

Town and Country Planning Act 1990

Planning Permission

Reference: H12/0938/93

Received: 01-OCT-93 Type: FULL

Name: Mountains Road Haulage Ltd
Main Road
Lutton Gowts
Long Sutton
Spalding Lincs

Agent: Mr David J Loveday
Independence House
Oakham
Leicestershire

Description: Convert existing building to goods vehicle maintenance building

Location : Main Road Lutton Gowts
Long Sutton Spalding, Lincs

South Holland District Council hereby give notice that PERMISSION HAS BEEN GRANTED for the development in accordance with the application and plans submitted, subject to any condition(s) set out below:

- 1 The development must be begun not later than the expiration of five years beginning with the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990.

- 2 The goods vehicle maintenance facility hereby approved shall be used solely in respect of the maintenance of vehicles operating from the site under the benefit of a Goods Vehicle Operators Licence.

Reason: To define the terms of the permission and in the interests of residential amenity.

- 3 All plant and machinery shall be enclosed with sound proofing material in accordance with a scheme to be agreed with the Local Planning Authority before the use of such plant or machinery is commenced.

Reason: To safeguard the amenities of the locality.

- 4 The premises shall not be used at any time on Sundays nor between the hours of 6pm and 8am on other days.

Reason: To protect the amenities of this residential area.

- 5 The development hereby approved shall be undertaken strictly in accordance with the approved plans.

Reason: To define the terms of the permission in the interests of visual and residential amenity.

Your attention is drawn to the need to comply with the provisions of Section 4, 7, 8 and 8(a) of the Chronically Sick and Disabled Persons

Act 1970, where appropriate, and to the Code of Practice for Access of the Disabled to Buildings (British Standard Institutions code of practice BS 5810:1979) or to Design Note 18 'Access for Disabled People to Educational Buildings', or to documents replacing such codes. Any work required which would alter the proposal hereby permitted may need a further application for planning permission.

Director of Housing and Planning Services
27-APR-95 H12/0938/93

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

PLANNING APPLICATION

For office use only

Application No.

H11 | 0938 | 93
12

Date Registered

01 OCT 1993

1. Please complete in block letters

NAME AND ADDRESS OF APPLICANT

Mountains Road Haulage Ltd
Main Road
Lutton Gowts
Long Sutton
Spalding
Lincs

Tel. No.

NAME AND ADDRESS OF AGENT

(if form completed by agent)
Status Design
4 Princes Street
Holbeach
Spalding Lincs PE12 7BB
Tel. No. 0406 24343

(Personal contact name)

B. Gilham

Please complete in block letters

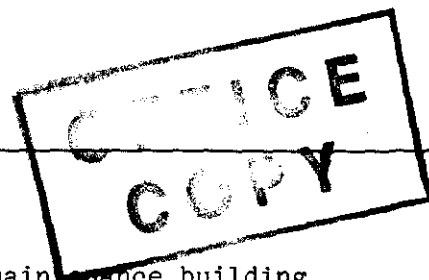
FULL POSTAL ADDRESS OF THE APPLICATION SITE

Main Road Lutton Gowts Long Sutton

Please complete in block letters

DESCRIPTION OF PROPOSED DEVELOPMENT

Conversion of existing building to goods vehicle maintenance building



Please complete

I attach

* Four copies of all plans

* an ownership certificate (see back page)

* a fee of £60.00

If you consider no fee is payable
include a written explanation instead.
Previous application No.

Signed

Date 28th September 1993

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

2. TYPE OF APPLICATION

This is a **full** application for change of use and/or new building worksor This is an **outline** application

(✓)
☒
☐

Now complete Parts
3, 4 and 5 and an
Ownership Certificate

Please state Site Area

(Hectares)

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

Siting

Design

External Appearance

Means of Access

Landscaping

Now complete Parts 3 and 5 and an Ownership Certificate.

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

A. Please state Reference Number of outline permission.

B. Please state which reserved matters are dealt with in this application.

Now complete Part 4 only

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

A. Please state reference Number of previous permission

B. Please state Condition Number referred to

Now complete an Ownership Certificate

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

A. Please state Reference Number of previous permission

B. Please state Condition Number referred to

C. Please state variation required

Now complete an Ownership Certificate.

TYPE OF DEVELOPMENT

3. A. Please state whether the proposal involves:-

(Tick one or more boxes)

(i) New Dwellings

(ii) Other new building(s)

(iii) Alterations or extension

(iv) Change of use

If so, how many:

4. A. Please state site area (in all cases)

hectares

B. If building works are proposed, please state extra floor space to be created:

sq. metres

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

6.4

metres

(b) max. length:

As existing

metres

(c) max. width:

As existing

metres

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

Common bricks to match existing

E. Please state type and colour of roofing materials.

Marley Modern Smoth Grey

F. Has a survey of the site been undertaken? State Yes or No

Yes

tiles

5. **GENERAL INFORMATION** Please complete each section**EXISTING USES**

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

Storage building

ACCESS TO ROADS (VEHICULAR AND PEDESTRIAN)Please tick **one** boxA. There will be **no** new access to a public road and **no** alteration to any existing access to a public road☒

or

B. There will be a new or altered access to a public road

☐If so, name of road:
Will there be—

Individual access(es)

New estate road

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

As existing

TREES Please tick **one** boxA. 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

As existing

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

N/A

C. Please state whether a land drain will be affected

No

D. Foul sewerage will be disposed of to: N/A

Mains sewer

☐

Cesspool

☐

Septic tank

☐**PLEASE COMPLETE IN ALL CASES**

State Yes or No

The proposal is in connection with agriculture

☐

⇒ If so, please give details in Part 6

The proposal affects a listed building

☐

The proposal affects a public right of way

☐

The proposal is known to affect contaminated or filled land

☐

The proposal is for industrial, warehousing, offices, shopping or similar commercial purposes.

☐

⇒ If so, please complete Part 7

In cases where a statutory consultation will be required, please state whether you have sent a copy of the application to the consultee yourself. If yes, please give date sent.

☐

Date:

Consultee(s)

Is this application related to a previous submission?

☐

Application No. Not yet issued

submitted 28.9.93

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

Continue on separate sheet if necessary.

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:

Retail sq. m.

Office sq. m.

Industrial 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?	..	-	4 New
If you propose to transfer staff from other premises please give details of the numbers involved and of the premises affected.			
In the case of industrial development, give a description of the processes to be carried out and of the end products, and the type of plant or machinery to be installed.	N/A		
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	N/A		
Is the proposal related to an existing use on or near the site? If so, please explain the relationship	State Yes or No Yes	Maintenance of vehicles for existing haulage business on site	
Is this a proposal to replace existing premises in this area or elsewhere which have become obsolete, inadequate or otherwise unsatisfactory? If so, please give details including gross floor area of such premises and state your intentions in respect of those premises.	State Yes or No No		
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)	As existing		
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)	1 per day		
What is the nature, volume and proposed means of disposal of any trade effluents or trade refuse?	Local authority refuse collection service		
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?	N/A		

OWNERSHIP CERTIFICATES

PLEASE COMPLETE ALL THREE SECTIONS.

1. APPLICANT'S INTEREST

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

Owner

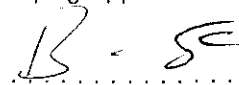
2. OWNERSHIP OF THE SITE

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

If the applicant is the **sole owner of the whole site**, complete **Certificate A**.

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

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

Signed  (Applicant / Agent) Date 28.9.93

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

Owner's Name:

Address of owner at which notice was served:

State Date notice served:

Signed (Applicant / Agent) Date

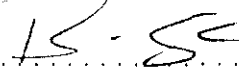
3. AGRICULTURAL HOLDINGS CERTIFICATE

If the land is not in agricultural use complete Certificate 1.

If the land is agricultural, but farmed by the owner and there is no agricultural tenant, complete Certificate 1.

If the site does relate to an agricultural holding, you must give notice to the tenant, and complete Certificate 2. If you are the sole agricultural tenant yourself, sign certificate 2 but insert 'not applicable' in the tenant details.

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

Signed  (Applicant / Agent) Date 28.9.93

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

APPLICATION ASSESSMENT

Notes for Case Officer

Site Inspection

Accuracy :

Neighbours :

Boundaries :

Site Features : open site -
corner fence / asbestos
roof building - no
residential properties listed by

Inspected by
Date

JA 15/10/93

Site Notice posted by
Date

JA 15/10/93

Expiry

Individual Resident Notices required:

Addresses to be
sent to -

Addresses
delivered to -

Case Officer Conclusions

OK - conditions re
IBMS / noise attenuation
to be up with site.

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

✓ 3/4

SUB-COMMITTEE

Confirmed as agenda

DPBCS AUTHORISED

Decision Issue confirmed

Notes:

☐
☐
☐

Disabled

Prev conditions

Amended plans -

Dwg no:

Received:

Conditions/Reasons: (cont overleaf)

↓ Been notice to be checked by ss/nen

for siteworks ✓

Use linked ✓

DC INSTRUCTION SHEET

APPLICATION REF: H 11 / 0938 / 93

Directions

Art 7

☐

RM checklist

Previous
Current
Required

Sit	Des	Ext	Acc	Land

Reg 4

☐

Scale dwg:

Highway S/W:

Agric appraisal:

LB Advt

☐
☐

Non-std:
Details
needed

Other.....

Direction authorised by Senior Officer.....

Date.....

Revalidation after Direction

Information satisfactory

Signed.....

Date.....

Valid date:

Amended description

Reconsultations:

All

See below

☐
☐

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

Precise details:

Additional Consultation/Publicity Required

Departure
Setting of LB
Public Right of Way
Discretionary

Publicity: >>

Consultations:

County
E Heritage
Societies G ROW

Extra Consultations:

Transport D/Transp A15 G* T15
TRA D/Transp A18
B Rail

Environment/
Drainage
WAT

Env Services
NRA
IDB
Env Assess G ENV Specify:

Conservation
LB

LB Demolish G* DEM
Archaeology G ARC Specify:
Eng Heritage
Consultant
Other Order No:
Specify:

Hazards

HSC Group G* HAZ
Specific

Other PLA

Specify:
Specify:

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

RECONSULTS

Press
PC
WM
Residents

Case Officer: J.A. Blacklock
Senior Officer Confirmed

Date.....

Recorded DC....

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



H12/0938/93

FULL

Applicant: Mountains Road Haulage Ltd
Tel:

Agent: Status Design
0406 24343 B Gilham

DAVID LUNDAY

Description: Convert existing building to
goods vehicle maintenance
building

Location: Main Road
Lutton Gowts
Long Sutton
Spalding, Lincs

Valid date:	01-OCT-93	Terminal date:	26-NOV-93
Target dates:		Target Committee:	17-NOV-93
To case officer	08-OCT-93	Report deadline:	03-NOV-93
Inspected by	15-OCT-93	Agreed TD Ext:	
Extra contacts	22-OCT-93	Case Officer:	
Report if not clear by	05-NOV-93	J BLACKLOCK	

DEVELOPMENT/CONSTRAINTS

Size:

Category: Alteration

Listed building:

Conservation Area:

Other Constraints:

CONSULTATIONS CARRIED OUT

	Sent	Expiry
D Wilson - agent for	14-OCT-93	04-NOV-93
Site/Press Advert MIN	15-OCT-93	05-NOV-93
Clerk to Lutton PC 0775 724941	11-OCT-93	25-OCT-93
Dir of Environmental	15-OCT-93	29-OCT-93
Cllr D A Tennant	11-OCT-93	18-OCT-93
Cllr E J Clarey 0406 363141	11-OCT-93	18-OCT-93
Cllr M D Booth 0406 350034	11-OCT-93	18-OCT-93

SITE RECORD

Grid ref: 543650 324400

OS Sheet: 173

Parcel:

L.C.C. - obs Attached to job 201.8193

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



H12/0938/93

FULL

Applicant: Mountains Road Haulage Ltd
Tel:

Agent: Status Design
0406 24343 B Gilham

Description: Convert existing building to
goods vehicle maintenance
building

Location: Main Road
Lutton Gowts
Long Sutton
Spalding, Lincs

Valid date: 01-OCT-93

Terminal date: 26-NOV-93

Target dates:

Target Committee: 17-NOV-93

To case officer 08-OCT-93

Report deadline: 03-NOV-93

Inspected by 15-OCT-93

Agreed TD Ext:

Extra contacts 22-OCT-93

Case Officer:

Report if not clear by 05-NOV-93

J BLACKLOCK

DEVELOPMENT/CONSTRAINTS

Size:

Category: Alteration

Listed building:

Other Constraints:

Conservation Area:

CONSULTATIONS CARRIED OUT

	Sent	Expiry
Site/Press Advert MIN	15-OCT-93	05-NOV-93
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Cllr M D Booth 0406 350034	11-OCT-93	18-OCT-93

SITE RECORD

Grid ref: 543650 324400

OS Sheet: 173

Parcel:

L.C.C. - plan taken 08/10/93

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 corditions 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 NRM 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	JB	Grant as recommended. Amend location to read "Long Sutton".
77	H02/0137/95	DJR	Grant as recommended plus additional condition re archaeological watching brief. Check condition 9 relates to correct wall.
80	H09/0141/95	DMG	Grant as recommended.

J Taylor Esq

30th Mar 95
Date:

Signed:
N R Midlen
Principal Planning Officer
Development Control

PLANNING COMMITTEE - 29 March 1995

174. PLANNING APPLICATIONS (continued)

(a) Applications Granted:

Plan No. & Applicant

Proposal

H03/0082/92
Abbey Life Assurance

O.A. Residential development including details of means of access at Littleworth Drove, Deeping St. Nicholas.

(Subject to condition 1 being amended in accordance with the requirements of the local highways authority).

H03/0193/92
Scottish Life Assurance

O.A. Residential development at Littleworth Drove Deeping St. Nicholas.

H11/1106/94
Patterns Transport Limited

Lawful Use Certificate for produce merchant/horticultural premises to include business of haulage contractor in connection with produce at Gimmels Gate, Sutton Crosses, Long Sutton.

H12/1036/93
Mountains Road Haulage Ltd

Change of use from agricultural to land associated with adjacent road haulage use at Main Road, Lutton Gowts.

H12/0938/93
Mountains Road Haulage Ltd

Convert existing building to goods vehicle maintenance building at Main Road, Lutton Gowts.

H12/0860/93
Mountains Road Haulage Ltd

O.A. Potato store in connection with adjoining haulage premises, including siting at Main Road, Lutton Gowts.

H06/1226/94
P Johnston

Extension to form garage, including provision of new access at The Old Red Lion, Chapelgate, Gedney.

H11/0018/95
Dunns (Long Sutton) Ltd

Temporary office and toilet accommodation using portacabins at Winters Lane, Long Sutton.

H18/0056/95
L E Day

Change of use from shop premises to residential at 188 Bridge Road, Sutton Bridge.

H09/0089/95
Mr F R & Mrs J Neal

Dwelling (Renewal of H09/0025/92) at 15 Edinburgh Walk, Holbeach.

TYPE: Full

DESCRIPTION: Convert existing building to goods vehicle
maintenance building

LOCATION: Main Road, Luton Gowts

APPLICANT: Mountains Road Haulage Ltd AGENT: David Loveday

REASON FOR COMMITTEE CONSIDERATION

Objection to proposed development.

RECOMMENDATION

Provided that the recommendations on application H12/0919/93 are accepted, planning permission be granted.

COMMENTS

- 1 The proposal provides for the use of an existing building which is constructed of common brick with an asbestos roof. The building has a floor space of 120 square metres. New works involve increasing the height of the building by approximately 2.5 metres and re-roof in concrete tiles.
- 2 The site, which is a haulage yard, has a history which is reported elsewhere on the Agenda.
- 3 If the recommendation separately reported on H12/0919/93 on the Agenda is accepted, the proposed facility is considered legitimate for the site, and is sufficiently removed from residential property not to be a source of nuisance. Moreover, if limited to the servicing of vehicles operating from the site, the traffic implications will be limited.

REPRESENTATIONS

Parish Council: To be reported.

Environmental Services: To be reported.

Public: Objection from neighbouring householder on grounds of any significant intensification of commercial use at this location.

SCHEDULE OF CONDITIONS

- 1 The goods vehicle maintenance facility hereby approved shall be used solely in respect of the maintenance of vehicles operating from the site under the benefit of a Goods Vehicle Operators Licence.

Reason: To define the terms of the permission and in the interests of residential amenity.

2 SC55 - (Soundproofing).

3 SC51 - (Working Hours).

4 The development hereby approved shall be undertaken strictly in accordance with the approved plans.

Reason: To define the terms of the permission in the interests of visual and residential amenity.

ADDENDUM

Further to the resolution of the meeting of the Committee on 16 February 1994 that a determination of the application be deferred to enable issues to be clarified with regard to the related application (H12/0919/93), these issues have now been discussed and clarified. Application H12/0919/93 is reported separately on the agenda.

RECOMMENDATION

Planning permission be granted as recommended previously.

Messrs Geoffrey Collings & Co
High Street
Long Sutton
Spalding
Lincs
PE12 9DB

Mr J Blacklock

JB/ST H12/0136/93

DDW/DT

30 Dec 1994

Dear Sir,

MOUNTAINS ROAD HAULAGE
MAIN ROAD, LUTTON GOWTS

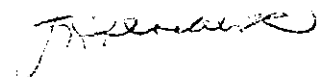
Thank you for your letter dated 20th Dec 94 in connection with the above.

I would advise you that the determination of the various applications submitted by Messrs Mountains Road Haulage relating to their site at Lutton have been held in Δ beyance whilst discussions have taken place with the firm concerning their future intentions with regard to the site.

I anticipate, in fact, that a further planning application will be submitted very shortly which will clarify the firm's intentions and enable the Authority to make a firm decision on all of the outstanding applications relating to the site.

I trust these comments will be of assistance.

Yours faithfully



N Midlen
Principal Planning Officer
Development Control

Mr D J Loveday,
Independence House,
15 Burley Road,
Oakham,
Rutland.
LE15 6DH.

Mr J Blacklock

JB/JJ H12/0919/93
H12/1036/93, H12/0938/93

08 Nov 1994

Dear Sir,

LAND OWNED BY MOUNTAIN ROAD HAULAGE - LUTTON GOWTS.

Thank you for your letter dated 2nd November 1994 in respect of the above.

As indicated to you, at your meeting with my Officers, Mr N Midlen and Mr J Blacklock, there are cogent arguments which can be put, on your Clients behalf, for the change of use of the site to a light industrial use.

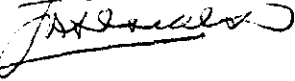
Obviously, I cannot pre-empt or prejudge the Planning Committee's likely reaction to such a proposal but I would have thought arguments to the effect that there was a planning gain in permitting the proposed change of use and that in amenity and traffic terms, there was no real potential for serious detriment, would carry weight. Equally, I feel you will need to address the issue of a single use of the site or that of a number of independent users.

My point is stressing this approach is that in terms of Section 54a of the Town and Country Planning Act there is a presumption in favour of adherence to the Structure Plan which needs to be contended with: whilst Planning Policy Guidance Note 1 suggests that it is for the Applicant to put forward his reasons why Structure Plan Policy should not prevail. Structure Plan Policy 97 states there is a presumption against all forms of development other than those permitted in terms of the other, specific policies, none of which expressly allow for the type of development in the location proposed, and I would hope, therefore that you will address this in your submission.

I, therefore, the arguments advanced are those in the nature of material considerations you have my assurance that from the Officer viewpoint, they will be given careful, consideration, and I would hope that following this, and consideration of any response from consultees and the public, I will be able to recommend permission.

I trust these comments will be of assistance.

Yours faithfully



N Midlen
Principal Planning Officer (DC)

David J. Loveday. BSc. MRTPI.

Chartered Planner &
Development Consultant.

Independence House,
15 Burley Road,

Oakham, Rutland. LE15 6DH.

Tel & Fax: Oakham (01572) 722493

Mobile: (0850) 086342

our ref:

your ref:

South Holland District Council
Council Offices
Chatterton Tower
Winfrey Avenue
Spalding
Lincs
PE11 1DB

For the attention of Mr Midlen

Wednesday 2 November 1994

Dear Mr Midlen

Land owned by Mountain Road Haulage, Lutton Gowts, Long Sutton

I refer to recent correspondence and I am still awaiting from you confirmation that you, as Officers, will support a planning application if it is submitted for industrial development of the above site.

Clearly my client in order to submit such an application will have to put in a fee in excess of £2,000. The last thing he would wish to do is to put such an application in on your advice and find that you do not support it.

I look forward to hearing from you as a matter of urgency. My client and myself wish this matter to proceed as soon as possible.

Yours sincerely

David J Loveday

David J Loveday

c.c. Mr D Mountain
Mountain Road Haulage
Roman Bank
Lutton Gowts
Long Sutton
Nr Spalding
Lincs
PE12 9LQ

S.H.D.C. PLANNING DEPT.	
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Attn: Mr D Mountain	Mr D Mountain
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*1 x 1000
7/11
answer in
file at 11/11*

Telephone :
Holbeach (0406) 362168

VAT Reg. No.
287 8493 88

MOUNTAINS ROAD HAULAGE LTD.

LUTTON GOWTS, LONG SUTTON

Spalding, Lincs. PE12 9LQ

R.H.A. MEMBER

Directors : D. G. Mountain C. E. Mountain

SOUTH HOLLAND DISTRICT COUNCIL
PRIORY ROAD,
SPALDING, Lincs
PLANNING DEPARTMENT.
ATT MR N. MIDLEN.

3-10-94.

Dear Sir,

We write with reference
to a recent Board meeting of the
above named company at which it
was resolved to dispende with the
services of STATUS DESIGN LTD of
FLEET ~~BD~~, HOLBEACH Lincs and appoint
MR DAVID J. LOUDAY of INDEPENDENCE HOUSE,
OAKHAM, LEICESTER SHIRE. TO ACT ON
THE COMPANIES BEHALF IN ALL PLANNING
MATTERS PAST & PRESENT. THIS TO INCLUDE
THE FOUR PLANNING APPLICATIONS CURRENTLY
IN WITH SOUTH HOLLAND DISTRICT COUNCIL
TO BE DETERMINED AS SOON AS POSSIBLE.

S.H.D.C. PLANNING DEPT. RECEIVED - 5 OCT 1994 <i>SH</i>	
Attention of DPO <i>AKM</i> DOPO <i>ES</i> JC ACP Action By Discuss with Copy to	File Nos. Acknowledged <i>(YES/NO)</i> By <i>5/10</i>

REGARD'S.

MR D. G. MOUNTAIN.

MANAGING DIRECTOR

MOUNTAINS ROAD HAULAGE LTD.

LUTTON GOWTS, LONG SUTTON

Spalding, Lincs. PE12 9LQ

Directors : D. G. Mountain C. E. Mountain

R.H.A. MEMBER

SOUTH HOLLAND DISTRICT COUNCIL

PRIORY ROAD,

SPALDING, Lincs

PLANNING DEPARTMENT.

ATTN MR N. MIDGLEY.

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THE FOUR PLANNING APPLICATIONS CURRENTLY
IN WITH SOUTH HOLLAND DISTRICT COUNCIL
TO BE DETERMINED AS SOON AS POSSIBLE.

S.H.D.C. PLANNING DEPT.	
RECEIVED	
-3 OCT 1994	
ATTN: MR N. MIDGLEY	
DDO	MR N. MIDGLEY
DEFO	MR N. MIDGLEY
JC	MR N. MIDGLEY
POSTED BY	MR N. MIDGLEY
FILED BY	MR N. MIDGLEY
DISPATCHED	MR N. MIDGLEY

RE. (AND)'S

MR D. G. MOUNTAIN.

MANAGING DIRECTOR

H12/860/93

H12/1036/93

H12/0919/93

H12/0938/93

S O U T H

H O L L A N D
DISTRICT COUNCIL

PLANNING & BUILDING
CONTROL DEPARTMENT

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

Mr D J Loveday,
Independence House,
15 Burley Road,
Oakham,
Rutland.
LE15 6DH.

Your Contact: Mr J Blacklock

Our Ref: JB/JJ H12/0919/93
H12/0938/93, H12/1036/93

Your Ref:

Date: 28 Sep 1994

Dear Mr Loveday,

MOUNTAIN ROAD HAULAGE, ROMAN BANK, LUTTON GOWTS, LONG SUTTON.

Thank you for your letter dated 14th September 1994 in connection with the above.

I confirm that it would be to our mutual advantage if all of Mr Mountains applications were put to Committee as a package, including the prospective application for industrial development.

Indeed, with respect to the latter, I consider the application should be submitted at the earliest opportunity and accordingly, I enclose the requisite application forms.

In my view, this application has a reasonable prospect of success but obviously I cannot prejudge the Committee's reaction or pre-empt its deliberations.

The same comment applies to the invitation to Committee to re-issue the outline planning permission with the current date but I am confident the Committee will see the benefit of this course of action when dealing with the package of applications.

I note you qualify your Clients willingness to accept the outline planning permission, albeit with a revised, current date, by referring to the Committee's prior approval of the package of applications. That, of course, is an option entirely open to your Client.

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

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

However, as you know, the Authority has taken legal advice on the interpretation of the permissions at issue, and given its discretion to deal with applications consistent with its statutory obligations, I can see no advantage to the Authority in accommodating that qualification.

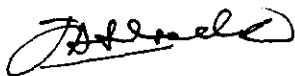
Should your Client dissent from the Authority interpretation of the outline planning permission (even with a revised current date) after the determination of the package of applications, he may take whatever course of action he deems appropriate but I consider the Authority will have discharged its duties and obligations responsibly and equitably. Your Client will have decisions he can act upon.

For your Clients information, the legal advice received has been to the effect that:-

- A. It is the notification of the grant of permission that constitutes the permission.
- B. As the planning permission issued differed materially and substantially from the resolution of the Committee, it is legally, defensible to look behind the permission itself.
- C. On the basis of B. the true position is that the amended permission issued on 30th December 1992. Is the valid permission notwithstanding the lapse in time from the original Committee resolution in issuing it.
- D. The permission issued in 1992 has not lapsed.
- E. There has been no unauthorised use of the site by virtue of the planning permission having lapsed but the issue of non-compliance of conditions contained in the permission could possibly arise.
- F. Estoppel could only have a prospect of success, if it related to an activity on the site previous to the grant of planning permission in December 1992: there could be no reliable defence of estoppel in respect of any activity on the site since that date and outside the terms of that permission.

May I add, as a further consideration which your Client may wish to ponder upon, that the issue of the status of the Applicants house vis a vis a possible industrial permission for the site will need to be addressed.

Yours sincerely



N Midlen
Principal Planning Officer
Development Control

S.H.D.C. PLANNING DEPT.	
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JC <u>ACP</u>	
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Pl. Tel me re draft reports

David J. Loveday. BSc. MRTPI.

Chartered Planner &
Development Consultant.

Independence House,
15 Burley Road,
Oakham, Rutland. LE15 6DH.

Tel & Fax: Oakham (01572) 722493

Mobile: (0850) 086342

our ref:

your ref:

Mr. N. Midlen
South Holland District Council
Council Offices
Spalding
Lincs

Wednesday 14 September 1994

Dear Mr. Midlen

**MOUNTAIN ROAD HAULAGE, ROMAN BANK, LUTTON GOWTS, LONG SUTTON,
NEAR SPALDING, Lincs**

I refer to our very useful meeting held on Tuesday 13 September 1994 in your offices.

I do not propose to go over once again the whole of the topics of conversation but I would thank you for the wide ranging discussion which I think ended up in a mutually satisfactory state of affairs. I wish to put the following to you for your comment therefore;

1. The four applications that are presently awaiting determination by your Council will be put to members with a recommendation of permission.
2. That Mr. Mountain will submit an outline application for industrial development of his site which will be recommended for permission by officers.
3. If members are in agreement to the above numbers 1 and 2 then my client would be willing to accept the situation relating to existing use of the site in line with the revised permission document dated 1987. However you would be issuing a further revised document dated 1994 and which would give retrospective consent to the uses, buildings and works which have been undertaken on site. This seems a very pragmatic way forward.

Continued overleaf...../

I would like your confirmation of my understanding of our meeting therefore.

I do of course accept that the advice given to us at the meeting was without prejudice to any involvement by members of your Council. I look forward to hearing from you very shortly.

Yours sincerely

C.W. Elster

ff David J Loveday

13/9/74.

Discussion with David Lowrey: Mr. Mountain.
— JMS and NKM present.

- ① Outlined in broad terms legal opinion received.
- ② Agent stressed equity argument as opposed to legal correctness.

Agreed :-

Agent to write outlining terms of 'agreement' :-

- ① Outline application to be submitted for industrial development on site.
- ② This and all current applications to be referred to Committee as 'package'.
- ③ Existing outline planning permission to be re-issued (with committee endorsement) with current date.
- ④ Application for increased vehicles on site to refer to outline permission & committee advised of agent's arguments regarding the condition concerning traffic numbers.
- ⑤ Verbal comments.

Notes

- (1) on receipt of letter, advise agent in broad terms of legal opinion.
- (2) Add Note to ~~agent~~ related outline to the effect that it relates principally to a road haulage depot.
- (3) Advise issue with agent of status of applicant's house vis à vis industrial application.

J.

Maples & Sons

SOLICITORS

COMMISSIONERS FOR OATHS

S.H.D.C. PLANNING DEPT.	
RECEIVED	
9 AUG 1994	
Attention of	File Nos.
DOPO JC ACTION DISCUSS COPY	A. R. Withyman, M.A., LL.B. (Canab) Richard W. Lewis, LL.M. (Lond) Philip A. N. Crew, LL.B. (Canab) Malcolm Charlesworth, LL.B. (Hull) David Hicketh, LL.B. (Sheffield) Michael H. Pepper, M.A. (Canab)

23 NEW ROAD
SPALDING
Lincs. PE11 1DH
DX 26706-Spalding
Telephone (0775) 722261
Fax (0775) 767525

Our Ref:

W/KG:SHDC01/300

Your Ref:

JMB/LST/PL:24

Date

5th August, 1994

Dear Sir,

re: South Holland District Council and Mr. D.G. Mountain

With further reference to your letter of the 16th June, 1994 we must apologise for the delay in responding. However, we have to say that we have found the issues that you have raised complex and have had to give them careful consideration. Indeed, if having read the contents of this letter you are still not happy with the situation, then it might be advisable to take Counsel's opinion.

Perhaps we could deal with each of the questions that you have raised in your letter:

(a) What status does planning permission H12/1111/85 have?

The application as originally made on the 8th November, 1985, was for a change of use from agriculture to industrial and was an application for full planning permission. On the 31st January, 1986 the Applicant requested that the application should be changed to one for "a road haulage and distribution depot and packing plant" and that it should be for outline only. It is clear from the Planning Officer's report and the file that that was the application that was considered by the Committee. The site itself had been agricultural and the application arose through an intention to relocate. For this reason a Section 52 Agreement was to be entered into to discontinue the user of the existing site for industry.

The application was approved by the Committee on the 5th March, 1986 subject to entering into the Section 52 Agreement. The Agreement was entered into on the 28th January, 1987 and a planning permission was issued on the 16th February, 1987. Unfortunately that planning permission was incorrect.

It was incorrect in two respects; in the first instance, it purported to give planning permission for a change of use from agriculture to industry and it purported to be a full planning permission. This was clearly a mistake which was acknowledged on the 30th December, 1992 when a fresh permission was granted to properly represent the decision of the Committee of the Council.

5th August, 1994

What planning permission did the Applicant have?

The Town and Country Planning Act 1971 did not specify what action by the Local Planning Authority constituted the granting of planning permission and an uncertainty persisted for many years as to whether it was the resolution of the Authority or their appropriate Committee to grant permission or the actual notification to the Applicant which constituted the grant.

Through a series of cases it has been confirmed that the provisions of the 1971 did though inconclusive in themselves, point to the notification rather than the resolution as constituting the grant of planning permission. In coming to that decision the Courts had regard not only to the Act itself but also to the General Development Order 1988 Article 25 and the Department of Environment's circular 28/83 paragraph 15. A summary of the cases leading to this decision is set out in the Planning Encyclopaedia at P:70.31. The 1990 legislation did not change anything. The final decision was that of Goff J. in R -v- West Oxfordshire D.C; ex parte Pearce Holmes Limited (1985) in which it was stated with approval that,

"Until there had been notification, an Applicant for planning permission had not received permission."

and further (and more importantly for issues we refer to later),

"time was treated as running not from the decision of the Authority but the notice of the decision."

Thus we would agree with the commentary to the West Oxfordshire case that a valid planning permission requires two main conditions: first a substantive decision by an authorised body or person with a requisite jurisdiction and second, the necessary steps of formal notification. Both are required. It is therefore the notification of the grant that constitutes the planning permission. On this basis, one would assume that the Applicant had the benefit of the planning permission for change of use as notified on the 16th February, 1987.

However, that permission was clearly a mistake and where the validity of a permission is in issue it is possible to go behind it and look at all the background circumstances so as to establish whether or not it was issued by mistake and without authority:

There are two leading cases on this matter; Norfolk County

5th August, 1994

Council -v- The Secretary of State for the Environment (1973) 3 All E.R.673 in which a Planning Officer mistakenly gave consent for planning permission when in fact the Planning Committee had refused it and the Court determined that the Notice given by the Planning Officer could not be treated as planning permission. The only authority that he had was to transmit the decision made by the Council. Since there had never been any permission as stated, it was open to the Council to show that that was the case by reference to the resolution actually passed and to the Planning Office's lack of authority; the second case was the Co-Operative Retail Services -v- Taff-Ely Borough Council (1979) where again the clerk wrongly issued a planning permission in contravention of the actual decision of the Council and the Court determined that where, in such a case, the issue was whether such a permission was granted, or was within the power of the Local Authority, the Court would go behind the purported grant. Representative bodies such as Planning Authorities should not be bound by mistakes made by clerks or office staff when the result will be damage the interests of the public at large. The purported grant was said to be ultra vires and void. In that particular case it was stated that it could not be ratified and a declaration would be granted that it was a nullity.

The West Oxfordshire case is also of relevance when in reliance upon the two cases quoted above it was concluded in the commentary to the case that a formal notification has no effect if the notification is contrary to the substantive decision or if the decision was ultra vires. What remains uncertain is the case where the notification differs materially but not substantially from the resolution of the Committee. In other words, can you look to the wording of the resolution to explain or supplement the notification? If the distinction is only material but not substantial, it is suggested that you can not. However, in the circumstances of this case, clearly the issues as to whether the permission was in outline or a full permission or in fact what it gave permission for must be considered substantial and therefore we take the view that it is possible to look behind the decision itself.

In the particular instance of this case of course, there is no suggestion that the decision by the Committee itself was a nullity; it is just that the Notice that was sent on the 16th February, 1987 was a mistake and did not correctly represent that decision.

We therefore take the view that the true position is that the Applicant has a planning permission in the terms of the amended permission that was issued on the 30th December, 1992

(4)

5th August, 1994

and that the permission was effected as at the date when he was notified of that decision:

In coming to this conclusion we have applied the legal principles enunciated in the Authorities referred to, to the facts of this case: Our concern is that we have not been able to locate any instance of such a delay in the notification of a decision from November 1985 to December 1992. Does this affect the matter? There does not appear to be any time limit imposed within which the Council must make and notify its decision: We refer to the Encyclopaedia at P:70:26: The General Development Order 1988 Article 24 provides that a decision must be made within 8 weeks from the date of receipt of the application or such longer period as may be agreed by the Applicant and the Authority in writing: The Editor to the Encyclopaedia states that the 8 week period is directory rather than mandatory and a decision issued late without the agreement of the Applicant is valid if accepted and acted upon although it may otherwise be voidable at the instance of the Applicant: There is further authority to state that the Council is able to issue a decision after the 8 week period has expired: So far as we can tell there is no ultimate limitation period after which the application lapses: The Applicant does not appear to have objected to the issue of the planning decision in December 1992 or to the lapse of time involved:

On the face of it therefore, it appears that the notification in December 1992 of the decision constitutes the granting of planning permission to the Applicant in the terms of that Notice and that is the decision that we have been driven to by the authorities:

Our only further caveat with regard to this is the question as to whether or not the Council have been estopped from denying the decision constituted in the Notice given on 16th February, 1987 and we will consider the matter of estoppel under paragraph (c) below:

- (b) Has the planning permission lapsed in view of the fact that no applications have been made for approval of the reserved matters?

If we are correct that the valid planning consent is that issued in December 1992 and the date for it becoming effective is December 1992 then clearly the permission has not lapsed: We feel that this is the position not withstanding the fact that the first condition refers to,

5th August, 1994

"Beginning with the date of this permission."

On the face of it, it might be thought that the date of the permission would be the date that it bears namely the 26th February, 1987 but having regard to the conclusions that we have already come to, we feel that effectively the date of the permission is the actual date when it is notified to the Applicant and in that instance the three year period has clearly not expired:

You ask whether there is an unauthorised road haulage use on the site and we assume that you were linking that to the issue as to whether or not the planning permission had lapsed and on that basis we would say that the use was not unauthorised. On the other hand it does seem to be unauthorised if the development has proceeded contrary to condition 3 which provided that no development should take place which related to the construction of buildings, the access and the landscaping of the site without approval of reserved matters. So far as we can see no application has been made for approval of those reserved matters.

We have also referred to condition 4 and clearly the landscaping should be effected by the end of this year or thereabouts. As we understand it the haulage business has been carried on from the site now for some considerable time and it may be this has been done in contravention of the terms of the permission. We would therefore conclude that there has been no unauthorised use of the site by virtue of a planning permission having lapsed but there may be having regard to non compliance of the conditions relating to the outline planning permission.

(c) You have asked whether the Authority is estopped from taking enforcement action if there is an unauthorised use of the land:

The outline planning permission clearly authorised a change of use to a haulage concern and we do not therefore think that the use of the site for the purpose identified in the planning consent can be criticised save in so far as it has been carried out without complying with the conditions attached to the planning permission. It is not entirely clear to us as to the precise use to which the site is being put: Is it being put to the use specified in the planning permission notified in 1992 or is it being put to industrial use as per the mistaken planning notice? If it is being used for a haulage business then clearly there can not be any Enforcement Notice with regard to wrongful use; if on the other hand the use is industrial then it may be

5th August, 1994

that an Enforcement Notice could be served and the question then arises as to whether or not the Council are estopped from serving such a Notice by virtue of the mistaken Notice issued in 1987. That is the first issue that we will address.

If the use is industrial and we are correct in our interpretation of the planning status of the site, then clearly there has been a breach of planning control. If the Council has any doubt about that then they could proceed by way of the service of a planning contravention Notice to obtain clarification of the ownership of the site and the planning history. If however, the Council is satisfied that there has been a breach of planning control then they have to consider whether it is expedient to issue a Notice. One of the factors in coming to that decision is of course the history of the planning applications and as to whether any deficiencies in the planning regime can be regularised by appropriate applications and co-operation with the Applicant. Generally, the obligation of the Local Authority to act in accordance with its statutory powers can not be fettered but there are a few exceptions to that and one of them relates where an Authority may be held to a determination or planning permission made or granted by an Officer of the Authority acting beyond his powers provided there is some evidence in justifying the developer in assuming the Officer had power to bind his authority.

We have checked the authorities referred to in the Encyclopaedia in the summaries of the reports in Current Law and none of them appear to be comparable with the present situation. However, the principle of estoppel was considered in the Norfolk County Council case. In reliance on the Notice, the Company ordered machinery for the factory for which permission had apparently been given. The mistake came to light two days later and the Council sent a letter to the Company confirming that there had been a mistake and enclosing a Notice of Refusal of permission. The Company however, maintained that they had a valid planning permission. They had made a token start to the extension by digging part of a foundation trench. The Council served an Enforcement Notice on them requiring the trench to be filled in. Meanwhile, the Company had been able to cancel the order for machinery without incurring any penalty. The Court of Appeal held that the Council was not estopped from denying the representation made in the Notice sent by the Planning Officer because although the Company had acted in reliance on the Notice, they had not done so to their detriment since they had been able to cancel the order for machinery and thus were in no worse position than they would have been if the mistake had not been made.

(7)

5th August, 1994

We have relied upon a dicta of Lord Denning M.R. in the case of *Lever (Finance) Limited -v- Westminster Corporation* (1970) 3 All E.R.406, when he said,

"There are many matters which public authorities can now delegate to their Officers: If an Officer acting within the scope of his ostensible authority, makes a representation on which another acts, then a Public Authority may be bound by it, just as much as a private concern would be."

Lord Widgery then went on to say that,

"There Lord Denning M.R. did not find it necessary to amplify his reference to a decision 'on which another acts' or and to indicate what kind of action is necessary in order that the representation should be upheld but from my part I have no doubt in thinking that had he considered this matter in the detail in which we have had to consider it, he would have made it perfectly clear that the sort of action of which he was speaking was an action to the detriment of person who so acted, because he is drawing there on the general law of estoppel (although he does not use the word) as it applies to people who are not Public Authorities: As I understand it the mere fact that my agent has made a representation within his ostensible authority on which you act is not enough to stop me from denying his actual authority unless you have acted to your detriment: The whole point of estoppel in this situation as I understand it is that if a man has been induced to act to his detriment, he ought to be protected, but Counsel for the Company admits that his clients had not acted to their detriment on the documents submitted to them: What one hopes to achieve in a situation like this, where there has been an honest mistake, is that everybody shall end up in the same position in which they would have been if no mistake had been made, and if we allow this appeal and recognise that the planning permission can not be acted upon, that is exactly the result we shall produce."

In that particular case there have clearly been no detriment to the Applicant:

We would conclude therefore, is unfortunately not clear but on balance we would conclude that the Company in this case would be entitled to rely upon the decision issued in February 1987 as a representation by the Council that it was entitled to rely upon and the principle of estoppel would refer to it:

There is however, a second issue and that is whether or

5th August, 1994

not the Applicant has in fact acted on or changed his position to his detriment as a result of that permission. The terms of the permission were to grant planning permission for industrial use. We have not been advised as to whether in fact the site has been used for industrial use. The indications are that it has been used as a haulage depot and not for industrial purposes. If the site has not been used for an industrial use then clearly the planning permission has not been acted upon. Moreover, it would seem that the conditions attaching to the planning permission have not been acted upon properly either and we would not have thought that it was appropriate for the Company to seek to rely upon acts which it may have done to its detriment but which have been done contrary to the terms of the planning permission that has been granted and upon which it is relying. If however, the Council were determined to issue an Enforcement Notice with regard to an industrial user then we should like to have an opportunity to consider the facts in more detail because we take the view that we are entering on a course that could well lead to the Court of Appeal and Counsel should be asked to advise.

We turn to the question of whether the Council could take other action against the Company. It seems from information received, that the Company has acting in contravention of the conditions attaching to the planning consent notified in 1992 and in theory one could mount a prosecution with regard to those apparent offences. The issue then arises as to when the breaches of planning control were done. Were they done before December 1992? If there were then we have a problem of seeking to prosecute an Applicant for carrying out work in contravention of a planning condition of which in theory he had not had notice. One would then have to revert to the situation of prosecuting him for carrying out work for which he did not have planning permission and one would then be faced with the estoppel principle with regard to the permission issued in 1987. The Council would be on safer ground to institute proceedings in respect of any action by the Company which has taken place since the notification of the consent in 1992 and not in compliance with these conditions.

We hope that this advice has been helpful, but the reality of the situation is however, that we do not think that the Court would be sympathetic to the Council in instituting proceedings against the Company in respect of anything that occurred prior to December 1992:

Conclusion: Perhaps we could summarise the position:

(a) With regard to the planning permission H12/1111/85 we

(9)

5th August, 1994

take the view that it grants permission for a road haulage and distribution depot and packing plant and that the Applicant received that permission upon notification of the outline decision in December, 1992.

(b) We do not consider that the planning permission has lapsed because the time runs from December 1992 and the use of the premises as a road haulage depot is only unauthorised in so far as it is carried out in contravention of the conditions attaching to that permission.

(c) We would advise against taking action against the Company in respect of an unauthorised use of the land if such indeed exists. If the land is being used for industrial purposes then we think it likely that the Company will be able to advance a serious argument that the Council was estopped from taking that action by virtue of the Notice issued in February 1987. Particularly on the facts, we are uncertain as to whether the Council would be successful in resisting such a defence. If the site was being used as a haulage depot prior to December 1992 then that was an unauthorised user and in theory a Notice could be served. However, it was only unauthorised because the Council served the wrong Notice. We feel that the Court would consider that there would be little merit in such an Enforcement Notice. Similarly, we would advise against such action in respect of any other activity of the Company prior to the service of the Notice in December 1992. If the Council think it appropriate to issue a Notice in respect of any activity of the Company since December 1992 then we would not expect the Company to be able to rely upon the defence of estoppel. However, if the Company has acted in contravention of the conditions then the Council might wish to consider a prosecution in the Magistrates Court for acting in contravention to planning conditions.

We would also refer to the present application for modification of the planning permission subject to section 73 of the Town and Country Planning Act. An application could be made under section 73 if it relates to a full planning consent or an outline planning consent. We feel that if the present applications were re-worded so as to refer to the outline consent issued in 1992 and by reference to a site used for a haulage business rather than an industrial site then there is no reason why those applications should not be processed in the usual way and the Council make a decision in the usual way. To regularise the matter we should have thought the Company should make an application for approval of reserved matters at the same time as it makes its current application.

(10)

5th August, 1994

We do appreciate that this is a long and complicated advice and we hope that it is of value to you. If there is any aspect of it that you would like to discuss or like further information on, please do not hesitate to get in touch with us:

We would like to thank you for supplying us with the copies of the extracts from the journal of Planning Law. We return herewith your Planning files:

Yours faithfully,
MAPLES & SON



The Director of Administration,
South Holland District Council,
Priory Road,
SPALDING,
Lincs:

Enc:

PLANNING COMMITTEE - 16th February, 1994

78. PLANNING APPLICATIONS

(c) Applications Deferred (Continued)

H12/0919/93 Mountains Road Haulage	Proposed use of industrial site for parking of 25 goods vehicles without complying with Condition 2 of H12/1111/85 at Main Road, Lutton Gowts.
---------------------------------------	--

(To give the applicants the opportunity to provide further information to support the application and to enable legal advice to be sought if necessary.)

H12/1036/93 Mountains Road Haulage	Change of use from agricultural to land associated with adjacent road haulage use at Main Road, Lutton Gowts.
---------------------------------------	---

(To enable the application to be determined at the same time as H12/0919/93 because of the close relationship between the applications.)

H12/0938/93 Mountains Road Haulage	Convert existing building to goods vehicle maintenance building at Main Road, Lutton Gowts.
---------------------------------------	---

(To enable the application to be determined at the same time as H12/0919/93 because of the close relationship between the applications.)

H21/1115/93 B.D. Groves Transport	O.A. Dwelling and use of land for goods vehicle operation at White Cross Farm, Sutton St James.
--------------------------------------	---

(To give the applicants the opportunity to submit more detailed information to support the application and then to undertake a site inspection to assess the suitability of the site for proposal.)

H23/1170/93 Mr & Mrs T Glowczyk	Extension to dwelling at Bottle & Glass, Whaplode Drove, Spalding.
------------------------------------	--

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

H16/1188/93 Mr & Mrs S Grimston	Change of use of dwelling to office at 60 Little London, Spalding.
------------------------------------	--

(Pending a site inspection to assess the suitability of the site for the proposal and to assess the likely future use of land to the rear of the site.)

H16/1189/93 Mr & Mrs S Grimston	Change of use of workshop and office to dwelling at 60 Little London, Spalding.
------------------------------------	---

(Pending a site inspection to assess the suitability of the site for the proposal and to assess the likely future use of land to the rear of the site.)

16th FEBRUARY 1994 PLANNING COMMITTEE
PLANNING APPLICATIONS - POST COMMITTEE INSTRUCTIONS

Page No	Application Number	Case Offr	Instructions/ Decision
1	H05/0209/93 D Brown Ltd	JB	Deferred for sub-cttee as recommended.
4	H02/0723/93 Mr & Mrs Speechley	DJR	DPBCS Auth subject to sect 106 legal obligation as recommended.
6	H12/0919/93 Mountains Road Haulage	JB	Deferred. Ltr to David Loveday, copy to agents, advising that onus is now on applicant to supply additional information in support of application. A thorough research is required before reporting back to committee, the updated report to contain quoted extracts from earlier reports. See DPBCS.
11	H12/1036/93 Mountains Road Haulage	JB	Deferred. To be considered with H12/0919/93.
13	H12/0938/93 Mountains Road Haulage	JB	Deferred. To be considered with H12/0919/93.
15	H08/1021/93 Miss E Ram	DJR	Grant as recommended. Note re manure storage to be added to decision notice and conditions 1 & 2 to be reworded.
17	H21/1115/93 B D Groves Tpt	JB	Deferred for site visit.
19	H16/1159/93 Mr N Wilkins	DJR	DPBCS Auth subject to meeting to discuss provision for blind alertness measures. Applicant to advise local blind association. Investigate possibility of audio tape in library.
21	H02/1166/93 Mr & Mrs Foreman	DJR	DPBCS Auth as recommended.
23	H23/1170/93 Mr & Mrs Glowcyk	DMG	Deferred for site visit.
25	H11/1178/93 L.C.C.	DMG	Grant as recommended.
27	H11/1179/93 L.C.C.	DMG	Grant as recommended.
30	H11/1180/93 L.C.C.	DMG	Grant as recommended.
32	H16/1188/93 H16/1189/93 Mr & Mrs Grimston	DJR	Deferred for site visit.
34	H16/1197/93 Adams & Sons	DJR	Grant as recommended. Amend reason for condition 3.

36	H16/1206/93 Hanson Land Development	DJR	DPBCS Auth subject to sect 278 agreement as recommended.
38	H09/1208/93 M Ayres	DMG	DPBCS Auth subject to driveway surfacing being tarmacadam instead of gravel.
40	H16/1210/93 David Parker Homes	JB	DPBCS Auth as recommended. Additional condition required re dedicated parking area and delineation of same. See DPBCS re archaeological matters. Cttee endorsed pursuit of further frontage development and rationalisation of public parking area.
42	H16/1211/93 David Parker Homes	JB	DPBCS Auth subject to sect 106 legal obligation as recommended. See DPBCS re archaeological matters.
43	H19/1223/93 N S Morris	DMG	Refused as recommended. Amend applicants name to read "Morris".
45	H11/1226/93 C R Neaverson	DMG	DPBCS Auth subject to sect 278 agreement as recommended. Amend description to read "Garden Centre".
48	H08/1227/93 Mr & Mrs Brooks	DJR	DPBCS Auth as recommended.
49	H23/0011/94 Mr D Burchnall	DMG	Grant as recommended.
50	H16/0015/94 Mr J Thurston	DJR	Refused as recommended.
52	H09/1239/90 Kings Quality Homes	NRM	Refused as recommended. Reasons on pages 57 and 58 of agenda. Amend 1st word of reason 6 on page 58 to read "Analysis".

17th Feb 94

Signed: 

ff N Midlen
Principal Planning Officer

PLANNING COMMITTEE - 16th February, 1994

78. PLANNING APPLICATIONS

(c) Applications Deferred (Continued)

H12/0919/93
Mountains Road Haulage

Proposed use of industrial site for parking of 25 goods vehicles without complying with Condition 2 of H12/1111/85 at Main Road, Lutton Gowts.

(To give the applicants the opportunity to provide further information to support the application and to enable legal advice to be sought if necessary.)

H12/1036/93
Mountains Road Haulage

Change of use from agricultural to land associated with adjacent road haulage use at Main Road, Lutton Gowts.

(To enable the application to be determined at the same time as H12/0919/93 because of the close relationship between the applications.)

55 H12/0938/93
Mountains Road Haulage

Convert existing building to goods vehicle maintenance building at Main Road, Lutton Gowts.

(To enable the application to be determined at the same time as H12/0919/93 because of the close relationship between the applications.)

H21/1115/93
B.D. Groves Transport

O.A. Dwelling and use of land for goods vehicle operation at White Cross Farm, Sutton St James.

(To give the applicants the opportunity to submit more detailed information to support the application and then to undertake a site inspection to assess the suitability of the site for proposal.)

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Mr & Mrs T Glowczyk

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H16/1188/93
Mr & Mrs S Grimston

Change of use of dwelling to office at 60 Little London, Spalding.

(Pending a site inspection to assess the suitability of the site for the proposal and to assess the likely future use of land to the rear of the site.)

H16/1189/93
Mr & Mrs S Grimston

Change of use of workshop and office to dwelling at 60 Little London, Spalding.

(Pending a site inspection to assess the suitability of the site for the proposal and to assess the likely future use of land to the rear of the site.)

APPLICATION REFERENCE: H12/0938/93

DATE RECEIVED: 01-OCT-93

TYPE: Full

DESCRIPTION: Convert existing building to goods vehicle
maintenance building

LOCATION: Main Road, Lutton Gowts

APPLICANT: Mountains Road Haulage AGENT: Status Design
Ltd

REASON FOR COMMITTEE CONSIDERATION

Objection to proposed development.

RECOMMENDATION

Provided that the recommendations on application H12/0919/93 are accepted, planning permission be granted.

COMMENTS

- 1 The proposal provides for the use of an existing building which is constructed of common brick with an asbestos roof. The building has a floor space of 120 square metres. New works involve increasing the height of the building by approximately 2.5 metres and re-roof in concrete tiles.
- 2 The site, which is a haulage yard, has a history which is reported elsewhere on the Agenda.
- 3 If the recommendation separately reported on H12/0919/93 on the Agenda is accepted, the proposed facility is considered legitimate for the site, and is sufficiently removed from residential property not to be a source of nuisance. Moreover, if limited to the servicing of vehicles operating from the site, the traffic implications will be limited.

REPRESENTATIONS

Parish Council: To be reported.

Env. Services: To be reported.

Public: Objection from neighbouring householder on grounds of any significant intensification of commercial use at this location.

SCHEDULE OF CONDITIONS

- 1 The goods vehicle maintenance facility hereby approved shall be used solely in respect of the maintenance of vehicles operating from the site under the benefit of a Goods Vehicle Operators Licence.
Reason: To define the terms of the permission and in the interests of residential amenity.
- 2 SC55 - (Soundproofing).
- 3 SC51 - (Working Hours).
- 4 The development hereby approved shall be undertaken strictly in accordance with the approved plans.
Reason: To define the terms of the permission in the interests of visual and residential amenity.
-

Status Design,
4 Princes Street,
Holbeach,
Spalding,
Lincs.
PE12 7BB.

Mr J Blacklock

JB/JJ H12/0919/93
H12/0938/93 & H12/1036/93

01 Dec 1993

FAO: Mr B Gillham

Dear Sir,

D G MOUNTAIN, LUTTON GOWTS, LONG SUTTON.

I refer to your meeting (at which your Client was also present) with my Officers, Mr R Smith and Mr J Blacklock and also Mr J Chapman of the Environmental Services Department on Tuesday, 30th November 1993.

I write to confirm that it is my understanding your Client is agreeable to the current applications being processed on the basis that this will be done without prejudice to his position regarding the claimed, permitted use of this site as industrial land.

For the purpose of determining there applications, therefore, reliance will be placed upon the outline planning permission, a copy of which was despatched to you on 30th December 1992.

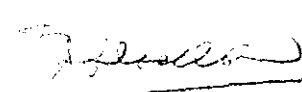
With regard to planning application H12/0919/93, this presents no problem in so far as the condition no 2 is worded in exactly the same terms as the 'Full' permission of the same date.

As for the issue of noise attenuation and noise assessment, it was agreed that the site boundaries as shown on the plan accompanying the original application H12/1111/85 - boundaries adhered to in the current application - should remain unchanged if vehicular parking arrangements and earth bunding/acoustic fencing arrangements necessary to ensure adequate noise attenuation entailed the use of additional land, this could be provided for in terms of the extension to the site provided for in terms of the current application H12/1036/93.

I await receipt of the Noise Assessment which I understand is being prepared on your Clients behalf.

No doubt you will also let me have your Clients letter concerning the control and direction of traffic movements.

Yours faithfully



N Midlen
Principal Planning Officer
Development Control

cc Mr Mountain

Our Ref:
Contact:

 93/H/SH/280
G Thornalley

Date: 11 November 1993



*National Rivers Authority
Anglian Region*

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

Dear Sir

Planning Application No. H12/0938/93

PROPOSAL : CONVERT EXISTING BUILDING TO GOODS VEHICLE
MAINTENANCE BUILDING
LOCATION : MAIN ROAD, LUTTONS GOWTS, LUTTON
APPLICANT : MOUNTAINS ROAD HAULAGE LTD

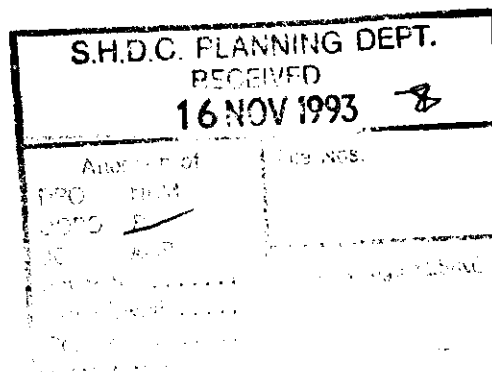
I refer to your consultation received on 28 October 1993.

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



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

David D. Wilson F.R.I.C.S. (Partner). Jeffrey A. Hazel F.R.I.C.S. F.N.A.E.A. (Partner).
Andrew J. Holford A.R.I.C.S. M.B. Eng (Senior Surveyor). George D. Wilson (Financial Consultant).



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

FAX 0223 358922 2110
TELEPHONE 0223 358922
GTN 3045

Direct Line: 0223 532047

Mr D Wilson
Geoffrey Collings & Co
High Street
Long Sutton
Lincolnshire
PE12 9LQ

Please reply to The Clerk
Your reference

Our reference
OF 219047/SN
Date

11th June 1993

Dear Sir

**GOODS VEHICLE OPERATORS' LICENSING
APPLICATION BY D.A.C. GODDARD
YOUR CLIENTS: MR & MRS SMITH**

1. I refer to the Public Inquiry held at The Committee Room, South Holland Centre, Market Place, Spalding on Friday 28 May 1993.

2. I am writing to confirm the decision of the Licensing Authority. Having considered all the evidence, he found that the granting of the 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 application but subject to the following condition:

"No more than one authorised vehicle and trailer to be at the operating centre at any one time".

Yours faithfully

MISS K LEWIN
for Clerk to the Licensing Authority

"Norton Lodge",
Roman Bank,
Lutton Gowts,
Nr. SPALDING,
Lincs.
PE12 9LQ

27th May, 1993

Dear Sirs,

Goods Vehicle Operators' Licensing
Applicants: S. A. Secker T/A Seckerfreight &
D. A. C. Goddard T/A David Goddard Transport

We purchased our Bungalow in 1978 with a view to it eventually becoming our retirement home. The Bungalow was, and is, outside the Development Envelope for Lutton and so we thought it would be a quiet location. Previously we lived on the A17 which had become very noisy.

Planning Permission was granted in 1985 for a road haulage and distribution depot, and a packing plant on the agricultural land almost opposite my property. The entrance to the depot is just 60 metres from my Bungalow.

There was considerable opposition to the Planning Application on both environmental and Highway grounds. The Planning Consent included a restriction to not more than 10 vehicles.

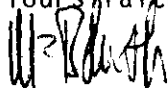
Planning Permission was granted in 1990 to extend the area of this site, and for the erection of a potato storage building.

The Planning Consents granted in 1990 clearly demonstrate that an intensification of the use is entirely feasible. We are anxious to ensure that controls are placed on its growth, with proper supervision. For example, one of the conditions attached to the Planning Consent states that no power driven machinery shall be used on Sundays or between 6.00pm and 8.00am. We have been disturbed by the noise of a diesel motor on a freezer wagon during these prohibited periods, and do wonder if these units could not be powered by electricity which would be much quieter.

We have also been woken on many occasions by lorries leaving the yard during the early hours of the morning. No matter how careful the drivers are, a cold HGV engine makes a lot of noise, and being about 60 metres from the entrance to the yard, gears are being changed-up outside our Bedroom window! In fact, since the yard was established, we cannot leave the Bedroom window open because of the sound of vehicles entering and leaving the yard at night. We have been keeping a record in recent weeks of the time on occasions when we have been awakened, and I can provide these dates and times if requested.

In conclusion, our quiet enjoyment of ~~our~~ property has been affected by the current level of activity at this Operating Centre. Whilst we appreciate that both Mr. Mountain and the other Operators have businesses to run, we must safeguard our interests by ensuring that the noise nuisance does not become intolerable.

Yours faithfully,



Mr. & Mrs. M. Smith

Collings

GEOFFREY COLLINGS AND CO.

High Street, Long Sutton, Lincs. PE12 9DB.
Tel: (0406) 362098 Fax: (0406) 364870
Terrington St. Clement, King's Lynn, Wisbech,
Norfolk. Norfolk. Cambridgeshire.
Tel: (0553) 828012 Tel: (0553) 774566 Tel: (0945) 63063

CHARTERED SURVEYORS, AUCTIONEERS AND ESTATE AGENTS.



20th October 1993

The Planning & Building Control Department
South Holland District Council
Priory Road
Spalding
Lincs PE11 2XE.

S.H.D.C. PLANNING DEPT. RECEIVED 21 OCT 1993	
Attention of CPO <u>MEM</u> DOPO <u>PS</u> JC <u>ACP</u>	File Nos.
Action by	Exchange YES/NO
By	
Date	

Dear Sirs,

Re: Application Nos. H12/0938/93. H12/0860/93 H12/0919/93.

Applicant: Mountains Road Haulage Limited.

Our Clients: Mr & Mrs M Smith, Norton Lodge, Main Road, Lutton Gowls.

We enclose copy correspondence omitted from our letter of yesterdays date.

Yours faithfully,

D. D. Wilson
Geoffrey Collings & Co.



David D. Wilson F.R.I.C.S. (Partner). Jeffrey A. Hazel F.R.I.C.S. F.N.A.E.A. (Partner).
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Please reply to The Clerk
Your reference

Our reference
OF 219047/SN

Date
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APPLICATION BY D.A.C. GODDARD
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for Clerk to the Licensing Authority

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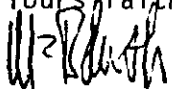
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Yours faithfully,



Mr. & Mrs. M. Smith

LINCOLNSHIRE COUNTY COUNCIL
DEPARTMENT OF HIGHWAYS AND PLANNING

FORM NO: H/A/3B

To: South Holland District Council

Application
Reference

H/12/10438/93

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

MAIN ROAD LUTON GROVE

3. Name, classification and number of road

III

4. Date application referred

14-10-93

5. State whether outline, detailed application etc.

FULL

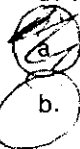
6. Description of proposed development/change of use
including access details

CONVERT EXISTING BUILDING TO
GOODS VEHICLE MAINTENANCE BUILDING

- 7.

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

Delete as
appropriate



- ☒ a. ~~Does not wish to restrict the grant of permission.~~
- ☐ b. Requests that any permission given by the local planning authority shall include the conditions shown overleaf.
- ☐ c. ~~Requests that the local planning authority refuse the application (reason overleaf).~~
- ☐ d. Requests the local planning authority to complete Form T.R. 108 para 10b as shown overleaf.

Date:

20/10/93

Signed:

[Signature]
Director of Highways and Planning

ADMIN RECORD SHEET

Initial

Submitted Fee £ 60.

Receipt No

P3330

Date first Rec'd 01 OCT 1993

Registration

Reference

H12/0938/93

Cross-Ref

R

Date

4/10/93

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 £60

Nil fee

--

Previous app - ref:
Type of app
Reason:

Discounted

Additional £
Refund £

Receipt No
Voucher No

Date
Date

Information

Index sheet 113 OS Plots

Grid ref 549503 244400

Ward

K

Parish

LUTTON

Inside IBD NO

Inside LP area YES

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 -

Linked to site

Ref 1700

Linked to property

Ref

Dist Bound

Other:

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

Planning Records:
Earlier apps

276/90

233/88

945/87

111/85

652/82

(919/93) still
current

B Reg Records:

Already submitted - Ref:
Request needed
Requested

DESIGN **Status**
ARCHITECTS & PLANNING CONSULTANTS

Date: 28th September 1993

Our Ref: 771738/BG/AEW

Your Ref:

Status House
4 Princes Street,
Holbeach,
Lincs.
PE12 7BB
Tel: 0406 24343
Fax: 0406 490702

South Holland District Council
Council Offices
Second Floor
Priory Road
Spalding
Lincs
PE11 2XE



Dear Sirs,

Re: PROPOSED CONVERSION OF EXISTING BUILDING TO GOODS VEHICLE MAINTENANCE BUILDING AT MAIN ROAD LUTTON GOWTS FOR MOUNTAINS ROAD HAULAGE LTD.

In respect of the above, please find enclosed the following:-

TOWN AND COUNTRY PLANNING APPLICATION

1. 4. No. copies duly completed submission form.
2. 4 No. copies each drawing no'd 771738/1, 771738/2 and 771738/3.
3. Cheque to the value of £60.00 in respect of submission fee.

Yours faithfully

A handwritten signature in dark ink, appearing to be "B. Gilham".

B. Gilham F.F.B.

Enc.

BRIAN WITH 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



VAT Reg No 121 5277 01

OFFICIAL RECEIPT - APPLICATION FEES

Receipt No : P3330
Date received : 01-OCT-93

Received from

Mountains Road Haulage Ltd.

Address

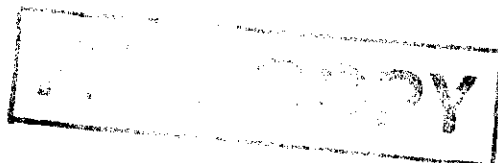
Main Road
Lutton Gowts
Spalding

Fee paid	£	60.00
VAT	£	0.00

Total received £ 60.00

Cash/Cheque : Cheque

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



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

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



Application no: H12/0938/93

Applicant: Mountains Road Haulage Ltd
Main Road
Lutton Gowts
Long Sutton
Spalding Lincs

Agent: Mr David J Loveday
Independence House
Oakham
Leicestershire

Description: Convert existing building to goods vehicle maintenance building

Location: Main Road Lutton Gowts
Long Sutton Spalding, Lincs

Type: FULL

05-MAY-95

Dear Sir/Madam,

PLANNING APPLICATION

The above application for planning permission has now been considered, together with your comments, and it has been decided that permission should be granted in this case.

The full details, including any conditions which may have been imposed, can be seen by inspecting the register of applications which is available in this Department during normal office hours.

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

Copy sent to:-

D Wilson - agent for Mr Smith
Geoffrey Collings & Co
High Street
Long Sutton
Spalding, Lincs. PE12 9DB

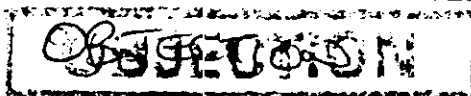
Collings

GEOFFREY COLLINGS AND CO.

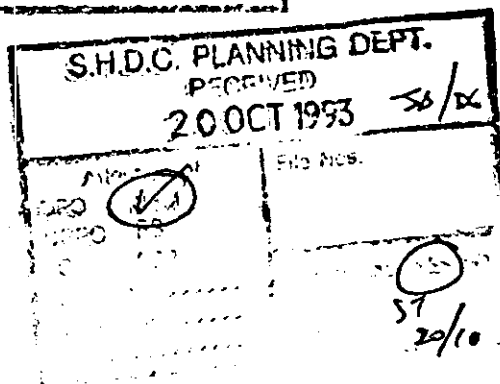
High Street, Long Sutton, Lincs. PE12 9DB.
Tel: (0406) 362098 Fax: (0406) 364870
Torrington St. Clement, King's Lynn, Wisbech,
Norfolk, Norfolk, Cambridgeshire.
Tel: (0553) 828012 Tel: (0553) 774566 Tel: (0945) 63063

CHARTERED SURVEYORS, AUCTIONEERS AND ESTATE AGENTS.

19th October 1993



The Planning & Building Control Department
South Holland District Council
Priory Road
Spalding
Lincs PE11 2XE.



Dear Sirs,

Re: Application Nos. H12/0938/93. H12/0860/93 H12/0919/93.

Applicant: Mountains Road Haulage Limited.

Our Clients: Mr & Mrs M Smith, Norton Lodge, Main Road, Lutton Gowts.

We have been instructed by Mr & Mrs Smith to make a formal objection in respect of the above applications.

Our Clients consider the quiet enjoyment of their private residence, which is in close proximity to the operating centre, will be prejudicially affected by these proposals when taken into conjunction with the current level of activity at the application site.

Mr & Mrs Smith have had occasion during this year to make representations to the Licensing Authority in connection with applications to renew/extend the use of the application site as an "Operating Centre" for various transport companies.

The precise number of vehicles permitted to use the application site is somewhat unclear, and our Clients do understand that permission from the Licensing Authority does not necessarily mean that the same number of vehicles is actually on the site every day. Nevertheless, the numbers given below are probably the best indication available as to the extent of the existing use of the application site by Heavy Goods Vehicles.

1.	S. A. Secker	1 Lorry	1 Trailer
2.	D.G.M. Fuels	6 Vehicles	10 Trailers
3.	D.A.C. Goddard	2 Vehicles	2 Trailers
4.	Mountains Road Haulage (company)	6 Vehicles	6 Trailers
5.	Tollidays Transport	2 Vehicles	2 Trailers
		17 Vehicles	21 Trailers
		=====	=====

(3) License for 10 vehicles

(1)



David D. Wilson F.R.I.C.S. (Partner). Jeffrey A. Hazel F.R.I.C.S. F.N.A.E.A. (Partner).
Andrew J. Hottford A.R.I.C.S. M.B. Eng (Senior Surveyor). George D. Wilson (Financial Consultant).

Enclosed is a copy of a letter from our Clients, addressed to the Licensing Authority and dated 27th May 1993 which sets out some of our Clients concerns regarding the application site.

Also enclosed please find a copy of a letter from the Licensing Authority dated 11th June 1993, and it will be noted that the Licensing Authority recognises that the application site does cause our Clients some adverse environmental nuisance.

We have been advised in correspondence with Lincolnshire County Council that the Highways Authority can only raise objections relating to applications for Goods Vehicle Licences in terms of the adequacy of the site (e.g. room for manoeuvre, etc.) and the adequacy of the access and exit points (in terms of visibility etc).

The Licensing Authority has made it clear to us that it can only consider questions of Highway Safety as it relates to the entrance and exit of an Operating Centre. As such, it does seem that the Local Planning Authority is the only body which has the power to decide whether or not there is a need to give consideration to wider aspects of Highway Safety in addition to environmental considerations.

Main Road, Lutton Gowts is an unclassified road. Virtually all traffic visiting the application site will have to pass through residential areas of Long Sutton, including Little London, Roman Bank, Bridge Road, etc. In addition, virtually all traffic visiting the application site will pass the Secondary Modern School located in Little London. Sections of the roads through these residential areas are narrow, aggravated by bends and on-street parking. Appropriate enquiries will reveal that there is a major traffic hazard in the vicinity of the Secondary Modern School at times when children are arriving at and leaving the premises, combined with parents parking near the School, and buses entering and leaving the premises.

Our Clients are in no doubt that an intensification of use at the application site, as envisaged by the above Planning Applications, will create a significant additional hazard to Highway Safety at some distance from the application site.

Application No H12/0938/93. Conversion of Existing Building to Goods Vehicle Maintenance Building.

In addition to the observations above, our Clients wish to point out that, should the Planning Authority approve this application, then neither the Planning Authority nor the Licensing Authority will have any control over the number of vehicles which visit the site for a few hours on a daily basis.

Application No H12/0860/93. Erection of a Potato Store in connection with the adjoining Haulage Premises.

This application appears to be a renewal of H12/0275/90. Since this application was approved, there has been an intensification of use at the application site in connection with Licences granted to various haulage firms to utilise the site as an Operating Centre.

Application No H12/0919/93. Proposed use of Industrial Site for parking of 25 Goods Vehicles without complying with Condition 2 of H12/1111/85.

This is an application to increase the number of goods vehicles allowed at the site from 10 to 25. As such, the application comprises a significant intensification of use which will create adverse factors, both in terms of environmental issues and highway safety.

Summary

The local Planning Authority will be aware that Haulage Yards are a major source of complaint.

Our Clients consider these applications, taken in conjunction with the increased use of the application site as an Operating Centre for various firms, will create genuine cause for concern from residents both in close proximity to the haulage yard, and in the residential areas between the application site and the main roads.

Having regard to the above factors, our Clients respectfully request that the subject Planning Applications are refused.

Yours faithfully,



 D. D. Wilson
Geoffrey Collings & Co.

CHARTERED SURVEYORS, AUCTIONEERS AND ESTATE AGENTS.

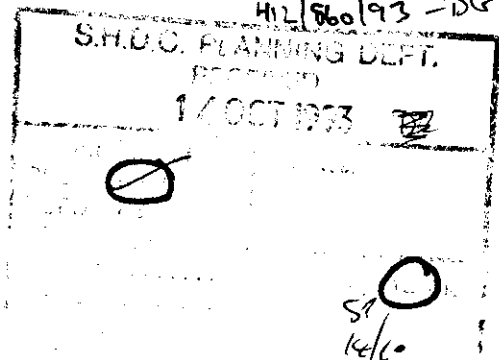


OBJECTION

H12/938/93 - SB
H12/919/93 - SB
H12/860/93 - DG

12 October 1993

Planning Department
South Holland District Council,
Priory Road,
SPALDING
Lincs.



Dear Sirs,

Re: Planning Application at Main Road, Lutton Gowts
D G Mountain T/A DGM Fuels/Long Sutton Transport/Mountains Road Haulage.

We understand from our Client, Mr M Smith, who lives in close proximity to the haulage yard at this location that an application has been made to your Authority for an additional commercial enterprise within the Yard. Our client is currently abroad and so the information available to us at this stage is sketchy.

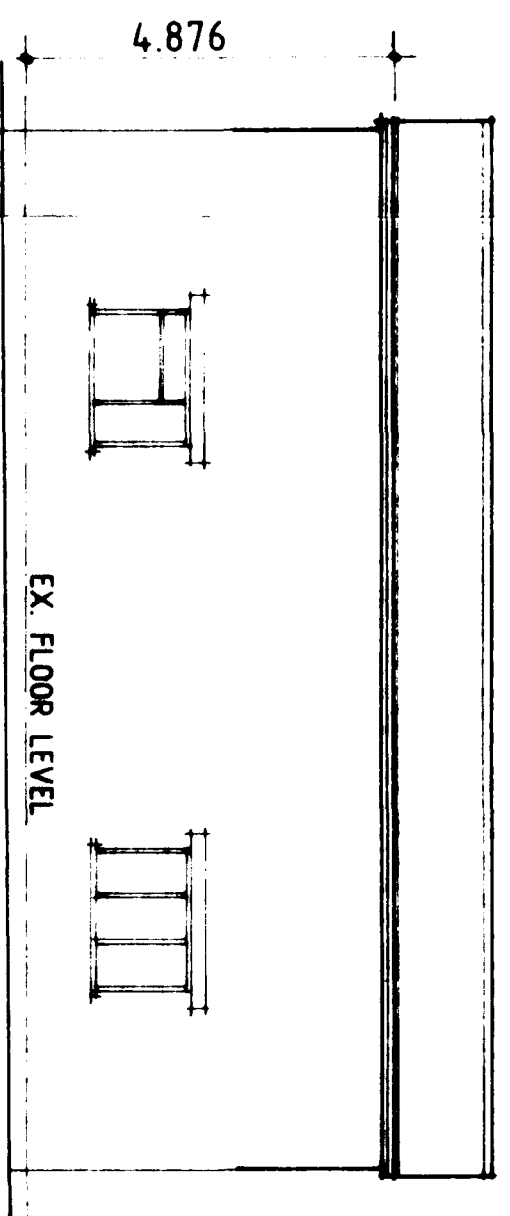
Our Client will wish to object to any significant intensification of commercial use at this location. Can you please forward to us as a matter of urgency a copy of the Application, plus all relevant information. We have authority to meet any Council fees in this respect.

Yours faithfully,

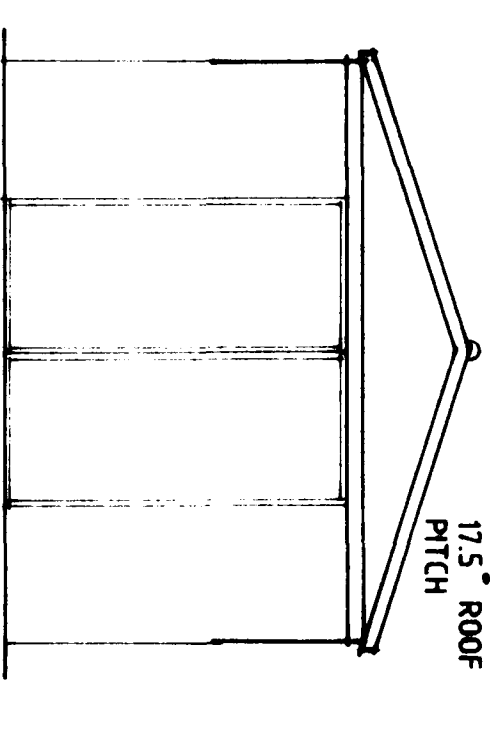
D. D. Wilson
Geoffrey Collings & Co.

cc. Mr & Mrs M Smith, Norton Lodge, Roman Bank, Lutton Gowts, Nr. Spalding
Lincs PE12 9LQ.

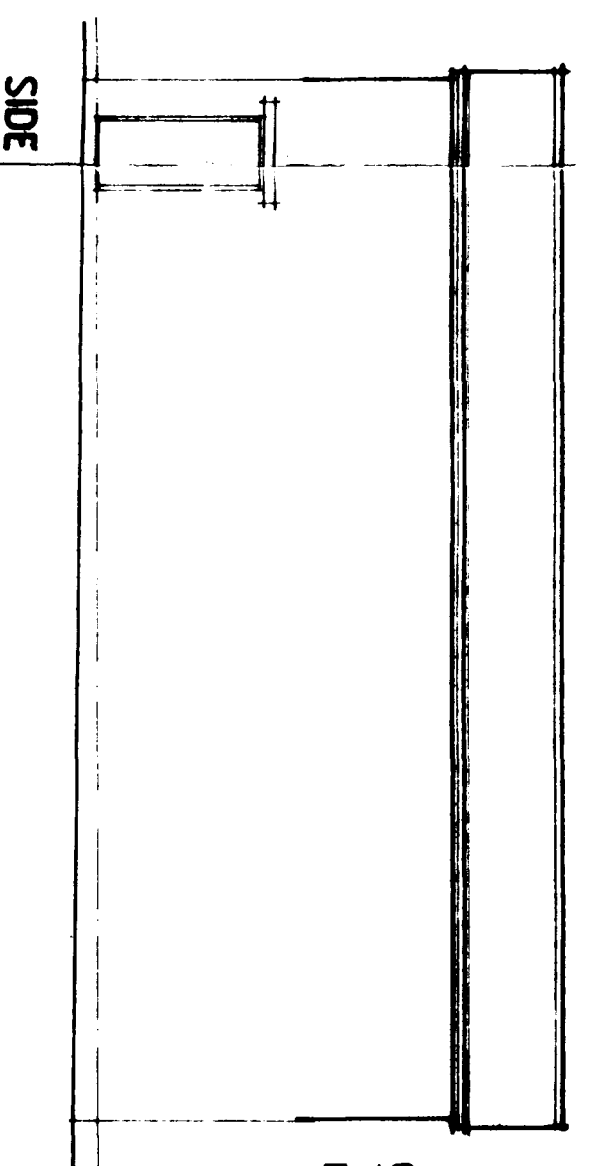




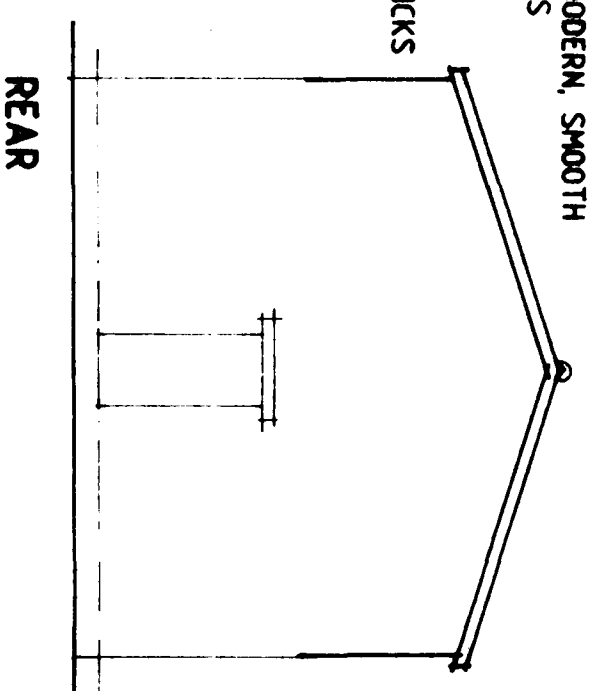
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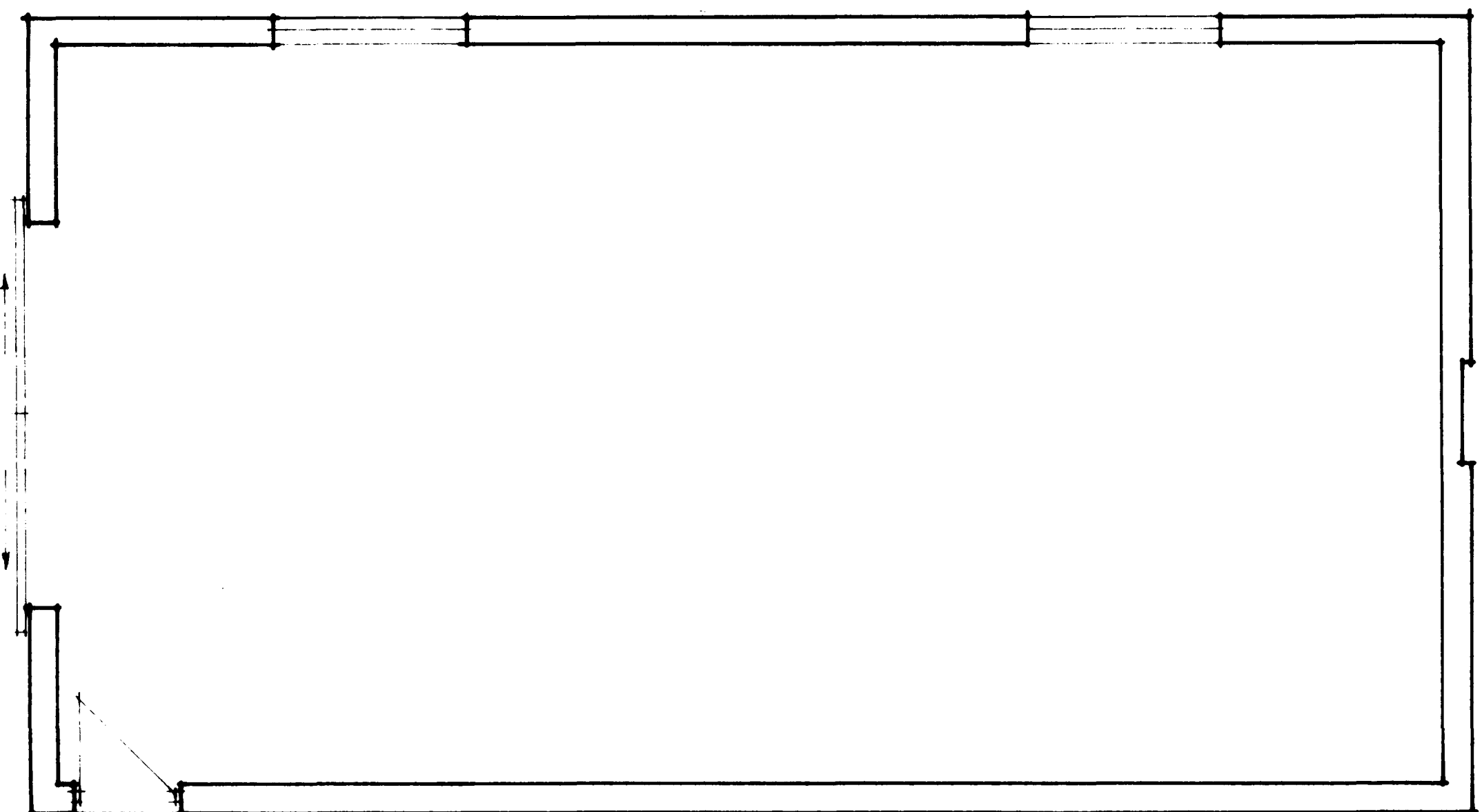
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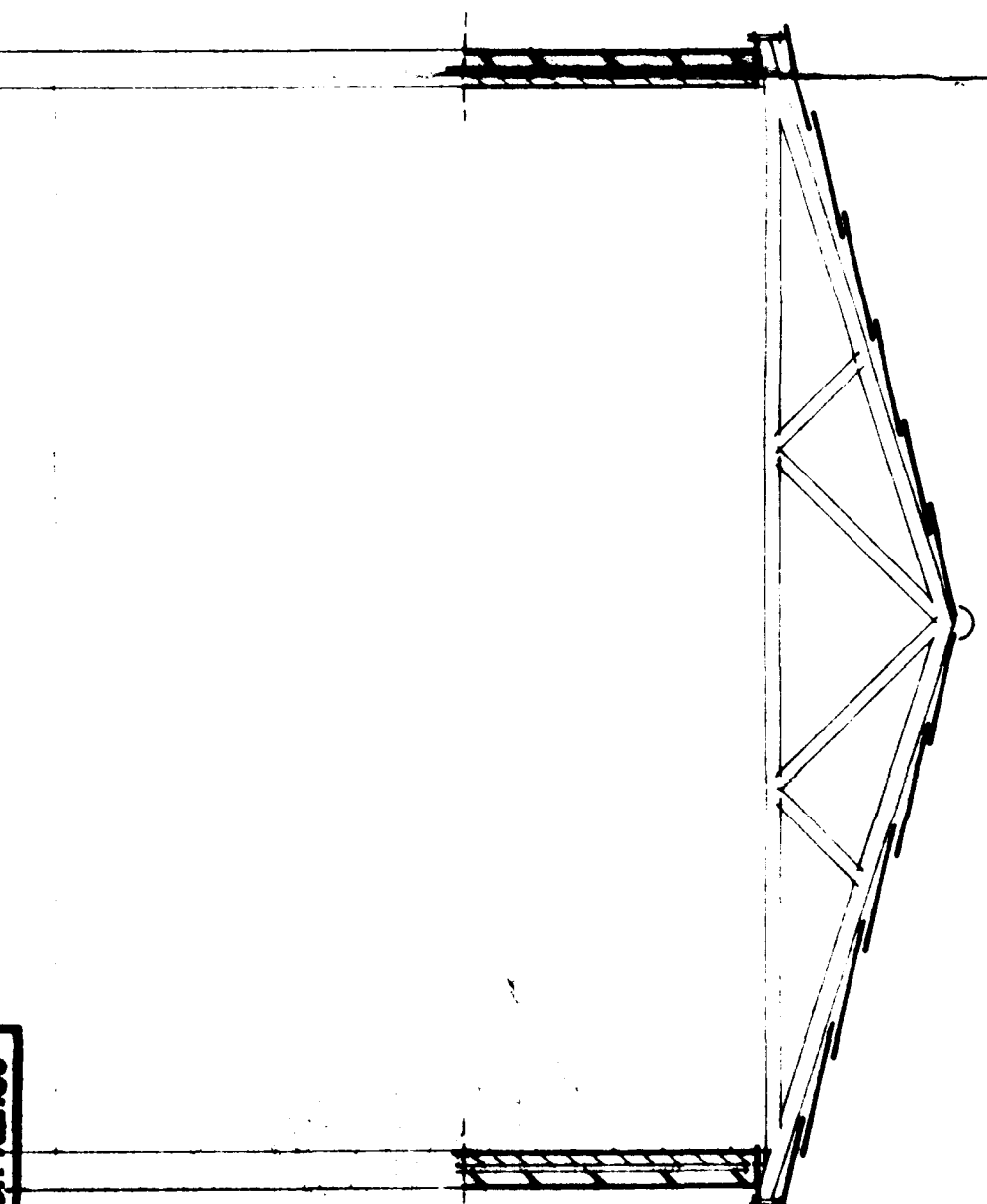
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REAR



PLAN



SECTION

SOUTH HOLLAND D.C.
PLAN DEPT.
01 OCT 1993
REF 0938 93

DESIGN
Status
ARCHITECTS & PLANNING CONSULTANTS

PROPOSED CONVERSION OF
EXISTING BUILDING TO GOODS
VEHICLE MAINTENANCE
BUILDING AT MAIN ROAD,
LUTTON GOVTS FOR

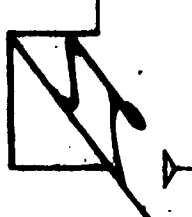
MOUNTAINS ROAD MALLAGE
LTD.

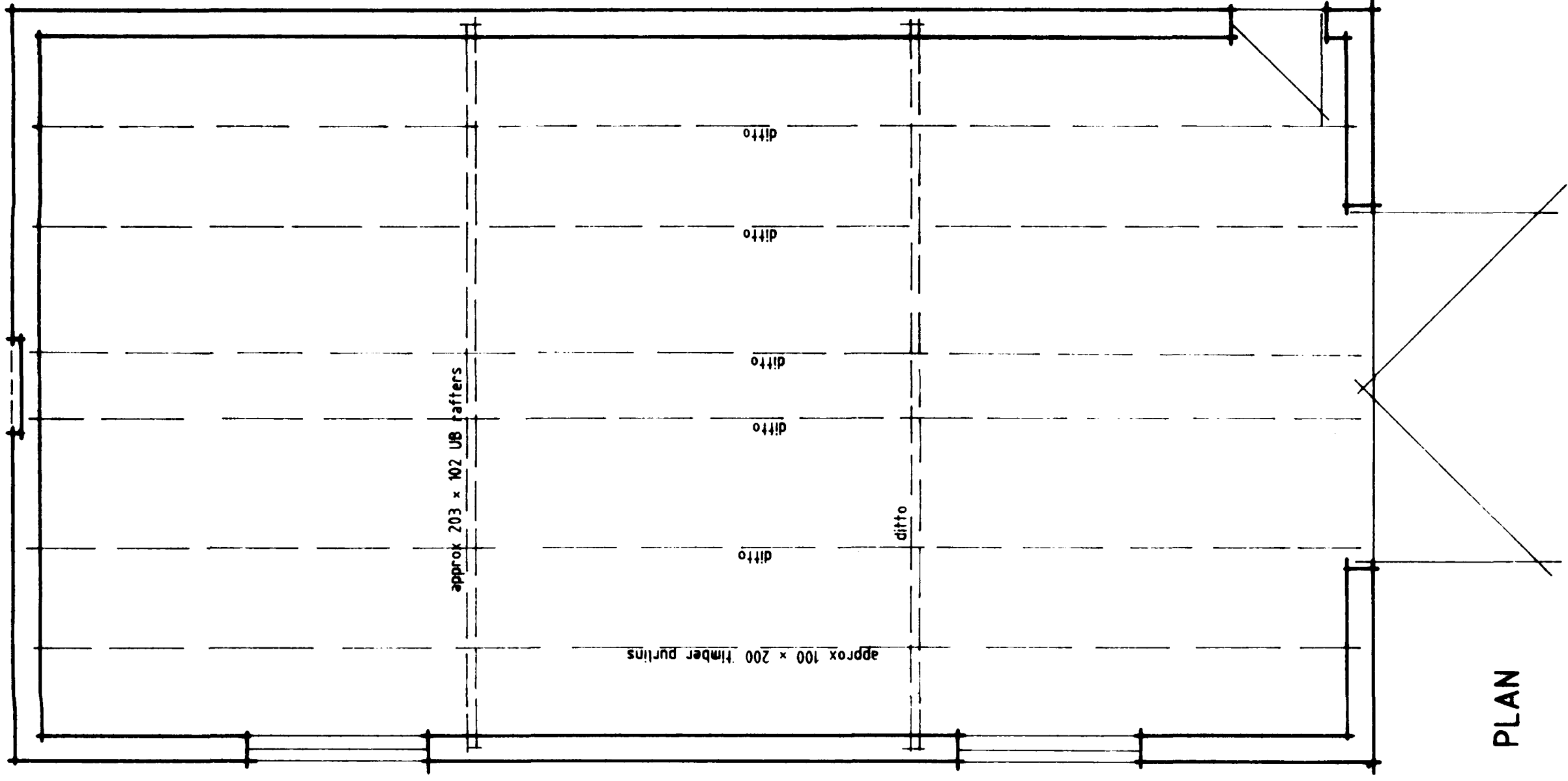
PLAN PROPOSED

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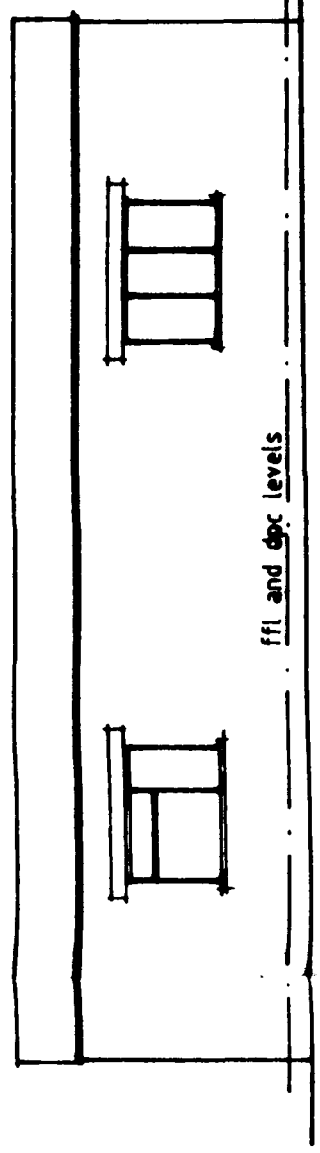
SEPT-93 B. GILMAN

Station House, 4 Prince Street,
Luton, Beds, LU2 7BN
Tel: 0455 2000 Fax: 0455 480702

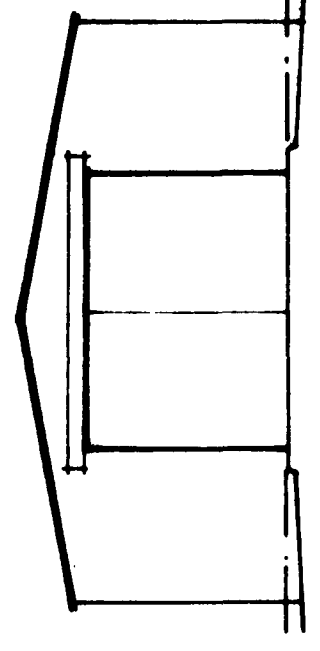




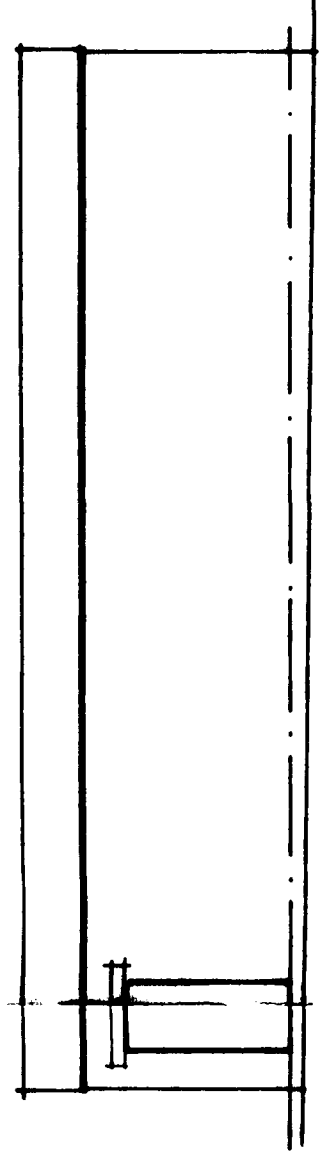
PLAN



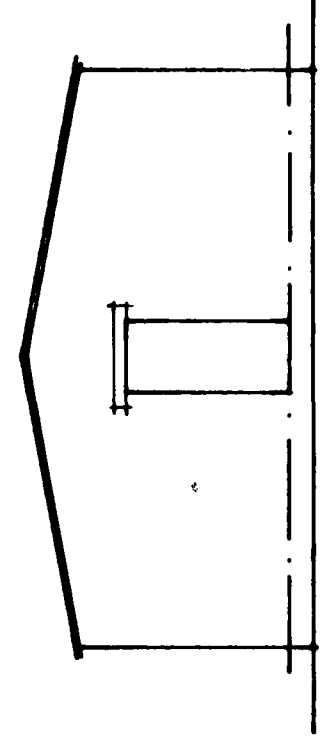
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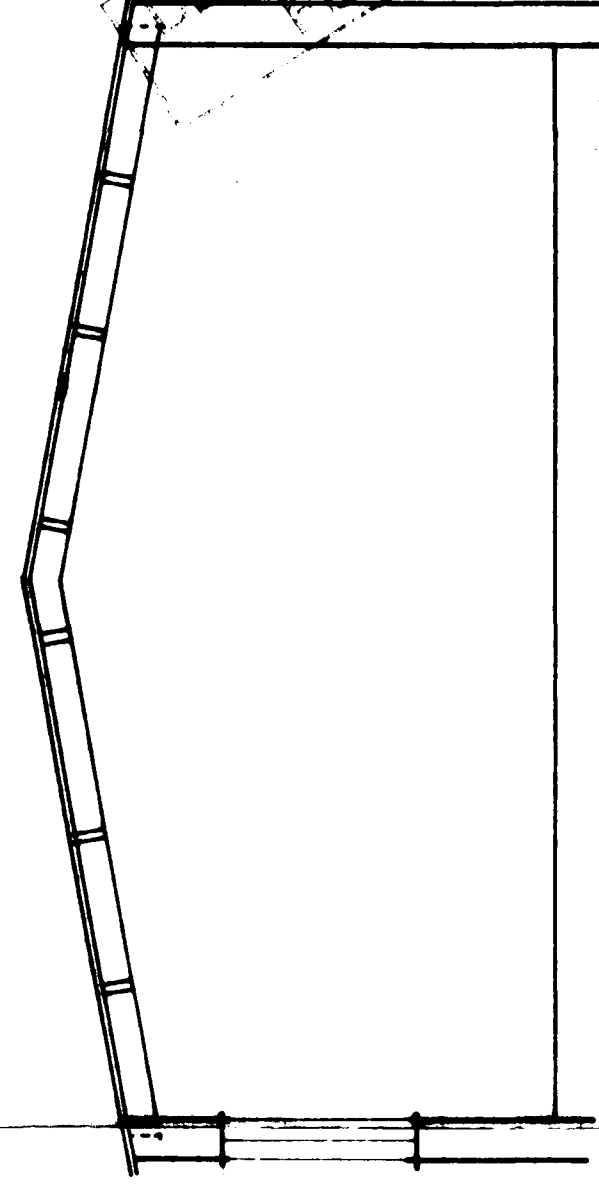
FRONT



SIDE



REAR



SECTION

Status
DESIGN
ARCHITECTS & PLANNING CONSULTANTS

EXISTING PLANS

PROPOSED CONVERSION OF
EXISTING BUILDING TO GOODS
VEHICLE MAINTENANCE
BUILDING AT MAIN ROAD,
LUTTON GOVTS FOR
MOUNTAINS ROAD HAULAGE
LTD

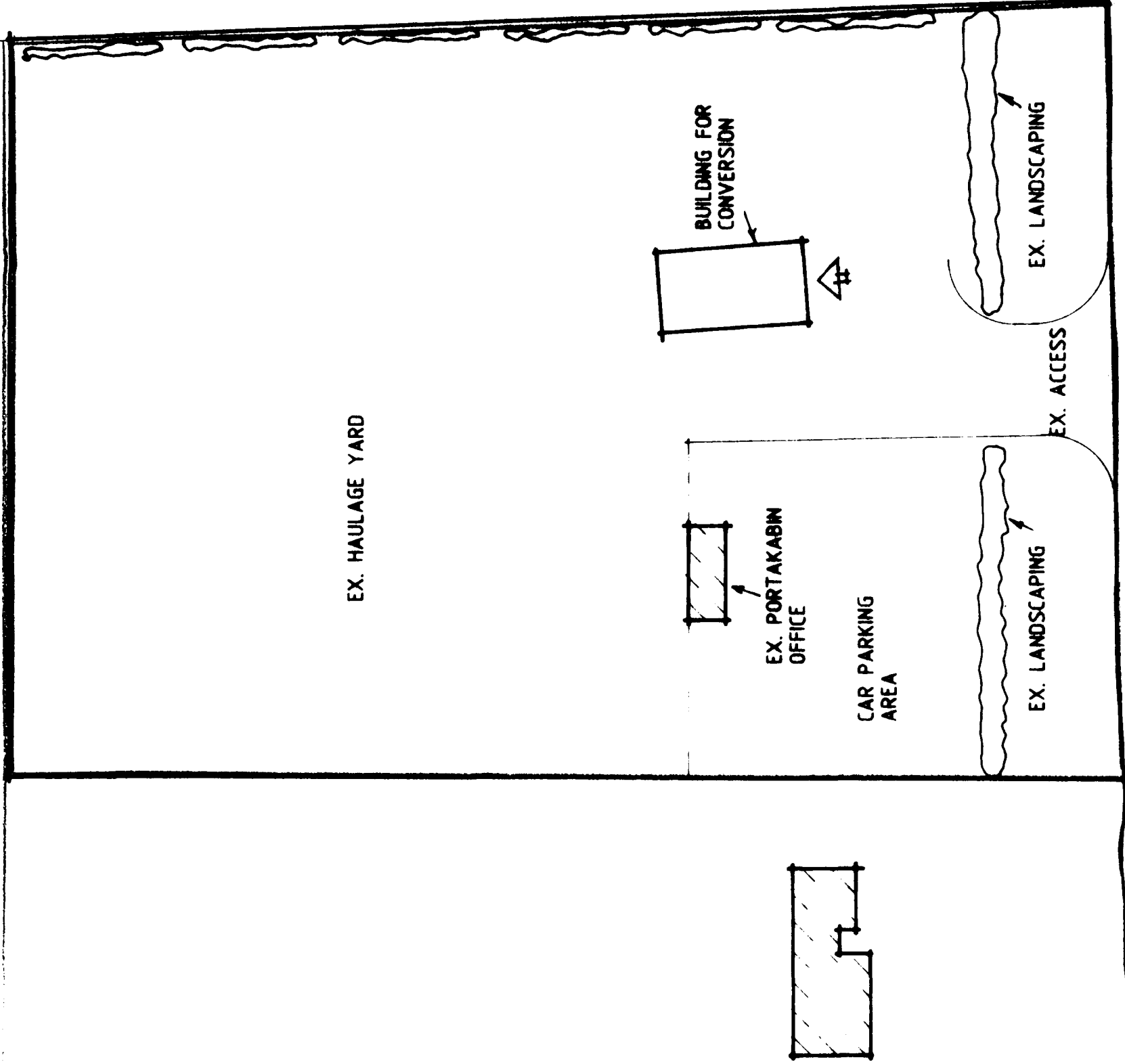
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Date: Aug 93
Drawn: JPM
Dwg. no: 777738/1

Status House, 4 Priests Street,
Hobbsch, Lincs. PE12 7BB
Tel: 0458 24343 Fax: 0458 480702

SOUTH HOLLAND D.C.
PLAN DEPT.
01 OCT 1993
REF. 00138.03

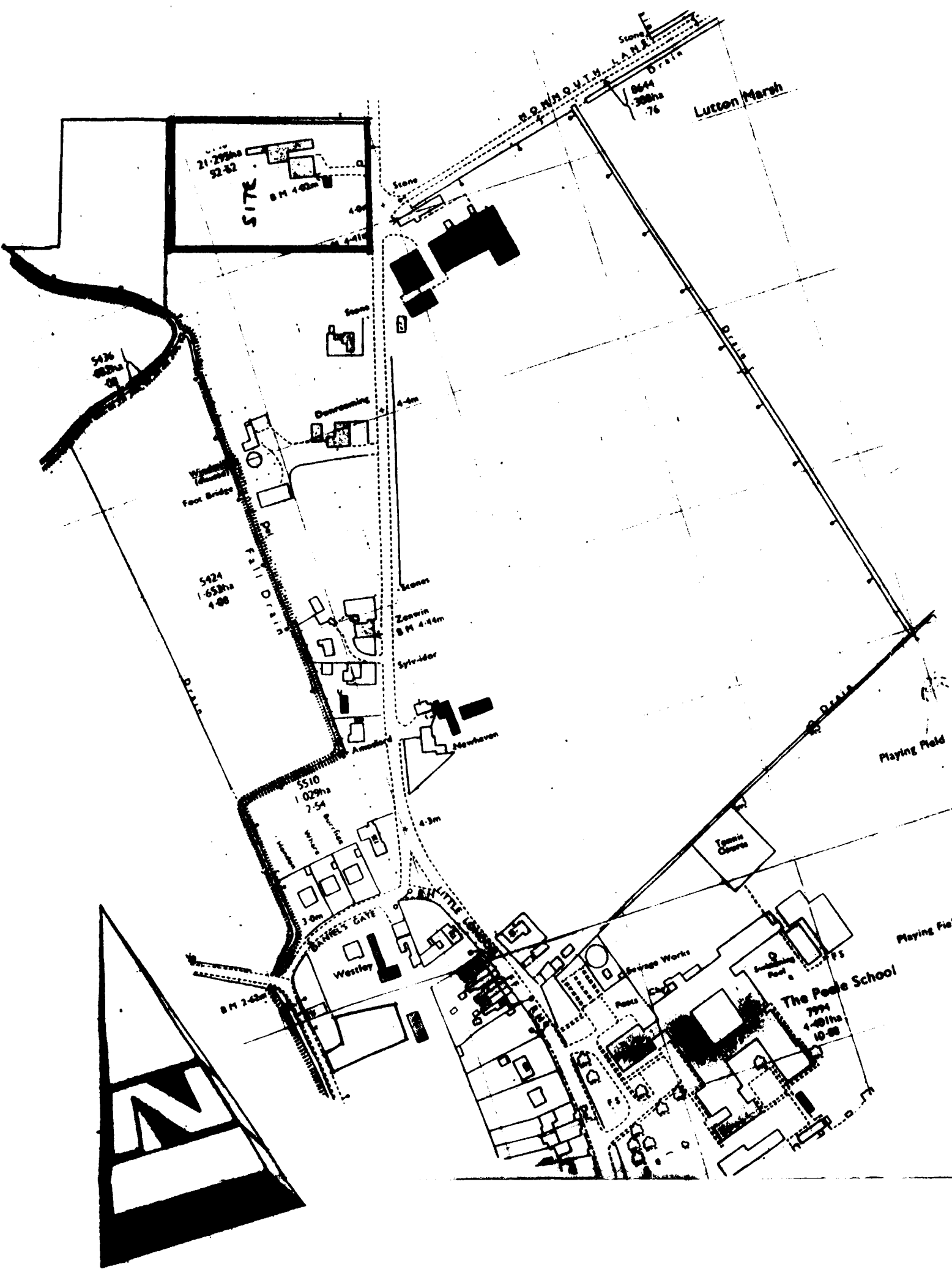
Notes and Discrepancies

Do not scale from this drawing.
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The General Contractor is to check all dimensions on site and report discrepancies to the Architect.
All details shown on this drawing are based upon typical site conditions related to the area. No responsibility can be accepted for abnormal conditions unless reported to the Architects, so that design amendments may be considered.
Please note: This drawing is not a conveyance drawing.



SITE PLAN

THIS DRG. TO BE READ IN CONJUNCTION WITH
771738/1 & 771738/2



LOCATION PLAN

Status
DESIGN
ARCHITECTS & PLANNING CONSULTANTS

PROPOSED CONVERSION OF
EXISTING BUILDING TO GOODS
VEHICLE MAINTENANCE
BUILDING AT MAIN ROAD,
LUTTON GOWTS FOR

**MOUNTAINS ROAD HAULAGE
LTD**

SITE PLAN

1500 1.2500 771738/3

SEPT-93 B. GILHAM

Status House, 4 Pines Street,
Helmetham, Lincs. PE2 7BB
Tel 0408 24343 Fax 0408 480702

**DETERMINED
PLAN**

**SOUTH HOLLAND D.C.
PLAN DEPT.
01 OCT 1993**

REF. 03.03.1993