
Appeal Decision

Site visit made on 6 February 2016

by Daniel Hartley BA Hons MTP MBA MRTPI

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

Decision date: 14 February 2017

Appeal Ref: APP/Z4310/W/16/3161599

142A, 142-144 Picton Road, 3-5 Bishopgate Street, Liverpool L15 4LJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mrs Maureen Parkes against the decision of Liverpool City Council.
 - The application Ref 16O/240, dated 9 January 2016, was refused by notice dated 29 April 2016.
 - The development proposed is to remove shipping containers from 142-144 Picton Road; use the first floor of 142A Picton Road for administration purposes; to erect a single storey building (width no greater than 8.8 metres, depth for Picton Road no greater than 9.3 metres, height at Picton Road no greater than 5.6 metres including a pitched roof) and to erect a steel fence to the eastern and southern boundaries of 142-144 Picton Road; to use the new building and open space for the storage of tool hire equipment with access from 142A Picton Road and to use 3-5 Bishopgate Street as a parking area.
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Decision

1. The appeal is allowed and outline planning permission is granted to remove shipping containers from 142-144 Picton Road; use the first floor of 142A Picton Road for administration purposes; to erect a single storey building (width no greater than 8.8 metres, depth for Picton Road no greater than 9.3 metres, height at Picton Road no greater than 5.6 metres including a pitched roof) and to erect a steel fence to the eastern and southern boundaries of 142-144 Picton Road; to use the new building and open space for the storage of tool hire equipment with access from 142A Picton Road and to use 3-5 Bishopgate Street as a parking area at 142A, 142-144 Picton Road, 3-5 Bishopgate Street, Liverpool L15 4LJ, in accordance with the terms of the application Ref 16O/0240, dated 9 January 2016, subject to the conditions set out in the attached schedule.

Procedural Matters

2. I have used the description of development from the Council's refusal notice as this succinctly describes the appeal proposal. However, and for the avoidance of doubt, the appellant also proposes "appropriate signage" for the car parking area at 3-5 Bishopgate Street.
 3. The application is submitted in outline with all detailed matters reserved. I have dealt with the appeal on that basis, treating the proposed elevation plans as indicative only.
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4. The Council has not provided an appeal statement and the delegated officer report includes only the reasons for refusal that appear on the decision notice. The Council's decision notice does not make reference to any development plan policies. Nonetheless, the Council's appeal questionnaire refers to saved Policy H4 of the City of Liverpool Unitary Development Plan 2002 (UDP) and I have been provided with a copy of such a policy. I have determined the appeal taking into account the amenity aims of this policy.
5. Both the Council and the appellant have provided me with comments from the Highway Authority dated 8 March 2016. For the avoidance of doubt, the Highway Authority raises no objection to the proposal but states that *"it is noted that the proposed car parking provides 7 parking bays in a given width of 1 m. This would only provide 2.1 m for each parking bay width. The usual standard parking bay width is 2.4 m wide x 4.8 m long which would allow for 6 marked out parking bays rather than the 7 spaces proposed"*.

Main Issue

6. The main issue is the effect of the proposal upon the living conditions of the occupiers of surrounding properties with specific reference to noise and disturbance, vehicle movements and on-street parking.

Reasons

Site and proposal

7. The appeal site is positioned on the corner of Bishopgate Street with Picton Road and is in one ownership. Whilst there are other commercial properties in the locality (including Chestnut Roofers and Chestnut Building Centres) the majority of properties in the area are residential including mainly terraced dwellings on Bishopgate Street.
8. The site comprises five different parcels of land including 142A Picton Road which is a two storey (with cellar) tool hire business with a rear yard (Areas A and B), land used for the siting of shipping containers and an unused rear yard (Areas C and D) and a car park at land at 3-5 Bishopgate Street (Area E). There is a certificate of lawful use in place for the parking of cars on land referred to as Area E, and it is understood that the shipping containers are not allowed to be used for storage in connection with the business following enforcement action by the Council.
9. In areas C and D it is proposed to erect a single storey building (with yard) for the storage of tool hire equipment: shipping containers would be removed. The car park at Bishopgate Street would be used by visitors to the site. The first floor of No 142A Picton Road would no longer be used for storage and instead would be used for administration purposes.

Planning history

10. I have taken into account comments made by Inspectors who have considered similar development proposals for the appeal site (i.e. Appeal reference Nos APP/Z4340/A/12/2185688 and APP/Z4310/W/15/3133698). In respect of the latter appeal, it differs from the appeal proposal in that the first floor area of No 142A Picton Road would have continued to be used for storage purposes. On this basis, the Inspector commented at paragraph 11 of her decision that *"the proposal would, by virtue of increasing the amount of storage space,*

result in an increase in the amount of equipment available for hire which would facilitate the expansion of the business. Consequently, this would result in an increase in vehicular traffic and parking”.

11. The Inspector also concluded that as the car park would at times be either full or used for loading or unloading vehicles, this would result in additional manoeuvring and parking in Bishopgate Street and that there would be potential for customers using the car park to come into conflict with vehicles which were being loaded or unloaded. Hence, the Inspector concluded that there would be additional on-street parking which would *“increase congestion and together with the associated activity such as parking would increase congestion and together with the associated activity such as parking and unloading/loading of vehicles, would have a significant adverse effect on the living conditions of neighbouring residents, particularly those on Bishopgate Street”*. The aforementioned appeal decisions are material considerations to which I attach considerable weight.

Living conditions

12. On the evidence that is before me, I have no reason to disagree with the conclusions reached by the Inspector who considered appeal reference APP/Z4310/W/15/3133698 in January 2016. The appellant contends that the existing tool hire business has reached saturation point. She therefore states that even if there was additional storage space on the whole site, this would not result in additional customers. This may be the case now, but I do consider that it is reasonable to conclude, as did the Inspector who considered the above appeal, that extending the scale of the commercial premises would be likely to generate increased vehicular traffic and demand for parking at some point in the future.
13. This proposal does, however, differ from the appeal proposal considered in January 2016. It is proposed that the upper floor of 142A Picton Road would no longer be used for the storage of equipment (including part use as a staff canteen) and instead would be used only for administrative purposes in connection with the tool hire business. A similar amount of storage space would be formed by means of the erection of a single storey building on land which currently includes the siting of three unused shipping containers (Area C).
14. I am satisfied that subject to a planning condition which specified that the upper floors of No 142A Picton Road be only used for administrative purposes (including, if necessary, the continued part use as a staff canteen) in connection with the existing tool hire business, the net effect of the proposal upon on-street car parking provision, and customer comings and goings, would essentially be a neutral one.
15. The appellant has included a plan which shows the existing customer car park (Area E) at 3-5 Bishopgate Street. Seven car parking spaces are proposed to be marked out. In order to minimise on-street car parking, and thereby avoid any adverse impacts upon the living conditions of the occupiers of surrounding residential properties, it is necessary to impose a planning condition which ensures that this car parking area is marked out and made permanently available for visitors of the appeal site. This is likely to mean 6 car parking spaces based on car parking space dimensions of 2.4 metres x 4.8 metres.

16. As this is an outline proposal, I have not been provided with specific details relating to how vehicles would access the yard area to the rear of the proposed single storey storage building. However, the appeal site is in one ownership and it is not proposed to introduce an independent/separate use for the site. Consequently, there remain a number of different options available to the appellant from a vehicle servicing point of view. Based on my site visit, I am satisfied that servicing could be achieved without having to use the adjacent back street which is in close proximity to a number of terraced residential properties. Therefore, I do not consider that any service vehicle movements associated with this proposal would result in significant levels of disturbance for the occupiers of surrounding residential properties.
17. I am not certain whether it would be absolutely possible for drivers of service vehicles to use the new yard (i.e. that associated with the proposed single storey building) in such a way that they could leave it in forward gear. This would need to be fully considered by means of the submission of details required by planning condition. However, I noticed on my site visit that there was manoeuvring space between the yard area(s) and the car park which would allow at least a flat back van (during my site visit such a company van entered the site) to reverse into or out of such an area and without it interfering with dedicated visitor car parking spaces.
18. As access to the yard areas is off the main road (i.e. off Bishopgate Street), I do not consider that reversing into or out of the yard(s) would cause significant harm from a highway/pedestrian safety point of view. Furthermore, I am satisfied that it would also be possible for either the rear yards of the both the proposed building and the No 142A Picton Road to be combined so as to ensure an acceptable manoeuvring arrangement, or that potentially only the rear yard of No 142A Picton Road be used for loading/unloading purposes. Any decisions about outside storage/servicing would need to reasonably take into account the appellant's contention that the yard area of No 142A Picton Road does not appear to have any planning restrictions in place from an outside storage point of view. I noticed on my site visit that this yard was currently being used for the storage of scaffolding and gas bottles and that it included a shipping container.
19. Subject to the imposition of planning conditions, the outline proposal for a single storey building is acceptable in principle. Layout, appearance, scale, access and landscaping details would need to be considered at reserved matters stage, but based on the illustrative plans submitted I am satisfied that it would be possible to erect a single storey storage building on the site without material harm being caused to the character and appearance of the area or to the living conditions of the occupiers of surrounding residential properties.
20. Overall, and subject to a number of planning conditions, I am satisfied that the proposal would not be likely to generate a material increase in vehicle movements associated with the premises and that there would not be a significant increase in demand for on-street car parking or unacceptable noise/disturbance impacts for the occupiers of surrounding residential properties. I therefore conclude that the proposal would accord with the residential amenity aims of saved Policy H4 of the UDP.

Other Matters

21. The appellant has asked me to consider whether it would be possible to allow the continued use of the upper floor of Area A for the seasonal storage of plant. Such space was in use for this purpose during my site visit and a small proportion was also in use as a staff canteen. Given the limited amount of on-site car parking and servicing space, and the close proximity of a number of surrounding residential properties, I do not consider that it would be reasonable to allow a proposal which would have the potential to generate an increase in vehicular traffic to and from the site. In any event, the planning application was not advertised on this basis and members of the public were not afforded the opportunity to comment on such a proposal. Furthermore, I have my doubts about whether such a condition would be enforceable.
22. None of the other matters raised outweigh my conclusion on the main issue.

Conditions

23. The Council did not provide me with any suggested conditions. It has therefore been necessary for me to consider whether it would be necessary to impose a number of planning conditions. In doing so, I have given the main parties an opportunity to provide comments.
24. Planning permission is granted subject to the standard reserved matters conditions.
25. Otherwise than as set out in this decision and conditions, it is necessary that the development shall be carried out in accordance with the approved plan, for the avoidance of doubt and to clearly identify the site. I have therefore imposed a condition to this effect.
26. In order to neutralise the effects of the proposal upon the living conditions of the occupiers of surrounding residential properties, planning conditions are necessary relating to the use of the single storey building, the car park (including signage) for staff/customers, use of the upper floor of 142A Picton Road (Area A) and in respect of outside storage.
27. In terms of the latter issue, the appellant has suggested in a letter received by the Planning Inspectorate on 31 January 2017 that they might want to use Area B for servicing purposes (this area is currently unrestricted in terms of outside storage capability) and Area D for some outside storage purposes. As outlined elsewhere in this decision, there are various options available to the appellant in terms of servicing the site, although this will need to be considered carefully so that there is no overall net increase in outside (or overall) storage capacity at the appeal site. Therefore, I shall impose an outside storage and servicing condition for the whole of the site with such details to be approved by the local planning authority prior to the construction of the single storey storage building. The appellant agrees to this condition. No comments were received from the Council about this matter.

Conclusion

28. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be allowed.

Daniel Hartley

INSPECTOR

Schedule of Planning Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plan: 1:1250 location plan (annotated with Areas A,B,C,D and E).
- 2) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 3) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 4) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 5) The upper floor of No 142A Picton Road (Area A) shall be used solely for administrative purposes (including part use as a staff canteen) in connection with the tool hire business.
- 6) The car parking area at 3-5 Bishopgate Street (Area E) shall be made permanently available for customers (including staff) of the site and shall be marked out (i.e. white lined) in bays measuring 2.4 metres wide x 4.8 metres long prior to the first use of the single storey building hereby approved and shall thereafter be retained in accordance with such details. The single storey building hereby approved shall not be used until a scheme of car parking customer signage for 3-5 Bishopgate Street (Area E) has been submitted to and approved in writing by the Local Planning Authority. The approved signage shall be implemented in accordance with approved details prior to first use of the single storey building and thereafter retained.
- 7) The single storey building hereby approved shall not be built until details of outside storage and vehicle servicing arrangements for the whole site have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with only the approved outside storage and vehicle servicing arrangements.
- 8) The single storey building hereby approved shall be used solely for storage purposes in connection with the primary use of No 142A Picton Road as a tool hire business.