SOUTH HOLLAND DISTRICT COUNCIL

Town and Country Planning Act 1990

Outline Planning Permission

Reference: H16/1291/92 Received:17-DEC-92 Type:OUTLINE

Name: Live Promotions Ltd
The Millstone
9 St Thomas's Road
Spalding
Lincs PE11 2XY

Agent: A Roffe
Building Design & Plans
1 Green Lane
Spalding
Lincs PE11 2YB

Description: Extend vehicular access & provide road/footpaths with car parking, provide shops & additional flats
Location : Winsover Road Spalding
Lincs

South Holland District Council hereby give notice that OUTLINE PLANNING PERMISSION HAS BEEN GRANTED for the development in accordance with the application submitted, subject to the following condition(s):

1 Application for approval of reserved matters must be made not later than three years beginning with the date of this permission, and the development must be begun not later than whichever is the later of the following dates:
(a) the expiration of five years from the date of this permission,
(b) the expiration of two years from the final approval of reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: As required by Section 92 of the Town and Country Planning Act 1990.

2 The following matters are reserved for subsequent approval by the Local Planning Authority, and no development to which they relate shall be carried out until these matters have been approved, viz:
(1) Detailed drawings to a scale of not less than 1/100 showing the siting design and external appearance of the buildings, including particulars of the materials to be used for external walls and roofs;
(2) The siting and design of any vehicular access to a road;
(3) Landscaping of the site, including details of positions, heights on planting and species of trees and shrubs.

Reason: The application was submitted in outline only.

3 The approved scheme of landscaping and/or screening shall be carried out in its entirety within a period of two years beginning with the date on which development of the land is commenced. The trees, shrubs or bushes shall be adequately maintained by the owner(s) of the land on which they are situated for a period of ten years beginning with the date of completion of the scheme, and all losses shall be made good during that period.

Reason: In the interests of visual amenity and to ensure that the

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)

approved scheme is implemented satisfactorily.

4 Any buildings used for retailing shall be confined to use as a shop within Class A1 of the Town and Country Planning (Use Classes) Order 1987.

Reason: To safeguard the amenities of the area.

5 Before any development is commenced the approval of the Local Planning Authority is required to:
(i) a *specification of the type of construction proposed for roads and/or footways;
(ii) a programme for the making up of the roads and/or footways;
(iii) details of the method and means of disposal of surface water;
(iv) detailed plans to a scale of 1/500 showing the layout of the roads and footways together with longitudinal sections to a scale of 1/500 horizontal and not less than 1/100 vertical showing the gradients of carriageways and full details of surface water drainage proposals. (Cross-sections taken at not more than 30 metres intervals normal to the proposed carriageway plotted to a scale of 1/100 natural will also be required where the adjoining ground levels will vary 0.5 metres plus from the proposed finished footway levels of the estate road);
(v) details of all proposed services showing location within the highway in accordance with the Report of the Joint Committee on the location of *underground services published by the Institute of Civil* Engineers in 1963.
*This specification shall be such as to enable the Local Highway Authority in due course to take over the roads and/or footways as highways maintainable at the public expense

Reason: To ensure an adequate standard of access to the estate in the interests of local amenity and convenience.

6 No dwelling to which this permission relates shall be commenced unless or until the carriageway basecourse and kerb foundation of the new estate roads onto which it fronts, is adjacent to, or gains access from, has been constructed.

Reason: To enable the position of the dwelling(s) and associated estate road(s) in the layout to be fixed more accurately in the interests of the proper planning of the area.

7 Before any other part of the development hereby permitted is commenced, the junction of the estate road with the existing public highway shall be constructed for at least 30 metres into the site, to the satisfaction of the Local Planning Authority.

Reason: To ensure that the land required for the access, including the visibility splays, is not used or developed for purposes that would prejudice the development of the backland and to ensure that vehicles can park clear of the public highway, in the interests of amenity and road safety, while the development is being carried out.

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)

SOUTH HOLLAND DISTRICT COUNCIL

8 When application is made for approval of the "reserved matters", that application shall show adequate land within the site reserved for the parking of all vehicles expected to call at the permitted building(s) at any one time. Such parking provision as approved by the Local Planning Authority shall thereafter be used for or be available for use for vehicle parking at all times when the premises are in use.

Reason: So that adequate on-site motor vehicle parking facilities are provided, in the interests of the safety and convenience of traffic using Winsover Road.

9 Before any development is commenced the approval of the Local Planning Authority is required to the detailed design of the scheme to provide for the satisfactory disposal of highway surface water run-off from the development; and such scheme as approved shall be carried out before any building is occupied.

Reason: To ensure that highway surface water run-off from the development will not adversely affect, by reason of flooding, the amenity of nearby land.

10 Before development is commenced a site investigation and assessment shall be carried out and submitted to the Local Planning Authority to discover if, and to what extent, any ground contamination exists, and any development shall incorporate all the measures the assessment shows are necessary to protect the future occupiers of owners of the development.

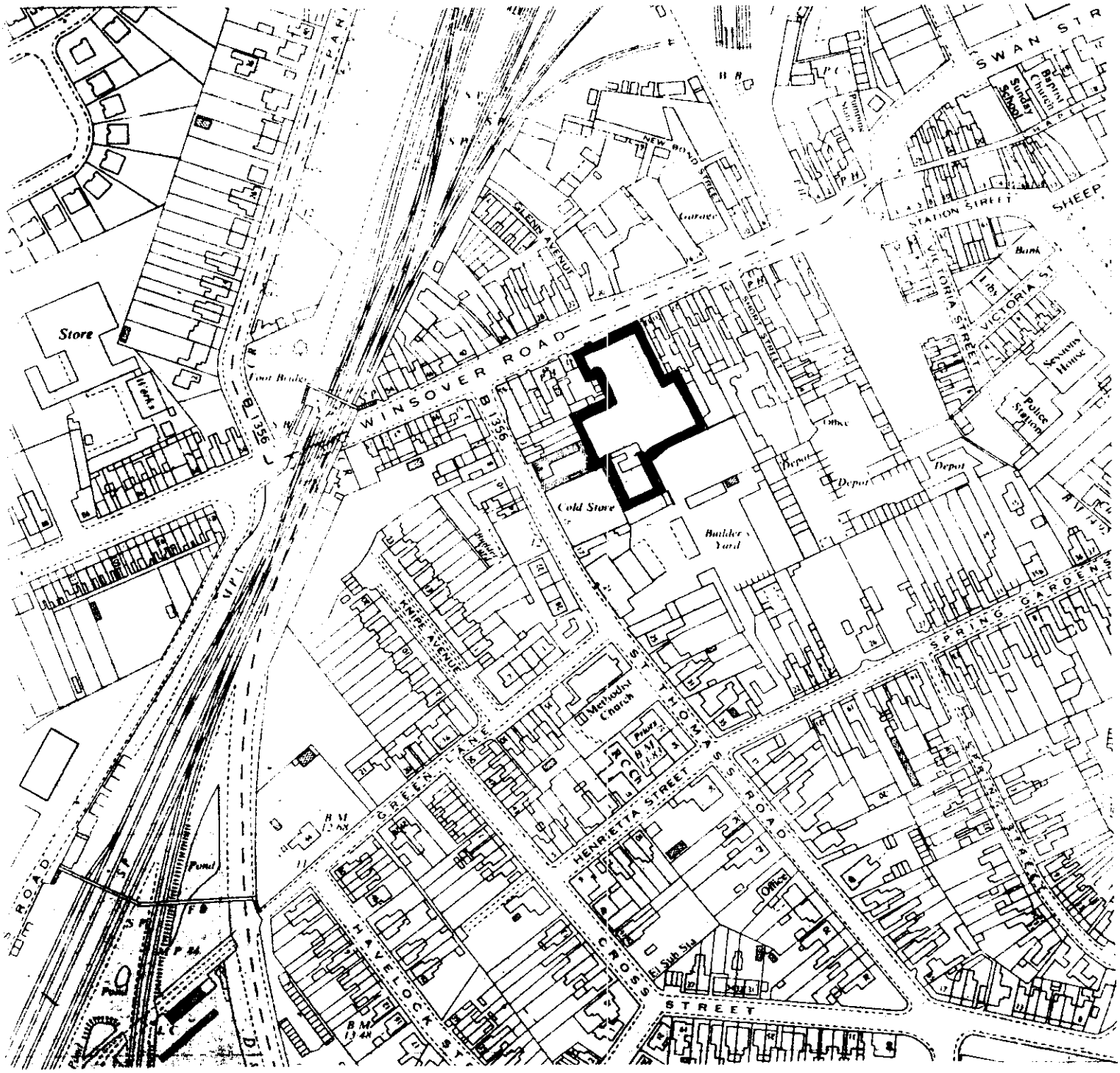
Reason: The Local Planning Authority has information that the land was at one time used as an industrial works and may be contaminated.

Director of Planning and Building Control Services
19-FEB-93 H16/1291/92

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)



Location Plan
Scale 1 : 2500

17 DEC 1992
1291/92

O.S. Map ref. TF2422
Crown Copyright Reserved

Renewal of Outline Planning Permission (H16/1015/86)

Development of Land off Winsover Road, SPALDING
Live Promotions Limited.

A. ROFFE
Building Design and Plans
1 Green Lane
SPALDING, Lincs. PE11 2YB
Tel: (0775) 723680

FOUR COPIES REQUIRED

PLANNING APPLICATION

For office use only

Application No. H16/1291/92

Date Registered 17 DEC 1992

1. Please complete in block letters

NAME AND ADDRESS OF APPLICANT

Live Promotions Limited,
"The Millstone"
9, St. Thomas's Road,
SPALDING PE11 2XY

Tel. No. 768661

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

A. ROFFE
Building Design and Plans
1 Green Lane
SPALDING, Lincs. PE11 2YB
Tel: (0775) 723680

Tel. No.
(Personal contact name)

Please complete in block letters

FULL POSTAL ADDRESS OF THE APPLICATION SITE

Winsover Road, SPALDING.

Please complete in block letters

DESCRIPTION OF PROPOSED DEVELOPMENT

Extend vehicular access and provide road and footpaths with car parking area, develope land to provide shops and additional flats (renewal of H16/1015/86 and H16/1568/89)

Please complete

Signed A. Roffe

I attach
* Four copies of all plans
* an ownership certificate (see back page)
* a fee of £330-00 If you consider no fee is payable include a written explanation instead.

Date 15th December 1992

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 Certificates**

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

Please state Site Area 0.28 (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 w th 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 pervious permission
B. Please state Condition Number referred to
C. Please state variation required
Now complete an Ownership Certificate.

OWNERSHIP CERTIFICATES

PLEASE COMPLETE ALL THREE SECTIONS.

1. **APPLICANT'S INTEREST** Please state interest in site (e.g. owner, prosp. purchaser) (Please remember to indicate on the location plan any other land under your control).	OWNER

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.** (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 A. Kolfe. ~~(Applicant~~ / Agent) Date 15/12/92

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.
Owner's Name:
Address of owner at which notice was served: State Date notice served:

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

3. AGRICULTURAL HOLDINGS CERTIFICATE

If the land is not in agricultural use complete Certificate 1.
If the land is agricultural, but farmed by the owner and there is no agricultural tenant, complete Certificate 1.
If the site does relate to an agricultural holding, you must give notice to the tenant, and complete Certificate 2. 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 A. Kolfe. ~~(Applicant~~ / Agent) Date 15/12/92

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.
Tenant's Name:
Address of tenant at which notice was served: State Date notice served:

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

DC RECORD SHEET

APPLICATION REF:

Directions

Art 7 (Outlines)
RM checklist

	Siting	Design	Ext app	Access	Landscape
Previous					
Current					
Required					

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

Other ___

Precise details, for non-standard direction:

Senior Officer authorised: _____ Sent _____

Revalidation after Direction

Information satisfactory/unsatisfactory Signed: _____

Further direction: Precise details:

Amended description:

New valid date: _____

Consultation/Publicity Required

PM 22-12
M 23/10

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

Case Officer

Recorded on board:

Going to cttee because late objection & outofline

APPLICATION ASSESSMENT

Notes for Case Officer .. Permit advertised.

Site Inspection | Accuracy | Neighbours | Boundaries

Site features | Other

Inspected by PM
Date 8-1

Notice posted by PM
Date 8-1

Resident Notices required

Sent | Delivered

Case Officer Conclusions

Site partly fenced off to limit access flow to rear of properties fronting Wimborne Rd. I think site includes this access road. Parcel land, only accessible from St Thomas Rd

RECOMMENDATION

COMMITTEE

Departure from Policy .....

Ward Member request .....

Recommend approval against material objection .....

Other circumstance viz: .....

Change to Committee recorded

DELEGATED

Case Officer .....

Senior Officer .....

Case Officer Recommendation

Approve | Refuse

Signed .....

Conditions/Reasons
(continue overleaf)

Notes to applicant

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

ADMIN RECORD SHEET

Initial

Submitted Fee £330

Receipt Issued P2040

Date first Rec'd 17 DEC 1992

Registration

Reference H16/1291/92

Cross-Ref

Date 18/12

Validation

TYPE OUTLINE

Earliest permission

Site area 0.28

No of dwellings

Floorspace

Description

Tech

Certificate
Site plans
Description

Accuracy
Incomplete form

Fees

Nil fee

Previous app Type

Discounted fee

Correct fee 330

Additional
Refund

Receipt Issued

Information

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

Earlier permission Ref

RM

	Siting	Design	Ext app	Access	Landscaping
Previous					
Current					

Index sheets 3601

OS No's

Grid ref 524400 320600

Ward P

Parish SPALDING

TR Rural
TR Bypass
Level Cross
Footpath

CA
LB
TPO

Inside IBD YES

Inside LP area YES

Linked to site

Ref 1032

Linked to property

Ref

Planning Records:
Earlier apps

2991/991
1019/86
1997/89
1969/97

B Reg Records:
Already submitted - Ref
Request
Requested

Colin A Ward,
Live Promotions,
The Millstone,
St Thomas's Road,
Spalding,
Lincs.
PE11 2XY.

Mr P Tidy

PBD/JJ B16/1291/92

04 Aug 1995

Dear Sir,

USE OF LAND FOR TEMPORARY CAR PARK.

I refer to your letter which was received on the 13th July 1995. In your letter you describe the use as a temporary car park until major development in Spalding is complete. I assume from this that you intend the land to be used whilst the construction of the Co-Op and the Safeway Supermarkets and the other units connected with the Safeway Supermarket are completed. This could take some time and I do not think that that length of time is short enough for the car park to be considered temporary in planning terms. If the land was used for no more than 28 days in the year permission may not be needed. If it was used for longer then that planning permission would be required.

You have planning permission to develop the site yourself and if the site was developed as a car park it would not automatically take away that planning permission but obviously it would need to be renewed when necessary. This would then allow you to change the use of the land from car park to shops and flats following the approval of reserved matters.

I trust this satisfactorily answers your queries.

Yours faithfully

N Midden
Development Control Manager

Award Winning Event Organisers
Celebrating 21st Anniversary

Wednesday, 12 July 1995

The Planning Officer
Planning Department
South Holland District Council
Priory Road
SPALDING
Lincs.
PE11 2XE

Dear Sir

I refer to our development site in Winsover Road, Spalding.

Over the past couple of years we have carried out extensive work on the site, with top soil, debris and growth being removed.

The whole site has been extensively cleared, with a road covering (from the A1) now on the site for car parking.

Whilst this is initially for our own use (until the site is properly developed), we have been inundated with requests for car parking, especially from shop workers etc.

Would we contravene, or affect any planning consent if we allowed the site to become a temporary car park, until major development in Spalding is complete?

Yours faithfully
LIVE PROMOTIONS LTD.,

Colin A. Ward
MANAGING DIRECTOR.

Live Promotions Ltd.
The Millstone, St. Thomas' Road, Spalding, Lincolnshire
PE11 2XY
Telephone: (0775) 768661 Facsimile: (0775) 768665

Kingrose & Co
The Old Vicarage
Church Close
Boston
Lincolnshire
PE21 6NF

A C Pickering

ACP/SJS
H16/1291/93
PDH/NLL/LIVE

15 December 1993

For attention of Mr Howden

Dear Sir

Live Promotions Ltd - Winsover Road, Spalding

In response to your letter of 30 November 1993, I am afraid that for copyright reasons I am not able to supply a copy of the circular.

Can I suggest that you obtain a copy from HMSO.

Yours faithfully

A C Pickering
Principal Administrative Officer

Richard W. Tinn
Philip Hanby, LL.B.
Paul S, Cooper, B.A.
Paul D, Howden
John D. Storer
Consultant Raymond L. Ringrose
Associates
Martin O. Roberts, LL.B.
Jonathan Lloyd, B.A. M.Sc.
Consulting Chartered Surveyor
John A. Swithinbank, B.Sc. FRICS

RINGROSE & Co SOLICITORS

The Old Vicarage,
Church Close,
Boston,
Lincolnshire.
PE21 6NE

DX 26805 BOSTON

Fax
0205 310410

Telephone
0205 311511

South Holland District Council
Planning & Building Department
Council Offices
Priory Road
SPALDING
Lincolnshire
PE11 2XE

Date 30 November 1993

Your Ref NRM/JJ H16/1291/92

Our Ref PDH/NLL/LIVE

Please ask for Mr Howden

Dear Sirs

Re: Live Promotions Limited
Planning Permission Land Winsover Road, Spalding, Lincs

Thank you for your letter of the 24th of November, so we may give the matter further consideration are you please able to supply us with a copy of paragraph 14 of the Annex to the Department of the Environment Circular number 21/87. If possible we would like to have a copy of the full circular.

cost to deducted.

Yours faithfully

S.H.D.C. PLANNING DEPT.
RECEIVED
- 1 DEC 1993 NM

Ringrose & Co is regulated by the Law Society in the conduct of investment business

Live Promotions Ltd
Mill Stone
St Thomas Road
Spalding
Lincolnshire
PE11 2XY

N R Midlen

NRM/SJS H16/1291/92

5 March 1993

Dear Sir

Development Site - Winsover Road, Spalding - Possible contamination

Further to your letter of the 25 February 1993 concerning the outline permission recently granted to you by the Planning Committee, and your subsequent conversation with Mr Roberts

You will appreciate that I am not responsible for the manner in which the Local Newspaper choses to comment on my report to the Planning Committee. If you feel they have been irresponsible in printing the article that they have, I can only suggest that you contact the Editor direct.

As far as the Authority is concerned, it has followed precisely the advice given by the Department of the Environment in Circular 21/87, "Development of contaminated land". My Department was advised by the Environmental Health Department that there was a risk of contamination due to the suspected existence of an iron foundry on part of the site. As I understand it, one of the Council Members who was familiar with the history of the site gave them this information, of which they, and my Department, were previously unaware. It is useful that you have confirmed that the information concerning the foundry is correct.

Circular 21/87, advises in paragraph 6, appendix A, that "sites used by certain industries, of which the following are examples, are particularly likely to have been contaminated by the past or present uses ... metal mines, smelters, foundries, iron and steel works, metal finishing". Paragraph 14 of the Circular advises that "where there is only a suspicion of the site might be contaminated, or where the evidence suggests that there is potentially only slight contamination, planning permission may be granted but conditions should be attached to make it clear that development will not be permitted to start until a site investigation and assessment has been carried out, and that the development itself will need to incorporate all the measures shown in the assessment to be necessary".

Cont/...

Conc/...

Precisely such a condition has been imposed on your planning permission.

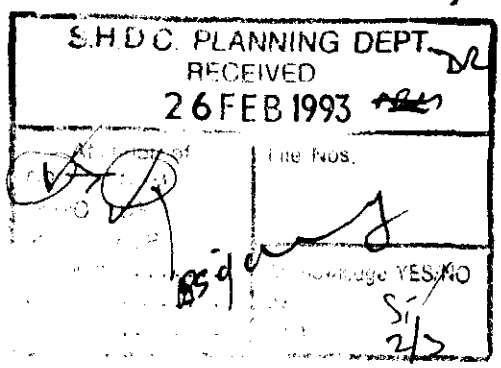
Yours faithfully

N R Midlen
Principal Planning Officer
(Development Control)

live

2 Setterday 3/3
Confirm Road ground
+ Terry Pridmore
may have some
knowledge of the conditions.

Read 3/3



25 February 1993

Mr Brian Smith
Chief Planning Officer,
Planning Department
South Holland District Council,
Priory Road,
SPALDING.
Lincs.

Dear Mr Smith,

Re: Development site Winsover Road, Spalding

As you know we have held outline planning permission on the above development site in Winsover Road for quite a few years now.

We recently applied simply to renew the planning permission and I understand that the planning Committee granted an outline application for us.

I'm therefore surprised at the way that this has been reported by the Lincolnshire Free Press, under the heading contamination fear (which is quite irresponsible). This matter has never arisen before and as you know we have held outline planning on this parcel of land for many years. No one has ever contacted us from your own department or indeed Environmental Health about the fact that an Iron Foundry once stood on part of the land.

I am perhaps the best person to ask about the site as I was born in Mill Lane and know exactly where the foundry was. It certainly didn't occupy anything like the whole of the site. The front of our site was shops along Winsover Road and terraced cottages dominated Mill Lane. The Iron Foundry was tucked into a small parcel of land behind our offices (a former licensed public house The Mill Stone). See map enclosed.

Cont../d

Live Promotions Limited
Tel: 0775 768661 Fax: 0775 768665
The Millstone, St. Thomas's Road, Spalding, Lincolnshire. PE11 2XY
Registered in England No. 1530410

Perhaps you would be good enough to contact me personally and let me know what the concerns are and what I need to do before I place more detailed planning for building. I would also like to know how come this matter has never been brought to my attention either in the past or recently, and I find it quite strange that I am notified by people who have read it in the press having cheap jibs about contamination.

I look forward to this receiving your prompt attention and hope that we can meet within the next few days.

Yours sincerely,
LIVE PROMOTIONS LTD.,

Colin A. Ward.
MANAGING DIRECTOR.

DR spoke to arter · 3/3.

Long chat - explained station -
he. is now happy with station -
& is carrying out independent surveys
to asses pollution levels.
He thanked me for the call.
No further action needed at this stage -

been praised by a Spalding fire crew.

Francis Munnelly and Kevin Newell used hoses to keep a blaze in a caravan at Fulney Lane, Spalding, under control until professional firefighters arrived.

A spokesman for Spalding Fire Station said the two men were working nearby for Darby Sutton Ltd Civil Engineers.

"Their action stopped the fire getting any larger and probably saved the life of a West Highland terrier which was in the caravan at the time," he said.

The fire, caused by heat from a fire flue sparking insulation material, burnt part of the roof, causing smoke damage.

SIX CHILDREN KEEP HOME

A DEEPING St James widow and her six children have been saved from eviction from their mobile home.

South Kesteven District Council planning committee members agreed to suspend legal action instigated last April against Jane Prentice and her family, who have been living behind 72/74 Church Street.

Mrs Prentice turned down an offer of a house in Market Deeping because she wished to remain in Deeping St James for work and school.

But the council has agreed to hold fire for three months rather than prosecute Mrs Prentice for non-compliance with last April's enforcement order or remove the caravan and charge her for the work.

District council housing department officials have said the family can have the next three-bedroom house that becomes vacant in the village.

Flood warning update urged

A £50,000 update of the flood warning system along the Lincolnshire coast has been welcomed.

The county council's public protection committee will be recommended at its meeting on Thursday to take over the siren system from the Home Office.

The Government will not in future be responsible for civil defence warning sirens throughout Britain.

The council proposes making the county's siren system serviceable.

It will discuss providing new control equipment located at Lincolnshire Fire Brigade Control and starting a publicity programme to ensure the public react properly to siren warnings.

Coun David Dewsberry, South Holland district councillor and chairman of Sutton Bridge Parish Council, said he hoped the two sirens in the village - one near the police house and the other by Roffes Transport on the West Bank of the River Nene - would continue to operate.

by reporter JOHN BUTLER

Coun Dewsberry said Lime Street, Custom House Street and Wharf Street were in the lowest lying part of Sutton Bridge. The area was particularly vulnerable.

Floodwater had also headed over farm land towards people living in Railway Lane near the A17 bypass and they needed to be warned if it happened again.

Coun Dewsberry said: "I welcome the county council's proposal to keep the flood warning sirens in existence.

"We have got to protect the people of Sutton Bridge from the possibility of their homes being invaded by floodwater because of the low lying nature of the parish."

Coun Jack Libell, chairman of the public protection committee, said: "It is clear that the siren warning system is greatly valued by people living on the Lincolnshire coast.

"It provides valuable reassurance to those who remember the terrible floods of 1953.

"The county council must continue the siren system now that the Home Office has withdrawn its support."

Council leader Coun Bill Wyrill said: "The county council has listened to the views of people living in the coastal area.

"Clearly an audible warning noise is needed, especially if there is a high tide at midnight when radio and television are not being listened to. Sirens will make people safer."

It is proposed that a scheme for broadcasting and publishing information through radio, television and local newspapers be implemented.

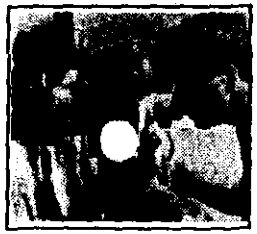
Contamination fear

A FORMER foundry may have contaminated a Spalding site and should be investigated before final plans for shops and flats are accepted.

South Holland planning committee on Wednesday granted an outline application by Live Promotions for the development, including a road, footpaths and car parking at Winsover Road.

It was agreed that, before any building work was carried out, an investigation and assessment should be made.





Why pay more for your test?

BLOOD LEAKS FROM LORRY

A SWINESHEAD haulage company boss was fined after a court heard how blood from slaughtered animals' remains had leaked from a lorry during a routine check.

Sleaford magistrates found Frederick Arthur Bates of F H Bates Transport, North End, Swineshead, guilty of allowing a lorry to be used with an insecure load and was fined £100 and ordered to pay £45 costs.

The court heard how Pc Philip Hodgson had seen blood leaking from the base of a lorry trailer curtain, forming a puddle on the floor, during a routine check at Holdingham weighbridge.

He said: "It had started to run very slightly along the gaps in the pavement and was a funny colour."

He spoke to driver Theodorus Van Noort, who said the liquid was a mixture of blood and milk.

Pc Hodgson said the lorry couldn't be driven carrying a leaking load. He said Mr Van Noort told him the trailer was carrying bins full of offal.

Mr Andre Grys, prosecuting, said: "If the vehicle was being driven at 40 to 50 miles an hour some of the liquid could fall on passing vehicles or pedestrians."

Mr Bates denied having an insecure load but admitted some liquid may have come from the trailer.

He said: "The contents of the bins are washed by machines and the trailer is washed down, which would add to the dripping.

"If you were following the vehicle down the road you wouldn't notice the liquid."

Mr Bates told the court he had been transporting similar loads for five and a half years, carrying 100 to 150 tons a day, and had never had any problems with the police.

The offal came from abattoirs at Pinchbeck, Spalding and Boston and was on its way to Doncaster.

Presiding magistrate Mr David Brown said: "From what we have heard you are a responsible haulage contractor and we don't consider that you are in the habit of breaking the law."

Bowls club wants better facilities

CASTLE Bowls Club, Spalding, could have a new club room if recommendations by South Holland District Council's director of environmental services are accepted.

South Holland Leisure Services Committee is today (Tuesday) being recommended to accept club proposals for a new room and changing rooms on the grass verge between the bowling green and the tennis court. Twenty metres of beech hedge would be removed.

The existing clubroom is a portable building adapted as a temporary measure but the club wants improved facili[illegible]

CIRCULAR No. 21/87

DEVELOPMENT OF CONTAMINATED LAND[1]

4–509

Dated August 17, 1987, and issued by the Department of the Environment and the Welsh Office; Circular No. 22/87 of that office

1. The Government wishes to encourage full and effective use of land in urban areas and the re-use of sites which have previously been developed. Initiatives such as the Urban Programme, Derelict Land Grant, Land Registers and Urban Development Grant all help to bring land back into use: in 1986, almost half of all new development was on previously used land. The new Urban Regeneration Grant and the establishment of new Urban Development Corporations, in addition to those in the London Docklands and on Merseyside, will also stimulate the re-use of land in urban areas. Recycling of land helps to revitalise urban areas and reduces the need to use new sites outside built-up areas, thus assisting the protection of the Green Belt and safeguarding of the countryside. The re-use of contaminated land can contribute towards these objectives.

2. The purpose of this Circular and its Annex is to provide advice and guidance to local authorities and developers on the identification, assessment and development of contaminated land. It updates and replaces Department of the Environment Circular 49/77 (Welsh Office Circular 3/77) which announced the establishment of the Inter-Departmental Committee on Redevelopment of Contaminated Land (ICRCL). It also consolidates and expands the advice on development of contaminated land contained in recent Circulars dealing with Structure and Local Plans, Planning Conditions and Derelict Land.

3. Examples of contaminated sites and their typical, but not necessarily only, hazards include:—

(i) old sewage works and farms where the concentrations of metals in the soil may be high;
(ii) land previously used for industrial purposes where a very wide range of hazardous substances may be found; and
(iii) completed domestic and industrial landfill sites where combustion might be readily induced and settlement, generation of leachate and emission of gases may occur.

4. Contamination may give rise to hazards which put at risk people working on the site, the occupiers and users of the buildings and land, the buildings themselves and water services. If precautions are not taken, contaminants may escape from the site to cause air and water pollution; the emission of landfill gas may be particularly hazardous. If these hazards are not identified and assessed properly, there may be a direct threat to health and safety. Should remedial action be needed in an emergency, there may be additional costs and difficulties. A balance has to be struck between these risks and liabilities and the need to bring the land into beneficial use.

5. Contamination, or the potential for it, is a material planning consideration which needs to be taken into account at various stages of the planning process including the preparation of development plans and the determination of planning applications. The best way of minimising any associated risks is to ensure that areas of potentially contaminated sites are identified at the earliest stage of planning. The necessary investigations can then be carried out before the particular form of development is decided. This should enable cost-effective solutions to be devised, so reducing the need for urgent and expensive emergency action.

6. A summary of existing advice and guidance and a note on the identification of potentially contaminated site is given in Appendix A.

7. It is not considered that this Circular has additional public expenditure or manpower implications for local government. It merely re-states and clarifies advice and guidance given elsewhere and as such should assist local authorities in carrying out their statutory responsibilities rather than impose any additional burden upon them.

8. The Secretary of State looks to local planning authorities and developers to implement the advice and guidance given in this Circular. This should ensure that, in most instances, contaminated land is identified at an early stage in the planning process, appropriate policies are developed for its use and planning applications are decided on the basis of adequate information. Undesirable consequences should thus in future be reduced to a minimum. The specific policies and practices to be adopted by local planning authorities are, however, for them to decide given the particular local circumstances in their areas.

[1] EDITORIAL NOTE: The advice in this Circular is supplemented by D.O.E. Circular 17/89, *Landfill Sites: Development Control.*

4–509

ANNEX

4–509

GENERAL APPROACH

1. Whenever it is proposed to purchase, reclaim, re-use or extend the use of land previously used for industrial purposes or waste disposal, and in some cases adjacent land, the possibility of contamination should be considered by taking into account information on the site history. The site should be investigated if necessary to assess its condition. If this is not done, and if the site is subsequently found to be contaminated, there is a distinct risk that one or more of the following undesirable consequences may occur:

(a) there may be risks to the health and safety of those working on the site or living near it; (*e.g.* from direct contact with contaminants or consumption of contaminated garden produce).

(b) there may be concern about the safety of a proposed or an existing development; (*e.g.* from the effect of aggressive chemicals on building materials and services, fire and explosion or settlement).

(c) there may be other detrimental environmental effects as a result of the disturbance of contaminants; (*e.g.* air and water pollution; difficulty in establishing plant growth).

(d) there may be delays while contamination problems are being remedied: in extreme cases, emergency action may have to be taken or redevelopment schemes may have to be abandoned. Such action may be very expensive.

(e) the value of the land may be affected: both buyers and sellers of land may form unrealistic views of the costs of development;

2. Very few sites are so badly contaminated that they cannot be reused at all, but the choice of new use may be restricted by contamination as well as by other planning considerations and the usual financial implications. Each site must be considered on its merits and if necessary treated with caution. Where the previous history of the site suggests that contamination may have occurred, an investigation to assess the condition of the site and identify any particular problems or hazards will normally need to be undertaken by the prospective developer before deciding the most appropriate use for the land. The findings of the investigation should enable the most suitable use to be selected: the development should then be designed to minimise the risks. The specific precautions needed will depend on the degree of risk and the sensitivity of the potential target(s) to the hazards.

POWERS AND RESPONSIBILITIES

3. The responsibility for assessing whether or not land is suitable for a particular purpose, including whether it is contaminated, rests primarily with the developer. It is, in any case, in the developer's interests to do so since the presence and extent of any contamination will affect the value of the land and the costs of developing the site. When determining a planning application for land which it has reason to believe might be contaminated, it will be necessary for the local planning authority to consider whether the proposal takes proper account of contamination.

4. Local Authorities are empowered, under the Town and Country Planning Act 1971 to control most forms of development, including the development of land which may be contaminated. Section 65 of the 1971 Act, as amended by Section 46 of the Housing and Planning Act 1986, gives powers for local planning authorities to require the proper maintenance of privately-owned land in their area where the amenity of an area is adversely affected by the condition of the land in question. The Public Health Act 1936 and the Building Act 1984 give local authorities the power to serve abatement notices where premises are in such a state as to be prejudicial to health or a nuisance and to impose conditions on the demolition of buildings. Local Authorities are also responsible, under the Building Regulations, and the Housing Acts, for controlling particular aspects of development. Approved Inspectors, under the Building Regulations, also have responsibilities where they have been retained to supervise building work.

5. The Control of Pollution Act 1974 (COPA) and Control of Pollution (Special Waste) Regulations 1980 is the principal legislation controlling the disposal of waste. The deposit of controlled waste (Section 30(1) of COPA) on land is an offence unless licenced by the Waste Disposal Authority. The developer should ensure that any contaminated material

4–509

removed from the site is properly disposed of, and for Special Waste (Section 17 of COPA), he is required to notify the Waste Disposal Authority.

6. The Health and Safety at Work etc. Act 1974 places a duty on every employer to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all employees. This is particularly relevant to those involved in site investigations and preparations. It also requires employers and the self-employed to conduct their undertaking in such a way that other persons (*e.g.* visitors, neighbours and members of the public) are not exposed to risks to their health or safety. The Health and Safety Executive (HSE) is responsible for enforcing this Act and the associated legislation in the development situations covered by this Circular. HSE may be informally consulted by developers or local authorities about a particular site or the safety of personnel working on it. **4–509**

7. Under the Occupiers Liability Act 1957, landowners owe a duty of care to all lawful visitors that their premises are reasonably safe and also to prevent injury to trespassers.

8. Statutory Undertakers responsible for providing essential services to sites have a duty to protect and maintain the quality of their supplies. In order to do this, they may need to take special measures to ensure the integrity of their underground services and installations. Water Authorities and Companies may also have powers under their by-laws to protect ground and surface water from contamination. Under Section 46 of COPA, Water Authorities also have power to carry out operations necessary to forestall or remedy pollution and to recover the costs of so doing from those responsible.

PLANNING

Development Plans and Policies

9. In preparing their development plans local planning authorities need to take into account the environmental consequences of contaminated land. Development plans provide an opportunity to set out policies for the reclamation and use of contaminated land.

10. Local plans and Part II of Unitary Development Plans could include detailed criteria which will be applied in determining planning applications. They may also set out any site-specific proposals for land use in these areas, so that they may be easily identifiable to landowners and prospective purchasers or developers.

11. General guidance on the preparation and modification of development plans is published in DOE Circular 22/84 (WO Circular 43/84), "Memorandum on Structure and Local Plans". The transitional arrangements for London and the former Metropolitan Counties are published in DOE Circular 30/85. Advice on the format and procedures for the preparation of Unitary Development Plans will be issued in due course.

Determining Planning Applications

12. Even before an application is made, informal discussions between a potential developer and the local planning authority can be very helpful. If the local planning authority has reason to believe that there is a possibility that the land might be contaminated, this may be brought to the attention of the developer at this stage, and the implications explained. The applicant can the design his scheme so as to take full account of the likely requirements of the planning authority. Applications need not, however, be delayed pending an investigation by the developer to establish the nature and extent of contamination unless there is good reason to suppose that the land in question is actually contaminated. In districts which contain a significant number of potentially contaminated sites (see Annex), the local planning authority may find it useful to include a question on contamination on their standard application form and a note to applicants on the subject. If an application is received without prior discussion and the authority suspects that the site may be contaminated, it would be of benefit to all parties concerned to advise the applicant that the land may be contaminated and of the factors which will be taken into account in determining the application. The applicant may then wish to consider whether or not to proceed.

13. When it is known or strongly suspected that the site is contaminated to an extent which would adversely affect the proposed development, an investigation by the developer to identify any remedial measures required to deal with the hazards will normally be required before the application can be decided by the local planning authority. Certain aspects of such investigations, such as drilling boreholes, may require separate planning permission. If the information provided by the applicant is insufficient to enable the authority to determine the application, the applicant may need to be asked to provide further information by means of a direction under article 5(1) of the Town and Country Planning General Development **4–509**

Order 1977 as amended. Should the degree of contamination be such that remedial action is required to safeguard future users or occupiers of the site or neighbouring land, or protect
4–509 any buildings or services from the hazards, then planning permission may be granted subject to conditions specifying the measures to be carried out.

14. Where there is only a suspicion that the site might be contaminated or where the evidence suggests that there is potentially only slight contamination, planning permission may be granted but conditions should be attached to make it clear that development will not be permitted to start until a site investigation and assessment has been carried out and that the development itself will need to incorporate all the measures shown in the assessment to be necessary.

15. The local planning authority may grant planning permission without conditions relating to contamination if it is satisfied on reasonable grounds that in the circumstances none are required.

16. The assessment of the significance of contamination and of the associated risks requires careful professional judgement. It is therefore recommended that the local planning authority should obtain advice from experts in other local authority departments (*e.g.* environmental health, waste disposal, land reclamation, building control, surveying and engineering), and consult with Water Authorities and the Health and Safety Executive, when considering applications to develop contaminated or potentially contaminated sites.

17. Where planning permission is granted for a site on which the presence of contamination is known or suspected, a separate notice should be issued to the applicant(s) informing them that the responsibility for safe development and secure occupancy of the site rests with the developer. It should also warn the applicant that the local planning authority has determined the application on the basis of the information available to it, but this does not mean that the land is free from contamination.

18. If an appeal is made against a refusal of planning permission and contamination appears as a reason for refusal, the Secretary of State will consider the need to appoint a technical assessor to assist the Inspector in determining the appeal.

19. Guidance on the use of conditions in planning permissions is published in DOE Circular 1/85 (WO Circular 1/85). If a problem cannot be solved by imposing a planning condition, it may be possible to do so by concluding a voluntary agreement under Section 52 of the Town and Country Planning Act 1971.

BUILDING CONTROL

20. Where it is proposed to build on a contaminated site, particular attention should be paid to the requirements of the Building Regulations 1985. They require, *inter alia*, that foundations shall be capable of resisting any attack by sulphates or other deleterious matter present in the sub-soil, that the ground to be covered by the building shall be reasonably free of vegetable matter and that precautions shall be taken to avoid danger to health caused by substances on or in the ground to be covered by the building. Approved Document C of the Building Regulations includes practical guidance on identifying the possible presence of contaminants and relevant actions. Building Regulations approval should not be refused unless the contamination would directly affect the building or structure or the health and safety of occupiers or users of the building. When considering the requirements of the Building Regulations, consolidation of land together with possible disturbance of previously deposited materials should not be overlooked. Consolidation is particularly important on landfill sites.

21. If new information comes to light in the course of development which indicates that the risks from contamination are substantially greater than was previously assessed, powers under the Public Health Act 1936, the Housing Act 1957 and the Building Act 1984, which cover premises in such a state as to be prejudicial to health or a nuisance may be invoked by the local authority.

FINANCIAL ASSISTANCE

22. There are a number of grants from Central Government which may be available to help bring contaminated sites into beneficial use. Initial advice on whether a scheme might
4–509 qualify for grant can be provided by the appropriate Regional Office of the Department of

the Environment in England, or the Welsh Development Agency Wales. The principal grants are outlined below.

23. *Derelict Land Grant (D.L.G.).* In England, DLG is available for the reclamation of land which because of the previous development is incapable of beneficial use without treatment. The object is to bring this land back into beneficial use particularly where private sector development—housing, industry or commerce— will result. Local authorities, private developers and others can apply for grants: these can include the removal of contamination or treatment of contaminated land when this is required as part of a full scheme of reclamation. Grant is also available to investigate the nature and extent of contamination. For local authorities this may be separately from, and in advance of, the submission of a main reclamation scheme. The Government's priorities and objectives for the derelict land reclamation programme in England are set out in the DOE Circular 28/85. Related information is given in the Department's DLG guidance notes and replaces the information contained in Parts B and C of DOE Circular 17/77, which is now cancelled. In Wales the derelict land reclamation programme is managed by the Welsh Development agency. Advice on objectives, definitions and procedures is given in the Welsh Office guidelines to the Agency for derelict land reclamation and environmental improvement functions issued in 1982 and 1984 respectively. **4–509**

24. *Urban Development Grant (UDG).* UDG is aimed at helping the economic and physical regeneration of inner urban areas by bringing about new private investment and strengthening the local economic base. It is available for capital investment projects which would not go ahead without public sector assistance but which, with that assistance, are commercially viable and help to deal with the problems of run down urban areas. UDE is available through local authorities in England and Wales. Detailed Guidance Notes can be obtained from Regional Offices of the Department of the Environment in England and in Wales from the Welsh Office.

25. *Urban Regeneration Grant (URG).* URG helps to promote the economic and physical regeneration of older urban areas affected by industrial change, by enabling the private sector to redevelop large sites and refurbish large complexes of buildings, and by encouraging private sector investment in such areas. It differs from UDG mainly because it is specifically directed at large-scale schemes. Detailed Guidance Notes are available from Regional Offices of the Department of the Environment in England and in Wales from the Welsh Office.

26. *Urban Programme (UP).* The UP assists urban local authorities which could face exceptional problems resulting from structural, economic and social change. It is not intended to provide long-term funding for projects and priority is given to capital expenditure. In England, a wide range of projects may be supported within an individual authority's Inner Area Programme (IAP), including works to improve the appearance of sites and buildings. In Wales, projects which are complementary to an individual local authority's main programme may be supported.

27. *European Regional Development Fund (ERDF).* The ERDF enables European Community funds to be used to correct regional imbalances in unemployment and regenerate declining industrial areas. Basic grants of 50 per cent are available for local and public authority infrastructure investment in Assisted Areas. ERDF also helps finance industrial projects which receive UK regional aid. (In England, applications for industrial schemes are administered by the Department of Trade and Industry). The Fund can also contribute to feasibility studies for potential projects.

APPENDIX A

Existing advice and guidance

A1. The Interdepartmental Committee on the Redevelopment of Contaminated Land (ICRCL) provides general guidance on assessment and redevelopment of contaminated land. The problems of particular types of contaminated sites are discussed in the following ICRCL papers, which are revised from time to time when new information becomes available:

ICRCL 17/78 Notes on the redevelopment of landfill sites
ICRCL 18/79 Notes on the redevelopment of gasworks sites
ICRCL 23/79 Notes on the redevelopment of sewage works and farms
ICRCL 42/80 Notes on the redevelopment of scrap yards and similar sites
ICRCL 59/83 Guidance on the assessment and redevelopment of contaminated land
ICRCL 61/84 Notes on the fire hazards of contaminated land
ICRCL 64/85 Asbestos on contaminated sites. **4–509**

A2. Local authorities wishing to obtain copies of these papers, or to seek general advice on the problems of contaminated sites, should address their enquiries as follows:

4–509 For sites in England:

The Secretary, Interdepartmental Committee on the Redevelopment of Contaminated Land
Department of the Environment
Room A342 Romney House
43 Marsham Street
London
SW1P 3PY

For sites in Wales:

The Scientific Adviser, Environmental Protection Branch
Welsh Office
New Crown Building
Cathays Park
Cardiff CF1 3NQ

A3. Detailed professional advice on the specific problems of individual sites can be obtained from specialist consultants with appropriate experience. The ICRCL may be able to assist in defining the needs for and terms of reference of investigations carried out to determine the nature and significance of the contamination on such sites.

Identification of potentially contaminated sites

A4. The Site history is the principal factor that determines whether a site is likely to be contaminated or not. Knowledge of the previous uses of a site is therefore essential before deciding whether further investigation is needed, and if it is, to assist in designing suitable programmes of sampling and analysis. Sites used by certain industries, of which the following are examples, are particularly likely to have been contaminated by their past or present uses; sources of guidance are given in brackets:

asbestos works (ICRCL 64/85);
chemical works;
docks and railway land, especially large sidings and depots;
gasworks, other coal carbonisation plants and ancillary by-products works (ICRCL 18/79); Problems arising from the redevelopment of gasworks and similar sites, 2nd Edition, DOE 1987);
landfills and other waste disposal sites (ICRCL 17/78; DOE Waste Management Paper No. 26, BRE Information Paper 2/87;
metal mines, smelters, foundries, iron and steel works, metal finishing;
munitions production and testing sites;
oil refineries, petroleum storage and distribution sites;
paper and printing works;
plants and heavy engineering installations *e.g.* shipbuilding and shipbreaking;
installations involving the processing of radioactive materials;
scrap yards (ICRCL 42/80);
sewage works and farms (ICRCL 23/79);
tanneries;
industries making or using wood preservatives.

The British Standards Institution is to publish a Draft for Development for the Identification of Potentially Contaminated Land and its Investigation which will set out the currently agreed best practice for site investigations.

A5. The possibility of finding contamination may be checked by obtaining information on the site history: sources include both written and oral records of the previous ownership and uses. Provided that the information on the history of the site is adequate, and that it indicates that contamination is unlikely, it is reasonable to regard the site as "clean" and to develop it in the normal way. It is, however, still prudent to inspect the site carefully to check the historical information against the present condition.

A6. A survey has been carried out for the Welsh Office and Welsh Development Agency to record information about sites in Wales which are thought to be contaminated. A report, "Survey of contaminated land in Wales", has been published and is available on request from the Welsh Office.

[THE NEXT PAGE IS 41071.]

4–509

[THE NEXT PARAGRAPH IS 4–511.]

Contaminative uses of land - the original list

Agriculture
Burial of diseased livestock

Extractive industry
Extracting, handling and storage of: carbonaceous materials (except underground workings) of ores and their constituents at mineral workings and processing works

Energy industry
Production or processing of natural gas or other carbonaceous material. Thermal power stations (including nuclear). Electricity substations.

Production of metals (including metal scrap)
Production, refining, heating, melting, casting or recovery of metals.Cold forming processes. Finishing processes.

Production of non-metals and their products
Production, refining and processing of non-metals (mineral processing); Production and processing of mineral fibres (including asbestos). Cement, lime and gypsum manufacture.

Glass making and ceramics
Manufacture of glass, ceramics and associated products (including glazing and vitreous enamel).

Production and use of chemicals
Production, refining, and storage of: petroleum, petrochemicals and their by-products, plus recovery; of organic or inorganic chemicals (fertilisers, pesticides, pharmaceuticals etc) production, refining and bulk storage of industrial gases.

Engineering and manufacturing processes
Manufacture of metal goods; explosives, propellants, ordnance, small arms or ammunition, plus storage and testing; manufacture and repair of electrical and electronic components and equipment, plus repair.

Food processing industry
Manufacturing of pet foods and animal foodstuffs. Processing of animal by-products (including rendering and maggot farming but excluding slaughter houses and butchering)

Paper, pulp and printing industry
Making of paper pulp, paper and board including printing and de-inking.

Timber and timber products industry
Chemical treatment and coating of timber and timber products

Textile industry
Processes for preparing, treating or working leather. Fulling, bleaching, dyeing or finishing fabrics or fibres. Manufacture of carpets and other floor coverings.

Rubber industry
Processing of natural or synthetic rubber.

Infrastructure
Marshalling, dismantling, repairing and maintenance of railway rolling stock, plus marshalling; marine vessels including hovercraft; road transport or road haulage vehicles; air or space transport systems.

Waste disposal
Sewage and other effluent treatment. Storage, treatment and disposal of sludge (including from water treatment works). Waste (including scrap) plus, deposition; radioactive materials.

Miscellaneous
Dry cleaning operations
Laboratories for educational or research purposes
Building demolition activities

Contaminative uses of land - the new list

Manufacture of gas, coke or bituminous material from coal.

Manufacture or refining of lead, steel or alloys of lead or steel.

Manufacture of asbestos or asbestos products.

Manufacture, refining or recovery of petroleum or it's derivatives.
Manufacturing, refining or recovery of other chemicals, excluding minerals.

Deposit in or on land of household, commercial or industrial waste except waste of ash, slag, clinker, rock, wood gypsum, railway ballast, peat bricks, tiles, concrete, glass, other minerals or dredging spoil.
Treatment of household, commercial or industrial waste by chemical or thermal means.
Scrap metal stores.

Ringrose & Co Solicitors,
The Old Vicarage,
Church Close,
Boston,
Lincs.
PE21 6NE.

Mr N Midlen

NRM/JJ H16/1291/92

PDH/LJB

26 Nov 1993

Dear Sir,

LIVE PROMOTIONS LTD

I thank you for your letter of 18th November 1993. Planning condition No 10 requiring a site investigation with regards to ground contamination is nothing whatsoever to do with the Government's former proposal to require Local Authorities to set up and operate Registers of Contaminated Land. It is in accordance with the advice given to Planning Authorities in paragraph 14 of the Annex to the Department of the Environment Circular No 21/87 "Development of Contaminated Land". Whatever may have been the fate of the land register proposal, this Circular remains in force, and I have advised your clients of this.

N Midlen
Principal Planning Officer
Development Control

Richard W. Tinn
Philip Hanby, LL.B.
Paul S. Cooper, B.A.
Paul D. Howden
John D. Storer
Consultant Raymond L. Ringrose
Associates
Martin O. Roberts, LL.B.
Jonathan Lloyd, B.A. M.Sc.
Consulting Chartered Surveyor
John A. Swithinbank, B.Sc. FRICS

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

Date 18 November 1993

Your Ref

Our Ref PDH/LJB

Please ask for Mr Howden

Dear Sirs

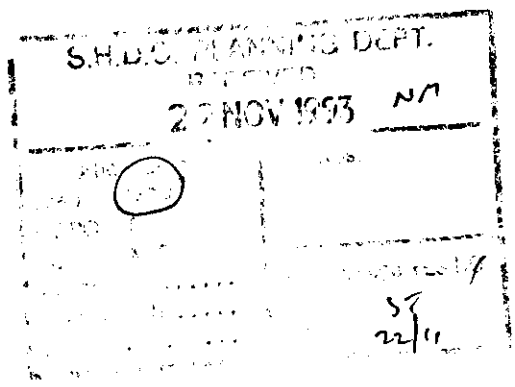
Re: Our Clients Live Promotions Limited
Planning Permission Number: H16/1291/92

We have been consulted by the above named clients in relation to the outline planning consent issued under the above reference number on the 19th February 1993.

The consent contains a condition number 10 requiring site investigation with regard to ground contamination.

We understand that this condition was imposed on the assumption that the local authority would be required to set up and operate registers of contaminated land. We however understand that the department of environment have now scrapped these proposals and that being the case would you please confirm that following development of the above property under the above planning permission the developer would not be required to implement the terms of condition number 10.

Yours faithfully



Ringrose & Co is regulated by the Law Society in the conduct of investment business

PETER FROST & Co.

SOLICITORS

P.G. FROST FCIArb
Commissioner For Oaths

Telephone: (0775) 725044

1, LONDON ROAD,
SPALDING,
LINCS.
PE11 2DH.
V.A.T. Reg. No. 330 3879 63.
DX 26702 Spalding
FAX 0775-710502

Our Ref. PGF/GM

Your Ref.

16th August 1993

Dear Sir,

re: Live Promotions - Property in
Winsover Road, - Planning Decision 1291/92

We act for the Lessees and Messrs. Roythorne & Co., act for the freehold owner of 37 Winsover Road, the Fruit Shop immediately to the east of the Winsover Road frontage of the above development site. Messrs. Ringrose & Co., are the Solicitors acting for Live Promotions Ltd. We have been in correspondence concerning the boundaries.

We enclose a photocopy of a letter from Messrs. Roythorne & Co., together with a Plan on which we have marked with a highlighting pen.

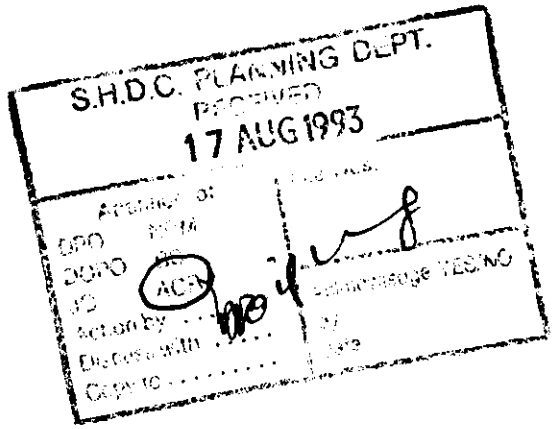
You will see from the letter from Messrs. Roythorne & Co., dated 12th August that they appear to have established that the western boundary of the Fruit Shop property is a straight line.

If that is right, the area we have highlighted on the Plan should not be included in the proposed development by Live Promotions Ltd or any successor in title. Please note your records accordingly.

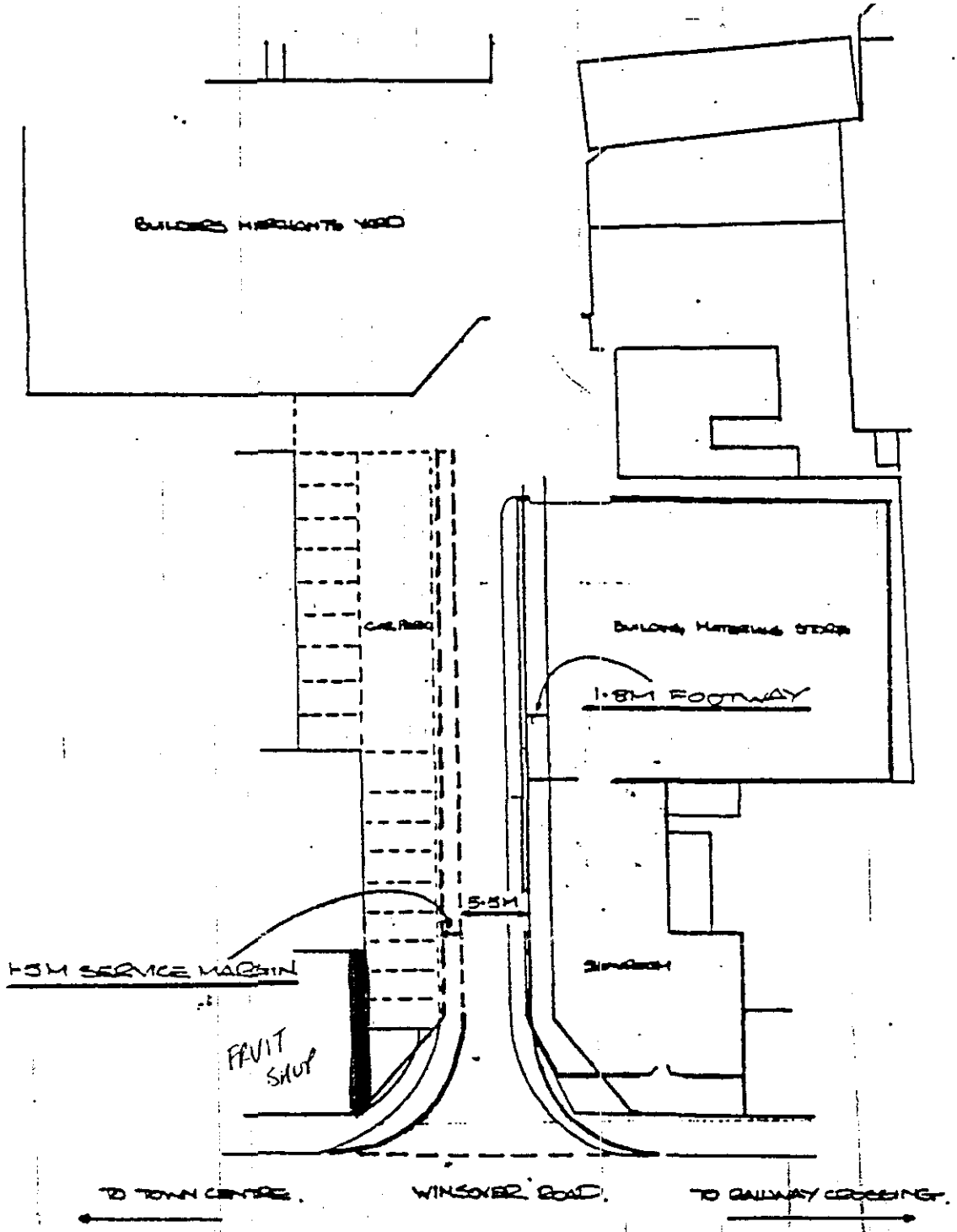
Yours faithfully,

TheDirector of Planning
South Holland District Council
Priory Road
SPALDING

encl.



This Firm is regulated by the Law Society in the conduct of investment business.



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"RECOGNITION SPLAY"
(REQUIRED FROM 150M)

SCALE 1:500

...EIS, LL.B. (London)
...C. TONGUE, M.A. (Cantab.)
D.R. PROCTOR
G.M. ORTON
P.J. BREWSTER, M.A. (Cantab.)
G.C.H. SMITH, M.A. LL.B. (Cantab.), Notary Public
G.R. HARROD, M.A. B.Sc. (Econ.)
C.P. BENNETT
A.J. PLUMMER, B.Sc. (Edin.)
L.P. FIDLER LL.B. (London)
D.C. BAMBRIDGE
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M.G. BUTLER, LL.B.
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Telephone: 0775 724141
Fax: 0775 725736
DX: 26701 Spalding

Your Ref: PGF/HS
Our Ref: DGB/KT/WIL.275-1
Date: 12th August 1993



Dear Sirs,

Re: Mrs. Williamson - Live Promotions Ltd. - M.G.S. (Management Services) Ltd.

We thank you for your letter of yesterday's date with enclosure. As we understand the position, Live Promotions Ltd. are no longer challenging the boundary line which they have been disputing. You will have seen a copy of the letter of Messrs. Ringrose & Co. to ourselves dated 28th July 1993 in which they required our client to block up the side access, and make reference to the fact that they are very close to effecting a sale of the property. We have pointed out that they have no right to require our client to block up the gap in the boundary fence, and have invited them to suggest some authority for that requirement if they disagree with our view, and to that we have received no reply.

We are not aware of any planning application which would show a building immediately adjacent to the boundary fence but obviously if the owner of the adjacent property obtains any planning consent to this effect, then they have the right so to do.

We are in no doubt whatever that the western boundary of our client's property, leased to yours, is a straight line running along the line of the fence presently existing down to Winsover Road. Since there really is no serious challenge to this contention from Live Promotions Ltd., we do not propose to incur any further expense in connection with the matter. If any new owner of the adjacent land should raise the matter we will consider it again at that time.

Yours faithfully,

Messrs Peter Ernest & Co.
DX 26702 SPALDING

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: H16/1291/92

Applicant: Live Promotions Ltd
The Millstone
9 St Thomas's Road
Spalding
Lincs PE11 2XY

Agent: A Roffe
Building Design & Plans
1 Green Lane
Spalding
Lincs PE11 2YB

Description: Extend vehicular access & provide road/footpaths with car parking, provide shops & additional flats
Location: Winsover Road Spalding
Lincs

Type: OUTLINE

23-FEB-93

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

Roythorne & Co - Agents PEH(O)
10 Pinchbeck Road
Spalding
Lincs
PE11 1PZ

Town and Country Planning Act etc

DRAFT DECISION

Reference: H16/1291/92 Received:17-DEC-92 Type:OUTLINE

Name: Live Promotions Ltd
The Millstone
9 St Thomas's Road
Spalding
Lincs PE11 2XY

Agent: A Roffe
Building Design & Plans
1 Green Lane
Spalding
Lincs PE11 2YB

Description: Extend vehicular access & provide road/footpaths with car parking, provide shops & additional flats
Location : Winsover Road Spalding
Lincs

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

1 Application for approval of reserved matters must be made not later than three years beginning with the date of this permission, and the development must be begun not later than whichever is the later of the following dates:
(a) the expiration of five years from the date of this permission,
(b) the expiration of two years from the final approval of reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: As required by Section 92 of the Town and Country Planning Act 1990.

2 The following matters are reserved for subsequent approval by the Local Planning Authority, and no development to which they relate shall be carried out until these matters have been approved, viz:
(1) Detailed drawings to a scale of not less than 1/100 showing the siting design and external appearance of the buildings, including particulars of the materials to be used for external walls and roofs;
(2) The siting and design of any vehicular access to a road;
(3) Landscaping of the site, including details of positions, heights on planting and species of trees and shrubs.

Reason: The application was submitted in outline only.

3 The approved scheme of landscaping and/or screening shall be carried out in its entirety within a period of two years beginning with the date on which development of the land is commenced. The trees, shrubs or bushes shall be adequately maintained by the owner(s) of the land on which they are situated for a period of ten years beginning with the date of completion of the scheme, and all losses shall be made good during that period.

Reason: In the interests of visual amenity and to ensure that the

approved scheme is implemented satisfactorily.

4 Any buildings used for retailing shall be confined to use as a shop within Class A1 of the Town and Country Planning (Use Classes) Order 1987.

Reason: To safeguard the amenities of the area.

5 Before any development is commenced the approval of the Local Planning Authority is required to:
(i) a *specification of the type of construction proposed for roads and/or footways;
(ii) a programme for the making up of the roads and/or footways;
(iii) details of the method and means of disposal of surface water;
(iv) detailed plans to a scale of 1/500 showing the layout of the roads and footways together with longitudinal sections to a scale of 1/500 horizontal and not less than 1/100 vertical showing the gradients of carriageways and full details of surface water drainage proposals. (Cross-sections taken at not more than 30 metres intervals normal to the proposed carriageway plotted to a scale of 1/100 natural will also be required where the adjoining ground levels will vary 0.5 metres plus from the proposed finished footway levels of the estate road);
(v) details of all proposed services showing location within the highway in accordance with the Report of the Joint Committee on the location of underground services published by the Institute of Civil Engineers in 1963.

*This specification shall be such as to enable the Local Highway Authority in due course to take over the roads and/or footways as highways maintainable at the public expense

Reason: To ensure an adequate standard of access to the estate in the interests of local amenity and convenience.

6 No dwelling to which this permission relates shall be commenced unless or until the carriageway basecourse and kerb foundation of the new estate roads onto which it fronts, is adjacent to, or gains access from, has been constructed.

Reason: To enable the position of the dwelling(s) and associated estate road(s) in the layout to be fixed more accurately in the interests of the proper planning of the area.

7 Before any other part of the development hereby permitted is commenced, the junction of the estate road with the existing public highway shall be constructed for at least 30 metres into the site, to the satisfaction of the Local Planning Authority.

Reason: To ensure that the land required for the access, including the visibility splays, is not used or developed for purposes that would prejudice the development of the backland and to ensure that vehicles can park clear of the public highway, in the interests of amenity and road safety, while the development is being carried out.

8 When application is made for approval of the "reserved matters", that application shall show adequate land within the site reserved for the parking of all vehicles expected to call at the permitted building(s) at any one time. Such parking provision as approved by the Local Planning Authority shall thereafter be used for or be available for use for vehicle parking at all times when the premises are in use.

Reason: So that adequate on-site motor vehicle parking facilities are provided, in the interests of the safety and convenience of traffic using ~~XXXXXXXXXXXXXXXXXX~~ Winsover Road.

9 Before any development is commenced the approval of the Local Planning Authority is required to the detailed design of the scheme to provide for the satisfactory disposal of highway surface water run-off from the development; and such scheme as approved shall be carried out before any building is occupied.

Reason: To ensure that highway surface water run-off from the development will not adversely affect, by reason of flooding, the amenity of nearby land.

10 Before development is commenced a site investigation and assessment shall be carried out and submitted to the Local Planning Authority to discover if, and to what extent, any ground contamination exists, and any development shall incorporate all the measures the assessment shows are necessary to protect the future occupiers of owners of the development.

Reason: The Local Planning Authority has information that the land was at one time used as an industrial works and may be contaminated.

11-FEB-93 AD check.....

Authorised to issue (inc Delegation).....19/2..

APPLICATION REFERENCE: H16/1291/92 DATE RECEIVED: 17-DEC-92

TYPE: OUTLINE

DESCRIPTION: Extend vehicular access & provide road/footpaths with car parking, provide shops and additional flats (Renewal of permission H16/1568/89)

LOCATION: Winsover Road, Spalding

APPLICANT: Live Promotions AGENT: A Roffe

REASON FOR COMMITTEE CONSIDERATION
Objection received.

RECOMMENDATION
Grant permission.

SOUTH HOLLAND DISTRICT COUNCIL
REPORT TO PLANNING COMMITTEE
Date 17 FEB 1993

PLANNING ISSUES

1 Application to renew previous planning permission.
2 No change in circumstances from last planning permission, except for suggestion that land may have been contaminated. DoE advice suggests a condition to cover this.
3 Similar public objection raised at previous application.

REPRESENTATIONS

County Highways: Requests conditions.

Environmental Services: Commercial premises to south of site, design must provide appropriate protection to residents. Certain uses may be incompatible, ie, hot food take-away. The site may have been a foundry and the land may, therefore, be contaminated.

Public: Letter received on behalf of the owners of 37 Winsover Road - summarised:

Clients lets the premises as fruit and vegetable shop. Was given verbal permission to use roadway which runs through site for unloading. Use of roadway particularly important for ease of access and avoids need to park on public highway. Other shops have legal right of way and will no doubt be necessary to ensure appropriate means of access provided.

SCHEDULE OF CONDITIONS

1 SC8 - (Details).
2 SC27 - (Implementation of planting).
3 Any buildings used for retailing shall be confined to use as a shop within Class A1 of the Town & Country Planning (Use Classes) Order 1987.
4 C1 - (Estate development - highway requirements).
5 C2(a)- (Road construction).

6 C4 - (Construction of estate road junction)...30 metres.
7 F1 - (Parking on site).
8 C3 - (Surface water run-off).
9 Before development is commenced a site investigation and assessment shall be carried out and submitted to the Local Planning Authority to discover if, and to what extent, any ground contamination exists, and any development shall incorporate all the measures the assessment shows are necessary to protect the future occupiers or owners of the development. (Reason: The Local Planning Authority has information that the land was at one time used as an industrial works and may be contaminated.)

BRIAN SMITH Dip .RTPI
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: H16/1291/92 Type: OUTLINE

Applicant: Live Promotions Ltd Agent: A Roffe
Tel: 0775 768661 0775 723680

Description: Extend vehicular access & provide road/footpaths with car parking, provide shops & additional flats
Location: Winsover Road
Spalding
Lincs

Valid date:	17-DEC-92	Terminal date:	11-FEB-93
Target dates:		Target Committee:	26-JAN-93
To case officer	24-DEC-92	Report deadline:	12-JAN-93
Inspected by	27-DEC-92		
Extra contacts	31-DEC-92	Case Officer:	
Report if not clear by	21-JAN-93	P J UDY	

DEVELOPMENT/CONSTRAINTS

Size: .28 HA
Category: Redevelopment
Listed building: Other Constraints:
Conservation Area:

CONSULTATIONS CARRIED OUT

	Sent	Expiry
Cllr G J Hawkins	31-DEC-92	14-JAN-93
Site/Press Advert MIN	08-JAN-93	29-JAN-93

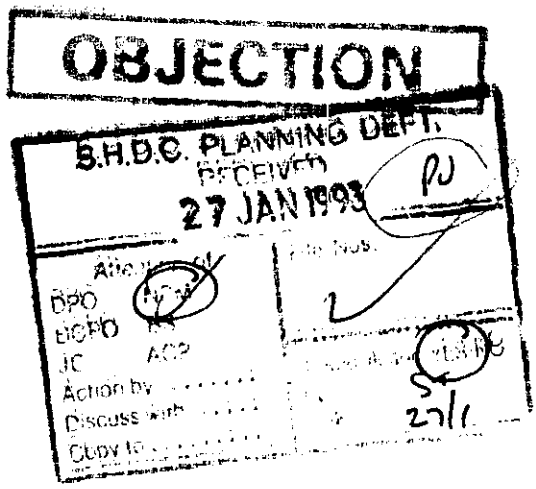
L.C.C — Obs Attached Jt CB 7/1/93

SITE DETAILS

Grid ref: 524400 322600
OS Sheets: 201 Parcel:

H.K. ELL B. (London)
R.C. TONGUE, M.A. (Cantab.)
D.R. PROCTOR
G.M. ORTON
P.J. BREWSTER, M.A. (Cantab.)
G.C.H. SMITH, M.A. LL.B. (Cantab.), Notary Public
G.R. HARROD, M.A. B.Sc. (Econ.)
C.P. BENNETT
A.J. PLUMMER, B.Sc. (Edin.)
L.P. FIDLER LL.B. (London)
D.C. BAMBRIDGE
P.R. OSBORNE, B.A.
JANET M. RATCLIFFE, M.A. (Oxon)
J.ER. DANKS
JEANETTE L. SHARPE, LL.B. (B'ham)

Associates: D.G. BEST
SUSAN R. PAPWORTH, LL.B.



ROYTHORNE & CO
10 PINCHBECK ROAD
SPALDING LINCS
PE11 1PZ
Telephone: 0775 724141
Fax: 0775 725736
DX: 26701 Spalding

Your Ref:
Our Ref : PEH(O)
Date : 26 January 1993

Dear Sir

PLANNING APPLICATION NO H16/1291/92
LAND OFF WINSOVER ROAD, SPALDING

We are instructed by Mrs J D Williamson, who owns No 37 Winsover Road, Spalding and we understand that an application has been submitted to you to renew the outline planning consent in respect of the adjoining site. Our client now lets the premises as a fruit and vegetable shop which is the same business she started from the property over nine years ago when she was given verbal permission to use the roadway which runs through the application site for the purpose of unloading stock into the rear of the premises.

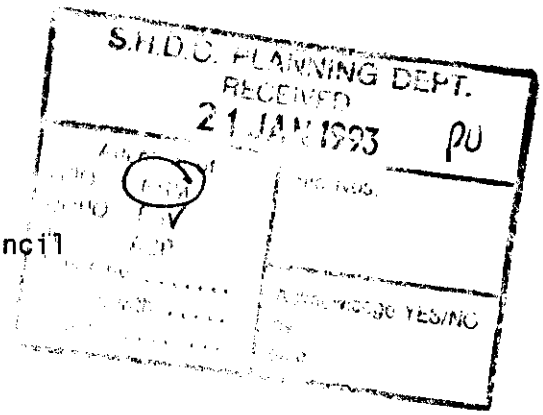
The nature of the business involves daily deliveries of fresh produce to the shop and the use of the roadway is particularly important not only for ease of access to the rear thereof but also in order to avoid the need to park on the public highway, which you will no doubt be aware is not particularly wide along this section, in addition to which parking is allowed on the other side of the carriageway which further limits the useable width thereof.

We understand that the owners of the shops adjacent to our client's property have a legal right of way from the rear of their respective premises over the said roadway to and from the public highway and it will no doubt be necessary to ensure the plans allow appropriate means of access for them. Therefore when considering the above planning application we should be grateful if you would also consider our client's requirements.

Yours faithfully

ROYTHORNE & CO

The District Planning Officer
South Holland District Council
Priory Road
Spalding
Lincs



B Smith Esq
District Planning Officer
South Holland District Council
Council Offices
Priory Road
Spalding
PE11 2XE

NRA

National Rivers Authority
Anglian Region

20 January 1993 Our Ref: GT/93/1/SH/0014/EB

Dear Sir

PLANNING APPLICATION NO H16/1291/92
PROPOSED DEVELOPMENT OF LAND FOR SHOPS, CAR-PARKING AND FLATS
BY LIVE PROMOTIONS LTD, WINSOVER ROAD, SPALDING.

With regard to the above-mentioned application received on 11 January 1993, I would inform you that the NRA Anglian Region has the following observations to make on the proposal:

Foul and surface water drainage from the proposed development should be connected to the existing main sewers.

If there is not a foul or surface water sewer available to serve this development then we must be further consulted.

Details of surface water drainage for the site shall be submitted to, and approved by, the local planning authority before any work on the site commences. The drainage works shall be constructed in accordance with the approved plans.

Surface water from vehicle parking areas should be discharged via trapped gullies.

This site is within the Welland and Deepings Internal Drainage Board's area. The IDB's byelaws apply.

Yours faithfully

R F Morgan
Planning Engineer

cc A Roffe
Building Design and Plans
1 Green Lane
Spalding
Lincs PE11 2YB

GRAINGER DAVIES, B.Sc.,
C.Eng., F.I.C.E., F.I.W.E.M.
Regional General Manager

Northern Area
Aqua House
Harvey Street
Lincoln
LN1 1TF
Tel: (0522) 513100
Telefax: (0522) 512927

SOUTH HOLLAND DISTRICT COUNCIL

M E M O R A N D U M

FROM: DIRECTOR OF ENVIRONMENTAL SERVICES **DATE:** 15.1.93

OUR REF: JC/SS/PC

TO: DIRECTOR OF PLANNING & BUILDING CONTROL SERVICES **YOUR REF:**

Planning Application H16/1291/92
Shops and flats, Winsover Road, Spalding

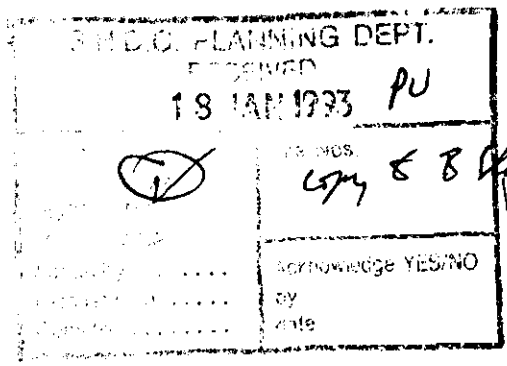
There are commercial premises to the south of the site and the design, layout and building construction must provide appropriate protection to the residents.

Consideration will also need to be given to the type of units as certain uses may be incompatible i.e., hot food takeaway.

Councillor Hawkins has recently advised that the site may have previously been a foundry and the applicants should therefore investigate whether any of the land is contaminated prior to construction.

Director of Environmental Services

Saw J.C 22-1-93
Is a renewal put a note
on to cover Cllr Hawkins Point.



LINCOLNSHIRE COUNTY COUNCIL
DEPARTMENT OF HIGHWAYS AND PLANNING

FORM NO: H/A/3B

To: South Holland District Council Application Reference H16/1291/92

Form of notification by the County Director of Highways and Planning for
DEVELOPMENT AFFECTING HIGHWAYS

With reference to the application dated
relating to the following proposed development:

1. National Grid Reference of a central point on site

	horizontal			vertical		
	2	4	4	2	2	6

2. Address or location

Winsover Road Spalding.

3. Name, classification and number of road

I (A52)

4. Date application referred 7-1-93

5. State whether outline, detailed application etc.

OL

6. Description of proposed development/change of use including access details

Extend Vehicular Access & Provide Road/Footpaths with Car Parking, Provide Shops & Flats - Renewal of OL PP H16/1563/87.

7. Notice is hereby given under the provisions of article 15 of the Town and Country Planning General Development Order, 1988, that the County Council as local highway authority:—

Delete as appropriate

a. ~~Does not wish to restrict the grant of permission.~~

(b.) Requests that any permission given by the local planning authority shall include the conditions shown overleaf.

c. Requests that the local planning authority refuse the application (reason overleaf).

d. Requests the local planning authority to complete Form T.R. 108 para 10b ~~as shown overleaf.~~

Date: 7-1-93 Signed: [signature]
Director of Highways and Planning

CONDITIONS:—

Delete as appropriate

(i) For applications where items are to be reserved for subsequent approval in consultation with the Director of Highways and Planning

(ii) For other applications

(1) C1

(2) C2(a)

(3) C4 --- 30m.

(4) F1

(5) C3

Delete as appropriate

(i) REASONS FOR a, b, or c overleaf

(ii) COMMENTS FOR FORM T.R. 108 para 10b

(1) C1

(2) C2(a)

(3) C4

(4) F1

(5) C3

Note:— use continuation sheet(s) as necessary.

A. ROFFE

BUILDING DESIGN AND PLANS

1 Green Lane,
SPALDING
Lincs. PE11 2YB Tel: (0775) 723680

16th December 1992

Dear Sirs.

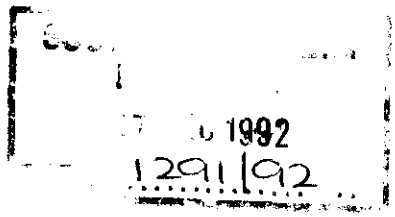
Land off Winsover Road, SPALDING.

I enclose the following documents for renewal of the current outline planning permission in respect the above site :-

4 copies planning application forms,
4 copies location plans with the site edged red and the adjoining property owned by Live Promotions blue,
cheque from the applicants in the sum of £ 330.

Yours faithfully

A. Roffe.



TERRA
COTTA
STILL EXISTING
DWELLING
EXTG
2 FLATS
3 FLATS.
40'
18'
12'
2
SPACES
TOTAL
2 SHOPS
13 FLATS.
FAN.
4 FLATS
FOUNDRY
18 SPACES
ORIGINAL
TERRACED COTTAGES
ORIG