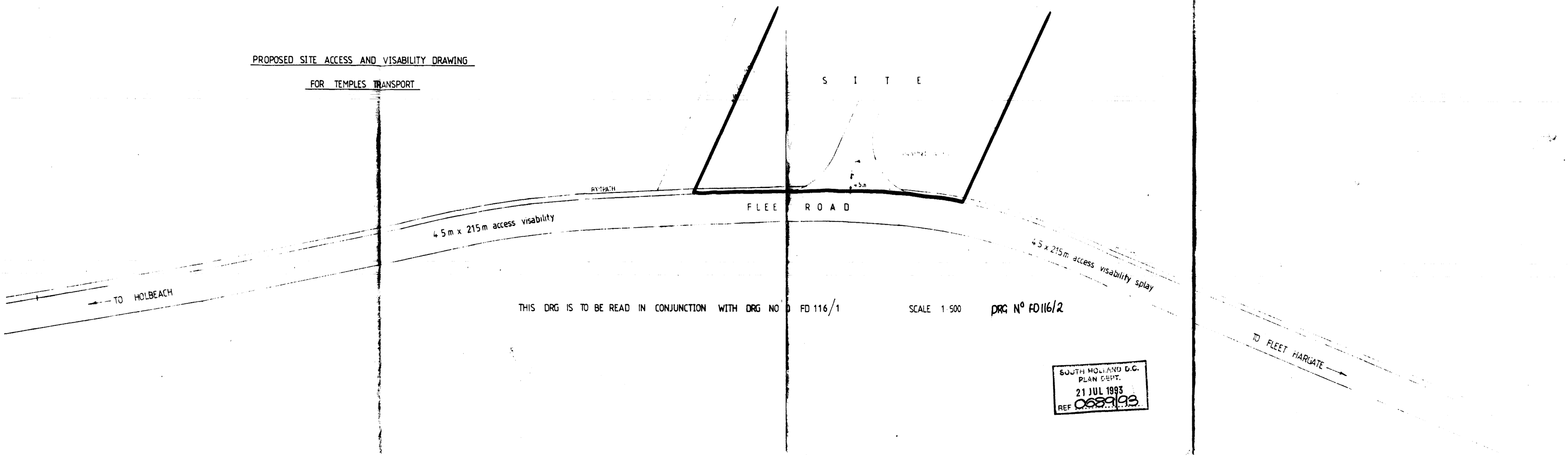
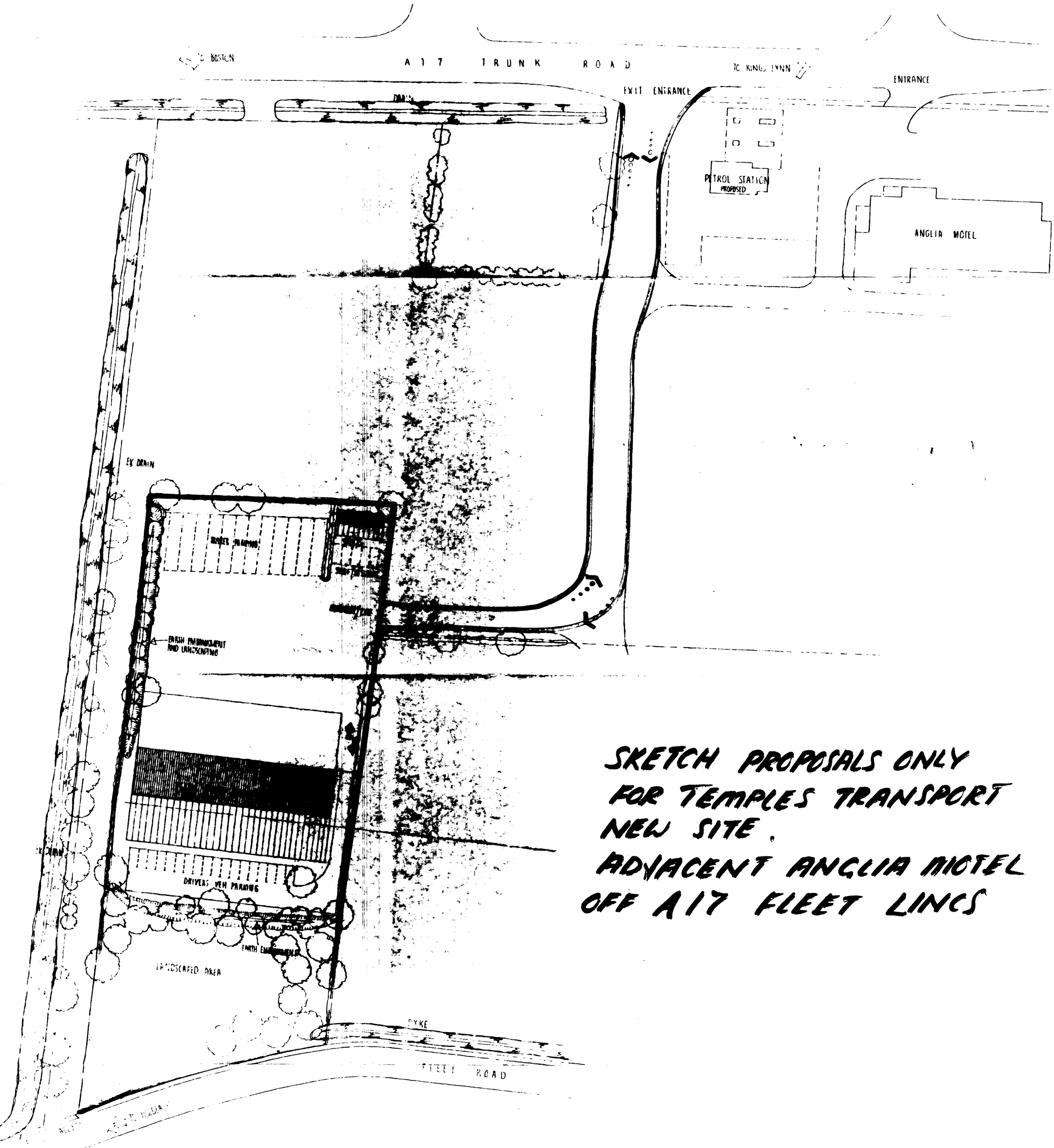
PROPOSED SITE ACCESS AND VISABILITY DRAWING

FOR TEMPLES TRANSPORT



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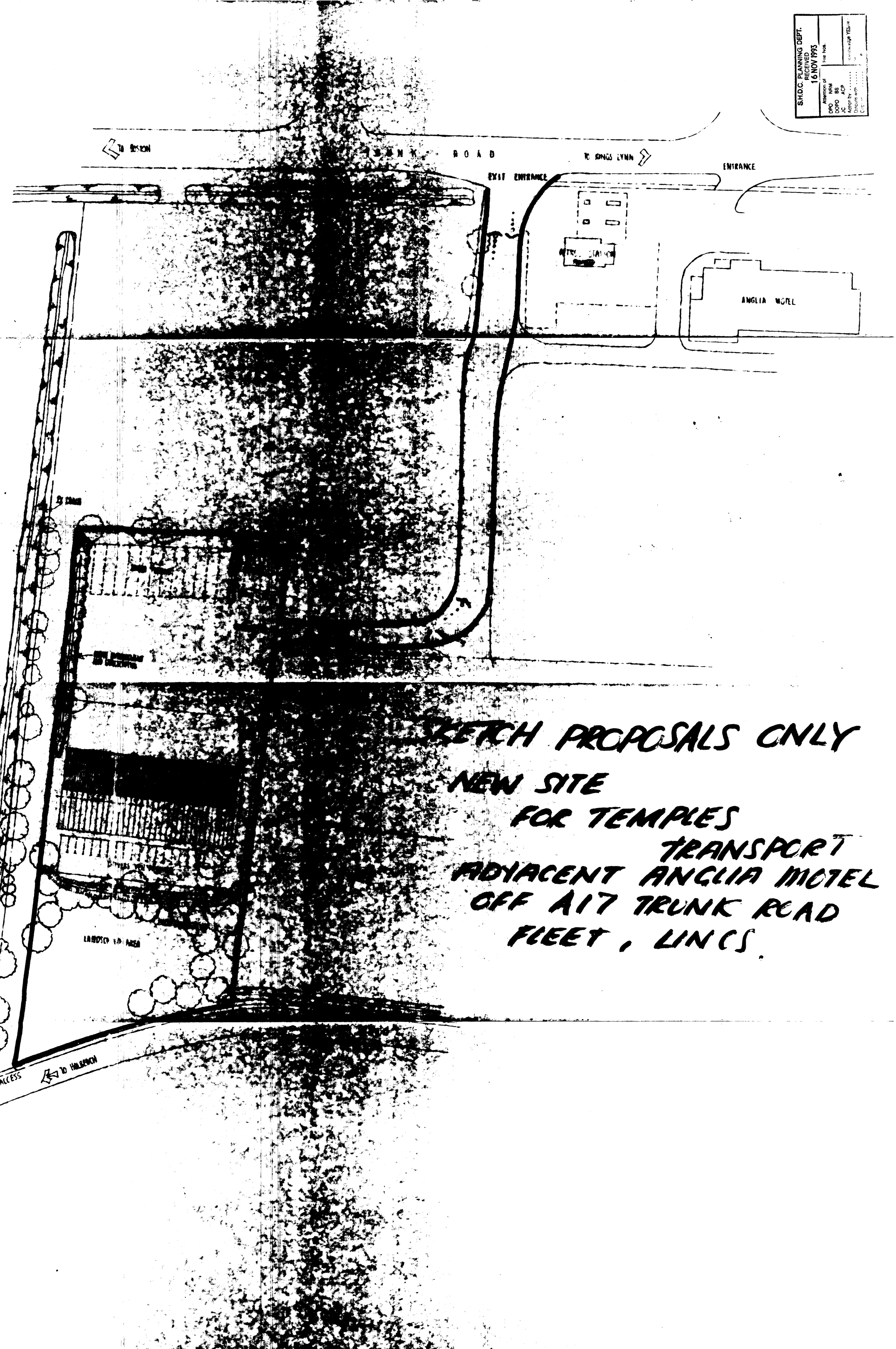
SOUTH HOLLAND D.C.
PLAN DEPT.
21 JUL 1993
REF 0689/93



SKETCH PROPOSALS ONLY
FOR TEMPLES TRANSPORT
NEW SITE.
ADJACENT ANGLIA MOTEL
OFF A17 FLEET LINCS

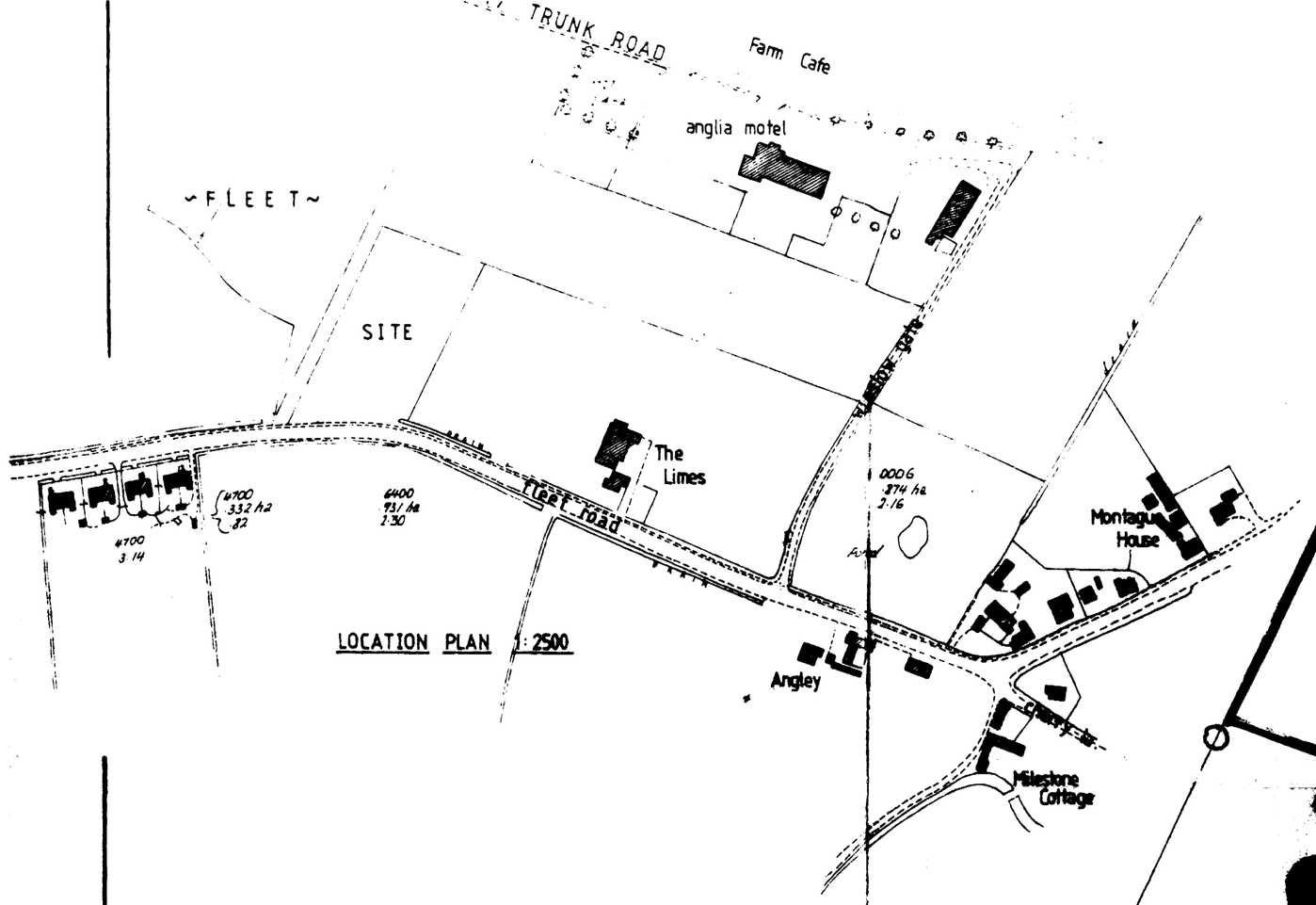
S.H.D.C. PLANNING DEPT.
RECEIVED
16 NOV 1993
File No.
Attention of
DPO MHN
DDPO BB
JC ACP
Action by
Discuss with
Copy to
Action required by
Date

S.H.D.C. PLANNING DEPT.
RECEIVED
16 NOV 1993
Attention of
DPO NRM
DOPO BS
JC ACP
Action by
File Nos.



SKETCH PROPOSALS ONLY

NEW SITE
FOR TEMPLES
TRANSPORT
ADJACENT ANGLIA MOTEL
OFF A17 TRUNK ROAD
FLEET, LINCS.



INDICATIVE

SITE LAYOUT PLAN

ONLY

1:250 SCALE

TOTAL SITE AREA

1·947 acres 0·788 ha

THIS DRAWING IS TO BE READ IN CONJUNCTION WITH DRAWINGS NO'D: FD 116/2

CLIENT:
Temples Transport

fleetland Design Architectural

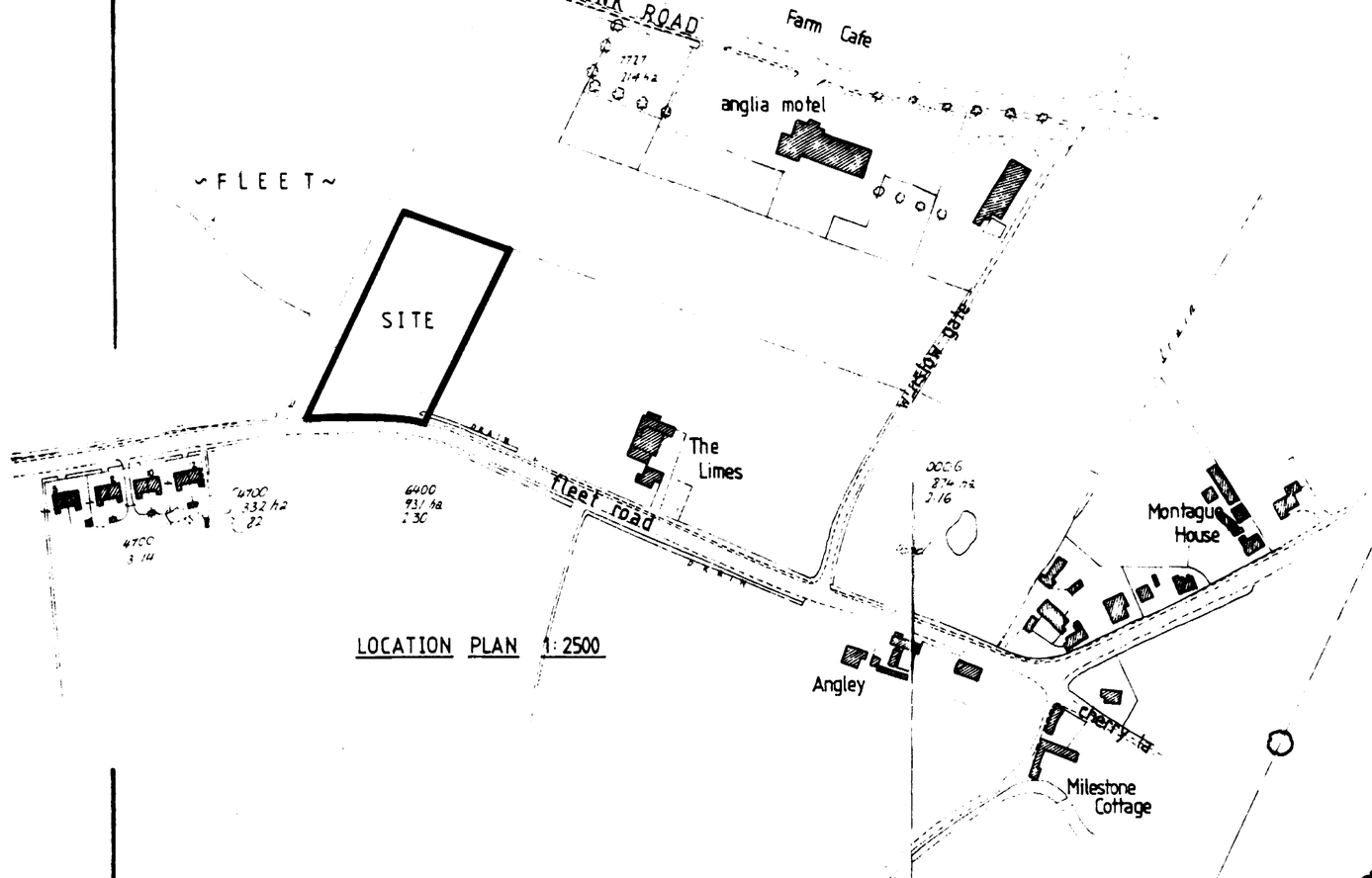
MYRTLE HOUSE, FLEET HARGATE. LINCS.

project

PROPOSED CHANGE OF USE OF AGRICULTURAL LAND TO HAULAGE DEPOT.

AT: LAND OFF FLEET ROAD, FLEET. SPALDING. LINCOLNSHIRE.

SCALE:	DRG NO:
1:250 1:2500	FD 116/1
DATE:	DRAWN:
JUNE 1993	J. CRUNKHORN.



LOCATION PLAN 1:2500

INDICATIVE

SITE LAYOUT PLAN

ONLY

1:250 SCALE

PROPOSED BOUNDARY HEDGE AND TREE SCREENING

EX TREE

EXISTING LEYLANDII

EXISTING LEYLANDII AND CONCRETE POSTED BOUNDARY

PORTAL FRAME STORE - LOADING/OFF LOADING

DRIVERS REST ROOMS

OFFICES

STAFF

WORKSHOP

TURNING AREA

ARTICULATED LORRY (15.5m) 18m outside front wheel radius

PROPOSED GRASS SEEDED EARTH EMBANKMENT 2 METRES HIGH TO SITE SIDE & FRONTAGE

PROPOSED BOUNDARY HEDGE

DRIVERS/VIS. CAR PARKING

TRAILER PARKING

GRASS SEEDED EARTH EMBANKMENT 2m HIGH

denote existing conifers

PROPOSED TREE SCREENING

9·0m wide feild access strip

grassed verge

ex TP

EXISTING DYKE

footpath

field accesses

PROPOSED ACCESS

existing telegraph pole to be removed and repositioned.

FLEET ROAD

TO HOLBEACH/SPALDING

verge

ex S.L.

ex grass verge

EXISTING DYKE

TO FLEET HARGATE KINGS LYNN

public footpath

N

TOTAL SITE AREA

1·947 acres 0·788 ha

21 JUL 1993
REF 0689/93

THIS DRAWING IS TO BE READ IN CONJUNCTION WITH DRAWINGS NO'D: FD 116/2

CLIENT:

Temples Transport

fleetlan Design Architectural

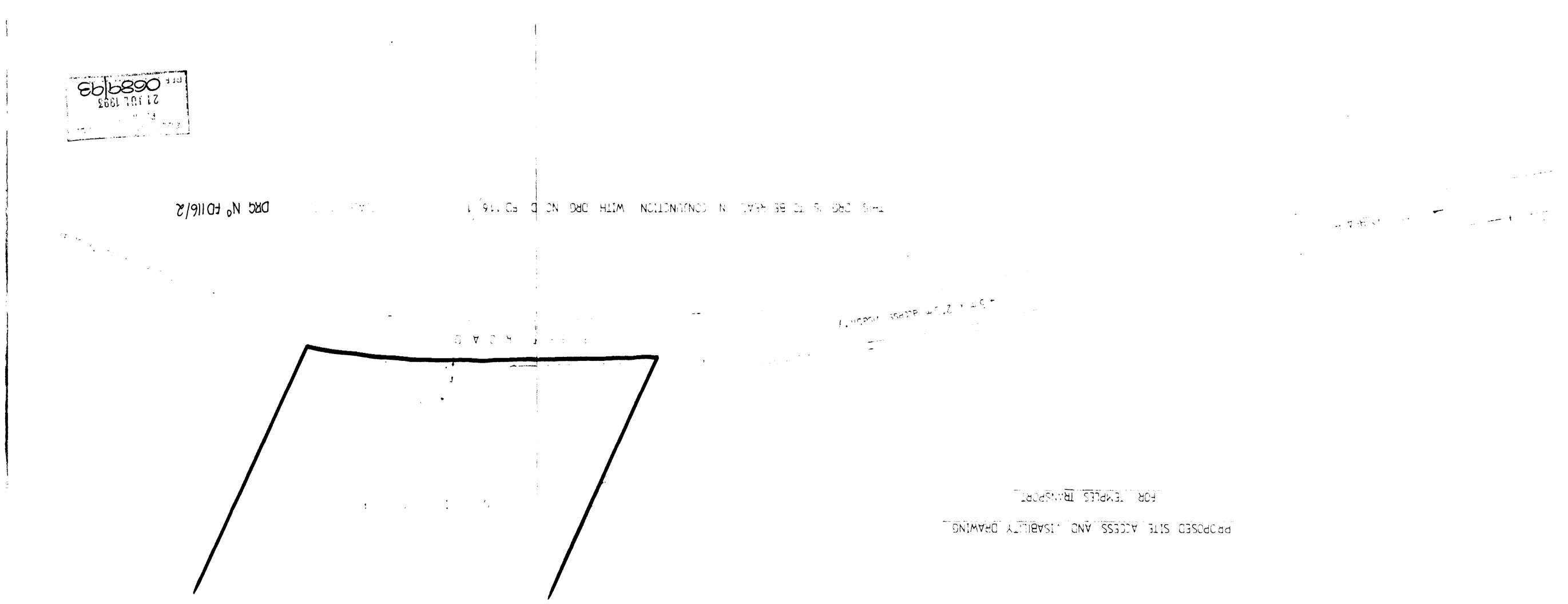
MYRTLE HOUSE, FLEET HARGATE. LINCS.

project

PROPOSED CHANGE OF USE OF AGRICULTURAL LAND TO HAULAGE DEPOT.

AT: LAND OFF FLEET ROAD, FLEET. SPALDING. LINCOLNSHIRE.

SCALE:	DRG NO:
1:250 1:2500	FD 116/1
DATE:	DRAWN:
JUNE 1993	J.T.CRUNKHORN.


DRG N° FD116/2
THIS DRG IS TO BE READ IN CONJUNCTION WITH DRG NO FD 116/1
PROPOSED SITE ACCESS AND VISABILITY DRAWING
FOR TEMPLES TRANSPORT
21 JUL 1993
068a/93

TYPE OF DEVELOPMENT

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

(i) New Dwellings		If so, how many:
(ii) Other new building(s)	✓	ULTIMATELY
(iii) Alterations or extension		
(iv) Change of use	✓	

4. A. Please state site area (in all cases)	0·788 hectares
B. *If building works are proposed, please state extra* floor space to be created:	SUBJECT TO sq. metres
C. Please state size of any new structure:- (a) max. height:	FURTHER metres
(b) max. length:	APPLICATION metres
(c) max. width:	metres
D. Please state type and colour of materials for facing external walls:	
E. Please state type and colour of roofing materials.	
F. Has a survey of the site been undertaken? State Yes or No	YES

5. GENERAL INFORMATION Please complete each section

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

AGRICULTURAL GRASSED LAND

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: FLEET RD
Will there be— Individual access(es) ✓ New estate road ☐

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

PARKING AREAS

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.

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

SUBJECT FURTHER APPLICATION

C. Please state whether a land drain will be affected

NO

D. Foul sewerage will be disposed of to:
Mains sewer ☐ Cesspool ☐ Septic tank ✓

PLEASE COMPLETE IN ALL CASES

	State Yes or No	
The proposal is in connection with agriculture	INDIRECTLY	➡ If so, **please give details in Part 6**
The proposal affects a listed building	NO	
The proposal affects a public right of way	NO	
The proposal is known to affect contaminated or filled land	NO	
The proposal is for industrial, warehousing, offices, shopping or similar commercial purposes.	YES	➡ If so, **please complete Part 7**
In cases where a statutory consultation will be required, please state whether you have sent a copy of the application to the consultee yourself. If yes, please give date sent.	NO	➡ 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. SEE ADDITIONAL INFORMATION

OWNERSHIP CERTIFICATES

PLEASE COMPLETE ALL THREE SECTIONS.

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

PROS. PURCHASER

2. **OWNERSHIP OF THE SITE**

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

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

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

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

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

Owner's Name: MR H. PAYNE

Address of owner at which notice was served:
ANGLIA MOTEL
A17 (WASHWAY ROAD)
FLEET

State Date notice served:
2 / ~~APRIL~~ JULY 1993

Signed ..... (~~Applicant~~ / Agent) Date 10/JULY 1993

3. **AGRICULTURAL HOLDINGS CERTIFICATE**

If the land is not in agricultural use complete Certificate 1.
If the land is agricultural, but farmed by the owner and there is no agricultural tenant, complete Certificate 1.
If the site does relate to an agricultural holding, you must give notice to the tenant, and complete Certificate 2. If you are the sole agricultural tenant yourself, sign certificate 2 but insert 'not applicable' in the tenant details.

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

Signed ..... (~~Applicant~~ / Agent) Date 10/JULY 1993

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

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

State Date notice served:

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

7. INDUSTRIAL, WAREHOUSING, OFFICES OR SHOPS Please complete if appropriate

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

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

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

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

This new total includes the following net floorspace: SUBJECT TO FURTHER APPLICATION

Retail ____ sq. m. Office ____ sq. m. Indistrial ____ sq. m. Warehousing ____ sq. m.

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

	Office Staff	Industrial staff	Other staff
How many office, industrial and other staff will be employed on the site as a result of the development proposed? If you have existing premises on the site, how many of the employees will be new staff?	EXISTING	STAFF ~~STAYS~~ TRANSFERRED	
If you propose to transfer staff from other premises please give details of the numbers involved and of the premises affected.	SEE ADDITIONAL INFORMATION		
In the case of industrial development, give a description of the processess to be carried out and of the end products, and the type of plant or machinery to be installed.	"		
If the proposal forms a stage of a larger scheme for which planning permission is not at present sought, please give what information you can about the ultimate development	NO		
Is the proposal related to an existing use on or near the site?	State Yes or No: YES		
If so, please explain the relationship	SEE ADDITIONAL INFORMATION		
Is this a proposal to replace existing premises in this area or elsewhere which have become obsolete, inadequate or otherwise unsatisfactory?	State Yes or No: YES		
If so, please give details including gross floor area of such premises and state your intentions in respect of those premises.	SEE ADDITIONAL INFORMATION		
What provisions have been made for the parking, loading and unloading of vehicles within the curtilage of the site? (Please show the location of such provision on the plans and distinguish between parking for operational needs and other purposes)	PARKING AREAS PROPOSED		
What is the estimated vehicular traffic flow to the site during a normal working day? (Please include all vehicles except those used by individual employees driving to work)	AS FOR EXISTING SITE – SEE ADDITIONAL INFORMATION		
What is the nature, volume and proposed means of disposal of any trade effluents or trade refuse?	L.C.C. REFUSE COLLECTION		
Will the proposed use involve the use of storage of any hazardous materials?	State Yes or No: NO	If yes, you may need to apply for Hazardous Substances Consent	
What provision is being made for access to premises for the disabled?	WILL BE NO STEPS WILL BE DESIGNED IN ACCORD L.A RECOMENDATIONS		

, PLICATION ASSESSMENT

Notes for Case Officer

Site Inspection

Accuracy :
Neighbours :
Boundaries : (recently grassed, some tree around boundary (immature)
Site Features : Existing agricultural access. Model to N.

Inspected by DMG
Date 4/8

Site Notice posted by DMG
Date
Expiry 4/8.

Individual Resident Notices required:

Addresses to be sent to –

Addresses delivered to –

Case Officer Conclusions

REFUSE!

RECOMMENDATION/DECISION

NON-DETERMINATION

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

Senior Officer confirmed .....

Withdrawn .....

DELEGATED DECISION

Case Officer Recommendation

Approve (or equiv)

Refuse (or equiv)

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

COMMITTEE

Confirmed as agenda ✓ 4/4

SUB-COMMITTEE

Confirmed as agenda .....

DPBCS AUTHORISED

Decision Issue confirmed .....

Notes:

Disabled
Prev conditions
Amended plans –
Dwg no:
Received:

Conditions/Reasons: (cont overleaf)

DC INSTRUCTION SHEET

APPLICATION REF: H05/0689/9

Directions

Art 7 (Outlines)

☐ RM checklist

	Sit	Des	Ext	Acc	Land
Previous					
Current					
Required					

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

☐ Non Std

Precise details:

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

Revalidation after Direction

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

Valid date:

Amended description

Reconsultations:

All.....
Specified:

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

Precise details:

Additional Consultation/Publicity Required

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

Extra Consultations:

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

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

Case Officer

DAVID GEDNEY

Senior Officer Confirmed ..... Date 27/7 Recorded DC....

ADMIN RECORD SHEET

Initial

Submitted Fee £ 130.

Receipt No P3003

Date first Rec'd 21 JUL 1993

Registration

Reference H05/0689/93

Cross-Ref —

Date 22-JUL-93 AAS

Validation

TYPE FULL

Site area
No of dwellings
Floorspace

Earlier permission – Ref:
New/Redevelop/(Use)/Ext/Alt/Works

Description to be recorded

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

Fees
Correct fee £ 130.
Nil fee ☐
Discounted ☐
Previous app – ref:
Type of app
Reason:

Additional £
Refund £
Receipt No
Voucher No
Date
Date

Information

Index sheet 171
Grid ref 5[illegible] 3[illegible]
OS Plots
Ward D.
Parish Fleet
Inside IBD Yes
Inside LP area No

Constraints:

CA Cons Area ☐
LB Listed – Grade: ☐
ARC Archaeology ☐
AM Ancient Mon ☐
SSI Special Int ☐

TR Rural ☐
BP TR proposed 67m ☐
LC Level Cross ☐
FP Footpath ☐
TPO Tree Pres ☐

Hazards –
HAZ Site ☐
AIR Safeguard ☐
LIN Elect ☐
PIP Pipe ☐
CON Waste/contamin ☐

Linked to site Ref 1506 ☐
Linked to property Ref ☐
Dist Bound ☐
Other: ☐

Planning Records:
Earlier apps 1152/80
0805/81

B Reg Records:
Already submitted – Ref:
Request needed
Requested

LORD CHANCELLOR'S DEPARTMENT

TRANSPORT TRIBUNAL

South Eastern Circuit

TRANSPORT TRIBUNAL
48-49 Chancery Lane
London WC2A 1JR

Tel : 071-936 7494
Fax : 071-936 7492
DX 445 (Strand)

Mr J Chapman & Mr J A Blacklock
South Holland District Council
Planning & Building Control Dept.
Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE

Your Ref: OF 207439

Our Ref: F21

Date: 15/12/94

Dear Sir/Madam,

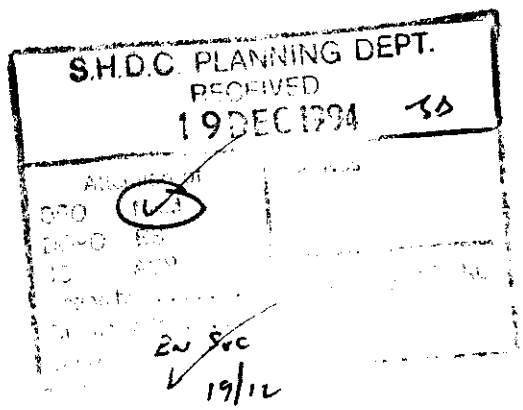
RE : APPEAL 1994 NO. F21 APPEAL BY A D TEMPLE T/A TEMPLES TRANSPORT

This appeal is listed for hearing at the above address on Tuesday 17th January 1995 at 10.30am. Please inform this office as soon as possible as to the names of those who will be attending the hearing.

Yours faithfully,

S Curtis

Stewart Curtis
TRANSPORT TRIBUNAL



Mr S Curtis,
Transport Tribunal,
48-49 Chancery Lane,
London,
WC2A 1JR.

Mr J Blacklock

JB/JJ 305/0689/02 A
1230.5
F21

20 Dec 1994

Dear Sir,

APPEAL 1994, NO F21
APPEAL BY A D TEMPLE T/A, TEMPLES TRANSPORT.

Thank you for your letter dated 15th December 1994 in connection with the above. Two Officers of this Authority who will be attending the Hearing are:-

1. Mr J A Blacklock - Senior Planning Assistant
2. Mr J Chapman - Principal Environmental Health Officer

Yours faithfully

N Madlen
Principal Planning Officer
Development Control

174. **PLANNING APPLICATIONS** (Continued)

(d) **Non-Determination**

The under mentioned application be not determined in accordance with the recommendation of the Director of Planning and Building Control Services:-

Plan No. and Applicant	Proposal
H05/0689/93 Temples Transport	Change of use of agricultural land to haulage yard, including means of access on land off Fleet Road, Fleet.

(e) **Applications Director of Housing and Planning Services authorised to approve**

The Director of Housing and Planning Services be authorised to grant planning permission, in accordance with the recommendations contained within the circulated schedule, in respect of the following proposals, as amended, where indicated:-

Plan No. and Applicant	Proposal
H11/0203/95 Patterns Transport Ltd	Change of use to form standing and loading area for motor vehicles at Gimmels Gate, Sutton Crosses, Long Sutton.

(Subject to the proposed bunding being extended southwards along the western boundary of the site to a point where it joins the land required for the visibility splays.)

(The Deputy Director of Planning and Building Control Services reported a letter from a neighbouring occupier seeking provision of the additional bunding.)

H16/1197/94 Broadgate Builders (Spalding) Ltd	Formation of distributor road junction including improvement to existing highway at 101 Bourne Road and land to south, Spalding.

(Councillor Mrs A M Newton entered the meeting during consideration of the above application, declared an interest in the application and left the Council Chamber during consideration thereof.)

H08/0101/95 R Jolley	Conversion of farm buildings to single residence at Chopdyke Drove, Gosberton Clough.

FILE COPY

SOUTH HOLLAND DISTRICT COUNCIL

Application no: H05/0689/93

Applicant: Temples Transport
"The Bowling Green"
Old Main Road
Fleet Hargate
Spalding Lincs

Agent: Fleetland Design
Myrtle House
Fleet Hargate
Spalding
Lincs

Description: Change of use of agricultural land to haulage yard including means of access.

Location: Land off Fleet Road
Fleet
Spalding
Lincs

Type: FULL

Date received: 21-JUL-93

NOTICE OF NON-DETERMINATION

South Holland District Council hereby give notice that no further action will be taken on this application.

Director of Housing and Planning Services

18-APR-95

MRS SALLY WALTHAM BA (Hons) F.C.I.H. Director of Housing & Planning Services

Housing & Planning Services Department, Council Offices, Priory Road, Spalding, Lincolnshire. PE11 2XE (Tel: 01775 761161)

APPLICATION REFERENCE: H05/0689/93 DATE RECEIVED: 21-JUL-93

TYPE: Full

DESCRIPTION: Change of use of agricultural land to haulage yard, including means of access

LOCATION: Land off Fleet Road, Fleet

APPLICANT: Temples Transport AGENT: Fleetland Design

SOUTH HOLLAND DISTRICT COUNCIL
REPORT TO PLANNING COMMITTEE
Date 29 MAR 1995

REASON FOR COMMITTEE CONSIDERATION

Refusal recommended.

(It should be noted that this earlier recommendation has now been superseded by the latest recommendation at the conclusion of this report).

RECOMMENDATION

A *Refuse permission*

1 *In the opinion of the Local Planning Authority, the proposed development is contrary to Policies 18 and 19 of the Structure Plan which seek to limit industrial development in the countryside in the interests of environmental protection.*

2 *The Local Planning Authority is of the opinion the proposed development would be visually obtrusive and therefore detrimental to the visual amenities of this rural location.*

3 *Furthermore, the Local Planning Authority is of the opinion the proposed development would be prejudicial to the amenities of neighbouring residential properties by virtue of disturbance from noise and vibration, particularly from the passage of heavy lorries.*

B *That the Director of Planning & Building Control Services' initiative in negotiating with the applicant for a revised form of development on the site which accords more fully with the provisions of the Draft District Plan be endorsed.*

COMMENTS

1 The initial issue is whether circumstances warrant a departure from Structure Plan Policy i.e. whether the difficulties with the applicant's current depot at Fleet Hargate outweigh the landscape and residential amenity objections to its relocation on the application site in a site which has no natural screening.

2 However, a secondary issue, given the desirability of securing a relocation of the depot, is the fact that the Draft District Plan indicates that land partially within the application site but principally behind the Anglia Motel and extending eastwards to Winslow Gate could be allocated for industrial use, including small road haulage businesses.

3 Whilst the operative policy is the Structure Plan which militates strongly against the acceptability of the proposed development, it has been considered there was an advantage in initiating discussions with the applicant to amend the current application to accord more fully with the Draft District Plan, although entirely without prejudice to the provisions of the plan in its final, adopted form.

4 These discussions have proceeded on the basis that the warehouse and workshop were positioned at the northern end of the site (the area within the current 'notation' on the Draft District Plan) and in such a way as to act a noisebuffer in respect of residential properties on Fleet Road; the southern part was largely landscaped and kept free from development; and access was entirely from the A17 road and not Fleet Road.

5 As part of these discussions, assurances are being sought from the applicant that should permission eventually be forthcoming for the relocation of the depot, the existing depot use at Fleet Hargate would be discontinued.

REPRESENTATIONS

Parish Council: No comment.

Environmental Services: This Department is continuing to receive complaints of noise and smoke nuisance from activities at the existing site and is in fact considering instigating formal action to remedy the problems.

The existing restricted site being surrounded by dwellings is totally unsuitable for such purposes and relocation to a more appropriate site would be of significant benefit to the village providing a more compatible use can be agreed for the site i.e. residential.

The proposed site is better situated but there are several dwellings close by and depending upon the degree of external activities and hours of operation substantial boundary screening and relevant conditions could be required.

Public: Objections from three nearby residents on following grounds - summarised:

- Loss of high quality agricultural land.
- Totally unsuitable for rural location.
- Disturbance from noise, dust vibration.
- Hazards to road safety - conflicting traffic movements on Fleet Road.
- Better alternative locations elsewhere.
- Site insufficient for applicant's long term needs.
- Devaluation of property.
- Detrimental to image of South Holland.

Applicant:

Summarised:

- Firm began 7 years ago in Fleet Hargate and currently has 12 vehicles distributing vegetables, flowers and fresh fruit from local farms. Also hauls to wholesale markets nationwide. Produce is 'broken down' into loads for distribution on site.
- Currently employs 22 drivers and 2 office staff and operates from a third acre site on which is located a 180 sq. metres storage building. Operating hours are from 9 a.m. to 10 p.m.
- Business has now outgrown site and lack of space inhibiting continued efficiency of the business. Acknowledges detrimental effect upon amenities of neighbouring property.
- Application site would 'fulfil all the business requirements and would have little effect on its surroundings or environment'. It is well placed for access to A17.
- Application site currently 'unused'.
- 90% of offloading/loading processes involved in the business will occur in proposed portal framed building of 1400 sq. metres. No proposals for any outside storage of goods or materials.
- Embankment screening and landscaping to sites boundaries will 'obscure operations from Fleet Road and give good degree of security'.
- A precedent has been set for relocation of haulage business - permission H11/1862/88 relating to relocation of haulage business from Tydd St Mary at Woodwards Lane in open countryside to the south of Long Sutton.
- 75% of Temple Transport workforce reside within a 5 mile radius of present depot in Fleet Hargate - relocation to application site would thus involve no hardship.

ADDENDUM I

A Following discussions with this Authority, the applicant has submitted amended plans which provide for an enlarged site; additional earth bunding to ensure greater noise attenuation; a resiting of the warehouse building to help shield the noise of heavy goods vehicles from neighbouring residential property to the south; a landscape area to the south of the warehouse building to help integrate the development into the landscape; and the retention of the proposed access onto Fleet Road.

B In the latter regard, the Department of Transport has indicated that it would not favour a new access from the site onto the A17 (trunk) road, although this view would appear to have been offered without prejudice to the Department of Transport's formal response on the South Holland 2000 Draft District Local Plan.

C The amendments significantly reduce the localised impact of the proposed development: the issue that remains is that of compliance with Structure Plan Policy.

D In this latter regard, two factors are of relevance - the removal of the existing depot from Fleet Hargate and the continued operation of the applicant's haulage business.

E Removal of the existing depot would be an environmental gain only on the basis of the cessation of that use (NB. an outline application H05/0095/94 has been submitted for residential development). If that cessation can be secured through a Section 106 Agreement (and the owner of the land has been approached to determine whether that cessation can be effected) the ensuing environmental gain can be weighed in the balance with the requirements of policy.

F A Public Inquiry is likely to be held into the appellants current application for a renewal of his licence to operate from the depot at Fleet Hargate - an application to which this Authority has objected, principally, on planning grounds. As the outcome is uncertain, the grant of permission for the proposed site would be of obvious benefit to the firm and an economic benefit to the area given the nature and the scale of the firms operations and the local employment which it provides - matters which, again, can be weighed in the balance with the requirements of policy.

G The Authority is under an obligation in terms of Section 54A of the Town and Country Planning Act 1990 to determine the application in accordance with the policy unless material considerations indicate otherwise. Environmental improvements and economic well-being are, arguably, material considerations of consequence and therefore should be accorded their due weight.

H However, the emerging relevance of the South Holland 2000 Local Plan is also a factor to be taken into account and the question of the prematurity of the application in relation to the aims and objectives of the draft plan is also a matter for consideration.

RECOMMENDATION

A *That before the application is determined*

(i) The applicants existing site and the proposed site be inspected by the Plans Sub-Committee.

(ii) That the existing site's owner confirms a willingness to enter into a legal agreement for the cessation of its established use.

(iii) That the proposal is assessed in terms of whether or not the economic environmental benefits are sufficient justification to override the policies of the approved Structure Plan and the aims and objectives of the emerging draft South Holland 2000 Local Plan.

B *That if it is concluded that there is no overriding justification to depart from the approved policies permission be refused for the reasons as previously recommended.*

ADDENDUM II

Discussions have been undertaken with the applicant and the owners of the site from which the applicant currently operates his haulage business in Fleet Hargate.

The agent for the owners of the site, Messrs Henry Scott & Son Ltd., has indicated that his clients are agreeable to entering into a Section 106 Obligation providing for the cessation of the road haulage use of the site at Fleet Hargate. (The Committee will recall that at the meeting of the Planning Committee on 22 July, 1994, it was resolved that Outline planning permission be granted for the residential development of the site and that in addition the Authority would look favourably upon an application for light industrial development).

In view of this undertaking (and on the assumption that it will be confirmed in writing) economic and environmental benefits to be gained in securing the re-location of the applicants business whilst preserving the employment which it provides, there is considered to be a clear, demonstrable case for permitting the proposed development notwithstanding the provisions of the structure plan.

RECOMMENDATION

That the applicant be advised the Authority would be disposed to grant planning permission, contrary to Structure Plan Policy, if:-

A. A fresh application, incorporating the aforesaid amendments, was submitted.

B. A Section 106 Obligation was entered into between the Authority and Messrs Henry Scott & Son Ltd., providing for the cessation of the established use of road haulage at the premises of the latter at Fleet Hargate.

ADDENDUM III

Following the resolution of the Planning Sub-Committee on 4 July 1994 that a new application be invited incorporating agreed amendments and that a Section 106 Obligation be entered into to ensure the cessation of the established road haulage use and Fleet Hargate, as the basis for a grant of planning permission contrary to policy, approaches have been made to the applicant and the owners of the Road Haulage depot at Fleet Hargate to secure a new application and the necessary undertakings regarding the Section 106 Obligation.

However, despite requests, no new application has been forthcoming and whilst the owners of the road haulage depot have signified in writing their willingness to enter into a Section 106 Obligation this has been conditional upon outline planning provision for a Class B1 Use (Light Industrial) being granted in respect of the depot - a stipulation the Sub-Committee accepted in principle at its meeting on 4 July 1994. No application for outline permission has been forthcoming.

In the circumstances, therefore, it is considered that no further action in processing matters is warranted.

RECOMMENDATION

1 That a notice of Non-determination of this application be issued.

2 That the appliclants and the other interested parties be advised this action does not prejudice the submission of a new application together with an appropriate Section 106 Obligation as previously advised.

4th JULY 1994 PLANNING SUB-COMMITTEE PLANNING APPLICATIONS POST COMMITTEE INSTRUCTIONS

Application Number/ Applicant	Case Offr	Instructions/ Decision
H08/0684/93 Mr & Mrs H Hare	DJR	Grant permission subject to appropriate conditions and resolve not to pursue enforcement proceedings as Addendum III, recommendation B.
H05/0689/93 Temples Transport	JB	Authority disposed to grant planning permission subject to fresh application and section 106 obligation as recommended.
H16/0265/94 Macs Supermarkets	DJR	Deferred to main committee with recommendation of refusal. Discuss reasons for refusal with DPBCS but to include adverse effect on amenities of nearby hospice. Addendum to report to mention strategy for development with regards to a more appropriate site and give positive alternative site location. A review of the Development Brief will be required. - J Curnock to liaise with DPBCS.
H16/0327/94 Broadgate Homes	DJR	DPBCS Authorised subject to checking plots 9, 10 & 11 with regards to privacy and overlooking. Review screening requirements.
H09/0331/94 B S & R B Cole	DMG	DPBCS Authorised subject to retention of hedge and point of access moved towards buildings. Development not to be frontage but off link road. Discuss visibility requirements with highways.
H20/0472/94 Mr C Wright	DMG	Grant permission contrary to recommendation subject to appropriate conditions.

5th July 1994

Signed: _____

N Midlen
Principal Planning Officer
Development Control

APPLICATION REFERENCE: H05/0689/93 DATE RECEIVED: 21-JUL-93

TYPE: Full

DESCRIPTION: Change of use of agricultural land to haulage yard, including means of access

LOCATION: Land off Fleet Road, Fleet

APPLICANT: Temples Transport AGENT: Fleetland Design

SOUTH HOLLAND DISTRICT COUNCIL
REPORT TO PLANNING COMMITTEE
Date - 4 JUL 1994

REASON FOR COMMITTEE CONSIDERATION

Refusal recommended.

(It should be noted that this earlier recommendation has now been superseded by the latest recommendation at the conclusion of this report).

RECOMMENDATION

A. Refuse permission

1 In the opinion of the Local Planning Authority, the proposed development is contrary to Policies 18 and 19 of the Structure Plan which seek to limit industrial development in the countryside in the interests of environmental protection.

2 The Local Planning Authority is of the opinion the proposed development would be visually obtrusive and therefore detrimental to the visual amenities of this rural location.

3 Furthermore, the Local Planning Authority is of the opinion the proposed development would be prejudicial to the amenities of neighbouring residential properties by virtue of disturbance from noise and vibration, particularly from the passage of heavy lorries.

B. That the Director of Planning & Building Control Services' initiative in negotiating with the applicant for a revised form of development on the site which accords more fully with the provisions of the Draft District Plan be endorsed.

COMMENTS

1 The initial issue is whether circumstances warrant a departure from Structure Plan Policy i.e. whether the difficulties with the applicant's current depot at Fleet Hargate outweigh the landscape and residential amenity objections to its relocation on the application site in a site which has no natural screening.

2 However, a secondary issue, given the desirability of securing a relocation of the depot, is the fact that the Draft District Plan indicates that land partially within

the application site but principally behind the Anglia Motel and extending eastwards to Winslow Gate could be allocated for industrial use, including small road haulage businesses.

3 Whilst the operative policy is the Structure Plan which militates strongly against the acceptability of the proposed development, it has been considered there was an advantage in initiating discussions with the applicant to amend the current application to accord more fully with the Draft District Plan, although entirely without prejudice to the provisions of the plan in its final, adopted form.

4 These discussions have proceeded on the basis that the warehouse and workshop were positioned at the northern end of the site (the area within the current 'notation' on the Draft District Plan) and in such a way as to act a noisebuffer in respect of residential properties on Fleet Road; the southern part was largely landscaped and kept free from development; and access was entirely from the A17 road and not Fleet Road.

5 As part of these discussions, assurances are being sought from the applicant that should permission eventually be forthcoming for the relocation of the depot, the existing depot use at Fleet Hargate would be discontinued.

REPRESENTATIONS

Parish Council: No comment.

Environmental Services: This Department is continuing to receive complaints of noise and smoke nuisance from activities at the existing site and is in fact considering instigating formal action to remedy the problems.

The existing restricted site being surrounded by dwellings is totally unsuitable for such purposes and relocation to a more appropriate site would be of significant benefit to the village providing a more compatible use can be agreed for the site i.e. residential.

The proposed site is better situated but there are several dwellings close by and depending upon the degree of external activities and hours of operation substantial boundary screening and relevant conditions could be required.

Public: Objections from 3 nearby residents on following grounds:-

1 Loss of high quality agricultural land.
2 Totally unsuitable for rural location.
3 Disturbance from noise, dust vibration.
4 Hazards to road safety - conflicting traffic movements on Fleet Road.
5 Better alternative locations elsewhere.
6 Site insufficient for applicant's long term needs.
7 Devaluation of property.
8 Detrimental to image of South Holland.

Applicant:

1 Firm began 7 years ago in Fleet Hargate and currently has 12 vehicles distributing vegetables, flowers and fresh fruit from local farms. Also hauls to wholesale markets nationwide. Produce is 'broken down' into loads for distribution on site.

2 Currently employs 22 drivers and 2 office staff and operates from a third acre site on which is located a 180 sq. metres storage building. Operating hours are from 9 a.m. to 10 p.m.

3 Business has now outgrown site and lack of space inhibiting continued efficiency of the business. Acknowledges detrimental effect upon amenities of neighbouring property.

4 Application site would 'fulfil all the business requirements and would have little effect on its surroundings or environment'. It is well placed for access to A17.

5 Application site currently 'unused'.

6 90% of offloading/loading processes involved in the business will occur in proposed portal framed building of 1400 sq. metres. No proposals for any outside storage of goods or materials.

7 Embankment screening and landscaping to sites boundaries will 'obscure operations from Fleet Road and give good degree of security'.

8 A precedent has been set for relocation of haulage business - permission H11/1862/88 relating to relocation of haulage business from Tydd St Mary at Woodwards Lane in open countryside to the south of Long Sutton.

9 75% of Temple Transport workforce reside within a 5 mile radius of present depot in Fleet Hargate - relocation to application site would thus involve no hardship.

ADDENDUM I

A Following discussions with this Authority, the applicant has submitted amended plans which provide for an enlarged site; additional earth bunding to ensure greater noise attenuation; a resiting of the warehouse building to help shield the noise of heavy goods vehicles from neighbouring residential property to the south; a landscape area to the south of the warehouse building to help integrate the development into the landscape; and the retention of the proposed access onto Fleet Road.

B In the latter regard, the Department of Transport has indicated that it would not favour a new access from the site onto the A17 (trunk) road, although this view would appear to have been offered without prejudice to the Department of Transport's formal response on the South Holland 2000 Draft District Local Plan.

C The amendments significantly reduce the localised impact of the proposed development: the issue that remains is that of compliance with Structure Plan Policy.

D In this latter regard, two factors are of relevance - the removal of the existing depot from Fleet Hargate and the continued operation of the applicant's haulage business.

E Removal of the existing depot would be an environmental gain only on the basis of the cessation of that use (NB. an outline application H05/0095/94 has been submitted for residential development). If that cessation can be secured through a Section 106 Agreement (and the owner of the land has been approached to determine whether that cessation can be effected) the ensuing environmental gain can be weighed in the balance with the requirements of policy.

F A Public Inquiry is likely to be held into the appellants current application for a renewal of his licence to operate from the depot at Fleet Hargate - an application to which this Authority has objected, principally, on planning grounds. As the outcome is uncertain, the grant of permission for the proposed site would be of obvious benefit to the firm and an economic benefit to the area given the nature and the scale of the firms operations and the local employment which it provides - matters which, again, can be weighed in the balance with the requirements of policy.

G The Authority is under an obligation in terms of Section 54A of the Town and Country Planning Act 1990 to determine the application in accordance with the policy <u>unless</u> material considerations indicate otherwise. Environmental improvements and economic well-being are, arguably, material considerations of consequence and therefore should be accorded their due weight.

H However, the emerging relevance of the South Holland 2000 Local Plan is also a factor to be taken into account and the question of the prematurity of the application in relation to the aims and objectives of the draft plan is also a matter for consideration.

<u>RECOMMENDATION</u>

A That before the application is determined

(i) The applicants existing site and the proposed site be inspected by the Plans Sub-Committee.

(ii) That the existing site's owner confirms a willingness to enter into a legal agreement for the cessation of its established use.

(iii) That the proposal is assessed in terms of whether or not the economic environmental benefits are sufficient justification to override the policies of the approved Structure Plan and the aims and objectives of the emerging draft South Holland 2000 Local Plan.

B That if it is concluded that there is no overriding justification to depart from the approved policies permission be refused for the reasons as previously recommended.

ADDENDUM II

Discussions have been undertaken with the applicant and the owners of the site from which the applicant currently operates his haulage business in Fleet Hargate.

The agent for the owners of the site, Messrs Henry Scott & Son Ltd., has indicated that his clients are agreeable to entering into a Section 106 Obligation providing for the cessation of the road haulage use of the site at Fleet Hargate. (The Committee will recall that at the meeting of the Planning Committee on 22 July, 1994, it was resolved that Outline planning permission be granted for the residential development of the site and that in addition the Authority would look favourably upon an application for light industrial development).

In view of this undertaking (and on the assumption that it will be confirmed in writing) economic and environmental benefits to be gained in securing the re-location of the applicants business whilst preserving the employment which it provides, there is considered to be a clear, demonstrable case for permitting the proposed development notwithstanding the provisions of the structure plan.

RECOMMENDATION

That the applicant be advised the Authority would be disposed to grant planning permission, contrary to Structure Plan Policy, if:-

A. A fresh application, incorporating the aforesaid amendments, was submitted.

B. A Section 106 Obligation was entered into between the Authority and Messrs Henry Scott & Son Ltd., providing for the cessation of the established use of road haulage at the premises of the latter at Fleet Hargate.

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431. PLANNING APPLICATIONS (Continued)

(a) Recommendation to Planning Committee (Continued)

(The Director of Planning and Building Control Services reported that 22 further letters of objection had been received in relation to the above application.)

(b) Determinations Following Site Inspections

The following applications were determined as indicated following an inspection of each site:-

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

RESOLVED: The Director of Planning and Building Control Services be authorised to grant planning permission in respect of the above development, in accordance with his recommendations, subject to appropriate conditions including (i) satisfactory negotiations regarding the siting of plots 9, 10 and 11 and (ii) to ensure that the detailed requirements for the screening of the common boundary to the adjoining site H16/0265/94 are appropriate to the development as proposed.

(Councillor A E Naylor left the meeting during consideration of the above application.)

H09/0331/94 B S & R B Cole	O.A.	Residential development, including means of access and demolition of existing dwelling at Battlefields Farm, Battlefields Lane, Holbeach.

RESOLVED: That the Director of Planning and Building Control Services be authorised to negotiate improvements with the applicants and the local highways authority for the relocation of the access onto Battlefields Lane in order to retain as much as possible of the existing hedgerow but subject to no frontage development being permitted, and if successful, grant planning permission in accordance with his recommendation.

H20/0472/94 Mr C Wright	House at Plot 1, Drawdyke, Sutton St James.

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 and the Director be asked to discuss with the applicant the possibility of combining plots 3 and 4 so that development on these plots will be in keeping with this development.

(c) Other Planning Applications Referred to the Sub-Committee for Determination

The following applications, which had previously been referred to the Sub-Committee for consideration, were determined as indicated:-

H05/0689/93 Temples Transport	Change of use of agricultural land to haulage yard including means of access on land off Fleet Road, Fleet.

431. PLANNING APPLICATIONS (Continued)

(c) Other Planning Applications Referred to the Sub-Committee for Determination (Continued)

RESOLVED: Subject to (i) a new planning application incorporating amendments as detailed in the Director of Planning and Building Control Services' report and (ii) the applicant first entering into a planning obligation under the provisions of Section 106 of the Town and Country Planning Act 1990 to ensure the cessation of the established use of road haulage at the premises from which the applicant currently operates his haulage business in Fleet Hargate, the Director of Planning and Building Control Services be authorised to grant planning permission for the above development, contrary to structure plan policy.

H08/0684/93 Mr and Mrs H Hare	Continuation of use for siting a mobile home adjacent to Woodlands Cottage, Boston Road, Gosberton.

RESOLVED: That planning permission be granted in accordance with the option detailed at paragraph 3B of Addendum III to the report of the Director of Planning and Building Control Services.

(O.A. denotes outline application).

(End of Minutes)

29th MARCH 1995 PLANNING COMMITTEE
PLANNING APPLICATIONS - POST COMMITTEE INSTRUCTIONS

Page No	Application Number	Case Offr	Instructions/ Decision
1	H03/0082/92 Abbey Life H03/0193/92 Scottish Life	PJU	Grant subject to for detailed alterations to conditions. See DJR.
3	H05/0689/93 Temples Transport	JB	Non-Determined and applicants and interested parties advised as recommended.
9	H11/1106/94 Patterns Tpt	DMG	Grant certificate as recommended.
9	H11/0203/95 Patterns Tpt	DMG	DPBCS authorised as recommended plus additional condition requiring bund to be extended southwards in accordance with a scheme to be submitted and approved by the LPA.
13	H13/1154/94 Broadgate Bldrs	JB	Deferred for further report to cttee. Meeting to be arranged between English Heritage/DoE (if required), Consultant Architect, Applicant/Agent & Longhurst Housing but NOT owner to discuss possibility of achieving an acceptable scheme or whether concept of this type of development would be wrong and there would be not point in pursuing the matter further. Any new scheme would require a new planning application. Request extension of time until June 95 and advise owner of Mill accordingly. Amendments to Page 14: Amend last word at line 3 of paragraph 5 to read "suggested". Amend Recommendation A 1, second paragraph, line 2 to read "Grade I Listed" Amendment to Page 15: Amend wording of Recommendation C to read: "That the present owner of Moulton Mill be advised that the District Council will continue to support in principle the endeavours to secure the future of Moulton Mill.
16	H16/1196/94 Broadgate Bldrs		Deferred to report back to cttee an assessment of the public representations received by members of the committee which were not copied to the council. Letter to Cllrs Brewis, Hall-Patch & West requesting copies of any representations they have received. Following points to be incorporated in report to cttee: 1. Public consults on devl brief. When consult took place and when minute approved. 2. Clarify consult with Rail Track (any previous history of consultation re devl brief) - Does the issue of cycleway impinge on Rail Tracks interest. 3. FESA. History of development - deemed not to be change of use. Dates of public record, when accepted etc. What would happen to sterilized ground around FESA? Ltr asking what their intentions are for future occupancy of site. 4. Water supply issues to be made plain. 5. Schedule of conditions required. 6. Details of how barrier buildings are to be built required. Use of FESA land as open space to be suggested. Request 3 month extension of time. Amend Consult on Page 21 to read "Rail Track"

23	H16/1197/94 DJR Broadgate Bldrs	DPBCS Auth subject to sect 278 agreement as recommended. DJR to check conditions.
25	H12/0919/93 JB Mountains Road Haulage	Refuse permission and re-issue H12/1111/85 as recommended. Decision notice to be checked by case officer and NRM before being issued.
32	H12/0047/95 JB Mountains Road Haulage	DPBCS Auth subject to sect 106 obligation as recommended.
37	H12/1036/93 JB Mountains Road Haulage	Grant as recommended. Decision notice to be checked by case officer and NRM before being issued.
39	H12/0938/93 JB Mountains Road Haulage	Grant as recommended. Decision notice to be checked by case officer and NRN before being issued.
41	H12/0860/93 DMG Mountains Road Haulage	Grant as recommended. Decision notice to be checked by case officer and NRM before being issued.
45	H23/1220/94 JB Mr M Waltham	Deferred for site visit. Permission to enter site required.
48	H23/1221/94 JB Mr M Waltham	Deferred for site visit. Permission to enter site required.
51	H09/1225/94 JB J B Mayes	Deferred for site visit. Permission to enter no's 8 & 10 Ash Court required.
55	H06/1226/94 DMG P Johnston	Grant as recommended.
57	H09/1229/94 DMG Mr P J York	Refused plus enforcement action/breach of condition notice as recommended.
59	H18/0009/95 JB ALIH Farms Ltd	DPBCS Auth subject to sect 106 obligation as recommended.
62	H11/0018/95 JB Dunns Ltd	Grant as recommended.
64	H11/0020/95 JB Dunns Ltd	DPBCS Auth subject to sect 278 agreement and sect 106 obligation as recommended.
67	H18/0056/95 JB L E Day	Grant as recommended.
69	H05/0069/95 JB Regalbourne Ltd	Deferred for further negotiations to obtain a smaller bungalow on the Eastern plot.
70	H09/0089/95 DMG Mr & Mrs Neal	Grant as recommended.
72	H16/0096/95 DJR Mrs T Leverton	Refused as recommended.
73	H08/0101/95 DJR R Jolley	DPBCS Auth as recommended.

75	H11/0108/95 Proctor Bros	JB	Grant as recommended. Amend location to read "Long Sutton".
77	H02/0137/95 J B Eastwood	DJR	Grant as recommended plus additional condition re archaeological watching brief. Check condition 9 relates to correct wall.
80	H09/0141/95 J Taylor Esq	DMG	Grant as recommended.

Date: 30th Mar 95

Signed: .....

N R Midlen
Principal Planning Officer
Development Control

st MARCH 1994 PLANNING SUB-COMMITTEE PLANNING APPLICATIONS
POST COMMITTEE INSTRUCTIONS

Application Number/ Applicant	Case Offr	Instructions/ Decision
H05/0689/93 Temples Transport	JB	Deferred. Require suitable draft legal agreement with owner of land at Fleet Hargate with carefull consideration being given to timing of cease of use and vacation of premises. Members accept that the removal of haulage yard gives sufficient environmental gain to outweigh planning policy and have indicated their clear preference for residential development on the village site and general support for the new green-field site development as detailed in latest scheme.
H13/1093/93 D G M Properties Ltd	JB	Refused as recommended. (N.B. Any new proposal to re-position the dwelling on the site must be a new application.)
H21/1115/93 B D Groves Transport	JB	Refused as recommended.
H17/0013/94 Exors of E M Skells	PJU	Refused as recommended. (N.B. Sub-Cttee did not rule out possibility of a suitably designed dwelling on the site i.e full application, in view of planning ~~limits~~ history)
H09/0123/94 Mr & Mrs Goodley	DMG	Grant contrary to recommendation and subject to appropriate conditions. Members regarded development as suitable infilling.

24th March 1994

Signed: _____
Deputy Director of Planning
and Building Control Services

Minutes of a meeting of the **PLANS SUB-COMMITTEE** held in Meeting Room 1, Council Offices, Priory Road, Spalding on Monday, 21st March, 1994.

PRESENT

Councillors:

Mr. B. Alcock - Chairman

Mr. J.R. Pearl	Mr. J.A. Dobney	Mr. W.D. Skells
Mrs. P.J. Buffham	Mrs. E.O. Hall-Patch	Mr. T.G.M. Tyler
Mr. J. Clark	Mr. N.P. Judge, M.B.E	Mr. R.C. West
Mrs. D.F. Davies	Mr. A.E. Naylor	Mr. M.C. White

The Deputy Director of Planning and Building Control Services, the Deputy Director of Environmental Services and the Principal Committee Officer.

In attendance: The Press.

Apologies for absence were received from or on behalf of Councillors T. Bray, C.J.T.H. Brewis, E.N. Davies, J.T. Davis and M.S.L. Rollinson.

164. MINUTES

The Minutes of the meeting held on 28th February, 1994 were signed by the Chairman as a correct record.

165. PLANNING APPLICATIONS

The following applications were determined as indicated following an inspection of each site:-

Plan No. & Applicant		Proposal
H21/1115/93 B.D. Groves Transport	O.A.	Dwelling and use of land for goods vehicle operation at Whitecross Farm, Sutton St James.

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

H05/0689/93 Temples Transport	Change of use of agricultural land to haulage yard including means of access at land off Fleet Road, Fleet.

RESOLVED: Consideration of the above application be deferred to enable the Director of Planning and Building Control Services to negotiate with the applicant on the basis that the proposals are acceptable in principle subject to the applicant's existing site at Fleet Hargate ceasing to be used as a haulage yard and an application for a more compatible use thereof (e.g. residential) being submitted, and a further report be submitted to a future meeting on the outcome of those deliberations.

H13/1093/93 DGM Properties Limited	Bungalow and garage at Plot 2, The Sidings, off Station Road, Moulton.

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

08th MARCH 1994 PLANNING COMMITTEE
PLANNING APPLICATIONS - POST COMMITTEE INSTRUCTIONS

Page No	Application Number	Case Offr	Instructions/ Decision
1	H03/0637/93 Mr P Coupland	DJR	Deferred to allow Cttee Members to visit Kimbolton Kart Track, possibly in April, before inspecting site. Application to be determined by full cttee. Meeting arranged for Fri 11 Mar between DPBCS/DDPBCS/NRM/Case Offr & Env Svcs to discuss matter. Specialist advice to be sought with a view to requirements for achieving creativity as well as acoustic protective measures. A New, less detailed, report required with more emphasis on visual information. Policy on restoration of land to be considered.
15	H05/0689/93 Temples Transport	JB	Deferred for site visit as recommended.
20	H06/1085/93 Messrs R & D Wright	JB	Grant as recommended.
22	H16/1092/93 Mrs J E Sampson	DMG	Grant as recommended.
24	H13/1093/93 DGM Properties	JB	Deferred for site visit.
25	H06/1118/93 Mr & Mrs C Warboys	JB	Refused as recommended.
27	H16/1123/93 E Loveridge esq	DMG	DPBCS Auth to Refuse as recommended.
29	H11/1126/93 Mr & Mrs Clifton	DMG	DPBCS Auth subject to sect 106 obligation.
32	H08/1192/93 St Gilbert and St Hugh's Church	PJU	Refused as recommended. Amend line 4 of refusal reason to read "development as submitted".
34	H08/1204/93 Mr B Ibbotson	PJU	Refused as recommended.
35	H02/1205/93 Mr P Staniforth	PJU	Refused as recommended. Case Officer to offer meeting if required.
37	H17/0013/94 L.C.C.	PJU	Deferred for site visit.
38	H09/0017/94 Mr R Stokes	DMG	Grant as recommended.
39	H14/0033/94 Mr J G Sneath	PJU	Refused as recommended.
41	H19/0043/94 Mr & Mrs Markillie	DMG	Deferred. Check ownership of existing access. Additional photo highlighting restricted visibility required.

42	H17/0044/94 M M Daniels	PJU	Grant as recommended.
44	H23/0046/94 Mr C Mitchell	DMG	Refused as recommended.
46	H16/0052/94 S.H.D.C.	DJR	Grant as recommended.
47	H08/0058/94 Rigbolt Farms Ltd	PJU	Deferred for site visit. Meeting to be held with applicant before arranging site visit to discuss future of barns.
48	H16/0068/94 Kings Quality Homes	DMG	DPBCS auth subject to exchange of houses for bungalows within the overall layout of plot.
50	H09/0077/94 Kings Quality Homes	DMG	Grant as recommended.
51	H18/0093/94 Regalbourne Ltd	DMG	Grant as recommended.
53	H08/0101/94 G P Meads	PJU	Refused as recommended.
55	H16/0109/94 British Rail	DJR	Grant subject to DoE approval as recommended.
57	H09/0123/94 Mr & Mrs Goodley	DMG	Deferred for site visit.

09th Mar 94

Signed: .....

N Midlen
Principal Planning Officer

APPLICATION REFERENCE: H05/0689/93 DATE RECEIVED: 21-JUL-93

TYPE: Full

DESCRIPTION: Change of use of agricultural land to haulage yard, including means of access

LOCATION: Land off Fleet Road, Fleet

APPLICANT: Temples Transport AGENT: Fleetland Design

REASON FOR COMMITTEE CONSIDERATION

Refusal recommended.

SOUTH HOLLAND DISTRICT COUNCIL
REPORT TO PLANNING COMMITTEE
Date - 8 MAR 1994

RECOMMENDATION

A. *Refuse permission*

1 *In the opinion of the Local Planning Authority, the proposed development is contrary to Policies 18 and 19 of the Structure Plan which seek to limit industrial development in the countryside in the interests of environmental protection.*

2 *The Local Planning Authority is of the opinion the proposed development would be visually obtrusive and therefore detrimental to the visual amenities of this rural location.*

3 *Furthermore, the Local Planning Authority is of the opinion the proposed development would be prejudicial to the amenities of neighbouring residential properties by virtue of disturbance from noise and vibration, particularly from the passage of heavy lorries.*

B. *That the Director of Planning & Building Control Services' initiative in negotiating with the applicant for a revised form of development on the site which accords more fully with the provisions of the Draft District Plan be endorsed.*

COMMENTS

1 The initial issue is whether circumstances warrant a departure from Structure Plan Policy i.e. whether the difficulties with the applicant's current depot at Fleet Hargate outweigh the landscape and residential amenity objections to its relocation on the application site in a site which has no natural screening.

2 However, a secondary issue, given the desirability of securing a relocation of the depot, is the fact that the Draft District Plan indicates that land partially within the application site but principally behind the Anglia Motel and extending eastwards to Winslow Gate could be allocated for industrial use, including small road haulage businesses.

3 Whilst the operative policy is the Structure Plan which militates strongly against the acceptability of the proposed development, it has been considered there was an advantage in initiating discussions with the applicant to amend the current application to accord more fully with the Draft District Plan, although entirely without prejudice to the provisions of the plan in its final, adopted form.

4 These discussions have proceeded on the basis that the warehouse and workshop were positioned at the northern end of the site (the area within the current 'notation' on the Draft District Plan) and in such a way as to act a noisebuffer in respect of residential properties on Fleet Road; the southern part was largely landscaped and kept free from development; and access was entirely from the A17 road and not Fleet Road.

5 As part of these discussions, assurances are being sought from the applicant that should permission eventually be forthcoming for the relocation of the depot, the existing depot use at Fleet Hargate would be discontinued.

REPRESENTATIONS

Parish Council: No comment.

Environmental Services: This Department is continuing to receive complaints of noise and smoke nuisance from activities at the existing site and is in fact considering instigating formal action to remedy the problems.

The existing restricted site being surrounded by dwellings is totally unsuitable for such purposes and relocation to a more appropriate site would be of significant benefit to the village providing a more compatible use can be agreed for the site i.e. residential.

The proposed site is better situated but there are several dwellings close by and depending upon the degree of external activities and hours of operation substantial boundary screening and relevant conditions could be required.

Public: Objections from 3 nearby residents on following grounds:-

1 Loss of high quality agricultural land.
2 Totally unsuitable for rural location.
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4 Hazards to road safety - conflicting traffic movements on Fleet Road.
5 Better alternative locations elsewhere.
6 Site insufficient for applicant's long term needs.
7 Devaluation of property.
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Applicant:

1 Firm began 7 years ago in Fleet Hargate and currently has 12 vehicles distributing vegetables, flowers and fresh fruit from local farms. Also hauls to wholesale markets nationwide. Produce is 'broken down' into loads for distribution on site.

2 Currently employs 22 drivers and 2 office staff and operates from a third acre site on which is located a 180 sq. metres storage building. Operating hours are from 9 a.m. to 10 p.m.

3 Business has now outgrown site and lack of space inhibiting continued efficiency of the business. Acknowledges detrimental effect upon amenities of neighbouring property.

4 Application site would 'fulfil all the business requirements and would have little effect on its surroundings or environment'. It is well placed for access to A17.

5 Application site currently 'unused'.

6 90% of offloading/loading processes involved in the business will occur in proposed portal framed building of 1400 sq. metres. No proposals for any outside storage of goods or materials.

7 Embankment screening and landscaping to sites boundaries will 'obscure operations from Fleet Road and give good degree of security'.

8 A precedent has been set for relocation of haulage business - permission H11/1862/88 relating to relocation of haulage business from Tydd St Mary at Woodwards Lane in open countryside to the south of Long Sutton.

9 75% of Temple Transport workforce reside within a 5 mile radius of present depot in Fleet Hargate - relocation to application site would thus involve no hardship.

ADDENDUM

A Following discussions with this Authority, the applicant has submitted amended plans which provide for an enlarged site; additional earth bunding to ensure greater noise attenuation; a resiting of the warehouse building to help shield the noise of heavy goods vehicles from neighbouring residential property to the south; a landscape area to the south of the warehouse building to help integrate the development into the landscape; and the retention of the proposed access onto Fleet Road.

B In the latter regard, the Department of Transport has indicated that it would not favour a new access from the site onto the A17 (trunk) road, although this view would appear to have been offered without prejudice to the Department of Transport's formal response on the South Holland 2000 Draft District Local Plan.

C The amendments significantly reduce the localised impact of the proposed development: the issue that remains is that of compliance with Structure Plan Policy.

D In this latter regard, two factors are of relevance - the removal of the existing depot from Fleet Hargate and the continued operation of the applicant's haulage business.

E Removal of the existing depot would be an environmental gain only on the basis of the cessation of that use (NB. an outline application H05/0095/94 has been submitted for residential development). If that cessation can be secured through a Section 106 Agreement (and the owner of the land has been approached to determine whether that cessation can be effected) the ensuing environmental gain can be weighed in the balance with the requirements of policy.

F A Public Inquiry is likely to be held into the appellants current application for a renewal of his licence to operate from the depot at Fleet Hargate - an application to which this Authority has objected, principally, on planning grounds. As the outcome is uncertain, the grant of permission for the proposed site would be of obvious benefit to the firm and an economic benefit to the area given the nature and the scale of the firms operations and the local employment which it provides - matters which, again, can be weighed in the balance with the requirements of policy.

G The Authority is under an obligation in terms of Section 54A of the Town and Country Planning Act 1990 to determine the application in accordance with the policy <u>unless</u> material considerations indicate otherwise. Environmental improvements and economic well-being are, arguably, material considerations of consequence and therefore should be accorded their due weight.

H However, the emerging relevance of the South Holland 2000 Local Plan is also a factor to be taken into account and the question of the prematurity of the application in relation to the aims and objectives of the draft plan is also a matter for consideration.

<u>RECOMMENDATION</u>

A That before the application is determined

(i) The applicants existing site and the proposed site be inspected by the Plans Sub-Committee.

(ii) That the existing site's owner confirms a willingness to enter into a legal agreement for the cessation of its established use.

(iii) *That the proposal is assessed in terms of whether or not the economic environmental benefits are sufficient justification to override the policies of the approved Structure Plan and the aims and objectives of the emerging draft South Holland 2000 Local Plan.*

B *That if it is concluded that there is no overriding justification to depart from the approved policies permission be refused for the reasons as previously recommended.*

PLANNING COMMITTEE - 8th March 1994

136. PLANNING APPLICATIONS

(b) Applications Refused (Continued)

(It was also agreed that the Director of Planning and Building Control Services invite the applicant to discuss the development possibilities for the site.)

Plan No. and Applicant		Proposal
H14/0033/94 Mr J G Sneath		Convert and extend stables building to residential accommodation at Money Bridge, West Pinchbeck.
H23/0046/94 Mr C Mitchell	O.A.	Dwelling at 51 Roman Bank, Saracens Head.
H08/0101/94 G P Meads		Bungalow and garage at rear of 15-19 Quadring Road, Gosberton.

(c) Applications Deferred

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

Plan No. and Applicant	Proposal
H03/0637/93 Mr P Coupland	Construction of kart racing track including ancillary buildings, landscaping and access requirements at Welland Bank, Deeping St Nicholas.

(To enable officers to make arrangements for members of the Planning Committee to visit a similar kart racing track in operation at Kimbolton, near Huntingdon and to inspect the application site.)

(It was resolved that the application should be determined subsequently by the Planning Committee and that the Director of Planning and Building Control Services report should include appropriate conditions which might be imposed if the Committee were minded to grant planning permission.)

(Councillor J T Davis left the meeting after consideration of this application.)

H05/0689/93 Temples Transport	Change of use of agricultural land to haulage yard, including means of access on land off Fleet road, Fleet.

(Pending site inspections of the applicants existing and this proposed site to assess the suitability of the current proposal.)

H13/1093/93 DGM Properties Ltd	Bungalow and garage at Plot 2, The Sidings, off Station Road, Moulton.

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

H17/0013/94 Exors of E M Skells Deceased	O.A.	Residential development adjacent 10 Coalbeach Lane, Surfleet.

17th NOVEMBER 1993 PLANNING COMMITTEE
PLANNING APPLICATIONS - POST COMMITTEE INSTRUCTIONS

Page No	Application Number	Case Offr	Instructions/ Decision
1	H13/0109/93 J T Biggadike	NRM	Sub-Committee minutes accepted as accurate as recommended. Meeting arranged for 1130am on 6 Dec between Cllr Alcock, DPBCS, Dr D Gyte, and applicant/agent. Mrs Kerr and NRM to attend if available.
5	H09/0483/93 Mr Allard	JB	Grant as recommended.
7	H05/0689/93 Temples Transport	JB	Deferred for negotiations as recommendation B.
10	H16/0700/93 Allison Homes	DJR	Deferred for Site Visit.
12	H14/0701/93 Mr J E Nickols	PJU	Mindfull to Grant. Back to committee with conditions. Only data block and conditions required on report.
17	H14/0712/93 D J Fisher	PJU	Deferred to allow us to explore widening of conditional relationship. Ltr required from lending institute to explain why applicant turned down. Applicant to supply additional information regarding valuation then back to district valuer for assessment.
19	H16/0715/93 British Railways Board	DJR	DBPCS Authorised as recommended. Meeting arranged for 2.15pm on 6 Dec between DPBCS, RJS, JC, Chris Briggs and DJR to discuss matter. NRM to attend if available.
21	H23/0749/93 Mr T Harris	JB	Grant as recommended.
23	H09/0844/93 Kings Quality Homes	JB	Grant as recommended. Add note to decision notice drawing attention to condition on previous application ref time scale.
24	H09/0850/93 Mr N Revill	JB	Grant as recommended.
26	H09/0916/93 Mr N Revill	JB	Grant as recommended.
27	H06/0861/93 Messrs R & D Wright	DMG	DPBCS Auth subject to section 106 agreement against recommendation.
30	H09/0865/93 He & Croft	JB	Deferred to sub-committee as recommendation A. Back to full committee for decision.
35	H11/0869/93 Land and Buildings Consultancy	DMG	Refused as recommended.
37	H23/0880/93 P G & C L Frith	DMG	Deferred for site visit.

39	11/0896/93 Cowpers Gate Devl	JB	Grant as recommended.
41	H05/0901/93 Mr D J Lynn	JB	Deferred for site visit.
43	H01/0910/93 Mr & Mrs S W Sewell	DJR	Deferred for site visit. Obtain confirmation of location of sewer.
44	H05/0911/93 Mr W Jordan	JB	Refused as recommended.
47	H23/0915/93 Laburnahm Estates	DMG	Deferred for site visit.
49	H09/0918/93 R English esq	DMG	Deferred for site visit.
51	H01/0958/93 B Johnson	PJU	Deferred for site visit. Addendum to report required outlining late comments from applicant and our response.
53	H02/0993/93 Miss P Steele	PJU	Deferred for site visit.

19th Nov 93

Signed: .....

N Midlen
Principal Planning Officer

APPLICATION REFERENCE: H05/0689/93 DATE RECEIVED: 21-JUL-93

TYPE: Full

DESCRIPTION: Change of use of agricultural land to haulage yard, including means of access

LOCATION: Land off Fleet Road, Fleet

APPLICANT: Temples Transport AGENT: Fleetland Design

REASON FOR COMMITTEE CONSIDERATION

Refusal recommended.

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

RECOMMENDATION

A. Refuse permission

1 In the opinion of the Local Planning Authority, the proposed development is contrary to Policies 18 and 19 of the Structure Plan which seek to limit industrial development in the countryside in the interests of environmental protection.

2 The Local Planning Authority is of the opinion the proposed development would be visually obtrusive and therefore detrimental to the visual amenities of this rural location.

3 Furthermore, the Local Planning Authority is of the opinion the proposed development would be prejudicial to the amenities of neighbouring residential properties by virtue of disturbance from noise and vibration, particularly from the passage of heavy lorries.

B. That the Director of Planning & Building Control Services' initiative in negotiating with the applicant for a revised form of development on the site which accords more fully with the provisions of the Draft District Plan be endorsed.

COMMENTS

1 The initial issue is whether circumstances warrant a departure from Structure Plan Policy i.e. whether the difficulties with the applicant's current depot at Fleet Hargate outweigh the landscape and residential amenity objections to its relocation on the application site in a site which has no natural screening.

2 However, a secondary issue, given the desirability of securing a relocation of the depot, is the fact that the Draft District Plan indicates that land partially within the application site but principally behind the Anglia Motel and extending eastwards to Winslow Gate could be allocated for industrial use, including small road haulage businesses.

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REPRESENTATIONS

Parish Council: No comment.

Environmental Services: This Department is continuing to receive complaints of noise and smoke nuisance from activities at the existing site and is in fact considering instigating formal action to remedy the problems.

The existing restricted site being surrounded by dwellings is totally unsuitable for such purposes and relocation to a more appropriate site would be of significant benefit to the village providing a more compatible use can be agreed for the site i.e. residential.

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9 75% of Temple Transport workforce reside within a 5 mile radius of present depot in Fleet Hargate - relocation to application site would thus involve no hardship.

BRIAN TH 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

H05/0689/93
FULL

Applicant: Temples Transport — Agent: Fleetland Design
Tel:

Description: Change of use of agricultural land to haulage yard including means of access.

Location: Land off Fleet Road
Fleet
Spalding
Lincs

Valid date:	21-JUL-93	Terminal date:	15-SEP-93
Target dates:		Target Committee:	14-SEP-93
To case officer	28-JUL-93	Report deadline:	31-AUG-93
Inspected by	04-AUG-93		
Extra contacts	11-AUG-93	Case Officer:	
Report if not clear by 25-AUG-93		~~D M GEDNEY~~ S. Hasellock	

DEVELOPMENT/CONSTRAINTS

Size: .79 HA
Category: Change of use only
Listed building: Other Constraints:
Conservation Area:

CONSULTATIONS CARRIED OUT

		Sent	Expiry
Site/Press Advert DEP		06-AUG-93	27-AUG-93 ✓
Department of Transp	0602 476121	30-JUL-93	13-AUG-93
Clerk to Fleet PC	Holbeach 26739	30-JUL-93	13-AUG-93
Dir of Environmental		30-JUL-93	13-AUG-93
Cllr B A Paul	0406 23100	30-JUL-93	06-AUG-93

SITE RECORD

Grid ref: 539470 324940
OS Sheet: 171 Parcel:

A C C - Obs Attached for CS 5/8/93

MRS SAL WALTHAM BA (Hons) F.C.I.H. Director of Housing & Planning Services

Housing & Planning Services Department
Council Offices,
Priory Road, Spalding,
Lincolnshire. PE11 2XE

Telephone: (01775) 761161
Fax: (01775) 710772

SOUTH HOLLAND DISTRICT COUNCIL
HOUSING & PLANNING SERVICES DEPARTMENT

Application no: H05/0689/93

Applicant: Temples Transport
"The Bowling Green"
Old Main Road
Fleet Hargate
Spalding Lincs

Agent: Fleetland Design
Myrtle House
Fleet Hargate
Spalding
Lincs

Description: Change of use of agricultural land to haulage yard including means of access.
Location: Land off Fleet Road Fleet
Spalding Lincs

Type: FULL

21-APR-95

Dear Sir/Madam,

PLANNING APPLICATION

You wrote to the Council concerning the above proposal, and I can now advise you that the application has been withdrawn and no further action will therefore be taken on it. Thank you for your interest.

Yours faithfully
Mrs S A Waltham
Director of Housing and Planning Services

① Warren Consultants - Agents
Ref FWH/TU/33/0533/C
3 The Meadow
St Ives
Cambs. PE17 4LG

② Mr R Britton
148 Fleet Road
Holbeach

③ Mr & Mrs R Stevenson
150 Fleet Road
Fleet

④ Mr & Mrs French
Silverton
3 Parklands
Fleet Hargate

⑤ Mrs M Halgarth
The Limes
Fleet

S.H.D.C. PLANNING DEPT.
RECEIVED
17 NOV 1993 56
DPO DCM
DCPC DS
ACP
17/11 dtee

WARREN

TOWN PLANNING
& DEVELOPMENT
CONSULTANTS

Cromwell House
3 The Meadow
St Ives
Cambs
PE17 4LG
Telephone (0480) 496966
Facsimile (0480) 494292

RWH/TU/33/0533/C

Your Ref: H05/0689/93

16 November 1993

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

BY FAX AND POST: **To be submitted to the Planning Committee of 17 November 1993 for consideration**

Dear Sir

Land off Fleet Road, Fleet
Change of use of agricultural land to haulage yard, including means of access

My Clients, Mr and Mrs Carter, who manage a legitimate haulage business in Station Yard on the south side of Fleet Hargate are extremely concerned that they had not been notified of the above planning application.

My Clients object most strongly to this planning application as it clearly represents a proposal to develop a "green field" site which is in direct conflict with Policies 18 and 19 of the Structure Plan. These policies seek to limit industrial development proposals in the countryside. Furthermore, the proposal would be visually obtrusive in an exposed location.

My Clients are of the opinion that the intensive nature of the proposal to concentrate hauliers in this location would have serious consequences for the occupiers of the adjoining residential properties due to noise, vibration and general disturbance generated by heavy vehicles as well as pollution and loss of residential privacy.

An important issue which must be clarified is that the "South Holland 2000" Consultation document has been produced to allow representations to be submitted to the local planning authority from the public, and it is therefore considered appropriate that the wider issues involved with the Temples Transport proposal be discussed logically through the Local Plan process. Presently, we

Offices also at
Swindon
London
Cardiff

PARTNERS
K.J. Chapman BSc(Hons) Dip TP(Dist) MRTPI MBIM
G.E. Warren MA FRICS MRTPI
M.E. Dobson MA M Phil MRTPI ARICS
S.H. Bawtree Dip TP MRTPI
D.J. Ball BSc(Hons) Dip TP MRTPI ARICS
S.W. Chadwick BSc(Hons) ARICS
R. Gillespie BA(Hons) MRTPI
L. Powell BSc(Hons) DipTP MRTPI FRSA
C.J. Simkins BA(Hons) MRTPI
M.J. Smith DipGT
N.P. Taylor MA FRTPI ARICS
M.C. Wood BA(Hons) BTP MSc MRTPI MCIT

are still within the Consultation stage and it would therefore be clearly inappropriate to approve this application at this early stage without reference to public representations. In this respect, it is considered that the application is both premature and prejudicial to the Local Plan in the context of Fleet Hargate and should therefore be refused.

My Clients, having not been notified of the application would be grateful if you would read the above comments to the Committee for their consideration.

Yours faithfully

ROB HOPWOOD
PROJECT MANAGER

[redacted]

OBJECTION

H05/689/93

MR & MRS B J FREEMAN
"SILVERTON"
3 PARKLANDS
FLEET HARGATE
SPALDING
LINCS PE12 8NU

MR. MACKRORY "TEMPEST" APPLICATION

LATE OBS: ON ... 9/11

SIR, SEVERAL DAYS AFTER SEVERN

DAYS FOR US TO GET BACK TO YOU, BUT WE HAVE BEEN AWAY. WE CAN ASSURE YOU IT'S NOT DUE TO THE LACK OF INTEREST CONCERNING THE ABOVE MATTER.

REFER TO OUR CONVERSATION IN OCTOBER WITH YOU AT SPALDING COUNCIL OFFICES, AS YOU REQUESTED WE ARE WRITING TO YOU BECAUSE OF THE POSSIBLE MOVE OF THE ABOVE MENTIONED CONTRACTOR, TO THE NEW PROPOSED SITE ALONG FLEET ROAD.

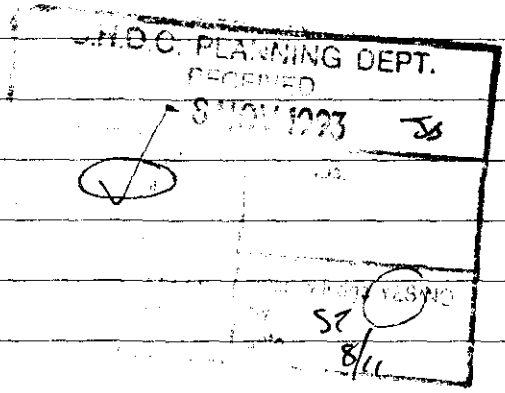
WITH THE VOLUME OF HGV LORRIES USING THIS SECTION OF ROAD TO GET ONTO THE A17 TRUNK ROAD IT'S GOING TO CAUSE MANY PROBLEMS FOR THE PEOPLE LIVING IN THE AREA.

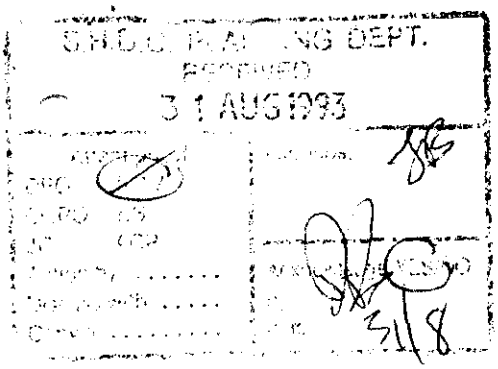
With MK Templers new site
He is hoping to have a cold
storage warehouse, which in turn
will mean larger units, i.e
trailers with chiller units
fitted, they will become a
nuisance with the freezer
units running, i.e noise wise.
Our bungalow shakes now
when HGV's pass by. With this
new proposal of templers, with
his lorries turning onto an
already narrow road, and also
near a bend, we feel this will
cause even more problems.
Please keep us informed
as to what is going to happen
regards the proposed move
and if possible we would like
to attend any meetings we
feel the new proposed site
would be idyll, provided the

MAIN ENTRANCE AND EXITS ARE
ON TO THE A17.

THANK YOU VERY MUCH.
FOR YOU TIME REGARDING THIS
MATTER.

Bob French.





OBJECTION

Mr Ron Britton.
148, Fleet Road,
Holbeach,
Lincs. PE12 8LE
Tel: Holbeach. 21408.

26 - 8 - 93

Dear Mr Smith

I am writing with reference to a Planning Application Your reference No H05/0689/93 for a proposed Haulage Yard & warehouse.

As i understand from the plans there is only one road into & out of the site, not two as residents along Fleet Rd were led to believe. Several of us were under the impression that the entrance was going to be off Fleet Rd & the exit leading out onto the A17 roadway road. The 2 Mtr banking around the site was going to be 14 - 15 feet high. Both of these factors would have meant that the level of noise from vehicles using the site would be fairly minimal. However should the proposed Application be accepted, not only will we

near the traffic going in, we will also be affected by it leaving the site & using the turning area. Add to this the sound of a compressor running a cold store 24 hours a day (i assume it will be powered by a compressor) & vehicles bringing produce to be delivered we will find that the peace & quiet we have at the moment will disappear. I would like at this moment to point out that i am not against progress & understand that Mr Temple needs to move his operation out of the village of Fleet Hargate which at times gets quite congested with vehicles using his existing premises, but looking at the proposed plans, by the time the buildings are erected there will be very little room to park Trailers, load them and turn vehicles around, which means that should his business grow then we will have a similar situation on Fleet Road that they

noise have in the village. i.e. vehicles waiting on the road to go into the yard. causing a hazard to traffic using Fleet Road. I would have thought that there must be other agricultural areas with much more room for the Temple to develop his haulage yard in the Fleet area that would be more practical.

Yours Sincerely

T. Potter.

OBJECTION

Heel Rd
Heel
Speeding
Lines

Dear Sir

We object to Planning Application No H05/0657/93 for Lorry Haulage Lorry yard on Land off Heel Rd, Heel on the grounds of excess noise and loss of value to house price

Yours Sincerely

S.H.D.C. PLANNING DEPT.
RECEIVED
24 AUG 1993

Mr & Mrs R H Stevenson

8/3/95.

Discussion with John Cruickshank

Advised him of discussion with Mr Temple (Senior) and requested he expedite matters with Mr Temple urgently. Mr Cruickshank understood to do so.

8/3/95.

Discussion with DPBCS

Advised of confusion between agent and applicant: both seemed uncertain as to what to do.

DPBCS to phone Howard Payne to support re apply leverage upon applicant.

Report to be submitted to 29/3/95 Committee advising application to be ~~[redacted]~~ failed survey if no new application submitted.

Addendum

Left message with Temple Transport to ring the office on 8/3/95

AP

7/3/95. Telecon with Mr Temple (Fenton).

Advised Mr Temple of Committee Resolution of 4/7/94 in need for fresh application. Mr ~~Fenton~~ Temple said he was aware of requirement for fresh application. He stated, in any event, that cost of acquiring/developing site from Hansard Page owned property to be too high. Uncertain as to what to do as asking price for Main Road Garage site, Long Sutton, considered by him to be too high.

Expressed upon him the need for some further action upon this part of site and drop scheme for site at Fleet Hargate & gave instructions to his agent to proceed with new application.

Mr Temple to expedite matters with his agent.

JA Fenton



S.H.D.C. PLANNING DEPT.
RECEIVED
- 1 FEB 1995

S Chapman
Dave.

IN THE COURT OF THE TRANSPORT TRIBUNAL

ROAD HAULAGE APPEALS

A D TEMPLE

t\a TEMPLES TRANSPORT

APPEAL 1994 No.F21

Before: His Honour Judge Harold Wilson
T W Hall Esq.
J W Whitworth Esq.

Heard on Tuesday 17th January 1995

Mr A D Temple appeared on behalf of the appellant firm

JUDGEMENT

1. By an application dated the 29th September 1993, submitted to the Eastern Traffic Area office, the appellant firm sought a renewal of its operator's licence and an increase in the number of authorised vehicles from twelve to eighteen.

2. The publication of the advertisement relating to the application resulted in several letters of objection from people living in the vicinity of the appellant firm's operating centre. These representations were all made within the time limited by the legislation for making representations. A letter of objection was also received from the Clerk to the Fleet Parish Council within whose land the operating centre lay. The Parish Council owned no land in the vicinity.

3. When details of the application appeared in "Applications and Decisions", objections were received from the South Holland District Council. The District Council's letters were dated on the last day of the time limited for objecting and were received out of time. Following a letter from the Traffic Area office inviting the District Council to submit details of any exceptional circumstances why its late objections should nevertheless be validated, it appears that the District Council was informed - erroneously - that in fact the objection had not been out of time. Accordingly no details of any exceptional circumstances were submitted.

4. In view of the representations from people living in the vicinity of the operating centre and the objections of the District Council, the Licensing Authority for the Eastern Traffic Area decided to consider the appellant firm's application at a Public Inquiry. All interested parties were informed about the Public Inquiry by a letter dated the 20th April 1994 written on behalf of the Licensing Authority.

5. The Public Inquiry was conducted by the Deputy Licensing Authority for the Eastern Traffic Area in Peterborough on the 17th May 1994. It appears from the transcript that the Deputy Licensing Authority accepted without enquiry that the representors were entitled to be heard. He did not explicitly go through the steps necessary to establish that they were all properly qualified. He also appears to have accepted the validity of the District Council's position as an objector without question, although it appears from other papers in the bundle that he had been expected to validate the District Council's status at the outset of the Public Inquiry. The Deputy Licensing Authority did explicitly and properly exclude the Parish Council as a representor because it owned no land in the vicinity.

6. At the conclusion of the proceedings at the Public Inquiry, the Deputy Licensing Authority found that the appellant firm had not made a strong case and would have been wiser to have sought legal advice. He found that, on the admission of the operator, there had been in the nature of the appellant firm's business a material change in the volume of work and in the volume of

movements within the operating centre.

7. Dealing with the representations, the Deputy Licensing Authority found that the residents who had appeared and given evidence at the Public Inquiry had made a good case as lay people in relation to environmental disturbance and noise.

8. The Deputy Licensing Authority, having balanced the factors in evidence before him, concluded that the application should be granted but only to a limited extent in order to minimise the detrimental environmental effects for residents in the vicinity. He therefore granted a licence for twelve months but without any increase in the number of authorised vehicles. He stated that he would not consider any additional vehicles while the appellant firm's operating centre remained where it was because any increase would constitute a material change of some magnitude.

9. The Deputy Licensing Authority went on to impose two conditions on the appellant firm's exercise of the licence. The first required all vehicles and trailers to park in the operating centre at all times and not on the public highway. The second limited the number of vehicle movements in and out of the operating centre between eleven at night and six in the morning to six in and six out daily.

10. By letter dated the 24th May 1994 and received by the Tribunal on the 3rd June 1994, the appellant firm lodged a notice of appeal against the Deputy Licensing Authority's decision. Mr Temple on behalf of the appellant firm complained that the restriction in length of the licence granted and the withdrawal of the interim licence for a thirteenth vehicle and trailer - which had been granted at the appellant firm's request in March pending the Public Inquiry - would result in redundancies in staff and a reduction in service to customers.

11. Mr Temple further complained on behalf of the appellant firm that the restriction in working hours would have an adverse effect on efficient operation and that parking on the highway was inevitable because of congestion or security considerations or both.

12. In presenting the case on behalf of the appellant firm, Mr Temple had nothing to add to the contents of the letter of appeal. In the Tribunal's view, none of the complaints Mr Temple made stood the test of reasoned examination. To deal seriatim with the four points raised, the grant of an interim licence is always made expressly subject to the proviso that it will not be relevant to the outcome of a Public Inquiry; the Deputy Licensing Authority's limitation of the length of the licence was clearly - and in the Tribunal's view rightly - designed to lend urgency to the appellant firm's search for an alternative operating centre; the conditions imposed by the Deputy Licensing Authority were imposed after giving full consideration to the submissions and arguments of the appellant firm.

13. The Tribunal finds no merit in the matters advanced on

behalf of the appellant firm by Mr Temple and the appeal must be dismissed. In light of certain remarks made by Mr Temple in the course of the hearing, the Tribunal thought fit to emphasise to him the possible consequences of a disciplinary hearing before the Licensing Authority if the conditions which had been imposed on the licence were not observed.

14. In dismissing this appeal the Tribunal wishes to draw attention to unsatisfactory procedural features which could in different circumstances have been of significance in the disposal of the appeal. Firstly, where timeously received representations are concerned, the validity of the qualifications of those making the representations should be scrutinised as a matter of course and the record of the scrutiny should form part of the papers for the Public Inquiry. In the instant case the representors were all clearly qualified to be heard and their validation would have been a formality. It is nevertheless desirable that the fact that the qualifications of representors have been confirmed is announced at the Public Inquiry.

15. A further cause for concern in the instant case was the unsatisfactory manner in which the position of the District Council was handled. There should have been an enquiry into the question of the out-of-time objection. There was in fact none and in different circumstances this omission too might have had a significant effect on the outcome of the appeal. The Tribunal formed the view here however that nothing had depended on the participation of the District Council in the Public Inquiry so far as the disposal of the application was concerned. The Deputy Licensing Authority was clearly impressed by and intended to give effect to the evidence of the representors. He did so and the Tribunal finds no ground upon which his decision can be faulted.

30·1·1995

COPY H05/0689/93

SOUTH HOLLAND DISTRICT COUNCIL

ENVIRONMENTAL SERVICES

GORDON RIDGWAY
M.I.E.H., M.I.W.M.
Director

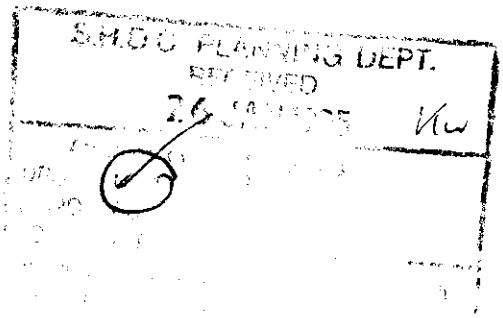
The Company Secretary,
Temples Transport,
The Bowling Green,
Old Main Road,
FLEET HARGATE,
Spalding,
Lincs.

Your Contact: Mr. J. Chapman

Our Ref: JC/SS/PN.

Your Ref:

Date: 25th January, 1995



Dear Sir,

Environmental Protection Act 1990
Noise nuisance from Distribution Depot, The Bowling Green

I write further to the Appeal Hearing of the 17th January, 1995 and am concerned regarding the apparent lack of progress in the relocation of your business to a new site.

You are fully aware that this Department has a statutory responsibility to investigate complaints of noise nuisance and where appropriate serve a noise abatement notice.

There are several such complaints outstanding and to-date, based on your proposals to relocate to a more appropriate site, I have not pursued this course of action.

However, the existing 24 hour site operations continue to cause disturbance to residents and in the circumstances unless I receive a firm commitment from you regarding remedial measures by the end of February I shall have no option but to reconsider the Authority's position regarding noise nuisance from your site.

I look forward to hearing from you by return.

Yours faithfully,

Director of Environmental Services

c.c. Director of Planning and Building Control Services

Steve.
Noted. Please attach to App. File.
Keith W

Environmental Services
Council Offices,
Priory Road,
Spalding,
Lincolnshire. PE11 2XE

Telephone: (01775) 761161
Fax: (01775) 711054

Mr. J Blackburn

16 Dec. 1986

Dear Sir,

HAULAGE YARD, FLEET ROAD, FLEET, TEMPLE TRANSPORT.

I refer to your letter of 5th September 1986 in respect of the above and while it seems that you will be in a position to submit a fresh application in respect of the above

As the issue is now becoming one of some urgency, I would be obliged for a positive response within the next 14 days.

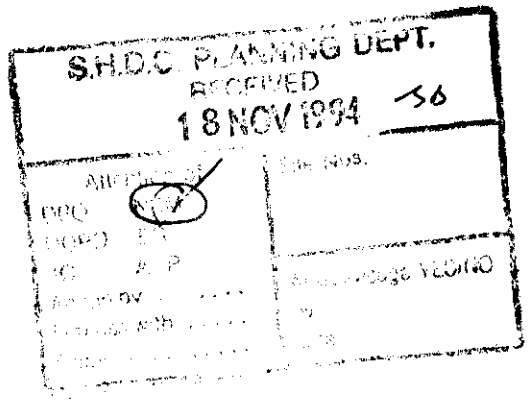
I would also be most grateful if you could advise me as to whether your client would wish his current application to be withdrawn.

Yours faithfully

Principal Planning Officer

LORD CHANCELLOR'S DEPARTMENT
TRANSPORT TRIBUNAL
South Eastern Circuit

16 November 1994.



ATT: Mr J. Blacklock
Planning & Building Control Dept
Council Offices
Priory Road
Spalding
Linc's PE11 2XE

Dear Mr Blacklock,

RE: APPEAL 1994 NO. F21 - A.D. TEMPLE, TEMPLES TRANSPORT.

Thank you for your letter of 15th November 1995 confirming your attendance for the above appeal hearing.

Please find enclosed a copy of the grounds of appeal as requested, however you will note, that Temples do state a copy will be sent to you.

If you have any further queries please do not hesitate to contact this office.

Yours faithfully,

M. Ruocco
Transport Tribunal

· 48/49 CHANCERY LANE · LONDON WC2A 1JR ·
· TELEPHONE 071 936 7200 · FACSIMILE 071 404 0896 ·
· DX No. 44452 THE STRAND ·

TEMPLES TRANSPORT

46, FLEET ROAD, HOLBEACH, LINCOLNSHIRE. PE12 8LA

Telephone (0406) 422280

The Transport Tribunal,
48-49, Chancery Lane,
LONDON.
WC2A 1JR

24th May 1994

Dear Sirs,

OF 207439

I write to confirm my fascimile message to you on 18th May 1994.

1. Licensing Authority

Eastern Area Licensing Authority, Terrington House, 13-15, Hills Road, Cambridge.

2. Details of Decision Appealed Against

(a) Revocation of Interim Licence for thirteenth vehicle and trailer.

(b) Restriction on length of licence to twelve months.

(c) Restriction on working hours, including only six movements per night.

(d) No parking on public highway.

3. Reasons For The Appeal

(a) and (b) The thirteenth vehicle and trailer have been fully used ever since purchase. To comply with the decision of the Deputy Licensing Authority would result in redundancies in staff and reduction in services to customers.

(c) Due to E.E.C. rules and regulations, implementation of the restrictions has an adverse affect on efficient operation.

(d) To comply with decision (c) parking on the public highway will be inevitable. The seventh and subsequent movements per night, incoming, will have to wait on the highway until time to move into the depot. The other six have to park on the highway whilst the drivers unlock and open the gates (security).

4. Copies of this appeal will be sent to:

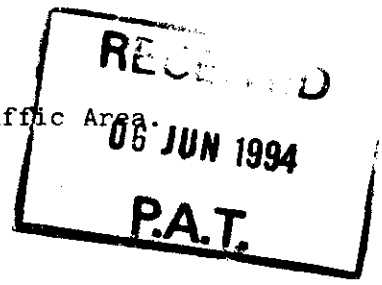
A. Deputy Licensing Authority, Eastern Traffic Area.

B. Objectors:-

(i) Mr. R. Humphry
(ii) Mrs. M.B. Ransom
(iii) Mr. D. Winterton

C. South Holland District Council.

D. Fleet Parish Council.



Yours faithfully,

A.D. Temple

Transport Tribunal,
48-49 Chancery Lane,
London,
WC2A 1JR.

Mr J Blacklock

JB/JJ D05/0685/93

MR/TP

15 Nov 1994

Dear Sir,

APPEAL 1994 NO F21 - A D TEMPLE, TEMPLES TRANSPORT

Thank you for your letter dated 3rd November 1994 in respect of the above.

I confirm Mr J Blacklock will be able to attend the hearing at 48-49 Chancery Lane, London on Tuesday, 17th January 1995 at 10.30 am.

In the meantime, could you please advise me of the precise grounds of appeal.

Yours faithfully

K Midlen
Principal Planning Officer
Development Control

cc: Environmental Services Dept.

MR J CHAPMAN
MR J A BLACKLOCK
SOUTH HOLLAND DISTRICT COUNCIL
PLANNING & BUILDING CONTROL DEPT.
COUNCIL OFFICES
PRIORY ROAD.
SPALDING
LINCOLNSHIRE. PE11 2XE

TRANSPORT TRIBUNAL
48–49 Chancery Lane
London WC2A 1JR

Tel : 071–936 7494
Fax : 071–936 7492

Your Ref –

Our Ref MR/TT

Date 3-11-94

Dear Sirs

RE : APPEAL 1994 NO. F21 – A D TEMPLE, T/A TEMPLES TRANSPORT

The above named appeal has been provisionally listed for HEARING
at the court of the Transport Tribunal
at 48-49 Chancery Lane, London WC2A 1JR
on TUESDAY 7TH JANUARY 1995 @ 10.30 AM.

Please confirm your representative(s) availability to attend this date.

Yours faithfully

M. Rocco

TRANSPORT TRIBUNAL

S.H.D.C. PLANNING DEPT.
RECEIVED
- 4 NOV 1994 30

ENC

RH 6

South Holland
District Council
Council Offices
Priory Road
Spalding Lincs.

S.H.D.C. PLANNING DEPT.
RECEIVED
14 SEP 1994

Mr J Cruckhon
The Old Nurseries
Bakers Corner
High Road
Whaplode
Spalding. Lincs

Date 5 Sept 1994

Your Ref: JB/JJ HOS/1689/94

Dear Sirs,

Re Haulage Yard, Fleet Road, Fleet
For: Temples Transport

In respect of the above and with reference to your letter dated 2 September 1994 I have been instructed by Temples Transport to work on making a Full Planning Application as you require At present we are awaiting some costings for various works that will be necessary and are "ironing" out what we will be submitting As you can appreciate this is a big move for Temples Transport and careful planning does take time, but I can say that a Full Planning Application for the new haulage yard will be with you in the very near future.

Yours faithfully

MR J CRUNKHORN

Mr J Cronkhorn,
The Old Nurseries,
Bakers Corner.
High Road.
Whaplode,
Spalding.
Lincs.

Mr J Blacklock

JB/JJ H05/0689/93

02 Sep 1994

Dear Sir,

HAULAGE YARD, FLEET ROAD, FLEET - TEMPLE HAULAGE.

I refer to my letter dated 11th July 1994 in respect of the above and would be grateful for a reply.

Yours faithfully

N Mitton
Principal Planning Officer
Development Control

SOUTH HOLLAND DISTRICT COUNCIL

MEMORANDUM

FROM: Director of Administration

TO: Director of Planning and Building Control Services

REF: PBP/KS

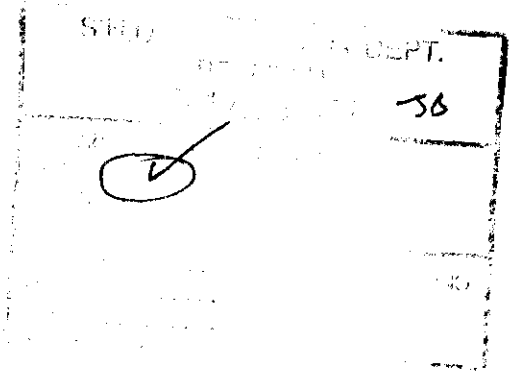
REF:

DATE: 30th August 1994

SUBJECT: H05/0689/93 - CHANGE OF USE OF AGRICULTURAL LAND TO HAULAGE YARD INCLUDING MEANS OF ACCESS ON LAND OFF FLEET ROAD, FLEET (TEMPLES TRANSPORT)

At a meeting of the Plans Sub-Committee on 4th July 1994 it was resolved that subject to (I) a new planning application incorporating amendments as detailed in the Director of Planning and Building Control Service's report and (II) the applicant first entering into a planning obligation under the provisions of section 106 of the Town and Country Planning Act 1990 to ensure the cessation of the established use of road haulage at the premises from which the applicant currently operates his haulage business in Fleet Hargate, that the Director of Planning and Building Control Services be authorised to grant planning permission for the above development, contrary to structure plan policy. I would be grateful if you could inform me of the current situation with regard to this planning application.

Director of Administration



Messrs Hix & Son,
28 Church Street,
Holbeach,
Lincs.
PE12 7EL.

FAO: Mr R Frisby

Mr J Bracklock

EH/EI 599/0669/95

DBE/5571/NET

11 Jul 1996

Dear Sir,

RESIDENTIAL DEVELOPMENT - OLD MAIN ROAD, FLEET HARGATE, HENRY SCOTT AND SONS LTD.

Thank you for your letter dated 26th June 1996 in connection with the above.

Your Clients application was approved at the meeting of the Planning Sub Committee on 4th July 1996.

I note in your letter that your Client was willing to give up the established haulage business at the above premises and this was a material factor in persuading the Planning Sub Committee to grant planning permission to Messrs Temple Haulage for the relocation of their business at Fleet. However, could you please confirm that whilst your Client is willing to enter into a Section 106 Obligation to achieve the revocation it is without any claim for compensation in respect of the Authority.

Might I also add that as the Committee also signified its willingness to consider favourably an application for a B1 Light Industrial use on your Clients site, albeit for a limited period of time, your Client may consider it expedient to submit a planning application at the earliest opportunity for the particular commercial enterprise mentioned in your letter.

For your assistance, I enclose the requisite application forms.

Yours faithfully

JPN Miller
Principal Planning Officer
Development Control

HIX & SON

Chartered Surveyors,
Auctioneers, Valuers and Estate Agents.

Richard H. Frisby, F.R.I.C.S., F.A.A.V.
Christopher Shallice, F.R.I.C.S., F.A.A.V.
Gordon A. Mills, A.R.I.C.S., I.R.R.V., F.A.A.V.
CONSULTANT
V.S. Mills, F.R.I.C.S., F.A.A.V.

28 CHURCH STREET, HOLBEACH,
Lincolnshire, PE12 7LL

Established 1897
TEL. HOLBEACH (0406) 422777
FAX. HOLBEACH (0406) 426142

ATE Obs: Offr.. Date. 29/6/94
Salient points highlighted

Our Ref: RHF/5503/MET Date 24th June, 1994 Your Ref:

SUBJECT TO CONTRACT 4/750b clk 689/93

S.H.D.C. PLANNING DEPT.
RECEIVED
27 JUN 1994

The Planning Department,
The South Holland District Council,
Council Offices,
Priory Road,
SPALDING,
Lincolnshire, PE11 2XE

For the attention of John Blacklock, Esq.,

Dear Sirs,

Detached House, Buildings and Yard, Old Main Road,
FLEET HARGATE, Nr. Spalding
Henry Scott and Sons Limited

Further to our Mr. Frisby's meeting with your Mr. Brian Smith and Mr. John Blacklock at your offices on Thursday, 2nd June and Mr. Frisby's telephone discussion earlier today with Mr. Blacklock we now write to confirm that we have been able to obtain further instructions from our above clients as follows:-

1 Our clients are willing to give up their established business use as a Transport Yard and Storage Depot on their premises at Old Main Road, FLEET HARGATE, Nr. Spalding providing:-

a) They receive Outline Planning Permission for the demolition of the existing house, offices and warehouse and the carrying out of Residential Development on the site.

b) They receive Outline Planning Permission for a B1 Light Industrial Use on the site excluding the area occupied by the house and garden.

and c) Once these two (2) Outline Planning Permissions are in place that they are allowed to lease the property to Emerald Trees International Limited from SARK in the Channel Islands for their English Christmas Tree operations details of which were given to you in our letter of the 19th April, 1994.

We look forward to hearing that you are prepared to recommend this course of action to your Planning Committee.

Yours faithfully,

Mr J Crunkhorn,
'The Old Nurseries',
Bakers Corner,
High Road,
Whaplode,
Spalding,
Lincs.

Mr J Blacklock

JB/JJ H05/0689/93

11 Jul 1994

Dear Sir,

HAULAGE YARD, FLEET ROAD, FLEET - TEMPLE HAULAGE

I write to advise you that at its meeting on 4th July 1994 the Planning Sub-Committee resolved that it was disposed to grant planning permission to your Clients proposal provided a fresh application was submitted embodying the amendments discussed with Officers of the Authority and your Client entering into a Section 106 Obligation to secure the removal of the existing haulage use at Fleet Hargate.

In the latter regard, Messrs Henry Scott and Sons Ltd have indicated their willingness to enter into such an obligation.

I enclose a set of application forms upon which a further submission may be made. Please ensure that the revised proposal includes details of electrical hook up points and the extension of 3m bunding to the east of the building sufficient to protect the line of sight from the yard area to the detached dwellings along Fleet Road.

Yours faithfully

N Midlen
Principal Planning Officer
Development Control

SOUTH HOLLAND DISTRICT COUNCIL

M E M O R A N D U M

FROM: DIRECTOR OF ENVIRONMENTAL SERVICES DATE: 6.7.94

OUR REF: JC/SS/PC

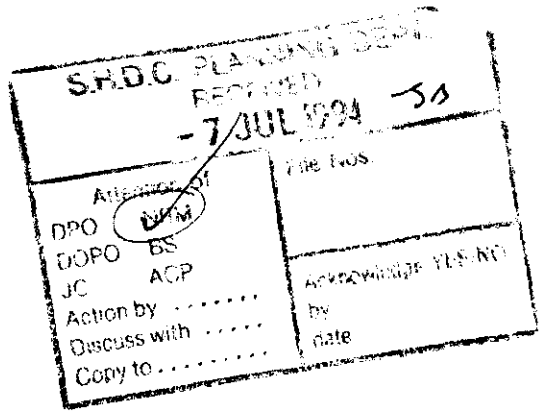
TO: DIRECTOR OF PLANNING AND BUILDING CONTROL SERVICES YOUR REF:

Planning Application H05/0689/93
Haulage Yard, Fleet Road

I write further to the Sub-Committee decision of the 4th instant and would remind you that previous discussions concerning the revised proposal highlighted the need for details of electricl hook up points and extension of the 3m bunding to the east of the building sufficient to protect the line of site from the yard area to the detached dwelling along Fleet Road. I trust these will be included in any subsequent application.

Director of Environmental Services

Temple



20/6/94

Telecon with Mr Roland Frisby (Hsi and Co) agent for Messrs Henry Scott and Son Ltd.

Mr Frisby stated his client was agreeable to entering into a Section 106 Agreement but before giving any formal commitment wished to resolve certain matters with Russell Temple.

Impressed upon Mr Frisby urgency of matters and that I wished to be in a position to report to Fry 4th Sub. Committee.

Mr R Frisby,
Messrs Hix & So,
28 Church Street,
Holbeach.
Lines.
PE12 7LL.

Mr J Blacklock

JL/IJ H05/0085/94
H05/0085/94
RHF/5503/SRC

07 Jun 1994

Dear Sir,

TEMPLE HAULAGE LTD, HENRY SCOTT AND SON LTD.

Further to your meeting with Mr Brian Smith, the Director of Planning and Building Control Services and myself, I write to advise you that I anticipate submitting your Clients application to the meeting of the Planning Committee on 22nd June 1994.

However, in view of your willingness to advise your Client on the suggestions put to you concerning an alternative light industrial use of the site and the practical advantages that could be had from the conclusion of a Section 106 Obligation to secure the cessation of the existing road haulage use of the site, I would welcome your Clients response on these matters at the earliest opportunity.

If the Director is in a position to advise the Committee that your Client is willing to enter into a Section 106 Obligation, then in addition, the Committee may be persuaded to indicate its willingness to entertain, favourably, the prospect of a light industrial use on the site.

I look forward to hearing from you.

Yours faithfully

N Midlen
Principal Planning Officer
Development Control

THE DEPARTMENT OF TRANSPORT

EASTERN TRAFFIC AREA
TERRINGTON HOUSE
13-15 HILLS ROAD
CAMBRIDGE CB2 1NP

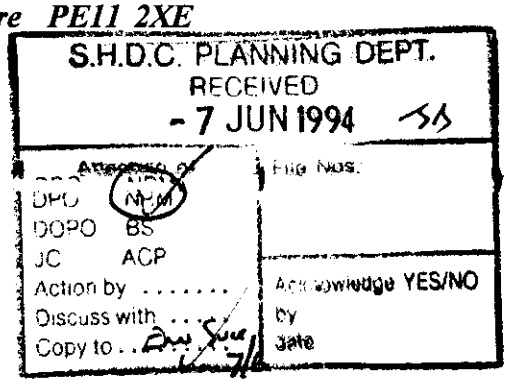
FAX 0223 532110
TELEPHONE 0223 358922
GTN 3045

Direct Line No: 532047

Mr J Chapman & Mr J A Blacklock
South Holland District Council
Planning & Building Control Department
Council Offices
Priory Road
SPALDING
Lincolnshire PE11 2XE

Please reply to The Clerk
Your reference

Our reference
OF 207439
Date
3 May 1994



Dear Sirs

GOODS VEHICLE OPERATORS' LICENSING
APPLICATION BY: A D TEMPLE

1. I refer to the Public Inquiry held at The Bourges Room, The Town Hall, Peterborough on 17 May 1994.

2. I write to confirm the decision of the Deputy Licensing Authority.

3. Having considered the evidence he found that the granting of the renewal application as applied for would cause some adverse environmental nuisance but not to the extent that refusal was justified. Therefore, having regard to all the facts before him, he decided to grant the renewal application but for 12 vehicles and 12 trailers only, for one year only and subject to the following conditions:

i) that all vehicles and trailers must be parked in the operating centre at all times and not on the Public Highway;

ii) operating centre to be used between 0600 and 2300 hours - only six movements in and out between 2301 and 0600 hours daily.

4. Notice of the decision will appear in 'Applications and Decisions' No. 4507 appearing on 15 June 1994. I would advise you that a person who is aggrieved by a decision of the Licensing Authority and desires to appeal against a decision or direction should lodge his appeal with the Transport Tribunal, 48-49 Chancery Lane, London, WC2A 1JR (Telephone: (071) 936 7494). An appeal to the Transport Tribunal must be made not later than 28 days after the publication date of 'Applications and Decisions'. If the decision is not published within 21 days the period for making an appeal is 49 days from the date of the Licensing Authority's decision.

Further information on lodging appeals is set out in booklet GV251A "Appeals to the Transport Tribunal" available from this office on request.

Yours faithfully

MISS K LEWIN
for Clerk to the Licensing Authority

JR25

Mr Frisby 2/6/94.

Template 2/6. Committee.
Letter to Frisby requesting
confirmation that Section 102
acceptable before Committee
meets - get Committee to green
to BI use

18 May 1994

meeting Nick Folz Cranbrook and Russell Temple — Brian Smith & Felix Blackstock present.

Agreed :-

(a) Discussions to be held with Richard Frisby & Henry Scott to establish a means by which Mr Scotts interests be protected, Mr Temple could obtain permission & the LPA secure an environmental gain — to be arranged urgently.

(b) With regard to Nora Road Garage, long fruition, planning status of site to be checked out and Messrs Cranbrook and Temple to be advised on receipt of a letter of enquiry from them.
LPA to check out with Highways and Environmental Services whether Road Haulage use acceptable on site.

18/5 - checked with Chris Briggs — Haulage use on Nora Road garage site moved to OK.

Anglia Motel,
Washway Road,
Fleet,
Spalding,
Lincs.

15th May, 1994

B.Smith Esq,
Planning Officer,
South Holland District Council,
Priory Road,
Spalding,
Lincs.

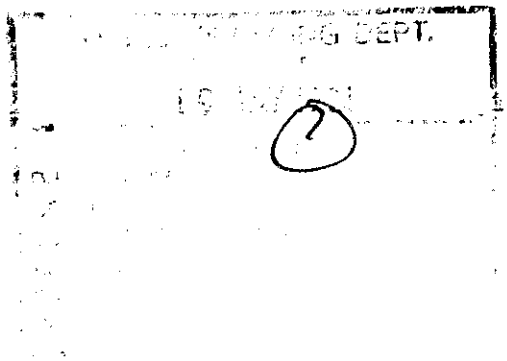
Dear Sir,
Proposed development - Washway Road, Fleet - Temples Transport

I would be obliged to learn of the progress regarding the above, can I do anything to speed things up.

Yours faithfully,

H.A.Payne

(H.A.Payne)



Telephoned Mr Payne and advised of progress discussions with Mr Fairey (for Mr Scott) & Mr Temple. DO

S.H.D.C. PLANNING DEPT.
RECEIVED
10 MAY 1994
Attention of
DPO NRM
DDPO BS
IC ACP
Action by .....
Discuss with .....
Copy to .....
File Nos.
Acknowledge YES/NO
by
date

PROOF OF EVIDENCE OF JOHN CHAPMAN

1.0. QUALIFICATIONS

1.1. I am John Chapman a Principal Environmental Pollution Officer employed by South Holland District Council, a post I have held since October 1988.

1.2 I have been qualified as an Environmental Health Officer for the past 16 years, and hold the Diploma in Environmental Health; Diploma in Atmospheric Pollution and Diploma in Acoustics and Noise Control.

2.0. OBJECTION AND REPRESENTATION

2.1. I refer to the application by A.D. Temple for an Operating Licence with change in respect of the premises at The Bowling Green, Fleet Hargate. I understand that the change referred to is an increase to 18 vehicles and 18 trailers from the current consent of 12 vehicles and 12 trailers.

The application was advertised in the local Press and in the Applications and Decisions number 4491 dated the 3rd November, 1993.

By letter dated the 10th November 1993 the Council objected to the application effectively on environmental grounds. (1)

2.2. I refer to that letter (1) and other documents included in the bundle marked by reference to the pagination of that bundle.

3.0. PREVIOUS KNOWLEDGE OF THE BOWLING GREEN DEPOT

3.1. The potential for noise disturbance from the site was initially highlighted in respect of the residential development along Eastgate in November 1988. (2)

3.2. The subsequent planning application for a change of use of the site to residential was supported because of the potential problems that could arise. (3)

4.0. COMPLAINTS OF NUISANCE

4.1. During the Autumn of 1992 complaints were received from residents in Eastgate and Cherry Grove concerning noise during unsociable hours arising from loading and unloading of vehicles by forklift and vehicle manoeuvring.

4.2. Residents abutting the site in Cherry Grove were being woken in the early hours by vehicles parking and manoeuvring close to their boundary. (4)

4.3. A letter informing the Company of the complaints was sent on the 20th August, 1992. (5)

4.4. Complainants were requested to keep records of the alleged nuisances and noise monitoring was subsequently carried out during early December 1992.

4.5. The noise climate of the area is influenced by traffic noise from the A17 Trunk Road with background noise levels (L90) fluctuating circa 38-52 dB(A). It is obviously quieter during the night when traffic flows diminish.

4.6. There appears to be limited space within the site and trailers are parked up to the residential boundaries. There is no screening along the western boundary with Cherry Grove.

4.7. Some typical noise levels at a distance of 5 metres are:-

			dB(A)
(i)	diesel forklift	(revving)	80
(ii)	LPG forklift	(revving)	71
(iii)	HGV	(idling)	71
(iv)	HGV	(revving)	83

and are likely, therefore, to be audible at the dwellings during most hours of the day and night.

4.8. With this incompatible land use scenario there is clearly a potential for disturbance and possibly nuisance to neighbours and any intensification is therefore bound to exacerbate the problem.

5.0. COMPANY RESPONSE AND LIAISON WITH LOCAL AUTHORITY

5.1. On the 5th January, 1993 a meeting was held at another site off the A17 with Mr. Russell Temple, his Agent, Mr: J. Crunkhorn and a Planning Officer to consider the relocation of the business.

5.2. It was agreed that in principle there were no major objections to the proposal but further liaison between the Company and the District Planning Officer was necessary.

5.3. During the Spring of 1993 discussions were held with the District Planning Officer and an alternative site was proposed by the submission of planning application H05/0689/93.

5.4. Significant amendments to the scheme were necessary to ensure protection of nearby dwellings and a revised layout was submitted. This scheme has subsequently been agreed in principle by the Planning Committee at their meeting of the 21st March, 1994, subject to the proviso that the Bowling Green site ceases to be used for haulage purposes.

6.0. CONCLUSIONS

6.1. The application site is clearly now incompatible with the surrounding residential uses.

6.2. Bearing in mind the proposed intensification and existing delays I am concerned as to the intentions of the Company in achieving relocation of the business to a more environmentally compatible site.

6.3. Any increase in vehicles and trailers will exacerbate the problem of nuisance from the site.

6.4. Notwithstanding that the Local Authority has been committed to assisting the Company in achieving a solution to the problem it has an overriding duty to ensure that statutory nuisances do not exist and in the circumstances I believe that intensification of this site would be contrary to that objective.

(1)

Clerk to the Licensing Authority,
Eastern Traffic Area,
Terrington House,
13-15 Hills Road,
CAMBRIDGE,
CB2 1NP

Mr. J. Chapman

JC/SS/PN

10th November, 1993

Dear Sir,

Temples Transport - The Bowling Green, Fleet Hargate
Application for increase - No. 4491 3rd November, 1993

I write in response to the application for a renewal with change of the Operators Licence to 18 goods vehicles and 18 trailers and would confirm that this Department continues to be in receipt of complaints of nuisance arising from activities associated with the operation of the business.

In the circumstances I have no option but to object to this application for an increase in the number of vehicles and trailers on this particular site.

Yours faithfully,

Director of Environmental Services

(2)

SOUTH HOLLAND DISTRICT COUNCIL

M E M O R A N D U M

FROM: CHIEF ENVIRONMENTAL HEALTH OFFICER DATE: 11.11.88

OUR REF: JC/SS.

TO: PLANNING OFFICER
(F.A.O. Mr. P. Beecham)

YOUR REF:

Planning Application H5/1426/88
Residential development, Fleet Hargate

Further to my Officers discussion with yourself concerning the above in relation to the nearby haulage yard I would recommend that the applicant's attention be brought to the need for noise sensitive rooms to be sited away from the western boundary, so as to reduce the possible of disturbance during unsociable hours.

for Chief Environmental Health Officer

S.H.D.C. PLANNING DEPT.
RECEIVED
14 NOV 1988
DPO NRM
DOPO
JC ACP

(3)

SOUTH HOLLAND DISTRICT COUNCIL

M E M O R A N D U M

FROM: CHIEF ENVIRONMENTAL HEALTH OFFICER DATE: 12.12.88

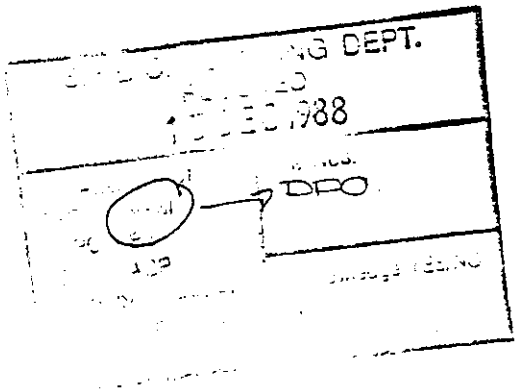
OUR REF: RS/JC/SS

TO: PLANNING OFFICER YOUR REF:H5/1764/88

Proposed residential development
Fleet Hargate

In view of the potential problems that could arise from this haulage yard and its effect on recently proposed residential development nearby I welcome and support this application.

for Chief Environmental Health Officer



SOUTH HOLLAND

GORDON RIDGWAY
MIEH MIWM
Director

The Company Secretary,
Temple Transport Ltd.,
The Bowling Green,
FLEET HARGATE,
Spalding,
Lincs.
PE12 8LL

Your Contact Mr. S.W. Lawson

Our Ref SWL/SS/PN/PS

Your Ref

Date 20th August, 1992

Dear Sir,

Environmental Protection Act 1990
Alleged Nuisance from Noise and Smoke
Temple Transport, Fleet Hargate

I am writing to advise you that this Department is currently in receipt of complaints regarding the above.

It is alleged that material is burnt on site on a regular basis. Given the location of your site and its proximity to residential properties this activity is likely to create nuisance and I would therefore recommend you desist from burning waste on site forthwith and seek an alternative method of disposal for your waste.

In respect of the noise allegations, I have requested that the Planning Enforcement Officer investigates what consent exists for your site but notwithstanding this given your location, activities such as loading and unloading of vehicles using fork lift trucks in open ground during unsociable hours is likely to constitute a nuisance.

If statutory nuisance is proved, on conviction, you could be liable to a fine of up to £20,000. and it is therefore in your interest to ensure that no unreasonable disturbance is created to nearby residents from your activities.

Whilst I am writing I would also take the opportunity to inform you that comments have been made relating to the intrusiveness of recently erected floodlights within your site which is affecting residents.

I look forward to your co-operation in this matter and should you require any further advice do not hesitate to contact these offices.

Yours faithfully,

p Director of Environmental Services

Environmental Services
Council Offices,
Priory Road,
Spalding,
Lincolnshire. PE11 2XE

Telephone: (0775) 761161
Fax: (0775) 711054

1870/5

THE DEPARTMENT OF TRANSPORT

EASTERN TRAFFIC AREA
TERRINGTON HOUSE
13-15 HILLS ROAD
CAMBRIDGE CB2 1NP

FAX 0223 532110
TELEPHONE 0223 358922
GTN 3045

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

Direct Line: 532047
Fax: 532110

Please reply to The Clerk
Your reference
JB/JJ.F.1870.5
Our reference
OF 207439
Date
20 April 1994

Dear Sir

GOODS VEHICLE OPERATORS' LICENSING
APPLICANT: MR A D TEMPLE

1. I refer to your objection against the grant of the above application.

2. I am to inform you that the Licensing Authority is to consider the application at a Public Inquiry to be held on 17 May 1994 at The Bourges Room, The Town Hall, Peterborough. The Inquiry will commence at 1000 hours.

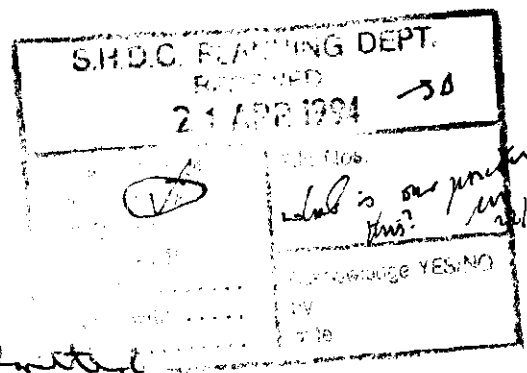
3. Your objection will be taken into account and you may appear and be heard at the Inquiry in person or be represented by Counsel, a Solicitor or some other representative as the Licensing Authority may approve, provided your objection was made in accordance with the legal requirements.

4. Please inform me within the next 7 days if you will be attending the Inquiry by completing the enclosed slip. A prepaid envelope is enclosed for your reply.

Yours faithfully

K Lewin

MISS K LEWIN
for Clerk to the Licensing Authority



ENC

Spoke to MR PEELE. 9/5/94.

Agreed: (1) Form to be submitted
(2) ENO written evidence to be submitted at Hearing on 17/5/94
(3) Planning present — to have written statements

JR21

HIX & SON
Chartered Surveyors,
Auctioneers, Valuers and Estate Agents.

Richard H. Frisby, F.R.I.C.S., F.A.A.V.
Christopher Shallice, F.R.I.C.S., F.A.A.V.
Gordon A. Mills, A.R.I.C.S., I.R.R.V., F.A.A.V.
CONSULTANT
V.S. Mills, F.R.I.C.S., F.A.A.V.

28 CHURCH STREET, HOLBEACH,
Lincolnshire, PE12 7LL

Established
TEL. HOLBEACH (0406) 42
FAX. HOLBEACH (0406) 42

Our Ref: RHF/5503/SEC Date 19th April 1994 Your Ref: JB/JJ HO5/0689/9

B. Smith Esq
The District Planning Officer
The South Holland District Council
Council Offices
Priory Road
SPALDING, Lincolnshire, PE11 2XE

S.H.D.C. PLANNING DEPT.
RECEIVED
20 APR 1994

Dear Mr. Smith

Detached House, Buildings and Yard,
Old Main Road, FLEET HARGATE, Nr. Spalding
Henry Scott and Son Limited

It was good of you to send us on the 18th March a copy of your letter dated the 18th March 1994 that had been sent to our above client, on the subject of road haulage and warehousing use on the above premises. As you rightly noted our clients had already applied to your Council for Outline Planning Permission for residential development on the site and, providing this was granted and Mr. Temple was able to re-locate his existing transport business at present being carried out from the site Mr. Henry Scott had already informed us that it was not his intention to allow the property to be used as a full time transport yard again. We were however rather worried by your request that our client should consider dispensing entirely with the established road haulage/warehousing use for this site because, in the present market, it is very likely that the property would have a greater value with this established use than with Outline Planning Permission for residential development. Whilst we realise that the capital value of the site is not the only consideration for our client it must be one that it keeps well in mind.

On another matter our client has been approached by a Company, Emerald Trees International Limited, from SARK in the Channel Islands who, if the premises were to become available, would be interested in taking a tenancy for their English Christmas Tree operation. The Company is run by a Mr. John Godwin, a Forestry Consultant, and briefly the business he would wish to run from the premises would entail about thirty (30) container loads of Christmas trees being delivered to the premises in the period from the 1st November to the 10th December each year. Then, at the premises, the trees are measured and netted and then dispatched in large vans to all parts of the British Isles. Mr. Godwin is well known to our client having run a similar operation for almost twenty five (25) years from some of their other premises in Kent but this site will soon become unavailable. Our purpose in writing initially is to enquire of you whether or not this type of operation would be covered by the present established use. As you will realise the number of traffic movements to the property would be much decreased and, for the greater part of the year, there would be very little going on at the premises.

We look forward to hearing from you.

THE DEPARTMENT OF TRANSPORT

EASTERN TRAFFIC AREA
TERRINGTON HOUSE
13-15 HILLS ROAD
CAMBRIDGE CB2 1NP

FAX *0223 358922 2110*
TELEPHONE *0223 358922*
GTN *3045*
Direct Line:

Please reply to The Clerk
Your reference JB/SJS 1870/5
Our reference OF 207439
Date

MR J BLACKLOCK
SOUTH HOLLAND DISTRICT COUNCIL
PLANING & BUILDING CONTROL DEPT
COUNCIL OFFICES
PRIORY ROAD
SPALDING
PE11 2XE

Dear

GOODS VEHICLE OPERATORS' LICENSING
APPLICANT: ALAN D TEMPLE

1. I am writing to advise you that the Licensing Authority has decided to convene a Public Inquiry to consider the above application. At the Hearing the Licensing Authority will consider your representation/objection.

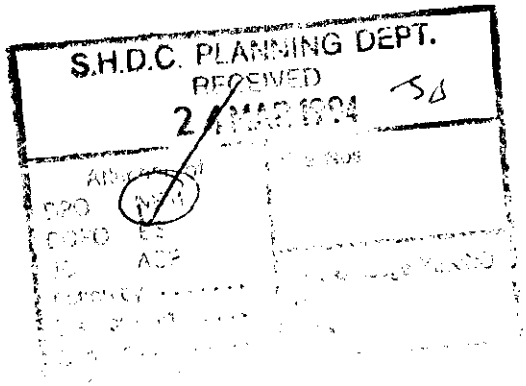
2. The exact date and venue are yet to be decided and this letter is intended to give advance notice in order that any legal representation or advice can be sought at an early stage. This will avoid the need for unnecessary adjournment requests.

3. Further details will be forwarded at a later date, these to include notice of the date, venue and subject matter. If you have any queries or require further information on this subject then please contact Miss Denise Hinks on Direct Line: (0223) 532048.

Yours sincerely

L.D Leader

for Clerk to the Licensing Authority



GOL/OR/2

Henry Scott & Son Ltd.
Essex Street,
Bradford,
West Yorkshire.
BD4 7PQ.

Mr I Blacklock

JB/JJ H05/0681/93

18 Mar 1994

Dear Sir,

TEMPLE TRANSPORT - FLEET HARGATE, SPALDING.

I write to advise you Temple Transport, who lease your premises at Fleet Hargate, have applied for planning permission to re-locate their operations on land to the west of Fleet Hargate, off the Fleet Road.

My Committee is currently giving consideration to this application and the issue has arisen of the degree to which environmental gain could be secured for Fleet Hargate by the cessation of the road haulage/warehousing use on your land at Fleet Hargate.

I am aware, of course, that you yourselves have submitted an application for residential development on your land at Fleet Hargate and therefore I would invite you to consider whether there would be an advantage in offering to dispense entirely with the road haulage/warehousing use as a factor of relevance in determining that application.

You will understand I trust that I have no wish to pre-empt the Committee's decision on your application but I am sure that in deliberating upon that application, the Committee will have the desirability of removing the said use very much in mind.

The cessation of the road haulage/warehousing use could be secured by a Section 106 Obligation under the terms of the Town and Country Planning Act 1990 - an obligation to which, obviously you would have to be a party - but at this stage my concern to establish whether, in principle, you would be agreeable to such an arrangement to enable Temple Transport to relocate and your site to be redeveloped.

I look forward to hearing from you.

Yours faithfully,

N Midlen
Principal Planning Officer (DC)

J.B. Note re Fleet Hargate Haulage.

JA

THE DEPARTMENT OF TRANSPORT

EAST MIDLANDS REGIONAL OFFICE
NETWORK MANAGEMENT AND
CONSTRUCTION DIVISIONS
CRANBROOK HOUSE CRANBROOK STREET
NOTTINGHAM NG1 1EY
SWITCHBOARD 0602 350602
DIRECT LINE 0602 352 462
FAX 0602 799743
GTN 6202

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

S.H.D.C. PLANNING DEPT
RECEIVED
- 7 MAR 1994
Action by
Final
Ack

Your Ref: PGC/LAC/F.1706

Our Ref: 5065/03/2/T/03

Date: 4 March 1994

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990
"SOUTH HOLLAND 2000"
THE SOUTH HOLLAND DISTRICT LOCAL PLAN

Thank you for your letter of 8 October enclosing the South Holland District Consultative Draft Local Plan. I apologise for the delay in providing the Department's comments.

Both the A16 and A17 trunk roads pass through the Local Plan area. The Department's policy on development control in relation to trunk roads is set out in circular Roads 4/88. In summary the policy is as follows:

On all purpose trunk roads it is clearly necessary in general to restrict the formation of new accesses to them if they are to continue to perform their function as routes for the safe and expeditious movement of long distance through traffic. A particularly strict policy is appropriate to fast stretches of rural trunk road and to trunk roads of near motorway standard inside and outside urban areas. Where a development is likely to generate a material increase in traffic either via an existing access (whether direct or indirect via a local road) or via an otherwise acceptable new access onto a trunk road, but would result in the access or the main line of that trunk road becoming overloaded, the Department would normally direct the Local Planning Authority to refuse the planning application. Alternatively if improvements to the existing or proposed new accesses, or the trunk road, could be designed consistent with the Department's 15 year design horizon to provide the additional capacity, the Department could direct the Local Planning Authority to impose conditions on any planning permission that the development should not occur unless and until those improvements have been carried out. The Department would thus not expect to object to developments consistent with the proposals in the Local Plan, subject to the completion of any highway works which it considered necessary and acceptable in relation to the trunk road such that the traffic generated by the development, together with all other traffic, could be accommodated forward to the design year (15 years from full opening of the development).

Whilst it appears that the trunk roads in the district currently have sufficient spare capacity to accommodate the traffic likely to be generated by the proposals for development within the Plan,

circumstances can change, and it should be pointed out that the Department's detailed view of any individual planning application will necessarily be formed at the time the application is submitted, in the light of the then available capacity of the trunk road, any changes then planned in the road network, and the existing and prospective traffic, including the traffic effects of the development at that time. In other words, apparent acceptability now cannot be taken as any guarantee of acceptability at the planning application stage.

I would only wish to comment in detail on one development proposal in the plan which is the site designated as an area of investigation for industrial development on Inset 7. Whilst not objecting in principle to the development, the Department would not wish access to be gained via either new or existing accesses to the A17. The Department would wish to see traffic from these developments gaining access to the trunk road via Winslow Gate to the north and the B1515 to the south.

Yours faithfully

pp I. Marshall
S MARSH
Principal Engineer

JA

THE DEPARTMENT OF TRANSPORT

EAST MIDLANDS REGIONAL OFFICE
NETWORK MANAGEMENT AND
CONSTRUCTION DIVISIONS
CRANBROOK HOUSE CRANBROOK STREET
NOTTINGHAM NG1 1EY
SWITCHBOARD 0602 350602
DIRECT LINE 0602 352 462
FAX 0602 799743
GTN 6202

68/93

S.H.D.C. PLANNING SECTION
RECEIVED
- 7 MAR 1994

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

Your Ref: PGC/LAC/F.1706

Our Ref: 5065/03/2/T/03

Date: 4 March 1994

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Yours faithfully

pp I. Marshall

S MARSH
Principal Engineer

Henry Scott & Son Ltd.,
Buck House,
Buck Street,
Bradford,
West Yorkshire.
BD3 9QP

Mr J Blacklock

JB/JL B05/0689/93

21 Feb 1994

Dear Sir,

TEMPLE TRANSPORT - FLEET HARGATE, SPALDING.

I write to advise you Temple Transport, who lease your premises at Fleet Hargate, have applied for planning permission to re-locate their operations on land to the west of Fleet Hargate, off the Fleet Road.

My Committee is currently giving consideration to this application and the issue has arisen of the degree to which environmental gain could be secured for Fleet Hargate by the cessation of the road haulage/warehousing use on your land at Fleet Hargate.

I am aware, of course, that you yourselves have submitted an application for residential development on your land at Fleet Hargate and therefore I would invite you to consider whether there would be an advantage in offering to dispense entirely with the road haulage/warehousing use as a factor of relevance in determining that application.

You will understand I trust that I have no wish to pre-empt the Committee's decision on your application but I am sure that in deliberating upon that application, the Committee will have the desirability of removing the said use very much in mind.

The cessation of the road haulage/warehousing use could be secured by a Section 106 Obligation under the terms of the Town and Country Planning Act 1990 - an obligation to which, obviously you would have to be a party - but at this stage my concern to establish whether, in principle, you would be agreeable to such an arrangement to enable Temple Transport to relocate and your site to be redeveloped.

I look forward to hearing from you.

Yours faithfully

N Midlen
Principal Planning Officer (DC)

FLEET PARISH COUNCIL

JILL HARRINGTON

CLERK

Telephone: Holbeach (0406) 26739

Parish Council Office
2, Spalding Road
Holbeach
Spalding
LINCS
PE12 7HG

11th February 1994.

Dear Mr.Smith,

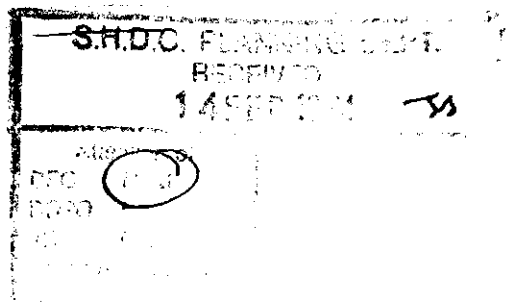
Planning Application No. H05/0689/93
Temples Transport

I write to inform you that my Parish Council wish to support this application. They have received representation from a number of Parishioners who feel strongly that the application should go ahead.

Yours sincerely,

Jill Harrington

Director of Planning,
South Holland D.C.



Mr J Crunkhorn,
c/o Cooper Architectural Design,
Bronovan,
Hockliesgate,
Fleet,
Spalding,
Lincs.
PE12 8EF.

Mr J Blacklock

JB/JJ 805/0689/93

18 Jan 1994

Dear Sir,

CHANGE OF USE OF AGRICULTURAL LAND TO HAULAGE YARD - FLEET TEMPLE TRANSPORT.

Further to our recent discussion in respect of the above, I write to advise you the Department of Transport has confirmed that it would not wish to see any access from the proposed haulage yard onto the A17. In the Departments view access should be from the Fleet Road (B1517).

Yours faithfully

N Midlen
Principal Planning Officer
Development Control

SOUTH HOLLAND DISTRICT COUNCIL

PLANNING & BUILDING CONTROL DEPARTMENT

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

Mr J Crunkhorn,
Fleetland Design,
Myrtle House,
Fleet Hargate,
Spalding,
Lincs.

c/o
COOPER ARCHITECTURAL DESIGN
BRONOVAN
HOCKLESGATE
FLEET
SPALDING
LINES
PE12 8LF

Your Contact: Mr J Blacklock
Our Ref: JB/JJ H05/0689/93
Your Ref:
Date: 14 Jan 1994

Dear Sir,

CHANGE OF USE OF AGRICULTURAL LAND TO HAULAGE YARD - FLEET TEMPLE TRANSPORT.

Further to our recent discussion in respect of the above, I write to advise you the Department of Transport has confirmed that it would not wish to see any access from the proposed haulage yard onto the A17. In the Departments view access should be from the Fleet Road (B1515).

Yours faithfully

N Midlen
Principal Planning Officer
Development Control

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

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

JA

THE DEPARTMENT OF TRANSPORT

EAST MIDLANDS REGIONAL OFFICE
NETWORK MANAGEMENT AND
CONSTRUCTION DIVISIONS
CRANBROOK HOUSE CRANBROOK STREET
NOTTINGHAM NG1 1EY
SWITCHBOARD 0602 350602
DIRECT LINE 0602 352 469
FAX 0602 799743
GTN 6202

The District Planning Officer
South Holland District Council
Council Offices
Priory Road
SPALDING
Lincs
PE11 2EX

Your Ref: JB/J H05/0689/93

Our Ref: EMRT F 395251 Pt 2

Date: 14th January 1994

For the attention of J Blacklock Esq

Dear Sir

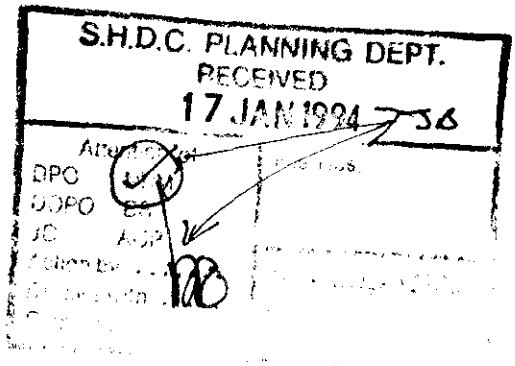
CHANGE OF USE OF AGRICULTURAL LAND TO HAULAGE YARD INCLUDING MEANS OF ACCESS AT LAND ON NORTH SIDE OF FLEET ROAD, FLEET A17 KING'S LYNN - NEWARK TRUNK ROAD

Thank you for your letter dated 1 December 1993 concerning the alternative proposal for vehicular access to Washway Road A17 to serve the above-mentioned development at the rear of Anglia Motel.

Further to the recent meeting on this topic and the very recent telephone conversation between Mr Blacklock and the writer I wish to confirm that the Department would wish to see all access from this site to Fleet Road (B1515) and not via the existing access arrangements to Washway Road serving Anglia Motel site.

I trust this answers the question you raised.

Yours faithfully



J J BACH
Lincolnshire Area Team

cc C Briggs, Development Control Section, Lincs CC

THE DEPARTMENT OF TRANSPORT

EAST MIDLANDS REGIONAL OFFICE
CRANBROOK HOUSE, CRANBROOK STREET
NOTTINGHAM NG1 1EY

SWITCHBOARD 0602 350602
DIRECT LINE 0602 352469
FAX 0602 799743
GTN 6202

Your Ref: JB/JJ H05/0689/93

Our Ref: EMRT F 29525) Pt 2

Date: 19th January 1994

FAX: NOTIFICATION

FROM: J. J. BARR

BRANCH: DEPARTMENT OF TRANSPORT, NOTTINGHAM (EXT NO. SEE ABOVE)

TO: J. BLACKLOCK

ADDRESS: PLANNING DEPT., SOUTH HOLLAND D.C.

COUNCIL OFFICES, PRIORY ROAD,

SPALDING, LINCS.

FAX NO: 0775 | 710772

NO. OF SHEETS (INCLUDING THIS ONE): 2

FOR YOUR INFORMATION

WE ARE ABLE TO ACCEPT FACSIMILE TRANSMISSIONS ON THE FOLLOWING LINES:

0602 799743 - GENERAL OFFICE (DEPTS OF THE ENVIRONMENT AND TRANSPORT)
0602 586047 - URBAN PROGRAMME BRANCH (DOE)
0602 799210 - (DOE) EMERGENCY PLANNING (REC)

GTN USERS PLEASE USE 6202-560 (SECURE) GENERAL OFFICE OR
6202-492 DTp (DIRECTOR, COA AND SUPT. ENGINEERS ONLY)

MESSAGE: PLEASE FIND ENCLOSED REPLY CONCERNING ALTERNATIVE ACCESS ARRANGEMENT TO TEMPLE HAULAGE PROPOSED SITE OFF FLEET ROAD (B1515), FLEET.

S.H.D.C. PLANNING DEPT.
RECEIVED
14 JAN 1994
SG

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

JA

THE DEPARTMENT OF TRANSPORT

EAST MIDLANDS REGIONAL OFFICE
NETWORK MANAGEMENT AND
CONSTRUCTION DIVISIONS
CRANBROOK HOUSE CRANBROOK STREET
NOTTINGHAM NG1 1EY
SWITCHBOARD 0602 350602
DIRECT LINE 0602 352 469
FAX 0602 799743
GTN 6202

Your Ref: JB/J H05/0689/93

Our Ref: EMRT F 395251 Pt 2

Date: 14th January 1994

The District Planning Officer
South Holland District Council
Council Offices
Priory Road
SPALDING
Lincs
PE11 2EX

For the attention of J Blacklock Esq

Dear Sir

CHANGE OF USE OF AGRICULTURAL LAND TO HAULAGE YARD INCLUDING MEANS OF ACCESS AT LAND ON NORTH SIDE OF FLEET ROAD, FLEET A17 KING'S LYNN - NEWARK TRUNK ROAD

Thank you for your letter dated 1 December 1993 concerning the alternative proposal for vehicular access to Washway Road A17 to serve the above-mentioned development at the rear of Anglia Motel.

Further to the recent meeting on this topic and the very recent telephone conversation between Mr Blacklock and the writer I wish to confirm that the Department would wish to see all access from this site to Fleet Road (B1515) and not via the existing access arrangements to Washway Road serving Anglia Motel site.

I trust this answers the question you raised.

Yours faithfully

J J BACH
Lincolnshire Area Team

cc C Briggs, Development Control Section, Lincs CC

Mr J Crunkhorn,
Fleetland Design.
Myrtle House,
Fleet Hargate.
Spalding,
Lincs.

Mr J Stacklock

JB/JJ H05/0689/93

16 Jan 1994

Dear Sir.

CHANGE OF USE OF AGRICULTURAL LAND TO HAULAGE YARD - FLEET TEMPLE TRANSPORT.

Further to our recent discussion in respect of the above, I write to advise you the Department of Transport has confirmed that it would not wish to see any access from the proposed haulage yard onto the A17. In the Departments view access should be from the Fleet Road (B1517).

Yours faithfully

J Midlen
Principal Planning Officer
Development Control

THE DEPARTMENT OF TRANSPORT

EAST MIDLANDS REGIONAL OFFICE
CRANBROOK HOUSE CRANBROOK STREET
NOTTINGHAM NG1 1EY

SWITCHBOARD 0602 350602
DIRECT LINE 0602 352469
FAX 0602 799743
GTN 6202

Your Ref: JB/JJ H26/0657/93

Our Ref: EMRT P405295 A.2

Date: 6th January 1994

FAX: NOTIFICATION

FROM: J. J. BATH

BRANCH: DEPARTMENT OF TRANSPORT, NOTTINGHAM (DIRECT DIAL EXT NO. 0602/352469)

TO: J. BLACKLOCK

ADDRESS: PLANNING DEPT, SOUTH HOLLAND D.C.
COUNCIL OFFICES, PRIORY ROAD,
SPALDING, LINCS.

S.H.D.C. PLANNING DEPT. RECEIVED - 6 JAN 1994 JJ
DPO
DOSD
IC A.P

FAX NO: 0775/710772

NO. OF SHEETS (INCLUDING THIS ONE): 3

Spoke to J.B. 6/1

FOR YOUR INFORMATION

WE ARE ABLE TO ACCEPT FACSIMILE TRANSMISSIONS ON THE FOLLOWING LINES:

0602 799743 - GENERAL OFFICE (DEPTS OF THE ENVIRONMENT AND TRANSPORT)
0602 586047 - URBAN PROGRAMME BRANCH (DOE)
0602 799210 - (DOE) EMERGENCY PLANNING (REC)

GTN USERS PLEASE USE 6202-560 (SECURE) GENERAL OFFICE OR
6202-492 DTp (DIRECTOR, COA AND SUPT. ENGINEERS ONLY)

MESSAGE: AS DISCUSSED EARLIER TODAY PLEASE FIND ENCLOSED COPY OF OUR LETTER IN RESPONSE TO YOUR LETTER OF 1/12/93 RE MR S. FRANKS OF THE GARAGE, MAIN ROAD, BRONDEY FOR A PETROL FILLING STATION.

THE DEPARTMENT OF TRANSPORT

EAST MIDLANDS REGIONAL OFFICE
NETWORK MANAGEMENT AND
CONSTRUCTION DIVISIONS
CRANBROOK HOUSE CRANBROOK STREET
NOTTINGHAM NG1 1EY
SWITCHBOARD 0602 350602
DIRECT LINE 0602 352 469
FAX 0602 799743
GTN 6202

The District Planning Officer
South Holland District Council
Council Offices
Priory Road
SPALDING
Lincolnshire
PE11 2EX

Your Ref: JB/JJ H06/0657/93

Our Ref: EMRT F405295 Pt 2

Date: 6th January 1994

For the attention of J Blacklock Esq

Dear Sir

PROPOSED PETROL FILLING STATION AT THE GARAGE, MAIN ROAD, GEDNEY A17 KING'S LYNN - NEWARK TRUNK ROAD

Thank you for your letter dated 1 December 1993 concerning the establishment of a petrol filling station at the above-mentioned site.

The contents of your letter has been noted, however I regret the position regarding this development remains the same as stated in the Departments direction of refusal dated 10 September 1993 and the subsequent letter of 29 October 1993.

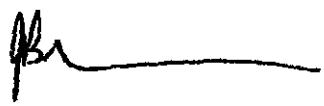
I have noted the comments of your Council's planning committee with regard to the planning permission for a petrol filling station lapsing for the Hurnfield Hargate site (located some 1 mile to the west of Mr Franks site) but this issue was covered fully in the Department's letter of 29 October 1993. Furthermore the reasons for the Department allowing the Fleet Hargate site whilst directing refusal of this site were fully documented, in the Inspector's decision letter dated 13 March 1989 following Mr Franks unsuccessful appeal in 1988.

In addition the issue of the Happy Eater I find misleading. I believe this site was formerly a petrol filling station (PFS). The site was considered suitable for a restaurant since there was a significant highway gain by reducing both the number of accesses from two to one and also reducing the volume of traffic using this site.

You mention the possibility of a physical barrier to prevent right turns into the site. This would create the likelihood of vehicles turning beyond the confines of the physical barrier in an unsafe manner to the detriment of road safety. The problems of left turning traffic on the inside of a bend of a fast open rural section of trunk road at the interface between a single and dual carriageway would remain. It should be noted that the existing facility at the A17/A1101 junction and the proposed site currently under construction at the A16/A17 junction are both accessed adjacent to trunk road roundabouts. In these situations vehicle speed are low and turning movements can be made in comparative safety.

I regret I am unable to be more helpful in their particular case.

Yours faithfully



J BACH
Lincolnshire Area Team

Department of Transport,
East Midlands Regional Office
Network Management and
Construction Division,
Cranbrook House,
Cranbrook Street,
Nottingham,
NG1 1EY.

F. J. Blackstock

[illegible]/[illegible]/01

[illegible] 941141

[illegible] July 1995

Dear Sir,

CHANGE OF USE OF AGRICULTURAL LAND TO HAULAGE YARD INCLUDING MEANS OF ACCESS AT LAND ON SOUTH SIDE OF FLEET ROAD, FLEET.

I refer to your recent discussion with my officer, Mr J Blackstock, in connection with the above and write to advise you the applicant has now proposed, not exactly, that will access for the use be taken off the A17 Sleaford Road as shown on the enclosed plan.

The actual site of the proposed haulage yard has been increased to include land within the area suggested for the location of small road haulage businesses in the Draft Deposit copy of Plan South Holland 2000 (a copy is enclosed with the plan showing the suggested area in question).

Could I please have your reaction to the suggested alternative access i.e. the access from the A17 Cross Road.

I would stress that this alternative is only the subject of discussion informally the formal planning application has not as yet been received.

I would also stress that the South District local plan is only at the consultative stage and is not approved policy.

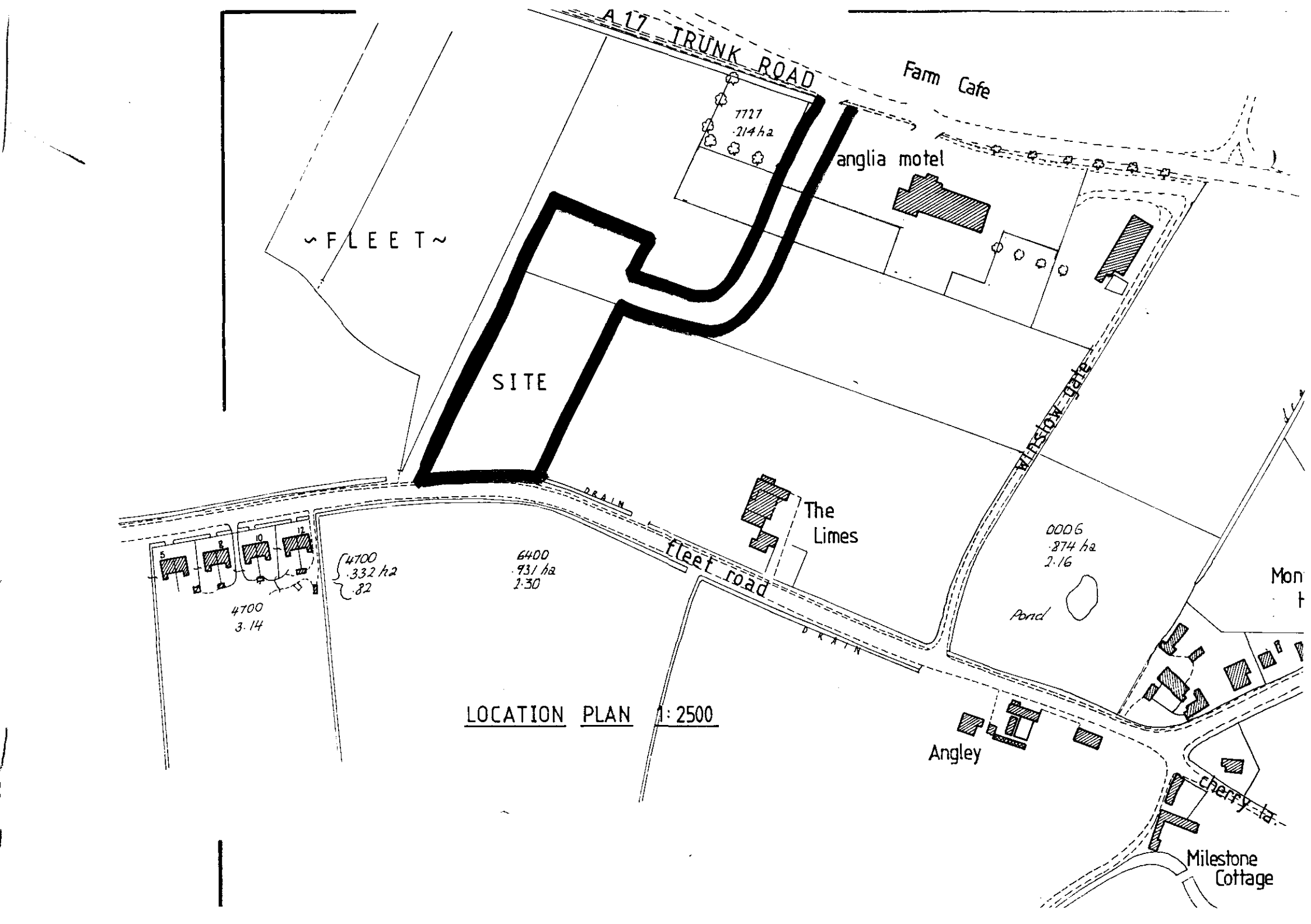
I look forward to hearing from you.

Yours faithfully

[illegible]

A. [illegible]
Principal Planning Officer
Development Control

Enc.


A17 TRUNK ROAD
Farm Cafe
7727
·214 ha
anglia motel
~FLEET~
SITE
Winslow gate
DRAIN
The Limes
fleet road
DRAIN
0006
·874 ha
2·16
Pond
4700
·332 ha
·82
6400
·931 ha
1·30
4700
3·14
LOCATION PLAN 1:2500
Angley
Cherry La
Milestone Cottage

26/4/93.

Meeting with Mr Tom Fayhow

They expressed concern at prospect of South Holland 2000 allocation of Long Sutton owned land below their property. They live on Windows Gate.

Advised them —

(a) South Holland 2000 only in draft form — no allocation as such.

(b) Devaluation of property not a relevant concern — no issue of planning blight.

(c) Public interest and principal concern — not the protection of private interests.

(d) Advised put their concerns in writing & prepare South Holland 2000.

(e) If they wished agricultural occupancy condition withdrawn from their property, they should go through set procedures — advertisement for sale for year; prove repeating agricultural condition etc.

Mr S Taylor
'Our Place'
Wiggslow Gate
Fleet
Spalding
Lincs

Mr J Blacklock

JB/LAC/1870.5
H05/0689/93

15 October 1993

Dear Sir

Haulage Yard, Fleet.

Thank you for your letter dated 6 October 1993 in connection with the above.

I would advise you that this Authority is currently processing an application (reference H05/0689/93) for the resiting of Temples Transport on land off the Fleet Road at Fleet.

I am unsure whether you intend your letter to be read as an objection to that proposed development. Perhaps you could advise me on this point. Details of the application are available at this office for your inspection during normal office hours.

It would appear, however, that you are opposed to commercial/ industrial development on land immediately behind the Anglia Motel and therefore I have chosen to take your views as a comment upon the Draft District Plan - "South Holland 2000" since the plan makes reference to developments of this nature.

As to the question of the removal of the agricultural occupancy condition on your property, I enclose a copy of a leaflet which I hope will be of assistance to you. I also enclose sets of application forms should you wish to apply for a removal of the said condition.

Yours faithfully

N R Midlen
Principal Planning Officer
Development Control

Enc

13/10/93

Temple / Fayre / Cruickshank.

(1). Ks stands, application incomplete.
(2). Alternative feasible on Pagets land
(3). LPA will need cast iron guarantee on pressure use on Fleet Hargate land as absolutely essential
(4). Arrange meeting with John Clapp / Cruickshank over revision — contact D.o.T.

11. October 1993

Meeting with John Cruickshank / Mr Temple — Jim Clapson present :—

Agreed :— (1) Main building stark turned around to extend across site & thereby cut as a shield for noise.
(2) Additional land required to North to facilitate vehicle turning.
(3) Area south of building stark landscaped but with car park screened from North — retention of hedge more of open land important.
(4) All vehicular access via A17 access on Pagets Road.
(5) Informal plan stage submitted & sent to DoT with our observations.

Explained :—

(1) Still a policy objection
(2) But improved layout of site and provision of screening of existing use at Fleet Hargate could be advantageous in overcoming policy objection
(3) 'Long Pole' not an alternati

Mr T Cruickshank
Kiln Land Design
Myrtle House
Fleet Road
Spalding
Lincs

Mr [illegible]

[illegible]

[illegible] September 1993

Dear Sir

Proposed Change of Use of Agricultural Land, The Bungalow, [illegible] Fleet Road, Fleet.

I refer to your letter dated 14 September 1993 addressed to this Council and your subsequent telephone enquiry in respect of the same.

The Director of Planning and Building Control Services, Mr B Smith, is currently on holiday but on his return I will arrange his site with your request for a meeting. The Director will be reviewing [illegible] very shortly.

Yours faithfully

[illegible]

Mr [illegible]
Technical Planning Officer
Development Control

South Holland District Council.
Council Offices
Priory Road
Spalding
Lincolnshire

FLEETLAND DESIGN
Myrtle House
Fleet Hargate
Spalding
Lincolnshire
TEL : 0406 23762

SOUTH HOLLAND DISTRICT COUNCIL
21 SEP 1993
CHIEF EXECUTIVE'S DEPT

Date : 14 September 199

Dear Sirs.

Re: PROPOSED CHANGE OF USE OF AGRICULTURAL LAND TO HAULAGE DEPOT AT LAND OFF FLEET ROAD, FLEET. FOR TEMPLES TRANSPORT. YOUR REF H05/689/93

In respect of the above and in response to our most recent telephone conversations with yourself and your Mr B. Smith I am content, after having had a discussion with the applicant Mr R. Temple, that we agree to an extension of time in which to deal with our Planning Application. We would also agree to a meeting with yourself and Mr. B Smith to discuss our proposals and very much look forward to hearing from you with an appointment date in the very near future.

Yours faithfully

MR N.I. CRUNKHORN (FLEETLAND DESIGN)

S.H.D.C. PLANNING DEPT.
RECEIVED
23 SEP 1993

22/9/93

Chief Executive regards this article as a planning matter and feels that any meeting should be with officer(s) of Planning Dept only.

22/9/93

SOUTH HOLLAND DISTRICT COUNCIL

MEMORANDUM

From: R J Smith
Deputy Director of Planning
and Building Control Services

To: J Curnock
Principal Planning Officer
(Local Plans)

Our Ref: RJS/JJ H05/0800/93
H05/0689/93
F.1706

Your Ref:

Date: 17 Sep 1993

PROPOSED DEVELOPMENTS AT FLEET HARGATE.

In the absence of both yourself and Helen on 16th September Brian Smith spoke to me concerning applications H05/0800/93 and H05/0689/93 and their relationships to existing planning policy and the emerging Local Plan. He would like an exercise to be done to see if the principles embodied in these applications can be accommodated within the suggested land allocation for development close to the A17 at Fleet Hargate and asks that Helen deals with this on her return so that he can have some further advice by the middle of October prior to reports on the applications being concluded for the 26th October Planning Committee meeting.

The files are with John Blacklock.

R J Smith
Deputy Director of Planning
and Building Control Services

9/9/93

DISCUSSION WITH AGENT + APPLICANT

ADVISED THEM OF POLICY OBJECTION (STRUCTURE PLAN) TO PROPOSED SITE AND THAT ~~[illegible]~~ THE ARGUMENT CONCERNING NEED FOR RELOCATION SHOULD BE ACCOMPANIED BY GUARANTEE THAT EXISTING USE SHOULD BE DISCONTINUED AND NOT JUST CURRENT USE. ALSO ADVISED REGARDING DISTRICT PLAN PROPOSAL RE LOCAL PARK OFF WINSLOW GATE.

APPLICANT PRESSED FOR DETERMINATION OF APPLICATION (6 OCTOBER COMMITTEE BUT NO GUARANTEE) AND EXPRESSED CONCERN THAT THERE COULD BE A POLICY OBJECTION WHEN :-

(A) RELOCATION IMPERATIVE
(B) DISTRICT PLAN ENVISAGES ~~[illegible]~~ COMMERCIAL DEVELOPMENT CLOSE BY.

ADVISED THAT RELOCATION DID NOT PRESUPPOSE THE USE OF A 'GREENFIELD' SITE — SUGGESTED HE CONTACT JIM CURNOCK TO INVESTIGATE POSSIBILITIES OF ACCEPTABLE SITE — PROPOSED OR EXISTING.

DISCUSSIONS WERE FRANK BUT AMICABLE.

[signature]

SOUTH HOLLAND
DISTRICT COUNCIL
PLANNING DEPT
FR KEY ROAD
SPALDING
LINCOLNSHIRE

FLEETLAND DESIGN
MYRTLE HOUSE
FLEET HARGATE
SPALDING
LINCOLNSHIRE

6th SEPTEMBER 1993

Dear Sir,

RE: PROPOSED CHANGE OF USE OF AGRICULTURAL LAND TO HARDSTANDING, LAND OFF FLEET ROAD, FLEET FOR TEMPLE TRANSPORT

In regard to the above application and with reference to your letter dated 31st August 1993 recently sent to me I have received a covering letter from Mr R. Temple, requesting temporary consent in regard to your letter. Should you have any further queries, please do not hesitate to get in touch with me

Yours faithfully

[signature]

Mr. J. E. CHURCHMAN

S.H.D.C. PLANNING DEPT.
RECEIVED
- 7 SEP 1993 SA

V

Who else and another haulage company, would support for this?

SA 7/9

JM 7/9

TEMPLES TRANSPORT

THE BOWLING GREEN, FLEET HARGATE, LINCOLNSHIRE. PE12 8LJ

Telephones: 0406 22644 0406 22280

3rd September 1993

N.R. Midlen, Esq.,
Principal Planning Officer,
Planning Department,
South Holland District Council,
Priory Road,
SPALDING,
Lincs.
PE11 2XE

Dear Sir,

Change of Use of Agricultural Land to Haulage Yard.
Land off Fleet Hargate.

JB/LAC H05/0689/93

In respect of the above application for our proposed new haulage yard I have today received a copy of a letter from yourselves dated 31st August 1993 sent to my agent Mr. J. Crunkhorn of Messrs. Fleetland Design.

In response to that letter I am willing to accept your stated condition. It is my intention to cease opperating my transport business from "The Old Bowling Green", Old Main Road, Fleet Hargate, should planning permission be granted at the Application Site.

I am in agreement to signing into any legal obligation which would prevent my business from opperating from the present site subject to my proposed application being approved, a full planning permission and the site is ready for occupation.

Should you have any further queries or require any further information please do not hesitate to contact me.

Yours faithfully,

Russell Temple

Russell Temple.

Our Ref: GT/93/1/SH/0223/LMT

Your Ref: H05/0689/93

Date: 31 August 1993

NRA

National Rivers Authority
Anglian Region

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

Dear Sir,

PLANNING APPLICATION NO. H05/0689/93

PROPOSAL: **CHANGE OF USE OF LAND TO HAULAGE YARD**
LOCATION: **LAND OFF FLEET ROAD, FLEET**
APPLICANT: **TEMPLES TRANSPORT**

I refer to your consultation received on 19 August 1993.

This Authority has no objection to the proposed development, but has advised the applicant on matters to be considered to ensure the proposal does not give rise to pollution of surface or groundwaters.

Yours faithfully,

R. F. MORGAN
Planning Manager

183

S.H.D.C. PLANNING DEPT.
RECEIVED
- 2 SEP 1993
Attention of
DPO
DOPO
JC

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

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

LK

THE DEPARTMENT OF TRANSPORT

EAST MIDLANDS REGIONAL OFFICE
NETWORK MANAGEMENT AND
CONSTRUCTION DIVISIONS
CRANBROOK HOUSE CRANBROOK STREET
NOTTINGHAM NG1 1EY
TELEPHONE 0602 350602 EXT. 469
FAX 0602 799743
GTN 6202

Your Ref: H05/0689/93

Our Ref: EMRT F 395251 Pt 2

Date: 19th August 1993

The District Planning Officer
South Holland District Council
Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2EX

For the attention of D.M. Gedney Esq

Dear Sir

TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER 1988
CONTROL OF DEVELOPMENT ALONGSIDE TRUNK ROADS
PROPOSED CHANGE OF USE OF AGRICULTURAL LAND TO HAULAGE YARD INCLUDING MEANS OF ACCESS AT LAND ON SOUTH SIDE OF FLEET ROAD, FLEET
A17 KING'S LYNN – NEWARK TRUNK ROAD

I refer to the Detailed application dated 30th July 1993 in respect of the above mentioned development. In accordance with the T & CP GDO 1988 this application is appropriately dealt with under Article 18.

I would not wish to raise objection to the development as shown on the deposited plans, planning reference 0689/93 dated 21 July 1993.

Yours faithfully

J J BACH
for Director of Network Management & Construction

cc: The Director of Highways and Planning, Lincs County Council

S.H.D.C. PLANNING DEPT.
RECEIVED
27 AUG 1993 JS

INDUSTRY, STORAGE AND DISTRIBUTION

5.5 Policies

NB: In the following policies the terms "Industrial Development" and "Industry" are used to refer to Business, General Industry and Storage and Distribution as defined by Classes B1, B2 and B8 of the Town and Country Planning (Use Classes) Order 1987.

POLICY ID1

Industrial sites

THE FOLLOWING SITES ARE ALLOCATED FOR INDUSTRIAL DEVELOPMENT SUBJECT TO INDIVIDUAL PROPOSALS BEING ACCEPTABLE IN RELATION TO OTHER POLICIES IN THIS PLAN AND IN THEIR RELATIONSHIP TO THEIR SURROUNDINGS

(a) CROWLAND - LAND WEST OF PETERBOROUGH ROAD.

(b) FLEET HARGATE - LAND CLOSE TO A17 (FOR USE BY SMALL ROAD HAULAGE BUSINESSES).

(c) GOSBERTON - LAND ADJACENT TO THE JUNCTION OF THE PROPOSED LINK ROAD ADJOINING THE PRESENT A16 AND THE PROJECTED A16 (SPALDING -SUTTERTON IMPROVEMENT), DEVELOPMENT OF WHICH CANNOT START BEFORE COMPLETION OF THE NEW ROADS.

(d) HOLBEACH - LAND CLOSE TO A151 ON THE WESTERN OUTSKIRTS OF THE TOWN.

(e) LONG SUTTON/LITTLE SUTTON - LAND SOUTH OF BRIDGE ROAD AND NORTH OF A17 (SUBJECT OF ALTERATION NO. 1 TO THE LONG SUTTON AND SUTTON BRIDGE LOCAL PLAN).

(f) SPALDING - LAND IN THE VICINITY OF WARDENTREE LANE IN THE PARISH OF PINCHBECK.

(g) SPALDING - LAND IN THE VICINITY OF CLAY LAKE, (DEVELOPMENT OF WHICH CANNOT START BEFORE COMPLETION OF THE A16 (SPALDING - SUTTERTON) IMPROVEMENT).

(h) SUTTON BRIDGE - LAND NORTH OF A17 AND EAST OF RAILWAY LANE.

(i) SUTTON BRIDGE - LAND IN THE VICINITY OF THE FORMER WINGLAND AIRFIELD (DEVELOPMENT OF WHICH CANNOT START UNTIL AN ACCEPTABLE ACCESS TO THE A17 IS AVAILABLE).

See also relevant references in Chapter 10.

POLICY ID2

Industrial sites

INDUSTRIAL DEVELOPMENT MAY ONLY TAKE PLACE ON SITES WITHIN DEVELOPMENT BOUNDARIES NOT SPECIFICALLY DESIGNATED FOR THE PURPOSE, IF:-

(i) THE GRANTING OF PLANNING PERMISSION IS UNLIKELY TO HAVE ANY HARMFUL EFFECTS UPON THE ENVIRONMENT OR CHARACTER OF ITS SURROUNDINGS, AS A RESULT OF THE USE ITSELF OR THE TRAFFIC LIKELY TO BE GENERATED; AND

Existing businesses i.e. a building suppliers and haulage depot, militate against the development of land off Malting Lane to the south east of Donington for residential purposes. Neither does the land lend itself to industrial development being in close proximity to housing to its immediate north. The land serves a useful purpose as a buffer between industrial and residential uses, any development of the land would have to be compatible with both of these.

The development boundary has not been extended to the line of the by-pass because of the difficulty in accessing the land that would be released and the value of this land as a buffer between the busy A52 and the built-up areas of the village. It protects the amenity of existing residents and presents a good visual impression of Donington from the by-pass.

10.9 Fleet (Church End) Inset 5

Fleet Church End is a small settlement situated a short distance to the south of Fleet Hargate and the main A17 trunk road. The settlement consists of 27 dwellings containing a population of 70 persons. There is one dwelling committed in the settlement.

The settlement consists of a ribbon of development along Eastgate/Hallgate encompassing the Church of St Mary Magdalene, Old Rectory and New Rectory together with the collection of bungalows and Council houses along Proudfoot Lane. Much of Fleet Church End is protected by a designated conservation area centred on the church and encompassing Fleet County Primary School and Manor House.

Fleet Church End is characterised, particularly in the area around the church, by a large number of mature trees and much hedging. The individual dwellings vary from semi-detached Council properties, bungalows and cottages through to quite large dwellings such as Manor House and the Old Rectory. The village does not have a shop but contains a telephone kiosk and posting box. A primary school is situated beyond the Interim Boundary of Development near the junction of Hazelwood Lane and Hocklesgate.

At present one planning permission is committed within the settlement and it is not considered that the village is subject to strong pressure for development. Land however does exist for further modest expansion along Hallgate if necessary.

10.10 Fleet Hargate Inset 6 and 7

Fleet Hargate is a medium sized village with 299 dwellings and a resident population of 750 persons. The village is situated south of the A17 trunk road to the east of Holbeach. Within the village there are 78 dwellings committed with full or outline planning permission.

The village possesses a Post Office, village stores, fish and chip shop, fitness studio, hairdressers and two Public Houses. There is also a small chapel along Fleet Road although the Parish Church is situated in the separate settlement of Fleet Church End to the south. Fleet Hargate consists of a ribbon of older development along Fleet Road (the old A17 trunk road) with additional newer development being added often in the form of cul-de-sac estates to the south.

Along Fleet Road the properties intermingle with shopping and other uses and are often set tightly to the edge of the highway land. These properties are the oldest in the village. The road itself is distinctively broad in particular contrast to roads elsewhere in the village. With the exception of Lowgate to the north the majority of Fleet Hargate is situated south of Fleet Road and is more modern in origin. Several estates exist along with Council properties, bungalows, semi-detached and detached dwellings.

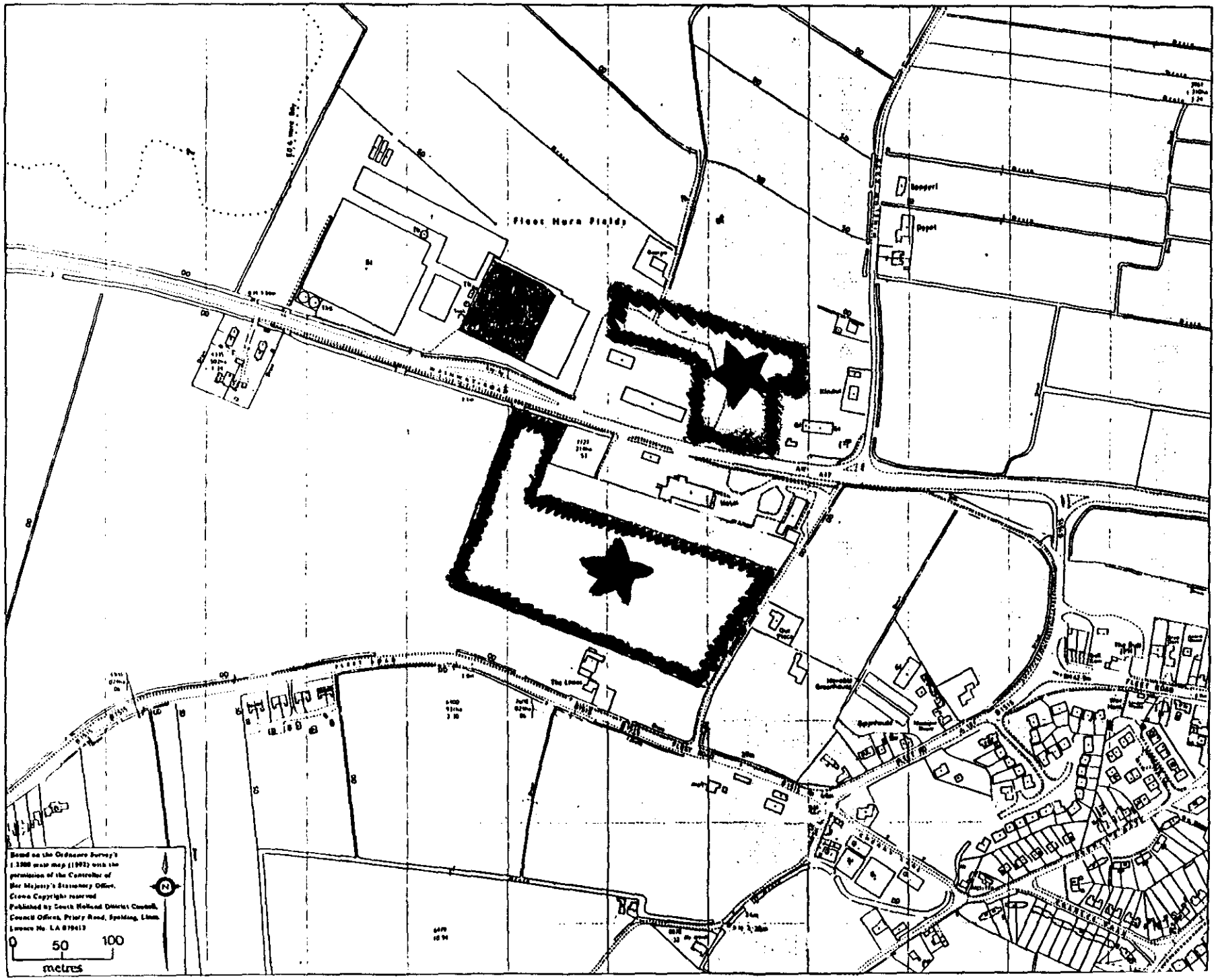
Within the village several sites already have the benefit of planning permission in either full or outline form. Additionally a large area of land has been allocated for residential purposes to the north of Fleet Road and bounded by Lowgate, the A17 trunk road and the B1515 road to Holbeach. This site, when developed, should have significant levels of landscaping on its northern edge to form a buffer zone to the A17 Trunk Road, thereby protecting residential amenity for the new properties and enhancing the landscaped boundary of the settlement. This land allocation within the boundary and the existing sites give a good range of development opportunities in the village for the future.

Beyond the Interim Boundary of Development for Fleet Hargate, an area of land has been identified for development to create a depot for local hauliers. The site, adjacent to the A17 in the vicinity of the Anglia Motel should conform to policies within the Chapter 6 of the plan in relation to its development and inset 7. Such a development could provide useful facilities for small road transport businesses in the eastern part of the District.

10.11 Gedney (Black Lion End) Inset 8

Gedney (Black Lion End) is a settlement of some 90 persons located off the A17 between Holbeach and Long Sutton. Development extends along Chapel Gate, which was once part of the main road between Holbeach and Long Sutton and up along Kingsgate. With the construction of the A17 road improvement scheme Gedney was bisected leaving Black Lion End to the north of the new highway and Church End to the south. Gedney (Black Lion End) has no recognisable centre.

Fleet Hargate Industrial Estate



BRIAN S. .TH 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: H05/0689/93

Applicant: Temples Transport
"The Bowling Green"
Old Main Road
Fleet Hargate
Spalding Lincs

Agent: Fleetland Design
Myrtle House
Fleet Hargate
Spalding
Lincs

Description: Change of use of agricultural land to haulage yard including means of access.

Location: Land off Fleet Road Fleet
Spalding Lincs

Type: FULL

Date received: 21-JUL-93

30-JUL-93

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 13-AUG-93. 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 D M GEDNEY

Yours faithfully
B SMITH
Director of Planning and Building Control Services

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

S.H.D.C. PLANNING DEPT.
RECEIVED
17 AUG 1993 SD

FOR PARISH COUNCIL USE ONLY

Comments: NONE

Signed:

SOUTH HOLLAND DISTRICT COUNCIL

M E M O R A N D U M

FROM: DIRECTOR OF ENVIRONMENTAL SERVICES DATE: 10.8.93

OUR REF: JC/SS/PC

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

Planning Application H05/0689/93
Haulage Yard, Fleet Road

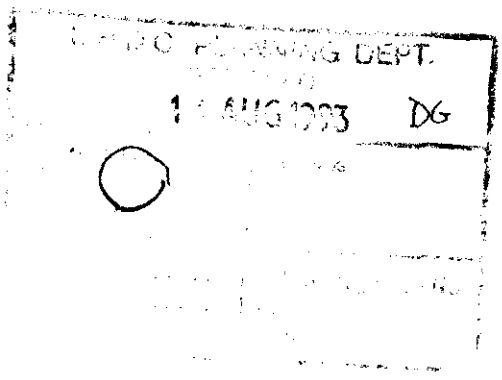
I would confirm that this Department is continuing to receive complaints of noise and smoke nuisance from activities at the existing site and is in fact considering instigating formal action to remedy the problems.

The existing restricted site being surrounded by dwellings is totally unsuitable for such purposes and relocation to a more appropriate site would be of significant benefit to the village providing a more compatible use can be agreed for the site i.e., residential.

The proposed site is better situated but there are several dwellings closeby and depending upon the degree of external activities and hours of operation substantial boundary screening and relevant conditions could be required.

In the circumstances I would suggest that further information as attached is sought from the applicant to enable a full assessment of the impact to made. A meeting with the applicant may be advantageous to all parties concerned.

Director of Environmental Services



SOUTH HOLLAND DISTRICT COUNCIL

M E M O R A N D U M

FROM: CHIEF ENVIRONMENTAL HEALTH OFFICER DATE: 10/8/93
OUR REF: JC/SS
TO: DISTRICT PLANNING OFFICER YOUR REF: H05/0689/93

Re: Proposal Haulage Yard - Environmental Considerations

The above proposals may have some effect on the environment or may be affected by neighbouring activity or potential development nearby. To assist us could you please arrange, through the applicant or otherwise, for the following information to be provided.

From the Applicant

~~A.1. An up to date location and/or site plan showing all existing buildings on site and neighbouring properties.~~

A.2. Site layout giving details of proposed
i) construction and use of buildings
ii) construction of road and yard surfaces
iii) loading/unloading areas.

A.3. Activities to be undertaken on site including hours of operation of respective activities.

A.4. General hours of operation envisaged.

A.5. Number and type of vehicles and hours of operation.

A.6. B.S. 4142 1990 noise assessment including details of all types of plant and equipment to be used, noise levels at appropriate noise sensitive boundaries relative to the operation and siting of such plant and equipment together with details of frequency spectrum as appropriate.

A.7. Details of any noise attenuation measures to be implemented including construction and performance of any screening, enclosure etc., in relation to A6.

A.8. On site processes/activities giving rise to emissions to atmosphere of dust, fume, smell etc.

A.9. Detailed information on methods of disposal of noxious wastes.

A.10. Details of noxious or hazardous materials to be used/stored on site.

From Planning Dept

P.12. An up to date location and/or site plan showing all existing buildings on site and neighbouring properties and declaring any relevant outstanding planning consents for development on or near to the applicant site as indicated on site plan.

P.13 Any further relevant environmental technical data provided by the applicant or others.

P.14. Copies of any relevant objections received.

Chief Environmental Health Officer

SOUTH HOLLAND
Internal Drainage Board

Marsh Reeves,
Foxes Lowe Road,
Holbeach,
Spalding, Lincs.
PE12 7PA.

Please contact: Mr. Staines

Tel: Holbeach (0406) 24933
Fax: (0406) 26501

Our Ref. RS/PA-K/689/93/JAM **Your Ref.** **Date** 9 August 1993

Dear Mr. Smith,

FULL PLANNING APPLICATION - TEMPLES TRANSPORT
CHANGE OF USE OF LAND - FLEET ROAD, FLEET

I have the following observations to make in respect of planning application No. H05/689/93 a copy of which has been obtained from the applicants agent.

A copy of this letter is being forwarded to the applicants agent and the National Rivers Authority.

No Board's watercourse adjoins the site that is located within the catchment area of the Board's Washway Road Drain situated alongside the A.17 some 150 metres to the North, to which it drains via a circuitous route of private and roadside watercourses.

Whilst my Board would not wish to object to the granting of approval in principal for the change of use of the land for the establishment of a haulage depot, I am unable to fully process the application at this time as no storm water disposal arrangements have been formulated.

I would accordingly request therefore that in view of the fact the type of development proposed could have a significant effect upon local drainage, that should your Council wish to approve the project a condition is attached requiring the submission and approval of storm water disposal details prior to development commencing.

The following general advice is given for the applicants guidance.

The riparian owners consent must be obtained prior to any filling being undertaken or extra storm water run-off discharged to the private dykes. Prior to such works being undertaken however full details must be provided for my Board's approval in order I can ensure existing drainage interests will not be affected. Should improvements be required to privately owned dykes to cater for increased flows from the development such works must be carried out at the applicants expense following my Board's approval of details.

The applicant should be advised that should a direct surface water outfall be constructed to either a Board's or private watercourse, the Board will seek a single once and for all time contribution towards future improvements of their system to ensure adequate capacity for increasing flows from continuing developments unless on-site storage facilities are provided.

The contribution rate is currently £7,040 per acre of new impermeable surface drained via a direct outfall and subject to engineering and administration fees, as set out in the following scale, and V.A.T., although these figures are subject to periodic review.

Our Ref: RS/PA-K/689/93/JAM Your Ref: 9 August 1993

The Engineering & Administration Fees are:-

Contribution		Percentage Fee
up to	£25,000	15%
£25,000 to	£100,000	12.5%
over	£100,000	10%

MINIMUM CHARGE £35

Examination of old ordnance survey maps of the locality indicates there to have been a private dyke alongside the Eastern boundary of the site and possibly a roadside dyke fronting the site. Extreme caution should therefore be exercised when undertaking any excavations in this vicinity in order to ensure any pipes that may have been installed are not damaged.

The possible presence of private pipelines should be borne in mind when determining the extent of tree planting in the close vicinity, the root growth from which could lead to future damage and consequent local drainage difficulties.

In the eventuality that soakaway drainage systems are contemplated, I would suggest appropriate tests be undertaken to ensure the subsoils are suitable and that such soakaway systems will function adequately, bearing in mind that high ground water levels may be experienced during periods of prolonged heavy rainfall.

Yours sincerely,

J J Elsey

ENGINEER TO THE BOARD

B. Smith, Esq., M.R.T.P.I.,
Director of Planning & Building Control Services,
Planning & Building Control Dept.,
South Holland District Council,
Priory Road,
Spalding,
Lincs.
PE11 2XE

c.c. Fleetland Design
N.R.A. - Lincoln

Public Notices

PLANNING APPLICATIONS

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

H02/0581/93
David Wilson Homes Ltd OUTLINE
Residential development.
Land off Barbers Drove, Crowland, Peterborough.

H09/0718/93
Lincolnshire County Council OUTLINE
Residential development.
Former Highways Sub Depot, Hallgate, Holbeach, Spalding, Lincs

H16/0700/93
Allison Homes FULL
Residential development – 20 dwellings comprising of 2 and 3 bed detached, semi-detached and terraced units.
Land off St Annes Way, Spalding, Lincs.

The following applications do not accord with the provisions of the relevant Development Plan.

H05/0689/93
Temples Transport FULL
DG Change of use of agricultural land to haulage yard including means of access.
Land off Fleet Road, Fleet, Spalding, Lincs.

H14/0701/93
Mr J. E. Nickols OUTLINE
Coomercial and industrial development.
Wardentree Lane, Pinchbeck, Spalding, Lincs.

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

H04/0692/93
J. R. Lovell Esq FULL
Change of use from insurance/estate agency to retail sale and repair of scale model cars and accessories.
First floor: 13 Market Place, Donington, Spalding, Lincs.

H04/0697/93
B. Smith & Co FULL
External alterations to offices.
23/24/24A Market Place, Donington, Spalding, Lincs.

H08/0651/93
V. E. Miller LISTED BUILDING
Replace 12 shutters to existing windows.
The Bell Inn, 83 High Street, Gosberton, Spalding, Lincs.

H11/0686/93
Alliance & Leicester BS FULL
Installation of an automatic teller machine (ATM).
14 Market Place, Long Sutton, Spalding, Lincs.

H13/0730/93
Moulton Harrox Educational OUTLINE
Residential development.
Broad Lane, Moulton, Spalding, Lincs.

H16/0698/93
Shop & Store Dev Ltd FULL
Demolition and rebuild single retail unit.
5 Hall Place, Spalding, Lincs.

H16/0699/93
Shop & Store Dev Ltd CONS AREA CONSENT
Demolition of existing shop.
5 Hall Place, Spalding, Lincs.

H16/0717/93
Miss E. J. Plummer FULL
Provision of new shop front.
"Pingouin", 10 Station Street, Spalding, Lincs.

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

SOUTH HOLLAND DISTRICT COUNCIL

B. SMITH
Director of Planning and Building Control Services

August 6, 1993.

6oz WVN 4831 187507 SG6-8

8&G 6.8.93

LINCOLNSHIRE COUNTY COUNCIL
(WHAPLODE – STOCKWELL GATE)
(RESTRICTED ROADS) ORDER 1993

NOTICE IS HEREBY GIVEN that the Lincolnshire County Council has made an Order under Sections 82(2) and 83(2) of the Road Traffic Regulation Act 1984, the effect of which will be to impose a 30 mph speed limit on the following lengths of road in Whaplode:

Stockwell Gate – from the A151 generally northwards for about 930 metres.

Bush Meadow Lane – from Stockwell Gate, southwards for about 100 metres.

Road leading off Stockwell Gate, north-westwards for

Items Wanted

BOOKS BOUGHT and sold, also old prints and maps. Picture framing service. Shop open 10-6 Monday - Saturday. P. J. Cassidy, 1 Boston Road, Holbeach. (0406) 26322.

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WANTED: Ercol Windsor or Colonial Cabinet. Tel 0775 761643.

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on vans, shop windows, signboards etc.
Tel: Mike Taylor
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Are you selling your property?
Then contact Zoe on 0775 725484
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Bulbs and Plants

MODULE Cabbage and Cauliflower plants for sale. R. Bratley (Quadring) Ltd. Tel Spalding 840322.
800,000 Leek Plants, early and late varieties. Mr I. Knight, Laurels, Marriots Gate, Lutton, Long Sutton, Spalding. Tel 0406 362356.

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CLAS

HEARTL
0891

The following 3 advertisements are from 3 ladies living in Russia. They want to write to people to find out more about our culture and country. We will forward replies free of charge.
LARISA, 24, artist, blonde, green eyes, loves music, sport, dogs. Quiet, tender, seeks intelligent, attractive, strong gent for friendly correspondence and romance. Reply to Box No AL8211.
SUZANNA, 24, musician, slim, cheerful, charming, loves theatre, travel, animals, cooking. Seeks kind, attractive, reliable male. Reply to Box No AL8222.
OKSANA, 27, engineer of water protection, pretty slim, grey eyes, loves children, countryside, travel, seeks a GSOH, reliable male for friendship. Reply to Box No AL8223.
MALE, 24, tall, slim, shy, caring, NS, GSOH, looking for single, fit, active female, 18-28, for outings, f ship, poss romance. Reply to Box No SP8244.
WOULD Alan, who replied to Box No SP8149, Bourne Sleaford area, please contact the box number below as he did not give his telephone number in the letter to the lady concerned. Reply to Box No SP8251.
ROMANTIC lady, 49, goodhearted and sincere, seeks male, 49-54, for TLC and f/ship. Must be romantic. Photo please. Reply to Box No SP8254.
WELL-established male, seeks attractive, well dressed, slim lady, 45-55, interests: eating out, theatre, country life, poss lasting r/ship. NS. Reply to Box No ST8237.
24-year-old blonde male, seeks single female for f/ship, outings, poss romance. Photo please. Reply to Box No ST8241.
SINGLE female, 25, seeks male, 28-38, for fun, f/ship, poss r/ship, must like children, smoker, GSOH. ALA. Photo app. Reply to Box No ST8246.
ARE you a gent, 50+, waiting to be pampered by lady with GSOH. I have no ties, enjoy most things, am a great cook. Make my day, answer this ad and let me spoil you. Reply to Box No ST8253.
HARDWORKING outgoing guy, 29, various interests, looking for fun-loving lady for f/ship. Photo please. Reply to Box No ST8255.
GENT, 41, with personality, GSOH, smoker, seeks lady 30-46, for outings, cinema, view lasting loving companionship. Stamford, Melton, Oakham areas. Reply to Box No ST8257.
LONELY widow, 46, GSOH, seeks caring male, 45-55, for f/ship, poss romance. Reply to Box No SP8233.
LADY, 53, NS, wishes to meet gent, 50-58, for f/ship, outings, poss romance. Reply to Box No ST8217.
FEMALE, 25, new to area, looking for a big-hearted male, 25-30, for f/ship, poss romance. ALA. Reply to Box No ST8291.
WANTED: Female pillion, GSOH, for male, 25, to share the good times. Photo ensures reply. Single mums welcome. Reply to Box No ST8232.

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PLANNING APPLICATION

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

DEPARTURE FROM DEVELOPMENT PLAN

The proposed development does not accord with the provisions of a development plan.

Reference No: H05/0689/93
Description: Change of use of agricultural land to haulage yard including means of access.

Location: Land off Fleet Road
Fleet
Spalding
Lincs

Applications and plans showing the proposal(s) may be seen during office hours at the Planning Department, Council Offices, Priory Road, Spalding. Any observations should be sent to me by 27-AUG-93 quoting the above reference number.

B Smith
Director of Planning and Building Control Services

06-AUG-93

SOUTH HOLLAND DISTRICT COUNCIL

LINCOLNSHIRE COUNTY COUNCIL
DEPARTMENT OF HIGHWAYS AND PLANNING

FORM NO: H/A/3B

To: South Holland District Council

Application Reference H05/0689/93

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

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

1. National Grid Reference of a central point on site

horizontal				vertical		

2. Address or location

Land off Fleet Road, Fleet

3. Name, classification and number of road

II (B1515)

4. Date application referred 28-7-93

5. State whether outline, detailed application etc.

FULL.

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

Change of use of Agricultural Land to Haulage Yard inc Means of Access.

7. Delete as appropriate

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

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

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

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

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

Date: 29-7-93 Signed: [signature]
Director of Highways and Planning

CONDITIONS:—

Delete as appropriate

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

(ii) For other applications

(1) B22

(2) B8

(3) B15

20m Trunk Road (drawing No FD 11612)

c. 8m

(4) F7 Before the use is commenced, para (drawing no FD 11612)

(5) The areas shall be kept free from the parking of vehicles, ~~[illegible]~~ surfaced 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) B2

(2) B5

(3) F12

(4) F7

5. To prevent unsuitable material from being deposited on the adjoining highway in the interests of highway safety.

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

BRIA SMITH Dip TP MRTPI
Director of Planning & Building Control Services
Planning & Building Control Department,
Council Offices,
Priory Road, Spalding,
Lincolnshire. PE11 2XE
Telephone: (0775) 761161
Fax: (0775) 710772

FILE COPY

SOUTH HOLLAND DISTRICT COUNCIL

VAT Reg No 121 5277 01

OFFICIAL RECEIPT - APPLICATION FEES

Receipt No : P3003
Date received : 21-JUL-93

Received from

Mr R Temple

Address

The Bowling Green
Old Main Road
Fleet Hargate
Spalding

Fee paid	£	120.00
VAT	£	0.00
Total received	£	120.00

Cash/Cheque : Cheque

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

Part 6 : ADDITIONAL INFORMATION RE :

C689/93

PROPOSED CHANGE OF USE

of

AGRICULTURAL LAND

to

HAULAGE YARD

for

TEMPLES TRANSPORT

at

LAND OFF FLEET ROAD FLEET LINCS

FLEETLAND DESIGN
Myrtle House
Old Main Road
Fleet Hargate
Lincs
PE12 8LH

To be read in conjunction with drg FD 116/1

Temples Transport is a Haulage Business providing a service transporting produce to market for the local agricultural and horticultural growing community. The firm that began 7 years ago today sees a workforce of 12 articulated vehicles distributing vegetables, flowers and fresh fruit from local farms and the fens to the wholesale markets located throughout the United Kingdom. Produce is collected from farms and transported to the present depot where it is unloaded, "broken down" and redistributed for final shipments to the markets.

The present site situated centrally in the village of Fleet Hargate off "The Old Main Road" has a site area of approximately one third of an acre including some 180 square metres portal framed storage building providing some cover from the elements for the temporary storage of produce and in which some minor repair work (maintenance) is carried out. The yard provides an area for loading and off-loading transport but is inadequate in size and often the scene of congestion. The site also hosts a small office accommadating 2 full time office staff organising a team of 22 day and night drivers. The site attracts between 25 and 30 light goods vehicles per day delivering "small" quantities of produce from local farms not requiring bulk collection. 12 lorries

Although Fleet Hargate has been ideal in terms of it's locality to the farming community in which the business serves and gives easy access to the A17 trunk road, it has become somewhat outlived in all other aspects. The business has reached it's peak for some time here and needs relocating from an area of village setting and lack of space to continue operating efficiently. As with most villages in the area Fleet Hargate has in recent years seen it's share of residential growth and this giving rise to the introduction of new services for the community. Either side of the sites access operate a fitness centre and a food take-away shop. Almost opposite the sites access is the relocated village Post Office. Although these relatively recent businesses are ideally located in the village they all require off-street parking for their customers - domestic traffic generation combined with the vehicular movements of the transport business causes congestion and is detrimental to highway safety (see location plan identifying present depot location). The bus stop is also located at this point creating yet another hazard to old people and school children alike.

The application site, located off Fleet Road on the outskirts of the village of Fleet Hargate is presently agricultural land that has been put down to grass for the past few years. It is seen by the applicant as a site that would fulfil all of the business requirements and would have little affect on it's surroundings or environement. The application sees a change of use from land that is currently unused and will not be used for the foreseeable future. The proposed site access will give excellent visability and no road widening will be required on the Fleet Road (former A17 trunk road). Ultimately, the proposed developement would see the construction of a new portal framed building as shown on the indicative site layout drawing numbered FD 116/1, where farm produce would be

temporarily stored and where produce distribution will occur before being transported to market. It is envisaged that 90% of the loading/offloading processes involved in the business activities will occur inside the portal framed building itself. This will provide cover for produce and staff in times of inclement weather and greatly reduce any noise impact on the environement the processes may have. There are no proposals for any outside storage of goods or materials. Ultimately, the proposals will include embankment screening and landscaping to the site boundary's that will obscure operations from the Fleet Road and give a good degree of security.

The present Fleet Hargate base sees the firm operating from 9am. to 10pm. for office staff. "Day drivers" begin work at mid-day and duties include collecting produce from local farms and off-loading and redistributing produce to trailers ready for the "Night drivers" who begin work and leave site at around 8pm. to their market destinations. Final market bound vehicles leave site before 10pm. If proposals for a new site were approved it is envisaged that work will finish at least one hour earlier than present hours because the increased site area will create more efficient working proceedures.

In precedent an application for a transport company on a smaller scale once based in the village of Tydd St. Mary was approved for change of use on land at the junction of Wisbech Road and Woodwards Lane between Long Sutton and Tydd St. Mary in close proximity to the A1101. This approved haulage site was in the open countryside and therefore contrary to the planning policy for the area at the time. (Approved 12 th. October 1989 - ref: H 11/1862/88).

The application sees proposals for a change of use from unused agricultural land to that of a commercial role associated with a haulage business, however Temples Transport is agricural related, 100% of the goods transported is agricultural produce and the local farming community would suffer if their produce could not get to market satisfactorily. Temples Transport has established itself in the locality over many years and are now facing what could be described as a "Machins scenario" at their present Fleet Hargate village base. The application site is on the doorstep of the A17 trunk road, a through route to market destinations and is close proximity to their present base which would mean that present services to the local farming community to which it serves will not be severed. The relocation is for the specific reasons of smoother operation of the expanded business combined with the much needed reduction of heavy transport through the village of Fleet Hargate, so relieving environemental and public safety hazards.

Temples Transport is an established haulage business that has proved successfull over many years because of the need for this business in Fleet Hargate, a local dependancy, not only by the large farms but also by the many local smallholders. The business has over the past year been looking for new larger premises from which to work and have investigated many parcels of land in the Fleet Hargate area and see the application site as the most suitable in every aspect. It is sited away from densely populated development areas and has access onto a deregulated trunk road, North of the site is the Anglia Motel and the Farm Cafe both of which accommodate large numbers of heavy goods vehicles and so the site would not be seen as a "blot on the landscape". The application site if granted would cuase little disturbance to both operator and employees, approximately 75% of Temples Transport workforce reside within a 5 mile radius of the present depot. The application site is grassed agricultural land (not "set aside") but could be said too be to small to make it viable using todays farming methods. The site is unused agricultural land and so the application if granted would not be taking away the chance of any possible proffitable income from it's present owner.

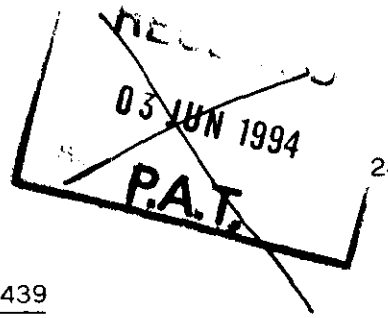
In conclussion the application is for change of use agricultural land to a new transport depot including means of access onto Fleet Road, detailing of the buildings and landscaping shall be subject to a further application.

TEMPLES TRANSPORT

46, FLEET ROAD, HOLBEACH, LINCOLNSHIRE. PE12 8LA

Telephone (0406) 422280

The Transport Tribunal,
48-49, Chancery Lane,
LONDON.
WC2A 1JR



24th May 1994

Dear Sirs,

OF 207439

I write to confirm my fascimile message to you on 18th May 1994.

1. Licensing Authority

Eastern Area Licensing Authority, Terrington House, 13-15, Hills Road, Cambridge.

2. Details of Decision Appealed Against

(a) Revocation of Interim Licence for thirteenth vehicle and trailer.

(b) Restriction on length of licence to twelve months.

(c) Restriction on working hours, including only six movements per night.

(d) No parking on public highway.

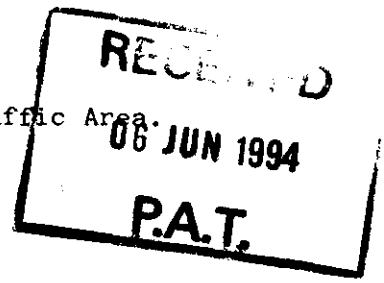
3. Reasons For The Appeal

(a) and (b) The thirteenth vehicle and trailer have been fully used ever since purchase. To comply with the decision of the Deputy Licensing Authority would result in redundancies in staff and reduction in services to customers.

(c) Due to E.E.C. rules and regulations, implementation of the restrictions has an adverse affect on efficient operation.

(d) To comply with decision (c) parking on the public highway will be inevitable. The seventh and subsequent movements per night, incoming, will have to wait on the highway until time to move into the depot. The other six have to park on the highway whilst the drivers unlock and open the gates (security).

4. Copies of this appeal will be sent to:



A. Deputy Licensing Authority, Eastern Traffic Area.

B. Objectors:-

(i) Mr. R. Humphry
(ii) Mrs. M.B. Ransom
(iii) Mr. D. Winterton

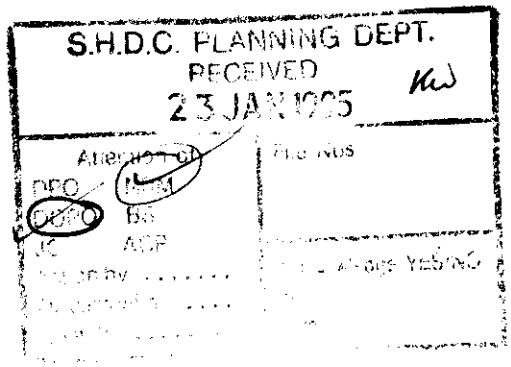
C. South Holland District Council.

D. Fleet Parish Council.

Yours faithfully,

A.S. Temple





IN THE COURT OF THE TRANSPORT TRIBUNAL

ROAD HAULAGE APPEALS

A D TEMPLE
t\a TEMPLES TRANSPORT

APPEAL 1994 No.F21

Before: His Honour Judge Harold Wilson
T W Hall Esq.
J W Whitworth Esq.

On Tuesday 17th January 1995

UPON READING the decision of the Deputy Licensing Authority for the Eastern Traffic Area made on the 17th May 1994 and published in "Applications & Decisions" No.4507 dated the 15th June 1994

AND UPON READING the Notice of Appeal dated the 24th May 1994

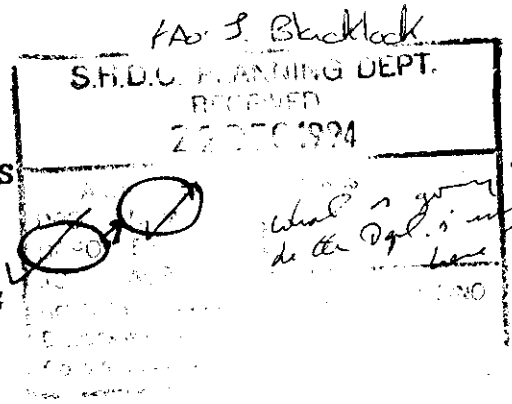
AND UPON HEARING Mr A D Temple on behalf of the appellant

IT IS HEREBY ORDERED THAT this appeal be dismissed.

Harold Wilson.

President 18:1:95





TRANSPORT TRIBUNAL

ROAD HAULAGE APPEALS

CAUSE LIST

APPEALS FOR HEARING

BEFORE : - HIS HONOUR JUDGE H WILSON
MR T W HALL
MR J WHITWORTH

AT : - THE COURT ROOM
FOURTH LOOR
48/49 CHANCERY LANE
LONDON WC2A 1JR

ON :- TUESDAY 17TH JANUARY 1995

AT : - 10.30 AM

APPELLANTS	RESPONDENTS	OTHER PARTIES
1994 NO: F20 **ROAD HAULAGE ASSOC.**	-	-
1994 NO: F21 **A D TEMPLE** **T/A TEMPLES TRANSPORT**	-	-

(All telephone enquiries to (071) 936 7493)

TRANSPORT TRIBUNAL

ROAD HAULAGE APPEAL

APPEAL 1994 Nº F21

A.D. TEMPLE

T/A

TEMPLES TRANSPORT

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(1)

Department of Transport

Goods Vehicle Operator Licensing

Application for a Licence R

Office Use Only
received at counter 1-10-93.
Reg 1/10/93

- The booklet "A Guide to Goods Vehicle Operator Licensing" will help you to fill in this form.
- If you need any further help, contact the Goods Operator Licensing section of your Traffic Area Office.
- **Do not send any fees with this form.**
- **This application must be advertised.**

NOV 1993 20439

IN CAPITALS ☑ the boxes

Your Details

	Surname	First name(s)
1 Give the full name of person, company, partnership or public authority who will be the licensed operator. If a partnership, please give the full name of each partner. Continue on a separate sheet if necessary.	TEMPLE	ALAN DUNCAN

2 Trading name, if any

3 Address for correspondence

46, FLEET ROAD,
HOLBEACH,
SPALDING,
LINCS Postcode PE12 8LA

4 Telephone Nos/Telex No.

HOLBEACH (0406) 22280 W 5372.
(0406) 22644

(0406) 490751

5 What is your trade or business? (e.g. haulier, farmer, removals etc.)

HAULIER

6 How long have you been in this trade or business?

EIGHT Years

Type of Licence

7 What type of licence do you want?

- Restricted ☐
  (to carry only your own goods in the U.K. and abroad).
- Standard National ☐
  (to carry other people's goods in the U.K. and your own goods in the U.K. and abroad).
- Standard International ☑
  (to carry other people's goods and your own in the U.K. and abroad).

Registered companies only ⇨ Please fill in this section

8 Company Registration No.

9 Registered office address

Postcode

- Please attach a list of directors.
- Please attach a copy of your Certificate of Incorporation.

10 Please give the names and addresses of any subsidiary companies you wish to include on the licence (continue on a separate sheet if necessary).

Postcode	Postcode

11 Is this an application to replace an existing licence? Yes ☑ No ☐

⇨ If **Yes**, please give the current licence number

12 Do you hold a current operator's licence in any other Traffic Area? Yes ☐ No ☑

⇨ If **Yes**, please tick which Traffic Area(s)

London	☐	Cardiff	☐	Manchester	☐
Birmingham	☐	Eastbourne	☐	Newcastle	☐
Bristol	☐	Edinburgh	☐	Nottingham	☐
Cambridge	☐	Leeds	☐		

13 Will you be giving up any licences in another Traffic Area if this application is granted? Yes ☐ No ☑

⇨ If **Yes** please tick which Traffic Area(s)

London	☐	Cardiff	☐	Manchester	☐
Birmingham	☐	Eastbourne	☐	Newcastle	☐
Bristol	☐	Edinburgh	☐	Nottingham	☐
Cambridge	☐	Leeds	☐		

14 Have you, or anyone involved with this licence application ever had an operator's licence refused or revoked in this, or any other Traffic Area? Yes ☐ No ☑

⇨ If **Yes**, please tick which Traffic Area(s)

London	☐	Cardiff	☐	Manchester	☐
Birmingham	☐	Eastbourne	☐	Newcastle	☐
Bristol	☐	Edinburgh	☐	Nottingham	☐
Cambridge	☐	Leeds	☐		

Operating Centres, Vehicles and Trailers

15 For **each** operating centre you have in this Traffic Area please write below their addresses, and numbers of vehicles and trailers which you will keep there and the maximum number of off-street parking spaces which are available to you.
Please use a separate box for each operating centre. Continue on a separate sheet if necessary.

1					2				
"THE BOWLING GREEN" FLEET HARGATE, SPALDING, LINCS Postcode PE12 8LT					Postcode				
In Possession or to be acquired Immediately		Future * Requirements		Max. No. of off-street parking spaces available to you	In Possession or to be acquired Immediately		Future * Requirements		Max. No. of off-street parking spaces available to you
Vehicles	Trailers	Vehicles	Trailers		Vehicles	Trailers	Vehicles	Trailers	
12	12	6	6	18					

3					4				
Postcode					Postcode				
In Possession or to be acquired Immediately		Future * Requirements		Max. No. of off-street parking spaces available to you	In Possession or to be acquired Immediately		Future * Requirements		Max. No. of off-street parking spaces available to you
Vehicles	Trailers	Vehicles	Trailers		Vehicles	Trailers	Vehicles	Trailers	

*These are extra vehicles and trailers which you may need in the future. They are often known as a "margin". For more information see the Guide.

Environmental Conditions on existing licences

Fill in this section only if there are environmental conditions attached to your existing licence in this Traffic Area.

16 Are you prepared to accept all the existing environmental conditions on the licence you are applying for?

Yes ☐ No ☐

If **No**, please say which conditions you want changed or removed, and give reasons. Your advertisement should contain details of the changes you want.

(4)

Maintenance

See Appendix 5 of the Guide

Your vehicles must be given safety inspections at regular intervals of time or distance whichever occurs first.

17 Please give both the maximum time **and** distance intervals at which your vehicles will normally be given safety inspections.

Vehicles	Time	Distance
Long haul	4 WEEKLY	10,000 Kms
Short haul		Kms
Local delivery/low mileage		Kms
Tippers and site vehicles		Kms
Trailers		Kms

18 Will you/your staff usually carry out your own

- Safety Inspections — Yes ☑ No ☐
- Minor Repairs — Yes ☑ No ☐
- Major Repairs — Yes ☐ No ☑

⇨ If you answered **Yes,** to any of these questions, please fill in the table below.

Address of your workshop	Facilities available there (e.g. pits/hoists)
FLEET HARCATE,	PITS / HOISTS ETC AS RECENTLY
SPALDING,	INSPECTED BY MIKE ROBINSON, ESQ.,
LINCS	PETERBOROUGH TESTING STATION.
Postcode PE12 8BT	

⇨ How many skilled repair staff do you have? (if none, write 'none')

2 FULL TIME
+ 2 PART TIME

⇨ If you answered **No** to any of the questions above, please say who will be doing the following work.

Safety Inspections	Maintenance Work
Name:	Name: G. TRUCKS LTD.,
Address:	Address: MAIN ROAD,
/	WIGTOFT,
	BOSTON, LINCS.
Postcode	Postcode PE20 2NX

⇨ If you have any outside maintenance work done, please send the maintenance contract or agreement — see Appendix 6 of the Guide.

⇨ Please also attach a copy of the form that will be used for vehicle and trailer safety inspections and write on it when safety inspections will be made — see Appendix 6 of the Guide.

OFFICE USE ONLY		
RSA	Inst.	GFR

Professional Competence — Standard licence applicants only.

19 Please give details of the person(s) who holds a Certificate of Professional Competence (CPC) or has an exempting qualification and who is responsible for vehicles on the operator's licence.

Name ALAN DUNCAN TEMPLE	Name
Date of birth (if under 18) —	Date of birth (if under 18)
Home Address 46, FLEET ROAD,	Home Address
HOLBEACH	
SPALDING, LINCS	
Postcode PE12 8LA	Postcode
Operating centres for which responsible.	Operating centres for which responsible.
"THE BOWLING GREEN" FLEET HARGATE,	
SPALDING, LINCS PE12 8LJ	
Address of place of work	Address of place of work
AS ABOVE	
Postcode	Postcode

(Continue on a separate sheet if necessary)

➪ For all these people you must enclose Certificates of Professional Competence (not copies) or evidence of qualifications which give exemption.

20 Are any of these people responsible for vehicles on any other current licences? Yes ☐ No ☑

➪ If **Yes**, please give name and other licence numbers.

Name
Licence No.

(Continue on a separate sheet if necessary).

Finance

21 During the last 3 years:

- Have you or your partners or directors been made bankrupt? Yes ☐ No ☑
- Are you or any of your partners or directors bankrupt now? Yes ☐ No ☑
- Have you, your partners or directors been involved in a company that has gone into liquidation owing money? Yes ☐ No ☑
- Have you, your partners or directors been disqualified from acting as directors of a company or from taking part in the management of a company? Yes ☐ No ☑

➪ If you answered **Yes** to any of the above questions, please give details on a separate sheet of paper. Include details of any operator's licences involved.

New Applicants only

➪ To show that you have sufficient financial resources to maintain your vehicles and provide a suitable operating centre, please provide:

- Bank reference; or
- Statement of assets; or
- Accounts (audited if appropriate).

Convictions

22 Have you, your company, your directors, partners or any person named in question **19** had any convictions which under the terms of the Rehabilitation of Offenders Act 1974 are not spent?

Yes ☐ No ☑

*If **Yes**, please give details below.*

Full name & position (e.g. partner, director/CPC holder etc)	Name of Court	Date of conviction	Offence and penalty given	No. of offences

Checklist

Have you attached:

- **All Applicants**
  - A copy of your published advertisement of application — Yes ☑ No ☐
  - Maintenance contract — Yes ☑ No ☐
  - Example of vehicle safety inspection form — Yes ☑ No ☐
  - Separate list of vehicles (GV79A) — Yes ☑ No ☐
- **All New Applicants**
  - Finance details — Yes ☐ No ☐
- **Standard Licence Applicants**
  - Certificates of Professional Competence or evidence of qualifications giving exemption — Yes ☑ No ☐
- **Companies**
  - List of directors — Yes ☐ No ☐
  - Copy of Certificate of Incorporation — Yes ☐ No ☐

(8)

Declaration

This declaration must be made by the person who will be the licensed operator. In the case of companies, partnerships or public authorities it may be made by someone authorised to sign for the licensed operator.

I declare that the statements made in this application are true. I understand that the licence may be revoked if any of the statements are false, or I do not fulfil the statement of intent made below.

I will make proper arrangements so that:

- the rules on drivers hours and tachographs are observed and proper records kept;
- vehicles and trailers are not overloaded;
- vehicles will operate within speed limits;
- vehicles and trailers are kept fit and serviceable;
- drivers report safety faults in vehicles as soon as possible;
- records are kept (for 15 months) of all safety inspections, routine maintenance and repairs to vehicles and trailers, and these are made available on request.

I will:

- have adequate financial resources to maintain the vehicles and trailers covered by the licence;
- tell the Licensing Authority of any changes or convictions which affect the licence;
- abide by any conditions which may be imposed on the licence; and
- maintain adequate financial resources for the administration of the business (Standard licence applicants/holders only).

Signed A D Temple Dated 29 - 9 - 93

Name in CAPITALS ALAN DUNCAN TEMPLE

Position in business

- Owner ☑
- Company Secretary ☐
- Director ☐
- Partner ☐
- Transport Manager ☐
- Delegated officer of a Public Authority ☐
- Other ☐ ⇨ If other, please state authority for signing:

Now send this form to your Traffic Area Office with the appropriate enclosures.

OF/207439. (9)

Department of Transport

For official use only

..pplication for a Goods Vehicle Operator's Licence

Supplementary Environmental Information

See Paragraphs 37 to 41 of the Guide

Name and business address of applicant

A.D Temple
46 Fleet Rd
HOLBEACH
SPALDING
LINCS PE12 8LA

Address of operating centre

The Bowling Green
Fleet Hargate
SPALDING
LINCS PE12 8AL.

For the operating centre above, please give the following information

Please tick the relevant boxes

■ Vehicles to be normally kept at this site.

1. Please complete the table for all authorised vehicles normally kept at this operating centre.

Registration Mark	Plated weight	Body type Number (see list below)	Registration Mark	Plated weight	Body type Number (see list below)
C 714 KEE	38000	1A	G 545 GJV	38000	1A
C 714 LFU	16260	1	G 710 XEE	38000	1A
D 923 LUB	38000	1A	K 130 NJL	38000	1A
F 825 TEE	38000	1A	K 132 NJL	38000	1A
E 38 OEE	38000	1A	K 225 NJL	26000	1
F 749 GTV	38000	1A			
F 899 TFU	38000	1A			

2. Please give the total number and body type for any ~~additional~~ trailers kept at this operating centre. centre.

Total	Body type number (see list below)	Total	Body type number (see list below)	Total	Body type number (see list below)	Total	Body type number (see list below)
4	2AR	8	1A				

Body Type Number

1. flat or sided including skeletals
2. box body or van
3. tanker
4. other type (such as cement mixer, live stock carrier).

If a tipper put a T after the number, and if refrigerated put an R after the number.
If articulated indicate the most commonly used trailer and put an A after the number.
If a vehicle falls into more than one class, give each number which is relevant eg an articulated, refrigerated box body--2 AR.

(10)

Parking for authorised vehicles

Show the parking for the authorised vehicles at the operating centre on the plan which you enclose (see page 3).

3. Will any of the authorised goods vehicles and/or trailers be parked elsewhere in the vicinity of the operating centre? Yes ☐ No ☑

If YES please give details below (the Licensing Authority may regard these places as operating centres).

Address (including postcode) or road name	Number of vehicles	Frequency of use

OWNER HAD OPERATORS LICENCE TO USE THE ADDRESS FOR PARKING ATLEAST

4. If the premises are not your own enclose evidence that you may use that address for parking. SINCE 1974.

Operating times of authorised vehicles

5. Between which hours will lorries normally arrive at and leave the operating centre?

7 A.M. to 10 P.M.

6. Will lorries normally use the operating centre

on Saturdays? Yes ☑ No ☐

on Sundays? Yes ☑ No ☐

7. Between which hours will lorries normally arrive and leave on these days?

on Saturday from 6 A.M. to 10 A.M.

on Sunday from 8 A.M. to 10 P.M.

8. Will maintenance work be carried out at the operating centre?

Yes ☑ No ☐

9. Between which hours will this work normally be done?

from 9 A.M. to 5 P.M.

10. Will any of this work normally be done

on Saturdays? Yes ☑ No ☐

on Sundays? Yes ☐ No ☑

11. Between which hours will this weekend work be done?

on Saturdays from 9 A.M. to 1 P.M.

on Sundays from — to —

12. Are there any covered buildings at the operating centre, in which you carry out this work?

Yes ☑ No ☐

Plan of the operating centre

Enclose a copy of any existing plan of the operating centre and its surroundings.

The plan should show

- Entry and exit points
- Main building
- Surrounding roads with names
- Normal parking area for authorised goods vehicles and trailers

Please indicate the scale if possible. A convenient scale in most cases is 1:500, that is 1 cm to 5 m or 1 inch to 35 ft. For large operating centres a small scale is more convenient such as 1 inch to 100 ft.

In the case of a site not previously used as an operating centre, please give information about any application for, or planning permission granted, in relation to the proposed use.

Please give any further information about the environmental aspects of your operating centre which you consider relevant to your application for a licence.

Declaration

I declare that the statements above are complete and correct.

Signed A D Temple Date 5-11-93

Name in BLOCK CAPITALS ALAN DUNCAN TEMPLE

Position in business OWNER

(such as owner, company secretary, director, partner or transport manager).

Haven House

OLD A17

B.M. 15·90

WHITE HOUSE

VISITORS, DRIVERS AND OFFICE STAFF CAR PARK

4 WHLR

Bakery

Hall

Ivy Dene

Ivy House

Ssli

DIESEL TANKS

WORKSHOP

DRIVERS CAL PARKING

SPACE FOR 6 MORE LORRIES

CHERRY CLOSE

Fleet

Hargate

SEVEN NEWLY ERECTED BUNGALOWS EASTGATE

Drain

Waldale

Hamelea

Darl

EASTGATE

Columbus

NO. 4491

207439 (12 V 12 TRL(S) INC 11 TRL(S) TBA). (11/93) TEMPLE ALAN DUNCAN. 46 FLEET RD, HOLBEACH, SPALDING, LINCS, PE128LA. (18 V 18 TRL(S) INC 6 V 6 TRL(S) TBA).
OC - SPALDING - THE BOWLING GREEN, FLEET HARGATE, SPALDING, LINCOLNSHIRE, PE128LL.
TM - TEMPLE ALAN DUNCAN

102228 (30 V 30 TRL(S) INC 10 V 22 TRL(S) TBA). (10/93) VERBRUGGE (UK) LTD. DOOLEY ROAD, OFF WALTON ROAD, FELIXSTOWE, SUFFOLK, IP118HG. (30 V 30 TRL(S) INC 10 V 30 TRL(S) TBA).
OC - FELIXSTOWE - DOOLEY ROAD, OFF WALTON ROAD, FELIXSTOWE, SUFFOLK, IP118HG.
TM - KNOWLES I R

44868 (8 V 2 TRL(S) INC 4 V TBA). (11/93) W HARRIS CHELMSFORD HAULAGE LTD. 167 NOTLEY ROAD, BRAINTREE, ESSEX, CM77HF. (8 V 2 TRL(S) INC 4 V 2 TRL(S) TBA).
OC - BRAINTREE - 8A DRIBERG WAY, SKITTS HILL INDUSTRIAL ESTATE, BRAINTREE, ESSEX, CM77NB.
TM - WICKS A J

CONTINUATION
STANDARD NATIONAL

35705 (4 V INC 3 V TBA). (11/93) A F BUCK LTD. 8 DOWNHAM ROAD, ELY, CAMBS, CB61AH. (1 V).
OC - HADDENHAM - 94 HILL ROW, HADDENHAM, CAMBS, CB63TJ.
TM - BUCK JOHN A E

102820 (1 V). (12/93) A G PECK (CONTRACTORS) LTD. 45 DUDLEY STREET, LUTON, BEDS, LU20NP. (1 V).
OC - LUTON - 45 DUDLEY STREET, LUTON, BEDS, LU20NP.
TM - PECK S M

210565 (4 V 5 TRL(S) INC 2 V 3 TRL(S) TBA). (11/93) A L MORTIMER TRANSPORT LTD. 86 STATION ROAD, PUCKERIDGE, WARE, HERTS. (4 V 5 TRL(S) INC 2 V 3 TRL(S) TBA).
OC - STANDON - MILL FARM, MILL END, STANDON, WARE. (4 V).
OC - STANDON - STANDON PROPERTIES CO LTD, STORTFORD RD, STANDON, WARE HERTS, SG111PH. (5 TRL(S)).
TM - JONES E J

48358 (12 V INC 7 V TBA). (11/93) BARKER BROS BUILDERS LTD. THE GREEN, DOWNHAM MARKET, NORFOLK, PE389DY. (12 V INC 7 V TBA).
OC - DOWNHAM MARKET - THE GREEN, DOWNHAM MARKET, NORFOLK, PE389DY. (6 V).
OC - BEETLEY - ROOSTING HILL PIT, BEETLEY, DEREHAM, NORFOLK, R20 4DH. (6 V).
TM - EVES MALCOLM RICHARD

102758 (1 V). (12/93) BEDDER TIMOTHY ALAN. (T/A BEDDER TRANSPORT SERVICES). 33 EMMAS WAY, LITTLE PLUMSTEAD, NORWICH, NORFOLK, NR135HV. (4 V 1 TRL(S) INC 2 V 1 TRL(S) TBA).
OC - NORWICH - NORWICH LIVESTOCK MARKET, HALL ROAD, NORWICH, NORFOLK.
TM - O'DONOUGHOE MICHAEL

102481 (2 V INC 1 V TBA). (10/93) BROOKS NICHOLAS JOHN. OAKFIELD FARM, LOW COMMON, TUTTINGHAM, AYLESHAM, NR116TE. (2 V INC 1 V TBA).
OC - TUTTINGHAM - OAKFIELD FARM, LOW COMMON, TUTTINGHAM, NORWICH, NR116TE.
TM - BROOKS N J

102561 (4 V INC 3 V TBA). (10/93) BURCH PATRICK. 44 EDMONTON ROAD, KESGRAVE, IPSWICH, SUFFOLK, IP5 7EG. (2 V INC 1 V TBA).

CONTINUED..

(14)

THE WHITE HOUSE
OLD MAIN ROAD
FLEET HARGATE
SPALDING
LINCOLNSHIRE
PE12 8LJ

27.9.1993

THE LICENSING OFFICER
THE LICENSING AUTHORITY
TERRINGTON HOUSE
13-15 HILLS ROAD
CAMBRIDGE
CB2 1NP

Reg 6(1)(a) 3.

REFERENCE: RENEWAL WITH CHANGE, THE LICENCE FOR " THE BOWLING GREEN", FLEET HARGATE. BY TEMPLES TRANSPORT.

207439 file with CR3.

DEAR SIR OR MADAM

I AM HEREBY STATING MY OBJECTIONS TO THE LICENCE RENEWAL ON THE FOLLOWING GROUNDS.

1. THE CONSTANT HEAVY VIBRATION TO MY 200 YEAR OLD HOME, CAUSED BY THE WEIGHT AND SUCTION OF THESE LARGE LORRIES IN PASSING OR IDLING CLOSE BY.
2. THE FUMES THAT PENETRATE MY HOME DUE TO THESE LORRIES IDLING WITH THEIR ENGINES RUNNING OUT-SIDE AT ALL HOURS OF THE DAY AND NIGHT. THIS ALSO CAUSES NOISE POLLUTION.
3. UP-TO FOUR LORRIES PARKED OPPOSITE CAUSING CONSIDERABLE LOSS OF LIGHT TO THE HOUSE. BECAUSE THE HOUSE IS SET BELOW THE ROAD LEVEL.
4. IN PARKING OPPOSITE THEY CAUSE SEVERE PROBLEMS FOR PEOPLE WHO ARE ATTEMPTING TO CROSS THE ROAD TO USE THE POST OFFICE AND SHOP.
5. THE LARGE AMOUNTS OF DUST BEING CONSTANTLY DEPOSITED OVER THE HOUSE, BOTH FRONT AND BACK, SEVERELY HAMPERING CLOTHES DRYING AND GENERAL CLEANLINESS ABOUT THE HOME. MY CAR IS ALWAYS COVERED IN DUST.

I AM FULLY AWARE THAT A GROWING COMPANY HAS TO OPERATE SOMEWHERE BUT UNFORTUNATELY TEMPLES TRANSPORT HAS FAR OUT GROWN OUR LITTLE VILLAGE AND REQUIRE A MUCH LARGER INDUSTRIALLY PLACED SITE. I AM CERTAIN THAT A CHILD WILL BE KILLED HERE SOONER OR LATER.

YOURS SINCERELY, WITHOUT PREJUDICE.

Paul G. I. Rodgers-Gray

PAUL G. I. RODGERS-GRAY.

RECEIVED
28 SEP 1993
E.T.A.

GOODS VEHICLE OPERATORS' LICENSING

(15)

ENVIRONMENTAL REPRESENTATION

Please supply the following information:-

APPLICANT: Alan D. Temple

OF. NO. 207439.

NAME: PAUL G.I. ROGERS-GRAY

ADDRESS: THE WHITE HOUSE

OLD MAIN ROAD, FLEET HARGATE

SPALDING LINCS

POSTCODE: PE12 8LJ

TEL. NO: 0406 26073

RECEIVED
-8 OCT 1993
E.T.A. (PM)

State approximately how far your land or property lies from the operating centre.

30 YDS. [3RD HOUSE FROM THE YARD ENTRANCE]

A map or plan showing your location (with distances) in relation to the operating centre dra overleaf would be helpful.

Confirm whether a copy of your representation was sent to the applicant at the same time as it w sent to this office.

☐ No ☑ Yes

If No please explain why. _____

If the Licensing Authority decides to hold a Public Inquiry do you wish to attend?

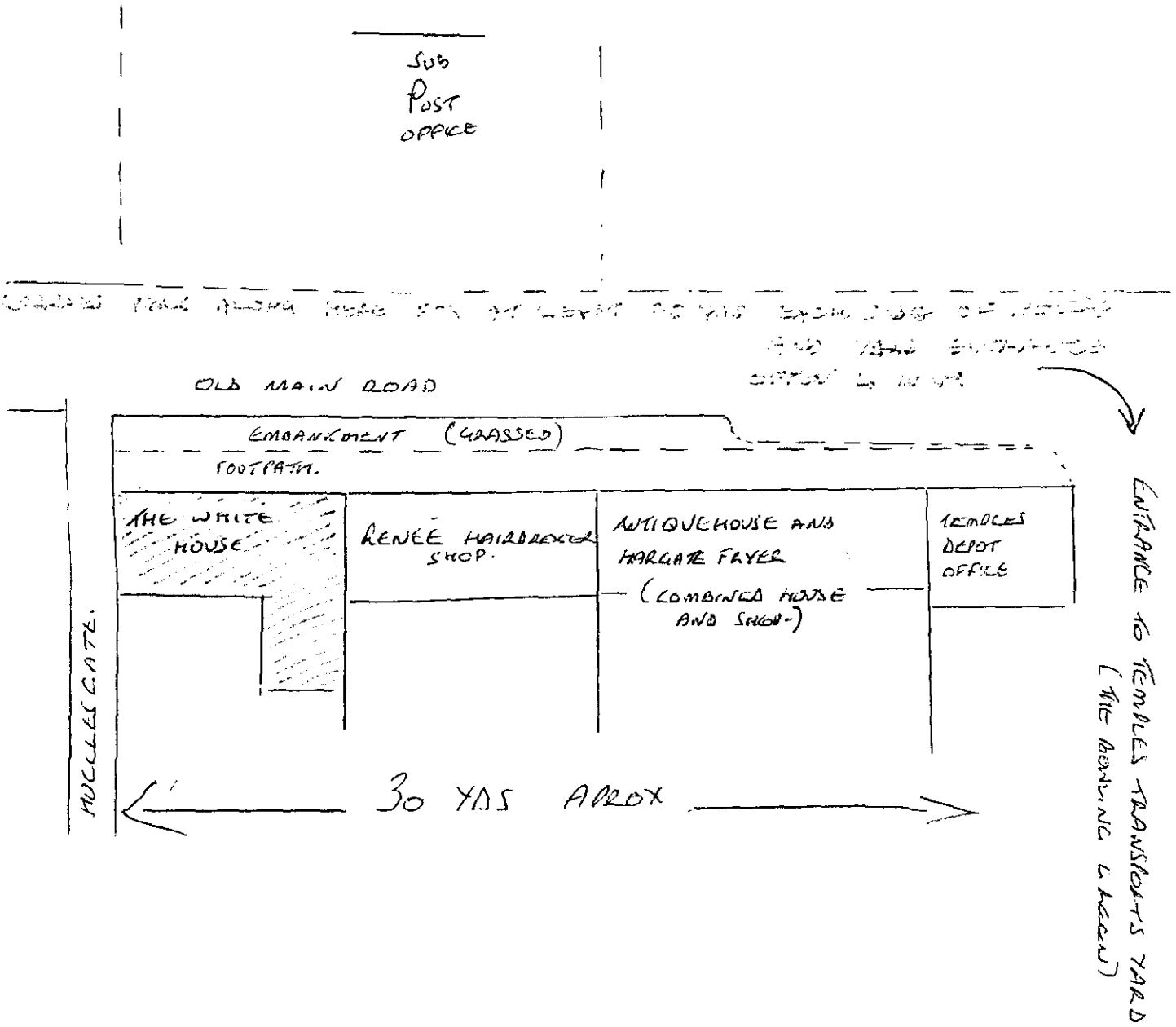
☐ No ☑ Yes

Signed "Paul G.I. Rodgers-Gray."

Date 7th September 1993.

(Please tick as appropriate).

(16)


SUB
POST
OFFICE
OLD MAIN ROAD
EMBANKMENT (GRASSED)
FOOTPATH.
THE WHITE HOUSE
RENEE HAIRDRESSER SHOP.
ANTIQUEHOUSE AND HARGATE FRYER
(COMBINED HOUSE AND SHOP)
TEMPLES DEPOT OFFICE
MULLESS GATE.
30 YDS APROX
ENTRANCE TO TEMPLES TRANSPORTS YARD
(THE BENNING LANE)

(17)

Calthrops

Solicitors and Commissioners for Oaths

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

Tel: (0775) 724381
Fax: (0775) 722286
DX: 26704 Spalding

11 Market Place
Spalding
Lincs
PE11 1SP

When calling please ask for:
Mr. Rex

Our ref: PR/HCL
Your ref:

Reg 6/10/93

29th September 1993

RECEIVED
30 SEP 1993
E.T.A.

The Licensing Authority,
Terrington House,
13/15 Hills Road,
CAMBRIDGE. CB2 1NP.

207439.

Dear Sirs,

Re: Alan Duncan Temple
The Bowling Green, Fleet Hargate, Spalding, Lincs.

We act on behalf of Mrs. M. Ransome of 5 Cherry Tree Close, Fleet whose property adjoins The Bowling Green at Fleet Hargate.

Our client wishes us to lodge objections on her behalf to the renewal with change of licence to Alan Duncan Temple to use The Bowling Green.

Our client's enjoyment of her home is severely affected by this business. Our client informs us that over the past three years she has noted a considerable increase in the number of vehicles operating from this site. She says often there is insufficient room for all the vehicles to park on site in any event.

Our client is disturbed during the night by the loading of vehicles from any time up until 10/10.30 p.m. More seriously, she is woken during the late hours of the night and early hours of the morning sometimes on as many as four occasions in one night by the starting up of various lorries. The engines are left to run to heat up and there is the hissing of the brakes causing considerable disturbance. In addition, when the engines are left to run there is the drumming of the engines which vibrates through her property. The nearest vehicles are parked only 15' from our client's bedroom window. Our client, who is 67 years of age and who lives alone in her bungalow, says she suffers continual disturbance during the night more particularly when the business is involved in a busy season. She says this is increasing more and more. She is unable to rest properly and will more often than not have to get up because she cannot get back to sleep once this disturbance has occurred. This causes her a great deal of distress.

Our client feels that she is not being unreasonable when she asks that she be allowed to enjoy the normal peace and quietness during the hours of darkness and she feels that the use of her retirement bungalow is prejudicially affected by this business and will be more so affected if the business is allowed to continue on site and expand.

Continued .....

A MEMBER OF

Regulated by the Law Society in the conduct of investment business

Solicitors Financial Services

(18)

Calthrops

Solicitors and Commissioners for Oaths

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

Tel: (0775) 724381
Fax: (0775) 722286
DX: 26704 Spalding

11 Market Place
Spalding
Lincs
PE11 1SP

When calling please ask for:
Mr. Rex

Our ref: PR/HCL
Your ref:

Continuation Sheet 1

We shall be pleased if you will kindly confirm receipt of this letter and take into account our client's objections when considering Mr. Temple's Application.

Yours faithfully,

A MEMBER OF

Regulated by the Law Society in the conduct of investment business

Solicitors Financial Services

(19)

ENVIRONMENTAL REPRESENTATION

Please supply the following information:-

RECEIVED
19 OCT 1993
E.T.A.(F)

APPLICANT: Alan D Temple.

OF. NO. 207A39.

NAME: MRS M. B. RANSOM

ADDRESS: 5 CHERRY CLOSE

FLEET - SPALDING

LINCS

POSTCODE: PE12 8LQ

TEL. NO: 01406 23237

State approximately how far your land or property lies from the operating centre.

15 feet.

A map or plan showing your location (with distances) in relation to the operating centre drawn overleaf would be helpful.

Confirm whether a copy of your representation was sent to the applicant at the same time as it was sent to this office.

☐ *No* ☑ *Yes*

If No please explain why. _____

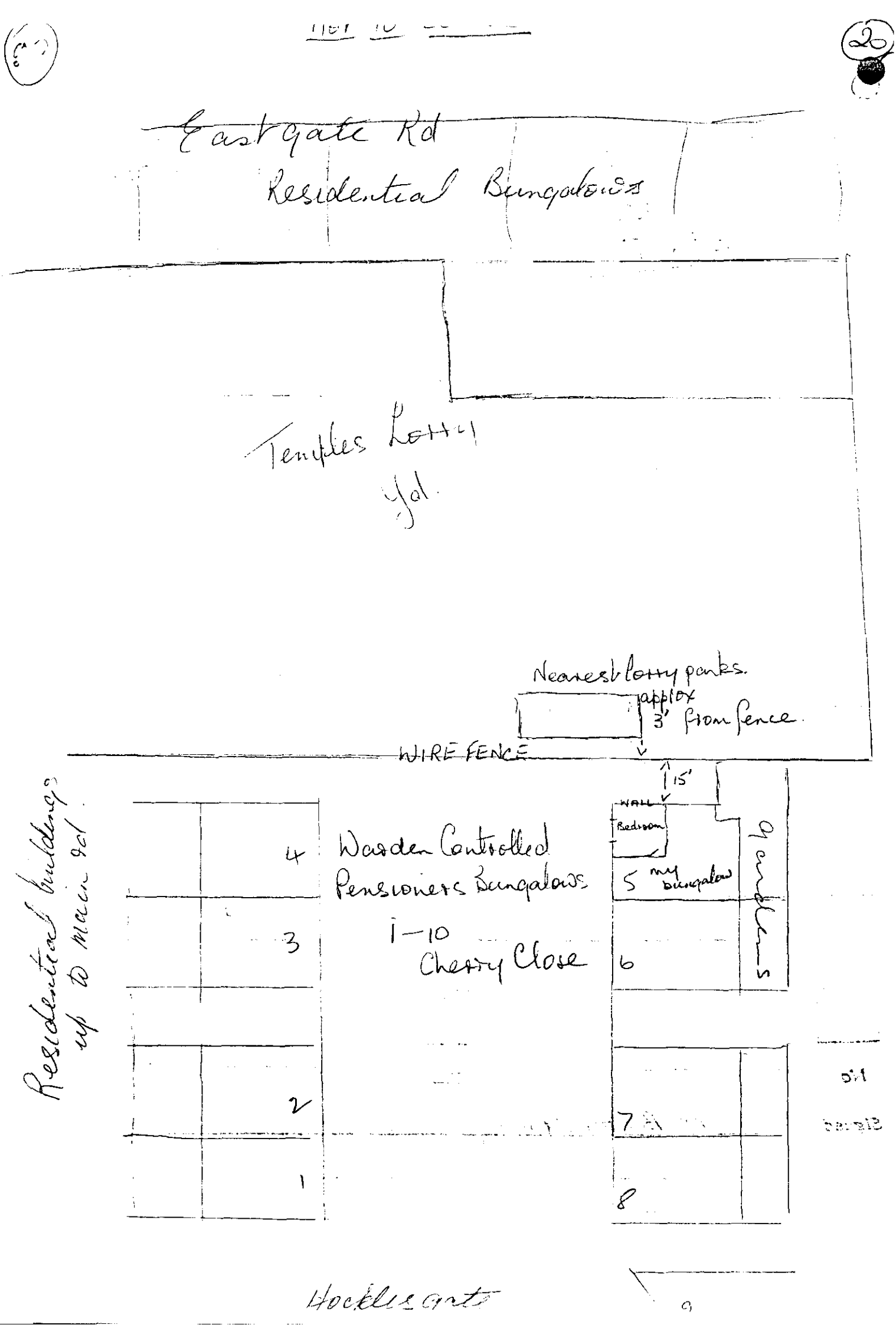
If the Licensing Authority decides to hold a Public Inquiry do you wish to attend?

☐ *No* ☑ *Yes*

Signed M. B. Ransom

Date 18th October, 1993.

(Please tick as appropriate).


Eastgate Rd
Residential Bungalows
Temples Lot 1
Yd.
Nearest lorry parks.
approx 3' from fence
WIRE FENCE
15'
WALL
Bedroom
5 my bungalow
Gardens
Warden Controlled
Pensioners Bungalows
1–10
Cherry Close
4
3
2
1
6
7
8
Residential buildings up to main rd.
Hockliffe Rd

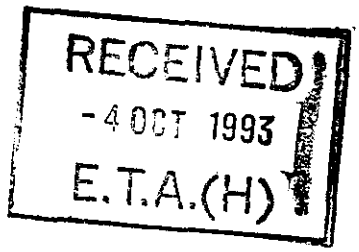
(21)

Reg 6/10/93.

14 Eastgate
Fleet Hargate
Holbeach
Lincs PE12 8NA

4 October 1993

Licensing Authority
Terrington House
13-15 Hills Road
CAMBRIDGE
CB2 1NP



Dear Sir
RE: OBJECTION OF GOODS VEHICLE OPERATOR'S LICENCE

I am writing to object to the Renewal of Licence by **ALAN DUNCAN TEMPLE, of 46 Fleet Road, Holbeach, Lincs, PE12 8LA,** as an operating centre for the use at the Bowling Green, Fleet Hargate, SPALDING, Lincs with a 50% increase of vehicles and trailers.

As our property is adjacent to the site we are the subject to and object strongly to the following:

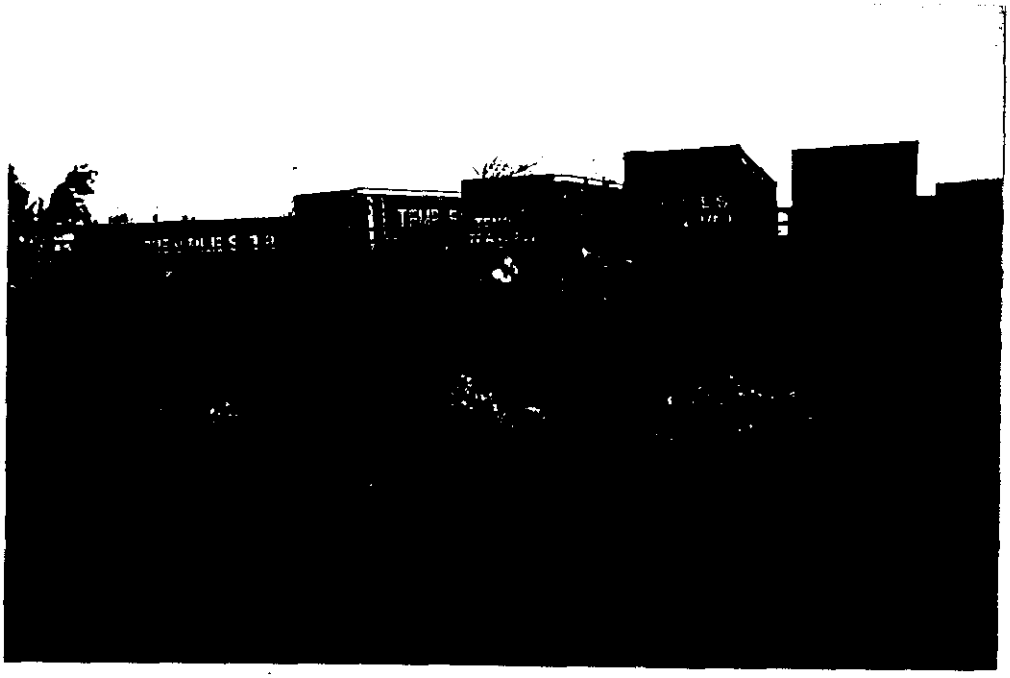
- noise of lorries unloading and loading with fork lift trucks late evening and early morning
- vehicles starting and connecting up of trailers
- diesel fumes from vehicles
- we cannot have windows open
- halogen flood-light (which was installed over last 18 months) shines straight through into our lounge at eyesight level
- lost of light caused by lorries parked up to our fence (see photo enclosed)
- burning of commercial refuse on a regular basis causing house to smell of smoke and ash deposited on washing, lawn, and car (see photo enclosed)

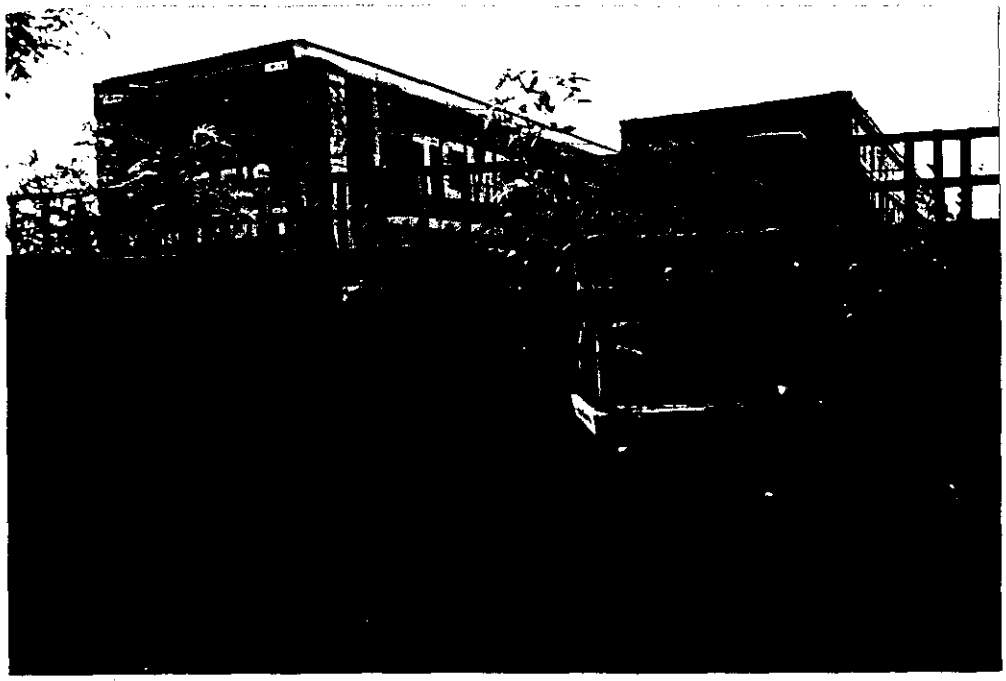
I am very concerned of the impact of this site as a 50% increasewill worsen the noise and pollution as outlined above.

Yours faithfully

R.J. Humphrey MR
P J Humphrey Mrs

Mr R J & Mrs P J Humphrey









(23)

ENVIRONMENTAL REPRESENTATION

Please supply the following information:-

RECEIVED
11 OCT 1993
E.T.A. (PM)

APPLICANT: Alan D. Temple

OF. NO. 207439.

NAME: R.S. HUMPHREY

ADDRESS: 14 EASTGATE

FLEET HARGATE

NR HOLBEACH LINCS

POSTCODE: PE12 8NA.

TEL. NO:

State approximately how far your land or property lies from the operating centre.

2' AT POINT A 6' AT POINT B (AS DRAWING)

A map or plan showing your location (with distances) in relation to the operating centre dr overleaf would be helpful.

Confirm whether a copy of your representation was sent to the applicant at the same time as it sent to this office.

☐ No ☑ Yes

If No please explain why.

If the Licensing Authority decides to hold a Public Inquiry do you wish to attend?

☐ No ☑ Yes

Signed R. S. Humphrey

Date 9TH OCTOBER 1993.

(Please tick as appropriate).

(25)

Reg
14/10/93

RECEIVED
13 OCT 1993
E.T.A.(1)

D. WINTERTON
ACACIA HOUSE
FLEET HARGATE
SPALDING
LINCS PE12 8LH

11-10-93

DEAR SIR-MADAM,

I AM WRITING TO PROTEST MOST STRONGLY AGAINST THE RECENT APPLICATION BY ALAN DUNCAN TEMPLE TO RENEW A LICENCE TO USE THE 'BOWLING GREEN' FLEET HARGATE, SPALDING, LINCS AS AN OPERATING CENTRE FOR 18 GOODS VEHICLES AND 18 TRAILERS.

THE REASON FOR THIS OBJECTION IS VIRTUALLY EVERY DAY, ESPECIALLY LATE AFTERNOON, EARLY EVENING AND WEEKENDS, THERE IS A CONSTANT LINE OF TRACTOR

(26)

UNITS AND TRAILERS, OFTEN SIX OR SEVEN AT ONE TIME, PARKED NOSE TO TAIL (FOR SOME CONSIDERABLE TIME I MAY ADD) AND OFTEN BEING LOADED BY FORKLIFT ON THE SIDE OF THE ROAD, COMPLEATLY BLOCKING THE ENTRANCE TO MY PREMISIS.

ON OTHER OCCASIONS THERE IS JUST ENOUGH SPACE LEFT TO ALLOW ACESS TO MY DRIVE, COMPLEATLY BLOCKING VISION IN BOTH DIRECTIONS MAKING ANY EXIT VERY DANGEROUS.

ON NUMEROUS OCCASIONS I HAVE BEEN TO TEMPLE'S TRANSPORT AND COMPLAINED ABOUT THE SITUATION, ONLY TO BE TOLD "WE PAY ROAD TAX WE HAVE THE RIGHT TO PARK THERE." WELL I PAY

(27)

RATES AND I THINK I SHOULD HAVE THE RIGHT TO SAFE ACCESS TO MY OWN PREMISIS.

THEY HAVE THEIR OWN PREMISIS SO WHY NOT USE THEM INSTEAD OF THE REST OF THE VILLIAGE FOR THEIR PARKING AND LOADING.

I HOPE THIS SITUATION MAY SOON BE RECTIFIED BEFORE THERE IS A SERIOUS ACCIDENT.

YOURS SINCERLY

D. Watts.

ENVIRONMENTAL REPRESENTATION

(28)

Please supply the following information:-

RECEIVED
27 OCT 1993
E.T.A.(H)

APPLICANT: A.D. Temple

OF. NO. 207439.

NAME: MR D. WINTERTON

ADDRESS: ACACIA HOUSE,
FLEET HARGATE,
SPALDING, LINCS

POSTCODE: PE12 8LH

TEL. NO: 0406 25512

State approximately how far your land or property lies from the operating centre.

100 YARDS

A map or plan showing your location (with distances) in relation to the operating centre dr overleaf would be helpful.

Confirm whether a copy of your representation was sent to the applicant at the same time as it sent to this office.

☐ No ☑ Yes

If No please explain why. _____

If the Licensing Authority decides to hold a Public Inquiry do you wish to attend?

☐ No ☑ Yes

Signed D J Winterton

Date 23-10-93

(Please tick as appropriate).

(30)

MRS. JILL HARRINGTON,
Clerk to Holbeach, Fleet, Whaplode, & Sutton St. Edmund P.C.'s,
Parish Council Office,
2 Spalding Road,
Holbeach,
Spalding,
Lincs.
PE12 7HG.

Tel. (0406)426739

FLEET PARISH COUNCIL

RECEIVED
13 OCT 1993
E.T.A.(H)

JILL HARRINGTON
CLERK

Telephone: Holbeach (0406) 26739

Parish Council Office
2, Spalding Road
Holbeach
Spalding
LINCS
PE12 7HG

Reg 14/10/93

14 October 1993.

Dear Sir,

Goods Vehicle Operator's Licence
Alan Duncan Temple - The Bowling Green, Fleet Hargate,
Spalding. Lincs.

I have been asked to write to you on behalf of the above Parish Council opposing strongly to the above application. The reasons given are as follows:-

(a) Members consider that it not a suitable site in the middle of a small village.

(b) The pavement is already breaking up with the weight of the lorries and there is often obstruction.

(c) Members state that lorries are being loaded after dark in the road with fork lift trucks which is not safe.

(d) Complaints have been received from residents blocking gateways and there is therefore concern regarding the emergency vehicles.

Fleet Parish Council members have received numerous complaints regarding the application and feel they cannot support it.

Yours faithfully,

J. Harrington

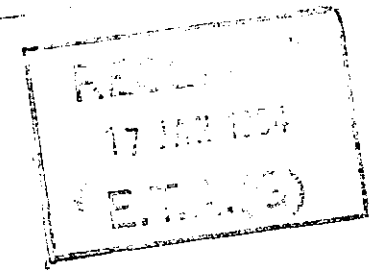
Licencing Authority,
Terrington House, 13-15 Hills Road,
CAMBRIDGE CB2 INP

GOODS VEHICLE OPERATORS' LICENSING

(31)

ENVIRONMENTAL REPRESENTATION

Please supply the following information:-



APPLICANT: A. D. Temple

OF. NO. 207439.

NAME: FLEET P. C.

ADDRESS: 2 Spalding Rd

HOLBEACH

Spalding. Lincs

POSTCODE: PE12 7HG

TEL. NO: 0406 426739

State approximately how far your land or property lies from the operating centre.

N/A.

A map or plan showing your location (with distances) in relation to the operating centre drawn overleaf would be helpful.

—

Confirm whether a copy of your representation was sent to the applicant at the same time as it was sent to this office.

☐ No ☑ Yes

If No please explain why. _____

If the Licensing Authority decides to hold a Public Inquiry do you wish to attend?

☑ No ☐ Yes

Signed D Harrington Clerk Fleet P.C.

Date 14/1/94

(Please tick as appropriate).

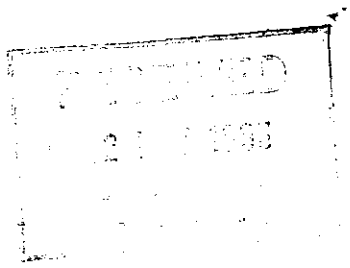
(32)

SOUTH HOLLAND DISTRICT COUNCIL

ENVIRONMENTAL SERVICES

GORDON RIDGWAY
M.I.E.H., M.I.W.M.
Director

Clerk to the Licensing Authority,
Eastern Traffic Area,
Terrington House,
13-15 Hills Road,
CAMBRIDGE,
CB2 1NP



Your Contact: Mr. J. Chapman

Our Ref: JC/SS/PN

Your Ref:

Date: 10th November, 1993

Dear Sir,

Temples Transport - The Bowling Green, Fleet Hargate
Application for increase - No. 4491 3rd November, 1993

I write in response to the application for a renewal with change of the Operators Licence to 18 goods vehicles and 18 trailers and would confirm that this Department continues to be in receipt of complaints of nuisance arising from activities associated with the operation of the business.

In the circumstances I have no option but to object to this application for an increase in the number of vehicles and trailers on this particular site.

Yours faithfully,

Director of Environmental Services

Environmental Services
Council Offices,
Priory Road,
Spalding,
Lincolnshire. PE11 2XE

Telephone: (0775) 761161
Fax: (0775) 711054

(33)

RECEIVED
15 NOV 1993
E.T.A.(F)

SOUTH HOLLAND DISTRICT COUNCIL

PLANNING & BUILDING CONTROL DEPARTMENT

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

The Clerk
The Licensing Authority
Eastern Traffic Area
Terrington House
13-15 Hills Road
Cambridge
CB2 1MP

Your Contact: J Blacklock
Our Ref: JB/SJS 1870/5
Your Ref:
Date: 10 November 1993

Dear Sir

Increase of vehicles - Temple Transport, Fleet Hargate

I refer to the application by Mr Alan D Temple for a licence for an increased number of vehicles at the premises of Temple Transport, Fleet Hargate, Spalding, and write to advise you of the Authority's concern at the prospect of an increased number of vehicles operating from this site.

This concern is based on amenity grounds for while the site has the benefit of an 'established use', the increase of vehicular activity will be likely to give rise to additional noise and disturbance to the occupiers of neighbouring residential property.

I trust you will give these comments due consideration.

A copy of this letter has been sent to Mr A Temple.

Yours faithfully

N R Midlen
Principal Planning Officer
(Development Control)

cc - Mr A Temple

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

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

(34)
R11

...STER: AFFIC AREA
GOO... VEHICLE OPERATORS' LICENSING

APPLICANT: A.D. Temple OF 207439

Please supply the following information:-

1. Was a copy of your objection sent to the applicant at the same time as it was sent to the Licensing Authority?

☐ No ☑ Yes

RECEIVED
22 NOV 1993
E.T.A.(1)

(Please tick as appropriate)

If 'No' please explain why. _____

2. Regulation 18 of the Goods Vehicles (Operators' Licences, Qualifications & Fees) Regulations 1984 (as amended) prescribes that every objection should be signed by - (i) if made by an individual, by that person; (ii) if made by persons in partnership, by all of the partners or by one of them with the authority of the others; (iii) if made by any other body or group of persons, by one or more individual persons authorised for that purpose by the body or group; or, in any of the above cases, by a Solicitor acting on behalf of (as the case may be) a person, body or group.

Is the signatory to your objection authorised for that purpose?

☐ No ☑ Yes

(Please tick as appropriate).

3. If the Licensing Authority decides to hold a Public Inquiry do you wish to be represented?

☐ No ☑ Yes

(Please tick as appropriate).

4. Do you wish to be sent a copy of any environmental information supplied by the applicant?

☐ No ☑ Yes

(Please tick as appropriate).

SIGNED Chapman DATE 19/11/93

NAME J CHAPMAN POSITION PRINCIPAL EHO

AUTHORITY SOUTH HOLLAND DC

FILED 032015 VEEG 14 JAN 1994 (35)

25 NOV 1993

Please return to Diane Leader GOL 2.

SH/ Follow-up enquiry please
SS 2.12.93

719/0063

To: Mr C Broster
Enforcement Manager

Goods Vehicle Operators' Licensing
OF 207439
Date of Request: 25-11-93

Please complete and return this form to Goods Environmental Section, Terrington House, 13-15 Hills Road, Cambridge as soon as possible.

Operator: TEMPLE ALAN DUNCAN

Business Address: 46 FLEET ROAD HOLBEACH

Telephone No: 0406 -22280 or 22644

Application Details:-

~~New~~/Renewal/Variation ~~Restricted/Standard National~~/International

Vehicle/Trailer Authorisation applied for: 18 vehicles 18 trailers

OVERLOADING

Has the applicant satisfied you, as far as is possible, that he is taking measures to ensure that his vehicles will not be operated overweight?

YES/NO

ANY REMARKS

.....

.....

.....

DRIVERS HOURS AND RECORDS

Has the applicant satisfied you, as far as is possible at this stage that he understands the requirements and is taking measures to ensure compliance with the Drivers' Hours and Records Regulations? YES/NO

If NO please comment:

.....

.....

.....

Name of person interviewed:

.....

FAX TO: M. BENTLEY

FAX NO: _____ PAGE 1 OF 3

ATTENTION OF: ABOVE

FROM Wendy FAX NO: _____

COMPANY: VI Cambridge DATE: 25/11/93

Post-it Fax note 7888

Have you submitted any offence reports? YES/NO
If 'Yes' then please give details:
Recent o/load and cause driver not to take
weekly rest

Address of operating centre to be inspected:
THE BOWLING GREEN FLEET HARGATE
SPALDING PE12 8LJ

TECHNICAL SUITABILITY OF THE OPERATING CENTRE

OFF-STREET PARKING

Is there sufficient space within the curtilage of the operating centre to accommodate the number of vehicles and trailers applied for?

☑ Yes ☐ No Please tick as appropriate.

Comments:-
SEE PHOTOGRAPHS

In Appeal Y17 Scorpio International, the Transport Tribunal said:
"In our judgement a Licensing Authority, when considering the suitability of a place to be an operating centre under Section 64(2)(d), should take into account the suitability of any private road or track linking that place to the public road, including the point where it joins the public road. The considerations relevant to suitability may include road safety. Section 64(2)(d) cannot in our judgement be interpretated so broadly as to include the suitability of the public road beyond the point where the operating centre (or private road leading from it) debouches on to the public road".

Is the operating centre joined to a public road by a private track?

☐ Yes ☑ No Please tick as appropriate.

If 'Yes' then (a) Would use of the private track by goods vehicles/trailers create a safety hazard?

☐ Yes ☐ No

(b) Is the point at which the private track debouches on to the public road safe?

☐ Yes ☐ No

If the operating centre is immediately adjacent to the public highway, is the point of ingress and egress safe? (Please refer to note overleaf re Scorpio International).

☑ *Yes* ☐ *No* *Please tick as appropriate*

Comments:

.....

.....

.....

With regard to the size and safety of the operating centre would y. . recommend any restrictions on vehicle size, length or means of ingress/egress?

☐ *Yes* ☑ *No* *Please tick as appropriate*

If "Yes" please specify with reasons why:

.....

SEE PHOTOGRAPHS.

.....

.....

Please provide for the Licensing Authority a brief description of the land in the vicinity of the operating centre eg roads, railways, residential, industrial, etc.

SITUATED IN HEART OF FLEET HARGATE VILLAGE WHICH IS RESIDENTIAL APART FROM OTHER HGV OPERATOR (HUGH COOL WHOSE PREMISES ARE OPPOSITE TEMPLE'S.

To your knowledge has the site been used as an operating centre in the past? If so, by whom?

EXISTING SITE.

.....

Please attach a sketch plan. ATTACHED

Signed: J D Hill

Name: J. D. HILL

Official Address:

Telephone No: Grantham District Office
Spitalgate GVTS
Spitalgate Airfield
Blue Harbour
GRANTHAM
Lincs NG31 7TX
Tel (0476) 62012, 65799

Date: 13/1/94

PHOTOGRAPHS TO FOLLOW.

HUGH COOLE
(AGITATOR)
3 ARTIC. 3RIGIDS ?

RESIDENTIAL

TO A17 & SPALDING

OLD MAIN ROAD

A17 KINGS LYNN WISBECH ETC.

PRIVATE HOUSE

FISH & CHIP SHOP

OFFICE (TEMPLES)

← 8yds →

EMPTY HOUSE COUNCIL BY LANDLORD OF OPER. CENTRE

PARKING AREA FOR TEMPLE'S DRIVERS

FITNESS STUDIO

DIESEL TANKS.

PARKING SHED

← 18yds →

CONCRETE HARDSTANDING

30yds

COMPACTED HARDSTANDING

GRASSED AREA (UNCULTIVATED)

RESIDENTIAL.

COMPACTED HARDSTANDING

30yds

RESIDENTIAL

RESIDENTIAL

Malcolm,

OF 207439
719/0063.

Ref. attached

Temples have received objection from District Council for 18 vans at current op. centre - plus lots of local objection.

The hope to move to another op. centre directly off A17 - currently farmland and when I last spoke to them they were awaiting news of their planning application.

It may be that an inspection of existing site is not necessary.

0223-53 2035

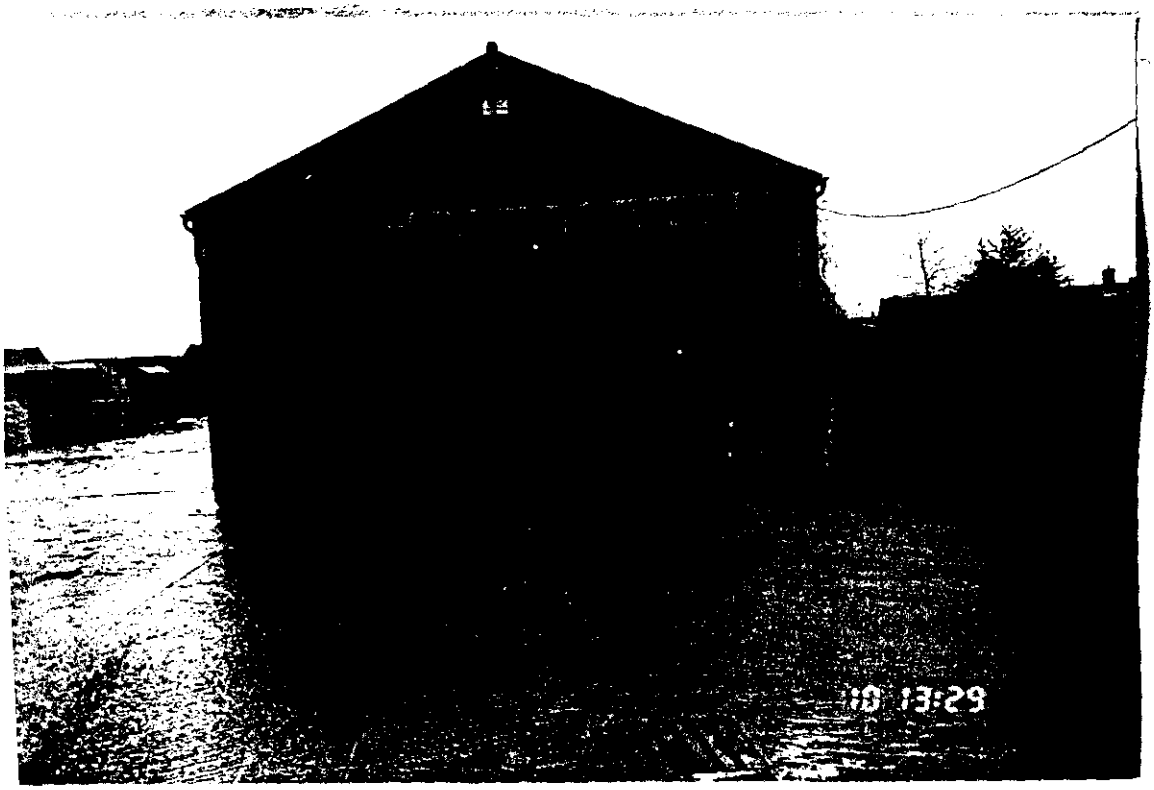
DATE?

JACK,

I have spoken to ETA (MRS, Leader) and informed her of the above. E.T.A. have not received an amendment to the GOL application, therefore the application is being dealt with as submitted and a visit to the existing site is required. JS 2.12.93.

P.T.O.


10 13:29


10 13:29










10 13:24


10 13:24

(44)

Direct Line: 532035

Jill Harrington
Fleet Parish Council
Parish Council Office
2 Spalding Road
Holbeach
SPALDING
Lincs
PE12 7HG

Please reply to The Clerk
Your reference

Our reference
OF 207439
Date
25 January 1994

Dear Madam

GOODS VEHICLE OPERATORS' LICENSING
APPLICANT: A D TEMPLE
OPERATING CENTRE: THE BOWLING GREEN, FLEET, HARGATE, SPALDING

1. I refer to your representation dated 11 October 1993 and received in this office on 14 October 1993.

2. I regret to inform you that the Licensing Authority having considered the papers in this case has concluded that he cannot accept your representation as Fleet Parish Council does not own or occupy land or property in the vicinity of the operating centre.

3. Thank you for writing to the Licensing Authority.

Yours faithfully

L D Leader

L D LEADER (MRS)
for Clerk to the Licensing Authority

sj7

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

Direct Line: 532035

Please reply to The Clerk
Your reference
JB/SJS 1870/5
Our reference
OF 207439
Date
25 January 1994

Dear Sirs

GOODS VEHICLE OPERATORS' LICENSING
APPLICANT: A D TEMPLE
OPERATING CENTRE: THE BOWLING GREEN, FLEET, HARGATE, SPALDING

1. I refer to your objection against the above-mentioned application dated 10 November 1993 and received in this office on 15 November 1993.

2. An objection has also been received from the Environmental Services Department of your Council. Can you please advise me which of the two departments is objecting on behalf of the Council.

3. As your objection was received after the expiry of the objection period on 10 November 1993, the Licensing Authority has requested that you complete the attached form R3, giving any exceptional circumstances as to why your objection was late. The Licensing Authority has also requested that you clarify your grounds for objection with regard to the Transport Act 1968, and complete the attached form R11.

Yours faithfully

L D LEADER (MRS)
for Clerk to the Licensing Authority

sj7

(46)

Direct Line: 532035

South Holland District Council
Environmental Services
Council Offices
Priory Road
SPALDING
Lincs
PE11 2XE

Please reply to The Clerk
Your reference
JC/SS/PN
Our reference
OF 207439
Date
25 January 1994

Dear Sirs

GOODS VEHICLE OPERATORS' LICENSING
APPLICANT: A D TEMPLE
OPERATING CENTRE: THE BOWLING GREEN, FLEET, HARGATE, SPALDING

1. I refer to your objection against the above-mentioned application dated 10 November 1993 and received in this office on 12 November 1993.

2. An objection has also been received from the Planning & Building Control Department of your Council. Can you please advise me which of the two departments is objecting on behalf of the Council.

3. As your objection was received after the expiry of the objection period on 10 November 1993, the Licensing Authority has requested that you complete the attached form R3, giving any exceptional circumstances as to why your objection was late. The Licensing Authority has also requested that you clarify your grounds for objection with regard to the Transport Act 1968.

Yours faithfully

L D LEADER (MRS)
for Clerk to the Licensing Authority

sj7

(47)

RECEIVED
-8 MAR 1994
E.T.A (1)

TEMPLES TRANSPORT

46, FLEET ROAD, HOLBEACH, LINCOLNSHIRE. PE12 8LA

Telephone
0406 422280

3rd March 1994

Clerk to the Licensing Authority,
Eastern Traffic Area,
"Terrington House",
13-15, Hills Road,
CAMBRIDGE.
CB2 1NP

Dear Sir,

OF 207439

I can aquire a further lorry VOLVO E 129 OAH, plated weight 38000 Kgs Body Type 1A and would be obliged if you could issue an interim 'O' Licence disc for same, pending increase in fleet applied for.

Yours faithfully,

A.D. Temple

Ian
Please may I grant this
Thank you
Diane

WJL

(48)

EASTERN TRAFFIC AREA OFFICE
TERRINGTON HOUSE
13-15 HILLS ROAD
CAMBRIDGE
CB2 1NP

Telephone: 0223 358922

for official use only
Actioned 25/3/94
25/03/94 6644
CHEQUE 000 10.00
Sent 25/3/94

ALAN DUNCAN TEMPLE

46 FLEET RD
HOLBEACH
SPALDING
LINCS
PE12 8LA

Licence No. OF 207439

Date 22/03/94

A&D No.

Goods Vehicle Operator's Licence

Fee Request - INTERIM

The Licensing Authority has granted your licence, licence variation or interim licence/direction. You are required to pay, within 7 days, the total fee shown below. On receipt, you will be issued with your licence documents.

Payment should be by cheque or other money orders made payable to the Licensing Authority for the Traffic Area above. **Do not send cash.**

Please return this form with your fee.

	Fee period		No. of Motor Vehicles Specified	Fee
	Years	Quarters		£
Interim Licence/Direction	XXX	XXX	1	£10.00
Full/Variation of licence	XXX	XXX	XXX	XXX

Grant charge for full licence	XXX
Grant charge for variation	XXX
Total	£10.00

If you wish to vary the licence at any time in the future you must send it back to your Traffic Area Office.

PLEASE REPLY WITHIN 7 DAYS GV82(Rev. 4/93)

(49)

SOUTH HOLLAND DISTRICT COUNCIL

PLANNING & BUILDING CONTROL DEPARTMENT

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

Mr L D Leader,
Department of Transport,
Eastern Traffic Area,
Terrington House,
13-15 Hills Road,
Cambridge.
CB2 1MP.

Your Contact: Mr J Blacklock
Our Ref: JB/JJ F.1870.5
Your Ref: JC/SS/PN
Date: 16 Mar 1994

Dear Sir,

GOODS VEHICLE OPERATORS LICENCE, A. D. TEMPLE, THE BOWLING GREEN, FLEET HARGATE, SPALDING.

Further to your letter of 25th January 1994 I write to confirm that it is the Planning Department of this Authority, supported by the Authority's Director of Environmental Services, which is objecting to the above application.

Yours faithfully

N Midlen
Principal Planning Officer
Development Control

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

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

(50)

Direct Line No: 532047

Mr A D Temple
46 Fleet Road
Holbeach
SPALDING
Lincolnshire PE12 8LA

Please reply to The Clerk
Your reference

Our reference
OF 207439
Date
20 April 1994

Dear Sir

GOODS VEHICLE OPERATORS' LICENSING

1. I refer to your Operator's Licence expressed to expire on 30 November 1993 and to your renewal application dated 29 September 1993.

2. The Licensing Authority has decided to determine your application at a Public Inquiry to be held at The Bourges Room, The Town Hall, Peterborough on 17 May 1994. The Inquiry will commence at 1000 hours.

3. The reason for the Inquiry is the objection by South Holland District Council under Section 69B of The Transport Act 1968 (as amended) and the representations made by local residents under Section 69B of the Act. I am told you have copies of these. The Council and residents are being invited to attend the Inquiry. You should also attend so that you can put your case. You may appear and be heard in person or be represented by Counsel, a Solicitor or some other representative as the Licensing Authority may approve.

4. I enclose copies of the relevant legislation. Please contact me on the above number if you have any query about this matter.

5. Please acknowledge receipt of this letter within the next 7 days and confirm that you will be in attendance.

Yours faithfully

KL

MISS K LEWIN
for Clerk to the Licensing Authority
JR21

(51)

Calthrops
Solicitors and Commissioners for Oaths
11 Market Place
SPALDING
Lincolnshire
PE11 1SP

Direct Line: 532045
Fax: 532110

Please reply to The Clerk
Your reference
PR/HCL
Our reference
OF 207439
Date
20 April 1994

Dear Sir/Madam

GOODS VEHICLE OPERATORS' LICENSING
APPLICANT: MR A D TEMPLE
YOUR CLIENT: MRS M RANSOME

1. I refer to your representation against the grant of the above application.

2. I am to inform you that the Licensing Authority is to consider the application at a Public Inquiry to be held on 17 May 1994 at The Bourges Room, The Town Hall, Peterborough. The Inquiry will commence at 1000 hours.

3. Your representation will be taken into account and you may appear and be heard at the Inquiry in person or be represented by Counsel, a Solicitor or some other representative as the Licensing Authority may approve, provided you can show that the following requirements are fulfilled:-

a. a copy of your representation was sent to the applicant at the same time it was sent to the Licensing Authority;

b. you own or occupy land (including buildings) in the vicinity of the operating centre; and

c. the use or enjoyment of your land will be prejudicially affected by the use of the operating centre as such.

4. Please inform me within the next 7 days if you will be attending the Inquiry by completing the enclosed form. A prepaid envelope is enclosed for your reply. I also enclose for your information a copy of the Department's booklet, "A Guide to Making Representations" (GV74R).

Yours faithfully

KL

MISS K LEWIN
for Clerk to the Licensing Authority
ENC

JR21

(52)

Mr R J & Mrs P J Humphrey
14 Eastgate
Fleet Hargate
HOLBEACH
Lincolnshire
PE12 8NA

Direct Line: 532045
Fax: 532110

Please reply to The Clerk
Your reference

Our reference
OF 207439
Date
20 April 1994

Dear Sir and Madam

GOODS VEHICLE OPERATORS' LICENSING
APPLICANT: MR A D TEMPLE

1. I refer to your representation against the grant of the above application.

2. I am to inform you that the Licensing Authority is to consider the application at a Public Inquiry to be held on 17 May 1994 at The Bourges Room, The Town Hall, Peterborough. The Inquiry will commence at 1000 hours.

3. Your representation will be taken into account and you may appear and be heard at the Inquiry in person or be represented by Counsel, a Solicitor or some other representative as the Licensing Authority may approve, provided you can show that the following requirements are fulfilled:-

a. a copy of your representation was sent to the applicant at the same time it was sent to the Licensing Authority;

b. you own or occupy land (including buildings) in the vicinity of the operating centre; and

c. the use or enjoyment of your land will be prejudicially affected by the use of the operating centre as such.

4. Please inform me within the next 7 days if you will be attending the Inquiry by completing the enclosed form. A prepaid envelope is enclosed for your reply. I also enclose for your information a copy of the Department's booklet, "A Guide to Making Representations" (GV74R).

Yours faithfully

MISS K LEWIN
for Clerk to the Licensing Authority
ENC

JR21

(53)

Mr P G I Rodgers-Gray
The White House
Old Main Road
Fleet Hargate
SPALDING
Lincolnshire
PE12 8LJ

Direct Line: 532045
Fax: 532110

Please reply to The Clerk
Your reference

Our reference
OF 207439
Date
20 April 1994

Dear Sir

GOODS VEHICLE OPERATORS' LICENSING
APPLICANT: MR A D TEMPLE

1. I refer to your representation against the grant of the above application.

2. I am to inform you that the Licensing Authority is to consider the application at a Public Inquiry to be held on 17 May 1994 at The Bourges Room, The Town Hall, Peterborough. The Inquiry will commence at 1000 hours.

3. Your representation will be taken into account and you may appear and be heard at the Inquiry in person or be represented by Counsel, a Solicitor or some other representative as the Licensing Authority may approve, provided you can show that the following requirements are fulfilled:-

a. a copy of your representation was sent to the applicant at the same time it was sent to the Licensing Authority;

b. you own or occupy land (including buildings) in the vicinity of the operating centre; and

c. the use or enjoyment of your land will be prejudicially affected by the use of the operating centre as such.

4. Please inform me within the next 7 days if you will be attending the Inquiry by completing the enclosed form. A prepaid envelope is enclosed for your reply. I also enclose for your information a copy of the Department's booklet, "A Guide to Making Representations" (GV74R).

Yours faithfully

KL

MISS K LEWIN
for Clerk to the Licensing Authority
ENC

JR21

(54)

Mr D Winterton
Acacia House
Fleet Hargate
SPALDING
Lincolnshire
PE12 8LH

Direct Line: 532047
Fax: 532110

Please reply to The Clerk
Your reference

Our reference
OF 207439
Date
20 April 1994

Dear Sir

GOODS VEHICLE OPERATORS' LICENSING
APPLICANT: MR A D TEMPLE

1. I refer to your representation against the grant of the above application.

2. I am to inform you that the Licensing Authority is to consider the application at a Public Inquiry to be held on 17 May 1994 at The Bourges Room, The Town Hall, Peterborough. The Inquiry will commence at 1000 hours.

3. Your representation will be taken into account and you may appear and be heard at the Inquiry in person or be represented by Counsel, a Solicitor or some other representative as the Licensing Authority may approve, provided you can show that the following requirements are fulfilled:-

a. a copy of your representation was sent to the applicant at the same time it was sent to the Licensing Authority;

b. you own or occupy land (including buildings) in the vicinity of the operating centre; and

c. the use or enjoyment of your land will be prejudicially affected by the use of the operating centre as such.

4. Please inform me within the next 7 days if you will be attending the Inquiry by completing the enclosed form. A prepaid envelope is enclosed for your reply. I also enclose for your information a copy of the Department's booklet, "A Guide to Making Representations" (GV74R).

Yours faithfully

KL

MISS K LEWIN
for Clerk to the Licensing Authority

ENC

JR21

(55)

Direct Line No: 532047

Jill Harrington
Fleet Parish Council
Parish Council Office
2 Spalding Road
Holbeach
SPALDING
Lincolnshire PE12 7HG

Please reply to The Clerk
Your reference

Our reference
OF 207439
Date
20 April 1994

Dear Madam

GOODS VEHICLE OPERATORS' LICENSING
APPLICATION BY: MR A D TEMPLE

1. I refer to your interest in the above mentioned application.

2. I write to inform you that the Licensing Authority is to consider the application at a Public Inquiry to be held on 17 May 1994 at The Bourges Room, The Town Hall, Peterborough. The Inquiry will commence at 1000 hours and in view of your interest in this case you are invited to attend as an observer.

3. Please inform me within the next seven days if you will be attending the Inquiry. I enclose for your information a copy of the Department's booklet, 'A Guide to Making Representations' (GV74R).

Yours faithfully

KL

MISS K LEWIN
for Clerk to the Licensing Authority

JR21

(56)

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

Direct Line: 532047
Fax: 532110

Please reply to The Clerk
Your reference
JB/JJ.F.1870.5
Our reference
OF 207439
Date
20 April 1994

Dear Sir

GOODS VEHICLE OPERATORS' LICENSING
APPLICANT: MR A D TEMPLE

1. I refer to your objection against the grant of the above application.

2. I am to inform you that the Licensing Authority is to consider the application at a Public Inquiry to be held on 17 May 1994 at The Bourges Room, The Town Hall, Peterborough. The Inquiry will commence at 1000 hours.

3. Your objection will be taken into account and you may appear and be heard at the Inquiry in person or be represented by Counsel, a Solicitor or some other representative as the Licensing Authority may approve, provided your objection was made in accordance with the legal requirements.

4. Please inform me within the next 7 days if you will be attending the Inquiry by completing the enclosed slip. A prepaid envelope is enclosed for your reply.

Yours faithfully

KL

MISS K LEWIN
for Clerk to the Licensing Authority

ENC

JR21

(57)

To: Mr. B.M.K. Horner

Case Type: Environmental Application

GOODS VEHICLE OPERATOR LICENSING
BRIEF FOR PUBLIC INQUIRY

PI DETAILS

FLAG

DATE Tuesday 17th May 1994 TIME 1000 hrs

VENUE The Bourges Room, The Town Hall, Peterborough

COURT CLERK Kirstie Lewin TEL: CAMBRIDGE (0223) 532047

APPLICATION DETAILS

A

NAME: Mr. A.D. Temple OF 207439

BUSINESS ADDRESS: 46, Fleet Road, Holbeach, Spalding, Lincolnshire, PE12-8LA.

TYPE OF APPLICATION: ~~NEW~~/RENEWAL/~~VARIATION~~

TYPE OF LICENCE: ~~PV/SM~~/SI

TYPE OF WORK: Haulier

TRANSPORT MANAGER: Mr. A.D. Temple

VEHICLE AUTHORISATION APPLIED FOR: 18 VEHICLES 18 TRAILERS

VEHICLES/TRAILERS IN POSSESSION: 12 VEHICLES 1 TRAILERS

HOW MANY OPERATING CENTRES APPLIED FOR: One

ADDRESS OF OPPOSED OPERATING CENTRE: 'The Bowling Green', Fleet Hargate, Spalding Lincolnshire, PE12-8LJ

NUMBER OF VEHICLES/TRAILERS TO BE KEPT AT OPPOSED OPERATING CENTRE: As Above

REASON FOR PI

To consider this application in view of the objection and representations received.

(58)

FULL CENCE DETAILS (If Applicable)

~~R~~ ~~SN~~ SI

CURRENCY: 16.12.88 – 30.11.93

PRESENT AUTHORISATION: 12 VEHICLES 12 TRAILERS

SPECIFIED: 12 VEHICLES 1 TRAILERS

IS PRESENT LICENCE SUBJECT TO ANY ENVIRONMENTAL CONDITIONS?

☐ YES ☑ NO

IF 'YES' THEN SPECIFY:

FLAG

INTERIM LICENCE/DIRECTION DETAILS:

An Interim licence in respect of 1 vehicle and 1 trailer was granted on 22.03.94.

ADVERTISEMENT DETAILS:

Advertisement appears: Published in The Spalding Guardian

on 24th September 1993

Representation period expired: 15th October 1993

'Applications & Decisions: Published in Issue No. 4490

on 20th October 1993

Objection period expired: 10th November 1993

Name & Address of Representor/Objector	Analysis of Representation/Objection Specific Points	Has Rep/Obj received in time and copied to applicant? If 'No' then comment.	Vicinity - distance from o/c	FLAG
South Holland District Council Planning & Building Control Department Council Offices Priory Road Spalding Lincs.	Noise & disturbance to the occupiers of residential property.	'No' The objection was copied to the applicant but was received outside of the 21 day objection period.	NA	B
Mrs. M. Ransome Calthrops Solicitors 11 Market Place Spalding Lincs.	Noise and vibrations throughout the night.	Yes	15 foot	C
Mr. R.J & Mrs. P.J. Humphrey 14 Eastgate Fleet Hargate Holbeach Lincs.	Noise, fumes and headlight intrusion.	Yes.	2-6 foot	D
Mr. P.G.I. Rodgers-Gray The White House Old Main Road Fleet Hargate Spalding Lincs.	Noise, fumes and vibrations.	Yes	30 yards	E
Mr. D. Winterton Acacia House Fleet Hargate Spalding Lincs.	Applicant/Operators Vehicles often block the entrance to his property.	Yes	100 yards	F
* Fleet Parish Council Parish Council Office 2 Spalding Road Holbeach Spalding Lincs.	Unsuitable site in a small village - residents gateways blocked.	Yes.	Not in the vicinity	G

*. This representation has been ruled invalid by the LA as the Parish Council does not own or occupy land or property in the vicinity of the operating centre.

ANALYSIS OF SUPPLEMENTARY ENVIRONMENTAL INFORMATION ON FORM GV79E

FLAG

.ehicles in possession ; 10 x 38 tonne gpw 1 x 26 tonne gpw and 1 x 16260 tonne gpw . H

Vehicle movement ; Monday to Friday – 0700 to 2200 hours
Saturdays – 0600 to 2200 hours
Sundays – 0800 to 2200 hours .

Vehicle maintenance ; Monday to Friday – 0900 to 1700 hours
Saturdays – 0900 to 1300 hours
Sundays – No Maintenance .

A map of the site is also at this flag .

TE REPORT

The Enforcement Officer reports that the site is suitable in terms of size and safety . I

Please note the photographs also at this flag .

ARE OTHER OPERATORS AUTHORISED TO USE THE PROPOSED SITE AS AN OPERATING CENTRE? IF 'YES' THEN GIVE DETAILS.

'Yes'.

OF208082 - John Edward Lee .
Currency - 10.10.89 to 30.09.94 .

Vehicles authorised : 7 specified : 4
Trailers authorised : 7 specified : 1 .

OTHER RELEVANT INFORMATION

The call-up letter was sent to the applicant / operator on 20.4.94 J
The call-up letter was sent to the objector on 20.4.94 K
The call-up letters were sent to the representors on 20.4.94 L
Fleet Parish Council have been invited to attend as observers . M

(61)

A NDANCES AT PI

FLAG

Applicant / Operator ; Mr. A. D. Temple .

Objector ;

Representors ; Mr. D. Winterton
Mr. R. J. Humphrey
Mr. P. G. I. Rodgers - Gray
Mrs. M. Ramsome + her Solicitor

Observer ; Mr. A. Halgarth - Fleet Parish Council

SIGNED: Kirstie Lewin . DATE: 06.05.94

EO COMMENT Papers seen and checked.

The South Hollard D.C.'s letters of objection were in fact, it appears late by 2 days & 5 days. A 'standard' fall up however has been sent as the court clerk was instructed that one objection was valid! Kirstie has informed the D.C. of this fact by phone & they are aware you will be ruling on the validity at PI.

SIGNED: M.J. ACKERS DATE: 6/5/94

LICENSING AUTHORITY'S DECISION

Application for the renewal of the Standard International Licence granted but only for 12 vehicles and 12 Trailers and only for one Operating Centre, under the following conditions :-

1) That all vehicles and Trailers must be parked in the operating centre at all times, and not on the Public highway.

2) Operating Centre to be used between 0600hrs & 2300hrs. Only 6 movements in and out between 2301 - 0600hrs. Daily.

SIGNED: [signature] DATE: 17/5/94.

PROOF OF EVIDENCE OF JOHN CHAPMAN

(K) (62) (A)

1.0. QUALIFICATIONS

1.1. I am John Chapman a Principal Environmental Pollution Officer employed by South Holland District Council, a post I have held since October 1988.

1.2 I have been qualified as an Environmental Health Officer for the past 16 years, and hold the Diploma in Environmental Health; Diploma in Atmospheric Pollution and Diploma in Acoustics and Noise Control.

2.0. OBJECTION AND REPRESENTATION

2.1. I refer to the application by A.D. Temple for an Operating Licence with change in respect of the premises at The Bowling Green, Fleet Hargate. I understand that the change referred to is an increase to 18 vehicles and 18 trailers from the current consent of 12 vehicles and 12 trailers.

The application was advertised in the local Press and in the Applications and Decisions number 4491 dated the 3rd November, 1993.

By letter dated the 10th November 1993 the Council objected to the application effectively on environmental grounds. (1)

2.2. I refer to that letter (1) and other documents included in the bundle marked by reference to the pagination of that bundle.

3.0. PREVIOUS KNOWLEDGE OF THE BOWLING GREEN DEPOT

3.1. The potential for noise disturbance from the site was initially highlighted in respect of the residential development along Eastgate in November 1988. (2)

3.2. The subsequent planning application for a change of use of the site to residential was supported because of the potential problems that could arise. (3)

4.0. COMPLAINTS OF NUISANCE

4.1. During the Autumn of 1992 complaints were received from residents in Eastgate and Cherry Grove concerning noise during unsociable hours arising from loading and unloading of vehicles by forklift and vehicle manoeuvring.

4.2. Residents abutting the site in Cherry Grove were being woken in the early hours by vehicles parking and manoeuvring close to their boundary. (4)

4.3. A letter informing the Company of the complaints was sent on the 20th August, 1992. (5)

4.4. Complainants were requested to keep records of the alleged nuisances and noise monitoring was subsequently carried out during early December 1992.

(64)

4.5. The noise climate of the area is influenced by traffic noise from the A17 Trunk Road with background noise levels (L90) fluctuating circa 38-52 dB(A). It is obviously quieter during the night when traffic flows diminish.

4.6. There appears to be limited space within the site and trailers are parked up to the residential boundaries. There is no screening along the western boundary with Cherry Grove.

4.7. Some typical noise levels at a distance of 5 metres are:-

			dB(A)
(i)	diesel forklift	(revving)	80
(ii)	LPG forklift	(revving)	71
(iii)	HGV	(idling)	71
(iv)	HGV	(revving)	83

and are likely, therefore, to be audible at the dwellings during most hours of the day and night.

4.8. With this incompatible land use scenario there is clearly a potential for disturbance and possibly nuisance to neighbours and any intensification is therefore bound to exacerbate the problem.

5.0. COMPANY RESPONSE AND LIAISON WITH LOCAL AUTHORITY

5.1. On the 5th January, 1993 a meeting was held at another site off the A17 with Mr. Russell Temple, his Agent, Mr: J. Crunkhorn and a Planning Officer to consider the relocation of the business.

5.2. It was agreed that in principle there were no major objections to the proposal but further liaison between the Company and the District Planning Officer was necessary.

5.3. During the Spring of 1993 discussions were held with the District Planning Officer and an alternative site was proposed by the submission of planning application H05/0689/93.

5.4. Significant amendments to the scheme were necessary to ensure protection of nearby dwellings and a revised layout was submitted. This scheme has subsequently been agreed in principle by the Planning Committee at their meeting of the 21st March, 1994, subject to the proviso that the Bowling Green site ceases to be used for haulage purposes.

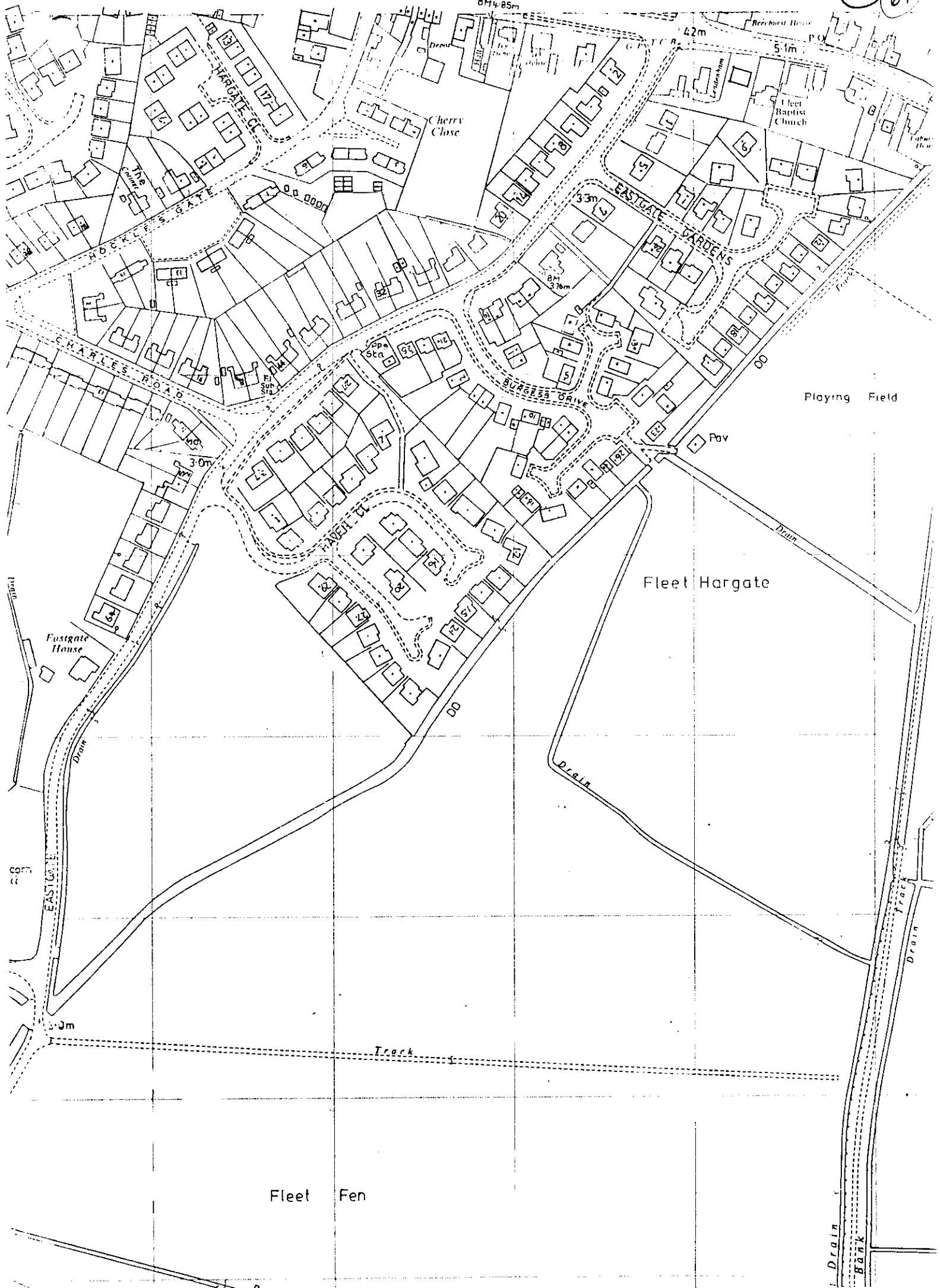
6.0. CONCLUSIONS

6.1. The application site is clearly now incompatible with the surrounding residential uses.

6.2. Bearing in mind the proposed intensification and existing delays I am concerned as to the intentions of the Company in achieving relocation of the business to a more environmentally compatible site.

6.3. Any increase in vehicles and trailers will exacerbate the problem of nuisance from the site.

6.4. Notwithstanding that the Local Authority has been committed to assisting the Company in achieving a solution to the problem it has an overriding duty to ensure that statutory nuisances do not exist and in the circumstances I believe that intensification of this site would be contrary to that objective.


Cherry Close
HARGATE CL
HOCKLESS GATE
CHARLES ROAD
EASTGATE GARDENS
BURGESS DRIVE
HAVEN CL
Fleet Baptist Church
Playing Field
Fleet Hargate
Eastgate House
EASTGATE
Track
Drain
Bank
Fleet Fen
42m
5.1m
3.3m
3.0m

(68)

(1)

Clerk to the Licensing Authority,
Eastern Traffic Area,
Terrington House,
13-15 Hills Road,
CAMBRIDGE,
CB2 1NP

Mr. J. Chapman

JC/SS/PN

10th November, 1993

Dear Sir,

Temples Transport - The Bowling Green, Fleet Hargate
Application for increase - No. 4491 3rd November, 1993

I write in response to the application for a renewal with change of the Operators Licence to 18 goods vehicles and 18 trailers and would confirm that this Department continues to be in receipt of complaints of nuisance arising from activities associated with the operation of the business.

In the circumstances I have no option but to object to this application for an increase in the number of vehicles and trailers on this particular site.

Yours faithfully,

Director of Environmental Services

(69)

(2)

SOUTH HOLLAND DISTRICT COUNCIL

M E M O R A N D U M

FROM: CHIEF ENVIRONMENTAL HEALTH OFFICER DATE: 11.11.88

OUR REF: JC/SS.

TO: PLANNING OFFICER YOUR REF:
(F.A.O. Mr. P. Beecham)

Planning Application H5/1426/88
Residential development, Fleet Hargate

Further to my Officers discussion with yourself concerning the above in relation to the nearby haulage yard I would recommend that the applicant's attention be brought to the need for noise sensitive rooms to be sited away from the western boundary, so as to reduce the possible of disturbance during unsociable hours.

for Chief Environmental Health Officer

S.H.D.C. PLANNING DEPT.
RECEIVED
14 NOV 1988

Attended DPO MFM DDPO SS JC ACP
Action by .....
Dealt with .....
.....

Plan Nos.

by

(3) (70)

SOUTH HOLLAND DISTRICT COUNCIL

M E M O R A N D U M

FROM: CHIEF ENVIRONMENTAL HEALTH OFFICER DATE: 12.12.88

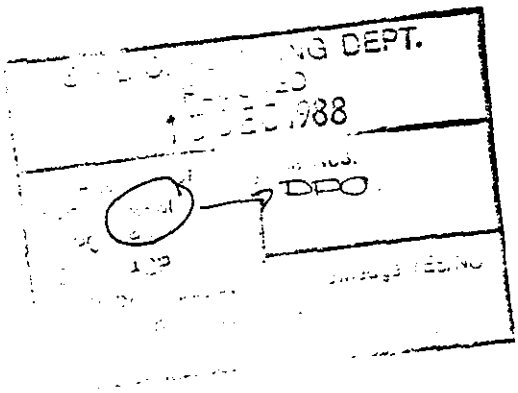
OUR REF: RS/JC/SS

TO: PLANNING OFFICER YOUR REF:H5/1764/88

Proposed residential development
Fleet Hargate

In view of the potential problems that could arise from this haulage yard and its affect on recently proposed residential development nearby I welcome and support this application.

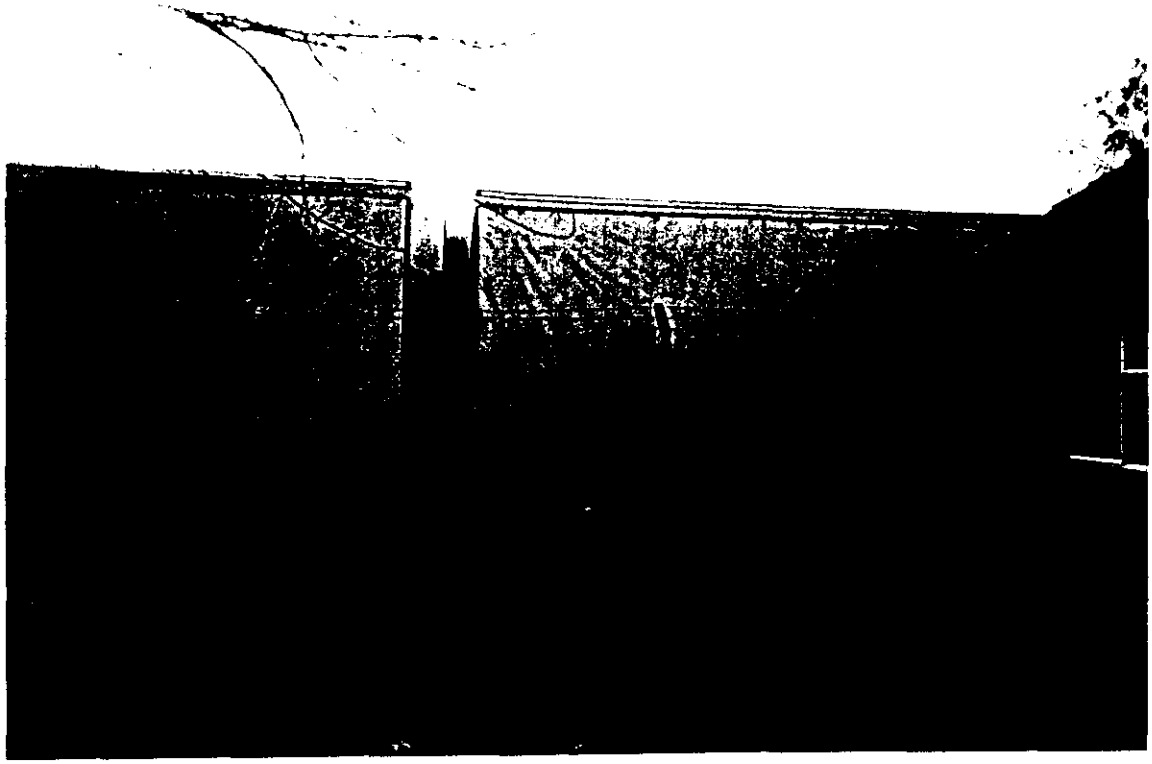
for Chief Environmental Health Officer

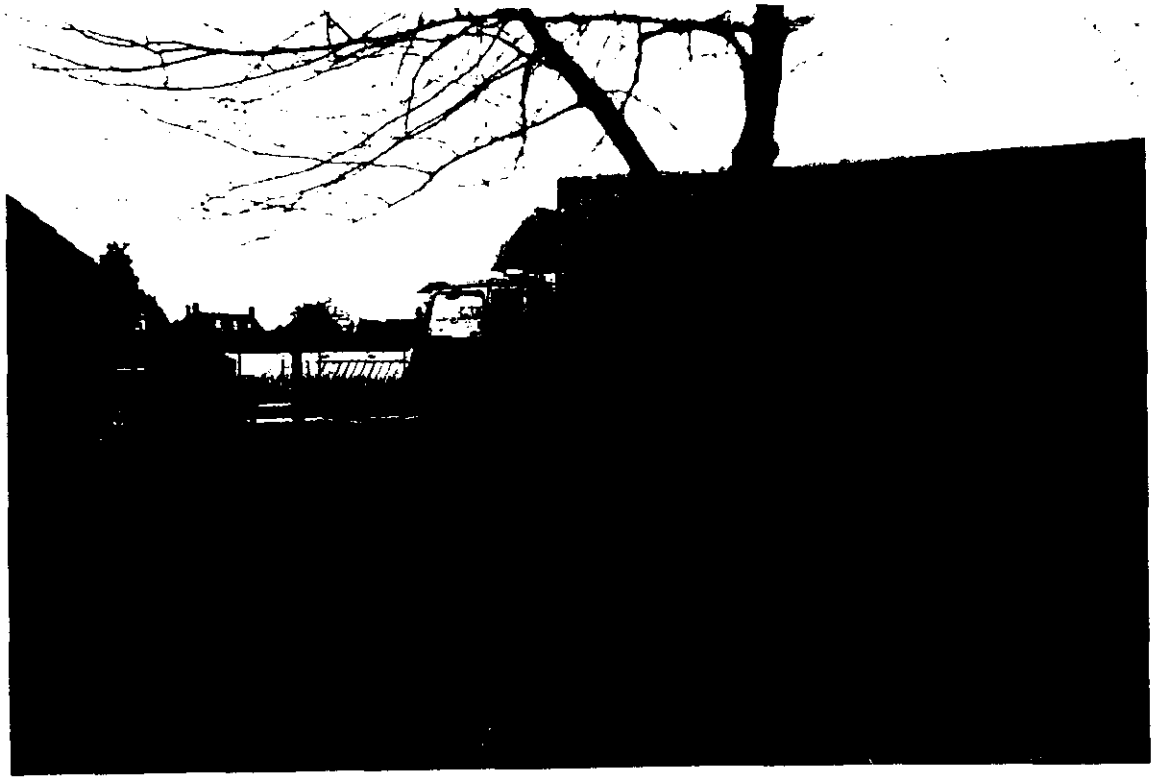


(71)

(4)

94/P6





SOUTH HOLLAND

GORDON RIDGWAY
MIEH, MIWM
Director

The Company Secretary,
Temple Transport Ltd.,
The Bowling Green,
FLEET HARGATE,
Spalding,
Lincs.
PE12 8LL

Your Contact: Mr. S.W. Lawson

Our Ref: SWL/SS/PN/PS

Your Ref:

Date: 20th August, 1992

Dear Sir,

Environmental Protection Act 1990
Alleged Nuisance from Noise and Smoke
Temple Transport, Fleet Hargate

I am writing to advise you that this Department is currently in receipt of complaints regarding the above.

It is alleged that material is burnt on site on a regular basis. Given the location of your site and its proximity to residential properties this activity is likely to create nuisance and I would therefore recommend you desist from burning waste on site forthwith and seek an alternative method of disposal for your waste.

In respect of the noise allegations, I have requested that the Planning Enforcement Officer investigates what consent exists for your site but notwithstanding this given your location, activities such as loading and unloading of vehicles using fork lift trucks in open ground during unsociable hours is likely to constitute a nuisance.

If statutory nuisance is proved, on conviction, you could be liable to a fine of up to £20,000. and it is therefore in your interest to ensure that no unreasonable disturbance is created to nearby residents from your activities.

Whilst I am writing I would also take the opportunity to inform you that comments have been made relating to the intrusiveness of recently erected floodlights within your site which is affecting residents.

I look forward to your co-operation in this matter and should you require any further advice do not hesitate to contact these offices.

Yours faithfully,

p Director of Environmental Services

Environmental Services
Council Offices,
Priory Road,
Spalding,
Lincolnshire. PE11 2XE

Telephone: (0775) 761161
Fax: (0775) 710054

(B)

MRS. M.B. RANSOM
5. CHERRY CLOSE
FLEET. SPALDING
LINCS. PE12 8LQ

RE TEMPLE'S TRANSPORT 7-7-93

Dear Sirs.

as you can see by enclosed form, Temples have been very active in the early hours lately.

The duration of noise can be anything from 2 mins to half a hour or more. Sometimes the cab has to be attached, so, on top of the noise of the engine, there is the banging and clanging of metal on metal and hissing of hydraulics.

If you think 2 mins isn't long just look at your watch for that length of time and try to imagine an engine throbbing outside your bedroom in the early hours of morning then try to imagine what 20 mins is like.

Then as the engine is revved up and driven out of the yard there comes the agony of trying to go back to sleep again then at times it happens all over again.

If it is after 5.30 to 6 o'c I just cannot go back to sleep. I just get a headache trying.

If you cannot limit Temples times of operation, as I asked before, can you limit the distance from my bedroom. If not, why am I filling out forms and keeping times?

Submitted by Mrs. M.B. Ransome

(73)

I would appreciate a very early
reply because if you cant stop
Temples from disturbing the peace
then I intend to seek legal advice.

Yours faithfully
M. B. Ransom.

DATE	TIME From	TIME To	REMARKS. Describe nuisance and how it affects you
1-10-92	11-10pm		Woken from sleep by lorry
2-10-92	5-45am		" " " " "
"	6-10am		" " " " "
3-10-92	12-50am		" " " " "
"	4-25am		" " " " "
5-10-92	6-30am		" " " " "
7-10-92	6-35am		" " " " "
8-10-92	2-10am		" " " " "
"	4-20am		" " " " "
15-10-92	2-10am		" " " " "
"	4-10am		" " " " "
16-10-92	5-35am		" " " " "
21-10-92	5-55am		" " " " "
22-10-92	4-0am		" " " " "
"	6-0am		" " " " "
"	11-55pm		" " " " "
25-10-92	12-20am		" " " " "
"	2-10am		" " " " "
27-10-92	5-20am		" " " " "
Have had company for a week and did not note times but wrote to Council during that time			
10-11-92	12-25am		Woken from sleep
13-11-92	4-19am		"
14/11/92	6-10am		"
16/11/92	6-0am		"
18/11/92	6-10am		"
20/11/92	5-10am		"
"	6-20am		"
22/11/92	11-20pm		"
23/11/92	5-10am		"

(77)

DATE	TIME From	TIME To	REMARKS. Describe nuisance and how it affects you
15-4-93	3-10am		LORRY ENGINE - AWAKENED FROM SLEEP
"	6-15am		
16-4-93	5-05am		
"	6-10am		
21-4-93	3-50am		
"	4-20am		
"	5-50am		
24-4-93	5-50am		
"	6 1/2 am		
28-4-93	2-50am		
"	3 50am		
4-5-93	6-10am		
7-5-93	12-50am		
"	2-40am		
8-5-93	1-10am		
10-5-93	3-45am		
"	5-40am		
"	11 1/2 pm		
11-5-93	6-10am		
12-5-93	12-55am		
"	4-45am		
13-5-93	6-20am		
14-5-93	4-15am		
17-5-93	5-55am		
18-5-93	1-20am		
20-5-93	6-10am		
24-5-93	12-15am		
25-5-93	5-50am		
			Continued till 1-1-93.
			CONTINUED OVER

Date	Time From	Time To	Remarks: Describe nuisance and how it affects you
9-6-93	5-50 am		LORRY ENGINE - AWAKENED FROM SLEEP
"	11-25 pm		
10-6-93	4-40 am		
11-6-93	1-20 am		
"	4-15 am		
12-6-93	4-10 am		
"	6-15 am		
15-6-93	1-40 am		
16-6-93	11-55 pm		
17-6-93	6-30 am		
21-6-93	5-50 am		
22-6-93	11-50 pm		
23-6-93	3 ¾ am		
24-6-93	2-30 am		
"	5-55 am		
25-6-93	3-10 am		
"	6-¾ am		
"	~~11-45 pm~~	11-45 pm	LOADING FORK LIFT NOISY. PREVENTED FROM SLEEP
26-6-93	5-50 am		LORRY ENGINE - AWAKENED FROM SLEEP
30-6-93	1-45 am		
"	6-30 am		
1-7-93	4-35 am		
2-7-93	4-40 am		
"	6-25 am		
5-7-93	5¾ am		
6-7-93	5¾ am		
7-7-93	4-40 am		
"	6-10 am		

A. RANSOM. (Mrs).
5, CHERRY CLOSE
FLEET SPALDING
LINCS PE12 8LQ
31-10-12

Dear Sirs,

re:- Temples Transport Yard.

I feel I must complain in writing about the excess noise from the above lorry yard.

My council bungalow in a warden assisted pensioners estate is situated approx 15ft from the wire fence that separates us from the lorry park.

When I viewed the bungalow just over two years ago I was in doubt about taking it but I was told by a neighbour that the lorries were not noisy and that they were going soon anyway. So I accepted the tenancy and suffered no disturbance for quite some time. There was a coach parked about 3-3½ft the other side of the wire which hardly ever moved and I was quite happy.

Then gradually it began to get noisy and

I found myself getting woken at nights till I had cause to complain to the warden who passed my complaint on to her boss. We were told "they were leaving soon" and so it went on.

Last winter in the very cold weather not only were the engines running longer but the wire being carried up several times before finally moving on. The coach had long since disappeared and large lorries parked on its place just about 18ft from my bedroom.

Now I get woken up most nights and sometimes twice or even three of I can count 6-30am. 2's 3's 4's it makes no difference so I'm really dreading the very cold weather approaching now.

We residents cannot go to bed early

because lorries are loaded in the evenings sometimes till well gone 10% at night and a little afternoon nap is out of the question. With the lorries engines, fork lift trucks running around, the clatter of pallets men shouting to each other above the noise and the clanging of chains as loads are secured you can surely imagine the distress it is causing the people in the surrounding area.

I am not against the lorry park and do heartily applaud the success of anyone who can expand business in these times, but this business has expanded far too much for the residential area it is situated in. Can you please restrict the owners to operating only in sociable hours or to move elsewhere as the lack of sleep is

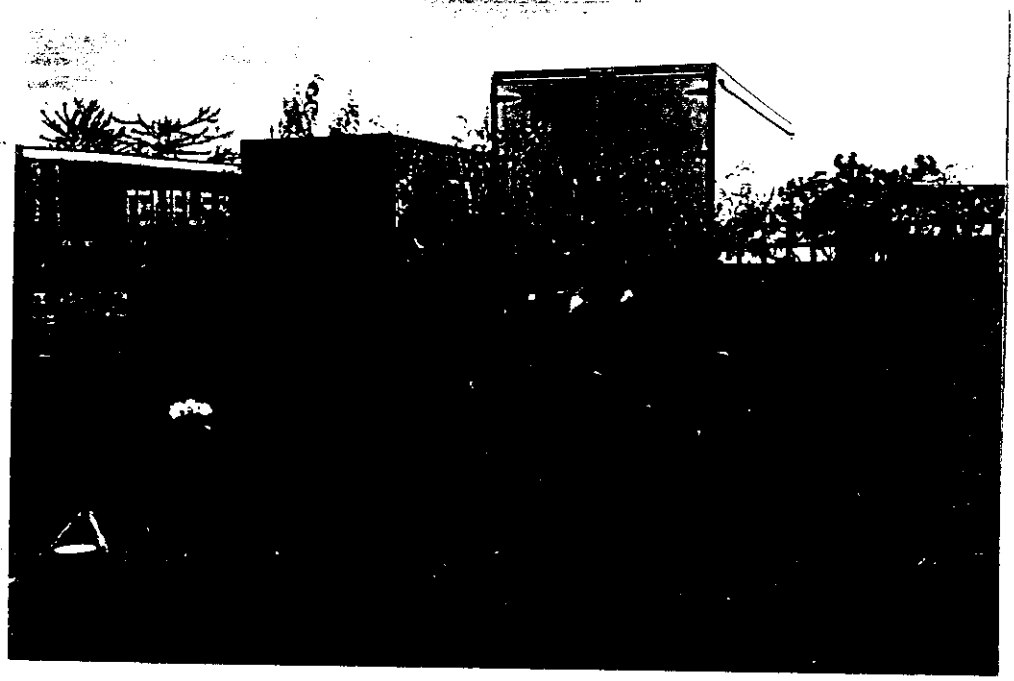
causing me to wake most days with severe headaches and is playing havoc with my nerves.

I know other people have complained and nothing has been done so far and each of my verbal complaints has been met with the same answer. "They are moving soon" so please do something now.

Yours faithfully
M.S. Jansom.

(81)

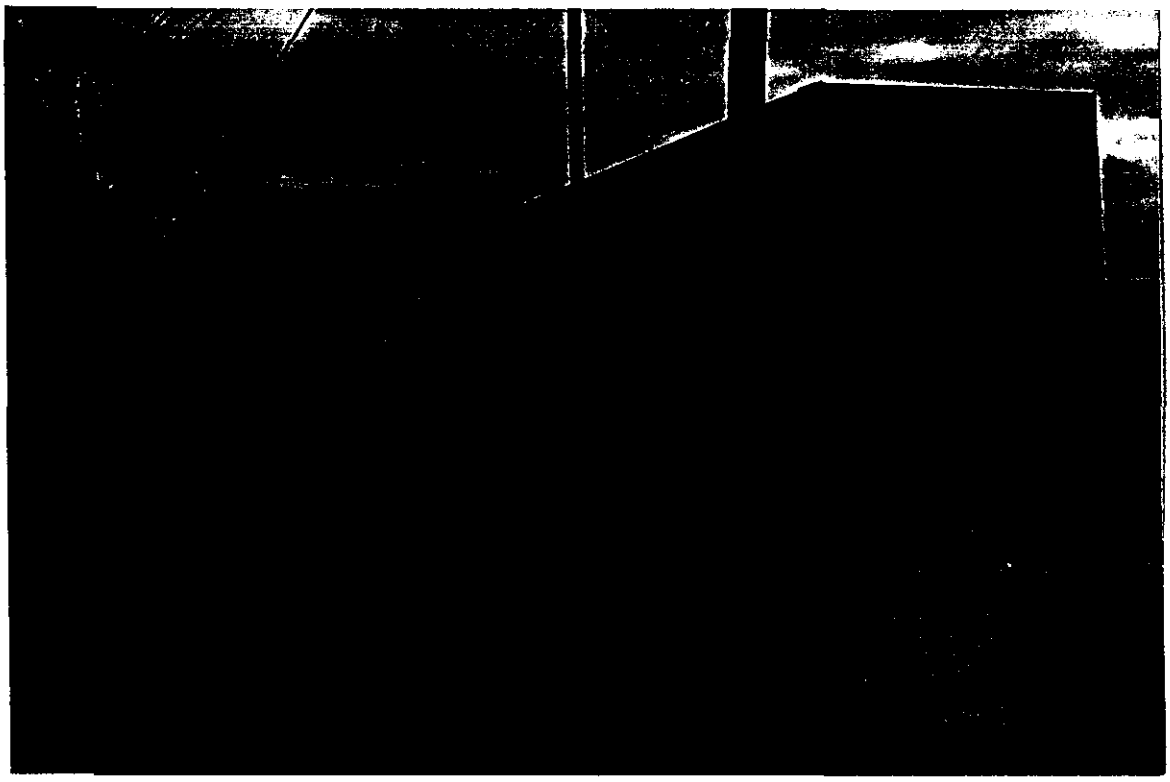
Submitted by Mr R. J. Humphrey at Public Inquiry on 17.05.94

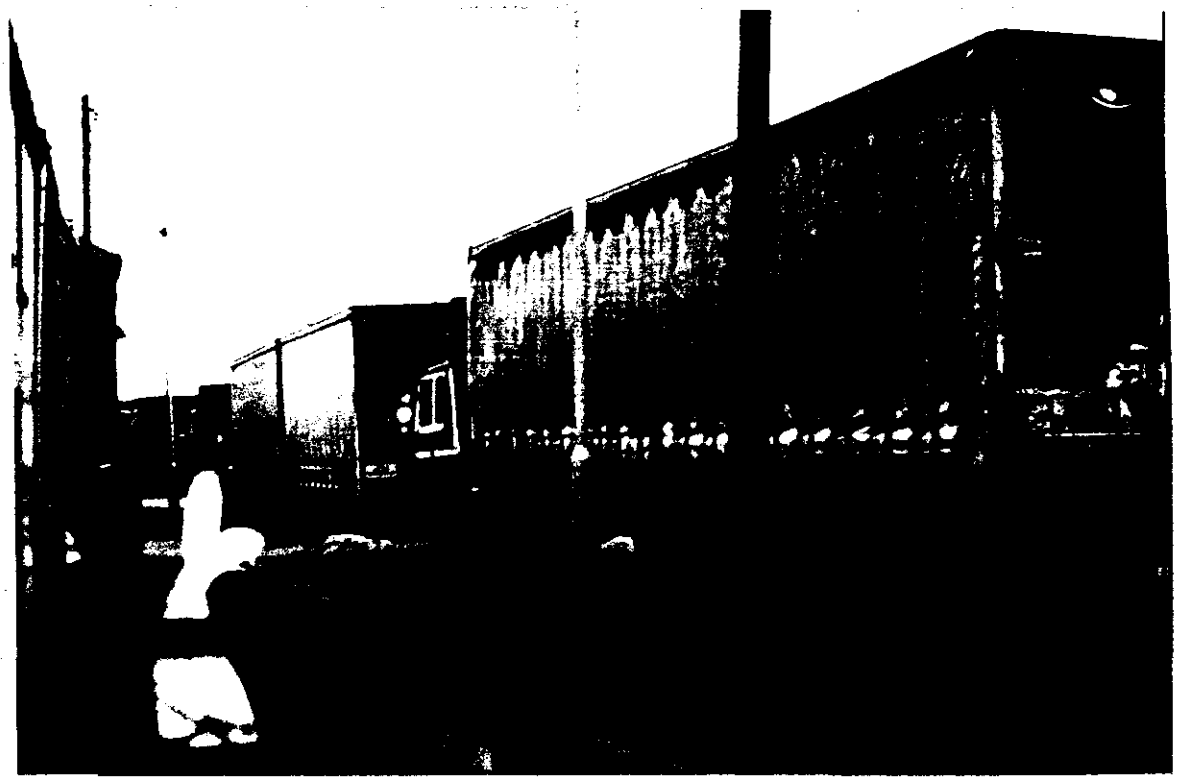




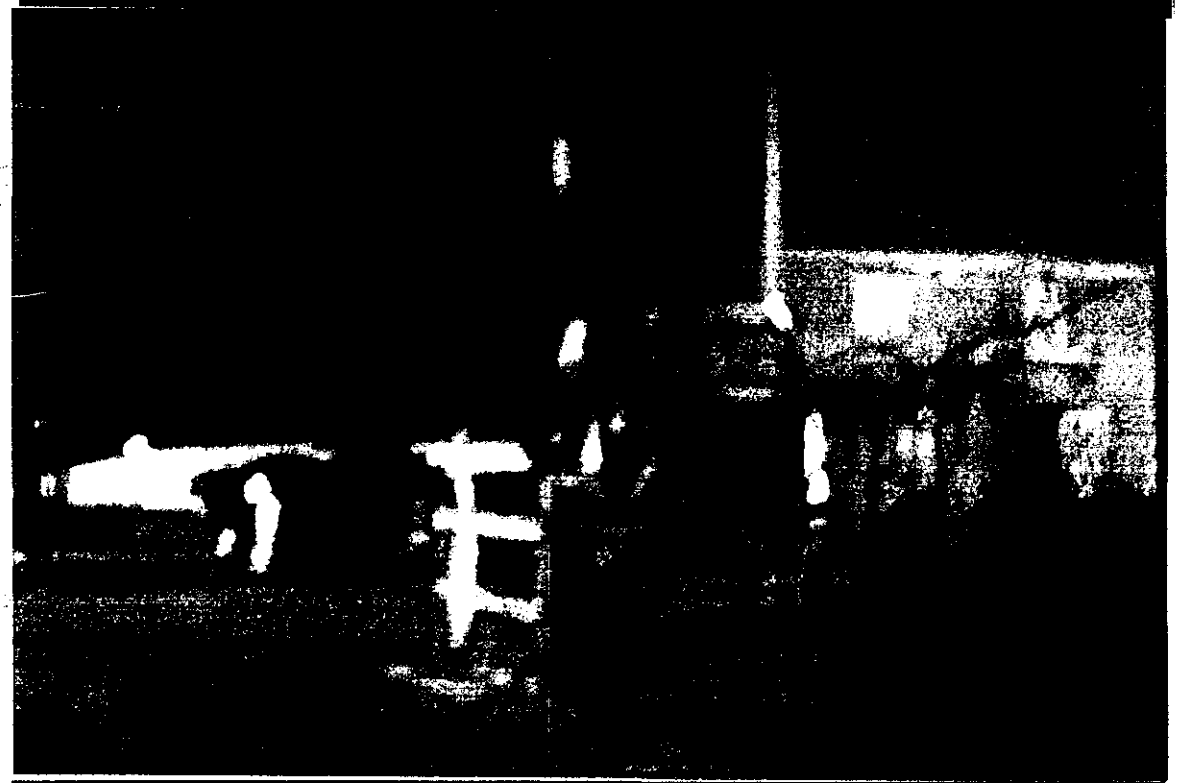
(82)

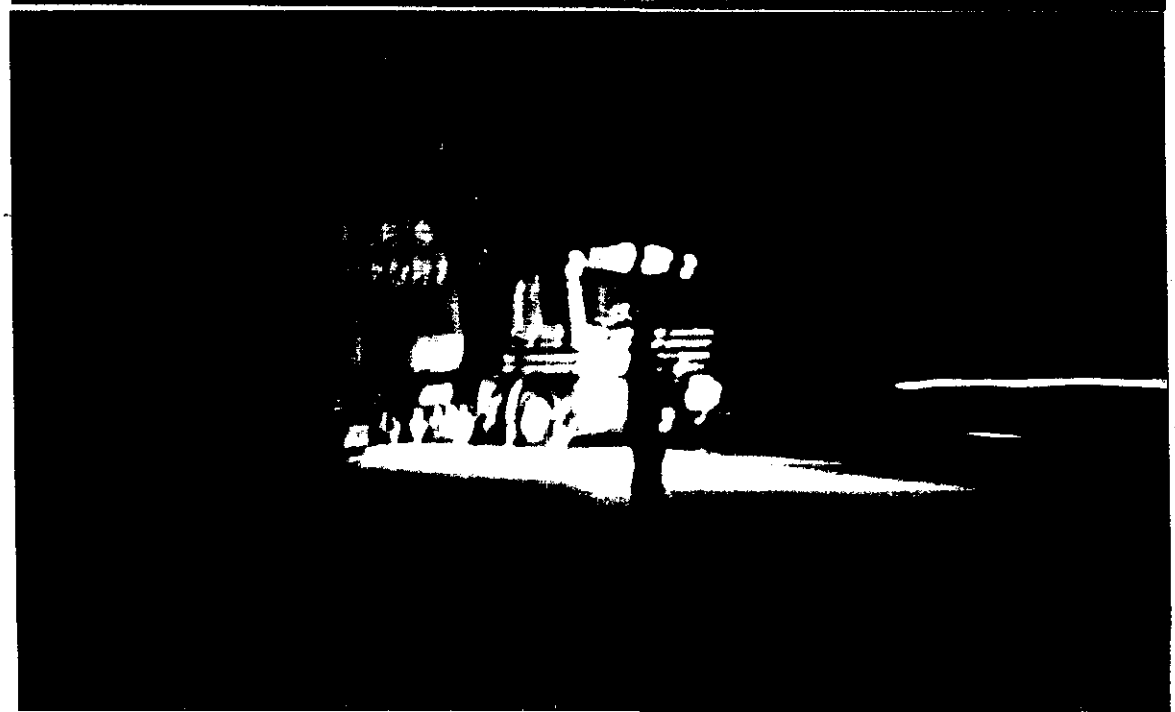
Submitted by Mr. D. Winterton at Public Inquiry on 17 05 94











(85)

Direct Line No: 532047

Mr A D Temple
46 Fleet Road
Holbeach
SPALDING
Lincolnshire
PE12 8LA

Please reply to The Clerk
Your reference

Our reference
OF 207439
Date
May 1994

Dear Sir

GOODS VEHICLE OPERATORS' LICENSING

1. I refer to the Public Inquiry held at The Bourges Room, The Town Hall, Peterborough on 17 May 1994.

2. I write to confirm the decision of the Deputy Licensing Authority.

3. Having considered the evidence he found that the granting of the renewal application as applied for would cause some adverse environmental nuisance but not to the extent that refusal was justified. Therefore, having regard to all the facts before him, he decided to grant the renewal application but for 12 vehicles and 12 trailers only, for one year only and subject to the following conditions:

i) that all vehicles and trailers must be parked in the operating centre at all times and not on the Public Highway;

ii) operating centre to be used between 0600 and 2300 hours - only six movements in and out between 2301 and 0600 hours daily.

4. Notice of the decision will appear in 'Applications and Decisions' No. 4507 appearing on 15 June 1994. I would advise you that a person who is aggrieved by a decision of the Licensing Authority and desires to appeal against a decision or direction should lodge his appeal with the Transport Tribunal, 48-49 Chancery Lane, London, WC2A 1JR (Telephone: (071) 936 7494). An appeal to the Transport Tribunal must be made not later than 28 days after the publication date of 'Applications and Decisions'. If the decision is not published within 21 days the period for making an appeal is 49 days from the date of the Licensing Authority's decision.

Further information on lodging appeals is set out in booklet GV251A "Appeals to the Transport Tribunal" available from this office on request.

Yours faithfully

MISS K LEWIN
for Clerk to the Licensing Authority

JR25

(87)

Direct Line No: 532047

Mrs M Ransome
5 Cherry Close
Fleet
SPALDING
Lincolnshire
PE12 8LQ

Please reply to The Clerk
Your reference

Our reference
OF 207439
Date
31 May 1994

Dear Madam

GOODS VEHICLE OPERATORS' LICENSING
APPLICATION BY: A D TEMPLE

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Yours faithfully

MISS K LEWIN
for Clerk to the Licensing Authority

(88)

Direct Line No: 532047

Mr R J & Mrs P J Humphrey
14 Eastgate
Fleet Hargate
HOLBEACH
Lincolnshire
PE12 8NA

Please reply to The Clerk
Your reference

Our reference
OF 207439
Date
30 May 1994

Dear Sir and Madam

GOODS VEHICLE OPERATORS' LICENSING
APPLICATION BY: A D TEMPLE

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Yours faithfully

pp *MISS K LEWIN*
for Clerk to the Licensing Authority

(89)

Direct Line No: 532047

Mr P G I Rodgers-Gray
The White House
Old Main Road
Fleet Hargate
SPALDING
Lincolnshire
PE12 8LJ

Please reply to The Clerk
Your reference

Our reference
OF 207439
Date
3/May 1994

Dear Sir

GOODS VEHICLE OPERATORS' LICENSING
APPLICATION BY: A D TEMPLE

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Yours faithfully

pp *MISS K LEWIN*
for Clerk to the Licensing Authority

(80)

Direct Line No: 532047

Mr D Winterton
Acacia House
Fleet Hargate
SPALDING
Lincolnshire
PE12 8LH

Please reply to The Clerk
Your reference

Our reference
OF 207439
Date
31 May 1994

Dear Sir

GOODS VEHICLE OPERATORS' LICENSING
APPLICATION BY: A D TEMPLE

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Yours faithfully

MISS K LEWIN
for Clerk to the Licensing Authority

(92)

Direct Line No: 532047

Mr J Chapman & Mr J A Blacklock
South Holland District Council
Planning & Building Control Department
Council Offices
Priory Road
SPALDING
Lincolnshire PE11 2XE

Please reply to The Clerk
Your reference

Our reference
OF 207439
Date
31 May 1994

Dear Sirs

GOODS VEHICLE OPERATORS' LICENSING
APPLICATION BY: A D TEMPLE

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Yours faithfully

MISS K LEWIN
for Clerk to the Licensing Authority

JR25

(94)

TRANSPORT ACT, 1968

THE LICENSING AUTHORITY

- for -

THE EASTERN TRAFFIC AREA

The Town Hall,
PETERBOROUGH.

Tuesday, 17th May, 1994

Before:

Mr. B.M.K. Horner
(Deputy Licensing Authority)

MR. A.D. TEMPLE
(Trading as Temple Transport)

Transcribed from the official tape recording by
Harry Counsell & Co., 61, Carey Street, London, WC2A 2JG.
Telephone: 071-242-9346.

P R O C E E D I N G S

THE CLERK: The case today is being heard by Mr. B.M.K. Horner, Deputy Licensing Authority for the Eastern Traffic Area. Sir, you have before you Mr. A.D. Temple who is applying to renew his standard international licence to use the Bowling Green, Fleet Hargate, Spalding,Lincolnshire, as an operating centre for eighteen vehicles and eighteen trailers.

The application is to be heard under Sections 64 and 69 (b) of the Transport Act, 1968, as amended, and Regulations 21 and 22 of the Goods Vehicles Operators Licences Qualifications and Fees Regulations, 1984, as amended.

Mr. Temple is present in court today, together with Mr. J. Crunkhorn and Mr. R. Temple. Representations and an objection against the grant of the application have been received. Present in court today are Mr. J.A. Blacklock and Mr. J. Chapman from South Holland District Council, Mr. D. Winterton, Mr. R.J. Humphrey and Mrs. M. Ransome. Mr. A. Halgarth from Fleet Parish Council and Mr. J. Herrington are present in court as observers.

Please note these proceedings are being recorded. Will all parties please speak loudly and clearly.

THE DEPUTY LICENSING AUTHORITY: Good morning, ladies and gentlemen. Before I formally open the inquiry I think it might be helpful for those who haven't attended one of these tribunals before if I read from a prepared note some guidance which may be helpful to you all.

"A licensing authority is an independent administrative tribunal responsible for, among other things, the licensing of all goods vehicle operators who have operating centres in the traffic area. An operating centre is defined in Section 52 (1) of the Transport Act, 1982 as a place where the goods vehicle operator keeps his authorised vehicles when not in use. For someone to obtain a goods vehicle operator's licence he has to satisfy the authority as to six matters under the Transport Act, 1968, and in the case of standard licences a further three matters under Goods Vehicle Operators Licences Qualifications and Fees Regulations of 1984."

At this inquiry I am particularly concerned with one of those matters. It is that the place which is to be the operating centre for the authorised vehicles is suitable for that purpose.

I shall proceed by first of all asking the applicant, Mr. Temple, one or two matters that I might want to clear up before hearing the case, and then I shall call each representor to introduce himself -- or the objectors, first of all, and then the representors. The Applicant will have the opportunity to question each of the witnesses in turn, and the Applicant may then give evidence he wishes to do so, and, again, he may be cross-examined by those objecting and representing. After he has given his evidence he may wish to address me. Firstly, the objectors and representors may wish to address me, followed by a final address, if he so wishes,

from the operator.

I think there are one or two points which I need to clarify. Firstly, I can only concern myself with the use of the operating centre as a place where the vehicles authorised on the goods vehicle operator's licence are normally to be kept when not in use. I cannot consider any other uses of the site, and I cannot consider the environmental effects of any other vehicles that may visit the site that are not to be authorised vehicles under this Applicant's licence.

The burden of proof of the matters alleged by the objectors or representors lies on them, and the test applied to proof in licensing matters is likelihood on the balance of probabilities rather than proof beyond all reasonable doubt. Thus, the evidence is not on oath but, all the same, I expect everyone to tell me the truth, the whole truth and nothing but the truth.

And perhaps one other matter I could add: I am not a planning authority and I am not a highway authority, and therefore those matters are not adjudicated by me directly. Those are matters for the statutory local authorities, and I can only concern myself in relation to this application in relation to the operating centre. And, in general terms, that's the environmental effects of the vehicles parking, or in terms of any of their activities within the operating centre, or the access and egress in relation to safety.

Now, South Holland District Council. I think they are represented by Mr. Blacklock and Mr. Chapman - is that correct? Who is going to lead the evidence?

MR. CHAPMAN: I will - Mr. Chapman.

THE DEPUTY LICENSING AUTHORITY: Are you calling Mr. Blacklock as a witness?

MR. CHAPMAN: Yes.

THE DEPUTY LICENSING AUTHORITY: Now, Mrs. Ransome, you are not represented this morning, are you?

MRS. RANSOME: No, I'm not.

THE DEPUTY LICENSING AUTHORITY: And you live in the vicinity?

MRS. RANSOME: Yes.

THE DEPUTY LICENSING AUTHORITY: And Mr. Humphrey, you also live in the vicinity?

MR. HUMPHREY: Yes.

THE DEPUTY LICENSING AUTHORITY: Mr. Rogers-Gray - is he here? (No response) And Mr. Winterton?

MR. WINTERTON: Yes.

THE DEPUTY LICENSING AUTHORITY: And you live in the vicinity, don't you?

A

MR. WINTERTON: Yes.

THE DEPUTY LICENSING AUTHORITY: Mr. Herrington, you're an observer, aren't you?

MR. HERRINGTON: Yes.

B

THE DEPUTY LICENSING AUTHORITY: And Fleet Parish Council, Mr. Halgarth. As you know, sir, your Council don't have the right of objection because you're not owners of land in the vicinity, but you are perfectly welcome here, and it's a public inquiry, and no doubt you will be able to report back to your Council on the basis of the findings here today.

Now, Mr. Temple, you are already the holder of an international licence?

C

MR. TEMPLE: That's correct.

THE DEPUTY LICENSING AUTHORITY: At the present time that authorises twelve vehicles and twelve trailers, and I believe you have twelve vehicles and one trailer in possession - is that correct?

D

MR. TEMPLE: Twelve and twelve.

THE DEPUTY LICENSING AUTHORITY: You have twelve in possession and twelve trailers. And you are applying for a licence with a variation to eighteen vehicles and eighteen trailers.

MR. TEMPLE: That is correct.

E

THE DEPUTY LICENSING AUTHORITY: And your operating centre is the Bowling Green, Fleet Hargate, Spalding, Lincolnshire?

MR. TEMPLE: Correct, yes.

THE DEPUTY LICENSING AUTHORITY: And you are obviously representing your own operation. Are you calling any witnesses?

F

MR. TEMPLE: My son and Mr. Crunkhorn.

THE DEPUTY LICENSING AUTHORITY: You will be doing?

MR. TEMPLE: Yes.

THE DEPUTY LICENSING AUTHORITY: Right, Mr. Chapman. I'm accepting the objection and the representations in relation to South Holland District Council and the residents. Mr. Chapman, can I call you to give your evidence?

G

MR. CHAPMAN: Yes. I've got two copies of my evidence. (Same handed)

H

THE CLERK: This will be document "A".

MR. CHAPMAN: What perhaps will help is if I read through it.

THE DEPUTY LICENSING AUTHORITY: That's perfectly all right. If you would just give your full name and the position held.

MR. CHAPMAN: What I propose to do is I'll read through all of it and then we'll take anything from there.

THE DEPUTY LICENSING AUTHORITY: Yes, that's fine.

MR. JOHN CHAPMAN: Called

MR. CHAPMAN: I am John Chapman, principal environmental pollution officer employed by South Holland District Council, a post now held since October 1988. I have been qualified as an environmental health officer for the past sixteen years, and hold a Diploma in Environmental Health, a Diploma in Atmospheric Pollution and a Diploma in Acoustics and Noise Control.

I refer to the application by A.D. Temple for an operating licence, with change, in respect of the premises at the Bowling Green, Fleet Hargate. I understand that the change referred to is an increase to eighteen vehicles and eighteen trailers from the current consent of twelve vehicles and twelve trailers.

The application was advertised in the local press and in Applications and Decisions No. 4491 dated the 3rd November, 1993.

By a letter dated the 10th November, 1993 the Council objected to the application effectively on environmental grounds. That is item 1 in the bundle. I refer to that letter and other documents included in the bundle, marked by reference to the classification of that bundle. You will see from the letter that we wrote on the 10th November to your authority giving reasons for the objection.

Previous Knowledge of the Bowling Green Depot. The potential for noise disturbance from the site was initially highlighted in respect of the residential development along Eastgate in November 1988 - that is item 2 in the bundle at the back. You will see there a memorandum to the Planning Officer highlighting our concern over the development.

The subsequent planning application for a change of use of the site (i.e. the Bowling Green site) to residential was supported because of the potential problems that could arise. That is item 3. Again that's dated the 12th December, 1988, when we in fact supported a change of use from haulage to residential on that site.

A Complaints of Nuisance. During the autumn of 1992 complaints were received from residents in Eastgate and Cherry Grove concerning noise during unsociable hours arising from loading and unloading of vehicles by fork-lift, and vehicle manoeuvring. Residents abutting the site in Cherry Grove were being woken in the early hours by vehicles parking and manoeuvring close to their boundary. Item 4 attached on the back. This is the photograph showing the parking of vehicles along that boundary close to the bungalow.

B THE DEPUTY LICENSING AUTHORITY: Is the bungalow occupied - that is Mrs. Ransome?

MR. CHAPMAN: Yes. A letter informing the company of the complaints was sent on the 20th August, 1992, and that is No. 5. You will see there that we wrote raising the problems that were there. Complainants were requested to keep records C of the alleged nuisances, and noise monitoring was subsequently carried out during early December 1992. The noise climate of the area is influenced by traffic noise from the A17 trunk road, with background noise levels fluctuating 38 to 52 dB(A). It is obviously quieter during the night when traffic flows diminish.

There appears to be limited space within the site, and trailers are parked up to the residential boundaries. You D have seen that on the photographs. There is no screening along the western boundary with Cherry Grove.

Some typical noise levels at a distance of 5 metres are: the diesel fork-lift revving, 80 dB(A); LPG revving, 71; heavy goods vehicle idling, 71; heavy goods vehicle revving, 83. They are just typical levels of the sorts of noises that you are going to get from that site. They are likely E therefore to be audible at the dwellings during most hours of the day and night. With this incompatible land use scenario there is clearly a potential for disturbance and possible nuisance to the neighbours, and any intensification is therefore bound to exacerbate the problem.

The company responded to our letter in 1992. On the 5th January, 1993 a meeting was held at another site off the A17, F with Mr. Russell Temple, his agent, Mr. J. Crunkhorn, and the Planning Officer, to consider the relocation of the business. it was agreed that in principle there were no major objections to the proposal, but further liaison between the company and the District Planning Officer was necessary. We will go on to that a little bit later. Mr. Blacklock will expand on that.

G During the spring of 1993 discussions were held with the District Planning Officer and an alternative site was proposed by the submission of planning application 8050689/93. Significant amendments to the scheme were necessary to ensure protection of nearby dwellings, and a revised layout was submitted. This scheme has subsequently

H

been agreed in principle by the Planning Committee at their meeting of the 21st March, 1994, subject to the proviso that the Bowling Green site ceases to be used for haulage purposes.

Conclusions. The application site is clearly now incompatible with the surrounding residential uses. Bearing in mind the proposed intensification and existing delays, I am concerned as to the intentions of the company in achieving relocation of the business to a more environmentally compatible site. Any increase in vehicles and trailers will exacerbate the problem of nuisance from the site. Notwithstanding that the local authority has been committed to assisting the company in achieving a solution to the problem, it has an overriding duty to ensure that statutory nuisances do not exist and, in the circumstances, I believe that intensification of this site would be contrary to that objective.

THE DEPUTY LICENSING AUTHORITY: Thank you. Now, you make yourself available for questions and then you will presumably call your colleague. Have you any questions which you wish to put?

MR. TEMPLE: Not for the time being. We'll let Mr. Blacklock outline the whole ----

MR. BLACKLOCK: I haven't produced any written evidence, sir, so I will have to rely basically on memory and the files.

THE DEPUTY LICENSING AUTHORITY: So basically you are making representations representing another department, are you? So are you calling him ----

MR. CHAPMAN: I am calling him, sir, just to expand. If you look at the paragraphs from 5 onwards, where the planning department have been involved in the new application on alternative sites, I felt that perhaps we should really just expand on that, as to what the situation now is.

THE DEPUTY LICENSING AUTHORITY: Yes. All right.

(The witness withdrew)

MR. JOHN ANTHONY BLACKLOCK: Called

MR. BLACKLOCK: Basically, sir, my comments are simply points of information.

THE DEPUTY LICENSING AUTHORITY: Yes, so if you would just give your full name and position you hold.

MR. BLACKLOCK: I am John Anthony Blacklock. I have a degree in history, a Diploma in Town and Country Planning, and am a Member of the Town Planning Institute. I hold the position of senior planning assistant with South Holland District

MR. BLACKLOCK: I must admit that suggestion wasn't in my mind, but if you're putting it to me then I will have to entertain it.

THE DEPUTY LICENSING AUTHORITY: I am stating something which will give perhaps some comfort to all concerned in the sense that the operator will for a period of time have a licence to authorise him to operate from there. To what extent is another matter, and he's got to make his evidence on that, and it will facilitate, or it will perhaps relieve those who are making representations today to know that there is something which I can't determine, but I am in a position to give special consideration to the nature of the grant, if I was to make a grant today. It seems to me that we're in this sort of scenario. But, anyway, I think it would be perhaps politic for me to let you complete your evidence. But I felt at that stage it was worth just understanding what we're about.

MR. BLACKLOCK: That really is effectively the evidence I propose to give, that we are in this state of flux, as it were. We have two applications which we're under an obligation to determine.

THE DEPUTY LICENSING AUTHORITY: One is for the future use of that site, and development of it, and the other one is your determining an alternative planning application for this operator from his present site. Of course those are strictly your Authority's business and not mine.

MR. BLACKLOCK: Quite.

THE DEPUTY LICENSING AUTHORITY: And therefore it would be wrong for me to give any indications on that. But I've got two duties, as I see it, today, to try to meet the representations that are being made in the short to medium term, and also to make sure to give some form of undertaking or some form of grant in the interim period to the operator. Now, to what extent that is will be determined from the evidence today. So, are there any questions, Mr. Temple, which you wish to put to Mr. Blacklock?

MR. R. TEMPLE: I'd like to just ask the Planning Officer, as he's from the Planning Department, that site was granted to be used as a haulage yard for ----

THE DEPUTY LICENSING AUTHORITY: You are who?

MR. R. TEMPLE: Mr. R. Temple. The site has planning permission to be used as a haulage yard. When that planning permission was originally granted to what number of vehicles was it granted?

MR. BLACKLOCK: I'm not aware that planning permission has been granted for a haulage yard there. My understanding has been that the use which is there is a lawful use, i.e. established

through time. Now, whether that applies to the whole of the site or a portion of it again I'm uncertain, but I don't want to go down that avenue because that raises all sorts of legal issues which I don't really think the hearing needs to be concerned with. But my understanding is there is a lawful use there of a haulage description, let's put it that way.

MR. TEMPLE: When the previous ----

THE DEPUTY LICENSING AUTHORITY: Can we just get this structured properly. There should be one representative of the company asking questions. So you've got to decide between you who is going to do it. Let's establish now who is going to take the case for the company, and then we'll know where we are. Right, you ask the questions, and if your son wishes to brief you that's perfectly all right. Would you give your full name?

MR. TEMPLE: Alan Duncan Temple.

THE DEPUTY LICENSING AUTHORITY: And you are the sole owner, are you, of A.D. Temple?

MR. TEMPLE: That's right, sir. On the application we have to put as well as the number of vehicles required the number of vehicles that the yard can take, and I'm sure that the previous occupiers, who were Willers & Warrington, said they could get eighteen vehicles in that site, even though they didn't operate eighteen. I think they operated seven.

MR. BLACKLOCK: Am I being asked a question or is that simply a statement?

MR. TEMPLE: It's a statement saying that on the application we have to put in we always have to put the number of vehicles that you can get onto the site, whether you're going to operate that number or not.

THE DEPUTY LICENSING AUTHORITY: No, that's not so. Let me rule on that. The applicant makes an application for the number of vehicles which he wants to authorise. We in due course determine that, whether in the light of any objections or representations at that time, is satisfactory or not. Your last application was granted on the basis of twelve and twelve. Now, the fact is that you are operating up to the maximum at the moment.

MR. TEMPLE: Correct.

THE DEPUTY LICENSING AUTHORITY: You are now seeking to vary that to increase it to eighteen and eighteen.

MR. TEMPLE: That's right.

THE DEPUTY LICENSING AUTHORITY: So it isn't a matter of that at all, it's how you as the operator make application, and then

it's a matter for the local authorities and the representors to make representations on whatever your application might be. So you are seeking to vary. The fact that it may hold 120 vehicles and you are only asking for twelve, the relevance is that you're asking twelve and you're now asking for eighteen. That is the relevance of today. (End of side 1)

KL MR. HUMPHREY (REPRESENTOR)
~~MALE VOICE~~: ... That really is the crux of the problem as we see it. I would question as to whether this site is big enough for eighteen vehicles and eighteen trailers, and that really is a question that I would ----

THE DEPUTY LICENSING AUTHORITY: Well, when Mr. Temple gives his evidence that's a perfectly proper question, but what I am saying is, and I am trying to clarify what Mr. Temple has said, Mr. Temple has said that the number of vehicles is how many will fit on the site. That's not it. It's the number of vehicles that are applied for by the Applicant and those which are subsequently granted and authorised. At the present time, as I say, you have an authorisation for twelve and twelve, and you are now asking for eighteen and eighteen, and that's what I'm determining today. Any further questions? (No response)

KL MR. TEMPLE
~~MALE VOICE~~: Could I ask Mr. Blacklock to explain the Section 106, please?

MR. BLACKLOCK: A Section 106 agreement is -- Section 106 of the 1990 Planning Act enables the local authority to enter into an agreement, a legal contract, with an application, or with any other party, to facilitate the grant of planning permission and address any matter which is of planning relevance. There may be situations where if planning permission were forthcoming safeguards would have to be secured in the public interest. Those safeguards might be difficult to obtain through the imposition of planning conditions, through conditions in the actual permission itself for legal reasons, and indeed for practical reasons, in terms of enforcing the conditions subsequently. So Section 106 of the Act enables an authority to reach an agreement with a party, an applicant or indeed other parties, whereby planning permission is granted and legal sanction given to the terms of that agreement, effectively meaning that if, for whatever reason, the terms of the planning permission were breached then the Authority could sue for breach of contract and take action in the civil court, a far more effective legal remedy than trying to enforce planning conditions in a planning permission through the planning appeals procedure which is lengthy and can be cumbersome. So it is a means of ensuring that if planning permission is granted there are effective legal safeguards to ensure that its terms are fully met.

THE DEPUTY LICENSING AUTHORITY: Thank you for that explanation, although you would expect me to say that I don't have to have

regard to that.

MR. BLACKLOCK: Quite.

THE DEPUTY LICENSING AUTHORITY: But it is helpful to the representors I think to know that. Any further questions?

MR. TEMPLE: Yes. The other point on Mr. Chapman's evidence where he said he didn't think we could get eighteen into the yard, I have already supplied you with a plan showing how the eighteen would be parked.

THE DEPUTY LICENSING AUTHORITY: I have got that I think. Yes. I don't know whether you'd like to see it? If you'd like to come and just explain that.

(There then followed an inaudible conversation with everybody speaking at once whilst examining the plan)

MALE VOICE

~~THE DEPUTY LICENSING AUTHORITY~~: Can I ask, is that available now or would it have to be cleared? Is it available?

MR. TEMPLE: It is, sir.

THE DEPUTY LICENSING AUTHORITY: Thank you very much. Would you show those to the representors and just explain it to them.

(The plan was then shown to the representors and an inaudible conversation then took place)

MALE VOICE: How are you going to come in here and unload all the goods that you have to unload with a fork-lift truck?

THE DEPUTY LICENSING AUTHORITY: I think those are the sort of questions when you give your evidence. It's just so that the site was explained to you for the moment. You can ask any questions you want. Any further questions?

MR. TEMPLE: No, not at the moment.

(The witness withdrew)

THE DEPUTY LICENSING AUTHORITY: Mrs. Ransome, I call you now to give your evidence.

MRS. MAUD BEATRICE RANSOME: Called

THE DEPUTY LICENSING AUTHORITY: Mrs. Ransome, would you give me your full name, please?

MRS. RANSOME: Maud Beatrice Ransome and I live at 5, Cherry Close.

THE DEPUTY LICENSING AUTHORITY: And that is adjacent to the operating proposal, is it?

MRS. RANSOME: It's actually fifteen feet away from my bedroom wall, and that is where a lorry is parked, the first one on that plan. That one used to be driven away in the middle of the night, and others near it at various times in the night, and they disturbed my sleep quite often.

THE DEPUTY LICENSING AUTHORITY: This is the one, is it?

MRS. RANSOME: No. Further down. And if they had those other lorries put there I'm sure I'd get very little sleep at all.

THE DEPUTY LICENSING AUTHORITY: Do you want to make a statement then?

MRS. RANSOME: In regard to?

THE DEPUTY LICENSING AUTHORITY: Well, your representations.

MRS. RANSOME: I haven't any representation at the moment. I've only got the copies of my letters.

THE DEPUTY LICENSING AUTHORITY: Well, do you want to make the points from your letter?

MRS. RANSOME: I would like to show you the times that I was woken up in the night. This is a copy of the letter with the times that I sent to the Council. (Same handed) You will find copies of the times in the night and early hours of the morning when I was awakened.

THE DEPUTY LICENSING AUTHORITY: Have you got a copy for Mr. Temple?

MRS. RANSOME: Yes, I have.

THE CLERK: This will be document "B".

THE DEPUTY LICENSING AUTHORITY: Do you want to read this letter?

MRS. RANSOME: Do you want me to read that out?

THE DEPUTY LICENSING AUTHORITY: Just so it's on the transcript.

MRS. RANSOME: This is actually the first letter that I sent, and it's written to the Council. "Dear Sirs, Re: Temple Transport Limited. I feel I must complain in writing about the excess noise from the above lorry yard. My Council bungalow in a warden controlled pensioners' estate is situated approximately 15 feet from the wire fence that separates us from the lorry park.

"When I viewed the bungalow just over two years ago I was in doubt about taking it, but I was told by a neighbour that the lorries were not noisy and that they were going soon anyway. So I accepted the tenancy and suffered no disturbance for quite some time. There was a coach parked

about three-and-a-half feet ~~outside~~ the other side of the wire which hardly ever moved, and I was quite happy there. Then gradually it began to get noisy and I found myself getting woken at night until I had cause to complain to the warden, who passed my complaint on to her boss. We were told that they were moving soon, and so it went on.

"Last winter, in the very cold weather, not only were the engines running longer but they were being revved up several times before finally moving on. The coach had long since disappeared and huge lorries parked in its place, just about 18 feet from my bedroom. Now I get woken up most nights, and sometimes twice, or even three, if I can count 6.30 a.m. - two, three, four o'clock, it makes no difference. So I am really dreading the very cold weather approaching now.

"We residents cannot go to bed early because lorries are loaded in the evening, sometimes until well gone ten o'clock at night, and a little afternoon nap is out of the question. With the lorry engines and fork-lift trucks running around, the clutter of pallets, men shouting to each other above the noise, and the clanging of chains when covers are secured, you can surely imagine the distress it has caused to people in the surrounding area.

"I am not against the lorry park and I heartily applaud the success of anyone who can expand business in these times, but this business has expanded far too much for the residential area it is situated in. Can you please restrict the owners to operate in only sociable hours, or to move elsewhere, as the lack of sleep is causing me to ~~ache~~ wake most days with severe headaches and is playing havoc with my nerves. I know other people have complained and nothing has been done so far, and each of my verbal complaints have been met with the same answer: 'They are moving soon'. So please do something now. Yours faithfully."

THE DEPUTY LICENSING AUTHORITY: Thank you. And then the letter that you handed to me.

MRS. RANSOME: I haven't another copy. May I have that back?

THE DEPUTY LICENSING AUTHORITY: Take that and then we'll get it on record. That is addressed to?

MRS. RANSOME: To the same environmental -- Mr. Chapman and his department. "Dear Sirs, As you can see by the enclosed form, Temples have been very active in the early hours lately. The duration of noise can be anything from two minutes to half an hour or more. Sometimes the cab has to be attached, so on top of the noise of the engine there is the banging and clanging of metal on metal and hissing of hydraulics. If you think two minutes isn't long just look at your watch for that length of time and try to imagine an engine throbbing outside your bedroom in the early hours of the morning, and then try

to imagine what twenty minutes is like. Then as the engine is revved up and driven out of the yard there comes the agony of trying to go back to sleep again. Then at times it happens all over again. If it is after 5.30 to six o'clock I just cannot go back to sleep. I just get a headache trying.

"If you cannot limit Temple's time of operation, as I asked before, can you limit the distance from my bedroom? If not, why am I filling out forms and keeping times. I would appreciate a very early reply because if you can't stop Temples from disturbing the peace then I intend to seek legal advice."

THE DEPUTY LICENSING AUTHORITY: Now, there we have it. There are two letters addressed to the local authority, and the fact that the local authority are here objecting today I think is an indication that they have taken seriously what you and other residents have said. Now, also, in addition to that, we have received on your behalf a letter from your solicitor.

MRS. RANSOME: That's right, yes.

THE DEPUTY LICENSING AUTHORITY: Which is saying broadly the same, and that was dated the 29th September.

MRS. RANSOME: Yes, and I do have a copy of that here.

THE DEPUTY LICENSING AUTHORITY: Has anybody else seen this?

MRS. RANSOME: Do you want me to read that out? I have that here.

THE DEPUTY LICENSING AUTHORITY: I think it's going to say the same things, isn't it, broadly?

MRS. RANSOME: Yes, more or less.

THE DEPUTY LICENSING AUTHORITY: If there's anything you want to read to add to what you've said you can do.

MRS. RANSOME: No, that's all.

THE DEPUTY LICENSING AUTHORITY: All right, Mrs. Ransome. Have you any questions, Mr. Temple, you wish to put to Mrs. Ransome?

MR. TEMPLE: Well, Mrs. Ransome doesn't appear to be objecting to the increase from twelve to eighteen.

MRS. RANSOME: They were written before then. I haven't written any actual letters, only the solicitor's letter. That might say about the extra lorries.

THE DEPUTY LICENSING AUTHORITY: I think I had better read the solicitor's letter. It says, "Our client wishes us to lodge

objections on her behalf to the renewal of the change of licence to Alan Duncan Temple to use the Bowling Green. Our client's enjoyment of her home is severely affected by this business.

"Our client informs us that over the past three years she has noted a considerable increase in the number of vehicles operating from this site. She says often there is insufficient room for all the vehicles to park on site in any event. Our client is disturbed during the night by the loading of vehicles from any time up until 10 to 10.30 p.m. More seriously, she is woken during the late hours of the night and early hours of the morning, sometimes on as many as four occasions in one night by the starting up of various lorries. The engines are left to run to heat up and there is the hissing of the brakes, causing considerable disturbance. In addition, when the engines are left to run there is the drumming of engines which vibrates through her property. The nearest vehicles are parked only fifteen feet from our client's bedroom window.

"Our client, who is 67 years of age and who lives alone in her bungalows, says she suffers continual disturbance during the night, more particularly when the business is involved in a busy season. She says this is increasing more and more. She is unable to rest properly and will more often than not have to get up because she cannot get back to sleep once this disturbance has occurred. This causes her a great deal of distress. Our client feels that she is not being unreasonable when she asks to be allowed to enjoy the normal peace and quietness during the hours of darkness. She feels that the use of her retirement bungalow is prejudicially affected by this business and will be more so affected if the business is allowed to continue on site and expand.

"We shall be pleased if you will kindly confirm receipt of this letter ..." etc.

Any other questions, Mr. Temple?

MR. TEMPLE: I can put the coach back if you like.

MRS. RANSOME: Sorry?

MR. TEMPLE: I can put the coach back. The coach belongs to the Scouts, and the reason it's there for long periods of time is because it goes to camp and it disappears and comes back. And they use it between St. George's Day and the remembrance service on the 11th November or thereabouts, and then it's parked up for the winter. We'll do that voluntarily. I can show you where it's parked at present, and I can put it back against the fence if you want.

MRS. RANSOME: Well, that won't make any difference if you have extra lorries, will it, because you'll have more lorries coming in the back way and they're going to go past my

bedroom.

MR. TEMPLE: Not if the coach is there, they can't. If I put the coach, which at present is about here where I park it for the scouts -- if I put the coach as it used to be for two or three years there wouldn't be a lorry against your fence.

MRS. RANSOME: No, but you're going to put one behind it, aren't you?

MR. TEMPLE: Well, I can put the coach here, use that one for the coach. If the lorry's not going out that will have to be the one that doesn't go out.

MRS. RANSOME: That isn't the only lorry that I hear going out. I admit just recently there haven't been so much, but you're not that busy yet. When you get busy again, and especially if you put some more lorries there, they're going to keep going -- that isn't the only lorry that I used to hear. I used to hear two or three going out in the night.

MR. TEMPLE: Even when the bus was parked there?

MRS. RANSOME: No, because you didn't have that many then. You only moved the bus as you got more lorries. But when I first moved there you only had about four or five lorries. I never even heard them in the night. It's only as you've expanded.

MR. TEMPLE: I've had twelve for several years.

MRS. RANSOME: Well, you never used to come up the end there then. You used to keep them down the front. The lorries never used to come past the coach before. They always kept the other side.

MR. TEMPLE: Yes, agreed.

THE DEPUTY LICENSING AUTHORITY: Any other questions you wish to put to Mrs. Ransome?

MR. TEMPLE: Well, we'll make sure the lorry doesn't go past the coach, won't we. We'll have to make sure the lorry doesn't go past the coach and put the coach back where it used to be.

THE DEPUTY LICENSING AUTHORITY: I think what is being said is that that would be helpful but it wouldn't cure the problem.

MRS. RANSOME: It wouldn't cure it.

MR. TEMPLE: It wouldn't cure the problem but it would be a help though.

THE DEPUTY LICENSING AUTHORITY: Anything else you wish to say?

MRS. RANSOME: No. I was only stating the coach being there as an example of the coach was there and never moved and that

nothing used to come past there, so I never got disturbed.

THE DEPUTY LICENSING AUTHORITY: What you are saying, if I understand it to be correct, Mrs. Ransome, is that the business has grown and there are more movements through night than there used to be.

MRS. RANSOME: Yes. In fact since I've written letters, it's not just the noise at night - in fact they've been fairly quiet recently - but there is other noise in the day.

THE DEPUTY LICENSING AUTHORITY: Yes, but I can only be concerned with vehicles, I can't be concerned for the stacker trucks or loading, or other activities in the yard. It's only purely the vehicles, the movements and the parking.

MRS. RANSOME: Yes, I see.

(The witness withdrew)

MR. R.J. HUMPHREY: Called

MR. HUMPHREY: Mr. Humphrey, 14, Eastgate. I must agree with Mrs. Ransome. I'm the same as her - I live the opposite side. They park right up to my property with their lorries. The problem I find is I cannot open my windows for the noise in the daytime in the summer, or even at night-times. I cannot have the privilege of opening my windows and go into the garden because of the noise of lorries backing up, connecting up. The fork-lift obviously you say you can't deal with. But these are the problems. Another problem is when the lorries have left, we get one day off a week - just Saturday - with hardly any movement at all. But come Sunday morning all hell is let loose. Lorries start up. Fumes and diesel smoke come over - this is on a Saturday morning more than anything, because they start up. That comes over into my house - it comes into the house. In wintertime I've asked them - I've been round three times -- well, not three times -- asked them if they would come round my house regarding floodlights, which is nothing to do with you, I must agree. But I get no response at all from Temples whatsoever. Three times I've rung them up and three times I was told they were going to move. The last time I was told they were going to move last February - not the February gone, the one before. They were moving.

I asked for co-operation on this problem and they didn't want to know. Three times I asked them, and I asked them, "Come round my house and have a look at the problem", but, no, no co-operation whatsoever. And, as I say, they park right up to my fence, they connect up. I sit there on my bed and I can guarantee you that at twenty past twelve or twelve o'clock those lorries are on the move again, and they're running from about four o'clock in the afternoon up until -- well, I go to bed about midnight and the noise will still be in that garden at midnight.

A And how the hell are they going to get another five or six lorries in there with less noise? I don't know. To me the environment at my place is going to go down by 50 per cent. It's going to take a longer time to load up, a longer time for moving the lorries. Obviously that's going to go up by a great extent because it's going to take longer to load up another six lorries - that's another 50 per cent. increase of trade. So we are going to suffer by at least another 50 per cent. on our environment. And, as I say, you just can't B have a normal life. You can't open your windows. You can't go out in your back garden and sit on the lawn, especially on a Sunday afternoon.

THE DEPUTY LICENSING AUTHORITY: Thank you, Mr. Humphrey. Any questions you wish to put to Mr. Humphrey?

MR. TEMPLE: Sunday afternoons recently we've ----

C MR. HUMPHREY: No, no, no. All right, I take the point. Recently you haven't been no. Recently you haven't, no - for about four years.

MR. TEMPLE: Yes. It's about two years since we installed the floodlights.

MR. HUMPHREY: Last year was the worst.

D MR. TEMPLE: It was September time because the first night there were floodlights on you rang up and I went round to -- it was between No. 14 and No. 20 to look into the yard, realised what it was, adjusted it and put a trailer between the floodlight and your fence so it didn't go in, because you didn't appear to want to close the curtains. I thought we've got to do something so I put a trailer between, because we E had a spare on that night.

MR. HUMPHREY: I appreciate what you're saying but -- you know, I'd like to try and work with you to a certain extent, but you done that and you never said a word about it. I mean, what you done, the lights are there and you've got seven up there now.

F MR. TEMPLE: Yes, but years ago the work used to take until midnight, but when we got those floodlights so we could see the labels better and get done that much quicker, and we're done a lot earlier now than five, six, seven years ago.

MR. HUMPHREY: And you've had another lot effectively on top of that again.

G MR. TEMPLE: That's right. There was only seven operators then and they were taken until midnight. Now we're getting twelve out of the way by about eight o'clock.

MR. HUMPHREY: Yes, and you've got another 50 per cent. increase - expansion. It's going to make it longer unless

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you're going to get more fork-lift trucks in. That would be quicker.

MR. TEMPLE: We've found that out the hard way.

MR. HUMPHREY: There's going to be another 50 per cent. increase with less noise, less environmental damage and loading up in a quicker time?

MR. TEMPLE: Four years ago there were no problems. There were more lorries running out of there then.

MR. HUMPHREY: That's what I'm saying, four years ago there was no problem. There is now.

MR. TEMPLE: Forty years ago there was no problem either.

MR. HUMPHREY: Well, four years ago there weren't any problems, but there is now.

THE DEPUTY LICENSING AUTHORITY: Any further questions. (No response) Mr. Humphrey, how long have you lived in your present home?

MR. HUMPHREY: Four-and-a-half years.

THE DEPUTY LICENSING AUTHORITY: You were there for two years?

MRS. RANSOME: That was when I first wrote, but now I've been there -- it will be four years in September.

THE DEPUTY LICENSING AUTHORITY: When were the houses that you occupy built?

MR. HUMPHREY: 1989.

MR. TEMPLE: They weren't there when we moved there. They were built since we moved in there.

MR. WINTERTON: Around 1989.

MR. HUMPHREY: As I say, when we came there there was no problem.

MRS. RANSOME: Yes, you were quiet four years ago.

THE DEPUTY LICENSING AUTHORITY: All right. Thank you very much. Mr. Winterton?

(The witness withdrew)

MR. DAVID WINTERTON: Called

MR. WINTERTON: Mr. David Winterton, Acacia House, Fleet Hargate.

THE DEPUTY LICENSING AUTHORITY: Thank you, Mr. Winterton. I think you've made representations to us?

MR. WINTERTON: Yes, and I've lived here 39 years.

THE DEPUTY LICENSING AUTHORITY: You've lived there 39 years. What would you like to say to us?

MR. WINTERTON: My main argument is that vehicles park outside my premises making it very dangerous to get in and out of my driveway.

THE DEPUTY LICENSING AUTHORITY: Is this parking outside the operating centre?

MR. WINTERTON: I've got some photographs here if you want to look. It's about 200 yards away -- 100?

THE DEPUTY LICENSING AUTHORITY: Yes, but what I'm getting at, Mr. Winterton, are the vehicles that you're complaining about in the operating centre or outside it?

MR. WINTERTON: They are on the road.

THE DEPUTY LICENSING AUTHORITY: They are on the main road?

MR. WINTERTON: Yes, on the road.

THE DEPUTY LICENSING AUTHORITY: On the residential road?

MR. WINTERTON: Yes.

THE DEPUTY LICENSING AUTHORITY: They're not inside the operating centre?

MR. WINTERTON: No. What I am trying to get at is why are they parked outside on the road?

THE DEPUTY LICENSING AUTHORITY: Well, you'll be able to ask questions about that when ... (end of side 2) ... Your representations are totally different to the others. Yours are about the ----

MR. WINTERTON: Well, I also get the fumes and the lack of light because our house is right at the side of the road, right on the pavement. I get fumes coming in, the same as the gentleman at the end there, in the summer. The light -- you cannot see, you have to have a light on in the house sometimes because of the lorries parked out there. At night as well we get woken up by lorries coming out of the operating centre.

THE DEPUTY LICENSING AUTHORITY: Yes, I agree with those points, but your specific concern - and this is what the photographs illustrate - is that vehicles are actually parked on the road which hinder you from parking at your residence. Is that right?

MR. WINTERTON: Yes.

THE DEPUTY LICENSING AUTHORITY: Have you written to the company before?

MR. WINTERTON: I wrote a letter when they applied for the eighteen ----

THE DEPUTY LICENSING AUTHORITY: Yes, but I mean have you called to see them?

MR. WINTERTON: I've visited on numerous occasions, it's that many I can't remember, and all I've been told by the manager is, "We pay road tax, we're entitled to park there".

THE DEPUTY LICENSING AUTHORITY: Well, the licence is based on the fact that when the vehicles are not in use they will be parked at the operating centre. So you're suggesting that they don't park -- are they parked on the highway at night?

MR. WINTERTON: Well, you've got the photographs there. I mean, there's day and night.

THE DEPUTY LICENSING AUTHORITY: Yes, but I mean that the driver's gone home, it's finish for the night, and that's ---

MR. WINTERTON: The day driver will probably leave it there for an hour, sometimes running, for the night driver who is going to pick it up.

THE DEPUTY LICENSING AUTHORITY: They are parked there an hour or more?

MR. WINTERTON: Yes.

THE DEPUTY LICENSING AUTHORITY: Anything else you want to say?

MR. WINTERTON: No.

THE DEPUTY LICENSING AUTHORITY: Thank you very much, Mr. Winterton. Do you wish to put any questions, Mr. Temple?

MR. TEMPLE: It's not a problem in one respect, but it is in another, and it's that the day lorries come back to the yard at about the same time and the drivers take the tickets in to see whereabouts in the yard they're going to be, and during that time there could be as many as three parked on the road, but they wouldn't be there for an hour.

MR. WINTERTON: I can assure you they're there for more than an hour. I live there, I'm there every day, and I've put up with it for a long, long while, and I keep going and asking, "Can they be moved? Can they not be left there?", and all I get is the same thing, you know, "We're moving. We pay road tax. I'll get the driver to move it." Why should I have to come out of my house and walk a hundred yards up the street every time I want to get my van out the yard?

MR. TEMPLE: But the drivers have got instructions now not to park across an entrance.

MR. WINTERTON: Well, I've got a photograph of it there parked across my entrance. In fact, a couple of weeks ago I was threatened with violence from one of your drivers for parking my van in front of my premises, and I've got a witness here to prove it.

MR. TEMPLE: I would say from these photographs there's still room to get in and out of the entrance.

MR. WINTERTON: There is sometimes.

THE DEPUTY LICENSING AUTHORITY: If there's a question, put it to Mr. Winterton.

MR. TEMPLE: Why do you park one immediately in front and one immediately behind so we can't move sometimes?

MR. WINTERTON: To get the message through to you that we're not very happy about the situation, and that one was parked right outside the front of my gate.

MR. R. TEMPLE: Could I ask one question, please?

THE DEPUTY LICENSING AUTHORITY: No, you can't. You address it through your father.

MR. TEMPLE: You moved it out of your drive to put it in front of our vehicle so it couldn't move.

MR. WINTERTON: I did it illegally because I drove across the pavement and across the verge, so I was breaking the law. Right? Fair enough. If you've got twelve trailers and units now and that situation is happening now, what's it going to be like when you get eighteen? What's it going to be like then? It's going to be worse, isn't it? It's got to be worse.

KL MR. HUMPHREY ~~MALE VOICE~~: Can I ask one question on that?

THE DEPUTY LICENSING AUTHORITY: When I call the operator and he's given his evidence I shall give you all the chance of putting questions to him. Any further questions? (No response)

(The witness withdrew)

THE DEPUTY LICENSING AUTHORITY: I shall now call Mr. Temple.

THE DEPUTY LICENSING AUTHORITY: But my complaint is that you haven't in fact stated the hours in your application as you intend. That's the only thing.

MR. TEMPLE: We should have put 24 hours then, shouldn't we. Although it's less than 10 per cent. of ----

THE DEPUTY LICENSING AUTHORITY: Yes, but it doesn't matter. You've got to put your hours that you propose using the operating centre. It may be that in mitigation, having put those, you may plead that there are only six journeys after 10.30 at night. But regardless of that, you should in your application put the facts.

MR. TEMPLE: Twenty-four hours.

THE DEPUTY LICENSING AUTHORITY: Well, you haven't done it, though. I'm considering a restricted time. Anyway, carry on and we'll deal with that as it comes.

MR. TEMPLE: That's all I've got to say in that respect, so I'll call Mr. Crunkhorn in respect of the driving side.

MR. JOHN IAN CRUNKHORN: Called

THE DEPUTY LICENSING AUTHORITY: Mr. Crunkhorn, would you give your full name, please?

MR. CRUNKHORN: Yes, my name is John Ian Crunkhorn. I've been working for Mr. Temple for approximately two years now in so far as making planning applications to the County Council for a new site. We have an application in at the moment, and as I see it we have been granted planning permission for a new site subject to the owner, Mr. Scott, signing an agreement to relinquish the use of the present site as a haulage depot. I don't know whether he'd be prepared to do that or not.

But, as I've said, the village itself has expanded tremendously over the past two years residentially. There's a number of shops and what have you growing in the village as well surrounding the site. Are these people that are objecting objecting to the use of a further increase in lorries to the eighteen or are they objecting to the site as it's running now? We know that the site's not suitable. We've been doing our best to find a better site. What can I say? We're at loggerheads at the moment sort of planning-wise. As I say, we've spent quite a long time looking for a site. We've found what we consider a suitable site. There's not a lot more we can do.

THE DEPUTY LICENSING AUTHORITY: Just remain there, Mr. Crunkhorn, for the moment. Mr. Blacklock, are there any questions you wish to put to Mr. Crunkhorn?

MR. BLACKLOCK: Yes. I question the statement that planning permission has been granted. It hasn't, sir, as a matter of

fact. I read the resolution out quite calculatingly and deliberately just to make people aware of what the exact terms of the committee resolution were. The committee is simply saying, yes, in principle, the use in this location may be attractive but there are various issues which need to be resolved. Planning permission would only be forthcoming and could only be said to be granted once the Section 106 obligation had been signed. We often get these circumstances where people presume that because there is a committee resolution that planning permission be granted subject to the Section 106 obligation that planning permission has been granted - it has not. It is merely a statement of intent. Once the agreement is signed then the planning permission is forthcoming. Some times such a 106 agreement is not signed. The lawyers can't agree and therefore the resolution simply falls into abeyance. So there is no planning permission as such, sir.

THE DEPUTY LICENSING AUTHORITY: Mr. Chapman, are there any questions you wish to ask?

MR. CHAPMAN: No, thank you.

(The witness withdrew)

THE DEPUTY LICENSING AUTHORITY: Are you calling any other evidence?

MR. TEMPLE: No.

THE DEPUTY LICENSING AUTHORITY: Is there anything else you want to say before I call the representors to ask any questions?

MR. TEMPLE: No. That's all right.

THE DEPUTY LICENSING AUTHORITY: Thank you. Mrs. Ransome, do you want to put any questions to Mr. Temple?

MRS. RANSOME: Yes. You stated that your hours of business were seven in the morning until ten at night.

MR. TEMPLE: Normal hours, yes.

MRS. RANSOME: Normal?

MR. TEMPLE: Normal.

MRS. RANSOME: Well, I've got the times here where I've been woken up in the night not just by drivers coming in but by drivers going out.

MR. TEMPLE: Oh yes.

MRS. RANSOME: And you've had cabs attached to the lorries, to the vans, with the clanging and everything, and I've got times here in the night, in the early hours of the morning,

two or three times in the night.

MR. TEMPLE: That's right.

A MRS. RANSOME: Now, that's not normal. And if you have more lorries how can you be certain that you wouldn't be waking me up about half a dozen times. You couldn't guarantee that they won't be coming in after ten o'clock at night. Plus you have loaded gone ten at night. You've been loading lorries.

MR. HUMPHREY: And everything else.

B MR. TEMPLE: Well, the EEC rules are there. Sometimes they can't start until three ----

MRS. RANSOME: So if you had eighteen lorries there you can't guarantee a good night's sleep when you're busy?

MR. TEMPLE: No.

C MRS. RANSOME: Even now, though you've been a little quieter since my solicitor wrote that letter, you've been a little quieter, there have still been times when you've woken me up at five o'clock in the morning - between five and six in the morning.

MR. TEMPLE: When the farmer wants to start fertilising and spreading at six to half past he wants his fertiliser ----

D MRS. RANSOME: Well, it still wakes me up early in the morning.

MR. TEMPLE: At five o'clock, that's right.

MRS. RANSOME: And with extra lorries then I can't be certain of getting a good night's sleep. That's my objection, sir.

THE DEPUTY LICENSING AUTHORITY: Thank you very much. Now, I
E know, Mr. Humphrey, you are dying to ask a question.

MR. HUMPHREY: Yes. Say you have another six lorries. Can you drive into your compound and turn your lorry round inside your compound?

MR. TEMPLE: With difficulty. I don't drive very often.

F MR. HUMPHREY: The reason I ask is because every day of the week, bar Saturdays, the village is full up; with lorries at a certain time. If you can't use that yard you stop all the traffic every day to reverse back into that road. You say you can do it with eighteen in there and why can't you do it now, just drive in and turn round as normal? You park your lorries in the road.

G MR. TEMPLE: It's because of the distribution that they bring in. It's easier to back in ... (interruption)

MR. HUMPHREY: But that wasn't the question I asked.

MR. TEMPLE: The produce has to go onto the lorries that are

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going out. It's convenient to drop it in the middle of the concrete so we can unload both sides.

MR. HUMPHREY: But the point is if you've got eighteen lorries in there you must have room to go in there and turn round. It's another six units.

MR. TEMPLE: There is room to turn round.

MR. HUMPHREY: I mean, you're parking on the road now. Sunday lunchtime you go down there and there's six lorries all waiting to reverse into your yard. Everybody's got to be held up while you park.

MR. TEMPLE: No, on Sunday we don't have six out.

MR. HUMPHREY: On Sunday lunchtime at one o'clock there were five lorries.

MR. TEMPLE: You can turn round in the yard. It causes damages, it causes a lot of noise and so on.

MR. HUMPHREY: You do it every day - every day of the week bar Saturdays.

MR. TEMPLE: You can turn round in that yard if you want. It is possible to turn round in that yard. We don't for (1) convenience reasons, and (2) damage reasons. And it is possible to turn round in that yard.

MR. HUMPHREY: Even with another six units?

MR. TEMPLE: Yes, because they'll be parked further back.

MR. TEMPLE: But we're done by Sunday dinnertimes, or have been recently. There shouldn't be any parked out on a Sunday. Can you drive an HGV?

MR. HUMPHREY: But it's every day the lorries are parked outside, and everyone's got to wait until they reverse into that yard.

MR. TEMPLE: How do you know if you can turn round in that yard?

MR. HUMPHREY: That's not the question. You can turn round in it. Every day of the week there's four or five lorries parked outside waiting to reverse into the yard.

THE DEPUTY LICENSING AUTHORITY: Right. Any other questions?

MR. HUMPHREY: No.

THE DEPUTY LICENSING AUTHORITY: Thank you very much. Any questions, Mr. Winterton?

MR. WINTERTON: Yes. I'd like to ask the same question again. I've been an HGV mechanic for ten years. I can drive an HGV vehicle. All I can see is it's for your convenience that you reverse into the yard, not for the rest of the village. Because if I'm ever going up and down the village you've got

twelve units and trailers backing in there every day. How many on average a day?

MR. R. TEMPLE: Backing in and out?

MR. WINTERTON: Yes.

MR. R. TEMPLE: Ten.

MR. WINTERTON: Okay, ten. So how long does it take to back them in and out? And don't say two minutes. I see traffic held up there from one end of the village to the other.

MR. R. TEMPLE: The only difficulty with backing in was it used to be very easy until they actually put the fitness studio next door to the place. Now, how many cars usually park outside the fitness studio during an evening between the period from 5 p.m. to 9 p.m.? And the answer to that is - and I know this because I've counted them - the answer is eighteen. Now, eighteen cars parked on the road outside that fitness studio, which is right next door to our yard, which is where the drivers actually line the vehicles up to back into our yard, causes us more problems than anything else. I mean, Mr. Halgarth knows. He's from the Council. He knows that that fitness studio is there, and those vehicles actually cause more problems ----

THE DEPUTY LICENSING AUTHORITY: Basically, Mr. Temple, you shouldn't be dealing with it. Your father should be dealing with this, but I ----

MR. TEMPLE: The principle's the same. When those cars are there it takes longer to back in.

MR. WINTERTON: Is that why they don't bother to back in sometimes?

MR. R TEMPLE: Very often, yes, because sometimes ... (all speak at once) You can't actually get into it because of the cars at the fitness studio, and if you go and ask some of them - and we've had verbal abuse from them. You go into the fitness studio and say, "Will you please move your cars so we can go in and out", they turn round and say, "No".

THE DEPUTY LICENSING AUTHORITY: Can we just have one person speaking, please. Mr. Temple, the studio, can you explain to me what you mean by the studio? What is the studio?

MR. TEMPLE: About two years ago the building on the map immediately next door to the depot, this one here, was granted permission to be a fitness studio, and the people who come there park their cars on both sides of the road. When we want to get in -- you can't swing right out to come back in because there's cars there, and you've got to watch the cars.

THE DEPUTY LICENSING AUTHORITY: Are there no parking facilities at all?

MR. TEMPLE: Not at all, no. They can park to King's Lynn if

they want to. Therefore that restricts our entry, because if the cars at the fitness studio are parked just there when we come in like so you've got to watch the side of the lorry all the way down. (All speak at once)

THE DEPUTY LICENSING AUTHORITY: Thank you. Any further questions?

MR. WINTERTON: Yes. What are you going to do about the situation about this parking across my drive? What are you going to do about it?

MR. TEMPLE: We've given instructions to our drivers not to park out there.

MR. R. TEMPLE: We give the drivers a warning and ----

THE DEPUTY LICENSING AUTHORITY: Just one at a time, please. Mr. A.D. Temple should be dealing with this.

MR. WINTERTON: Why hasn't this been done before then? Why has it had to come to this? The times I've been up there and asked for them not to do it. It's just gone on and on and on. It just doesn't get any better.

MR. TEMPLE: You must have only asked staff members then.

MR. WINTERTON: Well, what is your manager there for? Who do I see? I just went to reception and asked for the manager and he said, "That's me".

MR. TEMPLE: You should have asked the manager to pass the message on because he never told me.

MR. R. TEMPLE: Well, Mrs. Franks doesn't complaint, and we park right outside hers to back in. Mrs. Franks doesn't complain.

MR. WINTERTON: Mrs. Franks is ninety years old.

MR. TEMPLE: In fact she's 82.

MR. WINTERTON: All right then, 82.

MR. TEMPLE: And she's lived opposite there fifty years. It's an interest for her. She likes to see what's going on, who's loading what.

MR. WINTERTON: Well, I don't like to see them parked outside of mine, and I'd let to get out the front of my drive safely without having to dodge round two 40-foot trailers. I can't see where I'm going when I want to get out my house sometimes. All right. You park one right at the front and one at the back, and I've just got enough room to get out. The times I've nearly had the front of my van taken off trying to get out because I cannot see what is coming. Cars are overtaking this way to go that way. It's just dangerous. Impossible.

MR. TEMPLE: But Mrs. Franks doesn't object. We are on very good

terms with Mrs. Franks. She asks how we're getting on.

THE DEPUTY LICENSING AUTHORITY: Now, are there any other questions which you wish to put?

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MR. WINTERTON: No, I don't think I'd better.

THE DEPUTY LICENSING AUTHORITY: Thank you very much. Now, Mr. Temple, clearly you are asking for six additional vehicles, and from the evidence that I have today ... (end of side 3) ... have today the fact that you aren't satisfactorily able to park twelve vehicles and twelve trailers at all times when they're not in use in your operating centre, are you?

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MR. TEMPLE: No. It is a fact that they come in round about the same time and therefore have to queue up to get in.

THE DEPUTY LICENSING AUTHORITY: So, I put it to you, is it reasonable to expect that you can take in that operating centre another six vehicles, making a total of eighteen vehicles and eighteen trailers. With all respect, the evidence is heavily weighted against the fact - and you don't appear to have denied it - that your vehicles are depending on parking on the highway and for part of the time when they're not in use.

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MR. TEMPLE: It's when the drivers come in and bring the tickets in.

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THE DEPUTY LICENSING AUTHORITY: And also they are there, are they not, until they are picked up by the next shift.

MR. TEMPLE: No ... (interruption).

THE DEPUTY LICENSING AUTHORITY: Just a minute, please. I'm asking the questions.

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MR. TEMPLE: No, definitely. The day drivers always put them away before the night drivers pick them up.

THE DEPUTY LICENSING AUTHORITY: I'm putting it to you, is it reasonable to expect for you to carry out your activities in that operating centre and unloading one vehicle with seventeen -- or even allowing for two on the Continent, fifteen other vehicles and trailers parked in that operating centre. Can you operate it?

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MR. TEMPLE: Yes, I think so.

MR. R. TEMPLE: If we can with twelve we can with seventeen.

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MR. R TEMPLE: Yes, I would say so, because of that extra space where the grass is.

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THE DEPUTY LICENSING AUTHORITY: Then if I was to consider giving you a grant today and insisting that vehicles when not in use at all times be parked in the operating centre, how would that affect you?

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MR. TEMPLE: They would have to come straight in as they arrived instead of parking up and bringing the tickets in.

THE DEPUTY LICENSING AUTHORITY: Well, that's really what I'm putting to you. If I was to insist and place a condition on your licence that there be no parking in the main road whatsoever, is it possible then to operate with eighteen vehicles and eighteen trailers?

MR. TEMPLE: Yes, it's possible - just.

THE DEPUTY LICENSING AUTHORITY: Is it safe? (After a pause): I will put it to you that it isn't.

MR. TEMPLE: Just.

THE DEPUTY LICENSING AUTHORITY: You have made an application stating the normal hours during which the operating centre will be used, and giving 7 a.m. to 10 p.m. on Monday to Friday, on Saturday 6 a.m. to 10 a.m. here, but I think you mean 10 p.m.

MR. TEMPLE: No, they come in and then they're parked up on Saturday.

THE DEPUTY LICENSING AUTHORITY: Okay - six to 10 a.m., and Sunday eight to 10 p.m.

MR. TEMPLE: Eight in the morning to 10 p.m., yes. It's a busy day.

THE DEPUTY LICENSING AUTHORITY: If those conditions were also imposed on your licence what would be the likely effect?

MR. TEMPLE: Disastrous. We've got problems because the drivers coming back would have to park in up in Fleet until the time and then all come in together. Then that would cause more problems than ever.

THE DEPUTY LICENSING AUTHORITY: But it is you who have made the application out, isn't it? I don't wish to be unfair to you, Mr. Temple, but I can only take into account what you have put to us.

MR. TEMPLE: Yes. They are the normal hours, and then the ones that are running ----

THE DEPUTY LICENSING AUTHORITY: But, you see, they are not the normal hours. You have six vehicles regularly coming in or going out outside those hours. So they are not the normal hours.

MR. TEMPLE: It depends how you construe "normal". I just thought they would be odd ones.

THE DEPUTY LICENSING AUTHORITY: What you do when you make an application, you make an application for the actual hours the operating centre works.

MR. TEMPLE: The operating centre works 24 hours a day.

THE DEPUTY LICENSING AUTHORITY: Well, you should say so. The vehicle movements.

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MR. TEMPLE: Well, it's 24 hours a day.

THE DEPUTY LICENSING AUTHORITY: Yes, but you should say so.

MR. TEMPLE: But the ones outside those hours are not normal. They're the ones with the drivers running in or going out ----

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THE DEPUTY LICENSING AUTHORITY: But they are every day, aren't they?

MR. TEMPLE: Bar Saturday, yes.

THE DEPUTY LICENSING AUTHORITY: So the hours you stated are not the normal hours, are they.

C

MR. TEMPLE: I misconstrued the word "normal".

THE DEPUTY LICENSING AUTHORITY: I have got to take into account -- it's your application. I can only take into account what you say you want to do. In addition to that I have to take and weigh in balance the objections and representations which are made. Have we got on file a copy of the last application?

D

THE CLERK: There will be no 79E with the last application because there were no representations.

MR. TEMPLE: In 1988/89 there were no objections.

THE DEPUTY LICENSING AUTHORITY: How long have you been on that site?

E

MR. TEMPLE: Since August 1989.

THE DEPUTY LICENSING AUTHORITY: Yes, and when you first went there were the houses of the representors there?

MR. TEMPLE: No.

F

THE DEPUTY LICENSING AUTHORITY: There wouldn't have been any objections then.

MR. TEMPLE: No objections, no - no houses.

THE DEPUTY LICENSING AUTHORITY: How long has your present operating centre been established as an operating centre?

G

MR. TEMPLE: At least fifty years.

THE DEPUTY LICENSING AUTHORITY: If I may put it to you this way, Mr. Temple: I think that you have said, subject to a number of things -- you haven't said, but I think it has been said, subject to certain things, that you will be seeking to vary

H

your licence in due course for a new operating centre. Is that correct?

MR. TEMPLE: Correct, yes.

THE DEPUTY LICENSING AUTHORITY: When, in your view, do you think that's going to be?

MR. TEMPLE: I guess the Council ----

THE DEPUTY LICENSING AUTHORITY: No, I'm asking you, because you have been carrying out the negotiations.

MR. TEMPLE: Can I ask the Council, please? Can you tell us approximately ----

THE DEPUTY LICENSING AUTHORITY: No, you can't ask them. I'm asking you a question. Do you know when you are likely to get that planning consent? You don't?

MR. TEMPLE: Unless Mr. Crunkhorn does. (After a pause): As soon as possible.

THE DEPUTY LICENSING AUTHORITY: So, basically, is the state of affairs that, subject to planning consent, you have found an alternative site which you think would be acceptable. Assuming you had planning permission, how soon would you give up the existing ground to go to a new one?

MR. TEMPLE: If we had planning permission, immediately.

THE DEPUTY LICENSING AUTHORITY: Let me put it in a more practical way. Would you be able from the new site immediately to carry on your business?

MR. CRUNKHORN: Basically we would need time I think. But as soon as planning permission is passed the conveyancing will happen and the tarmac will be laid, and we will move.

THE DEPUTY LICENSING AUTHORITY: You think you're in with a good chance?

MR. CRUNKHORN: Yes, sir.

THE DEPUTY LICENSING AUTHORITY: Can I deal with the more immediate problems in relation to -- would you just tell me in clear terms what times you operate from on a regular basis from the operating centre - the earliest time in and out, and the latest time in and out?

MR. TEMPLE: Twenty-four hours.

THE DEPUTY LICENSING AUTHORITY: So it is daily?

MR. TEMPLE: Yes. Even on Saturdays the Continental one comes back, doesn't he.

MR. TEMPLE: Sometimes the Continental one comes back I believe on a Saturday.

THE DEPUTY LICENSING AUTHORITY: So basically you are expecting to operate longer than you have really asked for?

MR. TEMPLE: Yes. I didn't appreciate it. I thought that was the time to do the maintenance. It says maintenance in one of the questions.

THE DEPUTY LICENSING AUTHORITY: The maintenance is separate. You've answered the maintenance one. I don't think anybody quarrels with you about that because they are within reasonable sociable hours.

MR. TEMPLE: And I didn't realise it meant the others as well when I applied.

THE DEPUTY LICENSING AUTHORITY: What about the running of engines at night? Do you ever go there yourself at night?

MR. TEMPLE: Yes.

THE DEPUTY LICENSING AUTHORITY: Do you know why are the vehicles allowed to park there with engines running?

MR. TEMPLE: Whilst the drivers warm them up ready to release the brakes, get the tachographs done, and then they're off.

THE DEPUTY LICENSING AUTHORITY: Yes, but does it need to be more than a couple of minutes to get your air pressure up and so on?

MR. TEMPLE: One or two of them take more than that, but most of them get the air pressure up pretty reasonably quickly.

THE DEPUTY LICENSING AUTHORITY: What times do you normally unload and load the lorries within the operating centre?

MR. TEMPLE: Mid afternoon to evening.

THE DEPUTY LICENSING AUTHORITY: What do you call evening?

MR. TEMPLE: Three o'clock to half past eight, unless the farmers are a bit late getting stuff in. The farmers are the most important people round about.

THE DEPUTY LICENSING AUTHORITY: Have you adjusted the lighting in the operating centre at night?

MR. TEMPLE: Yes. We've moved the floodlight round a bit so it doesn't annoy the buildings like it used to, and it does certainly improve it because ----

THE DEPUTY LICENSING AUTHORITY: And have you had any complaints in recent times?

MR. TEMPLE: No, because we get done earlier because with the floodlights we can see where the clients are going to and what they are.

THE DEPUTY LICENSING AUTHORITY: Do you know Mr. Rogers-Gray

who's made representations?

MR. TEMPLE: I haven't a clue who ----

THE DEPUTY LICENSING AUTHORITY: He's not approached you at any time?

MR. TEMPLE: No.

THE DEPUTY LICENSING AUTHORITY: He lives at The White House, Old Main Road.

MR. TEMPLE: Yes, we've seen him come in the yard one night, but we're not sure whether it was him or not. I forget what he complained about but I know we put it right.

THE DEPUTY LICENSING AUTHORITY: If I was to prevent you from parking on the highway at any time that would dispose, in the main, of Mr. Winterton's complaint, wouldn't it?

MR. TEMPLE: Yes.

THE DEPUTY LICENSING AUTHORITY: If I was to impose that condition on your licence what would be the effect on your business?

MR. TEMPLE: We park in front of Mrs. Frank's and ----

THE DEPUTY LICENSING AUTHORITY: I'm not talking about that. I said if I prevented you from parking on the highway, meaning the road, in other words that your parking when your vehicles come in is in the operating centre.

MR. TEMPLE: I never thought of ----

THE DEPUTY LICENSING AUTHORITY: Well, you're going to have to think about it, aren't you?

MR. TEMPLE: Yes. It probably won't have a great deal of effect. The drivers will just have to get used to the different operating techniques.

THE DEPUTY LICENSING AUTHORITY: Is it a fact that your vehicles have caused problems in breaking up the footpath?

MR. TEMPLE: It's never been said to us. The Council do maintenance every now and then.

THE DEPUTY LICENSING AUTHORITY: But have they complained to you at all?

MR. TEMPLE: No.

THE DEPUTY LICENSING AUTHORITY: Do you ever load vehicles on the road?

MR. TEMPLE: Yes.

THE DEPUTY LICENSING AUTHORITY: Why don't you load them in the

operating centre?

MR. TEMPLE: Because there's obstructions in the way and we can't get it in because of the cars outside that just come across the entrances. It's very rarely and very little.

THE DEPUTY LICENSING AUTHORITY: Have you discussed with the local authorities having a "no parking" line on both sides of your immediate entrance so that you can get the vehicles in?

MR. TEMPLE: No.

THE DEPUTY LICENSING AUTHORITY: Do you not think that would be helpful?

MR. TEMPLE: It would be helpful certainly, yes.

THE DEPUTY LICENSING AUTHORITY: Then there would be no need for parking outside?

MR. TEMPLE: Yes, that's true, certainly.

THE DEPUTY LICENSING AUTHORITY: And that would then avoid incurring Mr. Winterton's wrath, wouldn't it?

MR. TEMPLE: Yes, because he's on that side of that road where the "no parking" wants to be.

THE DEPUTY LICENSING AUTHORITY: I have no further questions. I shall now take any final submissions. Firstly, Mr. Chapman, do you wish to make any final submissions?

MR. CHAPMAN: Only to say that I think that it is clear that the site is now incompatible in terms of the expansion over the last few years. There is no doubt that the Authority chose to take the course of action it did in trying to assist the company to relocate, because it saw that as really the only answer to this problem. Obviously we have a statutory duty in terms of the residents, in terms of nuisance, and that is always an option that we are going to have, come what may, in terms of whether there is an expansion or not. I would suggest that the intensification of this site, if allowed, would definitely exacerbate the problem, and unless in fact we do find a fairly prompt solution in terms of another site then I think the Authority will have to review its actions in terms of nuisance. There is no doubt about that.

THE DEPUTY LICENSING AUTHORITY: Thank you very much, Mr. Chapman. Mr. Blacklock, do you wish to ----

MR. BLACKLOCK: Yes, I have a couple of points, sir. Time is of the essence in terms of determining the application. Frankly I don't know when Mr. Temple's application is going to be determined in the sense of a formal decision being made by the Planning Committee. The Authority to a degree is in the hands of the owners of the site in the negotiations which are proceeding with regard to the Section 106 obligation.

But assuming, for argument's sake, that planning

permission were eventually forthcoming, I am questioning whether Messrs. Temples could be operative straight away, because the planning permission would contain conditions providing for the provision of facilities on the site before it became operative, in the sense that the permission I am sure would contain conditions providing for the satisfactory provision of parking for private cars, provision for the parking of trailers, manoeuvring space, and possibly even the provision of landscaping, before the use commenced. So there is obviously therefore a period of time before they could become fully operational in the sense that I think they have in mind.

I have no further points.

THE DEPUTY LICENSING AUTHORITY: Just before I leave you, Mr. Blacklock, could I just clarify this: leaving aside the planning consent, that isn't necessarily a direct concern of mine, on the assumption that that may come, if it came how long do you consider would be a reasonable period before, assuming planning permission was given, the site could be operational?

MR. BLACKLOCK: The site being the site the subject of the planning permission?

THE DEPUTY LICENSING AUTHORITY: Yes.

MR. BLACKLOCK: A month I would have thought.

THE DEPUTY LICENSING AUTHORITY: Thank you very much. Mrs. Ransome, do you wish to make any final points?

MRS. RANSOME: I would like to dispute one statement Mr. Temple made about the loading of vehicles. He said they were finished early. In fact I have been woken in the night with them loading. So loading does go on sometimes in their busy season quite late - quite late. And I do have it down here on one of my papers, where you were loading at one or two o'clock in the morning. Yes, there's one here where you actually finished loading at 11.45, but there was another time - I can't find it at the moment - where I was woken by loading at one o'clock in the morning.

MR. TEMPLE: Yes, that was the day I went to Barnsley and the lorry broke down.

MRS. RANSOME: Yes, I admit it's not a habit to load that late, but you do load quite late in the evening in your busy time.

MR. ✗. TEMPLE: That was about December 1992.

MRS. RANSOME: Yes.

MR. ✗. TEMPLE: We had a lorry broke down as it was leaving, had to pull it back. It was a bearing on the trailer. That night I went to Barnsley at one o'clock. Because we had to re-load it into different lorries. Yes, that's quite right. We did come back that night and I set off for Barnsley at

Equally, this is an established operator who has obviously been improving his business, but clearly has outgrown this operating centre, and even he in evidence does not deny that.

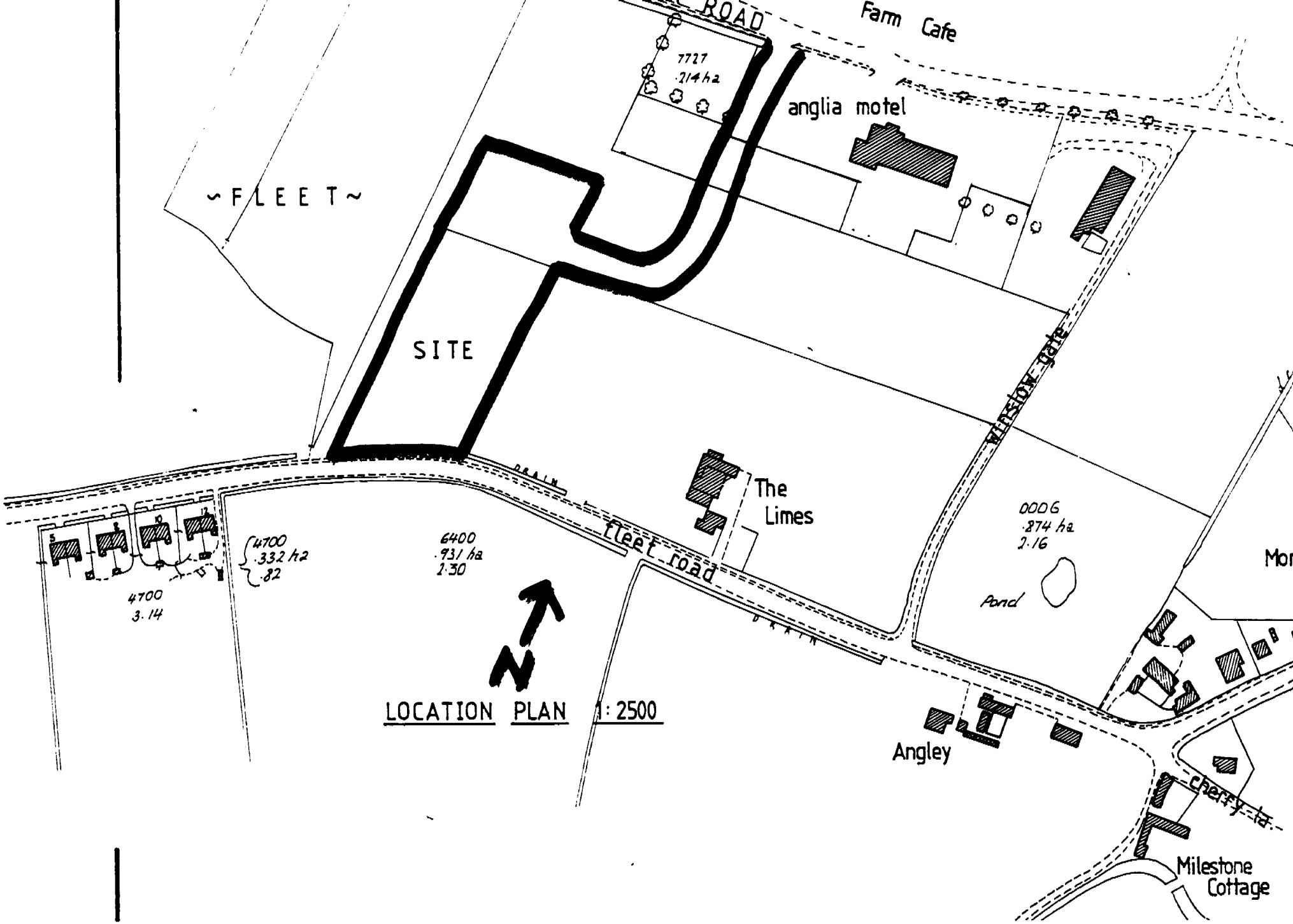
But I have come to the conclusion that what I have to do is balance the arguments and try to give a cogent decision which will help all parties. This is why on this occasion I have allowed the hearing to be perhaps more informal than normal in order that I can properly understand and properly give all those represented here, in whatever part they are of this, a fair chance to state their case.

The first thing that I have to say is that I am going to grant this application but I am going to limit it, and I am going to limit it in the following ways. I am going to limit it for twelve months only, and I am only going to authorise twelve vehicles and twelve trailers, in other words I am not going to take on board the additional vehicle which was granted on an interim licence pending the outcome of today, the vehicle or trailer, and I am not going to consider any additional vehicles whilst the operation is at this particular operating centre because I consider that would certainly be a material change of some magnitude. And in view of what I have heard today, I hope that the local authority and the company or the operator will quickly come into agreement.

But there are two other matters that I take on board. First of all I take on board the representations that are made by Mr. Winterton, and I am imposing two conditions on the operator. One is that all vehicles and trailers must be parked in the operating centre at all times and not on the

public highway. Also the operating centre is to be used between 0600 and 2300 hours, that is 6 a.m. to 2300 hours, and I am allowing only six movements in and six movements out between 2301 and 0600 hours, and that is on a daily basis. That will meet the perceived suggestion from the operator that he can limit those operations, and I am going to insist that he does.

Those are conditions that are imposed during the period of this licence, which is for one year to the 31st May, 1995. I hope that the operator will be in a position to apply for a variation to his licence and a new operating centre within the year, and I see no reason why that, all things being equal, should not be granted for five years, and why there should not be enough lift in the vehicles if he has got the right operating centre. That is my decision.


ROAD
Farm Cafe
7727
.214 ha
anglia motel
~FLEET~
SITE
Winston gate
DRAIN
fleet road
The Limes
0006
.874 ha
2.16
Pond
4700
.332 ha
.82
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3.14
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.931 ha
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LOCATION PLAN 1:2500
Angley
Cherry La
Milestone Cottage