The Planning Inspectorate

Appeal Decision

Site visit made on 2 December 2019

by Alexander Walker MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th January 2020

Appeal Ref: APP/Z4310/W/19/3237413
160A Stuart Road, Walton, Liverpool L4 5QY

- 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 Brian Rice on behalf of North Liverpool Windows against the decision of Liverpool City Council.
- The application Ref 18F/2450, dated 18 August 2018, was refused by notice dated 26 June 2019.
- The development proposed is to use premises for assembly of roofing modules, install replacement roof and carry out associated external works.

Decision

1. The appeal is allowed and planning permission is granted to use premises for assembly of roofing modules, install replacement roof and carry out associated external works at 160A, Stuart Road, Walton, Liverpool L4 5QY in accordance with the terms of the application, Ref 18F/2450, dated 18 August 2018, subject to the conditions contained in the schedule attached to this Decision.

Procedural Matter

2. I have used the description of the development as set out in the Council's decision notice as it is more concise than that set out in the planning application form.

3. At the time of my site visit, the building was being used for the storage of various materials. There was no evidence that the proposed use had commenced. I have determined the appeal on this basis.

Application for costs

4. An application for costs was made by Mr Brian Rice on behalf of North Liverpool Windows against Liverpool City Council. This application is the subject of a separate Decision.

Main Issue

5. The main issue is the effect of the development on the living conditions of the occupants of neighbouring residential properties, with regard to noise and disturbance.

Reasons

6. The appeal site lies within a predominantly residential area with terraced dwellings backing onto the site from the east and semi-detached dwellings

from the west. As a result of the proximity of these dwellings to the site, their occupants would be particularly sensitive to noise generated by the proposed use.

7. The planning application was accompanied by a Noise Assessment prepared by Martec Environmental Consultants, dated 2018, which identifies that the proposed use would have a predicted noise level below that of the existing background noise level and therefore it would have a low impact. The assessment, along with a further assessment, go on to make recommendations for reducing the level of noise. The Council's Environmental Health Officer raises no objection to the proposed noise mitigation measures.

8. Based on the substantive evidence submitted by the appellant, in particular the findings of the Noise Assessment, and the lack of any substantive evidence to the contrary, subject to the recommended mitigation measures being implemented, I find that the proposed operations within the building would not cause any significantly harmful effect on the living conditions of the neighbouring residents with regard to noise and disturbance.

9. The Council's concern also relates to the external operations that would take place and the coming and going of staff and deliveries. The access to the site is via a short driveway leading off Stuart Road. The north elevation of an adjacent dwelling forms the southern boundary of the driveway. This dwelling has a small number of windows in the north elevation of its outrigger that are slightly set back from the driveway.

10. The appellant confirms that deliveries to the site would be made by box vans that would enter the building. It is anticipated that there would be approximately 8 deliveries per week, although this could rise to 16. In addition, there would be 2 waste collections per week. A turntable would be installed within the building to enable vehicles to enter and exit the site in a forward gear. Given the relatively small number of deliveries per week and that there would unlikely be any vehicles idling outside whilst being unloaded, I find that the level of noise and disturbance created by them would be negligible, even taking into consideration the possibility of 16 deliveries per week.

11. There would be no onsite parking for staff. They would have to use on street parking provision or alternative forms of transport. Based on my observations during my site visit, I am satisfied that there is sufficient on street parking within the vicinity of the site to ensure that there would not be any undue harm to the living conditions of neighbouring residents as a result of staff parking on the street.

12. I have also had regard to the entrance door being open when deliveries are made, which could result in an increase in noise impact to neighbouring residents. However, given that the deliveries would only take approximately 30mins to be unloaded, it is unlikely that any significant harm would be had to the neighbouring residents during this short period of time, even if it was several times throughout the day.

13. I find therefore that the proposal would not significantly harm the living conditions of the occupants of the neighbouring residential properties, with regarding to noise and disturbance. As such, it would comply with saved Policy

H4 of the Liverpool Unitary Development Plan 2002, which seeks to ensure that new development does not harm the amenities of residential areas.

Other Matters

14. I have regard to the concerns raised regarding the risk of fire and highway safety. However, based on the evidence before me and the observations made during my site visit, I find that there is no substantive evidence that the proposal would have a harmful effect with regard to these matters. I note that the local highway authority raise no objection to the proposal.

Conditions

15. I have considered the conditions suggested by the Council, having regard to the six tests set out in the National Planning Policy Framework. For the sake of clarity and enforceability, I have amended the conditions as necessary.

16. For the avoidance of doubt, it is appropriate that there is a condition requiring that the development is carried out in accordance with the approved plans.

17. In the interests of protecting neighbouring residential amenity, conditions are necessary regarding the hours of use, the implementation of noise mitigation measures and the opening and closing of the doors.

18. In the interests of highway safety, a condition is necessary regarding the installation of a vehicle turning facility within the building.

19. In the interests of the character and appearance of the area, a condition is necessary regarding waste.

20. I have had regard to the imposition of a condition restricting the number of vehicular trips to the site per week. However, these trips could include postal deliveries or unsolicited visitors/salespersons. Therefore, such a condition would be unreasonable.

Conclusion

21. For the reasons given above, the appeal is allowed.

Alexander Walker

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, PL01B, PL02 and PL50.

3) The hereby approved use shall not operate, including incoming/outgoing deliveries, outside the following hours:-

   08:00 and 18:00 Monday to Friday

   08:00 and 13:00 Saturdays

The use shall not operate on Sundays and Bank Holidays.

4) Prior to the commencement of the use, a turning facility shall be installed to enable vehicles to enter and leave onto the Stuart Road highway in forward gear, in accordance with the details first to be submitted to and approved in writing by the Local Planning Authority. The turning facility shall be kept free of all obstructions and be available for use at all times.

5) Any waste generated to be discarded as refuse or recycled shall be kept within the curtilage of the premises and shall only be placed outside the premises on the appropriate refuse collection day.

6) The measures and recommendations (including those of page 15-16) laid out within the noise assessment submitted (Martec Environmental Consultants, April 2018) and the follow-up mitigation measures assessment shall be implemented and retained in perpetuity prior to the hereby approved use commencing. For the avoidance of doubt, the following works are required to be undertaken:

- Doors are to be replaced by an RS-HA 3 Roller Shutter Door; and

-Metal sheeting to be replaced by Kingspan AWP/60, or equivalent, with an additional 15mm plasterboard layer and/or the creation of a 500mm cavity using suspended light steel grind at 600mm, 200mm infill Rockwool [48/kg/m3] with an inner layer/ceiling of 2x15mm Gyproc Soundbloc plasterboard.

7) The doors serving the building shall only be opened during deliveries and servicing of the use and at no other time, except to allow access and egress into the building for staff and visitors.