

Application for Removal or Variation of a Condition following Grant of Planning Permission or Listed Building Consent

Town and Country Planning Act 1990 (as amended); Planning (Listed Buildings and Conservation Areas Act) 1990 (as amended)

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Site Location

Disclaimer: We can only make recommendations based on the answers given in the questions.

If you cannot provide a postcode, the description of site location must be completed. Please provide the most accurate site description you can, to help locate the site - for example "field to the North of the Post Office".

Number

Suffix

Property Name

Address Line 1

Address Line 2

Address Line 3

Town/city

Postcode

Description of site location must be completed if postcode is not known:

Easting (x)

Northing (y)

Description

Applicant Details

Name/Company

Title

First name

Surname

Company Name

Address

Address line 1

Address line 2

Address line 3

Town/City

Country

Postcode

Are you an agent acting on behalf of the applicant?

Yes

No

Contact Details

Primary number

Secondary number

Fax number

Email address

Agent Details

Name/Company

Title

First name

Surname

Company Name

Address

Address line 1

Address line 2

Address line 3

Town/City

Country

Postcode

Contact Details

Primary number

Secondary number

Fax number

Email address

Description of the Proposal

Please provide a description of the approved development as shown on the decision letter

Reference number

Date of decision (date must be pre-application submission)

Please state the condition number(s) to which this application relates

Condition number(s)

Has the development already started?

Yes

No

If Yes, please state when the development was started (date must be pre-application submission)

Has the development been completed?

Yes

No

If Yes, please state when the development was completed (date must be pre-application submission)

Condition(s) - Variation/Removal

Please state why you wish the condition(s) to be removed or changed

Doddington Parish Council have decided that they do not want a playground at the back of the School Yard development.

This condition was a Planning requirement in condition 6 of 17/1865/FUL. Instead of condition compliance, the applicant has committed to allocating funds to the reduction of traffic nuisance through the village. The principle of the matter being acceptable having been agreed acceptable in principle in an email from Steven Watson to the Parish Clerk and the applicant dated Tuesday 21 March 2022 (15.40)

If you wish the existing condition to be changed, please state how you wish the condition to be varied

removal of the condition is requested

Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

- Yes
 No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

- The agent
 The applicant
 Other person

Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

- Yes
 No

If Yes, please complete the following information about the advice you were given (this will help the authority to deal with this application more efficiently):

Officer name:

Title

***** REDACTED *****

First Name

***** REDACTED *****

Surname

***** REDACTED *****

Reference

email 1 March 2022, (15.40)

Date (must be pre-application submission)

01/03/2022

Details of the pre-application advice received

Dear John and James,

Following the receipt of the e mail on behalf of Doddington PC I feel it is best to respond to both parties at the same time in an open manner.

I told John following receipt of the e mail that I was seeking further legal advice on the proposed course of action, which I have now obtained. Whilst I have sympathy with what the Parish are attempting to achieve I do believe that North Kesteven will have problems in terms of the lawfulness of the proposals in planning law terms. Essentially any 'obligation' placed upon a developer has to meet certain tests (this can in effect be both an obligation placed through a condition or by legal agreement tied to the grant of permission). Such obligations have to meet a planning purpose, be necessary and reasonable in all other respects.

The original requirement for the play area met the above tests in that it served to meet the needs of the proposed residents of the development (I agree that usage by proposed residents would not, of itself, have justified the play area, but I always foresaw a dual use of the play area by both residents and visitors to the Hall. In that respect management of the play area needed to be agreed via discharge of condition, and I always anticipated that this would also remain with the Hall, since there were never any provisions for the transfer of the play area to the Parish). However, there are significant problems with the 'alternative' community package outlined. Again, I understand why reducing HGV traffic and vehicle speeds in Doddington is attractive to the Parish. However, a contribution to achieving this as outlined can never be lawful by reason of necessity, since it is clear that the original permission was granted without such and was therefore assessed as being acceptable based on existing traffic conditions by both the Highway Authority and North Kesteven.

If the play area is not to be provided the Hall will need to apply to delete condition 6 of planning permission 17/1865/FUL (the condition requiring its construction). It would be possible, in my opinion as an officer of the Council and without prejudice to the eventual determination of such an application by the Council, to grant such a permission on the basis of the evidence of the Parish Council that such a play area is not needed, contrary to the support provided for such at the time of the original application. What this authority will not be able to do, however, is be party to any legal agreement to fund the transport works, or give any weight to this in the decision making process at all. That is not to say that the Hall and Parish Council cannot take their own advice on whether they can reach a separate agreement outside the terms of any planning application but, to stress, the planning process will not be able to offer any guarantees to the parish.

I'm sorry not to be more helpful in this context, but you need to be aware of the constraints that apply in this case.

Ownership Certificates and Agricultural Land Declaration

Certificates under Article 14 - Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended)

Please answer the following questions to determine which Certificate of Ownership you need to complete: A, B, C or D.

Is the applicant the sole owner of all the land to which this application relates; and has the applicant been the sole owner for more than 21 days?

Yes

No

Is any of the land to which the application relates part of an Agricultural Holding?

Yes

No

Certificate Of Ownership - Certificate A

I certify/The applicant certifies that on the day 21 days before the date of this application nobody except myself/ the applicant was the owner* of any part of the land or building to which the application relates, and that none of the land to which the application relates is, or is part of, an agricultural holding**

* "owner" is a person with a freehold interest or leasehold interest with at least 7 years left to run.

** "agricultural holding" has the meaning given by reference to the definition of "agricultural tenant" in section 65(8) of the Act.

NOTE: You should sign Certificate B, C or D, as appropriate, if you are the sole owner of the land or building to which the application relates but the land is, or is part of, an agricultural holding.

Person Role

The Applicant

The Agent

Title

Mr.

First Name

steve

Surname

dunn

Declaration Date

20/06/2022

Declaration made

Declaration

I / We hereby apply for Removal/Variation of a condition as described in this form and accompanying plans/drawings and additional information. I / We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine options of the persons giving them. I / We also accept that: Once submitted, this information will be transmitted to the Local Planning Authority and, once validated by them, be made available as part of a public register and on the authority's website; our system will automatically generate and send you emails in regard to the submission of this application.

I / We agree to the outlined declaration

Signed

steve dunn

Date

01/08/2022