

ITEM 1

Planning - IGE (ENGIE)

From: Richard Limmer (Engie)
Sent: 13 July 2020 09:45
To: Planning - IGE (ENGIE)
Subject: FW: 59 Cheapside- DM/0759/19/FUL

And this one

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From: stephen boyd <>
Sent: 10 July 2020 14:05
To: Richard Limmer (Engie) <Richard.Limmer@nelincs.gov.uk>; Cllr Philip Jackson (NELC) <philip.jackson@nelincs.gov.uk>; Cllr Nick Pettigrew (NELC) <Nick.Pettigrew@Nelincs.gov.uk>; Martin Dixon (Engie) <Martin.Dixon@nelincs.gov.uk>; Waltham Parish Council <walthampc@btconnect.com>
Subject: RE: 59 Cheapside- DM/0759/19/FUL

Good Afternoon Mr Limmer

Thank you for your email this morning although I found it most concerning.

If this were any other site I would have no qualms about a virtual site visit. There are so many complications attached to 59 Cheapside and so much at stake when it comes to potential flood risk that a physical visit is the only way to reach a decision, in my opinion.

I said that if need be I would be prepared to make a video. It now seems that needs must. Am I still invited to make a video, if so when would it be needed?

If a decision is to be made as a result of the virtual site visit will I be able to speak as I would have done in normal times?

I would appreciate it if you would let me know as soon as possible.

Regards

Stephen Boyd 8 Cheesemans Close

Sent from [Mail](#) for Windows 10

From: [Richard Limmer \(Engie\)](#)
Sent: 10 July 2020 10:24
To: [stephen boyd](#); [Cllr Philip Jackson \(NELC\)](#); [Cllr Nick Pettigrew \(NELC\)](#); [Martin Dixon \(Engie\)](#)
Subject: RE: 59 Cheapside- DM/0759/19/FUL

Good Morning Mr Boyd,

Thank you for your email below and the comments made.

This is an unprecedented time for everyone in all walks of life and adaptations have to be made to allow the continuation of a huge range of services. This includes planning services across the country. The Planning Advisory Service has issued guidance for Local Planning Authorities to follow to allow the decision making process to continue and this includes procedures for Planning Committee site visits.

The Council have carefully considered the options available to conduct a lawful visit and also ensure that Elected Members have the best available information in order to make their decision. To this end it is considered that the safest way forwards to ensure that proper planning decisions can be made is to hold a virtual Committee Site Visit. To allow you, as a neighbouring property, to be involved in that process the offer was made for you to submit a short video for the Committee Members. However we are confident that a video from within the site will provide the necessary information to Members.

Members will conduct the virtual meeting prior to the main Committee on the 22nd July and the application will then be considered in light of the virtual site visit and all the other details presented to them in the normal way and ultimately Members will have the final decision on the application.

I will add your comments below to the file and make Members aware of them so they are aware of your concerns.

Kind Regards

Richard

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From: stephen boyd <>
Sent: 03 July 2020 08:36
To: Richard Limmer (Engie) <Richard.Limmer@nelincs.gov.uk>; Cllr Philip Jackson (NELC)

<philip.jackson@nelincs.gov.uk>; Cllr Nick Pettigrew (NELC) <Nick.Pettigrew@Nelincs.gov.uk>; Martin Dixon (Engie) <Martin.Dixon@nelincs.gov.uk>

Subject: 59 Cheapside- DM/0759/19/FUL

Sent from [Mail](#) for Windows 10

Good Morning Mr Limmer

Thank you for your email inviting me to submit a video for 59 Cheapside.

I understand the need to get on with planning applications and these times need imaginative solutions. I do feel that with this particular development it is important that members of the committee make a physical viewing for themselves to appreciate the complications of the site given its history. I appreciate the difficulties this causes.

The possible risk to flooding relates to the erosion control along with the treatment of the remainder of the bank and the unsuitability of the site for this development of three houses due to the proximity to the bank and its unstable geology; particularly at Plot 1. Added to these now is the proposed scheme for surface drainage.

I must point out that nowhere in any application has any evidence been submitted as to the effect and frequency of peak flows in the beck. Those peak flows are occurring far more frequently and are the significant factors in possible flood risk. We have to live with the development and are first in line if some unforeseen issue in construction or short cut to save money causes our homes to be flooded. As you know the beck is very powerful when in spate and carries huge volumes of water. Under those conditions, even a comparatively small failure of the bank could cause a major problem.

If the application is passed as it stands there will be no opportunity to comment on the actual construction plans of the bank reinforcement. We are being asked to have faith in the developer; some of whose actions so far show a lack of respect to the planning process. Also unresolved is the possible harmful relationship of the reinforcement to the rest of the bank. It is a leap of faith for us to believe future homeowners will be content to have the truncated remains of the hedge as a boundary for their homes. Not an unimportant point as the roots currently bind the rest of the bank.

Also, the opposition of neighbours and Waltham Parish Council to rooms in the roof is well documented. We believe the topography of the site and the proximity of Plot 1 to the top of the beck make the proposed homes unsuitable. Genuine bungalows would be more acceptable, but not until a thorough and transparent resolution to the problems relating to the long term stability of the bank has been presented.

It is for those reasons I think a physical viewing is a necessity. I am not sure that I can produce a 2-minute video that would encompass all of the above that neighbours regard as combining to make this a complicated development. However, if need be I am prepared to try and will contact you by phone as you suggest after giving it thought.

Regards

Stephen Boyd 8 Cheesemans Close Waltham

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Supplementary Report

Item 2 – DM/0130/20/FUL 36 Bargate

The following comments have been received from the applicant's agent following the publication of the officers' report and is set out below. The points raised are noted and where required a response is outlined below but these do not alter officers' recommendation. In addition to this, the Highway Authority has responded to the letter and this is also outlined below.

Email received 17 July 2020

We have seen that the committee report has been published online. I'm afraid we have some significant concerns regarding part 3 of the appraisal as we believe that this contains some inaccuracies and does not reflect where we had got to in discussions with the highway authority. Specifically:

- The report makes no mention of the independent Road Safety Assessment or Road Safety Audit that were commissioned at the request of highways and at some expense to the applicant. Neither of these reports found that the proposed access arrangements would have any unacceptable impacts on highway safety. Members should be made aware of these documents and that there is a difference in professional opinion here between highway officers on the one hand and the applicant's highways consultants and the independent road safety auditors on the other.

- In terms of the accident data it should be noted that two of the reported incidents occurred further to the north on Bargate rather than in the vicinity of the application site and the Augusta St/Brighowgate junction. To provide context we would note that in the highway authority's own assessment, existing highway safety issues are categorised as green/amber with a score of 8-12 out of a possible 25 (with the higher figure representing the most significant highway safety issues).

- It is not correct to say that a HGV waiting to turn right into the site would block the free flow of traffic on Bargate. We have provided detailed swept path analysis drawings as part of the technical note dated 29th April which show that the proposed right turn pocket would accommodate a HGV vehicle and provide sufficient room for not only cars but HGVs and buses to pass on the north and southbound carriageways. As such there would be no reason for cars or any other vehicles to mount the pavement endangering the safety of pedestrians. Whilst the report does acknowledge that HGV movements will take place at quieter times of the day, it should also be noted

that there would typically be an average of only two such movements a day (as per the indicative delivery schedule included in the TS).

- The proposed arrangements would not unacceptably 'squeeze' cycle traffic on Bargate. Carriageway widths of more than 3 metres will be available to either side of the proposed right turn provision. This is greater than the 6-metre total carriage width available immediately to the north of the application site on Bargate. We note that none of the recent accident data in the vicinity of the site involved cyclists.
- No mention is made of the proposed right-turn facility to Abbey Road. The independent road safety auditors found that this represented a betterment on the existing position.
- The commentary regarding the proposed customer vehicle egress to Augusta Street makes no mention of the existing access and egress here that could be brought back into use at any time. The application scheme will remove the existing access facility, move the egress further back from the junction with Bargate and the existing boundary walling will be lowered here to improve inter-visibility at the Augusta St/Bargate junction. Parked cars on Augusta St (as mentioned in the committee report) should not be relevant given that the applicant has accepted the need for a TRO. At the request of highways, the extent of the TRO restrictions required was shown on drawing no. 69907 CUR 00 XX DR TP 05005 P01 which was submitted to the Council on 2nd May.

In light of these matters we are concerned that members are not going to be fully appraised of the relevant issues. I appreciate that you intend to discuss this further with highways tomorrow but given the above issues and current timescales, our preference would be for this item to be re-scheduled to the committee meeting of 12th August.

Officers Response

The officers report refers to applicant's additional reports submitted assessing highway safety including the potential right turn ghost lane. Neither option was deemed acceptable and have not be submitted as part of the formal suite of plans. For clarity, however, option 2 is included within the committee presentation.

The accident data provided shows incidents with the area surrounding the site as outlined within the report, for clarity however, two slight accidents did occur to the north of the immediate junction of Augusta Street/Bargate closer to College Street. Nevertheless, the overall accident data for the area remains as stated.

For clarity to ensure that HGVs and larger vehicles could pass along Bargate when another large vehicle is waiting to turn right into the site it would be required to straddle the current white line into the opposing carriageway. A right-hand turn ghost lane would still require HGV's to be located in the same central area of the road for other large vehicles to pass but within formalised road marked area. Similar attendant problems as stated would still occur along with other conflicts including congestion. The highway authority has not accepted that this would represent a satisfactory option as stated.

It is accepted that a Traffic Regulation Order could be sought to Augusta Street but this is a separate legislative procedure to planning.

Highway Authority Response

The committee report in preparation for the meeting on Wednesday 22nd covers everything that is required.

In terms of the points made, the road safety audit is available on the planning portal for viewing. It should be noted that the Highway Authority, along with the independent auditor who assessed the road safety audit, are in agreeance that the application should be refused on all the grounds previously set out. It is the applicants Highway consultant who is in dis-agreeance to this.

Any HGV's attempting to undertake the required manoeuvres would cause a conflict with other vehicles and potentially cause other road users to back up which the Highway Authority have stated would not be acceptable in this location.

The applicant is correct regarding the existing access for the former use of the building however it must be remembered that this proposed use is very different to that of the previous use and would not carry the same road safety concerns as this does.

I understand the applicants are disappointed with our proposal for refusal but unfortunately, we are not in a position to change our stance on this.

ITEM 1

Carol Pedersen (Engie)

From: Richard Limmer (Engie)
Sent: 20 July 2020 13:00
To: Carol Pedersen (Engie)
Subject: FW: 59 Cheapside - DM/0759/19/OUT

This is the one...

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From: Hannah Lucas
Sent: 06 July 2020 07:58
To: Richard Limmer (Engie) <Richard.Limmer@nelincs.gov.uk>; Martin Dixon (Engie) <Martin.Dixon@nelincs.gov.uk>
Cc: Waltham Parish Council <walthampc@btconnect.com>; Cllr Nick Pettigrew (NELC) <Nick.Pettigrew@Nelincs.gov.uk>; Cllr Philip Jackson (NELC) <philip.jackson@nelincs.gov.uk>
Subject: Re: 59 Cheapside - DM/0759/19/OUT

Dear Richard

Thank you for your Email sent 17.40 2nd July 2020.

By asking whether I can make a video as a way to replace the 'site visit' are you suggesting that I venture down into Buck Beck?

1. I do not have the equipment to make a video (my phone has an old operating system);
2. I do not have the skills to make a quality video fit for this purpose and I'm not sure why it's my responsibility to make one (to replace a site visit);
3. You are asking me to prioritise time for this when I am currently caring for several elderly people (with dementia) - due to adult social services being unable to become involved during these unprecedented times – making a video, editing it, including a commentary etc. will take a considerable amount of time – as neighbours we have spent many, many hours on this application as it is;
4. Health & Safety must be thought about if I am going into Buck Beck, especially with any video equipment;
5. Finding an angle to produce a video of the site from Cheeseman's Close cannot easily be done due to the physical difficulties posed by the Buck Beck and the mass of vegetation at present;
6. Videos do not always illustrate size, scale or perspective effectively;

7. I am unsure what prevents the Planning Committee from having a 'socially distanced' site visit – my garden is a reasonable size.

In summary I think asking members of the public to provide a video to replace a site visit is completely unacceptable especially for this complicated site. An actual site visit is necessary.

You mention that these are unprecedented times and present a vast range of challenges to us all. I am working harder than ever both at home and in the community whilst only receiving a comparatively small income to support myself.

The restrictions and difficulties brought about by Coronavirus are diverse and bring a great deal of inconvenience to many people. We have all had to show a great deal of resilience and a great deal of patience. You mention that this application was deferred in March for a site visit which means it has missed a couple of 'virtual' planning meetings – this is a very small interruption especially when you consider how long this planning application has been going on for, the number of breaches of conditions and what we have had to endure as neighbours. Many things just have to wait and I would suggest that this is one of those things.

There should be no rush to cut corners by skipping a site visit in person. A video is no substitute for a site visit where individual councillors can observe first-hand for themselves this site with complex issues and ask questions which their observations may pose and seek clarity in the details. Councillor Stephen Harness expressed how useful he found the site visit in January 2018. The Planning Committee subsequently refused the application.

Following an appeal by the developer, the Planning Inspectorate found it necessary to make a lengthy site visit herself in order to give due consideration to all the factors (even though her inspection was halted after commenting on the size and proximity of the proposed dwellings to the beck and did not then investigate further the aspect of single storey dwellings or bank stability).

Furthermore, asking a member of the public to make a video is not a viable option when you consider the complexity of the site that councillors are being asked to make an informed decision on. The position of Buck Beck in relation to the site (and the position of the proposed dwellings on Plot 1) and the topography of the site with its steep incline up to Cheapside mean this site needs to be seen to be appreciated and understood fully. This is a complex site. Yes the measurements may allow for 3 dwellings on paper but the proximity of the beck and topography (plus the past history of the site) etc. give this site a unique set of conditions and cannot be considered in the same way as a landlocked site. In addition there are huge implications for Cheeseman's Close with respect to potential flooding.

Flooding is becoming an ever increasing and more frequently occurring threat around the country. The issue of flooding was commented upon at the March 2020 Planning Committee and was an issue questioned by Councillor Bill Parkinson which led to the decision by Councillor Nick Pettigrew that a site visit was necessary. This was the same conclusion reached in December 2017 when Councillor Iain Colquhoun proposed a site visit. Councillor Bill Parkinson also requested that Andy Smith (Drainage Officer) be invited to attend the site visit with councillors.

The planning officers continually recommend this application for approval yet there are many questions still unanswered and the application is still lacking a good deal of detail.

To uphold the integrity of the planning process the decision by the Planning Committee that, in the case of 59 Cheapside – DM/0759/19/OUT, a site visit was necessary should be upheld.

Good Evening Hannah,

I hope you are well and have kept safe during these troubled times.

As you may be aware the Council have been seeking to try and keep the planning system moving along during the Covid pandemic. To this end we have now held two virtual Planning Committee meetings and we plan to carry on in this format for the foreseeable future. This being the case we have had to look at how the above planning application could be dealt with given it was deferred at the March Committee for a site visit. This visit will now happen virtually with a series of videos from within the site which we will prepare but in order for the neighbours to be involved as 'normally' as possible we would like to invite you to submit a video to us to play to Committee. Would this be something you could do or would like to do? If so I would ask that you follow the following points:

- Video limited to 2 minutes long;
- Any commentary you wish to add is highlighting facts on the ground and is not discussing the merits of the case;
- If you could also submit a brief written commentary in case the video commentary doesn't work.

I am of course happy to chat through this in more detail (please call my mobile below). These are unprecedented times that are presenting a vast range of challenges to us all so we will do our best to work with you to ensure the process is as thorough as possible.