

Report of: CHIEF PLANNING OFFICER Derek McKenzie

Report to: PLANNING COMMITTEE **Date of Meeting:** 18th October 2023

Subject: [DC/2023/01236](#)
[133 Liverpool Road Crosby Liverpool L23 5TE](#)

Proposal: Change of use of existing rear garden into additional car parking with access onto Preseland Road (Alternative to DC/2023/00564 refused 26/06/2023)

Applicant: Dr Kays Kasha **Agent:** Mr Richard Vodrey
Richard Vodrey

Ward: Victoria Ward **Type:** Full Application

Reason for Committee Determination: Called in by Councillor Leslie Byrom

Summary

The proposal seeks planning permission for the change of use of the rear garden of Liverpool Road Medical Practice into an additional car park serving the practice. The main issues to consider include the principle of the development, its impact on the character of the area, on the living conditions of neighbouring occupiers, on highway safety, parking, and on trees and the environment.

It is considered that the proposal would not cause significant harm to the character of the area or to the living conditions of nearby neighbouring occupiers. The development would result in an increase of vehicular movements within the area but would not significantly impact on the highway in terms of safety. Conditions could be introduced to prevent unacceptable harm on to existing trees and to confirm an acceptable landscaping scheme on site.

The proposal complies with the adopted local and national policy and is recommended for approval.

Recommendation:

Case Officer John Kerr

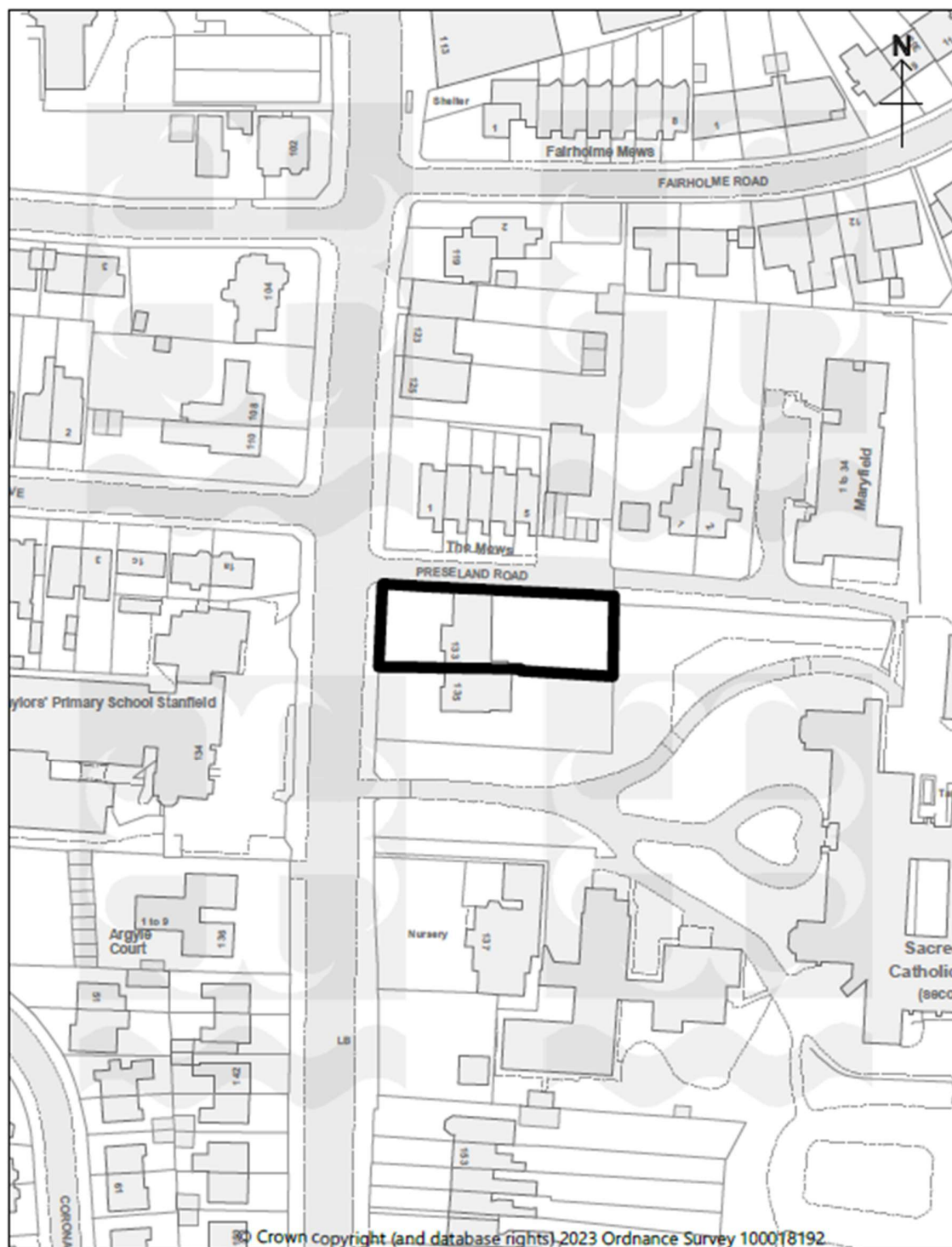
Email planning.department@sefton.gov.uk

Telephone 0345 140 0845

Application documents and plans are available at:

<https://pa.sefton.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RXQES7NW08800>

Site Location Plan



The Site

The site comprises a doctor's surgery at 133 Liverpool Road and an existing garden which serves the premises. The site adjoins a solicitors however, the properties surrounding the site are generally of a residential nature. A new car park access will lead onto Preseland Road which is a fairly narrow residential road which comprises of a number of residential properties to the north of the road, opposite the side elevation of application site.

History

Planning permission for the same description in this location was initially refused permission in June 2023 due to the detrimental impact of the proposal on the character and local distinctiveness of the residential area alongside the lack of information to demonstrate the need (app.ref: DC/2023/00564). The current application is an alternative to that previously refused.

Consultations

Highways Development Design

No objections subject to conditions.

Merseyside Environmental Advisory Service (MEAS)

No objection subject to conditions.

Environmental Health

No objection subject to conditions.

Conservation

No objection.

Tree Officer

No objection subject to conditions.

Neighbour Representations

20 representations have been received from 8 different properties objecting on the following grounds:

Impact on character of the residential area

- Increase of traffic in the quiet residential area
- Loss of green space
- Eyesore
- Already a veterinary surgery with parking nearby

- Visually intrusive

Impact on Living Conditions

- Noise impacts through increased traffic in the area
- Loss of amenity, privacy and outlook
- No justification for the need
- Impact on air pollution and climate change

Impact on the Highway and Highway Safety

- Congestion issues
- Parking issues
- Safety issues for pedestrians
- Already an increase in traffic due to other uses within the area
- No suitable turning circle
- Disabled bays are not wide enough
- Disabled parking bays are not big enough

Consultation process

- Some neighbours were not consulted

Impact on wildlife and environment

- Does not support Council's environmental aim to retain green spaces
- Not environmentally friendly development

Flooding impacts

- Hardstanding will increase risk of surface water flooding

Inaccurate information

- Supporting letter provides inaccurate information with regard to patient numbers
- Inaccurate information about who works at the surgery
- Rarely more than 4 patients in the surgery at one time
- Parking at the site currently never appears to be full

Impact on house prices

- Impact on house prices

Policy Context

The application site lies within an area designated as Primarily Residential in the Sefton Local Plan which was adopted by the Council in April 2017.

Assessment of the Proposal

1. The proposal comprises the change of use of the back garden setting into a hard landscaped off-road parking area which would provide a further 12 no. parking spaces to the rear of the premises to serve the existing practice.

1.1 The main issues to consider include the principle of the development, its impact on the character of the area, on the living conditions of neighbouring occupiers, on highway safety, parking, on trees and the environment.

1.2 This application proposed an alternative scheme to that previously refused by the Council. The proposal has reduced the number of parking spaces, re-located the access and introduced a new planting scheme to help reduce the impact of the proposal on the character and local distinctiveness of the residential area.

1.3 Amended plans have been provided as a part of this application to increase the width of the access to 4.9m and to formalise disabled parking spaces within the existing car park to the front of the premises. Neighbours were re-notified on these amendments. Further information was received to show how the existing front car park can accommodate the disabled parking spaces, neighbours were not re-notified of this supplementary information as the specific number of parking spaces is not a primary issue and planning permission is not required for the marking out of bays within the existing parking area, therefore third parties are not considered to be disadvantaged in this regard.

2. Principle of Development

2.1 Justification has been provided by the applicant to demonstrate the need for this development. There are already off road parking spaces to the front of the premises available. The supplementary information demonstrates that these spaces are required more so for disabled patients and patients with mobility issues.

2.2 The applicant has confirmed that the proposed car park to the rear would allow 4 no. spaces for staff. The applicant explains within their planning statement that there has been a “notable surge in patient volume signing up and visiting” the practice. This has therefore demonstrated an “urgent need for additional parking spaces”.

2.3 The site falls within a primarily residential area and policy HC3 (Primarily Residential Areas) within the Sefton Local Plan states that non-residential development will only be allowed provided it can be demonstrated that the impact on living conditions of neighbouring properties and the character of the residential area will not be unacceptably impacted. The report will assess these factors below.

3. Impact on the Character of the Area

3.1 The 1.8m high brick boundary wall fronting onto Preseland Road stands directly in front of 2 well established trees one north of the access and one south of the access. The existing wall is covered with a significant amount of soft landscaping which is considered to be a key, distinctive characteristic within the street scene. The proposed development will result in the loss of three well established, low value trees, which are the three trees located within the site two of which are located on the boundary with Preseland Road. The loss of the trees could be mitigated with replacements at least at a 1:1 ratio. This would need to be demonstrated by providing a suitable landscaping plan which can be required by condition.

3.2 A 2.5m acoustic fence could also be introduced which would be located behind the boundary wall which would alleviate any impacts on living conditions. This fence would only be partially visible behind the wall and is not considered to impact on the street scene by way of its design.

3.3 No elevation drawings have been provided to demonstrate the appearance of the side elevation; however, it is considered that the introduction of new planting in the form of climbing plants and additional trees along the boundary with Preseland Road would help to mitigate the loss of any soft landscaping which currently exists. The hard landscaping of the garden area would not have an adverse impact on the character and local distinctiveness of the residential area and would integrate well with the existing street patterns.

3.4 It is considered that the proposed car park, subject to an acceptable planting scheme which can be secured by condition accords with policy HC3 (Primarily Residential Areas) and EQ2 (Design) within the Sefton Local Plan.

4. Impact on the Living Conditions of Neighbouring Occupiers

4.1 The impacts with regard to neighbouring occupiers largely relate to noise. The Environmental Health Officer (EHO) initially stated that the proposal would lead to a significant increase in vehicle related noise from car engines and car doors being slammed. Therefore, the application has been supplemented by a Noise Impact Assessment (NIA) which the EHO has concluded is acceptable subject to conditions.

4.2 The EHO has stated that in order to protect the living conditions of neighbouring occupiers, the car park must not operate outside the hours of 08:00 – 18:00 Monday to Friday and at no time on a weekend. It is thought that this would prevent any disturbance to neighbours outside of normal working hours, this can be secured by a suitably worded condition.

4.3 The existing 1.8m brick wall runs along the boundary with Preseland Road. The NIA states that a 2.5m close-boarded acoustic barrier fence should be installed along the boundary with Preseland Road in order to reduce the noise impact on the nearest neighbouring residential properties. The details of the fence could be secured by a suitably worded condition. Given that the fence would only sit 70cm higher than the existing boundary wall and is located over 12.0m away from

neighbouring occupiers, this would not adversely affect the living conditions of the nearest neighbouring properties at no. 1-5 The Mews by way of being an overbearing feature.

4.4 The EHO has recommended that details of the final layout of the proposed car park are also required, to ensure that the staff parking spaces are located in the rear car park and to show where the acoustic fence would be located. This could also be secured by a suitably worded condition.

4.5 Given the distance from the proposed car park to neighbouring premises, the proposal is not considered to impact the privacy or outlook of nearby neighbouring properties. There would be an increase in vehicle related noise from car engines and car doors, however, the detailed NIA has demonstrated that acoustic barrier fencing can provide the necessary mitigation to ensure an acceptable impact. Therefore, it is considered that the proposed car park would accord with policies HC3 and EQ2 of the Sefton Local Plan.

5. Highway Safety and Parking

5.1 A number of local representations have been received stating that the proposal will result in a dangerous access and increased vehicular movements that could endanger local residents. The Highways Officer has thoroughly assessed the scheme and has concluded that it is acceptable subject to conditions which would ensure the safety of the proposed development.

5.2 Amended plans have been submitted which increase the width of the access to 4.9m to allow two cars to safely pass each other in and out of the access.

5.3 Supplementary information provided by the applicant also show that disabled parking spaces can be formally accommodated in the existing car park at the front of the premises where a ramp provides access to the surgery. A condition confirming the parking layout to address the location of the disabled parking bays prior to the use of the car park to the rear could be applied. In addition, conditions could be attached to a permission to ensure that visibility splays are correctly implemented and to prevent mud on the highway for safety of the access. The Highways Officer has also recommended that a construction management plan is submitted prior to development, and this could be conditioned

5.4 It is considered that the new off road car park would help to alleviate the prospect of dangerous parking on the adjacent highway from patients attending the doctors surgery. It is accepted that the development would not strictly comply with EQ3(a) of the Sefton Local Plan in that it would not encourage walking and cycling to the doctors surgery; however, it does comply with part (d) ensuring that the needs of users of services with limited mobility are met resulting in a more accessible service offered to patients.

6. Impact on Trees and on the Environment

6.1 In arboricultural terms, there is no objection in principle to the removal of existing trees and their replacement. As stated above, the development would result in the loss of three low value

trees, which can be mitigated at a 1:1 ratio. Conditions are recommended to ensure that a landscaping plan and method statement is submitted prior to the development taking place. This will need to be demonstrated by providing a suitable landscaping plan.

6.2 The trees to the rear of the property will be affected by the proposed carpark, but this can be managed by the use of a geocell webbing. This would need to be shown in detail within a suitable method statement and secured by condition.

6.3 The MEAS Officer has stated that tree T4 and trees off site along the eastern boundary have greater potential of suitability for roosting bats compared to other trees on the site. Given that the Tree Officer has recommended conditions to protect these trees, it is considered that a preliminary bat roost assessment is not necessary in this case. The MEAS officer has recommended that felling of trees should not take place between 1st March and 31st August inclusive to reduce any impact to protected species. The Officer has also recommended that bird boxes are introduced on the site. Both of these factors could be conditioned.

7. Other Matters

- 7.1 Consultation process

Neighbour notification was carried out in accordance with the Statement of Community Involvement.

- 7.2 Flooding impacts

The proposal does not meet the threshold for policy EQ8. An informative will also be attached to advise the applicant to make suitable arrangements to drain the surface water from the proposed patio area into a soakaway, or as a last resort, into the main surface water (or combined) public sewer.

- 7.3 Inaccurate information

There is nothing to substantiate that the information provided is inaccurate with regard to patient numbers and current parking circumstances on the site.

- 7.4 Impact on house prices

The impact on house prices is not a material planning consideration.

8. Equality Act Consideration

8.1 Section 149(1) of the Equality Act 2010 establishes a duty for the Council as a public authority to have due regard to three identified needs in exercising its functions. These needs are to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- Advance equality of opportunity between people who share a relevant protected characteristic (age, disability, race, gender reassignment, marriage and civil partnership,

pregnancy and maternity, religion and belief, sex and sexual orientation) and people who do not share it;

- Foster good relations between people who share a relevant protected characteristic and those who do not share it.

8.2 The decision to approve this scheme would comply with the requirements of the Equality Act 2010, that no one with a protected characteristic will be unduly disadvantaged by this development.

9. Conclusion

9.1 Subject to conditions, the proposal is considered to be acceptable in principle and would not cause significant harm to the character of the residential area or to the living conditions of nearby neighbouring occupiers. The development would result in an increase of vehicular movements within the area however, this is not considered to detrimentally impact on the highway. The loss of trees can be compensated through conditions to introduce a planting scheme on the site. While the application does not fully comply with all local plan policies, it is acceptable for the reasons explained and is recommended for approval.

Recommendation – Approve with conditions

Time Limit for Commencement

- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: In order that the development is commenced in a timely manner, as set out in Section 91 of the Town and Country Planning Act 1990 (as amended).

Approved Plans

- 2) The development shall be carried out in accordance with the following approved plans and documents:

1978/01 B (Rev C) - Conversion of existing rear garden into additional car parking

Reason: For the avoidance of doubt.

Before the Development is Commenced

- 3) No development shall commence, nor any site clearance until a method statement with details of cellular confinement system and the extent of its use, along with proposed tree protection works during the construction works and has been submitted and approved in

writing by the local planning authority. The scheme shall be carried out in accordance with the approved details.

Reason: These details are necessary prior to the commencement of development to safeguard all existing trees on site.

- 4) No development shall commence, including any works of demolition, until a Highways Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved statement shall be adhered to throughout the construction period.

Reason: This is required prior to the commencement of development in order to ensure the safety of highway users. If the details are not approved prior to commencement, it will prejudice the safety of highway users.

During Building Works

- 5) No tree felling is to take place during the period 1 March to 31 August inclusive. If it is necessary to undertake works during the bird breeding season, then all trees and any other affected vegetation are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected are required to be submitted for approval.

Reason: To protect birds during their breeding season.

Before the Development is Occupied

- 6) The rear car park hereby permitted shall not be in use until a scheme detailing the planting of at least 3 tree(s) along with any other replacement soft landscaping along the Preseland Road boundary has been submitted to and approved in writing by the local planning authority. The scheme shall include details of their species, size and location and shall take the location of the acoustic fence into account.

Reason: To ensure an acceptable visual appearance to the development.

- 7) The rear car park hereby permitted shall not be in use until details of the proposed acoustic boundary treatment of the proposed car park are submitted to and approved in writing by the local planning authority. The approved boundary treatment shall thereafter be maintained in accordance with the approved details for as long as the use continues.

Reason: To safeguard the living conditions of neighbouring occupiers and land users.

- 8) The rear car park hereby permitted shall not be in use until a detailed scheme of highway works together with a programme for their completion has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use until the required highway works have been constructed in accordance with the approved details.

Reason: To ensure that enough car parking is provided for the development and to ensure the safety of highway users.

- 9) The rear car park hereby permitted shall not be in use until details of the final layout of the proposed car park to the front and rear of the premises, including the location of designated staff parking bays and disability bays are submitted to and approved in writing by the local planning authority. The parking spaces shall thereafter be kept available for the parking of vehicles for as long as the use continues.

Reason: To ensure that enough car parking is provided for the development and to ensure the safety of highway users.

- 10) The rear car park hereby permitted shall not be in use until the access road shown on plan 1978/01 B (Rev C) has been constructed to the base course level to enable access to the dwelling(s).

Reason: To ensure that acceptable access is achieved to the development and to safeguard other highway users at all times.

Ongoing Conditions

- 11) If within a period of 5 years from the date of the planting of any tree proposed as part of the landscaping scheme (agreed under condition 6), or any tree planted in replacement of it, is removed, uprooted or destroyed or dies or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same species and size shall be planted at the same place during the next planting season immediately following the death/removal/destruction of that tree.

Reason: To ensure an acceptable visual appearance to the development.

- 12) The rear car park hereby permitted shall not be in use until details of bird boxes to include number, type and location on an appropriately scaled plan as well as timing of installation, has been provided for approval and implemented in accordance with those details.

Reason: To safeguard conservation of species/habitats.

- 13) The rear car park hereby permitted shall not be utilised by patients outside the hours 08:00-18:00 Monday to Friday.

Reason: To safeguard the living conditions of neighbouring occupiers and land users.

- 14) No structure or erection of structure exceeding 1.0m in height shall at any time be placed within pedestrian visibility splays of 2.0m x 2.0m of the access to Preseland Road. The visibility splays shall at all times be maintained free of any obstructions in perpetuity.

Reason: To ensure adequate visibility for those entering and exiting the site and to safeguard other highway users at all times.

Informatives

- 1) The applicant is advised that all works to the adopted highway must be carried out by a Council approved contractor at the applicant's expense. Please contact the Highways Development and Design Team at HDD.Enquiries@sefton.gov.uk for further information.
- 2) The applicant is advised to make suitable arrangements to drain the surface water from the proposed car park area into a soakaway, or as a last resort, into the main surface water (or combined) public sewer.