

# Planning & Regeneration Statement



## **Proposed Development**

Application for planning permission in support of comprehensive redevelopment of existing site comprising demolition of existing building, erection of one block of 10 storeys creating 171 student accommodation apartments, 332 sqm of commercial floor area (Use Classes A1, A3, B1, D1 & D2), together with associated cycle storage, bin store, games room, and ancillary facilities

### **Applicant:**

*Borden Properties Ltd*

### **Application Site:**

56 Norfolk Street, Liverpool, L1 0BE

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# Planning & Regeneration Statement

## Redevelopment of 56 Norfolk Street, Liverpool, L1 0BE

### **1.0 Introduction**

- 1.1 This report provides the planning and regeneration case for supporting the grant of planning permission to enable the comprehensive redevelopment of an existing brownfield site in the Baltic Triangle, an area undergoing transformational change through urban regeneration and renewal.
- 1.2 The assessment set down in this Planning & Regeneration Statement compliments appraisal of the proposed development provided in the accompanying NS Architects Design & Access Statement.
- 1.3 The proposal represents a major new homes development with associated economic investment into the Baltic Triangle area which is supported by local and national planning policies, including the Baltic Triangle Regeneration Framework, the Liverpool City Centre Strategic Investment Framework and the National Planning Policy Framework (NPPF).
- 1.4 The NPPF sets down the Government's objectives and overarching national planning policy context which empowers local authorities to presume in favour of sustainable development that encourages growth in the economy, boosting growth in the delivery of new homes, sustainability and meet carbon reduction objectives.
- 1.5 It will be demonstrated within this Statement that the proposals will, if permitted, provide an opportunity for an under used former industrial estate site to be converted into a mix land uses that fit comfortably with neighbouring uses and which would complement the renaissance brought about by the various Baltic Triangle regeneration.
- 1.6 The Liverpool Unitary Development Plan identifies the site within an area for Primary Industrial Development. However, the UDP designation is vintage and does not recognise the emergence of a new community established by the Baltic Zone residential developments, against which the site is seen in its wider context.
- 1.7 Furthermore, as will be seen in the Planning History (section 2 of this report), the site has had previous planning permission for residential development. The site's designation in a 'Primary Industrial Area' therefore does not reflect the accepted position of the Council that the application site is suitable for residential led development and noting many other examples of similar former warehouse sites in the Baltic Triangle which has been approved for redevelopment for non-industrial uses, the principle of the proposed development is considered to be firmly established.
- 1.8 In pre application discussions with the Council it was accepted that the Baltic Triangle Regeneration Framework and modern development in the

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area around the site creates a context in which further residential developments and mixed use developments are a suitable land use for the site and the area.

- 1.9 The proposal affords a sustainable opportunity for generating much needed new investment into the site, creating jobs and new student accommodation homes, bringing with it economic, social and environmental benefits that are not outweighed by any demonstrable significant adverse impacts or other material considerations.
- 1.10 The full description of the development is provided in the application form and detailed in Section 2 below. In summary the principal elements are the clearance of the existing building within the site and erection of a single block providing 10 storeys accommodating 171 student accommodation apartments; ground floor area of 332 sqm commercial space (flexible uses within Use Classes A1, A3, B1, D1 & D2); cycle storage area, bin store and site ancillary facilities.
- 1.11 This application has been prepared based on pre-application discussion with the Council's Planning and Urban Design Officer and in order to establish the suitability of the site for redevelopment for residential purposes, the impact of the changes, scale, design and access, alterations and general planning, technical and heritage issues arising from the residential led mixed use development proposal.
- 1.12 It agreed that in accordance with s38(6) of the Planning and Compulsory Purchase Act (2004), the application will be considered having regard to the Liverpool Unitary Development Plan (being the development plan for the area) and planning policy set down in other material planning policy documents, including the National Planning Policy Framework (NPPF), National Planning Guidance (NPG) and the Baltic Triangle Planning Guidance (2008).
- 1.13 The Liverpool Local Plan is at Preferred Option Stage and was recently subject to public consultation (ended on 31 October 2016). The draft policies of the emerging Local Plan would not attract any weight under paragraph 216 of the NPPF.
- 1.14 The suspended Liverpool Submission Stage Core Strategy is a strategic planning policy document capable of being a material consideration, albeit albeit of limited weight given it was never tested through examination in public and never been accepted as being a sound plan.
- 1.15 It will be demonstrated that the proposal, whilst being identified as a site designated for industrial purposes within the UDP, would regenerate a sustainably located site, contribute to much needed new student

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accommodation housing stock in the area, and provide an opportunity to undertake a transformation of a site that currently is vacant and has little prospect of another commercial use coming forward.

1.16 In addition to the demonstrating that the proposals are acceptable in planning terms, it is noteworthy to recognise the importance of bringing the site forward for new student homes that will bring into the city new population, new investment and more expenditure available for spending in support of local shops and services in the Baltic Triangle.

1.17 This Planning Statement should be read in conjunction with the following supporting documents;

- Design and Access Statement – NS Architects
- Plans and drawings prepared – NS Architects
- MASA Accessibility Statement – NS Architects
- Environmental Noise Report t – Soundtesting Acoustic Consultancy
- Contamination Site Investigation – CCG
- Flood Risk & Drainage Study – CCG
- LCC Contaminated Land Screening Checklist - CCG

## **2.0 Site Context and Proposal**

### Site & Surroundings

- 2.0 The application site comprises an existing former industrial/warehouse premises, and a substation.
- 2.1 The building is two storeys high and has a total of three pitched roofs. The external construction of the existing warehouse is Liverpool stock red brick used throughout the vicinity and neighbouring buildings.
- 2.2 The existing building has fallen into disrepair and is beyond economic repair and re-use. It has very little presence and a low impact.
- 2.3 The area immediately adjoining the site is characterised by a mixture of industrial and residential uses and there is a part 11 storey residential scheme under construction on the opposite side of Norfolk Street.
- 2.4 In the near vicinity of the application site there are a number of vacant sites, most notably, the cleared site to the south of the application site on Norfolk Street, land at St James Street and car park site on Jamaica Street further to the north.
- 2.5 In general location terms, the application site is located to the south of Liverpool City Centre. The City Centre main shopping and leisure facilities, including the landmark destinations of Liverpool One and the historic Albert Dock waterfront are located approximately one mile to the north of the site, with good transport and access connections in and around Liverpool by road and on foot.
- 2.6 The site is also situated close to existing residential areas to the north and is close to new residential developments on Bridgewater Street, St James Street and new schemes on Norfolk Street. These areas within the Baltic Zone are increasingly becoming residential in character.
- 2.7 Traditionally a zone for industrial use and commercial uses in recent years the character of the Baltic Triangle and new residential communities have continually changed the area, such that it now includes several large residential schemes along with hotels and some food, drink and entertainment uses co-existing alongside the creative and businesses uses in the area.
- 2.8 The area continues to grow in popularity and there are several plans from Liverpool City Council to further enhance the area. The vision for the Baltic Zone is that over time it will become an important employment area for the city. A mix of general office employment will complement creative

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industries employment, providing for a diverse range from architects offices to artists' studios and new employment space.

- 2.9 The site is not located within any designated conservation area. The St Vincent de Paul Catholic Church to the north-east of the site on St James Street is Grade II\* listed and the site lies within the Liverpool Waterfront World Heritage Site buffer zone.

#### Planning History

10F/0777 – Application to renew previous consent to redevelop site with part 5/6 storey building containing 79 residential apartments and 8 commercial units – Application withdrawn 01 September 2010.

07F/0148 – Application to demolish existing warehouse building and redevelop site with part 5/6 storey building containing 79 residential apartments and 8 commercial units within classes A1, A3, A4 & B1 – Application granted 16 January 2007.

#### Other Residential Led Mixed Use Schemes:

- 2.10 Of interest to the proposals are a number of similar residential led redevelopment schemes in the vicinity of the site, establishing the context for high rise residential developments close to the site, including:-

14F/0289 – (Norfolk Street Phase 1) - to erect a part 11 part 9 storey building comprising 117 student apartments (96 x 3 bed clusters and 29 studios) with associated communal hub, plant room, cycle store, bin store and courtyard plus 1192.4 sqm (12,835 sqft) of Class B1 creative workshop space at ground and first floor level (granted 2014).

(There are also a number of registered planning applications for various schemes involving different phases of Norfolk Street development, these being application references: 15F/0557 – 9 storey development; 15F/1240 – part 11, part 7 storeys); 16F/0825 – part 9, part 7 storeys)

14F/2564 – To erect an 8 to 10 storey building containing 118 studio apartments (C3 Use) above ground floor 385sqm office/workshop unit (Class B1) and ancillary space and parking on lower ground floor. Approved January 2015.

(The submitted Visual Impact Report provides a contextual analysis of the consented schemes closest to the site and demonstrates that the proposed development will sit comfortably within its surroundings – see further discussion in section 4 of this Statement below).

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#### The Development Proposals

- 2.11 The proposed development is described in the submitted planning application and elaborated within the application drawings and the NS Architects Design & Access Statement.
- 2.12 The building's scale and massing has been carefully designed at 10 storeys to reflect the context of scale and massing of similar schemes recently consented and under-construction (Norfolk Street) and in consideration of the requirements to create a viable and deliverable development for the site. Additional context for the proposed scale and massing was taken from the Baltic Triangle Planning Guidance.
- 2.13 The scheme is submitted for full planning permission to allow for the demolition of the existing building on the site and redevelopment of the site with the erection of the new block to 10 storeys, providing 171 student accommodation units with ancillary facilities.
- 2.14 The scheme proposes 2 units of retail/commercial space in the ground floor of the block totalling 332 sqm. The intended uses follow on from previously approved retail uses, Class B1 use and we would also suggest uses within Classes D1 & D2 of the Town & Country Uses Classes Order 1987 (amended) would also be appropriate uses within the proposed ground floor uses.
- 2.15 The intention is to market the commercial units for a minimum period of 6 months for range of uses. Priority will be given to employment led uses within Classes B1 and D1, although we wish to negotiate with the Council to allow one of the two commercial units to be used from the outset within any of the permitted range of uses, including Classes A1 retail and A3 restaurants/café.
- 2.16 The applicant company wishes to avoid long term empty units, which do nothing to create lively interest and create dead frontages and we welcome the Council's support in delivering a commercially viable mixed use scheme for the site.
- 2.17 There will be on-site covered cycle storage and bin store within the ground floor; a games room, laundry room and concierge facility.
- 2.18 The design of the proposed block is shown to utilise traditional brick material to complement existing brick buildings around the site. The final choice of the brick can be agreed with the Council and secured through planning conditions.

### **3.0 Current Planning Policy Position**

- 3.0 Relevant planning policies for the proposal are found within national planning policy (NPPF) and the statutory development plan for the area comprising the Liverpool Unitary Development Plan.
- 3.1 The draft Liverpool Local Plan is at an early stage in preparation and no published draft has yet been issued for consultation. There is therefore no emerging policies of the Liverpool Local Plan that are material to the planning and listed building consent applications.
- 3.2 The Liverpool Core Strategy prepared as part of the Local Development Framework reached publication stage. However, the Council decided to not submit the draft Core Strategy for examination in public and it is therefore effectively 'shelved' as a planning document.

#### National Planning Policy Framework (NPPF):

- 3.3 The National Planning Policy Framework (NPPF) sets out the Government's commitment to a planning system that does everything it can do to support sustainable growth. Local planning authorities are expected to plan positively for new development.
- 3.4 Paragraph 7 of the National Planning Policy Framework (NPPF) sets down the three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.



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- 3.5 The three dimensions of sustainable development are mutually dependent. Economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. Sustainable development should be sought jointly and simultaneously through the planning system.
- 3.6 Where a proposal accords with an up-to-date development plan it should be approved without delay, as required by the presumption in favour of sustainable development as set down in paragraph 14 of the NPPF.
- 3.7 Where the development plan is absent, silent or the relevant policies are out of date, paragraph 14 of the NPPF requires the application to be determined in accordance with the presumption in favour of sustainable development unless otherwise specified.
- 3.8 The NPPF at paragraph 17 sets down a number of over-arching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking.
- 3.9 In relation to the consideration of the planning application the key roles are:-
- to proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure that the country needs.
  - always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
  - encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.
- 3.10 Paragraph 19 it is stated that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.
- 3.11 Paragraph 23 of the NPPF sets out the Government's policies for town centre uses, which include retail, offices, leisure and restaurants. The key policy in respect of the proposals is the 'sequential test', requiring town centre uses to consider town centre locations, then edge of centre locations before considering out of centre locations.

- 3.1 In relation to planning for new housing, the NPPF (Section 6) advises that planning authorities should support the delivery of a wider choice of quality homes, both for market sale and rent, as well as social and affordable housing. The proposals will offer a housing product which is directly supported by this central objective of national policy.
- 3.2 In relation to design, paragraph 56 of the NPPF it is stated that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 3.3 Paragraph 61 of the NPPF notes that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.
- 3.4 Paragraph 64 of the NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 3.5 Paragraph 65 of the NPPF – states that local planning authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design (unless the concern relates to a designated heritage asset and the impact would cause material harm to the asset or its setting which is not outweighed by the proposal's economic, social and environmental benefits).
- 3.6 Paragraph 70 of the NPPF advises that to deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:- ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.
- 3.7 Para. 129 of the NPPF require local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal.
- 3.8 Paragraphs 130 to 141 deal with heritage considerations affected by development proposals – other than views to the Liverpool Cathedral and the church of St Vincent de Paul and relationship of the proposed buildings within the Liverpool Waterfront World Heritage Site (covered within the

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D&A Statement) the Council has not suggested that there are any designated heritage assets that would require assessment in a Heritage Statement.

- 3.9 In respect of decision making, the NPPF (paragraph 203) confirms that Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

#### Liverpool Unitary Development Plan 2002

- 3.10 The UDP is 14 years old and but remains the most significant element of the statutory development plan in force in Liverpool against which the planning application will be determined. Its policies, where consistent with national policies, have been 'saved' and form part of the policy context to appraise the compliance of the proposed development against relevant policies, as well as considering the impacts of the development.
- 3.11 One of the primary purposes of the plan is to promote economic development, set out in Policy GEN1. Policy GEN1 identifies the 5 areas of the city where the focus is on economic regeneration. One of these areas is the former Creative Quarter in which the application site is located.
- 3.12 Policy GEN1 of the adopted UDP seeks to encourage economic activity, investment and employment by promoting mixed use development in appropriate locations; promoting regeneration and providing sites for economic development and investment.
- 3.13 The site is shown in the UDP Proposals Map as being in a 'Primary Industrial Area'. Policy E1 of the UDP relates to the PEA's, and supports development for existing and new industrial and employment development. The policy is one that seeks to retain the industrial estates within the city, and ensure there is adequate supply of industrial premises. The policy allows other uses where they do not prejudice the long term future of an area for employment uses.
- 3.14 Policy H3 supports city centre living – developments on city centre sites which are recognised as having constraints where traditional family housing would be difficult to achieve. The contribution of having city centre living as part of the vibrant communities is encouraged. Student accommodation is supported through policy H3 of the UDP.
- 3.15 Policy H5 sets out design and layout criteria relating to all residential development including provision of amenity and open space (cross

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referenced to policy OE14 of the UDP, which expressly excludes student accommodation from provision of open space).

3.16 Policy HD18 provides the detailed policy requirements for design. Applications for development are required to comply with specific criteria, where appropriate. In relation to the proposal the key criteria include:-

- The scale, density and massing of the proposed development relate well to its locality;
- The development includes characteristics of local distinctiveness in terms of design, layout and materials;
- Building lines and layout of the development relate to the locality;
- External boundary and surface treatment is included as part of the development and is of a design and materials which relate well to its surroundings;
- The development has regard to and does not detract from the city's skyline, roofscape and local views within the city;
- The satisfactory development or redevelopment of adjoining land is not prejudiced;
- There is no severe loss of amenity or privacy to adjacent residents; and
- Adequate arrangements are made for pedestrian and vehicular access and car parking.

3.17 Policy HD23 – Landscaping and trees requires all new development to make proper provision for landscaping as part of the development.

3.18 Policy HD24 – Encourages provision of public art in new developments.

3.19 Policy OE14 – Open Space provision for family housing development comprising 15 or more units. The policy's explanatory comments provide the basis for the application of the policy, including relating to city centre development where sites are recognised as being cramped. The policy also sets out the 'application of the policy', which makes explicit reference to student accommodation developments being excluded.

3.20 Policies T6 and T7 relate to transport aspects of proposed developments supporting pedestrian trips and cycle provision, and T9 requires new development to provide safe access and ensure road safety.

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#### Supplementary Planning Documents

- 3.21 Supplementary Planning Documents (SPD's) have been adopted by the Council and where relevant they form material considerations.
- 3.22 In relation to the assessment of the proposal for a housing development within the city centre there are three SPD's of relevance, namely:- 'Ensuring a Choice of Travel' SPD (2008); 'Access for All' SPD and Liverpool Maritime Mercantile World Heritage Site SPD (2009).

#### 'Choice of Travel'- SPD

- 3.23 The *Choice of Travel* SPD seeks to provide a measured approach to dealing with new developments and the transport options for accessibility and mobility related to the development proposed. The emphasis is on measures which can reduce the need to travel by private vehicles and much greater focus on location of developments which can benefit from public transport.
- 3.24 The SPD sets down a methodology for calculating minimum accessibility factors from a range of measures which are assessed in relation to small, medium and large developments within the standard planning use classes.
- 3.25 The SPD sets car parking standards for various development proposals which are based on the accessibility of the development type. Policy T3 is concerned with disabled car parking provision. The SPD also sets standards for other modes of transport, including cycle parking provision.

#### 'Access for All' - SPD

- 3.26 The *Access for All* SPD seeks to encourage new housing developments to be designed to provide suitable housing that can be accessed and enjoyed by all sectors of society.
- 3.27 The standards within the SPD seek to ensure new housing incorporates designs which will provide a minimum of 10% wheel chair accessible homes and all of the proposed development should be designed to the 'Life Times Homes' standards set down in the SPD. The SPD provides checklists to assist developers and architects with understanding the detailed design criteria considered necessary to create inclusive access development.

#### Liverpool Maritime Mercantile City World Heritage Site - SPD

- 3.28 Whilst the site is not located within the Liverpool Maritime Mercantile City World Heritage Site it is within its associated buffer zone.

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- 3.29 The SPD document identifies a view which includes within it distant views of the Anglican Cathedral (reference 1361681) and Cains Brewery (reference 1063327). These have been considered in the views analysis of the proposed development shown in the TGA Design & Access Statement.

Supplementary Planning Guidance

- 3.30 The Council considers the detailed aspects of development proposals against established local design guidance in the form of SPG's, which in relation to this case there are no relevant SPG's.
- 3.31 Other material planning documents, including the Liverpool City Centre Strategic Investment Framework (2012) and the Baltic Triangle Planning Framework (2008) will be considered where relevant, notably in the regeneration issues section below.

#### **4.0 The Key Issues and Assessment**

- 4.1 The key planning issues of the development proposal will be considered by reference to the development plan and other relevant planning policies for the area and the significant impacts that might arise from the proposed development, particularly in relation to the suitability of the proposed uses and impact on heritage.
- 4.2 Through such analysis it will enable one to come to a planning balance which one way or another would point to the overall acceptability or otherwise of the proposed development.
- 4.3 It will be shown that there is nothing in either statutory development plan or national planning policy should prevent the proposed development from being approved on a balanced judgement of all the relevant factors.
- 4.4 Furthermore, having regard to the NPPF presumption in favour of sustainable development which causes no overriding conflict with development plan policy or other harm, the case is considered to be very strongly in favour of the proposal.

#### Land use Principles

- 4.5 The UDP policy for Primary Industrial Areas is policy E1, which as noted above identifies the uses that will be permitted in the primary industrial areas.
- 4.6 However, the UDP recognises that there are opportunities for review of industrial areas and employment land – section 6.26 of the UDP states *“that the Council will review the industrial/business land resource, in the light of vacancy, demand (take up), land requirements for other uses (as required by Regional Planning Guidance and other PPGs) and other City Council and Plan policies. There may be occasions when individual proposals for alternative uses including residential development on industrial land will be appropriate.”*
- 4.7 The UDP is somewhat outdated in relation to the housing and employment land policies, and the application site has since been identified in the expanded Baltic Triangle where residential uses are encouraged and as part of the Strategic Investment Framework (2012).
- 4.8 It is clear that there are more up to date policies and regeneration led framework programmes that actively encourage the redevelopment of sites such as that of the application buildings.

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- 4.9 It is also to be noted that the site has for many years the operated as a car repair garage on the ground floor of the premises, the building was previously under-used and was an inefficient use of urban land resource. The building has been vacant for a number of years.
- 4.10 It is contended that the existing premises has no likely long term use for traditional employment types and suffers from lack of demand and poor viability; it would be eminently appropriate to consider alternative land uses and particularly for mixed use and residential development in situations where the site is in a sustainable location, brownfield land and will provide a high quality student accommodation development to complement other student accommodation developments in the vicinity of the site at Bridgewater Street and Kitchen Street.
- 4.11 The Council has for many years accepted sites such as those within this part of the Baltic Zone are suitable for alternative uses with a mix of 'creative' uses alongside residential development considered appropriate to the character of the area.
- 4.12 It is highly unlikely that any review of employment land undertaken as part of the emerging Liverpool Local Plan would seek to retain the application site in employment uses, particularly bearing in mind (a) the many other large scale residential development schemes approved since 2006 and (b) there is no viable uses that could take over the building for traditional employment uses (paying market rents). The area is changing dramatically and residential developments are expanding southwards from the Baltic Zone extending over to Parliament Street.
- 4.13 The proposal is *de facto* inconsistent with the general thrust of policy E1 of the UDP as it does not propose any major element of new employment uses (traditional forms of employment uses in Classes B1, B2 and B8). However, the weight to be attached to policy E1 of the UDP is weakened in this particular case for the reasons noted above and the proposal does provide opportunity for new modern employment premises in the ground floor in one or both of the proposed commercial units.
- 4.14 Furthermore, UDP policy E1 does not contemplate any alternative development of an industrial zone site where it will lead to the loss of the site for housing (including specialist forms of housing such as student accommodation). The policy is out of sync with the thrust of Government policy on employment sites set down in paragraph 22 of the NPPF and therefore is inconsistent with the NPPF and sustainable development principles.



- 4.15 Indeed, looking at the housing chapter of the UDP, policy H3 expressly supports and encourages 'city living' within the city centre – the site falls within the city centre boundary for the purposes of policy H3 given it is identified in the city centre within the SIF).
- 4.16 Under UDP policy E1 (explanatory text) it is identified that in certain cases it will be appropriate to consider alternative uses for industrial sites, including residential uses. Given the site is vacant, it is fair to conclude that the opportunity to regenerate this site for mixed use and residential purposes is particularly the type of situation in which the NPPF and policy GEN8 of the UDP expects and supports residential developments to come forward.
- 4.17 City living policy objectives of the UDP are purposeful in terms of seeking to stem a long period of population decline within the city centre; residential developments, including student accommodation developments, delivered since the adoption of the UDP have been successful in rebuilding confidence for living within the city centre and more recent flux of housing developments within the city centre confirm the popularity of city centre living.
- 4.18 The proposal to redevelop a large urban site in the city centre is fully compliant with the objectives of the NPPF, the Liverpool City Centre SIF and the Baltic Triangle Planning Framework in terms of locating residential uses in a vibrant part of the city centre where residents can access the wide range of shopping, entertainment, employment and cultural facilities available in the surrounding areas of Liverpool Waterfront, Liverpool One and RopeWalks.
- 4.19 The proposal will also re-use previously developed land, in accordance with the regeneration objectives of the Council (policy GEN8) and Government policy for sustainable development, according with the Framework's principles for favouring sustainable development.
- 4.20 In addition, it is noted that the proposal is located in an area that is well connected by public transport throughout the city centre and beyond with the opportunity to generate linked trips and more specifically walk-in trips from the site to the nearby shops, service, major visitor attractions and other facilities within the city centre.

#### Town Centre Uses – Ground Floor Retail/Commercial

- 4.21 The application proposes 332 sqm of flexible retail/commercial floorspace, aimed at ensuring the development is able to deliver a mixed use scheme where the ground floor retail/commercial units can attract appropriate level of employment related uses and neighbourhood retail facilities.

- 4.22 The commercial uses in the ground floor are key complementary land uses necessary to help sustain the influx of substantial new population created through the development and other developments in the Baltic Triangle.
- 4.23 The NPPF requires out of centre retail and other town centre uses to be considered in the light of sequential test considerations (paragraph 23). The NPG sets out the requirements for sequential assessments and requires sites to be assessed for their availability, suitability and viability, with all in-centre sites considered before less central sites. Where it is demonstrated that no town centre opportunities exist, preference should be given to edge-of-centre locations that are well connected to the centre by means of easy pedestrian access.
- 4.24 In the case of this proposal there are three matters that inform the sequential assessment.

- i) **Location specific need:** There is a need for the proposed development to maintain and enhance the commercial viability of redeveloping the site. The requirement is for the major residential development to be supported by complementary creative industry and neighbourhood uses so that the scheme residents and other local residents in the area can enjoy localised access to every day facilities without having to travel further afield.

The modest element of the retail/commercial space is connected to the critical mass of development overall which delivers the whole package of regeneration led development.

- ii) **Scale and form of development:** There are legitimate constraints on the ability of the applicant to deliver the proposed development through draw-down of commercial funding facility. The proposed development will provide a complementary facility of an appropriate scale which is related to the requirements to provide a critical mass of residential apartments and supporting commercial uses.

The opportunity to support the scheme with an appropriate level of commercial/neighbourhood/retail/leisure uses which can provide the early years of the investment model with a steady revenue stream. If the elements of the proposal were to be disaggregated the whole scheme becomes unviable and the redevelopment of a derelict site does not get realised, with the consequences being more decline and less opportunity to bring an economic and beneficial uses to the site.

- iii) **Site location:** The site should properly be viewed as being within the city centre as it is part of the Baltic Triangle which is taken to be within the city centre and as such it would not fall foul of sequential assessment test requirements as it is located in one of the most sustainable locations in the city being next to large areas of new communities, public transport and student developments.
- 4.25 It is to be noted that the UDP under various parts of explanatory text indicates that retail, complementary and alternative uses within mixed use areas within the city centre would be acceptable. This of course is supported by the SIF and Baltic Triangle Planning Framework that encourages mixed uses in the area. These planning and regeneration policies support locating the mixed use development proposal at the application site.
- 4.26 Policy S9 indicates that small scale retail uses are supported in neighbourhood shopping centres and parades; there is no definition of 'neighbourhood' level shopping centre or indeed of the scale that would be appropriate to such locations. The proposed 'retail' uses could comprise any mix of class A1 and A3 retail with other options for uses in Classes B1, D1 and D2 land categories. The location is of such varied commercial character any or a combination of these uses would be eminently suitable for the location.
- 4.27 It is accepted that the site is not part of a designated neighbourhood centre (as envisaged under policy S9 of the UDP). However, it is clear from walking the site and surroundings that the site is part of a route extending along St James Street and Jamaica Street down to the city centre on the west and east side of the site and beyond. This route is considered to be akin to functioning as a neighbourhood shopping and entertainment area for the residents living in the Baltic Triangle area.
- 4.28 Furthermore, in granting the planning permission for retail and commercial uses at the site in 2007 (including Class A1 and A3 uses), the Council accepted the site is sequentially preferable to serve the need of the local community for those uses. As part of the proposed scheme, it is considered appropriate to re-introduce these land uses within the overall mix of viable uses to create a sustainable development.
- 4.29 In conclusion, it is considered that the application site has unique locational credentials, which supports the view that it is sequentially preferable location in regard to NPPF and UDP shopping and sequential test policies. The proposed mixed use development is suitable for the site and the location and being a genuine mix of uses it fits well with policy S9 and NPPF.

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- 4.30 The proposal would reflect the existing mixed use character of the area, including creative uses, retail/leisure and commercial uses which complement the extensive residential/student accommodation developments that characterise the area.
- 4.31 The site is conveniently located in a mixed use area within the city centre which would be accessible to all sectors of the community, particularly those who travel by public transport or rely on walk-in travel. It is therefore considered that the proposed development complies with the sequential test requirements of policy NPPF and policies S1 and S9 of the UDP and would be sustainable development in this regard.

#### Regeneration Considerations

- 4.32 The redevelopment of the site for residential led mixed uses is consistent with similar large scale schemes that have been granted in the vicinity of the site, including the large mixed use schemes at Bridgewater Street and Norfolk Street near to the site. These recent developments are testimony of the growing confidence in the area as a regeneration priority, helping to deliver new homes, jobs and investment.
- 4.33 Sites leading from the Dock Road to Jamaica Street and surrounding areas within the Baltic Triangle are increasingly becoming the focus for housing and other forms of residential development with complementary ground floor creative industry uses/commercial uses, providing new housing to meet local needs in a priority regeneration area.
- 4.34 The area is part of the Baltic Triangle, where the City Centre SIF (2012) expressly supports the inclusion of residential uses within the business and other commercial uses to create sustainable mixed use community within the area.
- 4.35 One of the SIF's 'Strategic Actions' is to expand the residential population and create distinctive neighbourhoods. It suggests that implementation of the SIF will expand the City Centre population from 32,000 to over 42,000 – the largest of any UK city core. It makes it clear that the Baltic Triangle will play an important role in this, describing it in the following terms :-

"... an exciting new place to live, work and visit."

"... at the beginning of a new and exciting journey, which will see the area grow into a thriving creative City Centre neighbourhood ...

"... a quirky, alternative destination, where new communities are forming an emerging 'BoHo' character ..."

"....the Baltic Triangle is ready to take off.... the most potential to

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transform itself over the next 15 years and to grow its role within the City Centre economy ...”

“... the area needs a revolutionary plan.”

- 4.36 It is recognised in the SIF that the area’s revolutionary plan encourages housing to be a major benefit as a means of driving forward the Council’s objectives for delivering new homes, improving the housing stock and contributing to the neighbourhood renewal and regeneration of the Baltic Triangle area.
- 4.37 The site’s potential for attracting future traditional employment development is very weak; any modern employment development units to be erected at the site would certainly be unviable. There is no prospect of providing new traditional forms of employment development on the site, where such employment development would be competing with better located industrial premises in the key locations elsewhere across the city.
- 4.38 Whilst the loss of the site from employment land supply does mean a lost opportunity to support jobs in the Baltic Triangle. It is to be highlighted that the proposed development will create 171 student accommodation apartments and new ground floor commercial units (332 sqm) which can be made available for a diverse range of supporting employment uses, including offices, creative industry uses and neighbourhood services (retail/leisure). This significant quantum of new development will lead to significant job growth.
- 4.39 The expectation is that through an appropriate worded condition, one of the two proposed ground floor commercial units can have a period of marketing directly for ‘Class B1/D1’ (we would suggest these to encourage demand for suitable uses in the creative industries, niche business uses and neighbourhood facilities) prior to being made available/let for traditional retail uses. However, whilst this is accepted as a laudable policy objective, it cannot be at the expense of empty units if the demand is not forthcoming.
- 4.40 Furthermore, there will be circa 100 construction jobs for a period of 18 months, new Council tax revenues and considerable new expenditure available to the area to support local shops, entertainment and other community based facilities.
- 4.41 It is considered that the noted regeneration benefits are significant economic benefits that support the regeneration of the site within an area where regeneration is a key policy objective for the NPPF, the UDP, the City Centre SIF and Baltic Triangle Planning Guidance documents.

Baltic Triangle Planning Guidance (2008)

- 4.42 The Baltic Triangle Planning Framework was published jointly by Liverpool Vision and Liverpool City Council in January 2008. It is intended to provide a framework to guide future development and investment into the Baltic Triangle area, and to ensure that regeneration is truly sustainable.
- 4.43 Chapter 2 of the Framework states that the Baltic Triangle's current designation within the adopted Unitary Development Plan for Primarily Industrial Uses 'no longer reflects the spatial distribution of different activities throughout the area.'
- 4.44 It states that new uses, such as residential uses, will be positively encouraged through the Planning Framework. The vision for the Baltic Triangle is of a vibrant, mixed use area. This is underpinned by the introduction of new residential development, which will build on the market demand for apartment living in the city centre.
- 4.45 The Framework identifies a vision for the Baltic Triangle, stating that:-

*"The Baltic area of Liverpool becomes known as an exciting, stimulating and fun place to work, live and visit. It will be a viable and diverse mixed use area, based upon entrepreneurial business activity and creative industries, complemented by a high quality and diverse residential environment. The area will complement the investment in the surrounding areas of Paradise Street, Kings Waterfront and Rope Walks.*

*The Baltic will be an integral part of the redevelopment of south of the City Centre, facilitating seamless movement throughout the area. Development will be of the highest quality and innovation will be as standard. Development must respect the scale of the individual and conform to the area's historical context".*

- 4.46 It is submitted that the development proposals are precisely the type of regeneration led, mixed use developments required to contribute to the delivery of the vision of the Baltic Triangle Planning Guidance, delivering sustainable development, creating sustainable communities and driving forward important growth in housing and local area investment.

Planning for Housing Considerations

- 4.47 The proposed development of the site for housing meets sustainable development policy objectives for bringing forward land for the provision of housing (including student homes) within the city to meet demand.

- 4.48 Paragraph 6.73 of the Strategic Housing Market Assessment (SHMA) – highlights a key point - that in order for the economic aspirations of the Council to be met, namely the aspiration to achieve a higher level of population containment within the city, the evidence suggests that demand will need to be sustained by the development of additional housing in order to support meeting economic aspirations for the city. Student accommodation provides homes for the growing student population in the city, many of whom continue to live in the city after leaving full-time education.
- 4.49 The proposed student home would also support student professionals in nursing, medical and other key worker professions who make up a significant proportion of 'students' living independently in the city centre.
- 4.50 The need and demand for the proposed student accommodation apartments is supported by the applicant's own local research which confirms a significant level of unsatisfied demand for student accommodation in the area. The proposed development meets the identified needs of students.
- 4.51 The proposed development will deliver densities in excess of 50 units per hectare, with the high rise blocks agreed by the Council officers as being reflective of the character of the area, particularly noting the recent major apartment block schemes in the vicinity of the site.

#### Heritage Impacts

- 4.52 The NPPF sets down the presumption in favour of the development unless there are demonstrable and significant adverse impacts arising from the development. Impacts on heritage assets, which in this context entail the buildings impact in relation to the views of the church of St Vincent de Paul (grade II\* listed) and views to the Anglican Cathedral from the World Heritage Site.
- 4.53 The National Planning Guidance (NPPG) issued in March 2014 sets down detailed guidance on the consideration of the significance of identified heritage assets. It is confirmed that 'setting' itself is not part of any designated assets, although it can contribute to the 'significance' of a particular heritage asset.
- 4.54 The NPPG (paragraph 009) advises that heritage assets may be affected by direct physical change or by change in their setting. Being able to properly assess the nature, extent and importance of the significance of a heritage asset, and the contribution of its setting, is very important to

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understanding the potential impact and acceptability of development proposals.

- 4.55 The "*setting of a heritage asset*" is defined in the Glossary of the National Planning Policy Framework. A thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.
- 4.56 Setting is the surroundings in which an asset is experienced, and may therefore be more extensive than its curtilage. All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not. The extent and importance of setting is often expressed by reference to visual considerations.
- 4.57 The NS Architects Visual Impact report and Design & Access Statement ('contextual photographs' section) provides a comprehensive appraisal of the scale and massing of the proposed development, relating the scheme to other residential led developments in the Norfolk Street area of the Baltic Triangle, demonstrating that the scheme will not be unduly imposing when observed from key views, including views to the listed church of St Vincent de Paul (which in any event is affected by the close proximity of the 8 storey Woman's Centre building on the end of Norfolk Street closer to the listed church building – reference to views in the D&A Statement and Visual Impact report).
- 4.58 These key views were carefully selected by the scheme architect, in consultation with the Council's Design Manager, to demonstrate there is no adverse impact on any views of the Liverpool Cathedral and church of St Vincent de Paul or in terms of the scale of the development in relation to the 'immediate context (Norfolk Street), or from the siting/design features of the proposed development, noting the site is in the designated World Heritage Site 'buffer zone'.
- 4.59 Having regard to ensuring an acceptable impact within the World Heritage Site and on the views of the Liverpool Cathedral and on the grade II\* listed church (St James Street), the proposals are considered to meet the policy tests of the NPPF (paragraphs 127 to 141); comply with the policies of the UDP (policies GEN1) and meets the requirements of the World Heritage Site SPD.



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#### Transport & Accessibility

- 4.60 The site is accessible by different modes of sustainable transport, including by foot, bicycle, rail and bus and is within easy walking distance of the main shopping, employment, cultural and leisure areas of the city centre.
- 4.61 Brunswick Station is close walking distance to the site and there is bus services along Sefton Street and James Street Station to the west, where services can be accessed throughout the city.
- 4.62 The 'Ensuring a Choice of Travel' SPD sets down a methodology for calculating minimum accessibility factors from a range of measures which are assessed in relation to small, medium and large developments within the standard planning use classes. The site scores well in relation to accessibility factors.
- 4.63 The SPD sets car parking standards for various development proposals which are based on the accessibility of the development type. There is no requirement for car parking for a city centre development.
- 4.64 The SPD also sets standards for other modes of transport, including cycle parking provision. Cycle storage facilities are proposed in the ground floor area and provides adequate cycle storage facilities to meet the needs of the residents and visitors (two-tier system of bike racks proposed to maximise storage capacity to meet LCC standards for cycle provision for student accommodation).
- 4.65 There is plentiful public transport provision along the Dock Road and on Great George Street to the north of the site and car parking areas are available at Jamaica Street all within a short walk to the site.
- 4.66 The building is fitted with lift access and provides suitable access for residents with disabilities that require lift access. Provision for disabled access throughout the building has been designed into the scheme to enable disabled students to have access to well-designed wheel chair accessible units.
- 4.67 The proposed development where possible strives to offer inclusivity, it will be safe, convenient, flexible, sustainable and legible. The proposals seek to offer:-
- Equitable use and accessibility for everyone irrespective of ability.
  - Appropriate space for people regardless of body size, posture and mobility.

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- Ease of use, comprehension and understanding regardless of physical or cognitive abilities.
  - A safe, comfortable and healthy environment, minimising hazards.
- 4.68 The applicant is committed to a policy of equality, inclusion and accessibility in the delivery of a development which will be used by visitors to the building and residents. The applicant company fully recognises the diversity of cultural, religious and individual abilities of future residents and visitors and is active in ensuring that all developments are able to support use/occupation from all members of society.
- 4.69 Bearing in mind that the site is clearly very accessible and has a high degree of sustainable transport access, the proposal scores well when assessed against the UDP policies GEN1, E9, HD18, T6, and T7 and the 'Ensuring a Choice of Travel' SPD and 'Access for All' SPD.

#### Sustainability Credentials

- 4.70 The design team is committed to delivering a large student accommodation development delivering social, economic and environmental sustainable development.
- 4.71 The redevelopment of the site will be carried out within a carefully considered development scheme that will exceed the minimum statutory requirements by reducing energy use, CO2 emissions, water use and pollution/ waste created during construction and in use of the building using energy efficient boilers and air cooling systems.
- 4.72 Materials and sustainable construction methods will be chosen for minimum environmental impact and greater durability. The health and wellbeing of occupiers will be carefully considered. The environmental impact of the construction work will be managed so that it will be mitigated as much as possible to source local materials and supplies.
- 4.73 The proposed development is in accordance the sustainable development principles of the NPPF aimed at reducing carbon emissions and meeting climate change objectives. These are met by the following –
- The development will reuse an existing brownfield site within a location in the city centre, reducing the need to travel by motorised transport as it is well located for access to the main city centre shops and services and the city's key visitor attractions.
  - There is every possibility that CO2 emissions will be reduced as the main source is motorised vehicle trips which will be greatly reduced

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as a result of the property being located within the heart of the city centre of Liverpool.

- The development will be constructed by local based workforce with local jobs and investment.

#### Socio-Economic Benefits

- 4.74 The only realistic option for the future development of the site is to redevelop it for housing/mixed use.
- 4.75 The reuse of the site for the student accommodation apartment led development is a trigger for bringing forward substantial new investment to the site and to the area.
- 4.76 The proposed student apartments provide an alternative economic use for the site complementing the expanded Baltic Triangle developments.
- 4.77 The redevelopment of the site will bring with it jobs - generating some 100 construction jobs created through the development. In addition there will be significant additional jobs and investment from support facilities, created from the 'multiplier' effects with expenditure growing in the area from the new spending powers from the residents.
- 4.78 The proposal will provide welcome opportunities for work, training and apprenticeships through the construction programme for the development and through extended multiplier impacts across the construction supplies sectors.
- 4.79 The proposed two commercial units will provide a valuable contribution to inward investment in the area, providing local workspace and work-based hubs for a wide variety of employment uses. These are expected to support in the order of 10 fte jobs.
- 4.80 There is also the spin-off to local trades and services from the expenditure from the new residents and investment to the Council from new Council tax revenues.
- 4.81 The redevelopment of the site will bring new life to the area and provide a new residential community that will contribute to the vibrancy of the area, helping to improve the amenity of existing residents through neighbourliness and improved security and safety from having people living at the site and contributing to the amenity of the area.

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#### Design & Landscaping

- 4.82 The vision for the scheme, led by NS Architects was to reflect the guidance set down in the Baltic Triangle Planning Guidance (2008), design a high quality residential led mixed-use scheme and to ensure that the amenities of the future residents/students can best be assisted through use efficient living accommodation with access to complementary facilities (games room, laundry) and access to local shops and services.
- 4.83 The development also aims to acknowledge the neighbouring established land uses adjacent to the site, including the commercial uses within Norfolk Street and other nearby streets in the area. The proposed scheme has been designed to minimise any potential conflicts between the neighbouring land uses, with high percentage of acoustic glazing and brick elevations to screen noise from outside sources.
- 4.84 The redevelopment of the site will also improve natural surveillance, particularly along Norfolk Street and Watkinson Street, helping to reduce fears of anti-social behaviour and disorder and will form an integrated part of the wider regeneration of the area.
- 4.85 The key objectives of the architects design brief is demonstrated throughout the D&A Statement with key themes being:-
- Replace previous commercial building on the site with high quality residential led mixed use building
  - Re-activate street frontages onto Street
  - Create high quality residential space
  - Scale and form to reflect neighbouring consented schemes/recently built or under-construction schemes
  - Contribute to the regeneration of the extended Baltic Triangle Development area.
- 4.86 The D&A Statement provides a series of massing models to highlight the process through which the scheme in terms of scale, form and massing was generated.
- 4.87 The massing models, with images in the D&A Statement, provide a contextual appraisal upon which the understanding of the key building blocks were created. This part of the architects' appraisal confirms that the scale of the proposed development has been carefully calculated to harmonise with similar scaled developments (existing and in pipeline) and with the existing character of the area, reflected in the historical warehousing buildings seen in the area.

- 4.88 The detailing of the blocks is particularly well researched through a close understanding into the surrounding historical vernacular architecture of Liverpool (the warehouses). The study considered the patterns and rhythm of key buildings around the Baltic Triangle, drawing inspiration from the architectural details, roof styles and fenestration and taking note of the materials, views and styles of both historic and more recent high rise buildings in the area.
- 4.89 In the proposed building the D&A Statement explains how the façade has been designed using 'precedents' where use of brick as the main external construction material and symmetry of architectural form and styling will create a high quality warehouse typology style of apartment block.
- 4.90 A refined palette of materials has been selected for this proposal. The key material being brown brick combined with crafted timber work will provide a suitable choice of materials for the proposed building.
- 4.91 Overall in design terms the proposal demonstrates a high quality design, appropriate scaled development which when built will sit comfortably in its surroundings, particularly when taking into account the nearby schemes where similar scaled building projects with residential led land uses have been permitted and yet to be completed.
- 4.92 In design terms the proposal complies with the NPPF requirement to demonstrate 'good design' and with the design criteria set out within policies H5 and HD18 of the UDP.

Amenity Considerations

- 4.93 The application site borders on to an existing warehouse building fronting Watkinson Street to the south, fronts onto Norfolk Street and Jamaica Street and faces onto the modern 8 storey Woman's Centre building facing St James Street. The area, although traditionally a vibrant industrial/warehousing area, has for many years suffered from decline of the traditional employment uses, with existing buildings being used for a diverse range of uses, and more recently, in last 10 years, residential uses have become part of the established character of the area.
- 4.94 The proposals are consistent with numerous residential led mixed use developments in the Baltic Triangle area where the character of the area is mix of commercial uses co-existing alongside residential uses.
- 4.95 The proposals have been designed with a careful consideration of the neighbouring developments, both existing and planned developments.

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- 4.96 The applicant has commissioned a bespoke acoustic report (Soundtesting Acoustic Consultants) who have assessed the potential noise impacts from the neighbouring uses.
- 4.97 The acoustic report confirms that the proposed building can achieve acceptable levels of noise standards and provide adequate levels of amenity for the future residents, taking account existing noise levels around the site and proposed noise levels measured at the façades of the proposed building.
- 4.98 Acoustic glazing in the windows of the proposed building and additional protection from internal insulation are good design features that help to achieve the acoustic standards within the development.
- 4.99 In terms of other impacts on amenity, the architects have carefully designed the proposed development to ensure it is respectful of the need to maintain amenity standards between the application development and neighbouring properties (adequate interface between buildings to the Woman's Centre).
- 4.100 A CCTV system will be installed to provide images that will detect/ deter crime in all public areas of the complex.
- 4.101 Overall with adequate safeguards for protection of amenity from noise, it is submitted that the impacts from the proposed development will not have any undue adverse impacts to the residential amenity of neighbouring occupiers or of the new occupiers for the site and in amenity terms the proposal is acceptable in line with policy HD18 of the UDP.

#### Open Space & Amenity Space

- 4.102 Relevant Policies of the UDP are policies H3, H5 and OE14 and explanatory text to those policies.
- 4.103 Policy H3 (city centre living) of the UDP states that the Council will encourage and support proposals for the improvement of city centre housing stock.
- 4.104 Paragraph 9.60 of the UDP, dealing with city centre living identifies that some forms of city centre residential accommodation *"will prove more suitable for some groups of people than for others. The lack of amenity and play space and impact of living close to pubs, cafes, night clubs and other sources of noise and disruption, would not tend to attract families. Such locations will appeal more to the young, single and students."*

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- 4.105 Therefore, we can see that the UDP and saved policy H3 in particular is seeking to encourage city centre living through residential accommodation designed for students, which it acknowledges would not provide amenity or play space.
- 4.106 Policy OE14 of the UDP is relevant, however, it does not require student accommodation developments to provide any on-site or off-site open space and indeed expressly references the application of the policy excludes student accommodation developments. This is a material fact that should properly be taken into account when considering the application of the Council's internal Planning Obligations policies in relation to open space.
- 4.107 The Council is aware of an appeal decision relating to Salter's building in Pembroke Place/London Road (2015) which was allowed without any requirement to contribute to open space or indeed offer any open space within the development. The Council did not seek to defend the refusal of that application as being in conflict with its internal S106 policy, instead relying on a suggestion the proposal was of poor design due to a lack of open space provision. Clearly on appeal the Inspector disagreed and made reference to the 'exclusion' of student accommodation developments from provision of open space.
- 4.108 The Council has to consider all material information submitted in relation to a planning application and consider that information in the planning balance. The applicant has every intention of contributing to any 'necessary' works that require a s106 financial contribution. However, it is respectfully suggested that the scheme as proposed be granted planning permission on the basis it delivers a high quality student accommodation development that has no 'demonstrable or significant adverse impacts'.
- 4.109 Turning to national policy, the NPPF paragraph paragraphs 69 to 73 deals with social, recreation and well-being and promoting healthy communities. The development will deliver social and recreational benefits by bringing residents to an area where the Council's UDP policies, the City Centre SIF and the Baltic Triangle Planning Guidance seek to channel such developments.
- 4.110 Residents within the proposed development will benefit from wide variety of recreational and social facilities within the city provided by the private sector as well as Council maintained areas in the nearby Liverpool Waterfront, parks and entertainment destinations.
- 4.111 The NPPF at paragraph 73 deals with developments having access to high quality open spaces and notes that opportunities for sport and recreation

can make an important contribution to the health and well-being of communities. However, even here, this specific policy advice from Government is addressing policy making not decision making, and expects planning policies to be based on robust and up to date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision.

- 4.112 No such robust and up to date review of open space and recreation needs has yet to be undertaken within Liverpool and no specific need is apparent from reviewing the Council's evidence base studies used for the preparation of the Submission Draft Core Strategy.
- 4.113 In the absence of such studies to expect the proposal to make a very substantial commuted sum payment for some general element of open space or public realm scheme would fail the necessity tests of the Community Infrastructure Levy Regulations 2010 (s122).
- 4.114 Bearing in mind the proposed development will deliver substantial benefits in line with the aspirations of the City Centre SIF and Baltic Triangle Planning Guidance, it will be in the context that the proposals also cater for the students of the development through on-site games room, the proposal provides access to amenity facilities.
- 4.115 In relation to street tree planting the policies of the UDP do not require developments to pay substantial funds towards street tree planting even if there is a lack of landscaping and tree planting within the scheme. The proposals do not include any on-site landscaping, as it is an 'infill' development contained alongside existing buildings to the north and south. There is no space for landscaping on the site and this is supported by policy H3 of the UDP which recognises 'cramped sites'.
- 4.116 It is submitted that overall there is a strong case with this proposal for the Council to waive or significantly reduce the usual request for substantial s106 contributions as there is adequate amenity provision (games room) and absence of on-site landscaping within the proposed development does not in this specific context result in poor design.

#### Technical Matters

- 4.117 *Flood Risk* – the site is not within a flood risk zone and does not create any new development outside of the existing building block. The proposed development will utilise existing drainage capacity systems and have in-built design proposals for sustainable drainage. A detailed flood risk assessment and drainage strategy report is provided.



- 4.118 *Refuse Strategy* – the Design & Access Statement provides information identifying the proposed refuse strategy for the development. A designated refuse and recycling store is to be included within the ground floor of the development and can be accessed from the stairs and lift. Movement of bins during collection days will be the responsibility of the residential management and collection of domestic refuse and recycling materials will be managed to be serviced by the Council's kerbside collection services.
- 4.119 *Contaminated Land* – The site has historical industrial land uses and there is asbestos sheeting within the existing building. A Stage 1 site investigation report has been prepared by CCG environmental consultants and is submitted to confirm the site can be developed safely for residential purposes with additional safeguards controlled through standard planning conditions for risk assessment, remediation and verification of land free from contamination prior to first occupation.

## **5.0 Conclusion**

- 5.1 The proposed development will facilitate a new and exciting land use for a former warehouse site and will deliver a high quality unique range of student accommodation residential accommodation that enhances and broadens the city living accommodation offer within the city centre. Complementary commercial space will deliver a very worthy redevelopment proposal for the site.
- 5.2 The most suitable and only viable use to give the site a future is to redevelop the site for a major new mixed use development, delivering the land uses that will contribute to delivering the 'vision' of the Baltic Triangle Planning Guidance and the City Centre SIF.
- 5.3 The site is in a very sustainable and highly accessible location. The proposal will deliver a development that can truly be accessed via a range of sustainable transport modes, reducing the need to travel by motor car.
- 5.4 The city living accommodation provided within the development sits comfortably alongside main city centre shops, services, offices and visitor attraction facilities – it is a very worthwhile complementary use for the site that meets the policy requirements of the UDP GEN1 and policy E1.
- 5.5 The proposals will contribute significantly to the delivery of significant local socio-economic benefits, jobs and investment and have significant regenerative and economic spin-off benefits within the local economy.

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- 5.6 The scheme has been designed with close consultation with the Council Officers, including Urban Design, with additional assessment and design review undertaken post pre-application discussions with the officers.
- 5.7 The design and scale of the proposed development is considered to be high quality, consistent with other similar developments in the vicinity of the site, and will create 'good design', supported by policy HD18 of the UDP, the guidance of the Baltic Triangle Planning Framework and the NPPF's policy advice on design.
- 5.8 Overall, it is considered that the proposal is entirely in accordance with NPPF and saved policies of the Liverpool UDP. It will be a very positive step in the reuse of a brownfield site within the Baltic Triangle regeneration area of the city centre.
- 5.9 There being no overriding policy or technical objections, it is requested that planning permission should be granted in accordance with the presumption in favour of sustainable development set down in the NPPF and supporting development plan policies GEN1, E1, H3, H5, and HD18 of the Liverpool UDP, and supported by the regeneration vision for the area set down in the City Centre SIF and Baltic Triangle Planning Guidance.