
Appeal Decision

Site visit made on 7 November 2017

by Helen Cassini BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13 November 2017

Appeal Ref: APP/B3030/W/17/3180831

**Land to the rear of 21 Strawberry Hall Lane, Newark on Trent,
Nottinghamshire NG24 2EX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr G Briggs Price against the decision of Newark & Sherwood District Council.
 - The application Ref: 17/00544/FUL, dated 20 March 2017, was refused by notice dated 12 June 2017.
 - The development proposed is a proposed change of use to land to rear of 21 Strawberry Hall Lane to provide staff car parking area.
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Decision

1. The appeal is allowed and planning permission is granted for a proposed change of use to provide staff car parking area at land to the rear of 21 Strawberry Hall Lane, Newark on Trent, Nottinghamshire NG24 2EX in accordance with the terms of the application, Ref: 17/00544/FUL, dated 20 March 2017, subject to the conditions set out in the attached scheduled.

Procedural Matter

2. I have used the address of the proposal from the Council's decision notice as it provides an accurate location of the site.

Main Issues

3. The main issues of the appeal are the effect of the proposal on:
 - (i) the character and appearance of the surrounding area; and
 - (ii) the living conditions of neighbouring residents, with particular regard to noise and disturbance.

Reasons

Character and appearance

4. The appeal site originally formed part of the rear garden of 21 Strawberry Hall Lane. However, at the time of the site visit the proposed area had been separated from the rear garden by an approximately 1.8 metre close boarded fence.
5. The site, although somewhat over grown at the time of the visit, is relatively flat and bounded to the east and west by mature vegetation and a mix of low

- walling and close boarded fencing. The palisade fencing and gate on the southern boundary separates the appeal site from the commercial premises of Seventy Seven Motors, which the development proposed is to serve.
6. The appeal site is located within a predominately residential area, although the Newark Industrial Estate bounds the appeal site and adjacent dwellings on Strawberry Hall Lane. Seventy Seven Motors occupies a significant site, with a large metal clad building in the centre. At the time of the site visit, a significant number of motorhomes were parked at the commercial premises. It was evident that parking space for the required number of motorhomes is severely limited. Consequently the overall site appears cramped and lacking in adequate parking space for the motorhomes.
 7. The planning history of the site is noted. In particular, the previous planning application¹ on the same site for the change of use to enable 10 parking spaces for motorhomes to be worked on in the workshop. In addition, the amendments made to the scheme before me, including the proposed reduction in both the number of parking spaces and the hours of use of the car park, are acknowledged.
 8. Observations of the site were made from both the commercial premises and from accessing the site via the rear garden of No 21. The proposed site would not be visible from within the public realm on Strawberry Hall Lane or land to the front of the commercial premises on Northern Road.
 9. Aspects of the site would however be visible to the adjoining neighbours at 19 and 23 Strawberry Hall Lane. It is further noted that views of the site may be visible from some first floor windows of dwellings located on Trent Way; however the degree of visibility from these locations would be somewhat limited.
 10. The character of the appeal site would change from its current overgrown and unkempt appearance to that of a hard surfaced car park. The existing mature landscaping on site would be retained and additional landscaping would be introduced to the site; along with 1.8 metre close boarded fencing to the east and west boundaries. If I were minded to allow the appeal it would be considered reasonable and necessary to control these aspects via planning conditions, in order to protect the character and appearance of the site.
 11. The Council raised concern with regard to the impact of the boundary change of the industrial estate on the character and appearance of the area. It is accepted that the change of use of the site would be a move from a previous residential use. Nonetheless, the scale of the car park would be modest and the proposed landscaping and boundary treatments would not only be in keeping with the surrounding locality but would assist in screening any localised views into the site.
 12. The concern raised by the Council in relation to the setting of a precedent for future development within the locality is also noted. However, the proposal has been considered on its individual merits based on the specific design put forward.
 13. Within this context, it is considered that the proposal would not appear as an incongruous feature in the area and would not significantly alter the character

¹ Council reference 16/01288/FUL

and appearance of the area. The proposal would not therefore be in conflict with Policy 9 of the Newark and Sherwood Local Development Framework Core Strategy Development Plan Document 2011 (the CS) and Policy DM5 of the Newark and Sherwood Local Development Framework Allocations & Development Management Development Plan Document 2013 (the DPD). When taken together these policies, amongst other things, seek to ensure that development responds positively to local character and is of a high standard of design.

Living conditions

14. Concern was initially raised regarding the location of proposed car parking spaces in proximity to the conservatory located within the garden of 23 Strawberry Hall Lane. However, as a result of amendments made to the scheme in terms of the removal of the 3 most northerly car parking spaces, a minimum separation distance of approximately 14 metres would exist between the rear of the dwellings at Nos 19, 21 and 23.
15. Some noise would be generated by the change of use of the site as a result of conversations being held in the car park, the turning over of car engines and vehicles manoeuvring to and from the site. In addition, during the winter months light from the headlights may be visible as cars enter and leave the site. However, given the average height of the car headlights, the proposed boundary treatments would assist in screening the illumination.
16. During the day time the potential for noise and disturbance is unlikely to have a significant impact on neighbouring dwellings. However, later in the evening or during weekends and bank holidays, neighbouring occupiers might reasonably expect a degree of peace and quiet as they relax within their dwellings and gardens.
17. The hours of use of the site originally proposed were 0730 to 1830 Monday to Friday and 0800 to 1600 during weekends and bank holidays. However, in order to further protect residential amenity, the hours of use proposed were amended to 0800 to 1800 Monday to Friday, with no use during weekends or bank holidays. If I were minded to allow the appeal it would be considered reasonable and necessary to control the use of the car park via a planning condition in order to ensure residential amenity would not be adversely harmed.
18. Due to the adequate separation distances and proposed hours of use, the proposed change of use would not have such an adverse impact on residential amenity as to warrant the refusal of planning permission. Accordingly, the proposal complies with Policy 9 of the CS and Policy DM5 of the DPD. When taken together these policies, amongst other things, seek to ensure development does not result in an unacceptable reduction in residential amenity.

Conditions

19. The conditions suggested by the Council have been considered against the tests of the National Planning Policy Framework and advice provided by the Planning Practice Guidance. They are found to be reasonable and necessary in the circumstances of this case; however some have been combined and edited for precision and clarity.

20. In addition to the standard commencement condition, a condition is necessary requiring that the development is carried out in accordance with the approved plans in order to provide certainty. A condition to secure appropriate hard and soft landscaping is necessary in the interests of the character and appearance of the site and biodiversity. Conditions relating to the hours of use, the number of vehicle's utilising the site and control of the use of the site are also necessary in the interests of residential amenity.

Conclusion

21. For the above reasons, it is therefore concluded that, subject to conditions, the appeal should be allowed.

Helen Cassini

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan Dwg No. 231/2016; Existing Site Plan Dwg No. 231_2016_01; Proposed Site Plan Dwg No. 231_2016_02 Rev B.
- 3) The use hereby permitted shall only take place between the following hours: 0800 to 1800 Mondays to Fridays, with no use on Saturdays, Sundays or Bank Holidays.
- 4) No development, other than demolition and ground works, shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - i) a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other plants, noting species, plant sizes, proposed numbers and densities. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species;
 - ii) existing trees and hedgerows, which are to be retained pending approval of a detailed scheme, together with measures for protection during construction means of enclosure and retaining structures;
 - iii) proposed finished ground levels or contours;
 - iv) car parking layouts and materials; and
 - v) boundary treatments.

The landscaping works shall be carried out in accordance with the approved details before any part of the development is brought into use in accordance with the agreed scheme. The completed scheme shall be managed and maintained in accordance with the approved scheme of management and shall thereafter be retained in the approved form.
- 5) Not more than 11 staff vehicles shall be parked within the site, as illustrated on approved plan Proposed Site Plan Dwg No. 231_2016_02 Rev B, at any one time.
- 6) The use hereby permitted shall be used for staff vehicle parking only and for no other use ancillary to the adjacent premises to which it will serve.