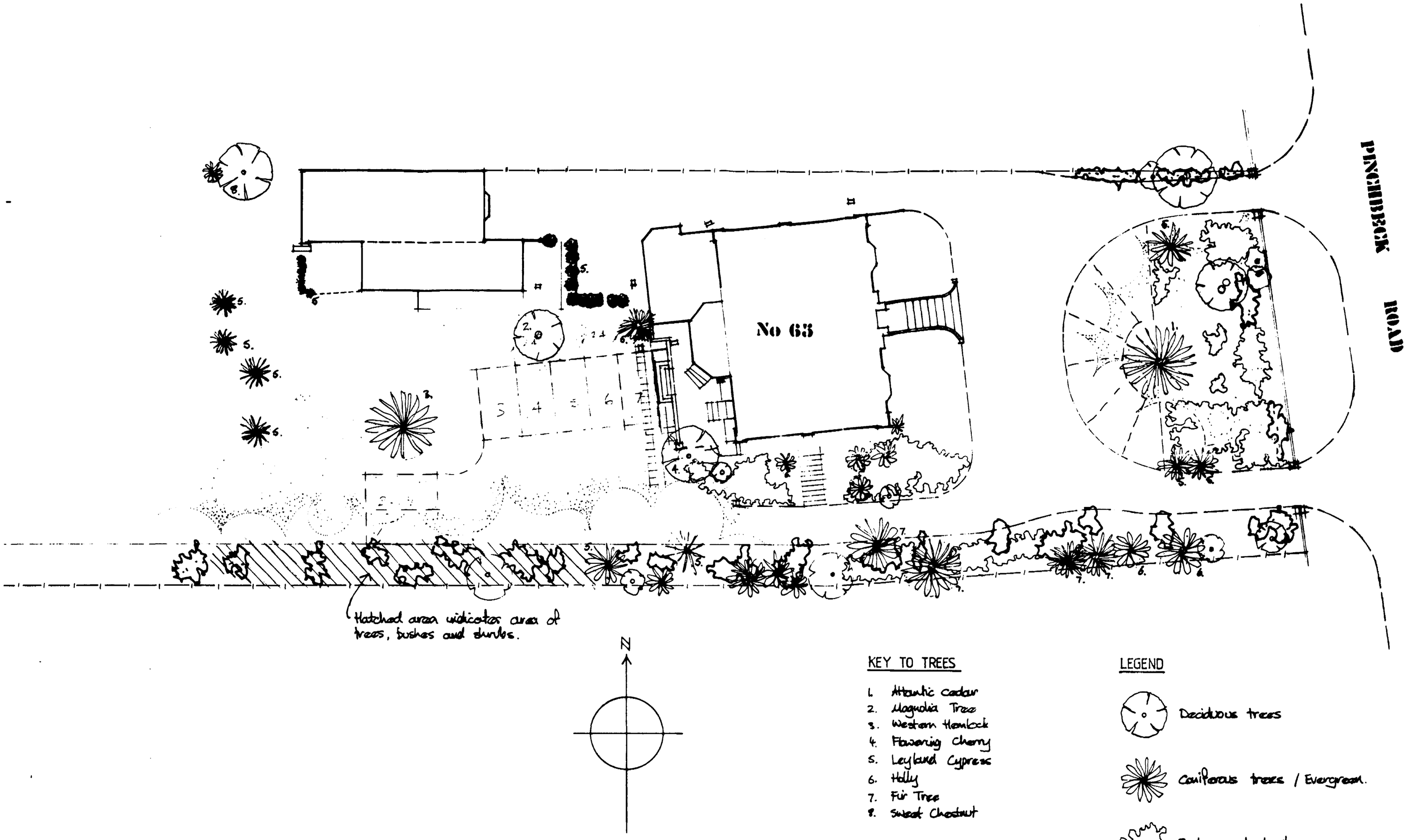
project	drawn	date
No 63 PINCHBECK RD SPALDING	GH	FEB 90
	project no.	drawing no.
	1047	AS/3
drawing	scale	revision
BLOCK PLAN	1:200	1

Do not scale from this drawing.

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The General Contractor is to check all dimensions on site and report discrepancies to the architect.

All details shown on this drawing including foundations are based upon typical site conditions related to the area. No responsibility can be accepted for abnormal conditions which may be discovered during construction unless reported to the Architects so that design amendments may be considered. Site soil surveys are recommended in respect of foundations to establish specific site conditions before foundation work is undertaken.



KEY TO TREES

1. Atlantic cedar
2. Magnolia Tree
3. Western Hemlock
4. Flowering Cherry
5. Leyland Cypress
6. Holly
7. Fir Tree
8. Sweet Chestnut

LEGEND

Deciduous trees

Coniferous trees / Evergreen.

Bushes and shrubs

revision	date
2. Trees accurately positioned.	21/2/91

SOUTH HOLLAND D.C.
PLAN DEPT.
23 JAN 1991
REF. .....

JOHN [redacted] YNCH
partnership
CHARTERED ARCHITECTS

project/drawing
65 PINCHBECK ROAD, SPALDING

scale	date	drawn
1:200	02/90	GWH

project no.	drawing no.
1047	AS/3

revisions
2