SOUTH HOLLAND DISTRICT COUNCIL

Town and Country Planning Act 1990

Approval of Reserved Matters

Reference: H23/1224/93 Received:29-DEC-93 Type:RESERVED MATTERS

Earlier Permission: H23/1293/93

Name: Ashwood Homes
Holbeach Manor
Fleet Road
Holbeach
Spalding Lincs

Agent: G R Merchant
Unit 3
12A Park Road
Holbeach
Spalding Lincs

Description: Residential development

Location : Off Mill Lane Whaplode
Spalding Lincs

South Holland District Council hereby give notice that APPROVAL HAS BEEN GRANTED for the details submitted under the terms of the outline permission, subject to any condition(s) set out below:

1 Prior to the occupation of the dwellings on Plots 4, 6, 8 and 20, the brick screen walls shown on their respective plots on the plans received on 4 March 1994 shall be erected to the satisfaction of the Local Planning Authority.

Reason: In the interests of residential amenity.

This permission is granted in accordance with the application submitted as revised by the amended details received by the Local Planning Authority on 4 March and 21 March 1994.

Director of Planning and Building Control Services
15-APR-94 H23/1224/93

This decision refers only to that required for the purposes of the Town and Country Planning Act and not for Building Regulations or any other legislation. See enclosed notes relating to rights of appeal.

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

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

FOUR COPIES REQUIRED

PLANNING APPLICATION

For office use only

Application No. H23|1224|93

Date Registered 29 DEC 1993

1. Please complete in block letters

NAME AND ADDRESS OF APPLICANT

ASHWOOD HOMES.
HOLBEACH MANOR.
FLEET ROAD.
HOLBEACH.
SPALDING.
LINCS.

Tel. No.

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

G.R. MERCHANT.
UNIT 3.
12A PARK ROAD.
HOLBEACH.
SPALDING.
LINCS.

Tel. No. 0406 490800.
(Personal contact name)

Please complete in block letters

FULL POSTAL ADDRESS OF THE APPLICATION SITE

OFF MILL LANE, WHAPLODE.

Please complete in block letters

DESCRIPTION OF PROPOSED DEVELOPMENT

RESIDENTIAL DEVELOPMENT.

Please complete

Signed. G.R. Merchant

I attach * Four copies of all plans
*an ownership certificate (see back page)
*a fee of £240.00 If you consider no fee is payable include a written explanation instead.

Date. 24.12.93

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. — 423/1293/92.

B. Please state which reserved matters are dealt with in this application. — 1. 2(1). 2(2). 2(3). 3

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: 20

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: SEE PLANS. metres

(b) max. length: metres

(c) max. width: metres

C. Please state type and colour of materials for facing external walls: SEE SCHEDULE.

D. Please state type and colour of roofing materials.

E. Has a survey of the site been undertaken? State Yes or No [YES.]

5. GENERAL INFORMATION Please complete each section

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

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?

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

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

C. Please state whether a land drain will be affected

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	[ ]	→ If so, **please give details in Part 6**
The proposal affects a listed building	[ ]	
The proposal affects a public footpath	[YES]	
The proposal is known to affect contaminated or filled land	[ ]	
The proposal is for industrial, warehousing, offices or shopping purposes	[ ]	→ 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.	[ ]	→ Date: Consultee(s):
Is this application related to a previous submission	[ ]	→ Application No.:

6. ANY OTHER INFORMATION Please add any details you wish in support of your application.

Continue on separate sheet if necessary. PUBLIC FOOTPATH DIVERSION SEE DRAWING AH-W.2/1.

OWNERSHIP CERTIFICATES

PLEASE COMPLETE ALL THREE SECTIONS.

Use the notice at the bottom of the page only when necessary.

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).

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: 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 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 ..... Applicant/Agent) Date .....

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

Take notice that application is being made to South Holland District Council by

for planning permission for

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 ..... Date .....

RECOMMENDATION/DECISION

NON-DETERMINATION

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

Senior Officer confirmed .....

Withdrawn .....

COMMITTEE

Confirmed as agenda .....

SUB-COMMITTEE

Confirmed as agenda .....

DPBCS AUTHORISED

Decision Issue confirmed .....

DELEGATED DECISION

Case Officer

Approve ✓ (or equiv)

Refuse (or adverse)

Signed ..... Date 8/4/94

Notes:

- [ ] Disabled
- [ ] Prev conditions
- [ ] Amended plans – Dwg no: Received:

CONDITIONS/REASONS:

(1) PRIOR TO THE OCCUPATION OF THE DWELLINGS ON PLOTS 4, 6, 8 AND 20, THE SCREEN BRICKWORKS SHOWN ON THEIR RESPECTIVE PLOTS ON THE PLANS ~~SUBMITTED~~ RECEIVED ON 4/3/94 SHALL BE ERECTED TO THE SATISFACTION OF THE LPA.

SCA

REASON

IN THE INTERESTS OF RESIDENTIAL AMENITY.

(2) SN1 - ~~LOCATION AND~~ PLANS RECEIVED ON 9/3/94 AND SCHEDULE RECEIVED ON 21/3/94

Condition monitoring:

non-std expiry .....
prior submission
prior siteworks ✓

Determined plans indicated ✓

Departure approval confirmed

Flag for on-site review

DC INSTRUCTION SHEET

APPLICATION REF: H23/1224/93

Directions

Art 7 ☐ RM checklist

	Sit	Des	Ext	Acc	Land
Previous					
Current	/	/	/	/	
Required					

EA ☐ Reg4 – ☐ Scale dwg: Highway S/W: Agric appraisal:

LB ☐ Advt ☐

Details needed: (Non-std only)

Other.....

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

Revalidation after Direction

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

Valid date:

Amended description

Superseded plans indicated ☐

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

Precise details:

Extra Consultations/Publicity Required

☐ None identified initially

RECONSULTS (revalidated) ☐ All

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

Extra Consultations:

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

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

Press
PC
WM
Residents

Case Officer: JOHN BLACKWOOD

Senior Officer Confirmed ..... Date 31/12/93 Recorded DC....

APPLICATION ASSESSMENT

Notes for Case Officer

Site Inspection

Accuracy :
Neighbours :
Boundaries :
Site Features :

OPEN FIELD.
- PUBLIC FOOTPATH ON NORTHERN BOUNDARY
- DEVELOPMENT TO WEST OF WOODEN CLOSE BOARDED FENCE

Inspected by
Date 18/1/94

Site Notice posted by
Date 11/1/94.
Expiry

Individual Resident Notices required:

Addresses to be sent to –

Addresses delivered to –

Telephone/Visitor Record

Date	Conversation with	Conclusion

Case Officer Conclusions

AP IN RECORD SHEET

Initial

Submitted Fee £ 3400.

Receipt No P3684

Date first Rec'd 29 DEC 1993

Registration

Reference H23|1224|93

Cross-Ref R

Date 30-DEC-93 LAC

Validation

TYPE RM

Site area

No of dwellings 20

Floorspace

Earlier permission – Ref:

(New)/Redevelop/Use/Ext/Alt/Works

Description to be recorded

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

Fees — Correct fee £3400.; Nil fee; Discounted; Previous app – ref:; Type of app; Reason:

Additional £; Refund £; Receipt No; Voucher No; Date; Date

Information

Index sheet 168 OS Plots

Grid ref 532780 324050

Ward 2 Parish WITHERIDGE

Inside IBD YES Inside LP area NO

Constraints:

CA Cons Area

LB Listed – Grade:

ARC Archaeology

AM Ancient Mon

SSI Special Int

TR Rural

BP TR proposed 67m

LC Level Cross

Y FP Footpath

TPO Tree Pres

Hazards –

HAZ Site

AIR Safeguard

LIN Elect

PIP Pipe

CON Waste/contamin

Linked to site Ref 1913

Linked to property Ref

Dist Bound

Other: Area of Planning Advice

Planning Records:

Earlier apps 1293|92

1279|89

1186|88

B Reg Records:

Already submitted – Ref:

Request needed

Requested

Mr G R Merchant
4 Chapel Gardens
Whaplode
Spalding
Lincs
PE12 6UG

Miss J M Berridge

JMB/LSW/PL.754

GRM/JJM/AH-W

3rd November, 1994

Dear Sir

RESIDENTIAL DEVELOPMENT - MILL LANE, WHAPLODE (H23/1224/93)

I refer to your several recent telephone conversations with my assistant relating to the above, and would advise that this matter was considered by my Council's Planning Committee at its meeting on Tuesday evening.

You will be aware that the Council has received a number of objections from various organisations to the proposed diversion, on the basis that it constitutes more of a "closure" than a diversion, ie that the estate footpath onto which it is proposed the path would be diverted would be provided anyway, irrespective of whether or not the public right of way was diverted onto it, and that the existing line of the footpath would not interfere with the building site as it could be fenced off on the southern side of the footpath.

Following receipt of these objections, the original decision to pursue the Diversion Order has now been reviewed. As explained, under Section 257 of the Town and Country Planning Act 1990, the Council may only authorise the diversion of a footpath if it is satisfied that it is necessary to do so in order to enable development to be carried out:-

(a) in accordance with planning permission granted under Part III of the 1990 Act, or

(b) by a Government department.

Option (b) does not apply in this instance, but having reviewed the approved plans, it would seem that the diversion is not, in fact, necessary to enable the development to be carried out, and the Council therefore has no legal basis for making a Diversion Order under the Town and Country Planning Act.

There is, however, provision in the Highways Act 1980 for local authorities to make Public Path Diversion Orders where they are satisfied that it is in the interests of the landowner or public to do so, and whilst this Council and the County Council have concurrent powers, under a longstanding agreement it has been the policy to refer Highways Act proposals to the County Council for them to deal with as the local highways authority. In the circumstances, the Planning Committee at its meeting on Tuesday evening agreed not to pursue the Order under the provisions of Section 257 of the Town and Country Planning Act 1990, but to advise you to apply to the Lincolnshire County Council for a Public Path Diversion Order to be made under the provisions of Section 119 of the Highways Act 1980. I believe you are already aware that your contact at the County Council is Mr G R Keeping, Countryside Manager, County Offices, Newland, Lincoln LN1 1YL.

The decision of the Planning Committee is subject to ratification by full Council at its next meeting to be held on 9th November 1994, but you may wish to pursue this matter with the Lincolnshire County Council in the meantime.

Yours faithfully

Director of Administration

G.R. Merchant I.Eng. AMICE FIWO

Architectural, Structural & Land Drainage Consultant

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

Your ref: JMB/LSW/PL.754
Our ref : GRM/JJM/AH-W

7th November, 1994.

S.H.D.C.
Administration Dept.,
Council Offices,
Priory Road,
Spalding,
Lincs.

Dear Sir,

RESIDENTIAL DEVELOPMENT, MILL LANE, WHAPLODE. H23/1224/93.

Many thanks for your letter of the 3rd November explaining the situation with respect to the footpath diversion on the above development site.

I would like to point out; and would appreciate this letter being presented to the full Council on the 9th November; you make reference that your Council can only authorise the diversion of a footpath under Section 257 of the Town & Country Planning Act 1990 if it is satisfied that it is necessary to do so in order to enable development to be carried out in accordance with planning permission granted under Part 111 of the 1990 Act, in this case the planning permission as approved under application H23/1224/93 cannot proceed because the application was approved with the footpath diverted.

I await your comments after the full Council meeting on 9th November.

Yours faithfully,

G.R. Merchant.

G.R. Merchant.

C.C. Councillor A. Biggadike.
N. Midlen - planning department.
Ashwood Homes.

ASHWOOD HOMES
BUILD A BETTER NEIGHBOURHOOD

BUILDMARK

ASHWOOD HOMES

Holbeach Manor,
Fleet Road,
Holbeach, Lincolnshire.
Telephone: 0406 423388
Fax No. 0406 426237

Your Ref. · Our Ref. JHK/TJ.

7th November, 1994.

FOR THE ATTENTION OF MR. B. SMITH.

Director of Planning,
South Holland District Council,
Council Offices,
Priory Road,
Spalding,
Lincolnshire,
PE11 2XE.

S.H.D.C. PLANNING DEPT.
RECEIVED
- 7 NOV 1994
SB

Attention of: DPO, NRM, DDPO, BS, JC, ACP
Action by .....
Discuss with .....
Copy to .....
File Nos.
Acknowledge YES/NO
by
date

Dear Mr. Smith,

RE:- FOOTPATH DIVERSION AT WHAPLODE.

I wondered if you could kindly help me.

On our Whaplode Estate adjoining the Allison Estate there is the remaining section of footpath on which we have Planning Permission.

The remaining section of footpath is merely a play area and we wish to divert this onto the Estate Road as it will be a small corridor of weeds which could be used to enter the rear of the properties being built.

I understand that everyone is in agreement that this footpath be diverted but legislation does not permit this to happen.

I wondered if you could help in having the footpath diverted as I am not sure what to do next.

I look forward to hearing from you.

With best wishes.

Yours sincerely,

John H. King.
On behalf of
Ashwood Homes.

ENCLOSURES.

G.R. Merchant I.Eng. AMICE FIWO

Architectural, Structural & Land Drainage Consultant

4 Chapel Gardens, Whaplode, Spalding, Lincs. PE12 6UG. Telephone 0406 370853
490800

Your ref: JB/JJ. H23/1224/93
Our ref: GRM/JJM/AH-W

SHDC PLANNING DEPT. 30

11th August, 1994.

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

Dear Sir,

PLANNING AMENDMENT, ASHWOOD HOMES, MILL LANE, WHAPLODE.

Further to your letter of the 2nd August with respect to the necessity for brick samples, I understand this matter has been dealt with by Ashley King, the brick representative and your Mr Blacklock.

Yours faithfully,

J. Merchant.

G.R. Merchant.

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: H23/1224/93

Applicant: Ashwood Homes
Holbeach Manor
Fleet Road
Holbeach
Spalding Lincs

Agent: G R Merchant
Unit 3
12A Park Road
Holbeach
Spalding Lincs

Description: Residential development

Location: Off Mill Lane
Whaplode
Spalding
Lincs

Amendment: Amendment to bricks and tiles

15-AUG-94

Dear Sir/Madam

TOWN AND COUNTRY PLANNING ACT 1990
NOTICE OF ACCEPTANCE OF AMENDMENT

The amended details submitted in respect of the above proposal have now been considered, and I am able to inform you that there are no objections to the amendment being implemented to the extent described above.

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

Yours faithfully

Director of Planning and Building Control Services

AMENDMENT RECORD SHEET - POST DECISION

Admin

Validation:

Inadequate/Inappropriate ☐

Appears valid ☑

Clarification/Details required:

Registered 21 JUL 1994

DC Procedural Assessment

Is the information given correct?

Yes/~~No~~ (If No, state above what details are needed)

Is it an amendment in principle?

Immaterial/~~Needs new app~~

Confirmed: [signature] 11/8/94

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

Acceptance issued:

G R Merchant,
Unit 3,
12a Park Road,
Holbeach,
Lincs.

Mr J Blacklock

JB/JJ H23/1224/93

02 Aug 1994

Dear Sir,

PLANNING AMENDMENT, ASHWOOD HOMES, MILL LANE, WHAPLODE.

With reference to the above, could you please let me have samples of the Butterley Amberley Multi Stock and Butterley Mallham Red bricks.

Yours faithfully

N Midlen
Principal Planning Officer
Development Control

PLANNING AMENDMENT

For office use only

Application No. H23/1224/93/1

Date Registered 21 JUL 1994

Case Officer SB

1. Please complete in block letters

NAME AND ADDRESS OF APPLICANT

ASHWOOD HOMES.
HOLBEACH MANOR.
FLEET ROAD.
HOLBEACH.

Tel. No.

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

G.R. MERCHANT.
UNIT 3.
12A PARK ROAD.
HOLBEACH.

Tel. No. 0406 490800 (Contact)

Please complete in block letters

FULL POSTAL ADDRESS OF THE APPLICATION SITE

MILL LANE, WHAPLODE.

Please complete

APPLICATION No.

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

H23/1224/93.

Building Regulation reference relating to same development (if any)

2. Please tick **one** box only

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

or

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

Please complete

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

Signed G.R. Merchant Date 19.7.94

3. Please complete in block letters

FULL DESCRIPTION OF DEVELOPMENT IN ORIGINAL APPLICATION

RESIDENTIAL DEVELOPMENT.
2NO — DWELLINGS.

State details of amendments proposed

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

AMEND BRICKS & TILES AS PER ATTACHED SCHEDULE.

State drawing no's of the current submission

—

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

YES / ~~NO~~ J. BLACKLOCK

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

—

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

BRICK AND ROOF TILE SCHEDULE, MILL LANE, WHAPLODE.

	BRICKS	TILES
Plot 1	1	4
Plot 2	1	4
Plot 3	2	5
Plot 4	3	6
Plot 5	2	5
Plot 6	2	5
Plot 7	1	4
Plot 8	2	5
Plot 9	2	5
Plot 10	1	4
Plot 11	3	6
Plot 12	2	5
Plot 13	1	4
Plot 14	3	6
Plot 15	2	5
Plot 16	1	4
Plot 17	3	6
Plot 18	1	4
Plot 19	3	6
Plot 20	1	5

1. Butterley Amberley Multi Stock.
2. Butterley Berkshire Red Mixture.
3. Butterley Mallham Red.
4. Sandtoft Rustic Double Pantile
5. Sandtoft Red Double Pantile.
6. Sandtoft Grey Double Pantile.

SOUTH HOLLAND D.C.
PLANNING
21 JUL 1994
Ref .....

AMENDED PLAN
Ref.

PLEASE FILE H23/1224/93.

PLANNING COMMITTEE - 11th May, 1994

321. SPALDING RIVERSIDE ENHANCEMENT (Continued)

c) That other riverside initiatives referred to in the report be noted and that the highways authority be consulted about the riverside tree management plan.

(Councillors N I Capes, A E Naylor and B A Paul left the meeting during consideration of the above matter.)

322. MILL LANE, WHAPLODE - PROPOSED DIVERSION OF PUBLIC FOOTPATH NO. 2

Consideration was given to a report of the Director of Administration on an application for the diversion of Public Footpath No.2 by developers of land at Mill Lane, Whaplode to enable development to be carried out in accordance with planning permission H23/1224/93. The developers had agreed to meet the Council's advertising costs and a plan showing the existing footpath and the proposed diverted footpath was displayed at the meeting.

RESOLVED: That an Order be made under the provision of Section 257 of the Town and Country Planning Act 1990 in respect of the diversion of Public Footpath No.2 at Whaplode in accordance with the company's application submitted in respect of planning application H23/1224/93 and the Order being confirmed if no objections are received.

(Councillor J Goodley left the meeting during consideration of the above matter.)

323. 2-3 HIGH STREET, SPALDING

The Director of Planning and Building Control Services submitted a report reminding the Committee of the history of this site and explaining that the site had now been sold to a local builder who was anxious to redevelop the site as soon as possible.

RESOLVED:

a) That the Committee welcome the news of the purchase of the site and look forward to the redevelopment of the site taking place as soon as possible; and

b) That the decision to pursue the compulsory purchase of the site be deferred.

324. EXCLUSION OF PRESS AND PUBLIC

RESOLVED: Under Section 100A(4) of the Local Government Act 1972 the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 7 and 13 of Part I of Schedule 12A of the Act.

325. 23 AND 27 MARKET STREET, LONG SUTTON: GRADE II LISTED BUILDING (808/93)

Referring to Minute 808/93, the Director of Planning and Building Control Services submitted a report drawing attention to further possible action following non-compliance by the owner with the terms of a Section 48 Repairs Notice. The condition of the properties was continuing to deteriorate and discussions had been held with Heritage Lincolnshire, Longhurst Housing Association and the Environmental Services and Housing and Property Services departments about their future. It was understood that the owner was unable to afford to carry out the works and there was a particular need to protect the condition of 25 Market Street which was separately owned.

RESOLVED:

a) That subject to no irrevocable commitments being made, officers be instructed to attempt to negotiate a purchase price with the current owner with a view to the properties being passed over to Heritage Lincolnshire for restoration;

b) That the Director of Planning and Building Control Services be authorised to undertake the necessary work in preparation for compulsory purchase proceedings should it become clear that an agreed purchase price with the owner is not obtainable;

c) That a full report on the financial implications of the purchase of the property be submitted to the Planning and Policy & Resources Committees before any commitment to purchase, either voluntarily or compulsorily is entered into; and

d) That the owner/occupiers of 25 Market Street, Long Sutton be advised of the Committee's decision on this matter.

(End of Minutes)

PLEASE FILE H23/1224/93.

AGENDA ITEM NO. 10

SOUTH HOLLAND DISTRICT COUNCIL

REPORT TO: PLANNING COMMITTEE - 11TH MAY 1994

BY: DIRECTOR OF ADMINISTRATION

---

1. SUBJECT: MILL LANE, WHAPLODE - PROPOSED DIVERSION OF PUBLIC FOOTPATH NO.2

PURPOSE: To consider a proposal for the diversion of public footpath no.2

1.1 The developers of land at Mill Lane, Whaplode have submitted an application to divert public footpath no. 2.

1.2 Under the provisions of Section 257 of the Town and Country Planning Act 1990, prior to authorising the diversion of a footpath the Council must be satisfied that such a diversion is necessary to enable a development already granted planning permission to be carried out. Planning permission H23/1224/93 was granted on 15th April 1994 for 20 dwellings on the land, and the footpath must be diverted to enable the approved development to be carried out.

1.3 In the event that authorisation is granted for the diversion of the footpath, the developers have agreed to meet the Council's advertising costs.

1.4 A plan showing the existing footpath and the proposed diverted footpath in relation to the development approved under planning permission H23/1224/93 will be displayed at the meeting.

1.5 RECOMMENDATION: An Order be made under the provisions of Section 257 of the Town and Country Planning Act 1990 in respect of the diversion of public footpath no. 2 at Whaplode in accordance with the Company's application based on the details submitted in respect of planning application reference H23/1224/93 and the Order be confirmed if no objections are received.

Background Papers:- Letter from G R Merchant dated 18th January 1994.
Letter to Mr G R Merchant dated 8th February 1994

Local Government (Access to Information) Act 1985
The person to whom reference should be made concerning inspection of the background papers is the Director of Administration, Council Offices, Priory Road, Spalding, Lincs. Tel: Spalding (0775) 761161.

SOUTH HOLLAND DISTRICT COUNCIL

MEMORANDUM

FROM: Director of Administration

TO: Director of Planning and Building Control Services

REF: JMB/KS/PL.754

REF: File 1224/93

DATE: 23rd November 1994

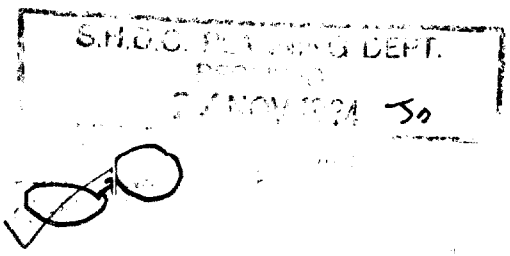
SUBJECT: FOOTPATH DIVERSION ORDER AT WHAPLODE

I refer to the letter dated 7th November 1994 from Ashwood Homes relating to the above matter, a copy of which has been forwarded to this department.

With regard to the penultimate paragraph of the letter, the applicant's agent Mr G R Merchant has already been advised on two occasions to approach the Lincolnshire County Council with a view to obtaining a Public Footpath Diversion Order under the provisions of Section 119 of the Highways Act 1980. The Lincolnshire County Council have also been advised of the possibility of such a request being received.

I enclose for your information copy correspondence forwarded to Mr G R Merchant, together with a copy of my response to Mr J King.

Director of Administration



SOUTH HOLLAND DISTRICT COUNCIL

DIRECTOR OF ADMINISTRATION

R COLE DMA

Mr J H King
Ashwood Homes
Holbeach Manor
Fleet Road
Holbeach
Spalding
Lincs

Your Contact: Miss Berridge

Our Ref: JMB/KS/PL.754

Your Ref: JHK/TJ

Date: 23rd November 1994

Dear Sir

FOOTPATH DIVERSION AT WHAPLODE

I refer to your letter dated 7th November 1994 relating to the above, which was addressed to the Director of Planning and Building Control Services, and which has now been forwarded to me for attention.

In answer to the penultimate paragraph of your letter, I can do no better than enclose copy correspondence recently forwarded to Mr G R Merchant, from which you will see that you are now advised to contact the Lincolnshire County Council with a view to that authority making a Public Path Diversion Order under the provisions of Section 119 of the Highways Act 1980. The Lincolnshire County Council have been advised of the possibility of such a request being received.

I trust that the above is of assistance to you.

Yours faithfully

R. Cole

Director of Administration

Director of Administration
Council Offices
Priory Road,
Spalding,
Lincolnshire, PE11 2XE

Telephone: (01775) 761161
Fax: (01775) 711253

Mr G R Merchant
4 Chapel Gardens
WHAPLODE
Spalding, Lincs.
PE12 6UG

Miss J M Beridge

JMB/LDS/PL754

GRM/JJM/AH-W

11th November 1994

Dear Sir,

RESIDENTIAL DEVELOPMENT, MILL LANE, WHAPLODE
APPLICATION REF. H23/1224/93

I refer to your letter dated 7th November 1994 relating to the above.

In order to clarify the situation, I would explain that it is the Planning Committee's opinion that the four properties to the south of the existing public footpath can be built without making a diversion order as the existing footpath does not actually extend through any building line. In the circumstances, the authority does not have the necessary legal power to make an order under section 257 of the Town and Country Planning Act 1990. If the existing footpath took a route, for example, straight across the middle of the site, then it would almost inevitably be necessary to make a diversion order to enable any development to take place.

The decision of the Planning Committee was ratified by full Council at its meeting on Wednesday evening.

As previously stated, you are now advised to contact the Lincolnshire County Council with a request for a diversion order to be made under the provisions of section 119 of the Highways Act 1980. I have already written to Mr Keeping, the Countryside Manager, explaining the background to the situation.

Yours faithfully,

Director of Administration

G.R. Merchant I.Eng. AMICE FIWO

Architectural, Structural & Land Drainage Consultant

4 Chapel Gardens, Whaplode, Spalding, Lincs. PE12 6UG. Telephone 0406 ~~370853~~ 490800.

140 - N. KIDLEN

H23/1224/93

Title

With Compliments

FOOTPATH DIVERSION.

PLANNING APPLICATION :- H23/1224/93

COPY OF LETTER SENT TO ADMINISTRATION DEPT FOR YOUR INFORMATION

G. R. Merchant

S.H.D.C. PLANNING DEPT.
RECEIVED
- 7 NOV 1994 93

G.R. Merchant I.Eng. AMICE FIWO

Architectural, Structural & Land Drainage Consultant

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

Your ref: JMB/LSW/PL.754
Our ref : GRM/LIM/AH.W

7th November, 1994.

S.H.D.C.
Administration Dept.,
Council Offices,
Priory Road,
Spalding,
Lincs.

Dear Sir,

RESIDENTIAL DEVELOPMENT, MILL LANE, WHAPLODE. H23/1224/93.

Many thanks for your letter of the 3rd November explaining the situation with respect to the footpath diversion on the above development site.

I would like to point out; and would appreciate this letter being presented to the full Council on the 9th November; you make reference that your Council can only authorise the diversion of a footpath under Section 257 of the Town & Country Planning Act 1990 if it is satisfied that it is necessary to do so in order to enable development to be carried out in accordance with planning permission granted under Part 111 of the 1990 Act, in this case the planning permission as approved under application H23/1224/93 cannot proceed because the application was approved with the footpath diverted.

I await your comments after the full Council meeting on 9th November.

Yours faithfully,

G.R. Merchant.

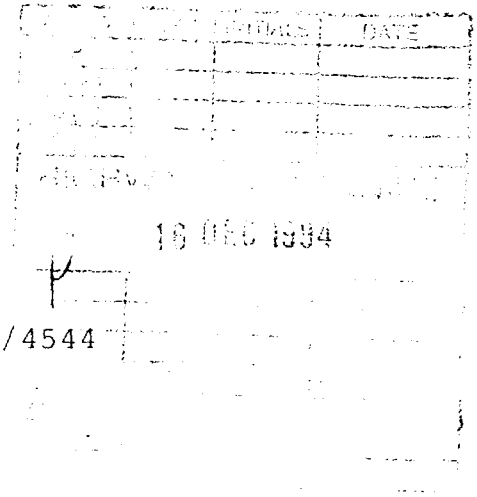
G.R. Merchant.

C.C. Councillor A. Biggadike.
N. Midlen - planning department.
Ashwood Homes.

Copy to Director of Highways & Planning FAO Mr Mark Heaton
Colin McGregor, Countryside Officer, Sleaford Whaplode PF2

When calling please ask for Mrs Karen Barke
Direct line number (0522) 552828

Mr G R Merchant
4 Chapel Gardens
Whaplode
SPALDING
PE12 6UG



Your Ref: GRM/JJM/AH-W

Our Ref: KJB/Whaplode PF2/SHDC Divn/DEM/4544

13 December 1994

Dear Sir

WHAPLODE - RESIDENTIAL DEVELOPMENT, MILL LANE
APPLICATION FOR FOOTPATH DIVERSION

Thank you for your letter dated 22 November 1994 in which you request a diversion of the above footpath under Section 119 of the Highways Act 1980. I regret I am unable to accept your application for the diversion of this path for the reasons given below.

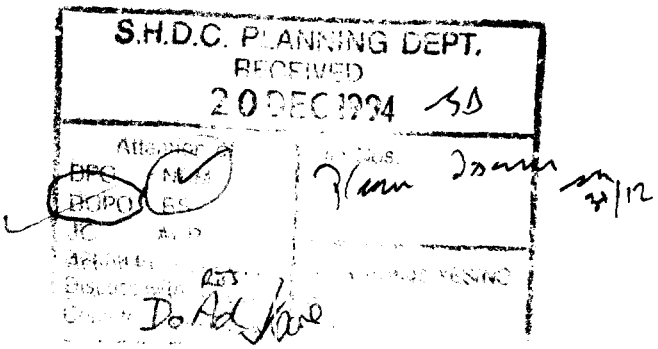
The proposal which you have submitted has already been considered by South Holland District Council and has been abandoned following objections. I have no reason to suppose that the Order would any more successful under the Highways Act 1980 and for this reason I am unwilling to proceed.

The County Council is currently only considering diversion proposals where the diversion offers substantial public benefit and it would appear that your proposal would not meet this criteria. At the present time the County Council currently has a large backlog of Public Path Orders and is therefore unwilling to take on any more applications without a strong public benefit component and, even where applications are made, it could be several years before the legal processes are completed in view of the County Council's current workload.

I am sorry I cannot be more positive on this occasion but if I can provide you with any further advice about the path's present definitive line, please contact my Countryside Officer, Mr Colin McGregor at the above address.

Yours faithfully

for Head of Property



Director of Highways and
Planning,
Lincolnshire County Council,
City Hall,
Beaumont Fee,
Lincoln.
LN1 1DN.

Mr J Blacklock

JB/JJ H23/1224/93

21 Nov 1994

FAO: Mr C Briggs

Dear Sir,

RESIDENTIAL DEVELOPMENT - OFF MILL LANE, WHAPLODE, SPALDING.

I refer to the recent conversation of my Officer, Mr J Blacklock, with you in connection with the above and write to state, formally, that this Authority would wish to give its support for any request by the Developer to secure by means of the provisions of the Highways Act the diversion of the footpath which traverses the northern part of the site.

Yours faithfully

M N Midlen
Principal Planning Officer
Development Control

SOUTH HOLLAND DISTRICT COUNCIL

PLANNING & BUILDING CONTROL DEPARTMENT

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

Ashwood Homes,
Holbeach Manor,
Fleet Road,
Holbeach,
Spalding,
Lincs.

Your Contact: Mr N Midlen

Our Ref: NRM/JJ H23/1224/93

Your Ref: JHK/TJ

Date: 16 Nov 1994

Dear Sir,

FOOTPATH DIVERSION AT WHAPLODE

I thank you for your fax of the 7th November including enclosures.

The issue of the diversion of this footpath has not been handled by my Department but as you know, by the Administrative Services Department.

The view taken is that Section 257 of the Town and Country Planning Act is not the appropriate section to authorise the diversion of the footpath, because they consider that your development can be carried out without the diversion order i.e. they consider that all the physical features authorised by the planning permission can be developed, albeit there would be a public right of way across the bottom of the gardens of the new houses. This would of course infringe on the privacy of the buildings unless it was fenced (which would need planning permission if it exceeded 1m) but apparently this is not relevant to this particular section of the Act. However, there are provisions under the Highways Act which could, in my view, be applicable and could achieve the diversion. I believe the County Highways Department have been advised of the situation, but I will write to them supporting a diversion.

Yours faithfully

N Midlen
Principal Planning Officer
Development Control

Planning & Building
Control Department
Council Offices,
Priory Road,
Spalding,
Lincolnshire. PE11 2XE

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

G.R. Merchant I.Eng. AMICE FIWO

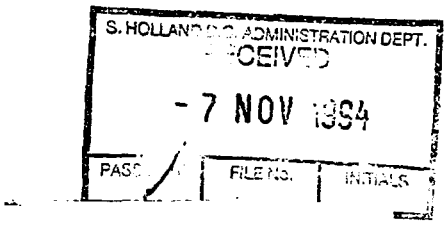
Architectural, Structural & Land Drainage Consultant

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

Your ref: JMB/LSW/PL.754
Our ref : GRM/JJM/AH-W

7th November, 1994.

S.H.D.C.
Administration Dept.,
Council Offices,
Priory Road,
Spalding,
Lincs.



Dear Sir,

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I await your comments after the full Council meeting on 9th November.

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G.R. Merchant.

C.C. Councillor A. Biggadike.
N. Midlen - planning department.
Ashwood Homes.

Ashwood Homes,
Holbeach Manor,
Fleet Road,
Holbeach,
Spalding,
Lincs.

Mr N Midlen

NRM/JJ H23/1224/93

JHK/TJ

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Yours faithfully

N Midlen
Principal Planning Officer
Development Control

Ashwood Homes,
Holbeach Manor,
Fleet Road,
Holbeach,
Spalding,
Lincs.

Mr N Midlen

NRM/JJ H23/1224/93

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Principal Planning Officer
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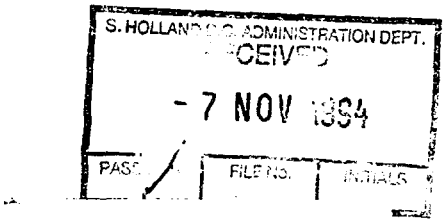
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7th November, 1994.

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Council Offices,
Priory Road,
Spalding,
Lincs.



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Yours faithfully,

G.R. Merchant.

G.R. Merchant.

C.C. Councillor A. Biggadike.
N. Midlen - planning department.
Ashwood Homes.

SEARCH RECORD ESTATES ETC.

Estate Name:

Main: Ashwood Homes

Streets: Off Mill Lane, Whaplode

SUMMARY OF PLANNING REGISTER

Reference	Applicant	Description	Decision	Plot(s) Affected
H23/1186/88	J H & N K Hoyes	Residential Development	Refusal 27.10.88	All
H23/1279/89	J H & N K Hoyes	Residential Development (Outline)	Consent 8.3.90	All
H23/1293/92	S W & P Hoyes	Residential Development renewal of H23/1279/89	Consent 9.7.93	All
H23/1224/93	Ashwood Homes	Residential Development (res matter)	Consent 15.4.94	All
H23/0037/95	Ashwood Homes	Landscaping, tree tree planting walls	Current	All

ENFORCEMENT - INITIAL RECORD OF COMPLAINT

1. DATE RECEIVED: 10/11/95

2. BY WHOM RECEIVED: J. Jep

3. COMPLAINANTS NAME: Mrs. Harrington 01406 426 739

ADDRESS: Clerk to Whaplode P.C.

TEL NO: Pr. Hse Beba. 371 565 Mr. Bendall, Rg, The Tilney 01406

4. LOCATION OF SITE OF COMPLAINT: Rear of The Tilney, off Churchgate, Whaplode

5. OWNER/OCCUPIER OF SITE ADDRESS IF DIFFERENT TO 4:

6. COUNCIL OWNED ~~YES~~/NO

7. NATURE OF COMPLAINT (IN DETAIL): On the permission there was a condition or agreement that behind the garden fences there should be a strip of land that was to be kept grassed & planted with trees, this has been removed.

15.11.95 Visited site with Complainant. Proposed pathway on eastern end of site has been ploughed up. Spoke to Peter Moon, Recreational Services. He is preparing this footway with the Hotel & it has been ploughed up to facilitate planting and fencing. Com. Biba & Complainant informed. Allisons estate

8. ENFORCEMENT OFFICERS USE:-

DATE RECEIVED:

COMMENCE FILE - YES/NO

9. CLERICAL ASSISTANTS USE:-

DATE FILE PREPARED:

DATE ENTERED IN ENFORCEMENT REGISTER:

PREVIOUS APPLICATION FILES FOR SITE - ATTACHED/NIL

SEARCH RECORD ESTATES ETC.

Estate Name:

Main: Allison Homes Ltd

Streets: Mill Lane & Churchgate Whaplode

SUMMARY OF PLANNING REGISTER

Reference	Applicant	Description	Decision	Plot(s) Affected
H23/0549/87	Watson	Res Dev	Refusal 17.11.87	All
H23/1189/87	J H & N K Hoyes	Res Dev	Refusal 8.1.88	All
H23/0583/88	J H & N K Hoyes	Res Dev (Outline)	Consent 24.6.88	All
H23/0626/89	Allison Homes	Res Dev	Refusal 24.7.89	All
H23/1636/89	Allison Homes	Res Matters 51 Dwells	Consent 20.4.90	All
H23/0843/90	Allison Homes	Landscaping	Consent 20.9.90	All
H23/1081/90	Allison Homes	Substitution of Housetypes	Consent 19.11.90	10 & 51
H23/1303/90	Allison Homes	Substitution of Housetypes	Consent 7.1.91	6 & 50
H23/0116/91	Allison Homes	Substitution of Housetypes	Consent 27.3.91	10,11, 17, 21 21 & 43
H23/0578/91	Allison Homes	Substitiution of Housetypes	Consent 26.7.91	23-26
H23/0768/91	Allison Homes	Substitutuion of Housetype	Consent 26.9.91	35

SEARCH RECORD ESTATES ETC.

Estate Name: The Tileney, Francklin Walk

Main: Allison Homes Ltd

Streets: Mill Lane & Churchgate Whaplode

SUMMARY OF PLANNING REGISTER

Reference	Applicant	Description	Decision	Plot(s) Affected
H23/1197/91	Allison Homes	Substituition of Housetype	Consent 8.1.92	24 & 26
H23/0254/92	Allison Homes	Landscaping & Tree Planting Details	N.T.B.D. 31.3.92	23-26
H23/0369/92	Allison Homes	Landscape Details	Consent 14.4.92	1-22 & 27-51
H23/0370/92	Allison Homes	Landscape Details	Consent 14.4.92	23-26

TOWN AND COUNTRY PLANNING ACT 1971

OUTLINE PLANNING PERMISSION

REFERENCE : H23/0583/88

DATE RECEIVED : 27 4 88

APPLICANT : J H & N K Hoyes
Arbour House &
J Watson, Rosedene
Mill Lane
Whaplode Lincs

AGENT : Messrs Hix & Son
28 Church Street
Holbeach
Spalding
Lincs

TYPE : Outline GRID REF : 532520 324040

DESCRIPTION : Residential development

LOCATION : Land at Mill Lane & off Churchgate, Whaplode

The South Holland District Council hereby give notice that outline planning permission has been granted for the carrying out of the development in accordance with the application and plans submitted, subject to the following conditions:

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 41 of the Town and Country Planning Act 1971.

2. a) The following matters are reserved for subsequent approval by the Local Planning Authority and shall be submitted for such approval simultaneously unless the prior written consent of the Local Planning Authority is obtained for separate submissions, and no development to which they relate shall be carried out until these matters have been approved, viz:
   1) Detailed drawings of the estate layout to a scale of not less than 1:500 including road and plot layouts.
   2) 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.
   3) The siting and design of any vehicular access to a highway or estate road.

Cont/....

This permission refers only to that required by the Town and Country Planning Acts.
If approval is required under any other enactment this must be obtained separately.

SOUTH HOLLAND DISTRICT COUNCIL

B. SMITH M.R.T.P.I., DISTRICT PLANNING OFFICER
CHATTERTON TOWER, WINFREY AVENUE, SPALDING, LINCOLNSHIRE TELEPHONE: SPALDING 61161

4) Detailed drawings to a scale of not less than 1:500 of a landscaping scheme showing the following details:
   (i) the positions, heights and species of existing trees;
   (ii) proposals for felling or retention of existing trees;
   (iii) proposals for tree planting, including the number, species, heights on planting and positions of all trees and shrubs;
   (iv) proposals for the provision of incidental grass areas or other open spaces, including particulars of the treatment of hard surfaces, and any other features intended to enhance the attractiveness of the environment;
   (v) proposals for the provision of screen walls or fences, including details of heights, positions, designs and types of construction.
   (iv) provision of public open space and toddlers' play areas.

b) Such a landscaping scheme as may be approved by the Local Planning Authority 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, or within such longer period as may be agreed in writing with the Local Planning Authority. Screen walls and fences included in the approved scheme, together with trees and shrubs which it is proposed to plant within the curtilages of individual dwellings, shall be provided before occupation of the respective dwellings. The trees, shrubs and 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 made good during that period.

Reason: The application was submitted in outline only, and the above details are required to enable the Local Planning Authority to assess the standard and overall design concept of the proposed development. Implementation of such landscaping scheme as may be approved is required in the interests of visual amenity of the estate.

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, or within such longer period as may be agreed in writing with the Local Planning Authority. 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. The proposed estate road access shall be sited towards the western end of the sites frontage to Mill Lane.

Reason: For the satisfactory location of the access.

Cont/....

83/88

5. The proposed access shall be a minimum of 5.5 metres wide and incorporate visibility splays of 4.5 metres x 70 metres.

Reason: To ensure that drivers of vehicles have adequate vision distances when emerging from the access onto the public highway, in the interests of road safety.

6. 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 Institution 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.

7. No dwelling to which this permission relates shall be commenced unless or until the carriageway basecourse and kerb foundation of the new estate road 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.

8. The final layout shall provide for road connections to land to the east and south and on development of the adjoining land the developers of the land to which this permission relates shall not obstruct the free passage of traffic from the road connection(s) provided. Such road(s) shall be constructed right up to the boundaries of the site.

Reason: To ensure that provision can be made for co-ordinating development in future should the need arise.

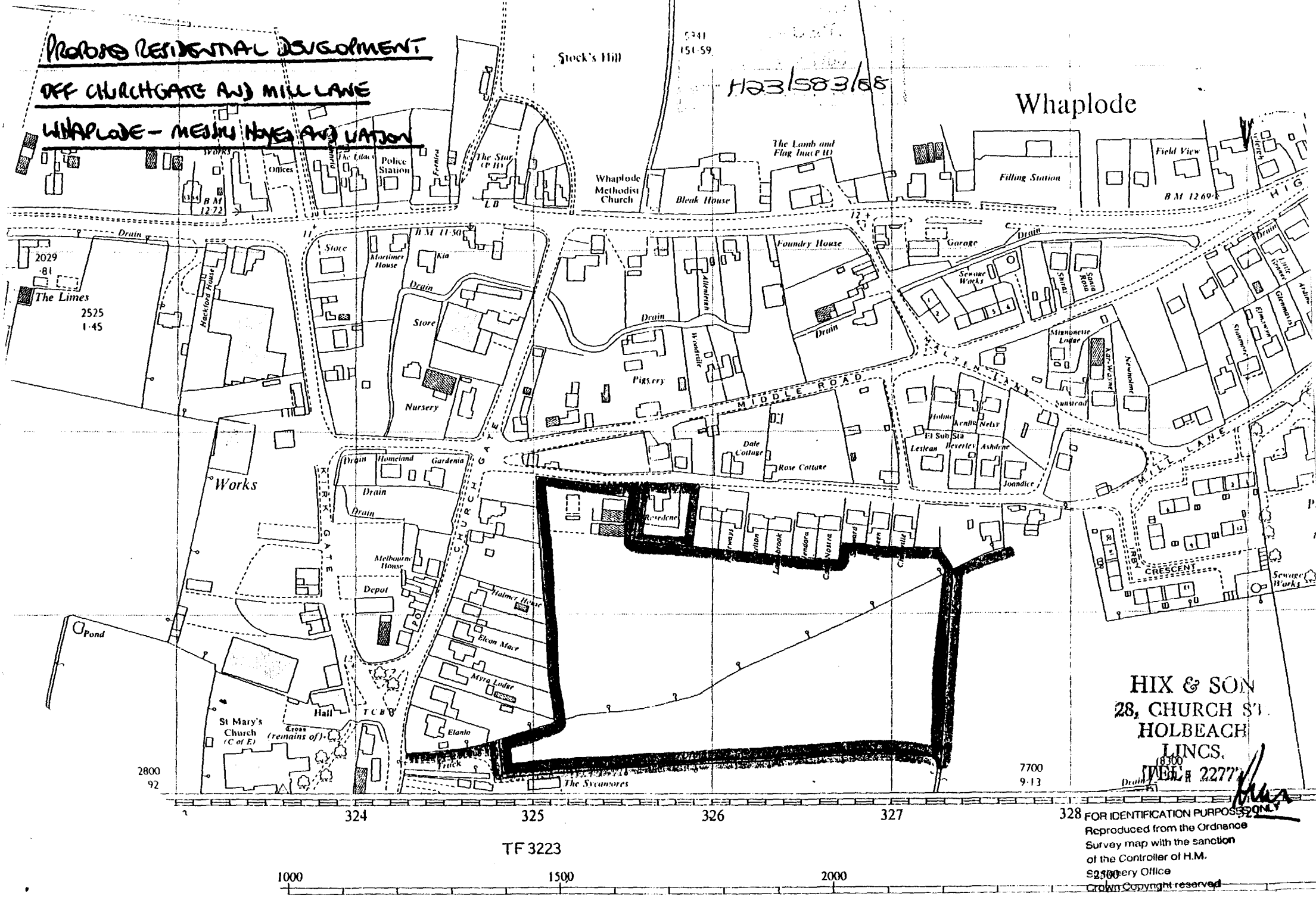
District Planning Officer (C)
24th June 1988

PROPOSED RESIDENTIAL DEVELOPMENT

OFF CHURCHGATE AND MILL LANE

WHAPLODE – MESSRS HOYES AND WATSON

H23/583/88



HIX & SON
28, CHURCH ST.
HOLBEACH
LINCS.
TEL. H 2277

FOR IDENTIFICATION PURPOSES ONLY

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Mr G R Merchant,
Unit 3 Wrights Mews,
12a Park Road,
Holbeach,
Spalding,
Lincs.
PE12 7EE.

Mr J Blacklock

JB/JJ H23/1224/93

GRM/NM/AH-W

21 Mar 1995

Dear Sir,

RESIDENTIAL DEVELOPMENT - OFF MILL LANE, WHAPLODE.

With reference to the above I write to advise you that this Authority has now written to the Countryside Manager, Lincolnshire County Council, asking him to reconsider his position with regard to his unwillingness to accept an application for the diversion of the public footpath.

I will advise you in due course of the outcome of this approach.

Yours faithfully

N Midlen
Principal Planning Officer
Development Control

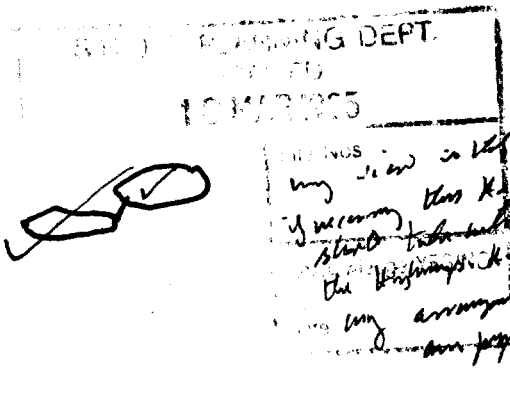
SOUTH HOLLAND DISTRICT COUNCIL

DIRECTOR OF ADMINISTRATION

R COLE DMA

Mr G R Keeping
Countryside Manager
Lincolnshire County Council
County Offices
LINCOLN
LN1 1YL

Your Contact: Miss J M Berridge



Our Ref: JMB/LDS/At.3351
Your Ref: KJB/Whaplode PF2/SHDC
Date: Divn/DEM/4544
10th March 1995

Dear Sir,

WHAPLODE - RESIDENTIAL DEVELOPMENT, MILL LANE
APPLICATION FOR FOOTPATH DIVERSION

You will recall that on 13th December 1994 you wrote to Mr G R Merchant, who was acting as agent for Ashwood Homes in respect of a development proposal for land at Mill Lane, Whaplode, advising that the Lincolnshire County Council was unable to accept an application for the diversion of a public path which was required in connection with the proposed development. The developers were referred to your authority as it has been the policy under a long standing arrangement to refer Highways Act proposals to the County Council.

I have now received further correspondence from Mr Merchant, and indeed from the planning case officer, asking if anything further can be done to secure the diversion of the footpath. The developers are most concerned that, whilst the footpath could remain in its original position without hindering the development, this will result in an unacceptable environment, creating a narrow footpath between rear gardens of properties which would become a rubbish dump, very quickly become overgrown from neighbouring trees and hedges, be a potential security risk to dwellings, and indeed to members of the public using the footpath, and eventually become an unused liability. The Lincolnshire Police have expressed their support for the diversion of the footpath, and a copy of their letter dated 3rd March 1995 addressed to Mr Merchant is enclosed.

In the circumstances, my point in writing is to ask if your authority could possibly reconsider its previous advice. You will appreciate that the provisions of Section 257 of the Town and Country Planning Act 1990 only permit a diversion order to be made if it would be <u>necessary</u> to enable a development to be carried out and this authority is therefore unable to proceed on those grounds. Section 119 of the Highways Act 1980 however requires only that the diversion is expedient in the interests of the owners, lessee or occupier, and will not be substantially less

Director of Administration
Council Offices
Priory Road,
Spalding,
Lincolnshire, PE11 2XE
Telephone: (01775) 761161
Fax: (01775) 711253

G.R. Merchant I.Eng. AMICE FIWO

Architectural, Structural & Land Drainage Consultant

Unit 3, Wrights Mews, 12A Park Road, Holbeach, Spalding, Lincs. PE12 7EE Tel: 01406 490800 Fax: 01406 490800

Your ref: H23/1224/93
Our ref : GRM/JJM/AH-W

3rd March, 1995.

S.H.D.C.
Environmental Health Dept.,
Priory Road,
Spalding,
Lincs.

Dear Sir,

RESIDENTIAL DEVELOPMENT, OFF MILL LANE, WHAPLODE.

Further to my letter of 21st February, please find enclosed copy of a letter from Lincolnshire Police, for your information.

Yours faithfully,

J. Merchant.

pp G.R. Merchant.

LINCOLNSHIRE POLICE

POLICE HEADQUARTERS
PO Box 999
LINCOLN. LN5 7PH
Telex: 56269
Telephone: (0522) 532222
Ext No. 8118
Officer Dealing:
Constable E. Ashley

Your Ref: Our Ref: EA/118/CAD

3rd March, 1995

Mr G.R. Merchant,
Unit 3,
Wrights Mews,
Holbeach,
Spalding,
Lincs,
PE12 7EE.

Dear Sir,

RESIDENTIAL DEVELOPMENT - MILL LANE, WHAPLODE

I refer to your letter dated the 21st February, 1995, with respect to a public footpath diversion at the above development, which is being constructed by Ashwood Homes.

It is noted that the public footpath would run at the rear of four new bungalows (Plots 1 to 4) and four existing properties on Mill Lane, Whaplode. This footpath would be tarmacked, but will not be illuminated.

One of the keys to the security of any development is the discouragement of casual intrusion by non residents, unnecessary paths which can be used to gain unobtrusive access and escape should be excluded.

This form of footpath which provides unobserved access to the rear of dwellings, conflicts with the general principles of designing out crime as outlined in the new homes security scheme 'Secured by Design', which is actively promoted by Police Forces throughout the Country. Research into criminal activity for the launch of the scheme revealed that 62% of all break-ins were committed at the rear of properties.

Serious concern is expressed that the present route of the public footpath will open up the eight properties to a realistic threat of burglary and other forms of crime, which will remain for years to come.

I would fully agree that the proposed diversion of the footpath through the area of public open space would improve the security of the adjacent dwellings, as well as providing a safer route for the users of the estate, which is open to supervision and has the benefit of providing an escape route if needed.

Yours faithfully,

E. Ashley
Architectural Liaison Officer

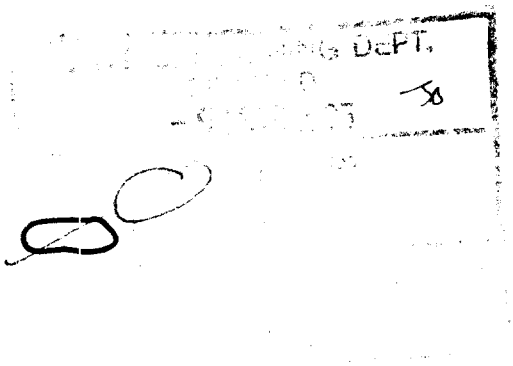
G.R. Merchant I.Eng. AMICE FIWO

Architectural, Structural & Land Drainage Consultant

Unit 3, Wrights Mews, 12A Park Road, Holbeach, Spalding, Lincs. PE12 7EE Tel: 01406 490800 Fax: 01406 490800

Your ref: H23/1224/93
Our ref : GRM/JJM/AH-W

3rd March, 1995.



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

Dear Sir,

RESIDENTIAL DEVELOPMENT, OFF MILL LANE, WHAPLODE.

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Yours faithfully,

J. Merchant.

G.R. Merchant.

LINCOLNSHIRE POLICE

POLICE HEADQUARTERS
PO Box 999
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Constable E. Ashley

Your Ref: Our Ref: EA/118/CAD

3rd March, 1995

Mr G.R. Merchant,
Unit 3,
Wrights Mews,
Holbeach,
Spalding,
Lincs,
PE12 7EE.

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Yours faithfully,

E. Ashley
Architectural Liaison Officer

ASHWOOD HOMES
BUILD A BETTER NEIGHBOURHOOD

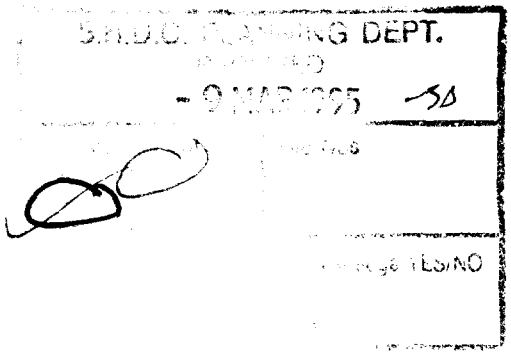
BUILDMARK
The new home warranty
Only from NHBC

ASHWOOD HOMES

Holbeach Manor,
Fleet Road,
Holbeach, Lincolnshire.
Telephone: 0406 423388
Fax No. 0406 426237

Your Ref. Our Ref. HMK/TJ.

8th March, 1995.



FOR THE ATTENTION OF MR. B. SMITH,

Director of Planning,
South Holland District Council,
Council Offices,
Priory Road,
Spalding,
Lincolnshire,
PE11 2XE.

Dear Mr. Smith,

RE:- RESIDENTIAL DEVELOPMENT - MILL LANE, WHAPLODE.

Please find enclosed copy letter received from Lincolnshire Police, which discusses the footpath at Whaplode.

The four bungalows involved will have a footpath at both the front and rear of their properties and the one to the rear is ideal for a sneak-theif to enter the properties.

I know that there have been quite a lot of discussions on this matter but it does seem strange to go completely against the advice of the Police.

Could commonsense prevail please.

With best wishes.

Yours sincerely,

Howard M. King,
Director,
Ashwood Homes.

C.C. Mr. E. Ashley, Architectural Liaison Officer, Lincolnshire Police.

LINCOLNSHIRE POLICE

POLICE HEADQUARTERS
PO Box 999
LINCOLN. LN5 7PH
Telex: 56269
Telephone: (0522) 532222
Ext. No. 8118
Officer Dealing:
Constable E. Ashley

Your Ref:

Our Ref: EA/118/CAD

3rd March, 1995

Mr G.R. Merchant,
Unit 3,
Wrights Mews,
Holbeach,
Spalding,
Lincs,
PE12 7EE.

Dear Sir,

RESIDENTIAL DEVELOPMENT - MILL LANE, WHAPLODE

I refer to your letter dated the 21st February, 1995, with respect to a public footpath diversion at the above development, which is being constructed by Ashwood Homes.

It is noted that the public footpath would run at the rear of four new bungalows (Plots 1 to 4) and four existing properties on Mill Lane, Whaplode. This footpath would be tarmacked, but will not be illuminated.

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Serious concern is expressed that the present route of the public footpath will open up the eight properties to a realistic threat of burglary and other forms of crime, which will remain for years to come.

I would fully agree that the proposed diversion of the footpath through the area of public open space would improve the security of the adjacent dwellings, as well as providing a safer route for the users of the estate, which is open to supervision and has the benefit of providing an escape route if needed.

Yours faithfully,

E. Ashley
Architectural Liaison Officer

SOUTH HOLLAND DISTRICT COUNCIL

M E M O R A N D U M

FROM: Director of Planning and Building Control Services

REF: JB/SAH 873/1234/93

TO: Director of Administration (FAO Mr R Askins)

REF: JMB/LSW/PL 754

DATE: 28 February 1995

SUBJECT: Residential Development - Mill Lane, Whaplode

In view of the Planning Committee's resolution of 11/94 not to pursue a Diversion Order under Section 257 of the Town and Country Planning Act 1990 and the Lincolnshire County Council's reaction to the possibility of a Public Path Diversion Order under Section 119 of the Highways Act 1980 (see copy correspondence attached) I wonder if there is nonetheless scope for a securing a diversion under the Highways Act 1980 if the view can be taken that this Authority is empowered to take such action under that Act.

I base the supposition on the fact that in Section 119 of the Highways Act 1980 reference is only made to 'a Council' and not specifically a Highway Authority and moreover, that the Council need only satisfy itself that action is required on the grounds of 'expediency'.

Since I consider it desirable the existing footpath should be diverted, perhaps you would let me know if this Authority is in a position, notwithstanding any convention, to avail itself of this statutory provision.

J M Millen
Principal Planning Officer (Development Control)

Enc.

G.R. Merchant I.Eng. AMICE FIWO

Architectural, Structural & Land Drainage Consultant

Unit 3, Wrights Mews, 12A Park Road, Holbeach, Spalding, Lincs. PE12 7EE Tel: 01406 490800 Fax: 01406 490800

Your ref: H23/1224/93
Our ref : GRM/JJM/AH-W

21st February, 1995.

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

Dear Sir,

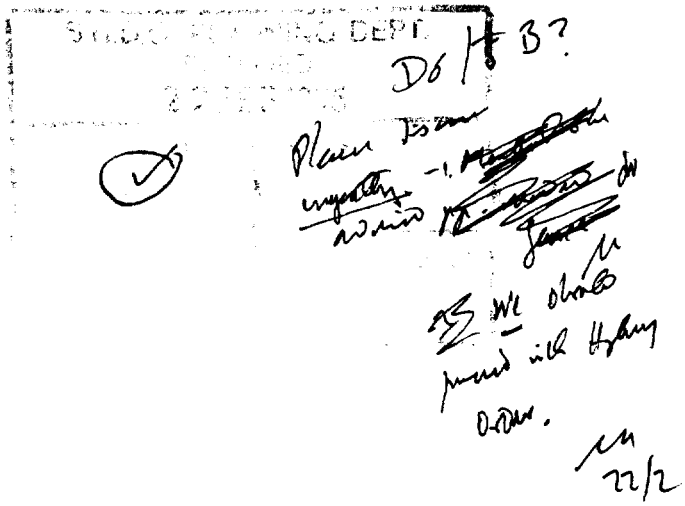
RESIDENTIAL DEVELOPMENT, OFF MILL LANE, WHAPLODE.

Please find enclosed a copy letter sent to Lincolnshire County Council, Highways Dept, with reference to the public footpath diversion on the above development, for your information.

The letter is to record my clients concern that they are having to create an unacceptable environmental situation.

Yours sincerely,

G.R. Merchant.



G.R. Merchant I.Eng. AMICE FIWO

Architectural, Structural & Land Drainage Consultant

Unit 3, Wrights Mews, 12A Park Road, Holbeach, Spalding, Lincs. PE12 7EE Tel: 01406 490800 Fax: 01406 490800

Our ref: GRM/JJM/AH-W
Your ref : MH/DEVT/2/SD

21st February, 1995.

L.C.C.
Highways & Planning,
4th Floor,
City Hall,
Beaumont Fee,
Lincoln.
LN1 1DN.

Dear Mr Heaton,

RESIDENTIAL DEVELOPMENT, MILL LANE, WHAPLODE.

Further to your letter of the 19th January with respect to the public footpath diversion, I confirm that my clients are having to proceed with the footpath in its existing position as shown on the enclosed plans.

My clients wish it to be recorded that retention of the footpath in the existing position is totally unacceptable from an environmental and security position and is fully opposed by the parishioners and Parish Council of Whaplode and also the police, who have inspected the site and plans. My clients feel that the reasons stated for your authority not wishing to proceed with the footpath diversion in letter dated 13th December 1994, copy enclosed, as being "too busy"!! is unacceptable, particularly when such a disaster area could be avoided.

It is proposed to construct the footpath 1.8 metres wide with kerb edgings and a 1.8 metres high close boarded fence on the site (Southern) side, the footpath will be constructed to a similar standard of the estate road footway.

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

Yours sincerely,

G.R. Merchant.

c.c. Councillor J. Speechley.
S.H.D.C. Planning Dept.
S.H.D.C. Environmental Health Dept.
E. Ashton & J. Priest - Lincolnshire Police.
S.H.D.C. Administration Dept.

COUNTY OFFICES
NEWLAND · LINCOLN

LINCOLNSHIRE COUNTY COUNCIL

RECREATIONAL SERVICES DEPARTMENT
County Offices, Newland, Lincoln LN1 1YL
Telephone (0522) 552222 Fax (0522) 552811

When calling please ask for Mrs Karen Barke
Direct line number (0522) 552828

Mr G R Merchant
4 Chapel Gardens
Whaplode
SPALDING
PE12 6UG

Your Ref: GRM/JJM/AH-W

Our Ref: KJB/Whaplode PF2/SHDC Divn/DEM/4544

13 December 1994

Dear Sir

WHAPLODE - RESIDENTIAL DEVELOPMENT, MILL LANE
APPLICATION FOR FOOTPATH DIVERSION

Thank you for your letter dated 22 November 1994 in which you request a diversion of the above footpath under Section 119 of the Highways Act 1980. I regret I am unable to accept your application for the diversion of this path for the reasons given below.

The proposal which you have submitted has already been considered by South Holland District Council and has been abandoned following objections. I have no reason to suppose that the Order would any more successful under the Highways Act 1980 and for this reason I am unwilling to proceed.

The County Council is currently only considering diversion proposals where the diversion offers substantial public benefit and it would appear that your proposal would not meet this criteria. At the present time the County Council currently has a large backlog of Public Path Orders and is therefore unwilling to take on any more applications without a strong public benefit component and, even where applications are made, it could be several years before the legal processes are completed in view of the County Council's current workload.

I am sorry I cannot be more positive on this occasion but if I can provide you with any further advice about the path's present definitive line, please contact my Countryside Officer, Mr Colin McGregor at the above address.

Yours faithfully

KJBarke

for G R KEEPING
Countryside Manager

and "maintain", see s 329(1) post; for "bridleway" and "footpath", see s 329(1), (2) post. Note as to "rail crossing extinguishment order", sub-s (3) above, and as to "operator" and "railway", sub-s (8) above.

Orders under this section. Up to 1 September 1992 no orders had been made under this section.

For general provisions as to orders see s 325(1)(d) post.

Regulations under this section. Up to 1 September 1992 no regulations had been made under this section.

For general provisions as to regulations see s 325(1)(a), (2) post.

119 Diversion of footpaths and bridleways

(1) [Where it appears to a council as respects a footpath or bridleway in their area (other than one that is a trunk road or a special road) that, in the interests of the owner, lessee or occupier of land crossed by the path or way or of the public, it is expedient that the line of the path or way, or part of that line, should be diverted (whether on to land of the same or] of another owner, lessee or occupier), the council may, subject to subsection (2) below, by order made by them and submitted to and confirmed by the Secretary of State, or confirmed as an unopposed order,—

(a) create, as from such date as may be specified in the order, any such new footpath or bridleway as appears to the council requisite for effecting the diversion, and

(b) extinguish, as from such date as may be so specified in accordance with the provisions of subsection (3) below, the public right of way over so much of the path or way as appears to the council requisite as aforesaid.

An order under this section is referred to in this Act as a "public path diversion order".

(2) A public path diversion order shall not alter a point of termination of the path or way—

(a) if that point is not on a highway, or

(b) (where it is on a highway) otherwise than to another point which is on the same highway, or a highway connected with it, and which is substantially as convenient to the public.

(3) Where it appears to the council that work requires to be done to provide necessary facilities for the convenient exercise of any such new public right of way as is mentioned in subsection (1)(a) above, the date specified under subsection (1)(b) above shall be later than the date specified under subsection (1)(a) by such time as appears to the council requisite for enabling the work to be carried out.

(4) A right of way created by a public path diversion order may be either unconditional or (whether or not the right of way extinguished by the order was subject to limitations or conditions of any description) subject to such limitations or conditions as may be specified in the order.

(5) Before determining to make a public path diversion order [on the representations of an owner, lessee or occupier of land crossed by the path or way, the council may require him] to enter into an agreement with them to defray, or to make such contribution as may be specified in the agreement towards,—

(a) any compensation which may become payable under section 28 above as applied by section 121(2) below, or

(b) where the council are the highway authority for the path or way in question, any expenses which they may incur in bringing the new site of the path or way into fit condition for use for the public, or

(c) where the council are not the highway authority, any expenses which may become recoverable from them by the highway authority under the provisions of section 27(2) above as applied by subsection (9) below.

(6) The Secretary of State shall not confirm a public path diversion order, and a council shall not confirm such an order as an unopposed order, unless he or, as the case may be, they are satisfied that the diversion to be effected by it is expedient as mentioned

in subsection (1) above, and further that the path or way will not be substantially less convenient to the public in consequence of the diversion and that it is expedient to confirm the order having regard to the effect which—

(a) the diversion would have on public enjoyment of the path or way as a whole,
(b) the coming into operation of the order would have as respects other land served by the existing public right of way, and
(c) any new public right of way created by the order would have as respects the land over which the right is so created and any land held with it,

so, however, that for the purposes of paragraphs (b) and (c) above the Secretary of State or, as the case may be, the council shall take into account the provisions as to compensation referred to in subsection (5)(a) above.

(7) A public path diversion order shall be in such form as may be prescribed by regulations made by the Secretary of State and shall contain a map, on such scale as may be so prescribed,—

(a) showing the existing site of so much of the line of the path or way as is to be diverted by the order and the new site to which it is to be diverted,
(b) indicating whether a new right of way is created by the order over the whole of the new site or whether some part of it is already comprised in a footpath or bridleway, and
(c) where some part of the new site is already so comprised, defining that part.

(8) Schedule 6 to this Act has effect as to the making, confirmation, validity and date of operation of public path diversion orders.

(9) Section 27 above (making up of new footpaths and bridleways) applies to a footpath or bridleway created by a public path diversion order with the substitution, for references to a public path creation order, of references to a public path diversion order and, for references to section 26(2) above, of references to section 120(3) below.

NOTES

The words in square brackets in sub-ss (1), (5) were substituted by the Wildlife and Countryside Act 1981, s 63, Sch 16, para 5.

Sub-s (1): Occupier. See the note to s 21 ante.

Public; Secretary of State. See the notes to s 26 ante.

Public path diversion order. In connection with this section, see also s 118 ante (stopping up of footpaths and bridleways); s 119A post, as from a day to be appointed (diversion of footpaths and bridleways crossing railways); s 120 post (exercise of powers of making public path diversion orders); s 121 post (supplementary provisions as to public path diversion orders); s 36(2)(d) ante (footpaths and bridleways maintainable at public expense); s 275 post (contributions by councils and local planning authorities); and s 293 post (power of entry); and cf ss 25–29 ante (creation of footpaths and bridleways); and s 72(2) ante (widening of existing footpaths and bridleways).

Sub-s (5): Agreement. See the note "Agree" to s 38 ante.

Highway authority. See ss 1–9 ante, and the notes thereto.

Sub-s (6): Satisfied. See the note to s 6 ante.

Isles of Scilly. As to the application of this section to the Isles of Scilly, see s 344(1), (2)(a), (3) post.

The Broads Authority. As to the status of the Authority for the purposes of this section, see the second paragraph of the note "Council" to s 25 ante.

Savings. For a saving for other enactments relating to diversion of public rights of way, etc, see s 123(1) post, and for a saving for operators of telecommunications code systems, see s 334(2) post.

Rail crossings. See the note to s 118 ante.

Definitions. For "highway", see s 328(1), (2) post; for "council", see ss 118(7) ante, and 329(1) post; for "land", "lessee", "owner", "public path creation order", "special road" and "trunk road", see s 329(1) post; for "bridleway" and "footpath", see s 329(1), (2) post; by virtue of s 123(2) post, for "use", see the Town and Country Planning Act 1990, s 336(1), Vol 46, title Town and Country Planning. Note as to "public path diversion order", sub-s (1) above.

Regulations under this section. The Public Path Orders and Extinguishment of Public Right of Way Orders Regulations 1983, SI 1983/23, regs 4–6, Sch 1, Form No 3.

For general provisions as to regulations, see s 325(1)(a), (2) post.

Orders under this section. Orders under this section do not constitute statutory instruments (see s 325(1)(d) post) and are not noted in this work.

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The words in square brackets in sub-s (1)(a) were inserted, and those in sub-s (1)(b) were substituted, by the Local Government Act 1985, s 8, Sch 4, Pt I, para 2.

Order . . . directs that a trunk road shall cease to be a trunk road. As to certain orders which are not deemed for the purposes of this section to be orders directing that a road is to cease to be a trunk road, see ss 10(7), 343(1) and Sch 23, para 4(3) post.

Greater London; district. See the notes to s 1 ante.

Council of the county. See the note "Council of a county; county" to s 1 ante.

London borough; council of the borough. See the note "London borough", to s 1 ante.

Definitions. For "special road" and "trunk road", see s 329(1) post; for "the Minister", see s 329(1), (5) post.

3 Highway authority for approaches to and parts of certain bridges

(1) Where a bridge carries a highway for which the Minister is not the highway authority and part of the bridge is situated in one county and part in another the highway authority for the highway carried by the bridge and the approaches thereto is such one of the councils of those counties as may be agreed between them before such a day as the Minister may by order made by statutory instrument appoint or, in default of such agreement, as may be determined by the Minister.

(2) Where the Minister has made a determination under subsection (1) above the determination—

(a) may be varied at the request of the council of either of the counties concerned; and

(b) shall be varied to give effect to any request made jointly to the Minister by those councils;

and any such variation shall take effect on the 1st April falling not less than 3 months, and not more than 15 months, after the date on which the determination is varied.

(3) Where a bridge carries a highway for which the Minister is not the highway authority and subsection (1) above does not apply, but some part of one or more of the approaches to the bridge lies in a county different from the bridge itself, the highway authority for the whole of that approach or those approaches is the council of the county in which the bridge is situated.

(4) For the purposes of this section, the approaches to a bridge consist of so much of the highway or highways on either side of the bridge as is situated within 100 yards of either end of the bridge.

NOTES

County; councils of those counties; council of either of the counties concerned; council of the county. See the note "Council of a county; county" to s 1 ante.

Highway authority for the highway, etc. Where a bridge other than a trunk road bridge as defined by s 95(8) post, is situated partly in one area and partly in another, the powers conferred by ss 93 and 94 post, on a highway authority or a local highway authority are exercisable by the council who, by virtue of this section, are the highway authority for the whole of the bridge; see s 95(3) post.

See also the Local Government Act 1985, s 8, Sch 4, Pt III, paras 54, 55, Vol 25, title Local Government.

Statutory instrument. For provisions as to statutory instruments generally, see the Statutory Instruments Act 1946, Vol 41, title Statutes.

Definitions. For "highway", see s 328(1), (2) post; for "approach" and "bridge", see s 329(1) post; for "the Minister", see s 329(1), (5) post. Note also as to "approaches", sub-s (4) above.

Order under this section. Up to 1 September 1992, no order had been made under sub-s (1) above, but by virtue of the Interpretation Act 1978, s 17(2)(b), Vol 41, title Statutes, the Boundary Bridges (Appointed Day) Order 1973, SI 1973/2147 (appointing 1 January 1974 as the appointed day for the purposes of sub-s (1) above), has effect thereunder.

G.R. Merchant I.Eng. AMICE FIWO

Architectural, Structural & Land Drainage Consultant

Unit 3, Wrights Mews, 12A Park Road, Holbeach, Spalding, Lincs. PE12 7EE Tel: 01406 490800 Fax: 01406 490800

Your ref: H23/1224/93

26th January, 1995.

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

F.A.O. J. BLACKLOCK.

Dear Mr Blacklock,

RESIDENTIAL DEVELOPMENT, MILL LANE, WHAPLODE.

Further to our recent dicsussions with respect to footpath diversion on the above site, I enclose copies of letters as requested.

Yours sincerely,

J Merchant.

pp G.R. Merchant.

S.H.D.C. PLANNING DEPT. 27 JAN 95

COUNTY OFFICES
NEWLAND · LINCOLN

LINCOLNSHIRE COUNTY COUNCIL

RECREATIONAL SERVICES DEPARTMENT
County Offices, Newland, Lincoln LN1 1YL
Telephone (0522) 552222 Fax (0522) 552811

When calling please ask for Mrs Karen Barke
Direct line number (0522) 552828

Mr G R Merchant
4 Chapel Gardens
Whaplode
SPALDING
PE12 6UG

Your Ref: GRM/JJM/AH-W

Our Ref: KJB/Whaplode PF2/SHDC Divn/DEM/4544

13 December 1994

Dear Sir

WHAPLODE - RESIDENTIAL DEVELOPMENT, MILL LANE
APPLICATION FOR FOOTPATH DIVERSION

Thank you for your letter dated 22 November 1994 in which you request a diversion of the above footpath under Section 119 of the Highways Act 1980. I regret I am unable to accept your application for the diversion of this path for the reasons given below.

The proposal which you have submitted has already been considered by South Holland District Council and has been abandoned following objections. I have no reason to suppose that the Order would any more successful under the Highways Act 1980 and for this reason I am unwilling to proceed.

The County Council is currently only considering diversion proposals where the diversion offers substantial public benefit and it would appear that your proposal would not meet this criteria. At the present time the County Council currently has a large backlog of Public Path Orders and is therefore unwilling to take on any more applications without a strong public benefit component and, even where applications are made, it could be several years before the legal processes are completed in view of the County Council's current workload.

I am sorry I cannot be more positive on this occasion but if I can provide you with any further advice about the path's present definitive line, please contact my Countryside Officer, Mr Colin McGregor at the above address.

Yours faithfully

KJBarke

for G R KEEPING
Countryside Manager

G.R. Merchant IEng. AMICE FIWO

Architectural, Structural & Land Drainage Consultant

4 Chapel Gardens, Whaplode, Spalding, Lincs. PE12 6UG. Telephone 0406 ~~370853~~ 490800

Our ref: GRM/JJM/AH-W

22nd November, 1994.

L.C.C.
Countryside Manager,
County Offices,
Newland,
Lincoln.
LN1 1YQ.

Dear Sir,

RESIDENTIAL DEVELOPMENT, MILL LANE, WHAPLODE, SPALDING, LINCS.

On behalf of my clients, Ashwood Homes Ltd, I am writing to apply for a diversion to Public Footpath No. 2, Whaplode, as detailed on the enclosed plans.

As you are no doubt aware my clients have applied for a diversion of this footpath under Section 257 of the Town & Country Planning Act 1990, but the South Holland District Council has decided that they cannot proceed with this diversion because of the objections received, I am therefore applying to your authority under Section 119 of the Highways Act 1980 as suggested by the District Council.

Could you please inform me of the procedure necessary to apply for the footpath diversion.

Yours faithfully,

G.R. Merchant.

SOUTH HOLLAND DISTRICT COUNCIL

DIRECTOR OF ADMINISTRATION

R COLE DMA

Mr G R Merchant
4 Chapel Gardens
WHAPLODE
Spalding, Lincs.
PE12 6UG

Your Contact: Miss J M Beridge

Our Ref: JMB/LDS/PL754

Your Ref: GRM/JJM/AH-W

Date: 11th November 1994

Dear Sir,

RESIDENTIAL DEVELOPMENT, MILL LANE, WHAPLODE
APPLICATION REF. H23/1224/93

I refer to your letter dated 7th November 1994 relating to the above.

In order to clarify the situation, I would explain that it is the Planning Committee's opinion that the four properties to the south of the existing public footpath can be built without making a diversion order as the existing footpath does not actually extend through any building line. In the circumstances, the authority does not have the necessary legal power to make an order under section 257 of the Town and Country Planning Act 1990. If the existing footpath took a route, for example, straight across the middle of the site, then it would almost inevitably be necessary to make a diversion order to enable any development to take place.

The decision of the Planning Committee was ratified by full Council at its meeting on Wednesday evening.

As previously stated, you are now advised to contact the Lincolnshire County Council with a request for a diversion order to be made under the provisions of section 119 of the Highways Act 1980. I have already written to Mr Keeping, the Countryside Manager, explaining the background to the situation.

Yours faithfully,

R. Cole

Director of Administration

Director of Administration
Council Offices
Priory Road,
Spalding,
Lincolnshire, PE11 2XE

Telephone: (01775) 761161
Fax: (01775) 711253

SOUTH HOLLAND DISTRICT COUNCIL

PLANNING & BUILDING CONTROL DEPARTMENT

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

[redacted],
Holbeach Manor,
Fleet Road,
Holbeach,
Spalding,
Lincs.

Your Contact: Mr N Midlen

Our Ref: NRM/JJ H23/1224/93

Your Ref: JHK/TJ

Date: 16 Nov 1994

Dear Sir,

FOOTPATH DIVERSION AT WHAPLODE

I thank you for your fax of the 7th November including enclosures.

The issue of the diversion of this footpath has not been handled by my Department but as you know, by the Administrative Services Department.

The view taken is that Section 257 of the Town and Country Planning Act is not the appropriate section to authorise the diversion of the footpath, because they consider that your development can be carried out without the diversion order i.e. they consider that all the physical features authorised by the planning permission can be developed, albeit there would be a public right of way across the bottom of the gardens of the new houses. This would of course infringe on the privacy of the buildings unless it was fenced (which would need planning permission if it exceeded 1m) but apparently this is not relevant to this particular section of the Act. However, there are provisions under the Highways Act which could, in my view, be applicable and could achieve the diversion. I believe the County Highways Department have been advised of the situation, but I will write to them supporting a diversion.

Yours faithfully

N Midlen
Principal Planning Officer
Development Control

Planning & Building Control Department
Council Offices,
Priory Road,
Spalding,
Lincolnshire. PE11 2XE

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

G.R. Merchant I.Eng. AMICE FIWO

Architectural, Structural & Land Drainage Consultant

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

Your ref: JMB/LSW/PL.754
Our ref : GRM/JJM/AH-W

7th November, 1994.

S.H.D.C.
Administration Dept.,
Council Offices,
Priory Road,
Spalding,
Lincs.

Dear Sir,

RESIDENTIAL DEVELOPMENT, MILL LANE, WHAPLODE. H23/1224/93.

Many thanks for your letter of the 3rd November explaining the situation with respect to the footpath diversion on the above development site.

I would like to point out; and would appreciate this letter being presented to the full Council on the 9th November; you make reference that your Council can only authorise the diversion of a footpath under Section 257 of the Town & Country Planning Act 1990 if it is satisfied that it is necessary to do so in order to enable development to be carried out in accordance with planning permission granted under Part 111 of the 1990 Act, in this case the planning permission as approved under application H23/1224/93 cannot proceed because the application was approved with the footpath diverted.

I await your comments after the full Council meeting on 9th November.

Yours faithfully,

G.R. Merchant.

G.R. Merchant.

C.C. Councillor A. Biggadike.
N. Midlen - planning department.
Ashwood Homes.

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[13 November 1980]

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33(6), Sch 17, paras 2–4, 6,

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or adapt any such enactment
l other Acts are accordingly
973, SI 1973/686, regs 2, 3,
, 23(2), Vol 41, title Statutes.
the Greater London Council
ct 1967, Pt II, both Vol 26,
, and Sch 1, Pt I to, the 1969
case in accordance with the
ondon" to s 66 post.
nd Street Works Act 1991,
ch is subject to a concession
by the highway authority,
ct post.
of the highway authority all
, except the power to make

Local plans and trunk road local plans. As to certain matters which must be indicated in relation to this Act when preparing and implementing local plans and trunk road local plans under the Road Traffic Act 1991, ss 54–62, Vol 38, title Road Traffic, and as to the exercise of various powers under this Act with regard to such plans, see ss 54(7)(a), (c), (d), (f), 55(6)(a), (c), (d), (f), 56(4)(a), (c), (d), (f), 60 of the 1991 Act, Vol 38, title Road Traffic.

Northern Ireland. This Act applies to the extent specified in s 345(3) post.

PART I
HIGHWAY AUTHORITIES AND AGREEMENTS BETWEEN AUTHORITIES

Highway authorities

1 Highway authorities: general provision

(1) The Minister is the highway authority for—

(a) any highway which is a trunk road;

[(aa) any special road provided by him;]

(b) any highway as respects which an order made by him under any enactment expressly provides that he is to be the highway authority for it but does not direct that the highway is to be a trunk road;

(c) any highway (not falling within paragraph (a) above) transferred to him by an order under section 14 or 18 below;

(d) any other highway being a highway constructed by him, except where by virtue of section 2, 4(3) or 5(2) below or by virtue of some other enactment a local highway authority are the highway authority for it or where by means of an order made under section 14 or 18 below the highway is transferred to a local highway authority.

(2) Outside Greater London the council of a county [or metropolitan district] are the highway authority for all highways in the county [or, as the case may be, the district], whether or not maintainable at the public expense, which are not highways for which under subsection (1) above the Minister is the highway authority.

(3) [The council] of a London borough or the Common Council are the highway authority for all highways in the borough or, as the case may be, in the City, whether or not maintainable at the public expense, which are not . . . highways for which under subsection (1) above the Minister is the highway authority.

(4) Subsection (2) above is subject, as respects any highway outside Greater London for which the Minister is not the highway authority under subsection (1) above, to any provision of this Act, or of any order made under this or any other Act, by virtue of which a council other than the council of the county [or, as the case may be, the metropolitan district] in which the highway is situated are the highway authority therefor.

NOTES

Sub-s (1)(aa) was inserted by the New Roads and Street Works Act 1991, s 21(2).

The words in square brackets in sub-ss (2), (4) were inserted, the words in square brackets in sub-s (3) were substituted, and the words omitted from sub-s (3) were repealed, by the Local Government Act 1985, ss 8, 102, Sch 4, Pt I, para 1, Sch 17.

Sub-s (1): Highway authority. The Secretary of State is the traffic authority for every highway in England and Wales for which he is the highway authority within the meaning of this Act; see the Road Traffic Regulation Act 1984, s 121A (as inserted by the New Roads and Street Works Act 1991, s 168(1), Sch 8, Pt II, para 70 post).

Order . . . provides, etc. See the Requisitioned Land and War Works Act 1945, s 15(2), Vol 9, title Compulsory Acquisition; the Civil Aviation Act 1982, s 48(3), Vol 4, title Aviation; and the Town and Country Planning Act 1990, ss 247(2), (3), 248(3), 249(9), Vol 46, title Town and Country Planning.

SOUTH HOLLAND DISTRICT COUNCIL

MEMORANDUM

From: Principal Planning Officer (DC)
Planning and Building
Control Services

To: Director of Administration
FAO: J Berridge

Our Ref: JB/JJ H23/1224/93

Your Ref: JMB/KS/PL 754

Date: 11 Jul 1994

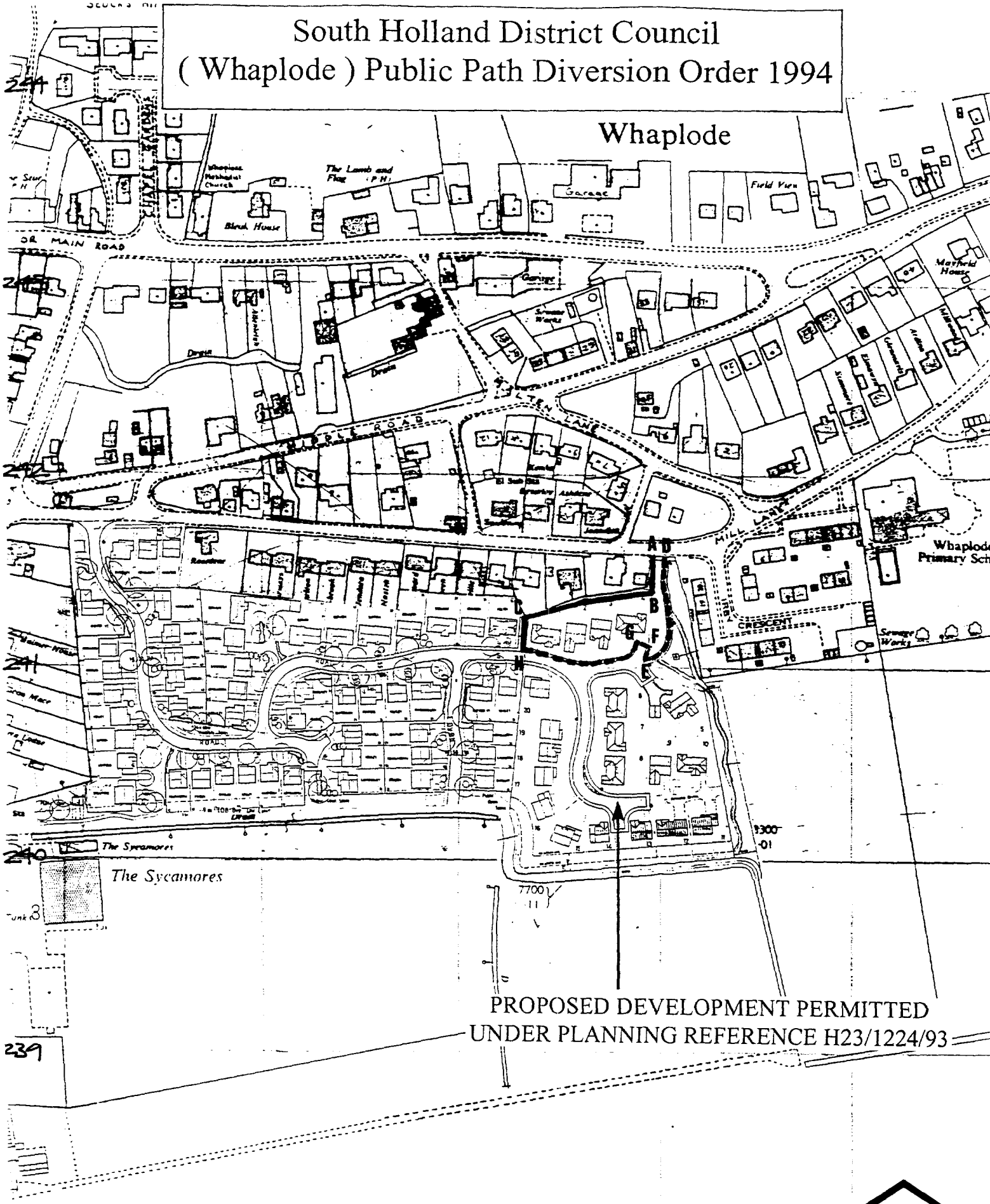
RESIDENTIAL DEVELOPMENT, LAND OFF MILL LANE, WHAPLODE.

I refer to your memo dated 17th May 1994 in connection with the above and enclose the requisite information.

N Midlen
Principal Planning Officer
Development Control

Enc.

South Holland District Council
(Whaplode) Public Path Diversion Order 1994



Crown Copyright reserved. Reproduced from the Ordnance Survey map with the permission of the controller of HMSO.

SCALE 1:2500

NORTH

To

Director of Administration
(for the attention of Freqi Beveridge)

From

DPBCS

Your ref.
H23/1224/93.
Our ref.
JMB/KS/PC 754

Residential Development
land off Mill Lane, Walpole

I refer to your memo dated 17/5/94 in connection with the above and enclose the requisite information

SOUTH HOLLAND DISTRICT COUNCIL

MEMORANDUM

FROM: Director of Administration

TO: Director of Planning & Building Control Services

REF: JMB/KS/PL.754

REF:

DATE: 17th May 1994

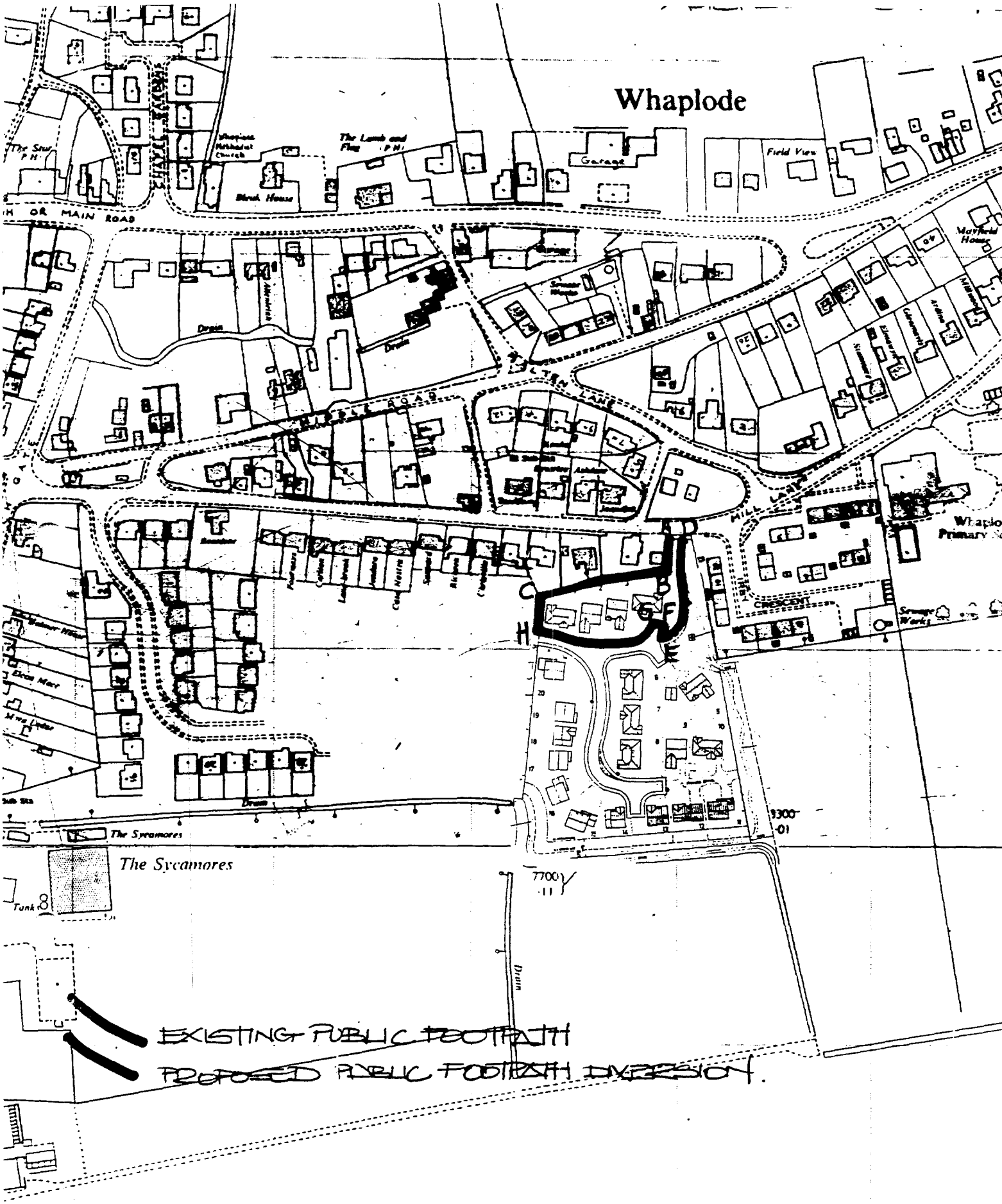
SUBJECT: PLANNING PERMISSION H23/1224/93
RESIDENTIAL DEVELOPMENT OFF MILL LANE, WHAPLODE

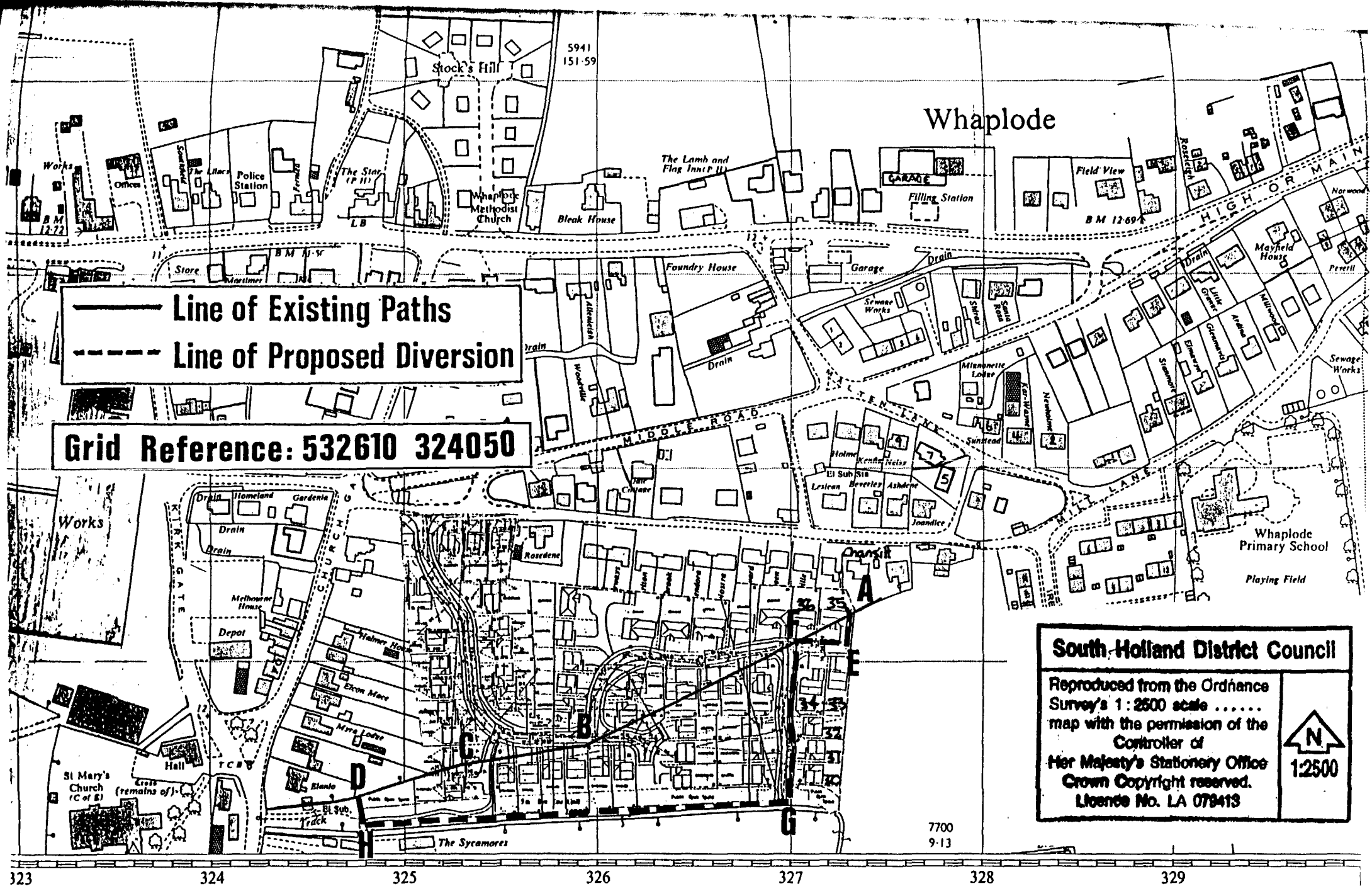
I refer to the report which was considered by the Planning Committee on 11th May 1994 relating to the above. In order that I can proceed with the Diversion Order would you please let me have as soon as possible ten plans to a scale of 1:2500 showing the line full length of Public Footpath No.2 by a bold black line and the proposed new route shown by bold black dashes. In addition, would you please mark with capital letters A,B,C, D etc the beginning and end of each section of the route as shown on the attached plan.

Extracts from a current edition of an Ordnance Survey plan should be used and endorsed "Crown Copyright. Reproduce from the Ordnance Survey map with a sanction of a controller of HMSO". The scale and orientation should also be clearly shown as well as grid references to enable the public to identify the right of way concerned. The plans should be entitled "South Holland District Council (Whaplode) Public Path Diversion Order 1994". It is also essential that the plans show the proposed development permitted under planning reference H23/1224/93.

For your assistance, a copy of a map produced for a previous Diversion Order is enclosed.

Director of Administration


Whaplode
The Sycamores
EXISTING PUBLIC FOOTPATH
PROPOSED PUBLIC FOOTPATH DIVERSION.


Whaplode
Stock's Hill
5941
151·59
Line of Existing Paths
Line of Proposed Diversion
Grid Reference: 532610 324050
Foundry House
Garage
Filling Station
Field View
Bleak House
Whaplode Methodist Church
Police Station
The Lamb and Flag Inn
The Star
Store
Sewage Works
Drain
MIDDLE ROAD
TEN TANK LANE
HIGH MAIN
Whaplode Primary School
Playing Field
Works
KIRK GATE
Depot
Melbourne House
Rosedene
Homeland
Gardenia
Exton Mere
Myra Lodge
Hall
St Mary's Church (C of E)
Cross (remains of)
Track
The Sycamores
A
B
C
D
E
F
G
H
7700
9·13
323
324
325
326
327
328
329
South Holland District Council
Reproduced from the Ordnance Survey's 1 : 2500 scale ..... map with the permission of the Controller of Her Majesty's Stationery Office Crown Copyright reserved. Licence No. LA 079413
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1:2500

AGENDA
ITEM NO. 7

SOUTH HOLLAND DISTRICT COUNCIL

REPORT TO: PLANNING COMMITTEE - 25TH OCTOBER 1994

BY: Director of Administration

---

1. SUBJECT: MILL LANE, WHAPLODE - PROPOSED DIVERSION OF PUBLIC FOOTPATH NO. 2

PURPOSE: To consider objections received to the above proposed Diversion Order.

1. The Planning Committee at its meeting on 11th May 1994 considered an application by the developers of land off Mill Lane, Whaplode for the diversion of part of public footpath No. 2.

2. At that time the Committee agreed that an Order be made under the provisions of Section 257 of the Town and Country Planning Act 1990 to divert the relevant section of the public footpath in accordance with the developers' application based on the details submitted in respect of planning application reference H23/1224/93, and that the Order be confirmed if no objections were received.

3. A plan indicating the route of the proposed diversion is attached as an Appendix.

4. In accordance with guidance notes issued by the Rights of Way Review Committee, prior to making the Order a number of organisations were consulted on the proposed diversion, including the Ramblers Association, the British Horse Society, the Byways and Bridleways Trust, the Open Spaces Society, the Cyclists' Touring Club and the Whaplode parish council.

5. The Lincolnshire and South Humberside Area Ramblers Association objected to the proposed diversion on the grounds that it constituted more of a "closure" than a diversion i.e. that the estate footpath onto which it was proposed the path would be diverted would be provided anyway, irrespective of whether or not the public right of way was diverted onto it. The Association also felt that the existing line of the footpath would not interfere with the building site as it could be fenced off on the southern side of the footpath. Similar objections were also put forward by the Lincolnshire Fieldpaths Association, the Boston Ramblers Association and the Cyclists' Touring Club.

6. The developers were notified of the objections and, although they agreed that the footpath could easily be fenced off and retained in its present position, felt that the narrow footpath between rear gardens of properties would become a rubbish dump, very quickly become overgrown from neighbouring trees and hedges, be a potential security risk to the dwellings and eventually become an unused liability. In addition, the developers stated that the proposed diverted route would be attractively landscaped with grass, native trees and shrubs, with the possibility of park type seats being installed.

7. These further observations were put to the objectors, but none of the original objections have been withdrawn, and in the circumstances, it is now necessary for the matter to be considered further by the Committee.

8. Department of the Environment Circular 2/93 relating to public rights of way states that the use of estate roads for the new line of a diverted footpath "should be avoided wherever possible and preference given to the use of made up estate paths through landscaped or open space areas away from vehicular traffic."

9. The Department of the Environment expects local authorities to forestall objections to Diversion Orders by prior discussion and negotiation with landowners and path users, and once an Order has been advertised the local authority is also expected to make every effort to resolve objections and to secure their withdrawal. If objections are not withdrawn the opposed Order must be referred to the Secretary of State for confirmation and he will usually require the objections to be considered at a public inquiry, with associated cost implications.

10. In this instance, if the Order is pursued, the present objections will not be overcome, nor withdrawn and the Order will therefore have to be referred to the Secretary of State for confirmation.

11. Having considered the objections I believe that the original decision needs to be reviewed. Under section 257 of the Town and Country Planning Act 1990 the Council may only authorise the diversion of a footpath if it is satified that it is necessary to do so in order to enable development to be carried out:-

    (a) in accordance with planning permission granted under Part III of the 1990 Act, or

    (b) by a Government department.

12. (b) does not apply but looking at the approved plan it seems to me that the diversion is not necessary to enable the approved development to be carried out. If the Committee agree with this view the Council has no legal basis for making a diversion order under the Town and Country Planning Act.

13. The Developer's views as set out in paragraph 6 above also seem to accept that the development can be carried out without diverting the path. The Council cannot authorise the diversion for the reasons given by the Developer.

14 **RECOMMENDATION:** The footpath diversion order authorised under Minute 322/94 be not proceeded with.

✓

Background Papers:- Correspondence on file PL.754

Local Government (Access to Information) Act 1985
The person to whom reference should be made concerning inspection of the background papers is the Director of Administration, Council Offices, Priory Road, Spalding, Lincs. Tel: Spalding (0775) 761161.

South Holland District Council
(Whaplode) Public Path Diversion Order 1994



Line of existing path

Line of proposed diversion

Crown Copyright reserved. Reproduced from the Ordnance Survey map with the permission of the controller of HMSO.

SCALE 1:2500

NORTH

BR[illegible] SMITH Dip TP MRTPI
Dir. 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

H23/1224/93
RESERVED MATTERS

Applicant: Ashwood Homes
Tel:

Agent: G R Merchant
0406 490800

Description: Residential development

Location: Off Mill Lane
Whaplode
Spalding
Lincs

16 May 94
29 Apr

Valid date:	29-DEC-93	Terminal date:	~~23-FEB-94~~
Target dates:		Target Committee:	16-FEB-94
To case officer	05-JAN-94	Report deadline:	02-FEB-94
Inspected by	12-JAN-94	Agreed TD Ext:	
Extra contacts	19-JAN-94	Case Officer:	
Report if not clear by 02-FEB-94		J BLACKLOCK	

DEVELOPMENT/CONSTRAINTS

Size: 20 DWE
Category: Newbuild
Listed building:
Conservation Area:
Other Constraints: FP PIT

CONSULTATIONS CARRIED OUT

	Sent	Expiry
Site/Press Advert MAJ	11-JAN-94	01-FEB-94
Clerk to Whaplode PC 0406 26739	04-JAN-94	18-JAN-94
Cllr A Biggadike	04-JAN-94	11-JAN-94

SITE RECORD

Grid ref: 532750 324050
OS Sheet: 168 Parcel:

L.C.C - Sm Attached for 5/1/94

BRIAN SMITH Dip TP MRTPI
Dir 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: H23/1224/93

Applicant: Ashwood Homes
Holbeach Manor
Fleet Road
Holbeach
Spalding Lincs

Agent: G R Merchant
Unit 3
12A Park Road
Holbeach
Spalding Lincs

Description: Residential development

Location: Off Mill Lane
Whaplode
Spalding
Lincs

Amendment: Amendment to bricks - schedule submitted

29-MAR-94

Dear Sir/Madam

ACKNOWLEDGEMENT OF AMENDMENT

I acknowledge receipt of the amended details in respect of the above proposal. These have been incorporated into the application which will now only be considered in its amended form.

The terminal date for dealing with the application has now been extended to 16-MAY-94, based on the date of receipt of the amendment, and your rights of appeal remain as explained on the original acknowledgement.

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

Yours faithfully

Director of Planning and Building Control Services

AMENDMENT RECORD SHEET – LIVE APPLICATION

Admin

Validation:

Inadequate/Inappropriate ☐

Clarification/Details required:

Appears valid ✓ KL

Registered .....

Terminal date/committee updated ✓ 29/3

DC Procedural Assessment

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

Has this amendment been requested? Yes/~~No~~ *

If Yes, is it what was asked for? Yes/~~No~~ *

Who do you need to reconsult as a result of this amendment? PC None ✓

WM

Press

Residents

Other –

Is it an amendment in principle? Yes/~~No~~

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

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

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

REJECTED as an amendment – new application needed

Confirmed: .....

Notes/Advice/Rejection Reason:

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

AUTHORISED to treat as amendment

Confirmed: 29/3/94

Superseded details removed ✓

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

Acceptance issued: ✓

Public register updated: ✓ 29/3

DC Professional Assessment

NOTES:

PLANNING AMENDMENT

For office use only

Application No. H23/1224/93

Date Registered 21 MAR 1994

Case Officer SG

1. Please complete in block letters

NAME AND ADDRESS OF APPLICANT

ASHWOOD HOMES.
HOLBEACH MANOR,
FLEET ROAD.
HOLBEACH.

Tel. No.

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

G.R.MERCHANT.
UNIT 3.
12A PARK ROAD.
HOLBEACH.

0406 490800 .
Tel. No. (Contact)

Please complete in block letters

FULL POSTAL ADDRESS OF THE APPLICATION SITE

OFF MILL LANE, WHAPLODE.

OFFICE COPY

Please complete

APPLICATION No.

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

H23/1224/93.

Building Regulation reference relating to same development (if any)

N/A.

2. Please tick **one** box only

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

or

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

Please complete

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

Signed G.R.Merchant Date 17/3/94.

3. Please complete in block letters

FULL DESCRIPTION OF DEVELOPMENT IN ORIGINAL APPLICATION

RESIDENTIAL DEVELOPMENT.

State details of amendments proposed

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

AMEND BRICKS AS PER ATTACHED SCHEDULE.

State drawing no's of the current submission

N/A

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

YES / ~~NO~~ J. BLACKLOCK.

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

—

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

BRICK AND ROOF TILE SCHEDULE, MILL LANE, WHAPLODE.

	BRICKS	TILES
PLOT 1	1	4
PLOT 2	1	4
PLOT 3	2	5
PLOT 4	3	6
PLOT 5	2	5
PLOT 6	2	5
PLOT 7	1	4
PLOT 8	2	5
PLOT 9	2	5
PLOT 10	1	4
PLOT 11	3	6
PLOT 12	2	5
PLOT 13	1	4
PLOT 14	3	6
PLOT 15	2	5
PLOT 16	1	4
PLOT 17	3	6
PLOT 18	1	4
PLOT 19	3	6
PLOT 20	2	5

AMENDED PLAN
Ref.

1. Butterley Amberley Multi Stock.
2. Butterley Sherwood Red Mixture.
3. Butterley Old English Country Mixture.
4. Sandtoft Rustic Double Pantile.
5. Sandtoft Red Double Pantile.
6. Sandtoft Grey Double Pantile.

SOUTH HOLLAND D.C.
PLAN DEPT.
21 MAR 1994
REF 1224/93

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: H23/1224/93

Applicant: Ashwood Homes
Holbeach Manor
Fleet Road
Holbeach
Spalding Lincs

Agent: G R Merchant
Unit 3
12A Park Road
Holbeach
Spalding Lincs

Description: Residential development

Location: Off Mill Lane
Whaplode
Spalding
Lincs

Amendment: Amend layout and dwelling types. Note the "Norfolk" bungalow is now the "Knareborough".

15-MAR-94

Dear Sir/Madam

ACKNOWLEDGEMENT OF AMENDMENT

I acknowledge receipt of the amended details in respect of the above proposal. These have been incorporated into the application which will now only be considered in its amended form.

The terminal date for dealing with the application has now been extended to 29-APR-94, based on the date of receipt of the amendment, and your rights of appeal remain as explained on the original acknowledgement.

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

Yours faithfully

Director of Planning and Building Control Services

IENDMENT RECORD SHEET – LIVE APPLICATION

Admin

Validation:

Inadequate/Inappropriate ☐

Clarification/Details required:

Appears valid ☑ HC

Registered .....

Terminal date/committee updated 15/7

DC Procedural Assessment

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

Has this amendment been requested? Yes/~~No~~ *

If Yes, is it what was asked for? Yes/No *

Who do you need to reconsult as a result of this amendment? None ☑

PC
WM
Press
Residents
Other –

Is it an amendment in principle? Yes/~~No~~

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

If No, but Yes to (*) requested :–

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

REJECTED as an amendment – new application needed

Confirmed: .....

Notes/Advice/Rejection Reason:

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

AUTHORISED to treat as amendment

Confirmed: 15/7

Superseded details removed ☑

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

Acceptance issued: ✓

Public register updated: 15/7

DC Professional Assessment

NOTES:

PLANNING AMENDMENT

For office use only

Application No. H23/1224/93.

Date Registered 04 MAR 1994

Case Officer SD

1. Please complete in block letters

NAME AND ADDRESS OF APPLICANT

ASHWOOD HOMES.
HOLBROOK MANOR.
FLEET ROAD.
HOLBROOK

Tel. No.

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

G. R. MERCHANT.
UNIT 3
12A PARK ROAD.
HOLBROOK.

Tel. No. 0406 486800 (Contact)

Please complete in block letters

FULL POSTAL ADDRESS OF THE APPLICATION SITE

OFF MILL LANE, WHATTISTODE.

Please complete

APPLICATION No.

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

H23/1224/93.

Building Regulation reference relating to same development (if any)

N/A.

2. Please tick **one** box only

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

or

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

Please complete

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

Signed G. R. Merchant Date 3.3.94

3. Please complete in block letters

FULL DESCRIPTION OF DEVELOPMENT IN ORIGINAL APPLICATION

RESIDENTIAL DEVELOPMENT

State details of amendments proposed

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

AMEND LAYOUT & DWELLING TYPES.

NOTE:- THE "NORFOLK" BOROUGH IS NOW THE "KATHERINE BOROUGH".

State drawing no's of the current submission

—

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

YES / ~~NO~~ J. BLACKLOCK.

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

—

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

SOUTH HOLLAND DISTRICT COUNCIL

MEMORANDUM

FROM: Director of Administration

TO: Director of Planning & Building Control Services

REF: JMB/KS/PL.

REF:

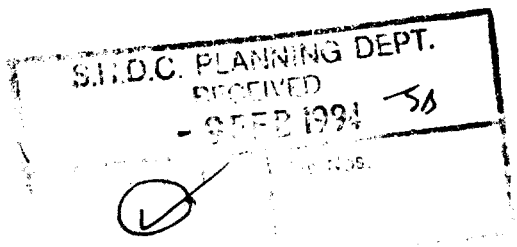
DATE: 8th Feburary, 1994

SUBJECT: **RESIDENTIAL DEVELOPMENT AT MILL LANE, WHAPLODE (APPLICATION REFERENCE H23/1224/93)**

Mr G R Merchant of 4 Chapel Gardens, Whaplode has, on behalf of Ashwood Homes, applied for a footpath diversion order in connection with the above development. Under the provisions of section 257 of the Town and Country Planning Act 1990, the authority may by order authorise the diversion of any footpath if they are satisfied that it is necessary to do so in order to enable development to be carried out in accordance with a planning permission. I understand that in this instance, planning permission has not yet been granted for the development, and I should be most grateful if you would advise me in due course of the outcome of the present planning application.

If planning permission is granted, I shall arrange for an appropriate report to be submitted to the Planning Committee.

Director of Administration



28/1/94. 3.50 pm

Left message with BT
Merchant to discuss
Layout.

B[illegible] 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: H23/1224/93

Applicant: Ashwood Homes
Holbeach Manor
Fleet Road
Holbeach
Spalding Lincs

Agent: G R Merchant
Unit 3
12A Park Road
Holbeach
Spalding Lincs

Description: Residential development

Location: Off Mill Lane Whaplode
Spalding Lincs

Type: RESERVED MATTERS

Date received: 29-DEC-93

04-JAN-94

Dear Sir/Madam

CONSULTATION WITH PARISH COUNCIL

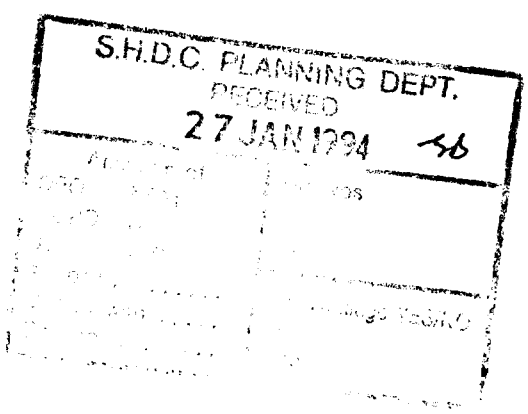
I have received an application for the above proposal and enclose a copy for your information. Any observations which the Parish Council wish to make should be set out below and returned to me by 18-JAN-94. If no observations have been received by that date, it will be assumed that the Parish Council have no comments to make. The officer dealing with this application is J BLACKLOCK

Yours faithfully
B SMITH
Director of Planning and Building Control Services

Clerk to Whaplode PC
Parish Council Office
2 Spalding Road, Holbeach
Spalding, Lincs

FOR PARISH COUNCIL USE ONLY

Comments: supported



Signed: [signature]

PLANNING APPLICATIONS

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

H07/1134/93
F. C. Congreve — OUTLINE
Erection of 6 dwellings and private access
Off Hillgate, Gedney Hill, Spalding, Lincs.

H16/1206/93
Hanson Land Developments Ltd — OUTLINE
Residential development
Land off St Thomas's Road, Spalding, Lincs.

H23/1224/93
Ashwood Homes — RESERVED MATTERS
Residential development
Off Mill Lane, Whaplode, Spalding, Lincs.

The following application(s) do not accord with the provisions of the relevant Development Plan.

H01/1184/93
ALIH (Farms) Ltd — FULL
Service area comprising petrol station and convenience restaurant.
Realigned A1073 Junction Cowbit Fen, Spalding, Lincs.

H11/1226/93
C. R. Neaverson — PERMISSION RENEWAL
Garden centre and restaurant/motel complex (renewal of application H11/0937/88)
Off Wisbech Road, Long Sutton, Spalding, Lincs.

The following proposals involve, or affect the setting of, a building listed by the Secretary of State for the Environment as a building of special architectural or historic interest, and/or affect the character of a Conservation Area.

H02/1205/93
Mr P. Staniforth — FULL
Erection of bungalow and garage.
Thorney Road, Crowland, Peterborough.

H08/1192/93
The Vicar, Church Wardens and Residential Development — OUTLINE
Land adj St Gilbert & St Hugh Church, Clough Road, Gosberton Risegate, Spalding, Lincs.

H09/1198/93
Mr M. S. Stafford — PERMISSION RENEWAL
Siting of portable building for use as gentlemen's hairdressing salon
28 Albert Street, Holbeach, Spalding, Lincs.

H11/1174/93
Estate of Mrs E. M. Bond — Listed Building
Provide new roof structure and rebuild bowed brickwork
2 Swapcoat Lane, Long Sutton, Spalding, Lincs.

H11/1226/93
C. R. Neaverson — PERMISSION RENEWAL
Garden centre and restaurant/motel complex (renewal of application H11/0937/88)
Off Wisbech Road, Long Sutton, Spalding, Lincs.

H16/1220/93
Alliance & Leicester BS — FULL
Change of use from Class A1 to Class A2 for a temporary period of 4 months from January 3, 1994
8 Bridge Street, Spalding, Lincs.

Applications and plans showing the above proposals can be inspected at the Planning Department, Priory Road, Spalding during normal office hours. Any comments should be sent to me within 21 days of this notice, quoting the relevant reference number.

B. Smith
Director of Planning and Building Control Services

SOUTH HOLLAND DISTRICT COUNCIL

January 11, 1994.

Bi@WVN 8610 187/507LF11-1

Solicitors for and on behalf of Richard Alan Brown.
Roythorne & Co,
10 Pinchbeck Road,
Spalding, Lincs PE11 1PZ.

IN THE COUNTY OF LINCOLN PETTY SESSIONAL DIVISION OF THE ELLOES

To Whom It May Concern

RICHARD ALAN BROWN, of Coppins, Broadgate, Weston, Spalding, Lincolnshire, who has during the past six months carried on the trade or calling of a Chartered Surveyor, Hereby Gives Notice that he intends to apply at the General Annual Licensing Meeting for the said district to be held at Sessions House, Spalding, Lincolnshire on Tuesday, February 1, 1994 at 9.30 am for the grant of a Justices Licence authorising him to sell by retail intoxicating liquor of all descriptions for consumption on or off the premises situate at 5 High Street, Spalding, and known as The Courtyard.

Dated the 30th day of December, 1993.

ROYTHORNE,
Solicitors for and on behalf of Richard Alan Brown.
Roythorne & Co,
10 Pinchbeck Road,
Spalding, Lincs PE11 1PZ.

GOODS VEHICLE OPERATOR'S LICENCE

NORMAN SLATOR, trading as Norman Slator, of Auckland Farm, Ravens Clough, Holbeach, Spalding, Lincs PE12 8SL, is applying for a licence to use Auckland Farm, Ravens Clough, Holbeach, Spalding, Lincs PE12 8SL as an operating centre for one goods vehicle and three trailers.

Owners and occupiers of land (including buildings) in the vicinity of the operating centre or centres, who believe that their use or enjoyment of that land will be prejudicially affected, may make written representations to the Licensing Authority at Eastern Traffic Area, Terrington House, 13-15 Hills Road, Cambridge, CB2 1NF within 21 days following the publication of this notice.

Representors must at the same time send a copy of their representations to the applicant at the address given at the top of this notice.

8i1461 187:507 LF12-1

PERSONAL

MADAME Eva, Clairvoyant, recently seen on central television, consultations available at 16 Priory Road, Spalding, Thursday, January 20th, 11 am until 5.30 pm. Advice on relationships, business etc. Appointments. Telephone Spalding 713767 or Skegness (0754) 762408, casuals welcome.

A Qualified Curative Hypnotherapist
PROBLEMS? WHY SUFFER?
Contact:
Maureen Simmonds D. HYP, MAQCH
Tel: (0778) 570515

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WOMEN CALL 0336 411 254
GAYLINE 0336 411 255
To make a free recording & enquiries ring (0754) 871800
CALLS COST 36p/min CHEAP RATE 48p/MIN OTHER TIMES

FRENCH SCHOOL CHILDREN
require caring host families in Spalding and surrounding district on the following dates:
13th-26th Feb and 11th-23rd April.
Children fully occupied each weekday.
Good fees paid.
Tel Rosemary 0775 640573 after 6 pm.
10h@WVN 1430

---

to proceed with caution. The lowering is to allow the installation of embankment revetment and associated improvement works.
Persons seeking further information should contact the Project Engineer, Malcolm Howell, on 0733 371811.
RON LINFIELD
Area Manager (Northern).
National Rivers Authority
Northern Area,
Aqua House, Harvey Street,
Lincoln LN1 1TF.

9i@WVN 8496 SG11-1

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Apply
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Wilson, Lee & Partners Management Consult

QUANTITY — South L
Attractive

Our client is a well-established a
strategic approach to the desig
Reporting to the board, the succes
fully qualified chartered quantity
direct site management experien
Amongst the job holder's respons
Bills of Quantities for house ty
connection with housing developr
costing exercises. In addition
evaluation of new and existing
standard house build costs, prepa
with forecasts and give general ad
QS requirements.
Aged 25-40, self-motivated, energ
analytical and interpersonal skil
form a key part of the senior mana
Please reply in **writing only**
demonstrating how all the above r
Reference 053/78 to:

Mr Stephen McCracke
Wilson, Lee
First Floor, 40 Station Road, Ki

CROWLAN

SENIOR LIBRA
£4589-

Required for 18 hours per week to running of the library under the direc part of the management team.
Previous library experience is desir leadership, administrative ability and a minimum of 4 GCSEs Level C or e

LIBRARY A
£1291-£

Required for 9 hours per week. Librar routine work essential to running librar with the public.
A broad range of interests is a qualifications although we do ask for equivalent. Please quote RL254.
Applicants for both posts should be c fit with a pleasant manner, an interest i posts are demanding both mentally
The hours of duty will include alterna
Application forms and further details returned to, Personnel Services, Lin Offices, Newland, Lincoln LN1 1 (24-hour service). Please quote th CLOSING DATE 25 JANUARY, 1994

HOLBEACH COUNTY

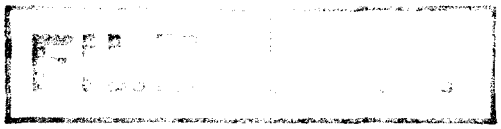
CARET
HOLBE
£4.3535 PE

Required for 39 hours per week and successful candidate will be expected lettings as they arise. The postholde *security of the premises, minor* maintenance.
Application forms are available fro Headteacher, Holbeach County Holbeach PE12 7LZ. Enclose SAE 1994.

LINCOLN COUNTY CO

Lincs Free Press - 11th January 1994

PLANNING APPLICATION



Town and Country Planning General Development Order 1988

NOTICE UNDER ARTICLE 12B

Notice is hereby given that Ashwood Homes
is applying to the Council for planning permission for the following:

Reference No: H23/1224/93
Description: Residential development

Location: Off Mill Lane
Whaplode
Spalding
Lincs

Members of the Public may inspect copies of the application, plans and any other documents submitted with it at the Department of Planning and Building Control Services, Council Offices, Priory Road, Spalding, during normal office hours until 01-FEB-94
Any observations should be sent to me by 01-FEB-94 quoting the above reference number.

B Smith
Director of Planning and Building Control Services

11-JAN-94

SOUTH HOLLAND DISTRICT COUNCIL

LINCOLNSHIRE COUNTY COUNCIL
DEPARTMENT OF HIGHWAYS AND PLANNING

FORM NO: H/A/3B

To: South Holland District Council Application Reference H23/1224/93

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. Address or location

MILL LANE, WHAPLODE

3. Name, classification and number of road

UC

4. Date application referred 5/1/94

5. State whether outline, detailed application etc.

R.M.

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

RESIDENTIAL DEVELOPMENT.

7. Delete as appropriate

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:—

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: 5/1/94 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) C2 ~~as~~ - - - - details to be approved

Delete as appropriate

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

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

(1) C2

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

6/1/93

S8/1221/93	Mr I Bates 174 Station Road Surfleet Spalding Lincs	Mr I Bates 174 Station Road Surfleet Spalding Lincs
	Agricultural contractor/ plant hire workshop and storage 10A Risegate Road Gosberton Risegate Spalding Lincs Type S191 LAWFUL USE CERT	Date Received 24-DEC-93
H13/1222/93 CBF	T H Charlton The Chestnuts Fengate Moulton Chapel Spalding Lincs	G R Merchant Unit 3 12A Park Road Holbeach Spalding Lincs
	Erection of bungalow and garages The Chestnuts Fengate Moulton Chapel Spalding Lincs Type FULL	Date Received 29-DEC-93
H19/1223/93 CBF	N S Morris Redway Lodge Broadgate Road Sutton St Edmund Spalding Lincs	G R Merchant Unit 3 12A Park Road Holbeach Spalding Lincs
	Residential development Broadgate Road Sutton St Edmund Spalding Lincs Type OUTLINE	Date Received 29-DEC-93
H23/1224/93 See Previous Observations	Ashwood Homes Holbeach Manor Fleet Road Holbeach Spalding Lincs	G R Merchant Unit 3 12A Park Road Holbeach Spalding Lincs JB
	Residential development Off Mill Lane Whaplode Spalding Lincs Type RESERVED MATTERS	Date Received 29-DEC-93
H16/1225/93 NC	Mr N & Mrs W Revill Cradge Bank Spalding Lincs	East Midlands Design Assoc. Willow Lodge Horseshoe Road Spalding Lincs
	Details of tile (Marley Plain Smooth Grey) in respect of Condition no. 4 of application H16/0318/93 Cowbit Road Spalding Lincs Type CONDITION COMPLIANCE	Date Received 29-DEC-93

G.R. Merchant I.Eng. AMICE FIWO

Architectural, Structural & Land Drainage Consultant

4 Chapel Gardens, Whaplode, Spalding, Lincs. PE12 6UG. Telephone 0406 ~~370853~~ 490800

Our ref: GRM/JJM/AH-W

21st December, 1993.

SOUTH HOLLAND D.C.
PLAN DEPT.
29 DEC 1993
REF 1224/93

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

Dear Sir,

RESIDENTIAL DEVELOPMENT, OFF MILL LANE, WHAPLODE.

On behalf of my clients Ashwood Homes, please find enclosed applicaiton forms and plans together with the appropriate fee for the reserved matters application on H23/1293/92.

The scheme is to be carried out in conjunction with the previous owners of the land Mr & Mrs S.W. Hoyes. Mr & Mrs Hoyes, in association with Ashwood Homes have approached the South Holland District Council Arts Department and Eastern Arts to commission the sculpture as indicated on the plans. Mr & Mrs Hoyes are also proposing to make a strip of adjoining land available to create a nature walk along the Eastern boundary of the development.

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

Yours faithfully,

G.R. Merchant.

B[illegible] 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

VAT Reg No 121 5277 01

OFFICIAL RECEIPT - APPLICATION FEES

Receipt No : P3684
Date received : 29-DEC-93

Received from

Ashwood Homes

Address

Holbeach Manor
Fleet Road
Holbeach
Spalding

Fee paid	£ 2400.00
VAT	£ 0.00
Total received	£ 2400.00

Cash/Cheque : Cheque

Signed.....K. Lowe...
(Authorised Collector)

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: H23/1224/93

Applicant: Ashwood Homes
Holbeach Manor
Fleet Road
Holbeach
Spalding Lincs

Agent: G R Merchant
Unit 3
12A Park Road
Holbeach
Spalding Lincs

Description: Residential development

Location: Off Mill Lane
Whaplode
Spalding
Lincs

Amendment: Remove brick gables from dwelling types York, Knaresborough and garage

02-DEC-94

Dear Sir/Madam

TOWN AND COUNTRY PLANNING ACT 1990
NOTICE OF ACCEPTANCE OF AMENDMENT

The amended details submitted in respect of the above proposal have now been considered, and I am able to inform you that there are no objections to the amendment being implemented to the extent described above.

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

Yours faithfully

Director of Planning and Building Control Services

AMENDMENT RECORD SHEET - POST DECISION

Admin

Validation:

Inadequate/Inappropriate ☐

Clarification/Details required:

Appears valid ✓ HL

Registered 23/11/94

DC Procedural Assessment

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

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

Confirmed: 10/12/94

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

Acceptance issued:

PLANNING AMENDMENT

For office use only

Application No. H23/1224/93/AP

Date Registered 23 NOV 1994

Case Officer BD

1. Please complete in block letters

NAME AND ADDRESS OF APPLICANT

ASHWOOD HOMES.
HOLBEACH MANOR.
FLEET ROAD
HOLBEACH

Tel. No.

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

G. R. MERCHANT.
UNIT 3.
12A PARK ROAD.
HOLBEACH

Tel. No. 0406 490800. (Contact)

Please complete in block letters

FULL POSTAL ADDRESS OF THE APPLICATION SITE

RESIDENTIAL DEVELOPMENT, OFF MILL LANE, WHAPLODE.

Please complete

APPLICATION No.

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

H23/1224/93.

Building Regulation reference relating to same development (if any)

B23/0226/94

2. Please tick **one** box only

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

or

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

Please complete

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

Signed G. R. Merchant Date 29.11.94

3. Please complete in block letters

FULL DESCRIPTION OF DEVELOPMENT IN ORIGINAL APPLICATION

RESIDENTIAL DEVELOPMENT.

State details of amendments proposed

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

REMOVE BRICK ~~CLADDING~~ VERGE DETAILS ON GABLE FROM DWELLING TYPES YORK, ~~KNARESBOROUGH~~ & GARAGE (STANDARD DRAWINGS) SO AS TO BE COMPATABLE WITH THE REMAINDER OF SITE.

State drawing no's of the current submission

—

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

~~YES~~ / NO — BLACKHOCK.

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

—

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