
Appeal Decision

Site visit made on 3 September 2018

by Alexander Walker MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th September 2018

Appeal Ref: APP/Z4310/W/18/3203773

Harbourside Marina and Club, Coburg Wharf, Liverpool L3 4BP

- 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 David Beard on behalf of Liverpool Marina against the decision of Liverpool City Council.
 - The application Ref 17F/3110, dated 20 October 2017, was refused by notice dated 28 March 2018.
 - The development proposed is the change of use of existing car park to allow up to 12 motorhome parking spaces.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Since the appeal was submitted, a revised version of the National Planning Policy Framework (the Framework) has been published and this is a material consideration which should be taken into account from the date of its publication. I have therefore determined the appeal in light of the revised Framework.

Main Issues

3. The reason for refusal as set out in the Council's Decision Notice states that the proposal would have a materially adverse impact upon the character and appearance of the area and the living environment and conditions of the surrounding residential properties.
4. However, the Council's Statement of Appeal states that in principle a motorhome park would be acceptable in the context of the mixed character of the area subject to conditions which would prohibit activities such as barbeques/outdoor fires, and associated paraphernalia such as furniture and awnings etc. It goes on to state that the fact that the development site is located adjacent to residential properties should be considered and it is felt that the use would lead to significant harm to the amenity of the nearby occupiers. Moreover, concerns have been raised regarding the acceptability of the principle of the proposed development on this site.
5. Accordingly, given that the Council now consider that the proposal would not harm the character and appearance of the area, the main issues are whether the proposal represents a suitable location for the proposed development and the effect of the development on the living conditions of the occupants of

neighbouring residential properties, with particular regard to noise and disturbance.

Reasons

Principle of development

6. The appeal site is allocated in the City of Liverpool Unitary Development Plan (UDP) 2002 as a Site for Various Types of Development as defined in saved Policy E6 of the UDP, which includes for A3, B1, C3 and D2 uses. I note that the site remains as a Mixed-Use Area in Policy EC6 of the emerging Local Plan. However, the status of the Local Plan is not before me and there appears to be an outstanding objection to this policy, contending that the area should be allocated as a Primarily Residential Area. Therefore, I attribute Policy EC6 very little weight.
7. The appellant argues that the proposal should be viewed as ancillary to the Marina. Occupants of the motorhomes may use the facilities of the Marina and the site would be partly managed by the Marina staff. However, the car park is open to anyone to use and is clearly detached from the Marina. Overall, based on the proposed use and from my own observations on site, there is insufficient evidence to demonstrate that the proposed use would be ancillary to the Marina rather than a standalone sui generis use. Therefore, as it would fail to fall within any of the development permitted identified within it, it would conflict with saved Policy E6 of the UDP and as such undermine the plan-led approach of the development plan.

Living Conditions

8. The appeal site comprises a pay and display car park with approximately 100 parking spaces. To the south and north are a large number of multi-storey apartment blocks, which occupy a significant portion of this area of dockland, extending from the end of South Ferry Quay up to the substantial Keel building to the north. Beyond The Keel building the docklands become more commercial in character with the Echo Arena, exhibition centre, hotels, bars restaurants and retail units.
9. To the east of the site is the marina, which includes a restaurant and bar. In addition to the car park that is the subject of this appeal, there are also car parks on the opposite side of the road to the north and east. At the time of my site visit there were a number of motorhomes parked in both of these neighbouring car parks.
10. The car park is located on the corner of Coburg Wharf and South Ferry Quay. The southern boundary of the site lies within proximity of a five-storey apartment block that directly overlooks the appeal site.
11. The appellant states that the proposal differs from formal caravan/camping sites in that camping activities are prohibited. The Management Plan submitted by the appellant states that generators, barbeques, amplified music, recreational activities and paraphernalia such as washing lines and outdoor furniture would be prohibited. However, based on the observations made by neighbouring residents and my own experience, it is unlikely that people staying in the motorhomes overnight would not on occasion carry out activities such as sitting and conversing outside, playing music, children playing etc., particularly if they stay for the maximum 72 hours. Given the openness of the

- site and the relatively peaceful setting, neighbouring residents would be particularly sensitive to noise generated by the occupants of the motorhomes.
12. The appellant confirms that there would be 24 hour staffing to manage the car park. However, this relies on the staff of the Marina. There would be no staff on the actual car park monitoring its occupants. The Management Plan is also vague as to how complaints would be dealt with. It states that they would be dealt with by the Marina management and the car park operator. However, it would seem that neither of these is located on site. Whilst the Marina is clearly within proximity of the site, they cannot be constantly monitoring the car park. Moreover, it seems that the car park operator operates remotely. Should any instances of nuisance behaviour from the occupants of the motorhomes take place, including excessive noise, any enforcement action to be undertaken in accordance with the Management Plan would likely have to be instigated by a complaint, likely from neighbouring residents, by which time they have already been unduly disturbed.
 13. The appellant states that in the last 20 plus years they have not received any complaints about nuisance behaviour as a result of the motorhomes parking on the site. However, that is not to say that such behaviour has not occurred. Indeed, the evidence from residents indicates that there have been numerous incidents of noise and disturbance from motorhomes on the site.
 14. The management plan restricts the number of motorhomes parked on the site to 12, which could also be conditioned. However, given that there is no on site monitoring of the car park, there is a reasonable likelihood that motorhomes could arrive late at night and park in the standard car parking spaces, thus increasing the number of motorhomes beyond 12. I do not consider that signage would adequately prevent this from occurring.
 15. Overall, I am not satisfied that, even with the proposed Management Plan in place, the proposal would not cause unacceptable harm to the living conditions of the occupants of neighbouring residents. Saved Policy HD18 of the UDP seeks to ensure that development does not result in a severe loss of amenity or privacy to adjacent residents. Based on the evidence before me, this harm would be severe, particularly during evening and night time when neighbouring residents would be more sensitive to noise and disturbance and should expect a reasonable level of peacefulness. Therefore, I find that it would conflict with saved Policy HD18.
 16. The appellant contends that saved Policy HD18 relates to new development and largely to new buildings and therefore is not directly applicable to the proposal. However, I disagree. The policy refers to new development, which the proposal is. Therefore, I consider that the policy is applicable and attribute it full weight.

Other Matters

17. Saved Policy E8 of the UDP also seeks to boost tourism in Liverpool. The proposal would provide an additional form of tourist accommodation and is within close proximity of many tourist attractions. Therefore, it would support the tourism economy of the city.
18. I have also had regard to the effect of the motorhomes on the appearance of the area. Cars are generally low in height and are common features within a

residential area. Motorhomes are typically much larger. They are generally higher, longer, often wider and have a significantly greater overall bulk. As a result, their appearance is more akin to a commercial van/light goods vehicle than a car. However, they are not uncommon in residential areas and as the proposal is for 12 motorhomes only, I do not consider that this would significantly detract from the visual amenity of the area.

19. I am satisfied that a suitably worded condition would ensure that adequate waste receptacles are installed to mitigate any concerns regarding litter.

Conclusion

20. The proposal would provide a form of tourist accommodation. Furthermore, I do not consider that it would be significantly harmful to the appearance of the area. However, individually or cumulatively, these do not outweigh the significant harm it would have by way of it being located on a site that would undermine the plan-led approach of the development plan and the severe harm the proposal would have on the living conditions of the occupants of the neighbouring residential properties.
21. For the reasons given above, having regard to all matters raised, the appeal is dismissed.

Alexander Walker

INSPECTOR