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Dear Peter

Clayton Square Shopping Centre, Liverpool – Proposed Improvements

1. Further to our previous discussions and on behalf of our client, InfraRed Retail Nominee 5 Ltd and InfraRed UK Retail Nominee 6 Ltd (“InfraRed”), the owners of the Clayton Square Shopping Centre (Clayton Square), we hereby submit a planning application for proposed alterations to the shopping centre, including the closure of part of the existing malls within the centre at both ground floor and first floor levels.
2. The description of development is for:

“Closure of internal pedestrian mall to Church Street at ground floor level and first floor level malls to create flexible Class A1 and Class A3 retail floorspace, including additional mezzanine floorspace for flexible Class A1 and Class A3 use on first floor and infilling of existing entrance area from Church Street, with new street level entrance at Church Street”

3. The following documents are submitted in support of this planning application:
 - 1APP Application Form
 - Requisite planning application fee of £770
 - Design and Access Statement
 - Detailed architectural drawings, as set out below:
 - Location plan and Block plan (ref: BNY-SA 08 0001)
 - Ground Floor Plan Existing (ref: BNY-SA 08 0002)
 - Ground Floor Plan Proposed (ref: BNY-SA 08 0003)
 - First Floor Plan Existing (ref: BNY-SA 20 1001)
 - First Floor Plan Proposed (ref: BNY-SA 08 1002)
 - Existing Elevation Church Street Entrance (ref: BNY-SA 08 AL05)
 - Proposed Elevation Church Street Entrance (ref: BNY-SA 08 AL06)
4. Illustrative plans have also been submitted which show the potential internal layout at ground and first floor in Clayton Square:
 - Ground Floor Plan, Illustrative Plan (ref: BNY-SA 08 0004)

- First Floor Plan, Illustrative Plan (ref: BNY-SA 08 1003)

Clayton Square Shopping Centre - Background

5. Clayton Square shopping centre was originally built in 1985. The Centre sits within Liverpool's Main Retail Area and is the fourth largest shopping centre in Liverpool. It had 30 shops including fashion, leisure, lifestyle and food and drink tenants.
6. There is now though a high level of vacancies in the centre at the present time. Out of a total of 30 stores only 18 are currently trading on a permanent basis, thus representing 60% of the total. Current key tenants include Clas Ohlson, Boots, Mothercare, EE and Maplin.
7. The shopping centre has been the subject of significant changes over the years. The key intervention occurred in the mid-1990s when infill floors were added to the main Cases Street Mall to create new upper floor retail floorspace. These together with escalators and other internal merchandising result in the main Cases Mall being cluttered with a sense of enclosure at upper levels. The shopping centre faces tough competition from other shopping destinations in the city centre.
8. Many of the retail units within the centre are substandard in terms of size and configuration and Infrared is seeking to bring forward significant internal changes to the centre to create improved units for some of the existing key tenants as well as new larger units to meet current tenant demand. This will provide an overall uplift for the whole Centre and enable it to compete effectively with other city centre shopping destinations. There is demand from retailers for units on the Cases Street-Elliot Street axis. There is none for the longer and little used Church Street mall.

Current Mall Configuration

9. There are currently three public mall entrances into the centre: Elliot Street entrance facing St Johns, Cases Street entrance facing Liverpool Central Station and the Church Street entrance.
10. There are two internal malls at ground floor level. The main mall through the centre runs south to north linking Cases Street to Elliot Street and the other less well used mall runs west to east from Church Street (the Church Street mall) into a central atrium which includes escalator provision to the first floor of the shopping centre. The first floor malls are characterised by narrow walkways and small retail units, which are all currently trading very poorly.
11. Prior to the construction of Clayton Square Shopping Centre, the historic street pattern included routes which mainly ran south to north broadly in the location of the existing main mall. There were no significant west-east routes linking to Church Street.
12. The Church Street mall currently has medium size retail units fronting the mall to the north which include only secondary entrances to Mothercare, Unit 14 and Clas Ohlson. To the south is a series of smaller units and kiosks, many of which are vacant.

The Proposals

13. As described earlier Clayton Square is currently under pressure, not only from the current economic downturn but also from external competition within Liverpool. Infrared has thus identified there is real potential for upgrading the centre to make the best use of the space to create retail units for which there is demand to offer existing anchor tenants better configured units.
14. As described above there are a number of units within the mall which are vacant and to date there has been little interest from prospective retailers to occupy the space, as the existing units are considered to be too small, poorly configured and not on busy enough frontages. The purpose of the proposed amendments will be to provide larger, more suitable units which will retain and attract quality retail occupiers into the mall.

15. We are proposing to retain the main pedestrian walkway through the shopping centre connecting Cases Street to Elliot Street. However, the walkway to Church Street will be removed in order to accommodate retail units trading from popular frontages. This layout will be reflected at both ground and first floor.

16. A detailed description of the works is below:

Ground floor

- The existing Church Street Mall will be closed to create new retail space fronting Church Street, part of which will have flexible Class A1/A3 use
- The front part of the existing Church Street mall, where it is set back from the frontage will be infilled to form part of the new retail space and create an active streetscape
- The area forming the eastern part of the existing Church Street will be closed which will enable new retail units to be created fronting the Cases Street mall.
- There will be no pedestrian through route via any of these units from Church Street into the shopping centre
- The internal escalators in the central atrium will be removed to create an open view along the Cases Street mall and enable an uncluttered triple height to the main Cases Street mall. Access to the first floor will be via the reconfigured retail units.

First floor

- The existing first floor mall areas will be closed to create flexible Class A1/ Class A3 retail space, accessed from the ground floor units or Great Charlotte Street.
- Removal of retail slab over the Cases Street entrance.
- The insertion of a mezzanine above the Church Street entrance to create an additional 105 sqm of flexible Class A1/ Class A3 retail space.

Planning history for Clayton Square

17. Clayton Square was constructed pursuant to planning permission reference L254145 which was granted on 22 February 1982. The description of development is as follows:
"To redevelop site for shopping and associated purposes including pedestrianisation of parts of existing highways".

18. Condition 5 of the planning permission states:
"notwithstanding the provisions of Section 22 (2) of the Act and the Town and Country Planning (Control of Advertisements) Regulations 1969-1975, any works materially affecting the appearance of the development as seen from the pedestrian ways inside the building complex including the erection of signs shall, for the purposes of planning control be subject to the approval of the Council as if such pedestrian ways were public highways."

19. Planning permission was granted on 15 September 1997 to remove Condition 5 (reference: 97P/1460) for the following:
"To remove Condition 5 from permission L254145 - to restore development rights to carry out works of alteration within the malls without requiring planning permission or advertisement consent"

20. Condition 1 was attached to this permission which states:
"This permission shall not apply to any internal development which would materially affect the external character and appearance of the host building or development which would result in the extinguishment, diversion or permanent reduction of any pedestrian malls or other internal public spaces... for the avoidance of doubt condition 5 of planning permission ref L254145 shall continue to apply in this respect."

21. The reason for Condition 1 is that the Council seek to protect the interests of visual amenity and the amenity of pedestrians.
22. As a result of the amendments to the conditions as detailed above we conclude that whilst internal alterations to the shopping centre including shopfronts do not require the express consent of the City Council planning permission is still required for the proposed closure of the malls within the shopping centre and for any external alterations that are associated with any internal alterations.

Scope of the Planning Application

23. It is on the basis of the planning history of the centre that we are submitting the enclosed application for the closure of the Church Street mall at ground floor level and the malls at first floor level. The application also seeks permission for the infilling of the current external area at the frontage to the Church Street mall as this affects the external appearance of the shopping centre in this location.
24. At this stage the application will only include external alterations to the canopy on Church Street. Detail of external shopfronts or advertisements will follow in due course. However the Design and Access Statement includes illustrative information on the options for proposed external improvements to the centre and subsequent improvements internally e.g. along the Mall between Elliot and Cases Street.
25. Whilst the application includes details of the proposed internal configuration of the shopping centre it is our view that the proposed changes to the internal arrangements within the Centre (other than the closure of the malls) do not require planning permission. The final internal configuration is in any event subject to further and continuing discussions with existing tenants and anticipated discussions with new tenants once these plans are approved.
26. By closing the Church Street Mall, the existing mall space will change from Sui Generis to Class A1 (retail). This will create 600 sqm of Class A1 retail floorspace within the mall.
27. There will be 2556.18 sqm of the internal floor space changing from Class A1 to flexible Class A1/A3 use.
28. Therefore, in total 3156.18 sqm of internal mall space will be subject to a change of use planning application. This is labelled as 'Other' on the planning application forms.
29. In addition, 105 sqm of new mezzanine floorspace for Class A1/A3 use will be created above the Church Street Mall entrance.
30. We have set out the amount of space within the shopping centre which will be subject to a change of use in the table below:

	Current use	Proposed use	
	Mall Space (Sui Generis)/ Internal floor space (Class A1)	Class A1 (Retail)	Flexible Class A1/A3
Existing floorspace (Mall Space/ Internal floor space)	3156.18 sqm		
Proposed floorspace (including a 105 sqm of new mezzanine floorspace)		600 sqm	2661.2 sqm

Policy Justification

31. The Unitary Development Plan (UDP) is a statutory document that plays a major role in shaping the future of the city, and was adopted in November 2002. Under the new planning system, the UDP is a 'saved plan', which means it is a Development Plan Document (DPD) within the current Local Development Framework.
32. Clayton Square is allocated as part of Liverpool City Centre and Main Retail Area (Policy S1).
33. Policy S3 (Improving the City Centre Shopping Environment) states that the Council will undertake initiatives designed to improve the shopping environment, hence the requirement for Class A3 use at upper level.
34. The emerging Core Strategy Submission Draft (2012) includes the shopping centre within the City Centre. Strategic Objective 3 (Vital and Viable Shopping Centres) of the Core Strategy seeks to protect and enhance Liverpool City's Centre's role as a regional shopping centre.
35. Strategic Policy 18 (The Hierarchy of Centres for Liverpool) recognises Liverpool City Centre will be the primary comparison shopping destination as a regional centre. The Council will focus appropriate investment in major comparison retailing, leisure, cultural and tourist facilities in the City Centre.
36. In addition, within the Main Retail Area, new development and investment will be supported where it develops the role and function of the area. The vitality and viability of the Main Retail Area will be protected and enhanced by ensuring that A1 comparison retail is the primary use (Strategic Policy 19).
37. The Council recognise the Main Retail Area should be a "destination" offering a variety of shopping experiences which together create a vibrant and vital City Centre. The emerging Core Strategy therefore "supports the diversification of uses, independent shops and services and specialist/themed quarters which broaden the retail offer in the MRA..." (paragraph 6.207).
38. The Liverpool Vision Strategic Investment Framework (2012) provides a vision for Liverpool over the next 15 years, and Liverpool's Main Retail Area is identified as a key driver of the City Centre's growth.
39. The Vision document recognises that with Liverpool One now complete the next part of the MRA revitalisation strategy needs to focus on the area between Liverpool One and Lime Street station. There is a need to deliver a more consistent offer able to complement the investment in Liverpool One. Clayton Square is included as part of this 'Central' project. The Vision document includes a plan showing the need for strong linkages in and around the area with the aim of tying in key retail and leisure assets and destinations. The plan shown below shows the key identified route through Clayton Square following the existing Cases Street mall which will be retained and improved as part of these proposals.



40. Overall, the proposals are fully in accordance with the planning policies set out above and will broaden the mix of uses within the Main Retail Area and contribute to the wider vision of Liverpool City Centre as identified by Liverpool Vision.

Conclusions

41. This planning application has been submitted for the proposed closure of Church Street mall at ground and first floor level within Clayton Square Shopping Centre, external alterations to the Church Street Mall, change of use for flexible Class A1/ Class A3 use and small addition of mezzanine floorspace. The proposals will open up a key shopping mall and provide larger, more suitable units which will upgrade the centre to make the best use of the space and create retail units for which there is demand to offer existing anchor tenants better configured units.
42. We trust that you have all the necessary information to progress with this planning application. We would like the application to be registered as earliest possible opportunity to secure the earliest possible consent.

If you have any queries, please contact me on 0207 851 3729.

Yours sincerely

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