SOUTH HOLLAND DISTRICT COUNCIL

Town and Country Planning Act 1990

Refusal of Planning Permission

Reference: H02/0440/92 Received:09-APR-92 Type:FULL

Name: Mr George Flecknor
Alderlands
Peterborough Road
Crowland
Peterborough Cambs

Agent: Buckle Mellows
Solicitors
9 High Causeway
Whittlesey
Peterborough Cambs

Description: Change of access

Location : Alderlands Peterborough Road
Crowland Peterborough

South Holland District Council hereby give notice that PERMISSION HAS BEEN REFUSED for the development for the following reason(s):

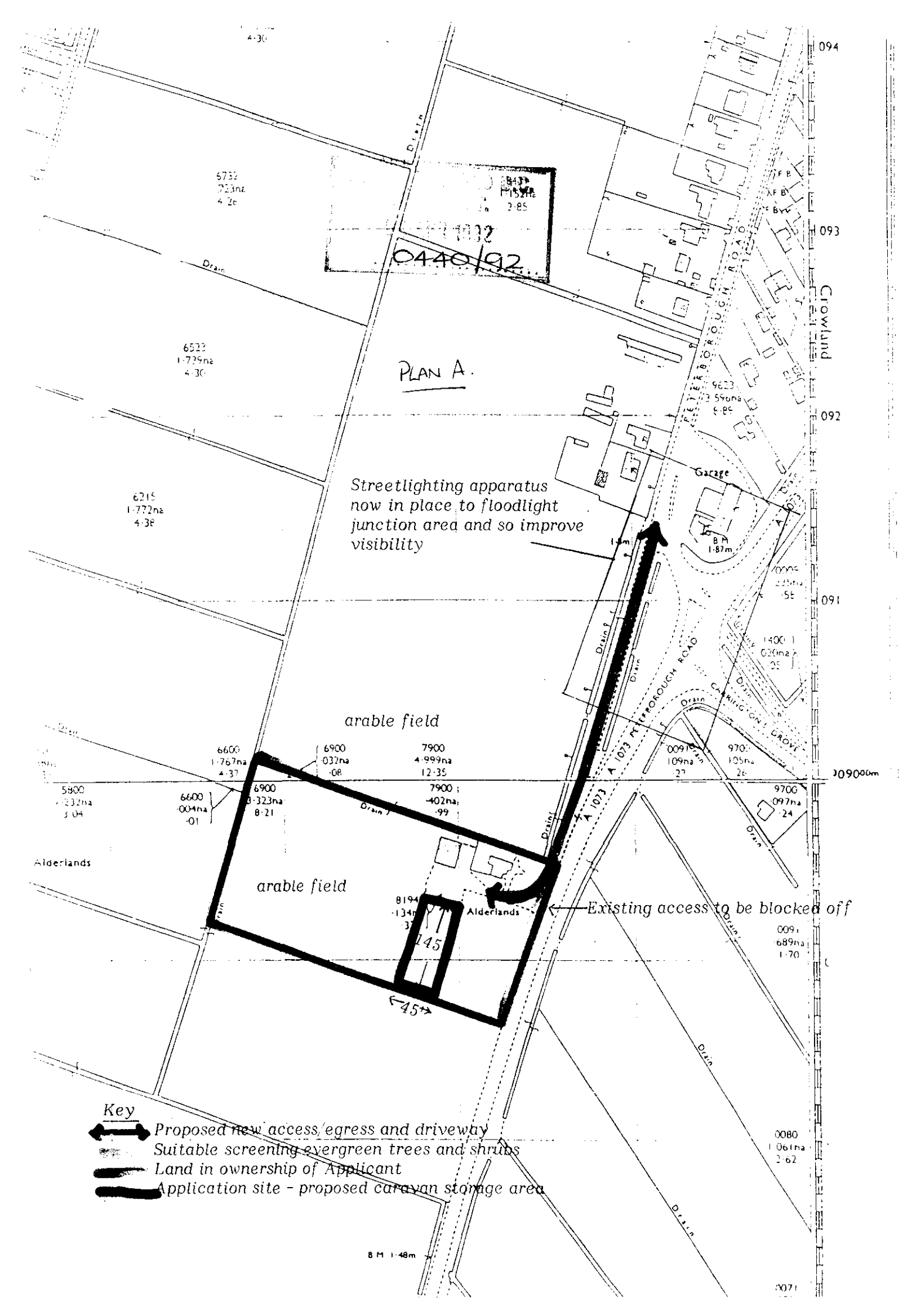
1 The proposed new access is inadequate in width and alignment to accommodate large commercial vehicles which could operate from the haulage operation, permitted at this site and the proposed caravans. Such vehicles when meeting could not pass and this could lead to vehicles waiting on the public highway close to the junction of the A1073, to the detriment of highway safety.

Director of Planning and Building Control Services
15-JUN-94 H02/0440/92

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

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

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


0440/92
PLAN A.
Streetlighting apparatus now in place to floodlight junction area and so improve visibility
arable field
arable field
Existing access to be blocked off
Alderlands
Crowland
Garage
Drain
145
45
Key
Proposed new access/egress and driveway
Suitable screening evergreen trees and shrubs
Land in ownership of Applicant
Application site - proposed caravan storage area

PLANNING APPLICATION

For office use only

Application No. H02/0440/92

Date Registered 09 APR 1992

1. Please complete in block letters

NAME AND ADDRESS OF APPLICANT

GEORGE FLECKNOR,
ALDERLANDS,
PETERBOROUGH ROAD,
CROWLAND.
PE6 OAA

Tel. No. *0733 210438*

NAME AND ADDRESS OF AGENT

(if form completed by agent)

BUCKLE MELLOWS,
SOLICITORS,
9 HIGH CAUSEWAY,
WHITTLESEY,
PETERBOROUGH, CAMBS.

Tel. No. *0733 202270*

(Personal contact name) *Mrs C. Gostick*

Please complete in block letters

FULL POSTAL ADDRESS OF THE APPLICATION SITE

ALDERLANDS, PETERBOROUGH ROAD, CROWLAND, PETERBOROUGH. PE6 OAA

Please complete in block letters

DESCRIPTION OF PROPOSED DEVELOPMENT

CHANGE OF ACCESS

Please complete

I attach * Four copies of all plans
*an ownership certificate (see back page)
*a fee of ....£55..... If you consider no fee is payable include a written explanation instead.

Signed... Buckle mellows ..... Date.....8th April, 1992..... Previous application No:

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

2. **TYPE OF APPLICATION**

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

or This is an **outline** application ☐

Please state Site Area (Hectares)

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

Siting ☐ Design ☐ External Appearance ☐

Means of Access ☐ Landscaping ☐

Now complete Parts 3 and 5 and an Ownership Certificate.

or This is a **reserved matters** application. ☐

A. Please state Reference Number of outline permission.
B. Please state which reserved matters are dealt with in this application.

Now complete Part 4 only

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

A. Please state Reference Number of previous permission
B. Please state Condition Number referred to

Now complete an Ownership Certificate

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

A. Please state Reference Number of previous permission
B. Please state Condition Number referred to
C. Please state variation required

Now complete an Ownership Certificate

TYPE OF DEVELOPMENT

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

(i) New building(s) [ ]

(ii) Alterations or extension [ ]

(iii) Change of ~~use~~ *access* [✓]

B. If new dwellings are proposed, please state how many: *Not Applicable*

4. A. If building works are proposed, other than residential, please state extra floorspace to be created: *4. A. to E. Not Applicable* sq. metres

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

(b) max. length: metres

(c) max. width: metres

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

D. Please state type and colour of roofing materials.

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

5. GENERAL INFORMATION Please complete each section

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

Not Applicable - Change of access sought

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: *The Old Peterborough Road*

Will there be — Individual access(es) [✓] New estate road [ ]

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

TREES Please tick **one** box

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

B. The proposal does involve the felling of one or more trees [✓*] ➡ If so, please show details on plans

** Two trees shown orange on plan B*

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:

Not Applicable

Mains sewer [ ] Cesspool [ ] Septic tank [ ]

OTHER MATTERS Please complete

State Yes or No

The proposal is in connection with agriculture *No* ➡ If so, **please give details in Part 6**

The proposal affects a listed building *No*

The proposal affects a public footpath *No*

The proposal is known to affect contaminated or filled land *No*

The proposal is for industrial, warehousing, offices or shopping purposes [ ] ➡ If so, **please complete Part 7**

In cases where a statutory consultation will be required, please state whether you have sent a copy of the application to the consultee yourself. If yes, please give date sent. *N/A* ➡ Date: Consultee(s):

Is this application related to a previous submission *No* ➡ Application No.:

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

Continue on separate sheet if necessary. *Please see attached sheet*

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).	*Owner*

2. OWNERSHIP OF THE SITE

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

If the applicant is the **sole owner of the whole site,** complete **Certificate A.**
In **any other case** (i.e. if the applicant is a prospective purchaser, or a tenant, or a joint owner, or the sole owner of only part of the site) then you must give notice to all other owners, and complete **Certificate B.** 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 Buckle Mellows (Applicant/Agent) Date *8th April, 1992*
Buckle Mellows

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 Buckle Mellows (Applicant/Agent) Date *8th April, 1992*
Buckle Mellows

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 *Alderlands, Peterborough Road, Crowland.*
Take notice that application is being made to South Holland District Council by
for planning permission for *change of access*

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.

Buckle Mellows
Buckle Mellows Agents for the Applicant *8th April, 1992*

Signed ..... Date .....

P[illegible]N SMITH Dip TP MRTPI
[illegible]or 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: H02/0440/92 Type: FULL

Applicant: Mr George Flecknor
Tel: 0733 210438

Agent: Buckle Mellows
0733 202270

Description: Change of access

Location: Alderlands
Peterborough Road
Crowland
Peterborough

Valid date: 09-APR-92 Terminal date: 04-JUN-92
Target dates: Target Committee: 02-JUN-92
To case officer 14-APR-92 Report deadline: 19-MAY-92
Inspected by 19-APR-92
Extra contacts 24-APR-92 Case Officer:
Report if not clear by 14-MAY-92 P J UDY

DEVELOPMENT/CONSTRAINTS

Size:
Category: Misc works
Listed building:
Conservation Area:

CONSULTATIONS CARRIED OUT

		Sent	Expiry	
Clerk to Crowland PC	0733 210653	16-APR-92	30-APR-92	
Cllr B Alcock	0733 210560	16-APR-92	30-APR-92	
Cllr R C P Cowan	0733 210932	16-APR-92	30-APR-92	Cam
L.C.C. - Obs Attached plan dated 23/4/92	JC CB 30/4/92			
Robert Dartnell motors, P'boro Rd		23-APR-92	7-MAY-92	
Owner/occ. 79 Peterboro' Road		"	"	

Lincolnshire County Council
Director of Highways & Planning
4th Floor
City Hall
Beaumont Fee
Lincoln
LN1 1DN

Mr P J Udy

PJU/LAB
H02/439&440/92

21 August 1992

F.A.O. Mr C Briggs.

Dear Sir

Planning Application For Change Of Access And Storage Of Twelve Touring Caravans, Alderlands, Peterborough Road, Crowland.

I refer to your letter of 17 July 1992 and write to advise that these two planning applications were considered by the Plans Sub-Committee on 17 August 1992. At that meeting it was resolved to grant planning permission in accordance with my recommendation which required the applicant to enter into a Section 278 Agreement with yourselves.

I would therefore be grateful if you could have this agreement drawn up and entered into and advise me accordingly when it has been signed. The Planning Committee were also concerned that the screening between the access and the bypass should be solid to prevent headlights distracting traffic on the A1073 travelling towards Crowland and I would be grateful if you would confirm what sort of screening you will be requiring the applicant to erect.

Yours faithfully

N R Midlen
Principal Planning Officer
Development Control

BUCKLE MELLOWS

S O L I C I T O R S

9 HIGH CAUSEWAY, WHITTLESEY, PETERBOROUGH PE7 1AE

Telephone: (0733) 202270 DX29346 Whittlesey Fax: (0733) 202022

Your Ref: Our Ref: CG.PH.JN.F1751 Date: 27th July 1992

South Holland District Council
Director of Planning and Building Control Services
Planning and building Control Department
Council Office
Priory Road
Spalding
Lincs
PE11 2XE

Dear Sir

Mr George Flecknor
Access application to his property at Peterborough Road Crowland

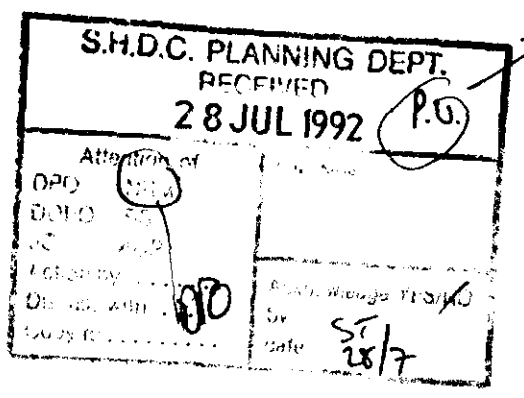
We refer to our telephone conversation with Mr Udy this morning and confirm that our client is disappointed that his application is being deferred and will not be heard at the meeting this afternoon.

However, Mr Udy did indicate that you have now received a response from the Cambridgeshire County Council and we shall be pleased if you could confirm that the application will be therefore put before the committee at their next meeting which we were advised will be on 17th August to either be granted or refused.

If there is any reason why the application cannot be before the committee at their next meeting on 17th August would you please advise us immediately as clearly it is not acceptable to our client that this matter should be deferred rather than a decision made one way or the other.

Yours faithfully

Buckle Mellows



Partners: E. A. SMEETON, T. J. ROBINSON, J. S. DALE, LL.B. (Notary), A. S. WHARTON, G. GILL, LL.B., P. A. TAMS, S. T. SMITH, LL.B., C. GOSTICK, LL.B., C. J. U. APPLEGATE, M.A., B. M. SMITH, B.A. G. EKINS, LL.B., P. S. BRANCH, B.A., LL.M.
Staff Solicitor: N. PATEL, LL.B.

Also at 45-51 Priestgate, Peterborough. Tel: (0733) 68175/52341. Fax: (0733) 62064

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

BRIAN S I 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: H02/0440/92

Applicant: Mr George Flecknor
Alderlands
Peterborough Road
Crowland
Peterborough Cambs

Agent: Buckle Mellows
Solicitors
9 High Causeway
Whittlesey
Peterborough Cambs

Description: Change of access

Location: Alderlands Peterborough Road
Crowland Peterborough

Type: FULL

Date received: 09-APR-92

16-APR-92

Dear Cllr R C P Cowan

NOTIFICATION TO WARD MEMBER

I have received an application for the above proposal in your ward. The officer dealing with this application is P J UDY

As applications can be determined under delegated powers in many cases, please let me know by 26-APR-92 if you feel that this proposal should be brought to the attention of the Planning Committee for any reason.

Yours faithfully
B SMITH
Director of Planning and Building Control Services

Cllr R C P Cowan
17 Church Lane
Crowland
Peterborough
PE6 0ER

I request that this application be considered by Planning Committee, because of the enforcement order/ refused appeal on this site!

S.H.D.C. PLANNING DEPT.
RECEIVED
- 7 MAY 1992

Signed:

BRIAN S 4 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: H02/0440/92

Applicant: Mr George Flecknor
Alderlands
Peterborough Road
Crowland
Peterborough Cambs

Agent: Buckle Mellows
Solicitors
9 High Causeway
Whittlesey
Peterborough Cambs

Description: Change of access

Location: Alderlands Peterborough Road
Crowland Peterborough

Type: FULL

Date received: 09-APR-92

16-APR-92

Dear Sir/Madam

CONSULTATION WITH PARISH COUNCIL

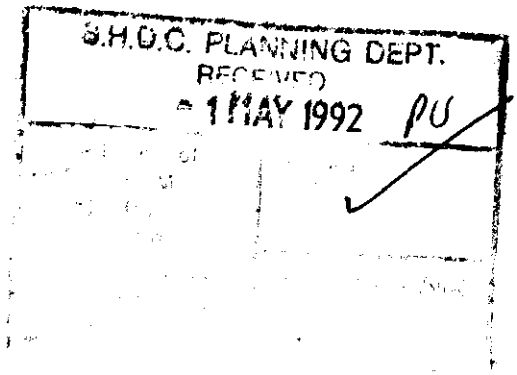
I have received an application for the above proposal and enclose a copy for your information. Any observations which the Parish Council wish to make should be set out below and returned to me by 01-MAY-92. If no observations have been received by that date, it will be assumed that the Parish Council have no comments to make. The officer dealing with this application is P J UDY

Yours faithfully
B SMITH
Director of Planning and Building Control Services

Clerk to Crowland PC
10 Beccelm Drive
Crowland
Peterborough
PE6 0AG

FOR PARISH COUNCIL USE ONLY

Comments:
No objections to the change.



Signed:

LINCOLNSHIRE COUNTY COUNCIL
DEPARTMENT OF HIGHWAYS AND PLANNING

FORM NO: H/A/3B

To: South Holland District Council

Application Reference H02/0440/92.

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

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

1. National Grid Reference of a central point on site

horizontal				vertical		
	·					

2. Address or location

Alderlands, Peterborough Road, Crowland

3. Name, classification and number of road

I (A1073)

4. Date application referred 23-4-92

5. State whether outline, detailed application etc.

Full.

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

Change of Access.

NB/ Please Do Not Issue Any P.P until a S278A is Signed

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

Delete as appropriate

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

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

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

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

Date: 24-4-92. Signed: [signature]
Director of Highways and Planning

CONDITIONS:– Subject to an Agreement being entered into under Sec 278 of the Highways Act:-

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) The access from Peterborough Road shall be a minimum of 5.0m wide and shall be in accordance with details to be approved

(2) B20 - - - - - - and A1073 shall - -

(3) Adequate screening shall be provided along the new access in accordance with 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) B6

(2) B1

(3) To ensure vehicles using the A1073 are not distracted by vehicles entering the site in the interests of highway safety.

NB/ If the Committee do not wish to grant permission then a reason for refusal can be provided.

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

The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

Room 10/15
Tollgate House
Houlton Street
Bristol *BS2 9DJ*

Direct Line 0117-987 8627
Switchboard 0117-987 8000
Fax No 0117-987 8624
GTN 1374

South Holland District Council
Planning Department
Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE

Your Ref:
H02/0439/92 & 0440
Our Ref:
APP/A2525/A/94/245880
A2525/A/94/245881

Date: 19 April 1995

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990
APPEAL BY MR G FLECKNOR
SITE AT ALDERLANDS, PETERBOROUGH ROAD, CROWLAND, PETERBOROUGH

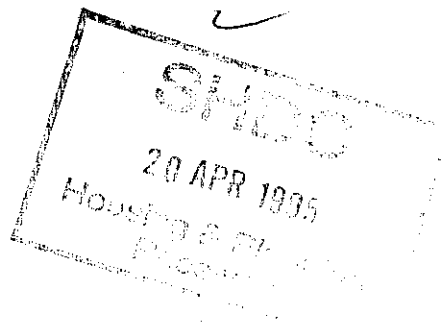
1. I enclose copies of correspondence from interested persons.

2. As the hearing has not yet taken place, you need not respond as any comments should be made at the hearing.

Yours faithfully

MRS V. B. McMILLAN

MRS V B MCMILLAN
pp CASE OFFICER
211A



DC

ACTION
Attention of DC
Discuss with
Copy to
File Ref
Comments

Alderlands,
Peterborough Road,
Crowland,
Peterborough PE6 0AA.

13th.March,1995.

Your Ref: KW/JJ E2/18/95.

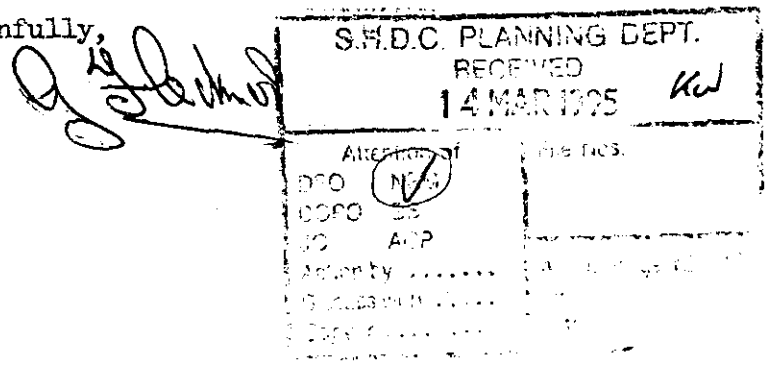
Principal Planning Officer,
Planning & Building Control Department,
Council Offices,
Priory Road,
Spalding.
Lincs PE11 2XE.

Dear Sir,

MATERIAL CHANGE OF USE OF LAND FOR STORAGE OF TOURING CARAVANS.

I note the contents of your letter of 1st.March and would inform you that should my appeal be unsuccessful it is my intentionto get rid of the caravans.

Yours faithfully,



CROWLAND PARISH COUNCIL

12 APR 1995

Mrs P. Todd
Clerk to the Council

Tel: (0733) 210653

Hall Street,
Crowland
Peterborough
PE6 0EW

11 April 1995

The Planning Inspectorate,
Department of Environment
Room 1202E ,
Tollgate House,
Houlton Street,
Bristol, BS2 9DJ

Dear Sirs,

Ref: Appeal by Mr.George Flecknor - Application NO. H02/0440/92
Appeal Ref: APP/A2525/A/93/245881

I have been instructed to pass on the following comments from Crowland Parish Council regarding the appeal by Mr.George Flecknor for Change of Access at Alderlands, Peterborough Road, Crowland, Peterborough.

The council have no objection but would prefer to see the original access kept.

Yours faithfully,

P Todd

Clerk

77/79 Peterborough Road (1)
Crowland
Peterborough
PE6 0BB
8/4/95.

The Department of the Environment

RE: APPEAL BY MR. GEORGE FLECKNOR
APPLICATION NO H02/0439/92
DOE APPEAL REF. APP/A2525/A/93/245880
APPLICATION NO H02/0440/92
DOE APPEAL REF. APP/A2525/A/93/245884

This letter is on behalf of my husband my neighbour Mrs M. Sharpe who will sign in June, and myself.

First and foremost we do not object Mr. Flecknors a haulage business or caravans on his Property, which he has for some considerable years using existing access. To our knowledge there never been an accident there resulting Lorries or Caravans going on or off his property. The A1073 has very serious bends, but not where Mr. Flecknors entrance

is. The road is wider there a good, so we cannot understa want to create a very dan by re-opening the old Crowland

I cannot draw at all, bu to draw a plan of the roa obscene there is a garage a an entrance to a business at t opposite where the entrance new Road, if it was allowed, slip Road from Peterborough into also the traffic turning right who have the right of way. of the traffic in the mornings and evenings between 4-6pm is when trying to get on or off also when trying to get off forecourt. If you had a site v times you would observe an Problems.

We do not think that Lo caravans would be able to t

The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

Room 10/15
Tollgate House
Houlton Street
Bristol BS2 9DJ

Direct Line 0117-987 8627
Switchboard 0117-987 8000
Fax No 0117-987 8624
GTN 1374

South Holland District Council
Planning Department
Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE

Your Ref:
H02/0439/92 & 0440
Our Ref:
APP/A2525/A/94/245880
A2525/A/94/245881

Date: 11 April 1995

Dear Sir

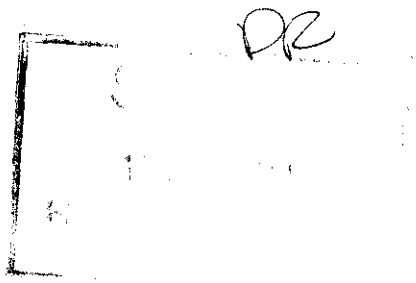
TOWN AND COUNTRY PLANNING ACT 1990
APPEAL BY MR G FLECKNOR
SITE AT ALDERLANDS, PETERBOROUGH ROAD, CROWLAND, PETERBOROUGH

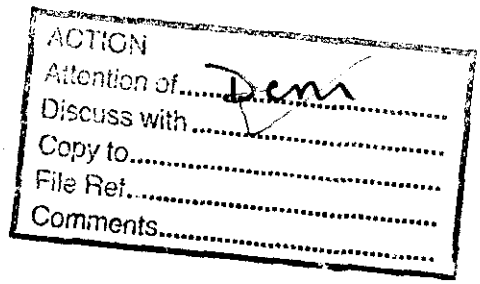
1. I enclose a copy of correspondence from Calthrops.

2. As the hearing has not yet taken place, you need not respond as any comments should be made at the hearing.

Yours faithfully

PATRICIA HORNE
CASE OFFICER
211A





10 APR 1995

Calthrops

10 APR 1995

George R. Hastings
F. Brian Molson
B. Keith Tatnall
Avril J. Butters
Kevin Pallister LL.B. (Hons)
James A. Sutton LL.B. (Hons)

Solicitors and Commissioners for Oaths

Tel: (01775) 724381
Fax: (01775) 722286
DX: 26704 Spalding

11 Market Place
Spalding
Lincs
PE11 1SP

When calling please ask for:
Mr. Tatnall

Our ref: BKT/TS

Your ref: HO2-0440-92
APP/A2525/A/93/245881

7th April, 1995

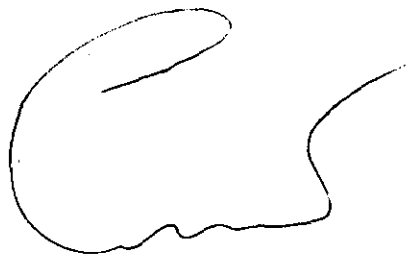
Dear Sirs,

Application Number HO2/0440/92
DoE Appeal Reference: APP/A2525/A/93/245881

We refer to the planning appeals in connection with the land off Peterborough Road, Crowland, in respect of which we have already put forward an objection on behalf of our client which still stands. You will appreciate from that information that the objection relates not to the change of use but to the new access requirements. We are very surprised to note from the papers that the Highway Authority appear to make no objection to caravans but only object when heavy goods vehicles were involved.

We believe that this is perhaps because the Highway Authority do not seem to have accepted the traffic usage on the A1073 which is not the actually preferred trunk road. As a matter of fact, however, it is quite clear that a majority of A16 traffic north or south bound uses the A1073 as an access onto the A1 as opposed to using the main A16 through Market Deeping and it is our belief that this use will increase dramatically within a few months with the opening of the new Spalding bypass. At certain times of the day access to and egress from Crowland at the relevant junction is severely congested and quite often, for example turning off the A1073 to Peterborough Road is very dangerous and this can only be made worse by the proposed additional heavy goods vehicle and caravan use suggested. It is hoped that the Inspector will see the site at a time when it is busy and appreciate the severe problems likely to arise and hope that the application for access will therefore not be permitted.

Yours faithfully,



The Planning Inspectorate
Department of the Environment
Room 1202E
Tollgate House
Houlton Street
Bristol
BS2 9DJ

A MEMBER OF

Regulated by the Law Society in the conduct of investment business

Solicitors Financial Services

SOUTH HOLLAND DISTRICT COUNCIL

PLANNING & BUILDING CONTROL DEPARTMENT

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

Mr G Flecknor,
Alderlands,
Peterborough Road,
Crowland,
Peterborough.

Your Contact: Mr K Woods

Our Ref: KW/JJ E2/18/95

Your Ref:

Date: 01 Mar 1995

Dear Sir,

MATERIAL CHANGE OF USE OF LAND FOR STORAGE OF TOURING CARAVANS.

An inspection of your premises at Alderlands, Peterborough Road, Crowland on the 28th February 1995 revealed that 24 touring caravans are being stored on the area of grassland adjacent to your yard.

This is despite the refusal of four planning applications since 1987 for the use of this land in connection with caravans and, clearly the continued use of the land for this purpose without planning permission constitutes a breach of planning control.

I am aware that your current appeal against refusal for the storage of 12 caravans and the change of access to the site is still pending and due for hearing on the 25th April 1995 and, with this in mind, any legal action which the Council are empowered to take under Section 172 of the Town and Country Planning Act 1990 will be considered after the outcome of the pending appeal is known.

Yours faithfully

K Woods

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

DOE Ref: APP/A2525/A/94/245880
APP/A2525/A/94/245881

LPA Ref: H02/0439/92
H02/0440/92

TOWN AND COUNTRY PLANNING ACT 1990
INFORMAL HEARING PROCEDURE

APPEALS BY MR GEORGE FLECKNOR

STATEMENT OF CASE BY DISTRICT COUNCIL

B Smith
Director of Planning and
Building Control Services
South Holland District Council
Council Offices
Priory Road
Spalding
Lincs

STATEMENT

1. The appeals are in respect of related proposals on a site at the southern extremities of Crowland. The site is situated outside the Development Boundary for Crowland just south of the junction of the A1073 (Crowland By-Pass) with Peterborough Road and Carringtons Drove.

2. The history of the appeal site is well documented in reports to the District Council's Planning Committee, copies of which were attached to the questionnaires previously despatched in relation to these appeals. These show that the District Council was prepared to grant planning permission, but only subject to the Applicant first entering into a Section 278 Agreement under the Highways Act 1980. Such agreement was to ensure adequate and safe access to the site.

3. During negotiations between the Appellant and the County Highway Authority in relation to the proposed highway improvements, the Appellant submitted an application for a Lawful Development Certificate in relation to the use of the site for haulage. This application was permitted on the 2nd February 1994 under ref: H02/1113/93 and a copy of the Decision Notice is appended as Document 1. The grant of the application for the Lawful Development Certificate and the Appellants unwillingness to give up the haulage use of the site caused the County Council to withdraw its support from the proposals. This is evidenced by letter dated 20th April 1994 from the County Council requesting that the District Council refuse permission.

4. In considering these proposals, and earlier submissions by the Appellant, the District Council has always held the view that matters relating to highway safety have been of paramount importance. Accordingly, the District Council resolved to refuse permission for the reasons as set out in the Decision Notices as requested by the County Council.

5. The County Council has forwarded a separate statement in support of the reasons for refusal. The District Council propose to rely on that statement and the evidence to be given by the County Councils expert witness, in relation to these appeals.

DOCUMENT 1

SOUTH HOLLAND DISTRICT COUNCIL

Town and Country Planning Act 1990 (Section 191)

Certificate of Lawful Use or Development

Reference: H02/1113/93 Received:23-NOV-93 Type:S191 LAWFUL USE CERT

Name: Mr G & Mrs A Flecknor
Alderlands
Peterborough Road
Crowland
Peterborough, Cambs

Agent: Mr G & Mrs A Flecknor
Alderlands
Peterborough Road
Crowland
Peterborough, Cambs

Description: Use of premises as general haulage depot, including occasional storage
Location : Alderlands Peterborough Road Crowland Peterborough

South Holland District Council hereby CERTIFY that on the date of the application shown above, the use, operations or matter described in Schedule 1 below in respect of land specified in Schedule 2 and shown edged red on the attached plan, was LAWFUL within the meaning of Section 191 for the reasons set out below:

Schedule 1 - Description of use or operation

Use of premises as haulage depot (including occasional storage ancillary to the haulage use).

Schedule 2 - Land specified

Premises (as shown on the attached plan) at Alderlands, Peterborough Road, Crowland (excluding the dwellinghouse and associated domestic curtilage).

Notes:
This certificate is issued solely for the purpose of Section 191 or 192 of the Town and Country Planning Act 1990 as amended.
It certifies that the use, operations or matter specified in Schedule 1 taking place on the land described in Schedule 2 was or would have been lawful on the date of the application, and thus was not or would not have been liable to enforcement action under Section 172 of the 1990 Act on that date.
This Certificate applies only to the extent described in Schedule 1 and to the land specified in Schedule 2 and on the attached plan. Any use, operation, or other matter which is materially different from that described or which relates to other land, may render the owner or occupier liable to enforcement action. For a Section 192 Certificate, the lawfulness is only conclusively presumed where there has been no material change in any relevant matter before the use or operations are begun.

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

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

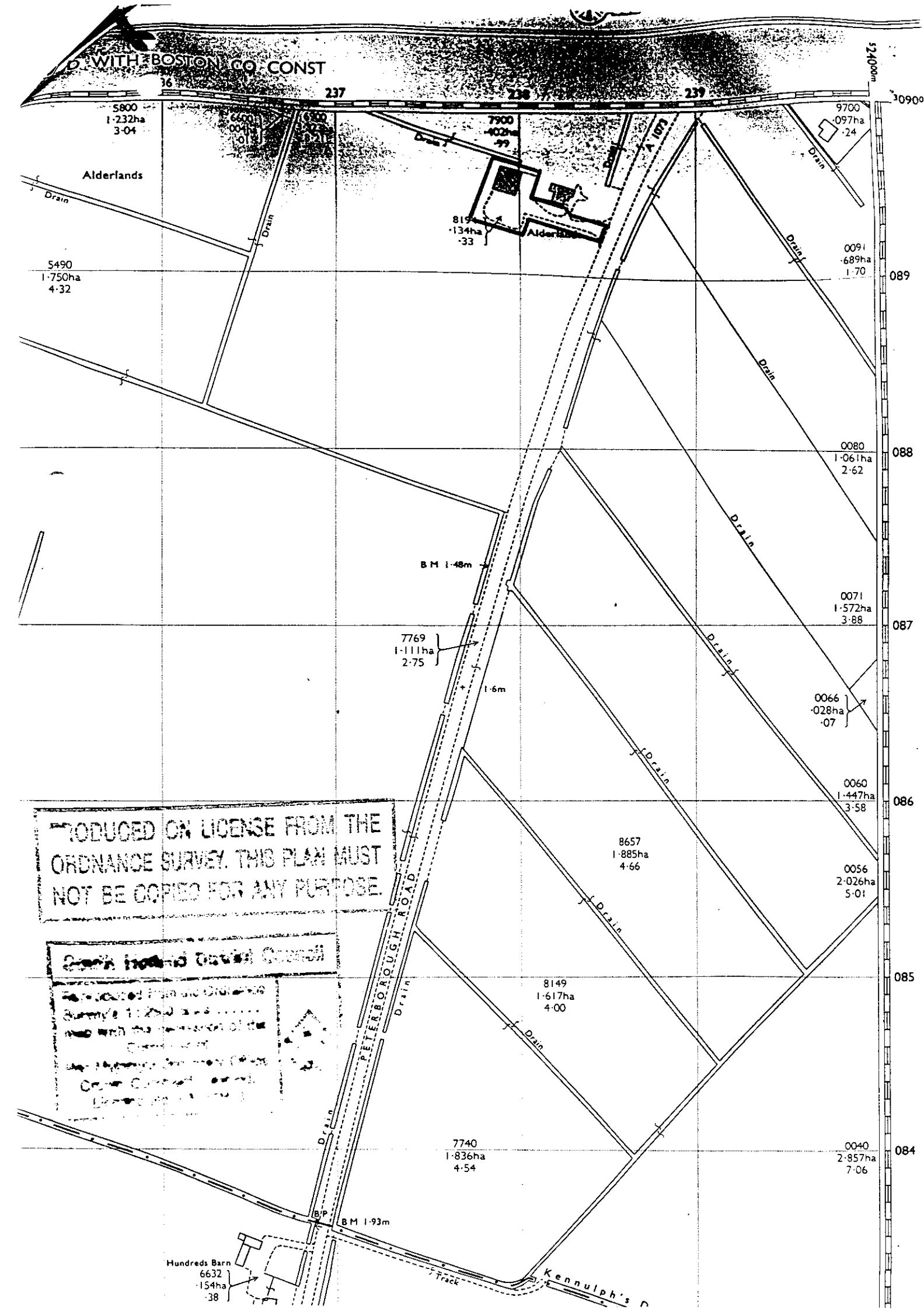
SOUTH HOLLAND DISTRICT COUNCIL

Director of Planning and Building Control Services
02-FEB-94 H02/1113/93

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)



PRODUCED ON LICENSE FROM THE ORDNANCE SURVEY. THIS PLAN MUST NOT BE COPIED FOR ANY PURPOSE.

TOWN AND COUNTRY PLANNING ACT 1990

Appeal by: **Mr George FLECKNOR**
Application No: **H02/0440/92**
DoE Appeal Reference: **APP/A2525/A/93/245881**

An appeal has been made to the Department of the Environment against refusal of planning permission by South Holland District Council for:

Change of access at Alderlands, Peterborough Road, Crowland, Peterborough.

The appeal will be determined by the Department of the Environment following an **Informal Hearing** at **The Council Chambers, Council Offices, Priory Road, Spalding, Lincs** on **Tuesday 25th April 1995** at **10.00 am.** It is open to the Secretary of State to grant planning permission.

This notice is to inform you that as the occupier of property in the proximity of the appeal site, or as a person or body who was notified or consulted about the original application and/or has made representations about that application you may attend the hearing and at the Inspectors discretion participate in the discussion at the hearing. If you cannot or do not wish to attend or have someone attend on your behalf, you may, if you wish, make written representations on the matter.

The statement of the appellant may be inspected at the address below, and the Council's statement will also be available for inspection after **18th January** (Please telephone if possible to ensure that it is ready for inspection. Do not delay submitting your own representations if the statement is not available).

Any comments already made to the authority in connection with the original application will be forwarded to the Inspector who will take them into account when deciding the appeal. Any further representations or elaboration or modification of earlier views should be sent direct to **The Planning Inspectorate, Department of the Environment** at **Room 1202E Tollgate House, Houlton Street, Bristol BS2 9DJ** quoting the above appeal reference.

If possible views submitted in writing should be sent to the Department of the Environment no later than 2 weeks before the date of the hearing.

Any comments received can only be taken into account provided they are made known to all parties and copies will therefore be sent to the appellant, and are liable to be read out at the hearing. (It would be of assistance to the Department of the Environment if two additional copies of your comments could be sent, in order that they can forward them to both parties).

The Department of the Environment will circulate the decision on the appeal only to those who specifically request a copy.

B SMITH
Director of Planning & Building Control Services
South Holland District Council
Council Offices, Priory Road, Spalding, Lincs. PE11 2XE
Telephone Spalding (0775) 761161

28 Dec 1994

NOTIFICATION LETTER SENT TO:

Mrs P Todd
Clerk to Crowland Parish Council
Hall Street
Crowland
Peterborough
PE6 0EW

Cllr R C P Cowan - Ward Member + Cllr Pepper new Ward Member
17 Church Lane
Crowland
Peterborough
PE6 0ER

Highways and Planning Department
4th Floor
City Hall
Beaumont Fee
Lincoln

Calthrops - agents for Mr & Mrs N Woodroffe
11 Market Place
Spalding
Lincs
PE11 1SP

Mr & Mrs N Woodroffe
77 Peterborough Road
Crowland
Peterborough

The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

Room 1202e
Tollgate House
Houlton Street
Bristol BS2 9DJ

Direct Line 0272-878701
Switchboard 0272-878000
Fax No 0272-878804
GTN 1374

S.H.D.C. PLANNING DEPT.
23 DEC 1994

South Holland District Council
Planning Department
Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE

Your Ref:
H02/0439/92 & 0440
Our Ref:
APP/A2525/A/94/245880
A2525/A/94/245881

Date: 19 December 1994

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990 - SECTION 78
APPEAL BY MR G FLECKNOR
SITE AT ALDERLANDS, PETERBOROUGH ROAD, CROWLAND, PETERBOROUGH

1. I am writing to confirm the arrangements for the hearing into the above appeal.

2. The hearing will start at 10:00am on Tuesday 25 April 1995 at The Council Offices, Priory Road, Spalding.

3. The Inspector currently nominated to hold the hearing is Mrs E M Fieldhouse DipTP DipUD MRTPI. This will be confirmed to you at a later date.

4. You are reminded that, if you have not already done so, you must submit your written statement to the Inspectorate and the appellants in accordance with paragraph 6 of the 'Code of Practice for Hearings'.

5. Would you please notify all those with an interest in the site and those who wrote to you about the proposed development at application stage of these arrangements, and give such other publicity as you think necessary. They will need to know:

a. the location of the site and a description of the appeal proposals;

b. details of the hearing arrangements;

c. that they can make their views known by writing to the Inspectorate at the above address, not later than 21 days before the date of the hearing, quoting the Inspectorate's reference number and that their views will be disclosed to the parties and may be read out at the hearing;

d. where the appellant's grounds of appeal and the Council's reasons for refusal can be inspected;

e. that they may attend the hearing if they wish and at the discretion of the Inspector take part in the discussion;

f. that we will send a copy of the decision letter only to those who ask for one.

Please send a copy of the 'Code of Practice for Hearings' to all those notified of the arrangements.

6. The hearing will be conducted in accordance with the 'Code of Practice for Hearings'.

7. In general, decision letters are issued within 7 weeks of the date of the hearing, although we cannot be precise about individual cases. If despatch of the letter is likely to be significantly delayed, due for example to the receipt of late representations, we will let you know.

Yours faithfully

MISS K THORNTON

NB: All further correspondence should be addressed to the Case Officer (see initial correspondence).

206J May 94

LPA Ref: H02/0440/92

DOE Ref: APP/A2525/A/94/245881

TOWN AND COUNTRY PLANNING ACT 1990
INFORMAL HEARING PROCEDURE

APPEAL BY MR G FLECKNOR

Questionnaire and Supporting Documentation from Local Planning Authority

: Questionnaire

PART ONE: PLANNING OFFICER'S REPORT

: Copy of Report to Planning Committee dated 2nd June 1992, 17th August 1992 and 7th June 1994
: Extract of Minute of Planning Committee meeting 2nd June 1992, 15th June 1992, 6th July 1992, 17th August 1992 and 7th June 1994
: Copy of Decision Notice

PART TWO: BACKGROUND PAPERS

: Copy of Lincolnshire County Council Highway observations
: Copy of Crowland Parish Council observations
: Copy of Ward Member observations
: Copy letter from interested parties

PLAN `A' Appeal Site (including Interim Boundary of Development)

PLAN 'B'

B Smith
Director of Planning and
Building Control Services
South Holland District Council
Council Offices
Priory Road
Spalding
Lincs

APPEAL QUESTIONNAIRE (Revised October 1994)

PLANNING, LISTED BUILDING CONSENT OR CONSERVATION AREA CONSENT APPEAL

APPEAL REF: APP/ A2525/A/94/245881

APPEAL BY: Mr G. PLECHNOR

GRID REF: 523770 308890

SITE: ALDERLANDS, PETERBOROUGH ROAD, CROWLAND

PLEASE SEND THE COMPLETED QUESTIONNAIRE (TOGETHER WITH ANY ENCLOSURES) TO THE INSPECTORATE AND TO THE APPELLANT OR AGENT WITHIN 14 DAYS OF THE DATE YOU RECEIVED THE APPEAL FORM.

If notification or consultation under an Act, Order or Departmental Circular would have been necessary before granting permission and has not taken place, please inform the appropriate bodies of the appeal now and ask for any comments to be sent direct to the Inspectorate within 28 days of the date you received the appeal form.

1.	Do the Council agree to the written representations procedure? OR Do the Council wish to appear before and be heard by an Inspector? (a local inquiry or hearing)	YES / NO YES / ~~NO~~
2.	If the written procedure is agreed, could the Inspector see the site clearly from a road or other public land?	YES / ~~NO~~
3.	Does the appeal relate to an application for approval of reserved matters?	YES / ~~NO~~
4.	Was an Article 12 (Regulation 6 for listed building or conservation area consent) certificate submitted with the application?	~~YES~~ / NO / ~~NA~~
5.	Was it necessary for the Council to advertise the proposals under Section 67 and/or Section 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990?	~~YES~~ / NO
6.	Is the appeal site within an approved Green Belt?	~~YES~~ / NO
7.	Is there a known surface or underground mineral interest at or within 400 metres of the appeal site which is likely to be a material consideration in determining the appeal? (If YES, attach details).	YES / NO
8.	Are there any other appeals or matters relating to the same site or neighbourhood still before the Secretary of State for consideration; or does the development directly affect the line of a footpath, bridleway or highway? (If YES, attach details and, where necessary, give the Department's reference numbers).	YES / ~~NO~~
9.	Is the site within a Conservation Area? If YES, please attach a plan of the Conservation Area. (If NO, go to Q11.)	~~YES~~ / NO
10.	Does the appeal relate to an application for conservation area consent?	~~YES~~ / NO
11a.	Does the proposed development involve the demolition, alteration or extension of a Grade I/II*/II listed building? (Delete as appropriate)	~~YES~~ / NO
b.	Would the proposed development affect the setting of a listed building?	~~YES~~ / NO
	If the answer to questions 11a or b is YES, please attach a copy of the relevant listing description from the list of Buildings of Special Architectural or Historic Interest. (If NO, go to Q13)	
12.	Has a grant been made under sections 3A or 4 of the Historic Buildings and Ancient Monuments Act 1953?	~~YES~~ / NO
13.	Would the proposals affect an Ancient Monument (whether scheduled or not)?	~~YES~~ / NO
14.	Is the appeal proposal within, or otherwise likely to have a significant effect on, a classified or potential site of International Importance? If so, please attach a plan of the site of International Importance, together with the comments of English Nature.	YES / NO

15. Co of the following documents must, if appropriate, be enclosed with this questionnaire.

		the number of documents enclosed	not applicable
a)	any comments or directions received from the Secretary of State, other Government Departments or statutory agencies / undertakers whether or not as a result of consultations under the GDO;	2	
b)	any representations received as a result of an Article 12 (or Regulation 6) notice;		✓
c)	a copy of any notice published under Section 67 and/or Section 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and / or Regulation 5;		✓
d)	any representations received as a result of a notice published under Section 67 and/or Section 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (or Regulation 5);		✓
e)	details of any other applications or matters currently before the Council relating to the same site;		✓
f)	in the case of appeals against non-determination, details of considerations likely to have been relevant to the Council's decision;		✓
g)	a list of any conditions or limitations the Council would favour if the appeal were to be allowed;		✓
h)	any other relevant information or correspondence the Council consider the Inspectorate should be aware of.		✓

FOR APPEALS BEING DECIDED BY THE WRITTEN REPRESENTATIONS PROCEDURE

16. If you have not already done so, please notify, in accordance with Regulation 5(1), details of the appeal to authorities and other persons who made representations to you about the application. Copies of the following documents must, if appropriate, be enclosed with this questionnaire.

		the number of documents enclosed	not applicable
a)	representations received from interested parties about the original application;	2	
b)	the planning officer's report to committee;	3	
c)	any relevant committee minute;	5	

17. Relevant plans and policies;
Please enclose extracts of relevant policies and plans and explanations of these. Each extract should include the front page, showing the title of the plan and date of approval or adoption. Where plans and policies have not been approved or adopted, the stage and status of the plan should be given. ☐ ✓

18. Do the documents listed above comprise the Council's full statement of case? ~~YES~~ / NO

Council's reference: H02/0440/92

I certify that a copy of this appeal questionnaire and any enclosures have on this said day been sent to the appellant or agent.

Signature B Smith on behalf of SOUTH HOLLAND DISTRICT Council

Date of despatch 15/12/94

NB: Please alert the Inspectorate to any changes in circumstances occurring after the return of this questionnaire.

LPA Ref: H02/0440/92

DOE Ref: APP/A2525/A/94/245881

TOWN AND COUNTRY PLANNING ACT 1990
INFORMAL HEARING PROCEDURE

APPEAL BY MR G FLECKNOR

PART ONE: PLANNING OFFICER'S REPORT

B Smith
Director of Planning and
Building Control Services
South Holland District Council
Council Offices
Priory Road
Spalding
Lincs

APPLI TION REFERENCE: H02/0439/92 DATE RECEIVED: 09-APR-92

TYPE: ull

DESCRIPTION: Storage of twelve touring caravans

LOCATION: Alderlands, Peterborough Road, Crowland

APPLICANT: Mr G Flecknor AGENT: Buckle Mellows

APPLICATION REFERENCE: H02/0440/92 DATE RECEIVED: 09-APR-92

TYPE: Full

SOUTH HOLLAND DISTRICT COUNCIL
REPORT TO PLANNING COMMITTEE
Date

DESCRIPTION: Change of access

LOCATION: Alderlands, Peterborough Road, Crowland

APPLICANT: Mr G Flecknor AGENT: Buckle Mellows

REPORT

1 These two planning applications were considered by the Planning Committee on 2 June, 1992. It was resolved that the site be inspected by the Sub-Committee.

2 The Sub-Committee visited the site and requested further information and on 17 August, 1992; resolved to grant planning permission in accordance with my recommendation. My report to the 2 June, 1992 Committee and the 17 August, 1992 are attached.

3 Since it was resolved to grant planning permission, the County Council have been negotiating with the applicants over a Section 278 Agreement which they required and which the original recommendation was subject to. I have now received a letter from the County Council requesting that the applications are referred back to the Planning Committee for refusal of planning permission. Their letter is summarised as follows:

"The applicant intends to continue the use of his site for haulage operations for which you recently granted an Established Use Certificate.

Prior to the haulage use being established, I was negotiating an alternative access for touring caravans via the old dis-used line of the Peterborough Road.

This proposed access was never designed to accommodate haulage vehicles and once I was aware the haulage use was

to continue, I informed the applicant that the proposed access would be unacceptable to serve both caravans and Heavy Goods Vehicles. The existing access has already been refused planning permission to serve the caravan use (supported on appeal), I suggested that the applicant should decide whether to proceed with the application for touring caravans and rescind any permission for haulage use or keep his haulage use and withdraw the applications for a caravan site and change of use.

The letter from the applicant's agent indicates that the applicant wishes to pursue both uses on the site".

4 The haulage use is established using the existing access onto the A1073 and the Local Planning Authority cannot change this. Previous applications for a caravan site have been refused and appeals, including enforcement, dismissed. It is therefore my opinion that the Local Planning Authority should accept the County Council's highway advice.

RECOMMENDATION

H02/0439/92 - Refuse planning permission.

1 The proposed use would, if permitted, generate slow moving vehicles; touring caravans; slowing, stopping and turning off the fast stretch of Class I County Road, A1073, where there is no speed restriction other than the national maximum of 60 m.p.h. Such vehicles particularly when turning right off the Class I County Road and when leaving the site would interrupt the freeflow of traffic using this road, to the detriment of highway safety. Also the proposed alternative access is inadequate to serve the proposed use and the existing use of the sizes of haulage depot.

H02/0440/92 - Refuse planning permission.

1 The proposed new access is inadequate in width and alignment to accommodate large commercial vehicles which could operate from the haulage operation, permitted at this site and the proposed caravans. Such vehicles when meeting could not pass and this could lead to vehicles waiting on the public highway close to the junction of the A1073, to the detriment of highway safety.

A LICATION REFERENCE: H02/0439/92 & H02/0440/92

4

APPLICANT: Mr G Flecknor
Alderlands
Peterborough Road
Crowland
Peterborough

REPORT TO PLANS SUB-COMMITTEE ON: 17 August 1992

Addendum to report on page 60 of the report to Planning Committee on 2 June 1992.

1 The application was referred to the Plans Sub-Committee for site inspection and further information from the County Highway Authority was requested by the Sub-Committee on 6 July 1992. (Since the Committee report was drafted the Appeal against the Enforcement Notice has been dismissed. Both inspectors said the main issue for the appeals was that of road safety).

2 The further information from the County Council can be summarised as follows:-

The current access arrangement was agreed with the applicant subject to certain requirements such as screening of headlights. If the applicant enters into a Section 278 Agreement the proposal is acceptable to the Highway Authority.

Consider safer to enter and leave the A1073 via a main road junction, rather than the existing access.

Opinion confirmed by Planning Inspector for the appeal against refusal who said:-

"...I nevertheless take the view that an increase in vehicular activity associated with the site is undesirable, since additional slowing, turning and stopping movements would be likely to cause hazards in an area which already has a history of road accidents."

Similarly the Planning Inspector who dismissed the appeal against the Enforcement Notice served by your Authority stated:-

"...Given the proximity of the site access to this junction (ie Peterborough Road), I consider that a northbound vehicle indicating a left turn would leave following drivers, or the occupant of a vehicle departing from Alderlands, guessing as to whether the manoeuvre would be into the site or in the direction of Crowland. Taking into account the speed of traffic, on this long straight section of derestricted road, the prospect of confusion and hesitation would be extremely hazardous. In addition, a driver waiting to turn right across the traffic stream into the site would interrupt the free flow of southbound traffic, and slow moving vehicles leaving the access would be a source of further impedance."

It is difficult to see how remedial works could overcome all the problems referred to. A ghost island right turn lane would resolve some of the problems with a deceleration lane to ease left turning traffic but this would cost at least £100,000 which would make the proposal unviable.

3 CONCLUSIONS

Given the further advice from the County Highway Authority and the Inspector's conclusions on the enforcement appeals the earlier recommendation to grant a conditional permission would appear to be appropriate subject to details required by the condition requiring screening along the new access road being satisfactory.

4 PLANNING OFFICER'S RECOMMENDATION

That permission be granted in accordance with the earlier recommendation.

APPLICATION REFERENCE: H02/0439/92 DATE RECEIVED: 9 April 1992

APPLICANT: Mr G Flecknor
Alderlands
Peterborough Road
Crowland
Peterborough
Cambridgeshire

AGENT: Buckle Mellows
Solicitors
9 High Causeway
Whittlesey
Peterborough
Cambridgeshire

TYPE: Full

DESCRIPTION: Storage of twelve touring caravans

LOCATION: Alderlands, Peterborough Road, Crowland, Peterborough

APPLICATION REFERENCE: H02/0440/92 DATE RECEIVED: 9 April 1992

APPLICANT: Mr G Flecknor
Alderlands
Peterborough Road
Crowland
Peterborough
Cambridgeshire

AGENT: Buckle Mellows
Solicitors
9 High Causeway
Whittlesey
Peterborough
Cambridgeshire

SOUTH HOLLAND DIST
REPORT TO PLANNING COMMITTEE
- 2 JUN

TYPE: Full

DESCRIPTION: Change of access

LOCATION: Alderlands, Peterborough Road, Crowland, Peterborough

Parish Council: No objection, appreciate some planting to southern boundary.

Ward Member: Request considered by committee because of Enforcement order/Appeal dismissed.

County Highways: Request conditions and a Section 278 Agreement.

Information from Applicant:

- Reason for refusal and dismissal of Appeal was access which is to be overcome by H02/440/92.
- Will reinstate old carriageway which runs parallel to A1073.
- Willing to screen along Eastern boundary.
- County Highways have been consulted and are satisfied with the arrangements subject to resiting of Chevron Board on Peterborough Road, resiting direction sign board on A1073, providing satisfactory access in terms of width and surface on former Peterborough Road, provide adequate screening.

PREVIOUS DECISIONS

H02/420/91 - Storage of 25 caravans - Refused on Highway grounds - Appeal dismissed. Enforcement proceedings authorized and Applicant has currently appealed against the notice.

PLANNING ISSUES

1 The site has previously had an application for 25 caravans refused and the Appeal dismissed. The Enforcement Appeal is still to be determined.

2 The reason for refusal was on highway grounds which these applications now seek to overcome. The County Highways Department is now satisfied subject to a Section 278 Agreement.

3 Screening will overcome any visual amenity problems.

RECOMMENDATION -

H02/0439/92

Subject to the Applicant entering into a Section 278 Agreement under the Highways Act 1980 authorise the Director of Planning and Building Control Services to grant permission and subject to the following conditions:

1 SC23 - (Screening by planting)...South and East.
2 SC27 - (Implementation of planting).
3 Before the site can be used for the storing of caravans the access shall be provided from Peterborough Road as shown on the submitted plans in accordance with details to be agreed and approved.
4 F5 - (Turning space)
5 B20 - Stopping up of existing access...A1073
6 Adequate screening shall be provided along the new access in accordance with details to be approved.

Reasons

1 -2 Standard
3 B6
4 F5
5 B1
6 To ensure vehicles using the A1073 are not distracted by vehicles entering the site in the interests of highway safety.

H02/440/92

Subject to the Applicant entering a Section 278 Agreement under the Highways Act 1980 authorise the Director of Planning and Building Control Services to grant permission and subject to the following conditions:

1 The access from Peterborough Road shall be a minimum of 5.0 metre wide and shall be in accordance with details to be approved.
2 B20 (Stopping up of existing access) ... and A1073 shall..
3 Adequate screening shall be provided along the new access in accordance with details to be approved.

Reasons:

1 B6
2 B1
3 To ensure vehicles using the A1073 are not distracted by vehicles entering the site in the interests of highway safety.

---

372. PLANNING APPLICATIONS (Continued)

(b) Applications Refused (Continued)

(The Deputy Director of Planning and Building Control Services reported on a further letter of objection received relating to the above application.)

H04/0415/94 Mr N Revill	Bungalow and garage at Millfield Road, Donington.
H02/0439/92 Mr G Flecknor	Storage of twelve touring caravans at Alderlands, Peterborough Road, Crowland.

(Councillor B. Alcock declared an indirect interest in the above application, and left the Council Chamber during consideration thereof. Councillor T. Bray took the Chair during consideration of the application.)

H02/0440/92 Mr G Flecknor	Change of access at Alderlands, Peterborough Road, Crowland.

(Councillor B. Alcock declared an indirect interest in the above application, and left the Council Chamber during consideration thereof. Councillor T Bray took the Chair during consideration of the application.)

c) Applications Deferred

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

Plan No. and Applicant	Proposal
H16/0265/94 Macs Supermarkets Ltd	Neighbourhood Centre - convenience store and two retail units with flats above at Wygate Park, Spalding.

((i) To enable the Director of Planning and Building Control Services to further advertise the application in view of recent clarification that one of the units included within the proposed development relates to a hot food take-away; (ii) for the application to be reviewed in the light of the information now received, and to enable the Director of Planning and Building Control Services to hold further discussions with the applicant including the possibility of identifying an alternative more appropriate site for the development; (iii) pending a site inspection to assess the suitability of the site for the proposal, particularly in view of the number of objections received, the application then to be referred back to the Planning Committee for final determination; and (iv) the Director of Planning and Building Control Services endeavour to obtain from the various developers in this area a plan giving a more detailed overview than currently available of the development remaining to be carried out.)

(Councillor A.J. Biggadike left the meeting during consideration of the above application.)

H16/0327/94 Broadgate Homes	16 detached bungalows and 18 detached houses at plots 1-34, Wygate Park, Spalding.

601. PLANNING APPLICATIONS (Continued)

Plan No and Applicant	Proposal
H02/0440/92 Mr G Flecknor	Change of access at Alderlands, Peterborough Road, Crowland

RESOLVED: Planning permission be granted for the above development in accordance with the recommendation of the Director of Planning and Building Control Services.

602. ESTATE DEVELOPMENT

The site of the undermentioned application was inspected prior to the meeting and the Sub-Committee informed that the application had to be referred back to the Planning Committee for determination:-

Plan No and Applicant	Proposal
H16/0566/92 W J Mumford & Sons Ltd	Fourteen 1 bed apartments including details of siting, design and means of access at 4 Woolram Wygate, Spalding.

RESOLVED: The Planning Committee be recommended to refuse planning permission for the above development, in accordance with the recommendation of the Director of Planning and Building Control Services subject to (a) an additional reason for refusal that in view of its proximity to neighbouring properties the development, if approved, would adversely affect the residential amenities of those properties which the occupiers have a reasonable right to enjoy and (b) a note to the applicant that a less intensive form of development would be more appropriate for the application site.

(End of Minutes).

531. PLANNING APPLICATIONS (Continued)

Plan No. and Applicant	Proposal
H02/0439/92 Mr G Flecknor	Storage of twelve touring caravans at Alderlands, Peterborough Road, Crowland.

RESOLVED: Consideration of the above application be deferred to enable the Director of Planning and Building Control Services to seek further advice from the highways authority in respect of application reference H02/0440/92 in view of concern regarding the safety of the proposed access to the site as it is considered that the existing access if improved would be safer than that now proposed.

(Councillor B Alcock declared an indirect interest in the above application, and left the Meeting Room during consideration thereof. Councillor T Bray took the Chair.)

H02/0440/92 Mr G Flecknor	Change of access at Alderlands, Peterborough Road, Crowland.

RESOLVED: Consideration of the above application be deferred to enable the Director of Planning and Building Control Services to seek further advice from the highways authority, in view of concern regarding the safety of the proposed access as it is considered that the existing access if improved would be safer than that now proposed.

(Councillor B Alcock declared an indirect interest in the above application, and left the Meeting Room during consideration thereof. Councillor T Bray took the Chair.)

H13/0413/92 Mr S Naylor	Residential development at Seas End Road, Moulton Seas End.

RESOLVED: Planning permission be refused for the above development in accordance with the recommendation of the Director of Planning and Building Control Services.

(Councillor A E Naylor declared an indirect interest in the above application and left the Meeting Room during consideration thereof.)

H02/0018/91 David Wilson Homes Ltd	Two dwellings (re-registered as H02/1235/91) at 2A and 2B Barbers Drove, Crowland.

RESOLVED: Consideration of the above application be deferred to enable the Director of Planning and Building Control Services to report back upon appropriate reasons for refusal as the Sub-Committee is minded to refuse planning permission contrary to the recommendation of the Director of Planning and Building Control Services.

H16/0407/92 Mr G Elkin & Mrs D E Simpson	Dwelling at rear of 45 Love Lane, Spalding.

RESOLVED: As there was insufficient time to visit the site prior to the meeting, consideration of the above application be deferred pending a site inspection to assess the suitability of the site for the proposed development.

Plan No. and Applicant		Proposal
H23/0329/92 G Garratt & Sons		Change of use of land for lorry/car park at Stockwell Gate, Holbeach.

RESOLVED: As there was insufficient time to visit the site prior to the meeting, consideration of the application be deferred pending a site inspection to assess the suitability of the site for the proposal.

H09/0384/92 Holbeach Tyres		Tyre, exhaust retail depot at Westside, Boston Road, Holbeach.

RESOLVED: Planning permission be granted for the above development, contrary to the recommendation of the Director of Planning and Building Control Services, subject to appropriate conditions having regard to such matters as the site's location in the conservation area, the need for a satisfactory access arrangement and the proximity of the site to adjoining residential properties.

(Councillor T G M Tyler declared an indirect interest in the above application, and left the meeting room during consideration thereof. It was also reported that Councillor Tyler had declared an indirect interest when the site was inspected and had remained on the coach during the inspection.)

H11/0435/92 Mr J Moore	OA	Bungalow with garage including siting of dwelling at 68 Station Road, Long Sutton.

RESOLVED: Planning permission be refused for the above development in accordance with the recommendation of the Director of Planning and Building Control Services, and the trees situated along the frontage of the site be made the subject of a Tree Preservation Order if considered appropriate.

H02/0439/92 Mr G Flecknor		Storage of twelve touring caravans at Alderlands, Peterborough Road, Crowland.

RESOLVED: As there was insufficient time to visit the site prior to the meeting, consideration of the application be deferred pending a site inspection to assess the suitability of the site for the proposal.

H02/0440/92 Mr G Flecknor		Change of access at Alderlands, Peterborough Road, Crowland.

RESOLVED: As there was insufficient time to visit the site prior to the meeting, consideration of the application be deferred pending a site inspection to assess the suitability of the site for the proposal.

H13/0413/92 Mr S Naylor	OA	Residential development at Seas End Road, Moulton Seas End.

RESOLVED: As there was insufficient time to visit the site prior to the meeting, consideration of the application be deferred pending a site inspection to determine if there is an essential agricultural need for a dwelling in this location.

416. PLANNING APPLICATIONS (Continued)

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

Plan No. and Applicant		Proposal
H02/0439/92 Mr G Flecknor		Storage of twelve touring caravans at Alderlands, Peterborough Road, Crowland.

(Pending a site inspection to assess the suitability of the site for the proposal.)

H02/0440/92 Mr G Flecknor		Change of access at Alderlands, Peterborough Road, Crowland.

(Pending a site inspection to assess the suitability of the site for the proposal.)

H13/0413/92 Mr S Naylor	OA	Residential development at Seas End Road, Moulton Seas End.

(Pending a site inspection in order to determine if there is an essential agricultural need for a dwelling in this location.)

(Councillor A E Naylor declared an indirect interest in this application and left the Council Chamber during consideration thereof.)

H09/0470/92 Mr S Smith	Erection of mast for the attachment of amateur radio aerials at 58 Fairfields, Holbeach.

(Pending a site inspection in order to assess the impact of the proposal on the visual amenities of adjoining properties.)

(Councillor Mrs P J Buffham declared an indirect interest in this application and left the Council Chamber during consideration thereof.)

(d) **Applications approved subject to Planning Obligations**

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

Plan No. and Applicant		Proposal
H05/1088/91 Mr & Mrs A Prosser	OA	Land adjoining Eastgate House, Eastgate, Fleet Hargate.

(To ensure that the vehicular access to the development is via the land to the west only and not via Eastgate.)

H16/0318/92 Mr & Mrs R Barnett	Change of use of part of site for car valeting at 58 London Road, Little London, Spalding.

(To restrict the proposed use of the site to the occupants of 58 London Road and to there being no other employees engaged in business or commercial activities on the site.)

SOUTH HOLLAND DISTRICT COUNCIL

Town and Country Planning Act 1990

Refusal of Planning Permission

Reference: H02/0440/92 Received:09-APR-92 Type:FULL

Name: Mr George Flecknor
Alderlands
Peterborough Road
Crowland
Peterborough Cambs

Agent: Buckle Mellows
Solicitors
9 High Causeway
Whittlesey
Peterborough Cambs

Description: Change of access

Location : Alderlands Peterborough Road
Crowland Peterborough

South Holland District Council hereby give notice that PERMISSION HAS BEEN REFUSED for the development for the following reason(s):

1 The proposed new access is inadequate in width and alignment to accommodate large commercial vehicles which could operate from the haulage operation, permitted at this site and the proposed caravans. Such vehicles when meeting could not pass and this could lead to vehicles waiting on the public highway close to the junction of the A1073, to the detriment of highway safety.

Director of Planning and Building Control Services
15-JUN-94 H02/0440/92

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

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

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

LPA Ref: H02/0440/92

DOE Ref: APP/A2525/A/94/245881

TOWN AND COUNTRY PLANNING ACT 1990
INFORMAL HEARING PROCEDURE

APPEAL BY MR G FLECKNOR

PART TWO: BACKGROUND PAPERS

B Smith
Director of Planning and
Building Control Services
South Holland District Council
Council Offices
Priory Road
Spalding
Lincs

LINCOLNSHIRE COUNTY COUNCIL
DEPARTMENT OF HIGHWAYS AND PLANNING

FORM NO: H/A/3B

To: South Holland District Council

Application Reference H02/0440/92.

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

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

1. National Grid Reference of a central point on site

horizontal				vertical		
	·					

2. Address or location

Allerlands, Peterborough Road, Crowland

3. Name, classification and number of road

I (A1073)

4. Date application referred 23-4-92

5. State whether outline, detailed application etc.

Full.

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

Change of Access.

NB/ Please Do Not Issue Any P.P until a S278A is Signed

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

Delete as appropriate

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

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

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

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

Date: 24-4-92. Signed: J Emmerson
Director of Highways and Planning

CONDITIONS:- Subject to an Agreement being entered into under Sec 278 of the Highways Act:-

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) The access from Peterborough Road shall be a minimum of 5.0m wide and shall be in accordance with details to be approved

(2) B220 ----- and A1073 shall ---

(3) Adequate screening shall be provided along the new access in accordance with 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) B6

(2) B1

(3) To ensure vehicles using the A1073 are not distracted by vehicles entering the site in the interests of highway safety.

NB/ IF the Committee do not wish to grant permission then a reason for refusal can be provided.

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

BRIAN S 1 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: H02/0440/92

Applicant: Mr George Flecknor
Alderlands
Peterborough Road
Crowland
Peterborough Cambs

Agent: Buckle Mellows
Solicitors
9 High Causeway
Whittlesey
Peterborough Cambs

Description: Change of access

Location: Alderlands Peterborough Road
Crowland Peterborough

Type: FULL

Date received: 09-APR-92

16-APR-92

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 01-MAY-92. 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 P J UDY

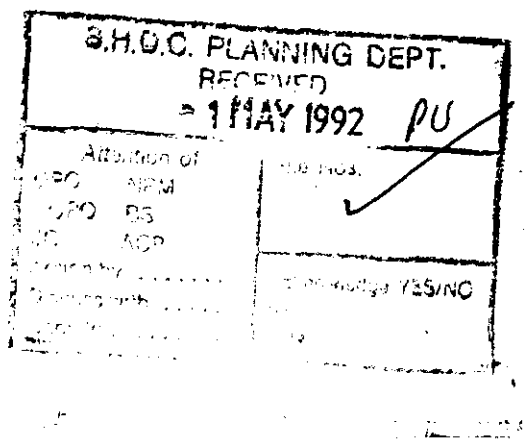
Yours faithfully
B SMITH
Director of Planning and Building Control Services

Clerk to Crowland PC
10 Beccelm Drive
Crowland
Peterborough
PE6 0AG

FOR PARISH COUNCIL USE ONLY

Comments:
No objections to the change.

Signed:



BRIAN S I 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: H02/0440/92

Applicant: Mr George Flecknor
Alderlands
Peterborough Road
Crowland
Peterborough Cambs

Agent: Buckle Mellows
Solicitors
9 High Causeway
Whittlesey
Peterborough Cambs

Description: Change of access

Location: Alderlands Peterborough Road
Crowland Peterborough

Type: FULL

Date received: 09-APR-92

16-APR-92

Dear Cllr R C P Cowan

NOTIFICATION TO WARD MEMBER

I have received an application for the above proposal in your ward. The officer dealing with this application is P J UDY

As applications can be determined under delegated powers in many cases, please let me know by 26-APR-92 if you feel that this proposal should be brought to the attention of the Planning Committee for any reason.

Yours faithfully
B SMITH
Director of Planning and Building Control Services

Cllr R C P Cowan
17 Church Lane
Crowland
Peterborough
PE6 0ER

I request that this application be considered by Planning Committee, because of the enforcement order/ refused appeal on this site!

S.H.D.C. PLANNING DEPT.
RECEIVED
- 7 MAY 1992 PU

Attention of
DPO MPM
DDPO BS
JC JCP
Action by .....
Discussed with .....
Copy to .....

File Nos.

Signed:

BUCKLE MELLOWS

S O L I C I T O R S

9 HIGH CAUSEWAY, WHITTLESEY, PETERBOROUGH PE7 1AE

Telephone: (0733) 202270 DX29346 Whittlesey Fax: (0733) 202022

Your Ref: Our Ref: CG.PH.JN.F1751 Date: 27th July 1992

South Holland District Council
Director of Planning and Building Control Services
Planning and building Control Department
Council Office
Priory Road
Spalding
Lincs
PE11 2XE

Dear Sir

Mr George Flecknor
Access application to his property at Peterborough Road Crowland

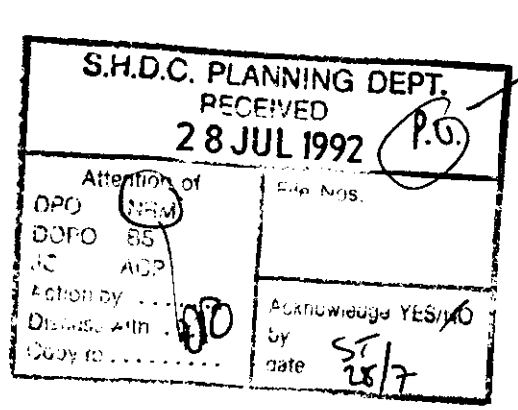
We refer to our telephone conversation with Mr Udy this morning and confirm that our client is disappointed that his application is being deferred and will not be heard at the meeting this afternoon.

However, Mr Udy did indicate that you have now received a response from the Cambridgeshire County Council and we shall be pleased if you could confirm that the application will be therefore put before the committee at their next meeting which we were advised will be on 17th August to either be granted or refused.

If there is any reason why the application cannot be before the committee at their next meeting on 17th August would you please advise us immediately as clearly it is not acceptable to our client that this matter should be deferred rather than a decision made one way or the other.

Yours faithfully

Buckle Mellows



Partners: E. A. SMEETON, T. J. ROBINSON, J. S. DALE, LL.B. (Notary), A. S. WHARTON, G. GILL, LL.B., P. A. TAMS, S. T. SMITH, LL.B., C. GOSTICK, LL.B., C. J. U. APPLEGATE, M.A., B. M. SMITH, B.A. G. EKINS, LL.B., P. S. BRANCH, B.A., LL.M.
Staff Solicitor: N. PATEL, LL.B.

Also at 45-51 Priestgate, Peterborough. Tel: (0733) 68175/52341. Fax: (0733) 62064

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

Lincolnshire County Council

Director of Highways and Planning
J Emmerson BSc MSc PhD CEng FICE

4th Floor
City Hall
Beaumont Fee
Lincoln
LN1 1DN

Telephone Lincoln 552222 STD 0522

For further information contact

Mr C Briggs

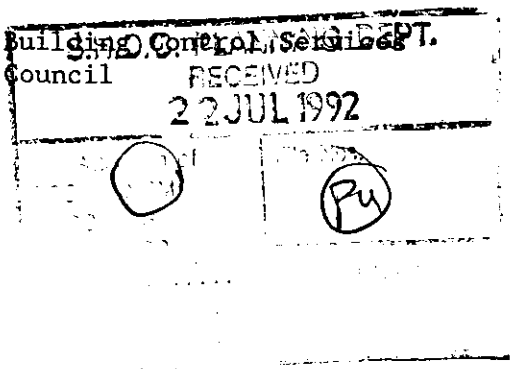
Telephone

Lincoln (0522) 553127

Your Ref: PJU/SAH H02/0439/92
H02/0440/92
My Ref : CB/PLAN 11/JP

17 July 1992

Director of Planning & Building Control Services
South Holland District Council
Council Offices
Priory Road
SPALDING
Lincolnshire
PE11 2XE



Dear Sir

PLANNING APPLICATION FOR CHANGE OF ACCESS AND STORAGE OF 12 TOURING CARAVANS, ALDERLANDS, PETERBOROUGH ROAD, CROWLAND

I refer to your letter of 13 July 1992 regarding this site.

As you are aware I have been involved in discussions with the applicant regarding the proposed access arrangements, using the old Peterborough Road. Following a site meeting which included a representative from my Divisional Surveyors Office the current access proposal was agreed, subject to certain requirements such as screening of headlights etc.

If the applicant is prepared to enter a Section 278 Agreement to cover the necessary highway works then the current proposal is acceptable to the Highway Authority as it was considered safer for vehicles to enter and leave the A1073 via a main road junction.

I am somewhat surprised at the suggestion that the existing access could be used with improvements. The applicant was recently refused permission for storage of caravans on this site solely on the grounds of inadequate access. This refusal was supported upon appeal where, in his decision notice, the Planning Inspector stated:-

> ".... I nevertheless take the view that an increase in vehicular activity associated with the site is undesirable, since additional slowing, turning and stopping movements would be likely to cause hazards in an area which already has a history of road accidents".

Similarly the Planning Inspector who dismissed the appeal against the Enforcement Notice served by your Authority stated:-

> ".... Given the proximity of the site access to this junction (i.e. Peterborough Road), I consider that a northbound vehicle indicating a left-turn would leave following drivers, or the occupant of a vehicle departing from Alderlands, guessing as to whether the manoeuvre would be into the

/continued

LPA Ref: H02/0440/92

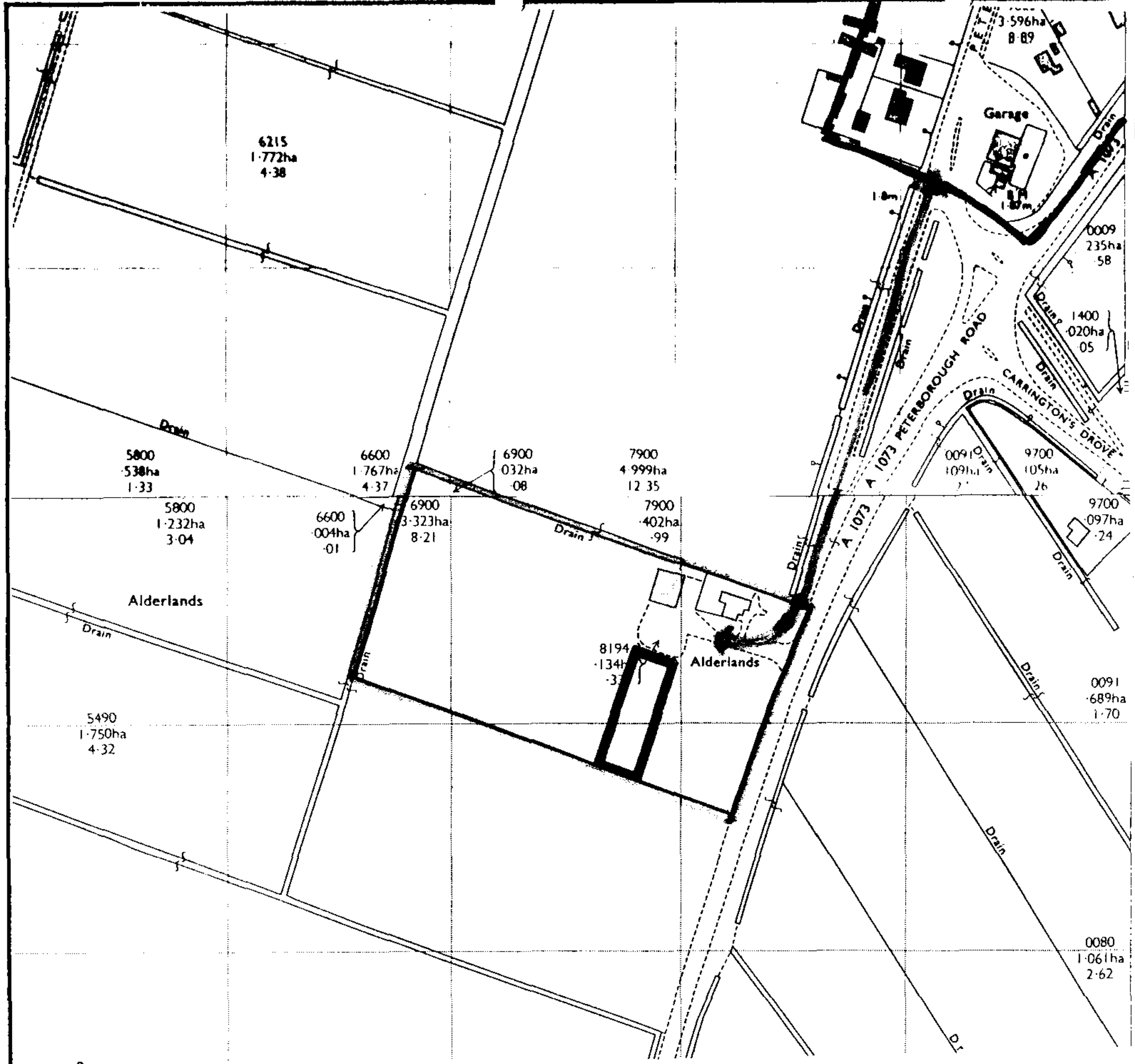
DOE Ref: APP/A2525/A/94/245881

TOWN AND COUNTRY PLANNING ACT 1990
INFORMAL HEARING PROCEDURE

APPEAL BY MR G FLECKNOR

PLAN 'A'

B Smith
Director of Planning and
Building Control Services
South Holland District Council
Council Offices
Priory Road
Spalding
Lincs



SOUTH HOLLAND
DISTRICT COUNCIL
PLANNING DEPARTMENT

APPEAL BY

MR G FLECKNOR

APPEAL SITE

OTHER LAND
ALSO
IN OWNERSHIP

DEVELOPMENT
BOUNDARY

B.SMITH M.R.T.P.I.
DISTRICT PLANNING OFFICER

PRIORY ROAD, SPALDING.

SCALE 1:2500 DATE DEC. 94

PLAN 'A' ↑N

ADMEL P/1/504

LPA Ref: H02/0440/92

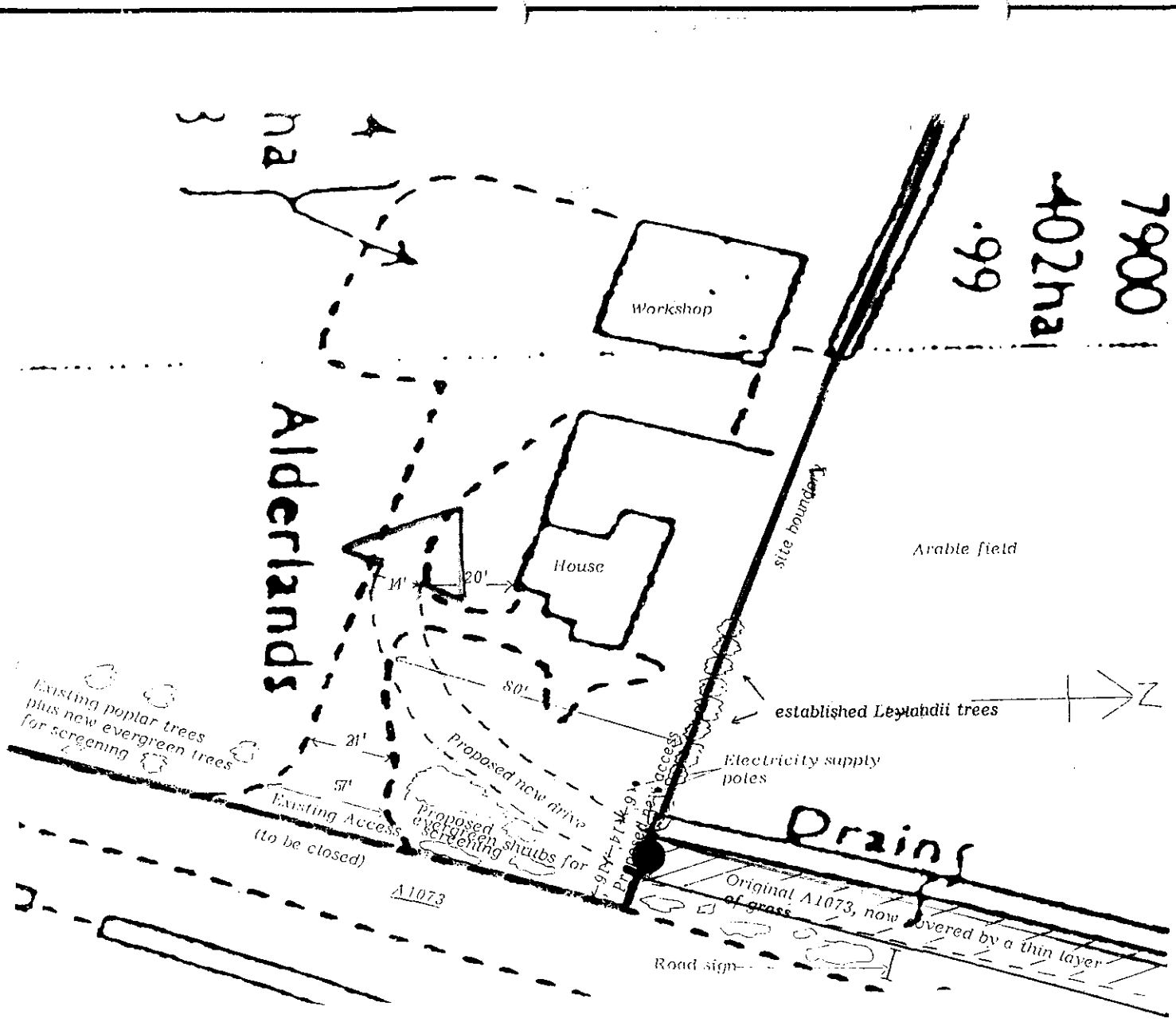
DOE Ref: APP/A2525/A/94/245881

TOWN AND COUNTRY PLANNING ACT 1990
INFORMAL HEARING PROCEDURE

APPEAL BY MR G FLECKNOR

PLAN 'B'

B Smith
Director of Planning and
Building Control Services
South Holland District Council
Council Offices
Priory Road
Spalding
Lincs



SOUTH HOLLAND
DISTRICT COUNCIL
PLANNING DEPARTMENT

APPEAL BY

MR G FLECKNOR

OTHER LAND ALSO IN OWNERSHIP

PROPOSED NEW ACCESS/EGRESS

TWO TREES TO BE REMOVED

B.SMITH M.R.T.P.I.
DISTRICT PLANNING OFFICER

PRIORY ROAD, SPALDING.

SCALE	DATE DEC. 94
PLAN `B`	N

ADMEL P/I/504

The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

Room 10/15
Tollgate House
Houlton Street
Bristol BS2 9DJ

Direct Line 0117-987 8627
Switchboard 0117-987 8000
Fax No 0117-987 8406
GTN 1374

South Holland District Council
Planning Department
Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE

S.H.D.C. PLANNING DEPT.
RECEIVED
- 5 DEC 1994
Attention of | File Nos.
DPO NRM
DCPO SS
JC ACP
Action by .....
Discuss with .....
Copy to .....
Acknowledge YES/NO

Your Ref:
H02/0439/92 & 0440
Our Ref:
APP/A2525/A/94/245880
A2525/A/94/245881

Date: 2 December 1994

Dear Sir,

TOWN AND COUNTRY PLANNING ACT 1990
APPEAL BY MR G FLECKNOR
SITE AT ALDERLANDS, PETERBOROUGH ROAD, CROWLAND, PETERBOROUGH

1. I refer to this appeal made to the Secretary of State. You are asked to complete - within 14 days of the date of receipt of the appeal form - an appeal questionnaire in respect of this appeal and send it to the Inspectorate together with all the necessary enclosures; a copy of the questionnaire and enclosures should also be sent direct to the appellant or agent. Please ensure that the Inspectorate's full appeal reference number, given above, is quoted and all relevant documents are attached.

2. The appellant has asked for the appeal to be heard at a Hearing. This appeal seems suitable for a hearing and I am writing to ask whether you agree this procedure. Details are set out in the attached "Code of Practice".

3. Hearings are designed to save time and expense for the parties, and to provide a less formal setting than is usually possible at an inquiry; but before agreeing to this procedure, please bear the following in mind:-

- Both parties must agree to the procedure.

- It is not usual for either party to be legally represented. If a party is legally represented and the Inspector considers that the lawyer's presentation of the case puts the other party at a disadvantage, he/she will have no choice but to abort the hearing. In that event, a local inquiry will be arranged instead.

- A Hearing is unsuitable if there is a great deal of local interest in the appeal proposals.

- It is particularly important that the parties should comply with the timetable for the exchange of written material. Failure to do so could result in the Hearing

being postponed and possibly a Local Inquiry being held instead.

- Awards of costs are available in Hearing cases. Details can be found in DOE Circular 8/93.

4. I am the case officer dealing with this appeal and further correspondence should be sent to me at the address at the top of this letter. Please let me know whether or not your Council agree to this procedure by completing and returning the tear off slip below within 7 working days from the date of this letter.

Yours faithfully

P.N.
P.P

MS P HORNE

✓ 5/12

The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

Room 10/15
Tollgate House
Houlton Street
Bristol BS2 9DJ

Direct Line 0117-987 8627
Switchboard 0117-987 8000
Fax No 0117-987 8406
GTN 1374

South Holland District Council
Planning Department
Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE

Your Ref:
H02/0439/92 & 0440
Our Ref:
APP/A2525/A/94/245880
A2525/A/94/245881

Date: 7 December 1994

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990
APPEAL BY MR G FLECKNOR
SITE AT ALDERLANDS, PETERBOROUGH ROAD, CROWLAND, PETERBOROUGH

1. I can confirm that both parties have agreed that this appeal should be decided after a hearing. Arrangements are now being made in accordance with the "Code of Practice for Hearings".

2. In accordance with paragraph 6 of the Code of Practice you should submit your written statement to the Inspectorate and the appellant no later than 6 weeks from the date of this letter but in any event, at least three weeks before the hearing is due to begin, **whichever is the earlier.** The statement should comprise all the information you wish to present on the appeal, so that the Inspector will be fully aware of the issues and arguments involved. If your statement is late we may have to postpone the hearing or even arrange a local inquiry instead. We have asked the appellant to send you their written statement by the same date. The hearing itself will be conducted in accordance with the Code of Practice.

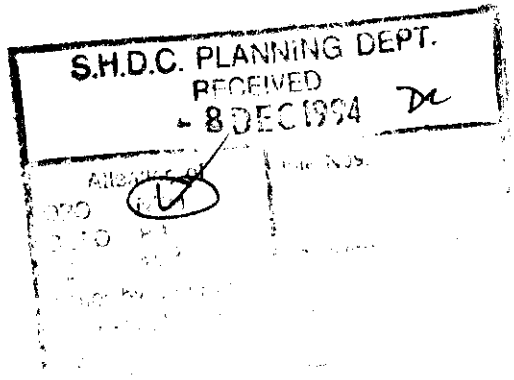
3. Please bear in mind the advice given in DOE Circular 8/93 "Awards of Costs Incurred in Planning and other (including Compulsory Purchase Order) Proceedings".

Yours faithfully

pp

PAT HORNE

H4B



The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

FOR OFFICIAL USE ONLY

Date received

PLANNING APPEAL TO THE SECRETARY OF STATE
TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER

The appeal must reach the Inspectorate within 6 months of the date of the Notice of the Local Planning Authority's decision, or within 6 months of the date by which they should have decided the application.

A. INFORMATION ABOUT THE APPELLANT(S)

Full name: George Alfred Cecil Flecknor

Address Alderlands, Peterborough Road,
Crowland,
Peterborough Postcode PE6 0AA

Failure to provide the post code may cause delays in processing your appeal.

Daytime Telephone number 0733 210438 Reference

Agent's name (if any)

Agent's Address

Postcode

Failure to provide the post code may cause delays in processing your appeal.

Daytime Telephone number Reference

B. DETAILS OF THE APPEAL

Name of the Local Planning Authority (LPA) South Holland District Council

Description of the development

Change of access

Address of the site Alderlands, Peterborough Road,
Crowland,
Peterborough Postcode PE6 0AA

Failure to provide the post codee, if any, may cause delays in processing your appeal.

National Grid Reference (see key on OS map for instructions).
Grid Letters: Grid Numbers
eg TQ: 298407
T.F. Sheet 123
Ref. 241090

Date and reference no. of the application in respect of which you are appealing. 8th. April 1992. H02 0440 92

Date of LPA notice of decision (if any). 15th. June, 1994.

(REV 1994)

F. APPEAL CERTIFICATION

IMPORTANT: THE ACCOMPANYING GUIDANCE NOTES SHOULD BE READ BEFORE THE APPROPRIATE CERTIFICATE IS COMPLETED.

SITE OWNERSHIP CERTIFICATES

PLEASE DELETE INAPPROPRIATE WORDING WHERE INDICATED (*) AND STRIKE OUT INAPPLICABLE CERTIFICATE

CERTIFICATE A

I certify that:
~~On the day 21 days before the date of this appeal nobody, except the appellant, was the owner *(see Note (i) of the Guidance Notes)* of any part of the land to which the appeal relates.~~

OR

CERTIFICATE B

I certify that:
I have/~~The appellant~~ has* given the requisite notice to everyone else who, on the day 21 days before the date of this appeal, was the owner *(see Note (i) of the Guidance Notes)* of any part of the land to which the appeal relates, as listed below.

Owner's Name	Address at which notice was served	Date on which notice was served
South Holland District Council	Council Offices, Priory Road, Spalding PE11 2XE	30th.November,1994

Signed _____ (on behalf of) _____

Name (in capitals) GEORGE ALFRED CECIL FLECKNOR Date 30th.November,1994

AGRICULTURAL HOLDINGS CERTIFICATE (TO BE COMPLETED IN ALL CASES)

~~* None of the land to which the appeal relates is, or is part of, an agricultural holding.~~

OR

~~* I have/The appellant has given the requisite notice to every person other than my/him/her* self who, on the day 21 days before the date of the appeal was a tenant of an agricultural holding on all or part of the land to which the appeal relates, as follows:-~~

~~Tenant's Name~~	~~Address at which notice was served~~	~~Date on which notice was served~~
Not applicable		

***Delete as appropriate. If the appellant is the sole agricultural tenant the first alternative should be deleted and "not applicable" should be inserted below the second alternative.**

Signed _____ (on behalf of) _____

Name (in capitals) GEORGE ALFRED CECIL FLECKNOR Date 30th.November,1994

G. GROUNDS OF APPEAL If the written procedure is requested, the appellant's FULL STATEMENT OF CASE **MUST** be made - otherwise the appeal may be invalid. If the written procedure has not been requested, a brief outline of the appellant's case should be made here.

See attached note

continue on a separate sheet if necessary

PLEASE SIGN BELOW

I confirm that a copy of this appeal form and any supporting documents not previously seen by the LPA has been sent to them. I undertake that any future documents submitted in connection with this appeal will also be copied to the LPA at the same time.

Signed _____ (on behalf of) _____

Name (in capitals) GEORGE ALFRED CECIL FLECKNOR Date 30th.November,1994

CHECKLIST

- This form signed and fully completed.
- Any relevant documents listed at Section E enclosed.
- Full grounds of appeal/outline of case set out at Section G.
- Relevant ownership certificate A, B, C or D completed and signed.
- Agricultural Holdings Certificate completed and signed.

Send one copy of the appeal form with all the supporting documents to:

The Planning Inspectorate
Tollgate House
Houlton Street
Bristol BS2 9DJ

A copy of the appeal form **must** be sent to the LPA at the address from which the decision on the application (or any acknowledgements, etc) was received, enclosing only copies of those documents not previously seen by the LPA.

Cdf 106170/6/B09955 10m 9/93 DTP

ATTENDANCE NOTE

5th March 1992

Attending Mr Briggs of the Highwayd and Planning Department at the District Council Offices in Spalding with Mr Flecknor when he suggested that they would look favourably upon an application based on an access from the northern end of the site along the disused carriageway which ran more or less parrell to the A1073. This would entail the removal of some turfing which had been laid on top of it to reveal the original tarmac and also the grant of a right of way over a portion of Mr Flecknor's neighbours land so that the access was wide enough but he confirmed that if an application was submitted along those lines then he would look favourably upon it because it would take the difficulties of access and egress directly on to the A1073 away.

It was left that Mr Flecknor would draw up a plan of the property with measurements and would speak to his neighbour about giving grant of right of way and that I would then arrange to have a look at the site again to see whether aything else might need to be done eg. moving the existing road sign to a different location and suitable screening all along the eastern boundary of the site blocking off the existing access which was direct on to the A1073 and then we would get something together to put in writing to Mr Briggs and then hopefully arrange a further site meeting with him before submitting our formal application for planning for a reduced number of caravans.

Time out of the office - 10.00am to 11.45am - 1hr 45 mins.

Time actually spent at the meeting with Mr Briggs and sunsequently discussing with Mr Flecknor - ¼ hr

Lorries have used this site since April 1963 (Mason) without planning consent as they were an old Crowland family.
I moved here in March 1966 and obtained permission to garage lorries here before I actually moved in.
I applied for a full caravan site about 1987 or 1988 and this was refused on grounds of access.
I then applied to the Camping and Caravanning Club and was granted a certificate for a 5 pitch site.
Later on I stored up to about 10 caravans without planning consent and I eventually received an enforcement order to remove them from storage.
I appealed against the refusal but it was rejected.
I changed Solicitors in January 1992 and she suggested a meeting with the Highways Liaison Officer before submitting any further application. The Solicitor and I went to Spalding to meet Mr.Briggs and Mr.Aystrup when the Solicitor suggested opening up the old road as shown on the diagram. This would involve the removal of the layer of top soil and repairing the road as necessary. The Highways Department thought this was a very good idea as they would then have the credit for closing one of the accesses to the A1073.
On the strength of this two Planning applications were submitted, one to change the access and one to store caravans on the site. Objections were received from somebody but the applications met with the approval of the Parish Council and the Planning Officer at Spalding who in turn recommended approval to the Planning Committee. After a site visit the application was granted subject to entering into an agreement as to exactly how the work should be carried out.
Since then the Highways Department contacted me to say there was insufficient width to meet the width of the road they had decided this should be and advised me I must buy a strip of land off my neighbour or pay about £800 to the Council to disclaim any rights to the road. Ownership of the road would revert to my neighbour and I would have to agree with her re access over the road. When I went to see her she informed me that she was my objector and she did not want caravans stored on the old road I wanted to re-open. She said she had been guided by her farm tenant (Woodruffe) and when I suggested her Solicitor meet with mine to discuss the matter she ignored the request. By this time I got the impression someone was holding the application up and I went to see B.Alcock, chairman of the Planning Committee, and he hinted there might be a possibility that the Highways Department had had a change of heart and were looking for a way out. When I telephoned the Highways Department and suggested this they all blamed each other for the delay. Following a telephone conversation with Mr.Aystrup we agreed I would uncover the old road in two or three places and he would then come to view the site and see the condition of the original surface. When he came for this visit he was able to tell me the exact time and day that I had started the work as he had had an immediate telephone call questioning my authority to do this. During the ensuing conversation he hinted we were not being helped by some of the County Councillors. In the meantime I had measured some of the minor roads in the area and found that the width of these roads was nowhere near that I was expected to provide on my own access so he conceded that I should make the road as wide as I could and narrow it down in those places where necessary provided I kept it to a minimum of 10ft. He also conceded that I would not have to kerb the road or provide a passing bay as originally required. They then sent a letter saying they would do the work and I would be charged £25,000. When I telephoned and argued this point they then said I could do it myself providing I lodged a £25,000 Bond with them and a layer of 2½" tarmac would be laid by one of their contractors. At one time the Highways Department told me that the Planning application would not become valid until the work had been completed so my Solicitor wrote to the County Highways Department challenging the £25,000 Bond and suggesting that in the event of me failing to meet the conditions of te contract the only expense to the Highways Department would be recovering the road with soil. They then wrote a letter saying that the Planning consent would become valid as soon as the Bond was arranged and the contract signed so they would have the money to complete the road. I had not made any reply to this and I received a letter saying I could have permission for caravans if I surrendered any rights or planning consent to keep lorries.

/contd...

Since I have kept lorries on the site since 1966 I applied for, and was granted, a Certificate of Legal use on the site as a Haulage Depot. I received a letter from Mr.Briggs saying that since I was going ahead with the application as a Haulage Depot he would reject my Planning Application to the change of access and caravan storage. I was given the choice of either a Haulage depot or caravan storage, but as I did not reply my applications for storage and to alter the access were both refused.

The points I wish to raise are -

1) Why did the Highways Department have such a complete turn round of opinion.

2) At the other end of the by-pass Brian Alcock, trading as Welland Holiday Hire, has 250 caravans for sale and up to 120 cars at a time visiting them. The principles of their access is as the access I am applying for. There could also be as many as 2,000 movements in one day here.

3) During the time of my application being considered a Council plot on the opposite side of the A1073 has been sold to a concrete manufacturer. This involves several movements each day bringing in aggregates and cement and taking out concrete products. This firm has now submitted an application for an Operators licence for 2 vehicles from this site. Access to this is on to the same junction that I applied to use.

4) A development of 147 houses is planned for the area behind our neighbour and the access road will be on the original A1073 near the junction I would like to use.

Various objections put forward, final rejection says it was not known lorries would be using the road although we had had permission for lorries since 1966.

No room to pass. The road to be uncovered is the original A1073 except for 80feet at this end of the road and is a Class A road width.

If these points are the reasons for rejection why wasn't this said at the time of the original meeting with Mr.Briggs, instead of drawing out the application and costing approximately £2,000 in fees.

Mr.Briggs stated that one of the conditions of opening up the old road would be that I re-surfaced the road with 2½inches of tarmac.

Photographs show the A1073 near Crowland being patched. These cracks are far worse than any cracks in the road I want to re-open, yet traffic flow to my own premises is nowhere near the flow on the main road. I think this is another example of finding any excuse to stop my applications.

Examples of similar contra flow systems -
A1 North end Grantham by pass round about access to farm ½ to ¾mile.
A1 at Wetherby farm access road runs ½ to ¾ mile separated from A1 by single fence.

I would also like to raise the point that in Lincolnshire County Council plans for the future of this area states that Crowland must look towards tourism for future prosperity.

/contd...

Letter 5 March 92.
Mr.Briggs confirmed that if an application was made along these lines he would look favourably on it as it would take away the difficulties of access and exits directly to A1073.

Letter 6 April 92.
As discussed it would be possible to gain access subject to certain work being carried out.

Reference attending note 14 July 92 when Mr.Briggs said that he was amazed that the Planning committee were refusing it, and that he was quite happy with the application.

Letter 21 August 92. Confirmation.

Letter 7 September 92. Agreement.

On 1st February 93 Mr.Briggs said "I shall be pleased if you will investigate the matter in order that a satisfactory access can be achieved.

15 April 93.
Mr.Aystrup indicated that he was quite happy with the situation.

The questions I wish to be considered by appeal are:-

1) Mr.briggs was very enthusiastic towards these applications in the first instance & why was there such a change of attitude.

2) I think that a precedent was established by the access to Welland Holiday Hire. I wish to apply the same principle to my access.

3) During the time the applications have been under consideration a concrete works has been established in an ex Council depot on the opposite side of the A1073. This entails movement of lorries delivering aggregates and vehicles collecting finished products. The junction to the concrete works access is on the junction I with to use. The concrete firm is applying for an Operators licence to operate it's own lorries from this site.

I enclose a sample of correspondence received to support my views in paragraph 1.

SOUTH HOLLAND DISTRICT COUNCIL

Town and Country Planning Act 1990

Refusal of Planning Permission

Reference: H02/0440/92 Received:09-APR-92 Type:FULL

Name: Mr George Flecknor
Alderlands
Peterborough Road
Crowland
Peterborough Cambs

Agent: Buckle Mellows
Solicitors
9 High Causeway
Whittlesey
Peterborough Cambs

Description: Change of access

Location : Alderlands Peterborough Road
Crowland Peterborough

South Holland District Council hereby give notice that PERMISSION HAS BEEN REFUSED for the development for the following reason(s):

1 The proposed new access is inadequate in width and alignment to accommodate large commercial vehicles which could operate from the haulage operation, permitted at this site and the proposed caravans. Such vehicles when meeting could not pass and this could lead to vehicles waiting on the public highway close to the junction of the A1073, to the detriment of highway safety.

Director of Planning and Building Control Services
15-JUN-94 H02/0440/92

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

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

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

CB.PLAN 11.278.JP CG.DR.F6561 15th April, 1993

Mr. C. Briggs,
Director of Highways & Planning,
Lincolnshire County Council,
4th Floor,
City Hall,
Beaumont Fee,
Lincoln.
LN1 1DN

Dear Sir,

re: Proposed Caravan Site, Alderlands,
Peterborough Road, Crowland - Section 278 Agreement

Thank you for your letters of the 10th February and 29th March. We understand from our client that Mr. Aistrup of your Divisional Surveyors Office had a site meeting with our client recently during which he indicated that he was quite happy with the situation. Clearly however there do seem to be problems and perhaps you would therefore indicate a suggested date, time and venue for a meeting.

Yours faithfully,

OFFICES
LINCOLN

LINCOLNSHIRE COUNTY COUNCIL

HIGHWAYS & PLANNING DEPARTMENT
4th Floor, City Hall, Beaumont Fee, Lincoln LN1 1DN
Telephone (0522) 552222 Fax (0522) 553149

Director: J. Emmerson

Your Ref: C.G.DR.F1751
My Ref: CB/PLAN11/278/DLN

Buckle Mellows
45-51 Priestgate
PETERBOROUGH
PE1 1LB

For further information contact
Mr C Briggs
Telephone Lincoln (0522) 553127

10 February 1993

Dear Sirs

TITLE: PROPOSED CARAVAN PARK, ALDERLANDS, PETERBOROUGH ROAD, CROWLAND
MR G FLECKNOR, SECTION 278 AGREEMENT

I refer to your letters of 4 and 8 January 1993 and the proposed access drawing.

I am concerned that, the measurements on site, as shown on the attached plan, do not match the ones shown on your clients drawing.

In order to provide the bunding and access road, as shown, some land may be required from the adjoining field.

I shall be pleased if you will investigate this matter in order that a satisfactory access can be achieved.

If you wish to discuss this matter further please contact my assistant Mr Briggs.

Yours faithfully

C Briggs

Director of Highways and Planning

6916.d31

Lincolnshire County Council

Director of Highways and Planning
J Emmerson BSc MSc PhD CEng FICE

4th Floor
City Hall
Beaumont Fee
Lincoln
LN1 1DN

Telephone Lincoln 552222 STD 0522

For further information contact

Mr C Briggs

Telephone

Lincoln (0522) 553127

My Ref: CB/Plan 11/278/PM

7 September 1992

Buckle Mellows
9 High Causeway
Whittlesey
PETERBOROUGH
Cambs

For the attention of Mrs C Gostick

Dear Sirs

ALDERLANDS, PETERBOROUGH ROAD, CROWLAND - MR G FLECKNOR
SECTION 278 AGREEMENT

As you are probably aware the District Council have now resolved to grant your client planning permission subject to him entering a Section 278 Agreement with the County Council.

In order for such an Agreement to proceed, I initially require 2 copies of a detailed drawing showing the access arrangements which should include the screening and relocation of any existing signs etc.

Yours faithfully

p Director of Highways and Planning

3019.d31

SOUTH HOLLAND DISTRICT COUNCIL

PLANNING & BUILDING
CONTROL DEPARTMENT

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

Buckle Mellows Solicitors
9 High Causeway
Whittlesey
Peterborough
Cambs

Your Contact: Mr P J Udy
Our Ref: PJU/LAB
Your Ref: H02/439&440/92
Date: 21 August 1992

F.A.O. Mrs C Gostick.

Dear Madam

Planning Application For Change Of Access And Storage Of Twelve Touring Caravans, Alderlands, Peterborough Road, Crowland.

The above planning applications were considered by the Plans Sub-Committee on the 17 August 1992 when it was resolved to grant planning permission. This was in accordance with my recommendation which requires your client to enter into a Section 278 Agreement under the Highways Act with the County Council.

I have written to the County Council to advise them of this and no doubt they will be contacting you in the near future so that you can enter into the agreement.

Yours faithfully

N R Midlen
Principal Planning Officer
Development Control

Copy of above letter sent to clients with compliment slip 25th August, 1992

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

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

ATTENDANCE NOTE 14th July 1992

Telephoning the Local Planning Authority when they said that the applications had been deferred by the Sub-Committee pending further talks with the Highway Authority. I asked what the time scale was for those talks and he did not know and the case Officer was engaged in a meeting all afternoon. I asked what would happen once he had had discussions and he said it would have to go back to another Sub-Committee which the next one was the 27th July or it might not get on that Committee or he was not quite sure what would happen it all depended on what Highway Authority said.

Telephoning Mr. Briggs of the Highways Department and discussing generally when he said that he was amazed that they were now refusing it. He said the Planning Committee had suggested that rather than have a new access that the existing access be improved but Mr. Briggs said that they knew full well that the improvement to the existing access had been refused on the previous application and dismissed on appeal and on the enforcement appeal and they themselves had voted to dismiss it. Therefore it was nonsence to say that they should now upgrade the existing access. Basically he said that there was not a lot more we could do until he had had the papers through from the Planning Committee for his comments and he could reiterate that he had reached agreement with us and they were quite happy on the proposals and that we were going to enter into the Section 278 Agreement with the Local Authority and ~~b~~binding them about the non-feasibility of upgrading the existing access. Then they would either back track and approve it or they would refuse it and if they refused it then we should appeal but before the appeal went in we ought to enter into the Agreement with the Highways Authority because it would be null and void if Planning Permission is refused in any event anyway and we would have lost nothing but would back up our case considerably if the Appeal Inspector had the Agreement in front of him already entered into because Mr. Briggs had been aware of cases in the past where the Applicants said they were willing to enter into agreements, the Appeal Inspector had said that he could only look at the land at the basis as it was at the moment and not on the basis of what might be entered into in the future.

Telephoning Mr. Flecknor and advising.

Lincolnshire County Council

Director of Highways and Planning
J Emmerson BSc MSc PhD CEng FICE

4th Floor
City Hall
Beaumont Fee
Lincoln
LN1 1DN

Telephone Lincoln 552222 STD 0522

For further information contact

Mr C Briggs
Telephone

Lincoln (0522) 553127

Your Ref: CG.JN
My Ref: CB/PLAN11/PM

6 April 1992

Buckle Mellows
9 High Causeway
Whittlesey
PETERBOROUGH
PE7 1AE

Dear Sirs

PROPOSED CARAVAN SITE, PETERBOROUGH ROAD, CROWLAND FOR MR G FLECKNOR

I refer to your letter of 19 March and the subsequent site meeting held on 1 April between your Mrs Gostick, Mr Flecknor, my Highways Development Officer Mr Briggs and Mr Aistrup from my Divisional Surveyors Office.

As discussed it would be possible to gain access to Mr Flecknor's site from the disused section of the Old Main Road, as shown on your sketch plans, subject to certain works being carried out. These works consist of:

1 Re-siting the chevron board on Peterborough Road opposite the Garage.

2 Re-siting the direction sign board on the A1073 to a new position close to Mr Flecknor's existing access.

3 Providing a satisfactory access in terms of width and surface on the line of the former Peterborough Road.

4 Providing adequate screening to prevent headlights from vehicles accessing this site distracting drivers on the A1073.

These works would need to form part of an agreement which would require entering into prior to the issuing of any planning permission. Also any application would need to show the closure of your clients existing access onto the A1073.

I trust this is of assistance to you.

Yours faithfully

C Briggs

Director of Highways and Planning

35445.f21

Appeal No:	Appellant: Mr George FLECKNOE	*Planning *Refusal *Listed Building *Advertisement *Condition *Enforcement *Other *Non-Determination	Date Recd: 30.11.94
19/94	SHDC Ref: H02/0440/92		Start Date: 2 Dec 94 7 DEC 94
	DoE Ref: APP/A2525/A/94/245881		
	Officer: D. Roberts		

Documents Required (*Distr on Reverse*)	*WRITTEN REPS		*LOCAL INQUIRY		*INFORMAL HEARING	
	Date Reqd	Date Out	Date Reqd	Date Out	Date Reqd	Date Out
Questionnaire			16 Dec 94		16 Dec 94	15 Dec 94
Notice					28 Dec 94	28 Dec 94
Statement					18 Jan 94	30 Jan 95
Proof of Evidence	Not Reqd				Not Reqd	

DOCUMENTATION CHECKS		
Document	Case Offr	Date
Questionnaire	DSR	DS 14/12
Statement	DS	30/1
Proof of Evidence	"	

INFORMATION		
Site Visit:	Inspector:	
	Date:	Time:
Inquiry/Hearing	Location: Council Chambers	
	Date: Tue 25 Apr 95	Time: 10 am

*Highlight as appropriate

MM 2/12

PI 231

The Planning Inspectorate

A

An Executive Agency in the Department of the Environment and the Welsh Office

Room 1404
Tollgate House
Houlton Street
Bristol BS2 9DJ

Direct Line 0117-987 8927
Switchboard 0117-987 8000
Fax No 0117-987 8769
GTN 1374

SHDC
15 MAY 1995
Housing & P...
ACTION DCM
Attention of.....
Discuss with.....
File Ref.....
Comments.....

Mr G A C Flecknor
Alderlands
Peterborough Road
CROWLAND
Peterborough
PE6 0AA

Your Ref:

Our Ref:
T/APP/A2525/A/94/245880/P2
T/APP/A2525/A/94/245881/P2

Date: 12 MAY 1995

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPLICATION NOS: H02/0439/92 and H02/0440/92

1. I have been appointed by the Secretary of State for the Environment to determine your appeals against the decisions of the South Holland District Council to refuse planning permission in respect of applications for the storage of 12 touring caravans and the change of access on land at Alderlands, Peterborough Road, Crowland, Lincolnshire. I conducted a hearing into your appeals on 25 April 1995.

2. From my inspection of the site and its surroundings, and my consideration of all the matters put to me at the hearing and in the written representations, I consider that the main issue for me to determine in this case is the effect of your proposals on the safety and free flow of traffic on the Peterborough Road (A1073).

3. At the hearing, you indicated that although you had submitted a proposal which would change the vehicular access to the appeal site you would prefer to continue to use the existing access if permission was granted for the storage of the touring caravans. I have, therefore, considered the highway safety and traffic implications of both ways of gaining access to the site.

4. The appeal site lies at the southern end of Crowland and comprises part of a grassed area on which there are 5 pitches for touring caravans. Immediately to the north there is a haulage depot and vehicle workshop which lies to the rear of "Alderlands", a 2-storey dwellinghouse. Vehicular access to the dwelling, haulage depot and caravan site is from a relatively narrow drive which forms a junction with the A1073 at the point where it curves eastward to by-pass the settlement.

TOWN AND COUNTRY PLANNING ACT 1990

APPEAL BY MR AND MRS G FLECKNOR AGAINST THE REFUSAL OF PLANNING PERMISSION BY SOUTH HOLLAND DISTRICT COUNCIL TO PERMIT THE STORAGE OF 12 TOURING CARAVANS AND A CHANGE OF ACCESS AT ALDERLANDS, PETERBOROUGH ROAD, CROWLAND

LOCAL PLANNING AUTHORITY REF: H02/0439/92

: H02/0440/92

LOCAL HIGHWAY AUTHORITY REF: CB/PLAN/11

PROOF OF EVIDENCE ON BEHALF OF LINCOLNSHIRE COUNTY COUNCIL AS HIGHWAY AUTHORITY

23896.d5o

My name is Christopher Briggs and I am registered with the Engineering Council as an Incorporated Engineer.

I am an Associate Member of the Institute of Civil Engineers and a Fellow of the Institute of Highways Incorporated Engineers, I am employed as a Highways Development Officer in the Department of Highways and Planning of Lincolnshire County Council.

One of my responsibilities is the consideration of the highway aspects of planning applications received by South Holland District Council.

1. The appeal site is located on the west side of the Class I County Road, A1073, Peterborough Road, Crowland. A plan showing the site and its immediate environs is attached (Appendix A).

2. The A1073 forms part of the County's Strategic Road Network and is a road which is considered to be of more than local importance by virtue of its role in handling substantial flows of long distance through traffic.

3. The A1073 runs from Spalding in the north to Peterborough (via A47) in the south. In 1994 a traffic count was taken at the junction of A1073 with the B1040 which gave an Annual Average Daily Traffic flow (2 way) of 10570 vehicles, of which 950 were commercial vehicles.

4. There has been 1 injury accident reported in the vicinity of this site on the A1073, in the last 3 years (see Appendix B). Between 1988 and 1992 there were 4 injury accidents. In 1993 some improvement to the signing on this section of road was made which it is considered has reduced the accident rate.

5. The appeal site has been used for the parking of a maximum of 5 touring caravans for which planning permission is not required, therefore no highway objection could be raised against this use.

However the application subject of this appeal would increase the number of caravans using this site, at any one time to 12. Such a proposal would obviously entail such vehicles being towed to and from the site, intensifying the use of the site over and above its existing use.

6. The A1073 is not subject to a speed limit other than the national maximum speed limit for single lane carriageways of 60 mph.

Drivers of vehicles travelling on this road, particularly those leaving Crowland, expect to be in a free flowing condition.

7. The site has recently been granted a Certificate of Lawful Use for use as a General Haulage Depot and occasional storage. If this use is fully utilised either by the appellant or any future users of the site it could generate large numbers of turning movements by large commercial vehicles.

8. The introduction of more caravans to this site will increase the numbers of slow moving vehicles entering and leaving the site.

When such vehicles approach from the north they will have to slow, stop and wait on this fast stretch of road then cross oncoming traffic to the detriment of highway safety and would, in particular, interrupt the free flow of southbound traffic.

Vehicles approaching from the south indicating to turn left could be confused with vehicles indicating to turn into Crowland to the detriment of highway safety.

Vehicles turning out of the site would have to merge into the fast flow of traffic. This is difficult for cars towing caravans particularly when turning right from the site.

9. The appellant made a similar application, H02/0420/91, for 25 caravans which was refused permission and subsequently dismissed on appeal.

An appeal was also made against the enforcement notice served by South Holland District Council which was also dismissed.

I would draw your attention to the comments made by the Inspectors regarding highway safety (see Appendix C).

10. Following the appeal decisions a meeting was held with the appellant at which the possibility of using the old line of Peterborough Road as access to this site was raised by the highway authority.

A site meeting followed at which this possibility was explored with my Divisional Surveyor's representative. It was agreed this could possibly offer access to the site for caravans subject to certain works being carried out (see Appendix D).

I would point out that in these negotiations the use of the site as a haulage depot was not raised and from the Highway Authority's point of view all negotiations were made on the basis of providing an access to a caravan site only. You will note from the appeal decisions that reference was made to the decline in use by haulage vehicles.

11. Following these discussions the appellant submitted two planning applications which were cleared from a Highways aspect subject to the appellant entering into a Section 278 Agreement (Highways Act 1980). The District Council resolved to grant the permissions on confirmation that such an Agreement had been completed.

12. The appellant was then requested to provide detailed drawings showing a satisfactory access arrangement on 7 September 1992.

The drawings were received in January 1993 but were not considered sufficiently accurate. Also in order to provide an adequate access some land appeared to be required from the adjoining landowner (see Appendix E).

13. A further meeting was held on 5 May 1993 at which alternative solutions were discussed but neither of which were feasible (see Appendix F).

14. Further meetings were held with the appellant and in order to assist the situation it was agreed that the access to the site could be reduced, at the sites northern frontage with the old road, to avoid the appellant having to acquire any further land. This compromise was made on the basis that visiting caravaners would not be so frequent as to cause problems on the narrow section.

An alignment was finally agreed and a list of improvements required to be carried out to the old road were sent to the appellant on 11 August 1993 (see Appendix G).

15. In October 1993 the issue of the appellant still maintaining a haulage depot at this site was raised. A letter was sent to the appellant pointing out that the agreed access was not suitable for use by both caravans and HGV's.

The agreed access for caravans is inadequate in width and alignment to accommodate large commercial vehicles which could operate from the haulage operation. Such vehicles when meeting could not pass in safety, particularly at the junction with Peterborough Road.

This would lead to vehicles having to stop, wait and possible reverse back on to Peterborough Road close to the junction with the A1073 to the detriment of highway safety. In addition large articulated vehicles would have difficulty entering and leaving the old length of Peterborough Road. Such vehicles would need to utilise all the available carriageway of the existing highway which due to the proximity of the junction with the A1073 would be extremely hazardous to other road users (see Appendix H).

16. The appellant did not respond to the County Council but submitted an application to the Planning Authority for a Certificate of Lawful Use for a haulage depot. This was granted in February 1994.

17. On 13 April 1994 the appellants Solicitors wrote to inform the County Council that the appellant was intending to retain the haulage operation. A reply was sent dated 19 April 1994 (see Appendix I).

18. Subsequently the District Council as Planning Authority were informed of the situation and the two planning applications were refused for the reasons set out on the decision notices.

19. With regard to the appellants statement, I would make the following comments:-

(i) The Highways Authority have willingly attended several meetings with the appellant to try and resolve this situation when it would have been easier to stand by the original appeal decisions. Every possible assistance was given and in fact standards were reduced to help the appellant provide an access to a caravan site.

It was however, understood that the haulage business was being run down and that the new access was to serve a site for caravans only.

It is considered that the continuation and possible expansion of the haulage business would conflict with a touring caravan site in terms of highway safety at the access and egress.

(ii) With regard to possible delays in the negotiations you will see from some of the correspondence enclosed that the Highway Authority has attempted to respond quickly to any correspondence from the appellant.

(iii) As previously stated the Highway Authority did not change its stance until the question of the haulage operation was raised.

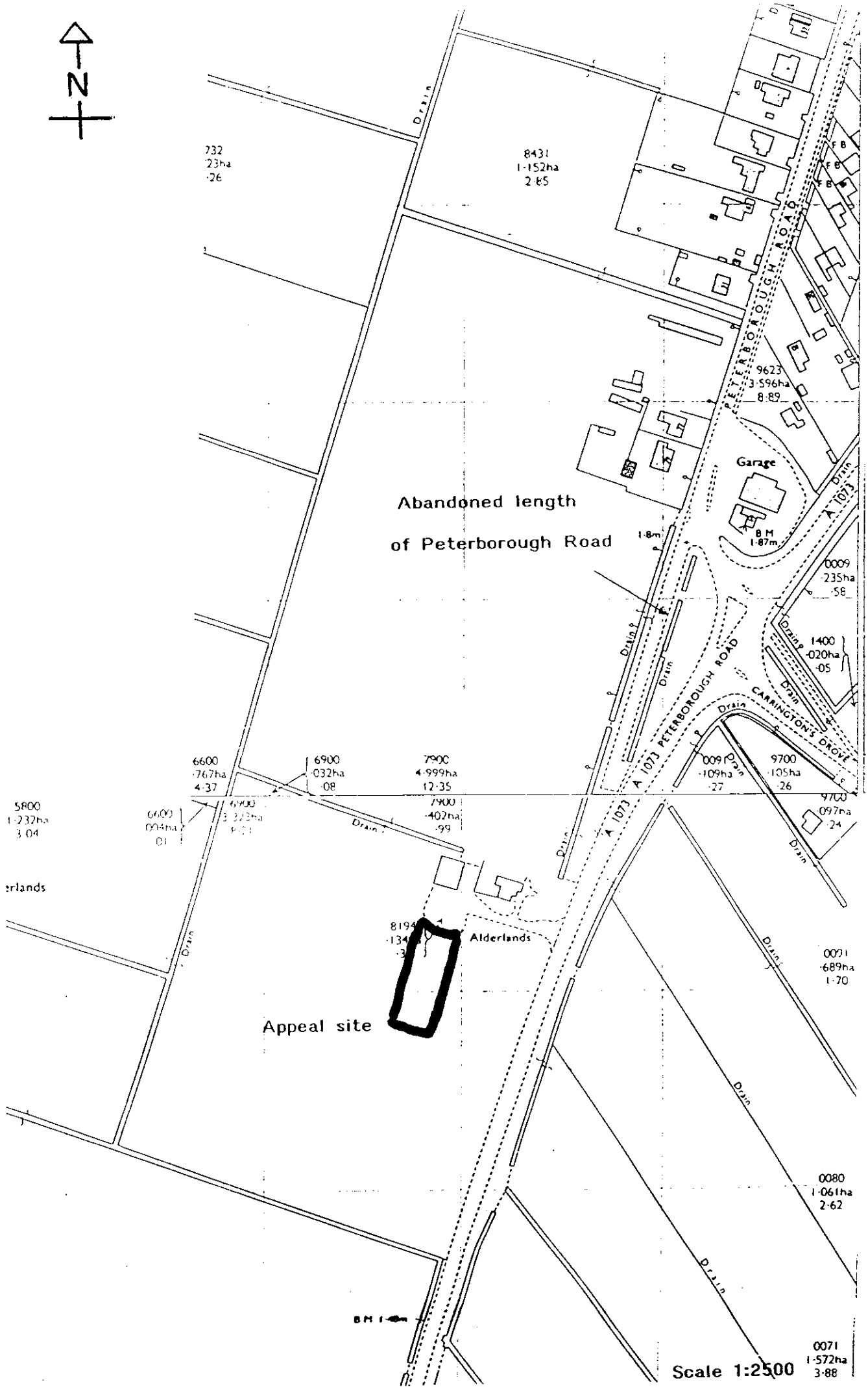
(iv) The caravan sales site at the north end of Crowland has an adequate access clear of the A1073.

(v) The County Council as Highway Authority did request refusal of the concrete products firm on the west side of the A1073.

(vi) The proposed housing development access is clear of the A1073 junction and meets the Council's current guidelines.

20. For the reasons set out in this Proof of Evidence the Inspector is requested to dismiss this appeal.

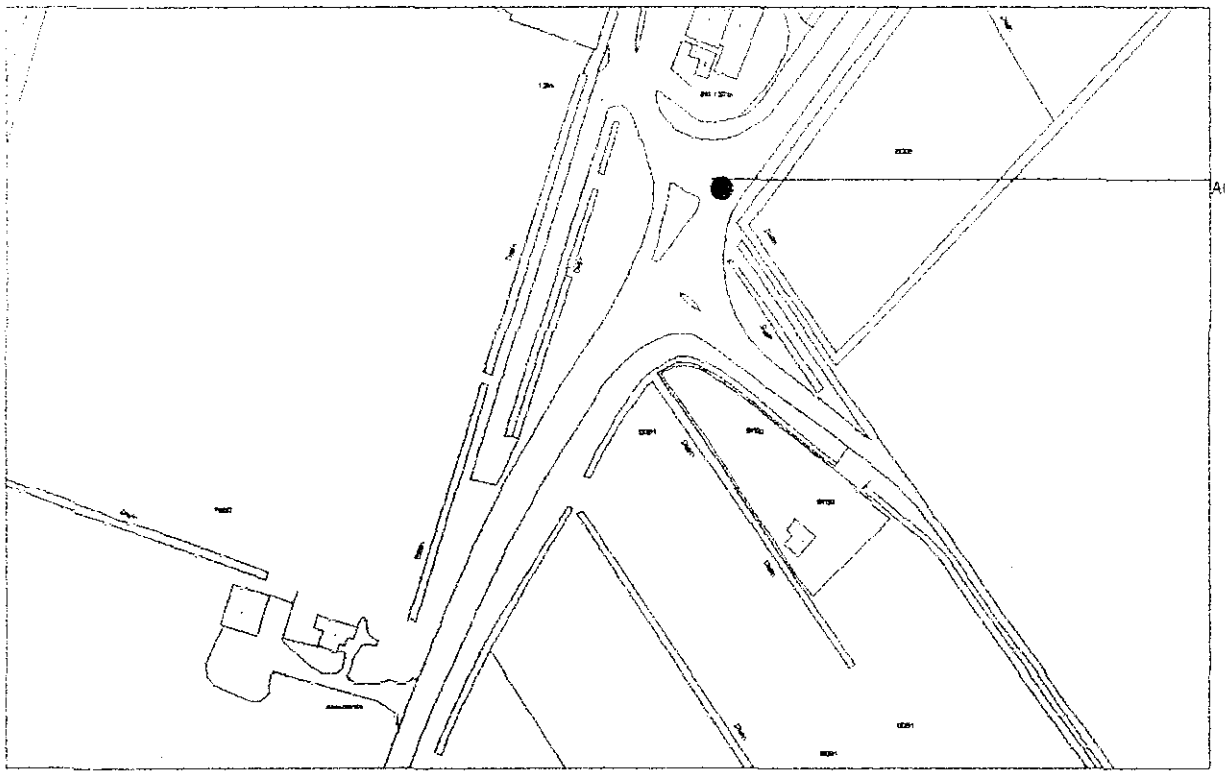
APPENDIX A


N
Abandoned length
of Peterborough Road
Appeal site
Alderlands
Garage
PETERBOROUGH ROAD
A 1073 PETERBOROUGH ROAD
CARRINGTON'S DROVE
Drain
8431
1·152ha
2·85
9623
3·596ha
8·89
6600
·767ha
4·37
6900
·032ha
·08
7900
4·999ha
12·35
7900
·402ha
·99
9700
·109ha
·27
9700
·105ha
·26
9700
·097ha
·24
1400
·020ha
·05
0009
·235ha
·58
0091
·689ha
1·70
0080
1·061ha
2·62
0071
1·572ha
3·88
5800
1·232ha
3·04
Scale 1:2500

APPENDIX B

LINCOLNSHIRE COUNTY COUNCIL A.I.P.

3 YEAR ACCIDENT DATA UP TO END SEPT.1994



13/12/94 11:40:34

"ACCIDENT"

"NON VALIDATED ACCIDENT"

A006692 21/01/92 Slight JNC PETERBOROUGH ROAD, CROWLAND VEH 1 EMERGED FROM MINOR ROAD INTO PATH OF VEH 2

APPENDIX C

Planning Inspectorate
Department of the Environment
Room 1404 Tollgate House Houlton Street Bristol BS2 9DJ
Telex 449321
Direct Line 0272-218 927
Switchboard 0272-218811
GTN 1374

Mr G Flecknor
Alderlands
Peterborough Road
Crowland
PETERBOROUGH
PE6 0AA

Your reference

Our reference
T/APP/A2525/A/91/192411/P8

Date
15 JAN 1992

Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPLICATION NO: HO2/0420/91

1. I have been appointed by the Secretary of State for the Environment to determine your appeal. Your appeal is against the decision of the South Holland District Council to refuse planning permission in respect of your application for storage of touring caravans (25) on existing touring site at Alderlands, Peterborough Road, Crowland. I have considered the written representations made by you and by the Council and also those made by the Lincolnshire County Council. I inspected the site on 11 December 1991.

2. From the representations made and from my inspection of the site and its surroundings I consider that the main issue upon which your appeal turns is whether or not the proposed development would be detrimental to highway safety.

3. I saw on my site visit that the appeal site is situated within open countryside at the southern end of the Crowland by-pass (the A1073 highway), where traffic moves fast and freely along a relatively straight stretch of road. While I acknowledge that the site is already used for a caravan park in a limited way, and that you have operated a haulage business from Alderlands for some years, I nevertheless take the view that an increase in vehicular activity associated with the site is undesirable, since additional slowing, turning and stopping movements would be likely to cause hazards in an area which already has a history of road accidents. In my opinion the proposed development would create additional vehicular activity of this kind and consequently would be contrary to the interests of highway safety.

4. I have noted that a large caravan sales site is located at the northern end of the by-pass, but I saw on my site visit that vehicular access to this other site it not obtained directly from the A1073 highway. I have also noted your references to 2 other development sites off the A1073 road, but from the Council's representations it appears that one site only has temporary planning permission and the other does not have planning permission at all. I do not therefore find that the circumstances of these other sites serve to justify allowing your proposal. Similarly, I have taken into account all other matters raised but do not find these to be of such weight as to override the considerations which have led me to my conclusion.

100%
CYCLED PAPER

. For the above reasons, and in exercise of the powers transferred
a me, I hereby dismiss your appeal.

am Sir
our obedient Servant

K Rence Povey.

ERENCE N POVEY BA BArch MA FRTPI RIBA MBIM
nspector

Planning Inspectorate
Department of the Environment
Room 11/12(8) Tollgate House Houlton Street Bristol BS2 9DJ

Fax 0272-218782
Telex 0272-449321

Direct Line 0272-218861
Enquiries 0272-218075
GTN 1374

CHIEF EXECUTIVE
7 MAY 1992
LINCS. COUNTY COUNCIL

DISMISS.

G Flecknor Esq
"Alderlands"
Peterborough Road
Crowland
PETERBOROUGH PE6 OAA

Your Reference

Our Reference
T/APP/C/91/A2525/612551/P6
Council Reference
E2/2142/90
Date 5 MAY 92

Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 174 AND SCHEDULE 6
PLANNING AND COMPENSATION ACT 1991
LAND AT ALDERLANDS, PETERBOROUGH ROAD, CROWLAND

1. I have been appointed by the Secretary of State for the Environment to determine your appeal against the enforcement notice issued by the South Holland District Council concerning the above mentioned land. I have considered the written representations made by you and by the Council. I inspected the site on 25 February 1992.

2. a. The notice was issued on 12 September 1991.

b. The breach of planning control alleged in the notice is a material change in the use of the land or premises to a use for the storage of caravans.

c. The requirements of the notice are to discontinue the use of the land or premises for the storage of caravans.

d. The period for compliance with the notice is six calendar months.

3. Your appeal is proceeding on ground (a) as set out at Section 174(2) of the 1990 Act prior to its amendment by the 1991 Act, namely that planning permission ought to be granted for the development to which the notice relates. As the prescribed fee for the application deemed to have been made for planning permission under Section 177(5) of the Act has not been paid, I shall not determine that application.

4. I note that in July 1991 planning permission was refused for the storage of 25 touring caravans on land to the south of Alderlands. You informed me at my visit that your subsequent Section 78 appeal had recently been dismissed. In the absence of any indication of changed circumstances there is nothing before me which would lead me to diminish the weight which I should attach to this decision as a relevant material consideration.

100%
RECYCLED PAPER

5. From my inspection of the site and its surroundings, in conjunction with my reading of the written representations, I consider that the main issue for me to decide is whether the project would cause unacceptable traffic hazards on Peterborough Road.

6. Your property is located on the western side of the A1073, immediately to the south of the point where the former line of Peterborough Road leaves the Crowland bypass. Given the proximity of the site access to this junction, I consider that a northbound vehicle indicating a left-turn would leave following drivers, or the occupant of a vehicle departing from Alderlands, guessing as to whether the manoeuvre would be into the site or in the direction of Crowland. Taking account of the speed of traffic, on this long straight section of derestricted road, the prospect of confusion and hesitation would be extremely hazardous. In addition, a driver waiting to turn right across the traffic stream into the site would interrupt the free flow of southbound traffic, and slow moving vehicles leaving the access would be the source of further impedance. These factors lead me to conclude that the project would cause unacceptable traffic hazards on Peterborough Road.

7. I acknowledge that the use of your site by slow moving haulage vehicles has declined and the fourteen caravans currently stored on the site are removed on an occasional basis. However, neither of these factors is sufficient, in my view, to diminish the likely danger to highway safety on a road where the traffic flow increased by over 50% between 1985 and 1990. Although no accidents have been recorded in the vicinity of your access, the Council's statistics confirm the dangers associated with turning vehicles. I also took the opportunity to look at the busy caravan sales and hire site, which you drew to my attention. Whilst I appreciate that the majority of its customers will use the bypass, I saw that the junction of the A1073 and Postland Road, which gives access to the site, had been designed to take account of the likely volume of turning vehicles. Accordingly I do not find the value of comparison to be decisive.

8. I have given careful thought to all other matters raised, including the references to recent development in the locality. However, I have found nothing of sufficient weight to change the balance of my conclusions on the site specific characteristics of the project before me. Your appeal therefore fails under ground (a).

FORMAL DECISION

9. For the above reasons, and in exercise of the powers transferred to me, I dismiss your appeal and uphold the enforcement notice.

RIGHT OF APPEAL AGAINST DECISION

.0. This letter is issued as the determination of the appeal before me. Particulars of the rights of appeal against the decision to the High Court are enclosed for those concerned.

I am Sir
Your obedient Servant

David MH Rose.

DAVID M H ROSE BA(Hons) MRTPI
Inspector

ENC

APPENDIX D

Your Ref: CG.JN
My Ref: CB/PLAN11/PM

6 April 1992

Buckle Mellows
9 High Causeway
Whittlesey
PETERBOROUGH
PE7 1AE

Mr C Briggs

Lincoln (0522) 553127

Dear Sirs

PROPOSED CARAVAN SITE, PETERBOROUGH ROAD, CROWLAND FOR MR G FLECKNOR

I refer to your letter of 19 March and the subsequent site meeting held on 1 April between your Mrs Gostick, Mr Flecknor, my Highways Development Officer Mr Briggs and Mr Aistrup from my Divisional Surveyors Office.

As discussed it would be possible to gain access to Mr Flecknor's site from the disused section of the Old Main Road, as shown on your sketch plans, subject to certain works being carried out. These works consist of:

1 Re-siting the chevron board on Peterborough Road opposite the Garage.

2 Re-siting the direction sign board on the A1073 to a new position close to Mr Flecknor's existing access.

3 Providing a satisfactory access in terms of width and surface on the line of the former Peterborough Road.

4 Providing adequate screening to prevent headlights from vehicles accessing this site distracting drivers on the A1073.

These works would need to form part of an agreement which would require entering into prior to the issuing of any planning permission. Also any application would need to show the closure of your clients existing access onto the A1073.

I trust this is of assistance to you.

Yours faithfully

for Director of Highways and Planning

35445.f21

BUCKLE MELLOWS

SOLICITORS

9 HIGH CAUSEWAY, WHITTLESEY, PETERBOROUGH PE7 1AE

Telephone: (0733) 202270 DX29346 Whittlesey Fax: (0733) 202022

Your Ref Our Ref CG.JN Date 19th March 1992

Lincolnshire County Council
Department of Highways and Planning
DX 28006
Lincoln 3

For the attention of Mr Briggs

Dear Sirs,

Mr adn Mrs G Flecknor (Planning application Ref HO2/0420/91)
Alderlands Peterborough Road Crowland

We refer to the above matter and to our recent conversation with you on 5th March wherein we indicated that it is our clients' intention to submit an application for planning permission for the storage of twelve touring caravans on part of the land owned at the above site, planning permission having recently been refused on appeal (although for a larger number of caravans) on highway grounds.

You will find enclosed with this letter plans marked "A" and "B" - it is our intention, when submitting the application for caravan storage, to submit a further application (but both applications to be considered together) to change the existing access to the site so that the problem anticipated by slow moving vehicles turning directly off and on to the fast running A1073 will be avoided. It is proposed that the access to the site in future be from the northern end of the site along the disused carriageway which runs more or less parallel to the present A1073. This will entail the removal of some turfing which has been laid over the disused roadway to reveal the original tarmac, and would also entail the blocking off of the present access direct to the A1073.

If we can refer you to plan "A" enclosed you will see the position of the proposed new driveway and its connection to the disused carriageway. Our clients will be willing to plant such evergreen shrubs and trees as may be necessary for screening purposes along the eastern boundary of the site, not only to screen the proposed storage of caravans from the highway but also to prevent confusion arising in the dark with headlights - we understand that in fact there is already street lighting apparatus in place at the junction area to the north of the site which will floodlight the junction and so improve visibility.

It is hoped that you will be able to look favourably upon the applications for change of access and caravan storage on the basis of the enclosed plan since your principal objection to our clients' previous application (ie. direct access to the A1073 by slow moving vehicles) will be overcome and also the number of proposed caravans and the volumne of traffic generated by the grant of planning permission has been halved.

Before we submit our formal applications to planning along these lines however, and as discussed with you, we shall be pleased if you will let us have your comments and any further suggestions

contd/.....

Partners: P. A. SMEETON, C. J. ROBINSON, J. S. DALE, LL.B. (Notary), S. S. WHARTON, G. GILL, LL.B., P. A. TAMS, S. J. SMITH, LL.B., C. GOSTICK, LL.B., C. J. C. APPLEGATE, M.A., B. M. SMEE, B.A., G. EKINS, LL.B., P. S. BRANCH, B.A., LL.M.
Staff Solicitor: N. PATEL, LL.B.

Also at 45-51 Priestgate, Peterborough. Tel: (0733) 68 52341. Fax: (0733) 62064

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

19th March 1992

and if a site meeting will assist you further then we shall be happy to attend with you.

We look forward to hearing from you.

Yours faithfully

Buckle Mellows

Enc

APPENDIX E

cc - Divisional Surveyor, South Division.

Your Ref: C.G.DR.F1751
My Ref: CB/PLAN11/278/DLN

Buckle Mellows
45-51 Priestgate
PETERBOROUGH
PE1 1LB

For further information contact
Mr C Briggs
Telephone Lincoln (0522) 553127

10 February 1993

Dear Sirs

TITLE: PROPOSED CARAVAN PARK, ALDERLANDS, PETERBOROUGH ROAD, CROWLAND
MR G FLECKNOR, SECTION 278 AGREEMENT

I refer to your letters of 4 and 8 January 1993 and the proposed access drawing.

I am concerned that, the measurements on site, as shown on the attached plan, do not match the ones shown on your clients drawing.

In order to provide the bunding and access road, as shown, some land may be required from the adjoining field.

I shall be pleased if you will investigate this matter in order that a satisfactory access can be achieved.

If you wish to discuss this matter further please contact my assistant Mr Briggs.

Yours faithfully

Director of Highways and Planning

6916.d31

APPENDIX F

cc Div Surveyor - South (FAO A Aistrup)

Your Ref: CC.DR.C6561
My Ref: CB/PLAN/11/278/AM

Buckle Mellows
45-51 Priestgate
Peterborough
Cambs
PE1 1LB

For further information contact
Mr C Briggs
Telephone Lincoln (0522) 553127

10 May 1993

Dear Sirs

PROPOSED CARAVAN SITE, ALDERLANDS
PETERBOROUGH ROAD, CROWLAND - SECTION 278 AGREEMENT

I refer to the site meeting held on 5 May between your Mrs Gostick, your Client, Mr Flecknor, Mr Aistrup from my Divisional Office and my Highways Development Officer, Mr Briggs.

As discussed, there is a problem, due to the narrow width close to the site access, of providing adequate access and bunding to the caravan site. Also as pointed out by Mr Aistrup there is concern over the possible long term maintenance of a section of road which would only serve your Client.

There appears to be two alternative solutions which could resolve this situation, which I shall be pleased if you will investigate and inform me of your client's preference. These alternatives are:-

1. To request a 'Stopping Up' Order for the section of highway coloured blue on the attached plan. If this is done, at your Client's expense, (approximately £800) then the land will revert to the adjoining landowner. Your Client would then need to secure right of access over this land including a piece of land to provide adequate width at this site boundary.

2. To provide a legal agreement that would bind your Client to maintaining the section of public highway, coloured blue on the attached plan, to a reasonable standard. This solution would require the provision of a retaining wall at the site boundary.

Both solutions would require the making up of the initial section of old highway, coloured red on the attached plan and the provision of an earth bund, 2 metres wide at its base and approximately 1 metre high. Such a bund would require planting with low level evergreen shrubs.

Yours faithfully

Director of Highways and Planning

9102.d31

APPENDIX G

Your Ref: -
My Ref: CB\PLAN11\278\LMS

Mr G Flecknor
Alderlands
Peterborough Road
Crowland

For further information contact
Mr C Briggs
Telephone Lincoln (0522) 55312/

11 August 1993

Dear Mr Flecknor

PROPOSED CARAVAN SITE, PETERBOROUGH ROAD, CROWLAND
SECTION 278 AGREEMENT

I refer to previous correspondence regarding this site and the works you have recently carried out to expose the old road surface. I would point out that the works which would be required by my Divisional Surveyor to bring this road up to an acceptable standard are as follows:-

1. A substantial length of the old road requires reconstruction as the old surfacing has been totally removed.

2. The length of the old road from Peterborough Road to the excavated section has been perforated therefore this section will require an overlay of 60mm of Dense Bitumen Macadam.

3. The length from the excavated area to the boundary of your site will also require an overlay due to the length of time it has been covered by soil.

4. In order to remove the need for the previously detailed retaining wall some narrowing could be allowed on this section of road in places.

If you wish to proceed with a Section 278 Agreement (in order to obtain Planning Permission) you will need to have prepared detailed drawings showing all the necessary roadworks. I would point out that such works could cost somewhere in the region of £25,000.

I shall be pleased if you will inform me of your proposals.

Yours faithfully

Director of Highways and Planning

11453.d41

LINCOLNSHIRE COUNTY COUNCIL

HIGHWAYS & PLANNING DEPARTMENT MEMORANDUM

To: PLANNING & DEVELOPMENT
LINCOLN

From: Mr A J Aistrup
Extension: 20

My Ref: D/AJA/SJR/DEVT/2/2

3 August 1993

FOR THE ATTENTION OF C BRIGGS

MR G FLECKNOR - PETERBOROUGH ROAD, CROWLAND

With reference to the application made by Mr Flecknor at the above location I write to inform you of the latest state of play.

Having met on site on 23 July 1993 Mr Flecknor had uncovered parts of the old A1073 which had been covered with earth. On inspection of these areas I make the following observations/comments.

1. A substantial length of the old roads bituminous surfacing had been removed and would therefore require full construction.

2. The length of old road from its junction with Peterborough Road to the excavated section has been perforated for drainage and longitudinal cracks were apparent in the bituminous layers, to bring this to the required standard would necessitate an overlay of 60mm DBBC as a minimum.

3. The length from the excavated area to the boundary of Mr Flecknors property seemed to be in a reasonable state, but because of its age and due to the fact that it has been buried under a layer of top soil for some considerable time an overlay would seem prudent.

4. To accommodate the proposals in terms of the physical layout a 5m/3m type layout as per the development road layout guide could be adopted, providing a passing bay adjacent to the boundary of the property where the bunding would be required, this would remove the need for a retaining wall.

If Mr Flecknor wishes to proceed then I suggest that he submit detail drawings for approval and that he enter into a Section 278 Agreement with the County Council.

Obviously he wants to make use of the access prior to full completion of the works (ie he wants to spread the cost of carrying out the works) but I feel we should not give any more time than would normally be allowed under a Section 278 Agreement.

On a final note I think we have spent more than enough time on this matter and it should be made clear to him that it is his responsibility to provide an approved layout and design in accordance with the development road specification and that he should employ a consultant to do so on his behalf. It is not up to us to do the work for him.

for Divisional Surveyor
South Division

APPENDIX H

APPENDIX I

cc to: Divisional Surveyor - South Division FAO A Aistrup

Your Ref: CG.DR.F6561
My Ref: CB/PLAN/278/LMS

Buckle Mellows
45/51 Priestgate
Peterborough
PE1 1LB

For further information contact
Mr Chris Briggs
Telephone Lincoln (0522) 553127

19 April 1994

Dear Sirs

PROPOSED CARAVAN SITE - ALDERLANDS, PETERBOROUGH ROAD, CROWLAND

Thank you for your letter of 13 April 1994.

The County Council has always dealt with the application, made by your client on the understanding that the site was to be used solely for touring caravans.

However since discussions first commenced your client has obtained an "Established Use Certificate" from the planning authority which allows his site to be used as a haulage depot. Notwithstanding the numbers of vehicles currently operated such a permission allows the site to be intensively used by H.G.V's.

As previously stated, the new access arrangement along the line of the old Peterborough Road was finally agreed, below normal standards, to provide access for cars and caravans. The access is not adequate to provide safe and adequate access for H.G.V's.

I note from your letter that your client still wishes to retain his haulage operation therefore I must now request the District Council to refuse the outstanding planning applications due to the inadequacy of the alternative access to serve a haulage yard and a caravan site.

Yours faithfully

Director of Highways and Planning

17786.d51

BUCKLE MELLOWS

C321

45-51 PRIESTGATE, PETERBOROUGH PE1 1EP
Telephone: (0733) 68175/52341 MDX 12312 Peterborough 1 Fax: (0733) 62064

Your Ref Our Ref Date

CB.PLAN11.278.DLN CG.DR.P65C1 13 April 1994

Mr C Briggs
Lincolnshire County Council
4th Floor
City Hall
Beaumont Fee
Lincoln
LN1 1DN

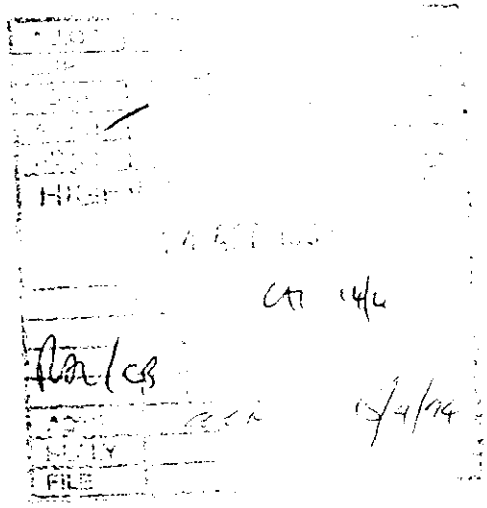
Dear Sirs

re: PROPOSED CARAVAN SITE, PETERBOROUGH ROAD,
CROWLAND - MR. G. FLECKNOR

Further to our recent correspondence in the above matter we have now received our Client's further instructions which are that he does intend to retain the haulage operation. May we refer you to your letter of the 7th September, 1992 in which you confirmed that the District Council had resolved to grant the planning permission subject only to the Section 278 Agreement being entered into with the County Council which we do still intend to pursue - We await detailed drawings for the road improvement from our Client and he has made enquiries of his Bank with regard to the provision of the Bond that you had requested.

Our Client's position and the use of the premises has not changed since the date of your letter nor indeed since the original permission was applied for although you did not mention that there would be an objection to the haulage use until October, 1993.

Yours faithfully



Partners: T. J. ROBINSON, J. S. DALE, LL.B. (Notary) (Managing Partner), P. A. TAMS, S. T. SMITH, LL.B., C. GOSTICK, LL.B., C. J. U. APPLEGATE, M.A., B. M. SMITH, B.A., P. S. BRANCH, B.A., LL.M.
Staff Solicitors: N. PATEL, LL.B., F. A. ABRAHAM, B.A., N. STARBUCK, LL.B., I. KEARNEY-ROSE, B.A., R. E. CLARKE, LL.B., S. COLEMAN, B.A., H. PAVLE, B.A.
Consultant: E. A. SMEETON Financial Services: G. C. BROWN

Also at 9 High Causeway, Whittlesey. Tel: (0733) 202270. Fax: (0733) 202022
This firm is regulated by the Law Society in the conduct of investment business.

PLAN B.

12·35

7900

·402ha

·99

DETERMINED PLAN

Arable field

established Leylandii trees

Electricity supply poles

Original A1073, now covered by a thin layer of grass

Proposed new drive

Proposed shrubs for screening

Existing Access (to be closed)

A1073

Road sign

Workshop

House

Alderlands

20'

21'

51'

03 APR 1992

REF 0440/92

Streetlighting apparatus now in place to floodlight junction area and so improve visibility

Crowland

Garage

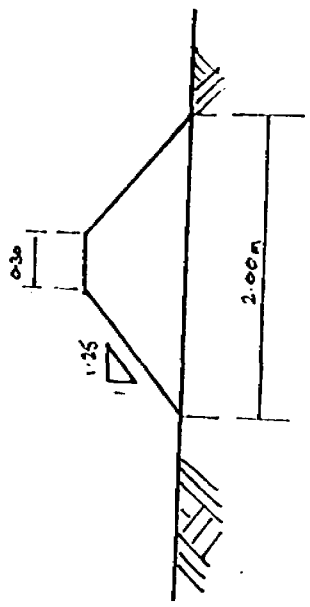
Alderlands

Key

Proposed new access/egress

Two trees to be removed.

EARTH EMBANKMENT.
TYPICAL PROFILE.



AREA OF C'WAY TO BE IN 'D TO LCC SPECIFICATION

AREA OF HIGHWAY TO B, MED UP

EARTH EMBANKMENT TO BE COVERED WITH LOW GROWING EVER GREEN SHRUBS.

1·8m

Drain

A 1073 PETERBOROUGH

A 1073

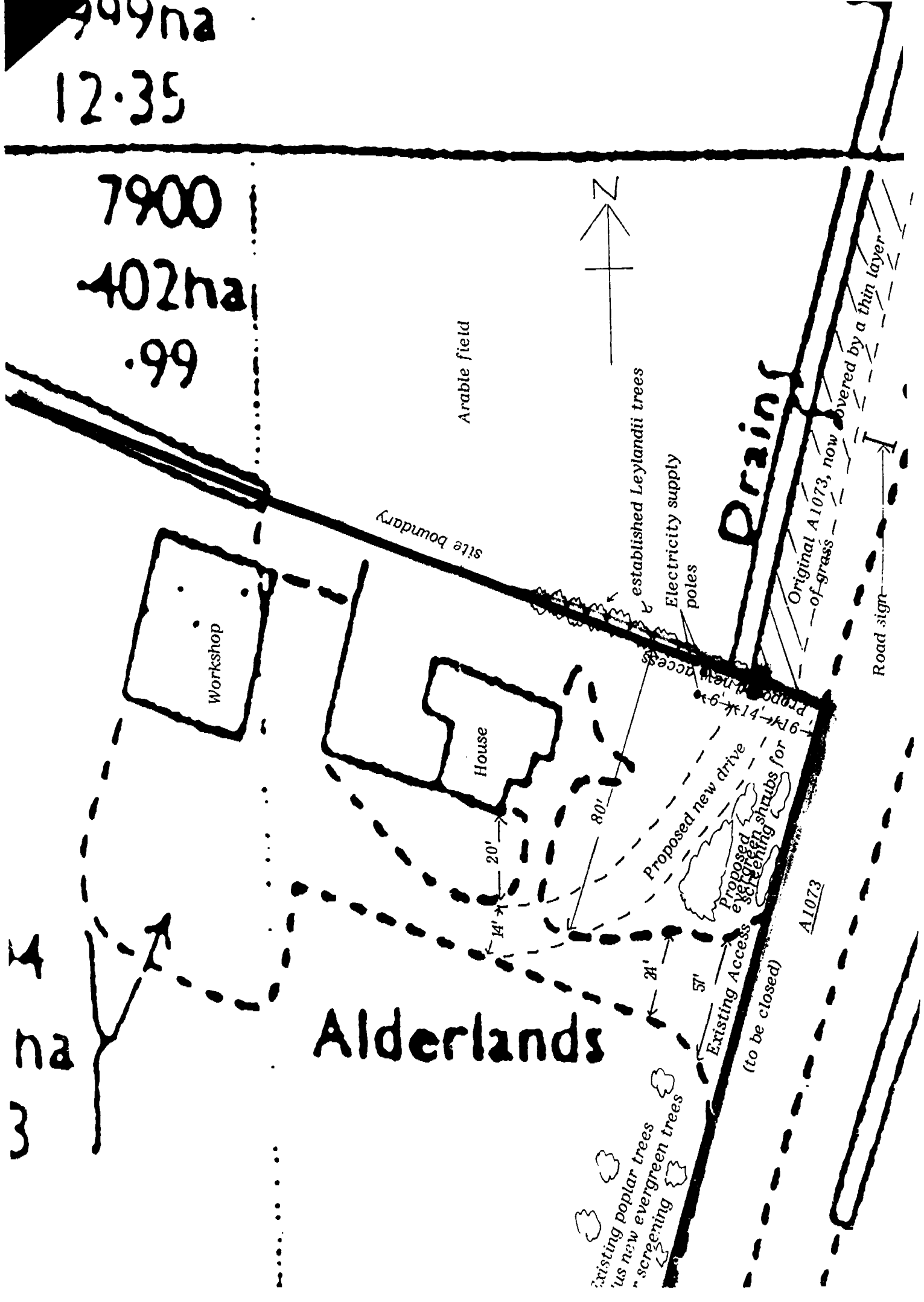
RETAINING WALL REQUIRED

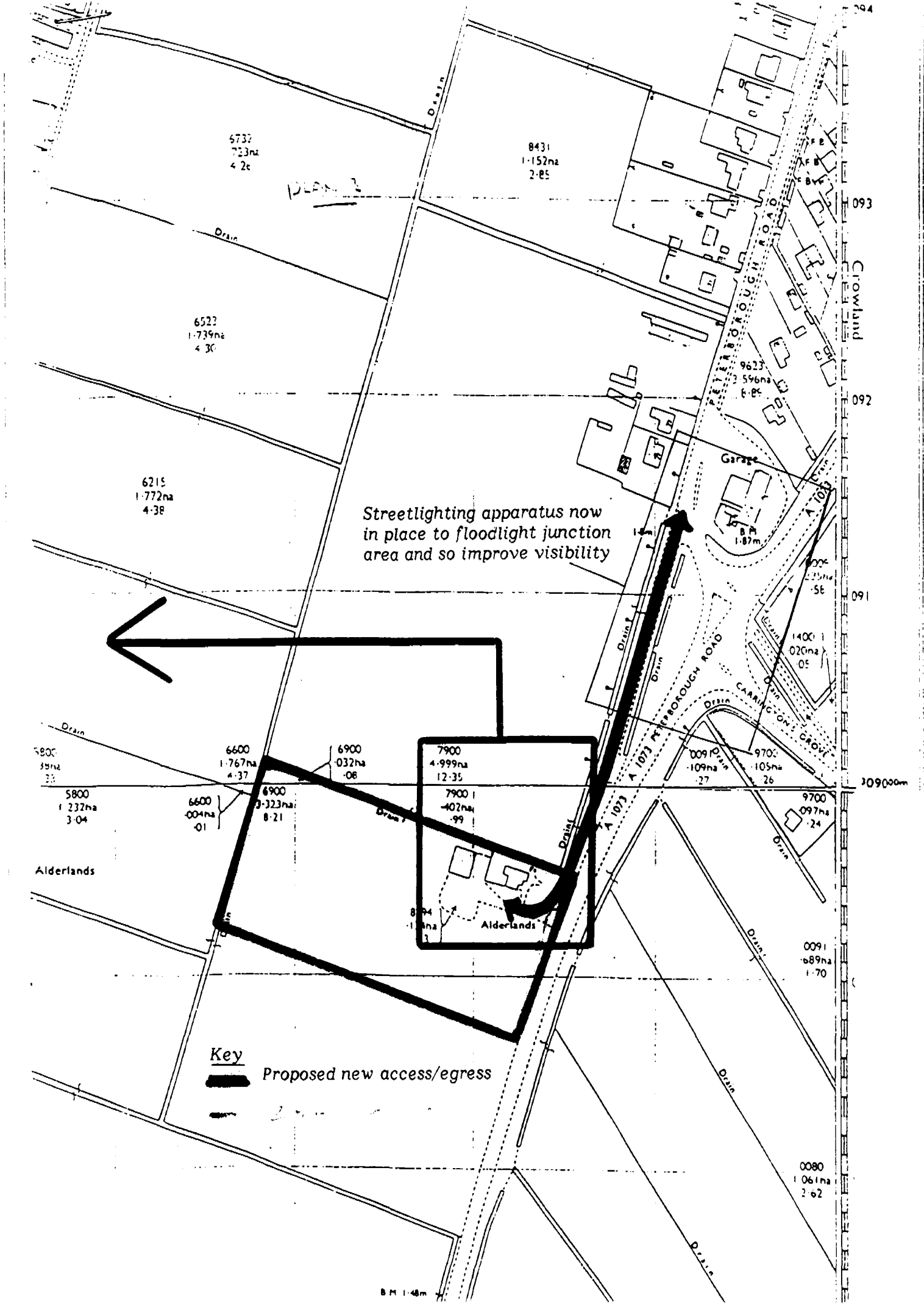
4·0m

4·0m

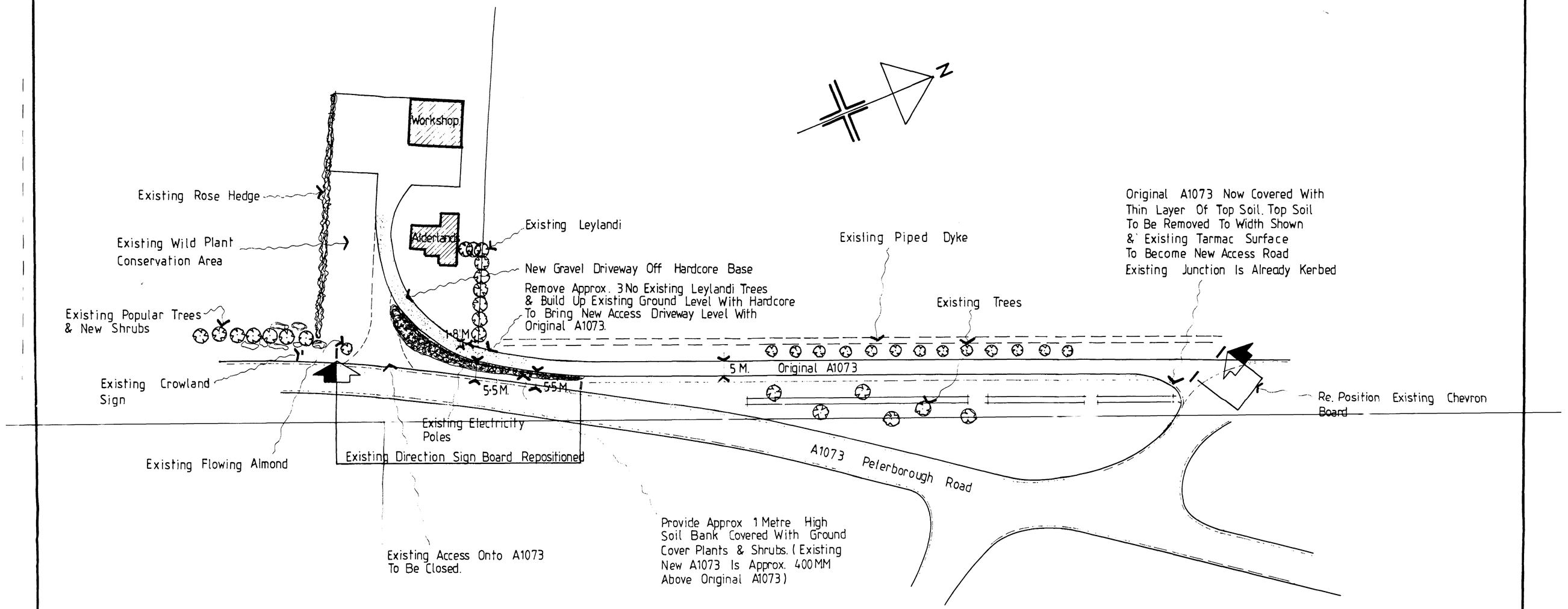
1·0m. MINIMUM VERGE WIDTH

·200
·99ha
·35
7900
402ha
·99


N
Arable field
site boundary
established Leylandii trees
Electricity supply poles
Drain
Original A1073, now covered by a thin layer of grass
Road sign
Workshop
House
Proposed new drive
Proposed shrubs for screening
Existing Access (to be closed)
A1073
Existing poplar trees
Alderlands
20'
14'
80'
24'
51'
6'
14'
16'

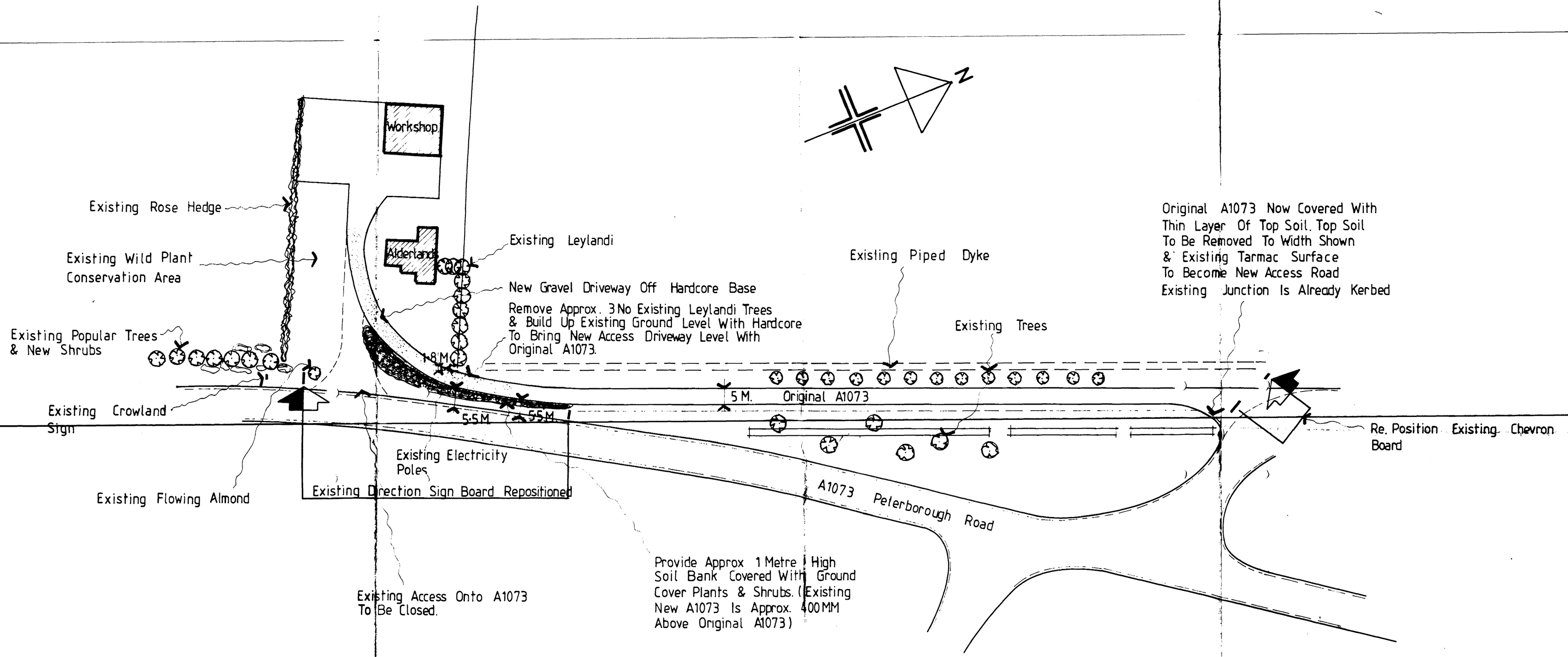

Streetlighting apparatus now in place to floodlight junction area and so improve visibility
Key
Proposed new access/egress
Alderlands
Crowland
Garage
Drain
A 1073
6732 723ha 4·26
8431 1·152ha 2·85
6522 1·739ha 4·30
6215 1·772ha 4·38
6600 1·767ha 4·37
6900 ·032ha ·08
7900 4·999ha 12·35
5800 1·232ha 3·04
6600 ·004ha ·01
6900 1·323ha 8·21
7900 ·402ha ·99
9623 2·596ha 6·85
9700 ·097ha ·24
0091 ·089ha 1·70
0080 1·061ha 2·62
309000mE

PROPOSED NEW ACCESSWAY (RE-USING THE OLD A1073) ONTO EXISTING HIGHWAY FOR MR.& MRS. G.A.C. FLECKNOR, ALDERLANDS, PETERBOROUGH ROAD, CROWLAND, PETERBOROUGH, PE6 0AA.



DRAWING 1 OF 1

PROPOSED NEW ACCESSWAY (RE-USING THE OLD A1073) ONTO EXISTING HIGHWAY FOR MR.& MRS. G.A.C. FLECKNOR, ALDERLANDS, PETERBOROUGH ROAD, CROWLAND, PETERBOROUGH, PE6 0AA.



DRAWING 1 OF 1