The Planning Inspectorate

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

B/311/KJ/P

927

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Calthrops
Solicitors
11 Market Place
SPALDING
Lincolnshire
PE11 1SP

PLANNING DEPT.
RECEIVED
24 JUN 1993

Your Ref:
PR/12874
Our Ref:
T/APP/A2525/A/93/221127/P8

Date: 23 JUN 93

Dear Sirs

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY R ROUT ESQ
APPLICATION NO: H16/1051/92

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. This appeal is against the decision of the South Holland District Council to grant planning permission for the change of use from residential to residential/business of the premises at 27 Goodfellows Road, Spalding subject to conditions. I have considered the written representations made by you and by the Council and also those made by interested persons including those made directly to the Council and forwarded to me. I inspected the site on 25 May 1993.

2. Under the above reference the Council granted retrospective planning permission for the change of use of 27 Goodfellows Road from residential to residential/taxi business subject to 3 conditions. These are:

> 1. At the expiration of a period of 2 years from the date of this permission the use hereby permitted shall cease.
>
> 2. The premises shall not be used by taxi vehicles between 11.00 pm and 7.00 am during weekdays and no taxi shall operate from the site on a Sunday.
>
> 3. One taxi only shall operate from the site. All other taxis used by the applicants shall operate from Ranks.

This appeal is against the imposition of Condition 2.

3. From the written representations and from my inspection of the appeal site and its surroundings I consider the main issue in this case is the effect of relief from Condition 2 on

100%

the amenities of neighbouring residents in terms of noise disturbance.

4. Your client has set out the reasons why he regards the time limits imposed by Condition 2 as impractical in terms of his business operation. He is prepared to accept a time limit on operations from the appeal premises of 1.00 am to 5.00 am throughout the week.

5. The Council has explained that in considering applications for planning permission for changes of use such as that from your client a balance is sought between the needs of the business and the amenities of the neighbouring residents. Condition 2 was attached to planning permission with the intention of helping to protect the amenities of neighbours so that they are not disturbed by cars leaving and returning to the site during unsociable hours.

6. On my inspection I saw that this section of Goodfellows Road is a narrow cul-de-sac with no full vehicular turning facilities at the end. Houses on each side are semi-detached with small front gardens. In my opinion the use of the appeal premises for the operation of a taxi business during unsociable hours would give rise to a significant level of noise disturbance to neighbours from engine starting, vehicle manoeuvres, and doors closing. This is supported by representations from neighbours that such disturbance is experienced as a result of taxis leaving and returning to the premises. I appreciate that your client's business flexibility and scale of operations will be affected by the time limits imposed by Condition 2, but consider that local residents are entitled to expect a period of relative calm during night-time and on Sundays. In my view the terms of Condition 2 strike a reasonable balance between the business needs of your client and the amenities of his neighbours in Goodfellows Road.

7. I have taken account of all other matters raised in the representations and find none to be of such weight as to alter my conclusions on the main issue.

8. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

Yours faithfully

Peter J. Baldwin

PETER J BALDWIN BSc FICE FIHT
Inspector

FILE COPY

SOUTH HOLLAND DISTRICT COUNCIL

Town and Country Planning Act 1990

Planning Permission

Reference: H16/1051/92 Received:13-OCT-92 Type:FULL

Name: Mr R Rout
27 Goodfellows Road
Spalding
Lincs

Agent: Calthrops Solicitors
11 Market Place
Spalding
Lincs

Description: Change of use residential to residential/taxi business

Location : 27 Goodfellows Road Spalding

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 At the expiration of a period of two years from the date of this permission the use hereby permitted shall cease.

Reason: Experience has shown that this type of use can become a considerable source of nuisance to neighbouring residential properties and a temporary permission will allow the Local Planning Authority to review the situation in the light of experience and to establish whether the conditions below can overcome the potential problems.

2 The premises shall not be used by taxi vehicles between 11.00 pm and 7.00 am during weekdays and no taxi shall operate from the site on a Sunday.

Reason: To protect the amenities of this residential area.

3 One taxi only shall operate from the site. All other taxis used by the applicants shall operate from Ranks.

Reason: To protect the amenities of this residential area.

Notes to Applicant:

The applicant is advised that if he wishes to continue the use after the expiration of the period permitted, it will be necessary for a further permission to be applied for.

The applicant is advised that the telephone shall be located in a position where it will least cause disturbance to neighbours and thereby minimise the likelihood of complaints.

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

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

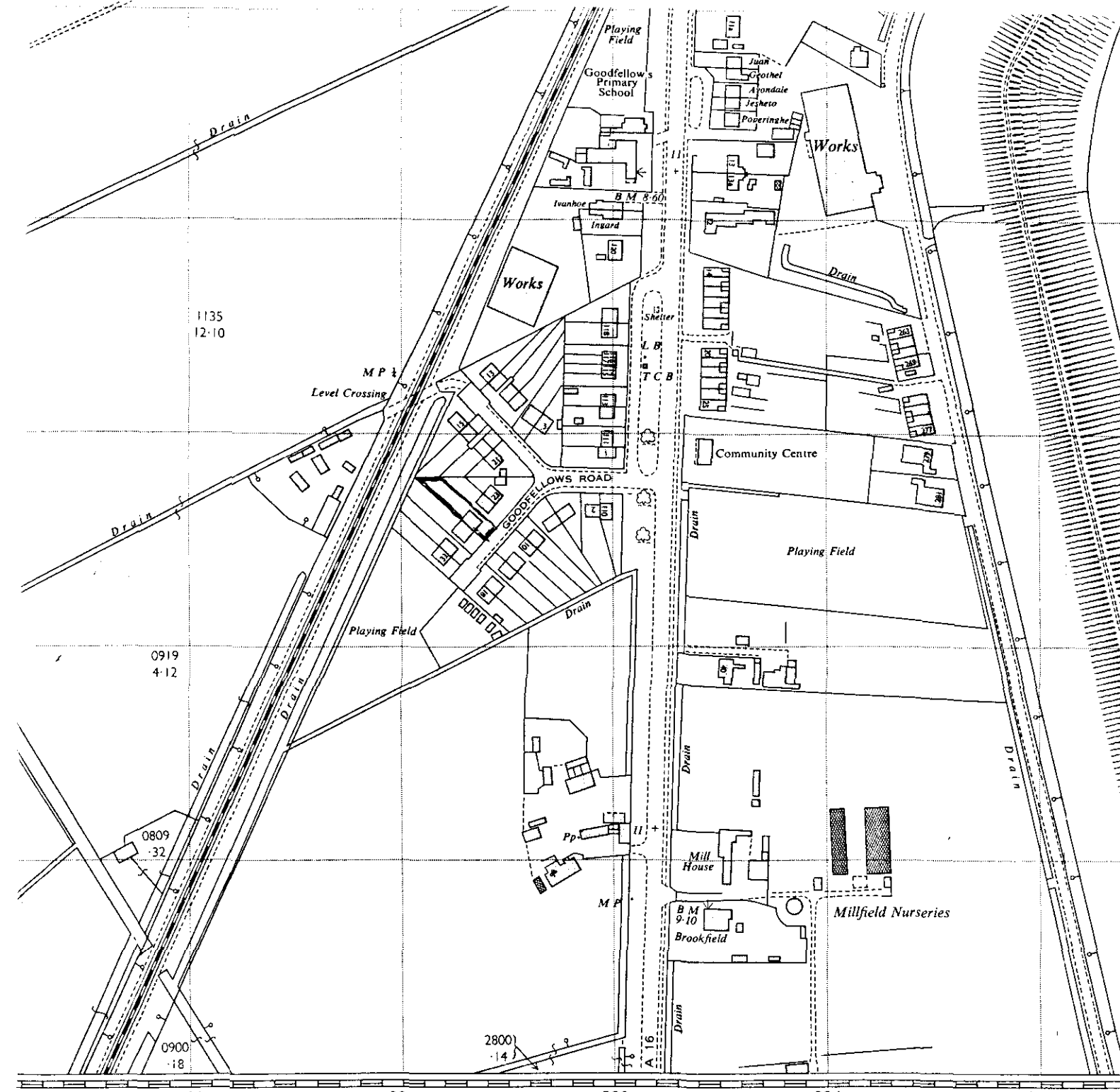
SOUTH HOLLAND DISTRICT COUNCIL

Director of Planning and Building Control Services
27-NOV-92 H16/1051/92

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

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

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



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Card published separately.

REFERENCE

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Maps and Plans and the National Reference System."
no evidence of the existence of a right of way.
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...n is approximate.

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Fire Alarm Pillar	FAP
Flagstaff	FS
Foot Bridge	FB
Fundamental Bench Mark	FBM
Guide Post	GP
Mean High or Low Water	MHW or MLW

Letter Box	
Level Crossing	
Loading Gauge	
Mail Pick-up	
Mile, or Mooring Post	
Mile Stone	
Pillar, Pole or Post	
Police Call Box	
Police Telephone Pillar	
Post Office	
Public Convenience	
Public House	
Pump	

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