

# **SUPPORTING PLANNING STATEMENT**

MARCH 2016

**PROPOSED APARTHOTEL**

**42-46 SEEL STREET, LIVERPOOL**

on behalf of:

**ELLIOT GROUP LTD**



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## 1. INTRODUCTION

- 1.1 This Planning Statement has been prepared on behalf of the applicant, Elliot Group Ltd. The application seeks full planning permission and demolition in a conservation area consent for the demolition of existing structures, and the erection of a 5-7 storey building containing an aparthotel (42 units) with ground floor lobby, bar & restaurant and separate commercial unit (A1/A3/A4/B1/D2 Uses) with associated servicing and works, including the inclusion of an existing substation within the building fabric. The application concerns a site at 42-46 Seel Street, Liverpool.
- 1.2 This Statement describes the proposals and examines the planning issues which they raise. It should be read in conjunction with the series of detailed technical reports that also accompany the application.
- 1.3 In promoting the proposed use the applicant appreciates that due regard must be given to a number of relevant up-to-date policy considerations as well as other material planning considerations. In developing these proposals, full regard has been given to the provision of Section 38(6) of the Planning and Compulsory Purchase Act 2004.
- 1.4 The general approach to, and content of, this application has been discussed with Senior Officers of Liverpool City Council (LCC) prior to its submission at a Pre-Application meeting on the 22<sup>nd</sup> February 2016,. These discussions have influenced the evolution of the scheme into its final form and the supporting information accompanying the application.
- 1.5 Our pre-application dialogue has enabled us to settle the list of documents which accompany this application. These include:
  - Design & Access Statement, prepared by FCH Architects;
  - Planning Statement, prepared by Zerum;
  - Heritage Assessment, prepared by Garry Miller Historic Building Consultancy;
  - Transport Statement & Framework Travel Plan, prepared by DTPC;
  - Noise Assessment, prepared by AEC.

1.6 The application is also supported by a full set of plans and elevations, prepared by the scheme architects, FCH Architects.

1.7 The remainder of this statement:

- Provides context and describes the site and its surroundings;
- Describes the development proposals;
- Outlines the Development Plan and relevant national policy guidance;
- Provides a detailed analysis of the main planning considerations;
- Concludes by summarising the main points raised in this document which we consider support a grant of planning permission.

## 2. DEVELOPMENT CONTEXT

- 2.1 This section briefly describes the site, its surroundings and local setting, and outlines the relevant planning history of the site.

### SITE DESCRIPTION

- 2.2 The site is located within Liverpool's Ropewalks District, within Liverpool City Centre. The site currently comprises a surface car park with a variety of low density brick structures, partially rendered, with pitched and flat roofs, relating to the functioning of the car park and site of an electrical substation. Two three-storey buildings enclose the car park along Seel Street, with poor quality outriggers of commercial properties along Parr Street to the rear of the Application Site. The site is an important 'infill' development opportunity, having remained an underutilised space in one of the City's most up-and-coming areas for years.
- 2.3 Details of the site location and strategic context can be found in the Design & Access Statement, produced by FCH Architects. The Google Map extract below (Figure 2.1) illustrates the site, highlighted in red, in the context of its surroundings. For information a Site Location Plan is provided at Appendix A.

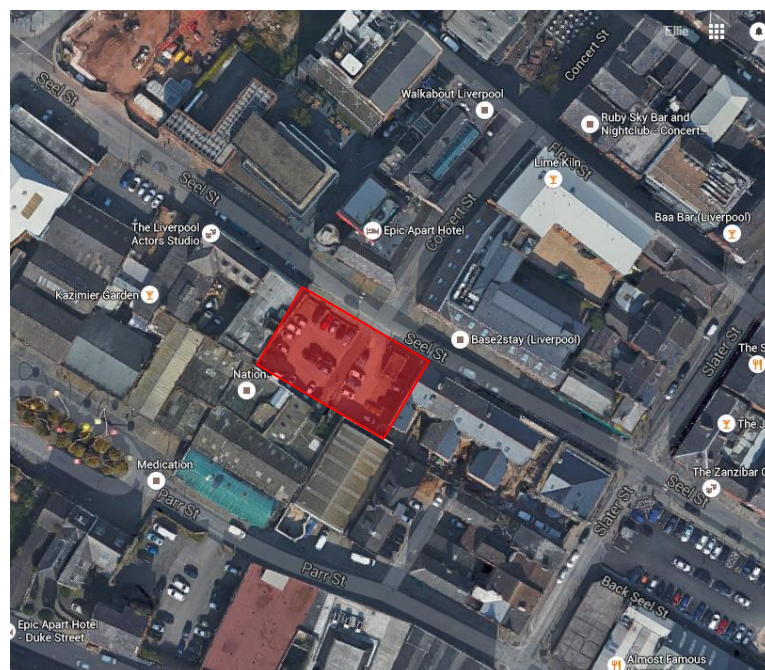


Figure 2.1

- 2.4 The Application Site is bound by 40 Seel Street, a club and music venue (with a faded mural on the façade facing the Application Site), to the north west; 48 Seel Street, a student HMO to the south east and the rear elevations of Cream Nightclub on Parr Street/Wolstenholme Square.
- 2.5 Along Seel Street the area is characterised by a mix of uses including offices, non-residential institutions, bars, music venues, nightclubs, hotels and student accommodation.
- 2.6 The surrounding area along Seel Street includes two and three-storey historic warehouses (30-40 Seel Street). The premises were formally occupied by a range of creative uses, including a theatre, art gallery and a recording studio, as well as a café and nightclub, but have started to be vacated as planning permission (14F/1818) has been granted to extend and convert the premises to serviced apartments with ground floor restaurants. The plot of land to the west of 30 Seel Street is currently occupied by Kazimier Gardens (associated with Kazimier nightclub), which has temporary consent to operate as an open air performance venue/bar. The opposite (northern) side of Seel Street is fronted by Nadler's Hotel (29-35 Seel Street), Epic Apart-hotel (25-27 Seel Street), and 13-21 Seel Street, which planning permission for a bar, nightclub and function space. Land to the west of 13 Seel Street is currently under construction for student accommodation and beyond this is the Premier Inn.
- 2.7 To the rear of the site lies the boundary to the redevelopment site at Wolstenholme Square (ref: 15F/1320). This scheme involves the creation of a mixed use development comprising four blocks of between seven to ten-storeys that will accommodate a replacement nightclub over two basement levels, ground floor commercial units and 431 no. studios and one bedroom apartments on the upper floors. The scheme will also include wider public realm works, commercial courtyards and pavement cafes, refuse and cycle parking, plant, substation and other back of house facilities.
- 2.8 The site is located within the World heritage Site Buffer Zone, and lies partially within the Duke Street Conservation Area, locally designated by Liverpool City Council for its special architectural and historic interest and character. Seel Street is generally notable within the conservation area as having retained significant portions of original Georgian terraces built when the area was first laid out. There have been substantial improvements to the streetscape of Seel Street in recent years through the use of

Townscape Heritage Initiative (THI), a now obsolete grants programme, and private investment in the building stock.

- 2.9 This mixture of old and new vernaculars within the vicinity of the Application Site has resulted in a mixture of scales along the street. The scale changes from derelict/vacant plots, to high density residential, to that of 4 and 5 storey Victorian industrial works.
- 2.10 The adjacent no. 48 is part of a group listing for a Late 18<sup>th</sup> Century terrace of 3 houses. The Georgian buildings are listed for their architectural significance, and are built from red brick with stone dressings and a slate roof, standing at 3 storeys, with 2 windows bays to each house and twinned doorways. From the wording of the historical listing (Appendix B), it is evident that there were further terraces on the Application Site, though these were lost prior to the listing in 1975. This has left a blank gable wall looking onto the Application Site.

#### **SITE ACCESSIBILITY**

- 2.11 The site is within a highly accessible, city centre location, making access to a future development very easy by the main forms of travel, including pedestrian access, cycle, public transport and car. Sub-regional rail travel around the Merseyside is possible from Liverpool Central Station, a 3 minute walk away, with further national travel accessed through the Liverpool Lime Street Station, a 10 minute walk away.
- 2.12 Public bikes (via CityBike) are provided by the 'Hanover Street' stand at the junction of Hanover Street and Seel Street, which is a 2 minute walk from the site. These provide a link to more than 140 stations across the city. Future plans for expansion include a total of 1,000 bikes available to hire spread across 160 locations.
- 2.13 There is also ample on-street bay parking in the immediate vicinity, though constrained by single yellow line restrictions. There is a purpose built car park a 1 minute walk away on Hanover Street.
- 2.14 The accompanying Design & Access Statement and Transport Statement provide more detail in terms of the site's connections and accessibility.

## PLANNING HISTORY

2.15 A review of the relevant planning history of the site reveals several relevant planning applications. A summary of the major application can be found below:

- **B25773** (46 Seel Street) - to erect HV substation on part of site occupied as a private car park - approved without conditions 11<sup>th</sup> April 1968.
- **L239135** (46 Seel Street) - to erect generator house and oil storage tank on part of site occupied as a private car park – approved with conditions 20<sup>th</sup> May 1974.
- **92P/947** (land at 42-44 Seel Street) - to use as a car park on a temporary basis – approved with conditions 30<sup>th</sup> March 1993.
- **94P/2175** (42-44 Seel Street) – to redevelop site by the erection of a single storey building incorporating a cafe/bistro with outdoor cafe retail shop and arcade – withdrawn 28<sup>th</sup> April 1994.
- **06A/1952** (Electricity sub-station, 46 Seel Street) - to display 2 no. poster advertising frames – 18<sup>th</sup> August 2006.



### **3. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 3.1 The preliminary sub-sections of this Statement have already touched upon the context and content of the application. More detail is provided as part of the submitted Design and Access Statement (D&AS), prepared by FCH Architects.
- 3.2 In summary, the application seeks to secure detailed planning approval for the demolition of existing structures, and the erection of a 5-7 storey building containing an aparthotel (42 units) with ground floor lobby, bar & restaurant and separate commercial unit (A1/A3/A4/B1/D2 Uses) with associated servicing and works, including the inclusion of an existing substation within the building fabric.
- 3.3 The proposed Site Layout Plan (Appendix C) shows the extent of the proposed development in relation to the surrounding land uses and wider area. Careful thought has been given to ensure that the proposed scheme relates to the surrounding land uses (both current and future) and respects both wider views of the development, and its more immediate surroundings.

#### **ACCOMMODATION**

- 3.4 The building proposed is 5 storeys along Seel Street, rising to 7 storeys to meet the higher density redevelopment proposals of Wolstenholme Square. The two upper floors have a smaller footprint so to create a 'stepped back' appearance to the rear of the plot.
- 3.5 At ground floor level, below the aparthotel, there is a bar & restaurant, with an internal through route into the aparthotel lobby. The proposed commercial unit is a separate standalone unit, detached from the aparthotel, with no shared access. The existing substation will be contained within the fabric of the commercial unit. To the rear of the ground floor, inaccessible to the public, are the 'back of house' areas, which allow for the function and management of the businesses across the scheme. This includes the kitchen, luggage room, offices, staff room, stores and plant. A central lift and stair core in the lobby leads to the upper floors of aparthotel accommodation.

- 3.6 The building is accessed from three separate entrances on Seel Street; one access relates to the commercial unit, one the aparthotel bar & restaurant, and one is associated with the aparthotel lobby & reception.
- 3.7 A typical upper floor contains 7 x 2-bed aparthotel units and 2 x 1-bed aparthotel units (Floors 1 – 5), with a reduced number of units on the upper two floors. This reduced floor area on the upper levels allows the building to be 'stepped back' away from the lower densities of Seel Street, up towards the higher proposals on Wolstenholme Square. A full schedule of accommodation can be found at Appendix D.
- 3.8 In summary, the proposed accommodation includes:

10 x 1-Bed aparthotel units

32 x 2-Bed aparthotel units

**Total 42 Aparthotel Units**

- 3.9 As outlined in the D&AS the proposed aparthotels have been designed in order to comply with the 'Buildings for Life' guidance, which outlines a set of design principles encouraging inclusivity, accessibility, adaptability, sustainability and good value. The D&AS also includes typical aparthotel layouts for all types of apartments proposed. By abiding to these guidelines, it not only ensures access for all, but allows the use of the building to change if future market conditions change, ensuring the longevity of the building.
- 3.10 Given the highly accessible location, no car parking spaces are proposed in relation to the aparthotel use. This is felt to reflect the nature of the potential visitors to the Ropewalks area, who may prefer to travel by public transport, considering the nightlife focus of the district.
- 3.11 In addition, 14 internal secure cycle spaces for guests are provided, accessible from the 'back of house' area of the aparthotel, and externally (securely) from Parr Street. A supporting Transport Statement explains and provides a justification for that approach in further detail.

## DESIGN

- 3.12 The aim of the scheme is to create a modern high quality development that relates to, respects and responds to the character of the surrounding area. The proposals

represent an opportunity to regenerate a long-term underutilised infill site, and build on the tourist success of the City Centre.

3.13 The design intention is to provide aparthotel accommodation that will add to the vitality and viability of the immediate area, and provide a sensitive build alongside some of Ropewalk's heritage assets.

3.14 The design opportunities were considered to include:

- A key 'infill' site;
- The 'entrance' into the Duke Street Conservation Area;
- The reinforcement of the street edge;
- Reflect mixture of uses along Seel Street;
- Complement the scale of surrounding land uses.

3.15 Constraints include:

- Sites location within the Duke Street Conservation Area;
- Sites location within the World Heritage Site Buffer Zone;
- Relationship with street views and those of the adjacent listed buildings.

3.16 The application proposals have been developed following a detailed analysis of the above matters, along with the local context of the site, whilst taking into consideration the national and local requirements for mixed-use commercial developments. The accompanying D&AS sets out how the design concept for the scheme has developed in terms of both form and function. The proposals have been developed through careful consideration of the site including:

- Analysis of the local character and context;
- Evaluation of use requirements of the local area;
- Detailed analysis of the site itself including orientation, topography, access, proximity to neighbours and connection with the streetscape;
- Review with planners during the pre-application process;
- Pressures of the site in terms of viability/deliverability.

3.17 The proposed scheme has been modified to meet the comments and requirements discussed during the Pre-Application meeting on the 22<sup>nd</sup> February. The D&AS outlines the changes in full.

- 3.18 The buildings have been designed to be fully accessible to all users, to comply with all relevant parts of the Building Regulations and to provide access for all. Further details of the buildings accessibility are outlined in the Design & Access Statement.
- 3.19 The proposal seeks to create a modern and well considered development with a mix of aparthotel unit types that responds to the nightlife character of the surrounding area, and fulfils market demands.

### **REFUSE STRATEGY & SERVICING**

- 3.20 A refuse and servicing strategy has been drafted, and is included within the Design & Access Statement. The refuse store is located within the ground floor level next to the bicycle store leading to the rear with a collection point from Seel Street.

### **LANDSCAPING**

- 3.21 The site is very constrained by the limited amount of space available, as well as the urban character of the proposals. Therefore, the scheme does not include any extensive landscaping. The scheme maintains the Seel Street building line that is flush to the pavement, as opposed to creating a landscape buffer incongruent to the historic street form of the area.

### **ACCESS & PARKING**

- 3.22 As is the case with many city centre aparthotel schemes, it is anticipated that prospective guests and visitors will have made a choice that they wish to travel to a busy urban environment where car travel around their destination city could be considered unnecessary. For those who do own a car, there are obviously significant numbers of car parking spaces available elsewhere within the city centre where parking can be secured if required.
- 3.23 As the Transport Statement confirms, given the highly accessible nature of the scheme, and in keeping with similar schemes in the city centre, guests would be able to walk/cycle/car share or use public transport to travel, though car travel can be facilitated through the ample on street parking and near-by private multi-stories. This

arrangement is expected to be sufficient for the future guests. The proposal does, however, include 14 cycle spaces for staff and guests of the building.

## **MATERIALS**

- 3.24 In terms of materials, the proposed scheme will be constructed using a carefully balanced palette of materials.
- 3.25 The scheme will be made of a carefully considered contemporary material palette, with a reference to the features of the surrounding buildings. The architecture of the proposal will be honest about the modern era of its build, whilst respecting the distinctive qualities of its surroundings, in order to avoid a pastiche facsimile of the sites surroundings.
- 3.26 The accompanying D&AS provides further details on the choice of materials, elevational details and the care which has been taken to respect elements of the existing surrounding vernaculars in a 'crisp' contemporary manner.

## **STATEMENT OF CONSULTATION**

- 3.27 Consistent with the Council's Adopted Statement of Community Involvement (Adopted 21<sup>st</sup> June 2013), the applicant has undertaken pre-application discussions with Senior Officers of the local planning authority. A meeting was held on 22<sup>nd</sup> February 2016 with Council Officers where the Application Site, the proposed scheme and supporting documentation were discussed. That process enabled the required supporting documentation to be agreed (summarised earlier). The D&AS illustrates that full consideration was made of all comments received at the Pre-App stage and that the scheme has progressed and been revised as a result of the comments made.
- 3.28 In determining the appropriate approach to pre-application consultation, both the Applicant and their main professional advisors have sought to adopt a 'best practice' approach to both design and delivery. Pre-application discussions with Liverpool City Council commenced in advance of the submission of the application.

- 3.29 As we do not consider the proposal to be more than of local importance and as it accords with the recent Strategic Investment Framework, the Ropewalks SPD and Liverpool Development Plan, we do not believe that a wider community engagement exercise is necessary. However, should the application attract significant local interest on its submission we would be happy to arrange for a public consultation event to take place to inform members of the public or key local interests.
- 3.30 Given the above, we believe that an appropriately comprehensive process of pre-application consultation has been undertaken.

## 4. PLANNING POLICY

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that when determining a planning application, the decision maker must make their determination in accordance with the development plan unless material considerations indicate otherwise.
- 4.2 Given this obligation, this chapter therefore considers national planning policy guidance relevant to the application, which is a material consideration in the determination of this application, as well as reviewing the development plan for the site which currently consists of the Liverpool UDP of November 2002.
- 4.3 The Council is producing one Local Plan for Liverpool which will set out a spatial vision, spatial objectives and strategic policy as well as dealing with site allocations. Whilst it will effectively supersede the intended Core Strategy DPD, consideration should also be given to the Liverpool Core Strategy Submission Draft 2012 and any other local policy documents which are considered to be material considerations.
- 4.4 Policy guidance has also been recorded within the application Heritage Assessment, but is repeated below to ensure a comprehensive policy review.

### NATIONAL PLANNING GUIDANCE

- 4.5 The National Planning Policy Framework (NPPF) was published on 27<sup>th</sup> March 2012 and was the Government's attempt to put in place a clearer, more consistent National Planning Policy Framework which consolidates more than 1,000 pages of national planning policy, in 47 documents, into 1 document. This Framework has replaced all the other national planning policy documents.
- 4.6 The NPPF has a clear presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-making. The Ministerial Foreword sets the tone of the document when it states that,

*'Development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision.'*

- 4.7 The NPPF outlines that the primary objective of development management is to foster the delivery of sustainable development. Local planning authorities should look for solutions rather than problems, working pro-actively with applicants to secure developments that improve the economic, social and environmental conditions of an area. The concept of sustainable development is reinforced throughout the NPPF, including Paragraph 49 which states that housing applications should be considered in the context of sustainable development.
- 4.8 The Framework identifies 12 core planning principles which should underpin both plan making and decision taking. Amongst other things, planning should:
- Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made to objectively identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.
  - Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
  - Take account of the different roles and character of different areas, promoting the vitality of our main urban areas.
  - Encourage the effective use of land by reusing land that has been previously developed.
  - Promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural area.
- 4.9 The proposed development is consistent with the NPPF's core planning principles. Paragraph 19 confirms 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.
- 4.10 Attention should also be paid to Paragraph 111, which encourages '*the effective use of land by re-using land that has been previously developed (brownfield land)*'. It is important that Councils take advantage of brownfield development opportunities, particularly those which relate to underused assets/properties such as this. The applicant recognises that it is important that the proposals look to realise the full



potential of the site, whilst bringing an underutilised brownfield site into positive and productive reuse.

4.11 Section 4 of the NPPF relates to the promotion of sustainable transport. Paragraph 32 states that, *'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.'* The proposed development would not have a material adverse impact on the road network. There is therefore no justification for refusing the proposed scheme on transport grounds.

4.12 Section 7 of the NPPF relates to Good Design. Paragraph 56 in particular states that a well-designed development is key to sustainable development and that it is 'indivisible from good planning, and should contribute positively to making places better for people.' In summary it states that Councils should aim to ensure developments:

- will function well and add to the overall quality of the area;
- establish a strong sense of place;
- optimise site potential and sustain an appropriate mix of uses;
- respond to local character and identity;
- create safe and accessible environments;
- are visually attractive as a result of good architecture and appropriate landscaping.

4.13 In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area. The proposed scheme responds to this advice as a high quality development is proposed, adopting an innovative approach to the creation of new commercial space, and thus jobs, within the wider regeneration context.

4.14 The NPPF is the latest in a sequence of similar policy statements recording successive Governments' growing commitments to removing obstacles to investment, development and the creation of jobs. It is therefore an important consideration in the context of this proposal. We have concluded that this proposal represents a positive response from the NPPF with particular regard to sustainability, good design and appropriate approach in respect of regeneration projects.

4.15 The NPPF's policies on the historic environment are set out in Chapter 12, paragraphs 126-141. Paragraph 126 notes that local authorities should recognise that heritage

assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. In developing this strategy, local planning authorities should take into account the desirability of new development making a positive contribution to local character and distinctiveness.

- 4.16 Paragraph 128 requires applicants to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. Paragraph 129 then goes on to state Local Planning Authorities should undertake an assessment of 'significance' into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.
- 4.17 Paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. In the case of a development proposal leading to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Paragraph 137 also states that local planning authorities should look for opportunities for new development within Conservation Areas, World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

#### **PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990**

- 4.18 The Application Site is located partially in the Duke Street Conservation Area, and there are also several statutorily listed buildings in the vicinity. The Conservation Area designation given under the above Act provides the basis for policies designed to preserve or enhance all the aspects of character or appearance that define these areas' special interests. This includes the Conservation Areas setting, and views in and out of it.
- 4.19 Consistent with the NPPF, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission with respect to any buildings or other land in a conservation area, the

local planning authority shall pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

- 4.20 Similarly, the desirability of protecting the setting of listed buildings is set out in Section 66 of the Act. Section 66 requires that in considering whether to grant planning permission for development that affects a listed building or its setting, the local authority shall have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

### **NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)**

- 4.21 On 6<sup>th</sup> March 2014 the Department for Communities and Local Government (DCLG) launched a new planning practice guidance web-based resource. It was accompanied by a Ministerial Foreword which included a list of the previous planning practice guidance documents cancelled when the NPPG site was launched.

- 4.22 The NPPG, in a similar manner to the NPPF, states good design is integral to sustainable development, and is about creating places that work well for everyone whilst looking good, lasting well, and adapting to the needs of future generations. The NPPG states that the key issues to be considered in development are:

- Local character;
- Safe, connected and efficient streets;
- Network of greenspaces;
- Crime prevention;
- Security measures;
- Access and inclusion;
- Efficient use of natural resources;
- Cohesive and vibrant neighbourhoods.

- 4.23 The NPPG then states that development should look to be:

- Functional;
- Supportive of mixed uses and tenures;
- Inclusive of successful public spaces;
- Adaptable and resilient;
- Distinctive in character;
- Attractive;

- Permeable to movement.

4.24 The NPPG provides guidance for applicants and Councils stating that decision-taking does not normally require consideration of viability. However, where the deliverability of the development may be compromised by the scale of planning obligations and other costs, a viability assessment may be necessary.

4.25 The NPPG sets out in relation to brownfield sites, that Local Planning Authorities should seek to work with interested parties to promote their redevelopment. To incentivise the bringing back into use of brownfield sites, Local Planning Authorities should:

- Consider the different funding mechanisms available to them to cover potential costs of bringing such sites back into use; and
- Take a flexible approach in seeking levels of planning obligations and other contributions to ensure that the combined total impact does not make a site unviable.

## DEVELOPMENT PLAN

4.26 As outlined earlier Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the statutory development plan, unless material considerations indicate otherwise.

4.27 The Liverpool Unitary Development Plan (UDP) is an older-style document, having been adopted in 2002. Whilst a number of policies within the Liverpool UDP have been 'saved' in 2007, Paragraph 215 of the National Planning Policy Framework (NPPF) sets out that due weight should be given only to those policies in existing plans according to their degree of consistency with the Framework. With this in mind, it is now a held principle by the Planning Inspectorate on behalf of the Secretary of State that whilst some policies may be classed as 'saved', they would only hold material weight if they are up-to-date in respect of the requirements of the NPPF.

4.28 Having regard to the above, the following UDP policies are considered relevant to this application:

- |                     |  |
|---------------------|--|
| Policy <b>GEN1:</b> | Economic Regeneration                      |
| Policy <b>GEN3:</b> | Heritage & Design in the Built Environment |
| Policy <b>GEN6:</b> | Transportation                             |

Policy <b>GEN9:</b>	Liverpool City Centre
Policy <b>HD5:</b>	Development Affecting the Setting of a Listed Building
Policy <b>HD8:</b>	Preservation and Enhancement of Conservation Areas
Policy <b>HD9:</b>	Demolition of Buildings in Conservation Areas
Policy <b>HD11:</b>	New Development in Conservation Areas
Policy <b>HD18:</b>	General Design Requirements
Policy <b>HD19:</b>	Access for All
Policy <b>HD20:</b>	Crime Prevention
Policy <b>HD21:</b>	Energy Conservation
Policy <b>HD23:</b>	New Trees and Landscaping
Policy <b>HD24:</b>	Public Art
Policy <b>E6:</b>	Mixed Use Areas
Policy <b>E8:</b>	Tourist Attractions and Facilities
Policy <b>T6:</b>	Cycling
Policy <b>T7:</b>	Walking and Pedestrians
Policy <b>T12:</b>	Car Parking Provision in New Developments
Policy <b>T14:</b>	City Centre Car Parking Strategy
Policy <b>EP1:</b>	Vacant, Derelict and Neglected Land
Policy <b>EP9:</b>	Waste Storage
Policy <b>EP11:</b>	Pollution

4.29 The Application Site lies within Liverpool City Centre and is allocated in the Council's adopted UDP as being within an area which is Mixed Use (as outlined in Policy E6). In these within the Mixed Use Areas defined on the Proposals Map, planning permission will be granted for:

- i. those uses specified in the Mixed Use Area profiles subject to the provisions of other relevant Plan policies.
- ii. a range of complementary uses will be encouraged, subject to the provision of other relevant Plan policies.

4.30 The eastern end of the site falls within the Duke Street Conservation Area and Policy and Policies HD8, HD9 and HD11 are therefore relevant.

4.31 Policy HD8 highlights that the City Council will take positive action to secure the preservation or enhancement of conservation areas.

- 4.32 Policy HD9 identifies the criteria against which buildings for demolition will be assessed. It identifies that, where a building makes little or no contribution to the character of the conservation area, proposals for demolition will be considered in the light of the alternative proposals for the site and the contribution made to preserving or enhancing the character of the conservation area.
- 4.33 Policy HD11 states that planning permission will not be granted for development in a conservation area which fails to preserve or enhance its character. The policy further states that proposals for new development will be permitted having regard for the following criteria:
- the development is of a high standard of design and materials, appropriate to their setting and context, which respect the character and appearance of the conservation area.
  - the development pays special attention to conserving the essential elements which combine to give the area its special character and does not introduce changes which would detract from the character or appearance of the area.
  - the proposal protects important views and vistas within, into and out of the conservation area.
  - the proposal does not lead to the loss of open space or landscape features (trees and hedges) important to the character or appearance of the area.
  - the development does not generate levels of traffic, parking, noise or environmental problems which would be detrimental to the character or appearance of the area.
  - the proposal has a satisfactory means of access and provides for car parking in a way which is sympathetic to the appearance of the conservation area.
- 4.34 Chapter 7 of the UDP is particularly relevant to this application as it concerns heritage, design and the built environment. In particular, Policy HD5, HD11, & HD12 require a high standard of design and establishes that consent will not be granted for works that would adversely affect the architectural or historic character to the setting of listed buildings and conservation areas, respectively. Policy HD24 then goes on to encourage the provision of appropriate new works of art, including the visual arts, crafts and landscape design, as part of new development proposals.
- 4.35 UDP Policy HD18 requires that careful consideration is given to a number of design related criteria, which all applications should comply with, including:

- Scale, density and massing relating well to its locality;
- Local distinctiveness;
- Building lines relating to the immediate locality; and
- Materials.

- 4.36 Further to the above, Policy HD19 ensures that in order to achieve a fully accessible environment for everyone, all new non-residential development proposals provide suitable provision for disabled people, both as employees and customers.
- 4.37 Policy HD20 relates to crime prevention and states that, the City Council will encourage developers, in the design and layout of new developments, to incorporate measures which reflect the need to make proper provision for personal safety and crime prevention. Such matters have been given appropriate weight.
- 4.38 Policy HD21 states that, in order to conserve energy resources the City Council will expect developers to minimise the overall demand for energy arising from their development proposals by taking into account the need for energy sensitive siting, orientation and layout in the design of new developments.
- 4.39 Policy HD23 outlines that, all new development proposals should make proper provision for the planting and successful growth of new trees and landscaping, including any replacement planting provided as compensation for the loss of any trees due to development.
- 4.40 Policy GEN1 states that the UDP aims to reverse the decline in economic activity, investment and employment which Liverpool had experienced in the years leading up to its adoption in 2002, through the provision and servicing of sites for economic development and investment, strengthening the commercial role of the City Centre and promoting the principle of mixed use development inappropriate locations. This policy includes promoting the role of Liverpool as a regional retail, cultural and tourism centre. Further to this, Policy E8 states that LCC will support the development of tourism in Liverpool by promoting and encouraging the development of new tourist attractions and accommodation, particularly within the City Centre.
- 4.41 Policy GEN3 states that the UDP aims to protect and enhance the built environment of the City by encouraging a high standard of design and landscaping in developments and creating an attractive environment which is safe and secure both day and night. Developments should also preserve and enhance historically and

architecturally important buildings and areas and, where appropriate, improve them through the leveraging of available funds. Policy GEN6 then goes on to state that, the City Council will promote and support initiatives designed to maximise the role of cycling as a transport mode. The City Council will also implement measures to encourage walking as a mode of transport and to make the pedestrian environment safer and more convenient, as well as encouraging the siting of developments close to public transport links. Policy GEN9 states that the UDP aims to improve the living environment of the city centre.

- 4.42 Policy T6 ensures that secure cycling parking facilities are provided at locations regularly visited by the public, and requires new developments to provide secure cycle parking facilities. Policy T12 outlines that any new development which generate a demand for car parking will be required to make provision for car parking on site, to meet the minimum operational needs of the development.
- 4.43 Of the remaining UDP policies which could be considered to be relevant to the application proposals. This development represents a positive response to Policy EP1 which promotes and encourage the reuse of derelict and redundant land for appropriate uses. Policy EP9 seeks to ensure that proposals provide adequate provision for onsite storage of waste and recycling. Policy EP11 outlines that Planning permission will not be granted for development which has the potential to create unacceptable air, water, noise or other pollution or nuisance.

### EMERGING LOCAL PLAN

- 4.44 The Liverpool Core Strategy DPD has been under preparation for a number of years. It is now intended that it will not be submitted as a separate DPD, but it will instead, form a framework for the Local Plan for Liverpool. The Core Strategy Submission Draft of 2012 therefore provides a more up to date policy document than the UDP. The following policies of the emerging Local Plan are the main once relevant to this application and are considered to align with the principles, aims and objectives of the NPPF. They therefore are considered to carry due weight. Emerging strategic policies which are considered relevant include:

SP1:	Sustainable Development Principles;
SP3:	Delivering Economic Growth;
SP23:	Key Place Making and Design Principles;
SP24:	Historic Environment;



SP25: Liverpool Maritime Mercantile City World Heritage Site.

- 4.45 The draft Core Strategy acknowledges that the City Centre is the primary economic, commercial, retail, cultural and tourism centre for the City and the Region (Para. 3.26). There has been significant investment and interest in recent years in the tourism and leisure industries, which have become a vital part of Liverpool's economy, with the City now ranked sixth in Britain's top tourist destinations (Para. 3.30). It also acknowledges that within the City Centre, tourism and leisure uses will be particularly directed to the City Centre waterfront area and other locations which are of increasing significance for international tourism, such as Ropewalks (Para. 6.10).
- 4.46 Consistent with the NPPF, Strategic Policy 1 emphasises the importance of sustainable development principles in order to support the City Centre's role as a regional centre for office, commercial, retail, leisure and tourism and other visitor economy uses and as the primary economic driver for the sub-region. In order to support this development, the first priority is to reuse previously developed land. This is vital to improve accessibility, reduce the need for travel and encourage sustainable transport modes, thereby contributing to the delivery of sustainable communities. Strategic Policy 1 also emphasises the need to deliver high quality design.
- 4.47 Strategic Policy 3 encourages the development of business sectors with strong growth potential in Liverpool and the City Region, including those within the tourism and visitor economy.
- 4.48 Strategic Objective 4 is to make Liverpool an 'attractive and safe city with a strong local identity', and states that the Council will:
- Protect and enhance the City's unique historic and architectural environment, including the World Heritage Site, Conservation Areas, Listed Buildings, Registered Parks and Gardens, Ancient Scheduled Monuments and heritage assets of local significance.
  - Ensure all new development achieves high quality and inclusive design to ensure an attractive, distinctive, healthy and sustainable City for those who live in, work in and visit Liverpool; as well avoids adverse environmental impacts; and is adaptive and resilient to climate change.

4.49 The Strategic Objectives will be delivered through a number of Strategic Policies. Firstly, Draft Strategic Policy 23 addresses Key Place-Making and Design Principles, and states:

- a) The City Council will secure innovative, high quality design to create well-integrated places that are usable, accessible, durable and adaptable. To ensure this, the City Council will seek to maintain and create places and spaces where people choose to live, work and visit. To create this, developments will be subject to rigorous analysis.
- b) Where appropriate, context appraisals which contribute to understanding the local context of proposals and inform their design rationale will be required.

4.50 Other strategic policies which are of relevance to this application include Draft Strategic Policy 24 which specifically addresses the historic environment and states:

*'Designated and non-designated heritage assets will be protected from inappropriate development by requiring development proposals within or adjacent to them to demonstrate that it will preserve and enhance them and the special features for which they are designated. These features include both the buildings and landscaping that are integral to their character, important views within and to them, and their settings.'*

4.51 Draft Strategic Policy 25 addresses the Liverpool Maritime Mercantile City World Heritage Site, and states:

- 1. The City Council will protect the Outstanding Universal Value (OUV) of the World Heritage Site (WHS), as set out in the World Heritage Site Supplementary Planning Document (SPD).
- 2. Development proposals within the WHS will be considered for their potential impact upon the OUV. They will need to demonstrate that the characteristics of the development site and its environs have been taken into account in all aspects of the design of schemes, in accordance with current national and local guidance.
- 3. The design and scale of development proposals in the Buffer Zone will need to reflect the characteristics of the surrounding area, proportionate to their potential impact on the setting of the WHS.

4. Detailed guidance on preparation of development proposals in the WHS is provided by the SPD.

## OTHER MATERIAL CONSIDERATIONS

4.52 Other material policy considerations include:

- Ropewalks SPD (December 2005);
- World Heritage Site SPD (October 2009);
- Ensuring a Choice of Travel SPD (March 2010);
- Design for Access for All SPD (July 2010);
- Strategic Investment Framework (2012);
- Planning Advice Note: Refuse Storage & Recycling Facilities in New Development (March 2005);
- Planning Advice Note: Section 106 Planning Obligations.

## ROPEWALKS

- 4.53 This Supplementary Planning Document (SPD) was adopted by the City Council's Executive Board on 23<sup>rd</sup> December 2005 to provide more detailed planning guidance to the Unitary Development Plan (UDP) in relation to the Ropewalks area of Liverpool City Centre. The Vision for the SPD is to develop the day and night time economies of Ropewalks whilst ensuring that the area remains an attractive place to live, work and visit.
- 4.54 Ropewalks is separated into eight Character Areas, with the site falling within the Concert and Wolstenholme Area. The vision for this Character Area is stated to have a lot of potential for leisure and night time activities, including a mixture of bars, restaurants and nightclubs. Despite there being significant opportunities to develop night time activities, a variety of uses is also important to ensure vibrancy throughout the day. Development must also respect the historic street pattern and heritage buildings. The site is identified as a potential Investment and Development Opportunity within Concert & Wolstenholme.
- 4.55 The SPD identifies four main land use typologies that have been set to ensure that this mix of uses can be provided in a complementary way. Reflecting this areas role as vibrant heart of Ropewalks Land Use Typology 1 - a designated land use within the Ropewalks area - will be applied. Land Use Typology 1 encourages entertainment

uses, night time activities and large-scale (i.e. more than 500sqm or 200 covers) food and drink uses. To prevent an over-concentration of these uses and ensure a vibrant environment during the day and night, uses such as offices, cultural activities, creative industries and leisure uses such as gyms, will also be encouraged. In these areas operations are likely to have more flexible opening hours and therefore new residential developments will not be encouraged other than where it can be demonstrated that residential amenity would not be prejudiced (e.g. through design measures to mitigate against noise pollution) and that the long-term future of the property depends on this use.

- 4.56 The Site is shown to be suitable for both 4 and 5 storey development.

### **WORLD HERITAGE SITE**

- 4.57 The site is within the World Heritage Site of Liverpool Buffer Zone, and as such, the above SPD is applicable. The overarching aim of this document is to provide guidance for protecting and enhancing the Outstanding Universal Value (OUV) of Liverpool Maritime Mercantile City World Heritage Site, whilst encouraging investment and development which secures a healthy economy and supports regeneration. Its intention is to ensure that the significant historic buildings are properly conserved and that the much-needed new developments integrate harmoniously with them. The outstanding universal value of the World Heritage Site (WHS) has proven potential to inspire new development, to attract investment and visitors and to be a source of local civic pride: the SPD seeks to capitalise on that potential.
- 4.58 The Buffer Zone was identified around the WHS, to ensure that development proposals within it, that might adversely affect the setting of the WHS, can also be carefully considered. Developments are also considered for their potential positive effects on the townscape, such as by re-instating a street frontage, utilising derelict or disused land and re-connecting different parts of the city, as well as their positive economic benefits in providing investment and activity.

### **ENSURING A CHOICE OF TRAVEL**

- 4.59 Adopted in December 2008, this SPD was written to provide guidance to developers with regard to access and transport requirements. The objectives of this SPD are to:

- Ensure that there is reasonable access to new developments, through a good choice of transport methods;
- To reduce the environmental impact of travel;
- To improve road safety;
- Promote healthier lifestyles and reduce the level of traffic growth and congestion;
- Reducing car parking spaces in new developments where appropriate.

### DESIGN FOR ACCESS FOR ALL

- 4.60 This SPD was written to highlight the most important principles in designing inclusive buildings, which meet the needs of all users, including disabled people. The SPD indicates that all new non-residential development proposals should provide suitable provision for disabled people, both as employees and customers.

### STRATEGIC INVESTMENT FRAMEWORK 2012

- 4.61 Liverpool's City Centre's Strategic Investment Framework (SIF) creates a 15 year vision for the City Centre, outlining key developments and improvements to the principal business and residential districts. The site falls into the 'Creative Quarter' (as identified in Figure 4.2 below).



Figure 4.2

- 4.62 The SIF also identifies the promotion of Ropewalks, within the Creative Quarter, as Liverpool's alternative/independent neighbourhood. Historically a trade/industrial area, now this neighbourhood largely contributes to the night-time economy of Liverpool, a mix of independent retail, bars, cafes and restaurants with residential upper floors, and has a prime location within easy walking distance of the rest of the City Centre. It states that Ropewalks is an 'Urban Village' which has huge potential as an independent, creative and cosmopolitan area of the City where people can live, work and visit.

### **REFUSE STORAGE & RECYCLING FACILITIES IN NEW DEVELOPMENTS**

- 4.63 The purpose of this guidance note is to provide advice on the Council's recommended standards for refuse storage and recycling in all new commercial developments. The design of commercial and industrial development can also help to create the opportunities for the segregation and collection of waste materials upon which economically viable recycling regimes are reliant.
- 4.64 This note states that planning conditions regarding refuse disposal may be attached to permissions for A3 uses. These conditions will normally relate to waste being kept within the curtilage of the premises except on days when trade waste would be collected and will also require the provision of offsite litterbins, particularly for take aways. The guidance note also covers the provision of recycling facilities at all developments, building upon UDP Policy HD18 and EP9.

### **SECTION 106 PLANNING OBLIGATIONS**

- 4.65 The purpose of this guidance note is to provide guidance on Section 106 Planning Obligations. These legal agreements will be negotiated between LCC and developers in the context of a grant of planning permission. They are intended to make development proposals acceptable, which might otherwise be unacceptable, and provide a means to ensure that a proposed development contributes to the creation of sustainable communities, particularly by securing contributions towards the provision of infrastructure and facilities.
- 4.66 The guidance note expands of the policy for securing Section 106 contributions set out within the UDP (including policies HD23 & HD24, and the Refuse Storage &

Recycling Facilities in New Developments Guidance Note). The City Council's Executive Board in 2005 and 2008 have agreed that the following short term interim measures to secure S106 planning obligations from developers, which build on existing national and local planning policies, be adopted for development control purposes pending the adoption of emerging planning policy.

## 5. PLANNING ASSESSMENT

5.1 Having set out the policy background this chapter considers the principal issues that are considered relevant in the context of this application:

- The Principle of Development
- Scale, Massing & Design
- Heritage Considerations
- Access & Parking Provision
- Neighbouring Amenity
- Planning Obligations

### PRINCIPLE OF DEVELOPMENT

5.2 The application site is shown within a "Mixed Use Area" in the Liverpool UDP, where Policy E6 is applicable. There is strong policy support for development which can make a significant contribution to the regeneration of the local economy, providing enhanced employment prospects and opportunities for environmental improvement. (UDP Paragraph 6.61), such as complementary commercial land uses within a city centre. It is therefore in accordance with Policy E6 of the UDP, and the Ropewalks SPD, which outlines that the area is suitable for mixed use commercial redevelopment.

5.3 In line with Policy GEN1 of the UDP, the proposal is a viable, deliverable, high-quality mixed use development scheme which will encourage tourism and visitors into the Ropewalks area. This is particularly relevant as Seel Street is the nightlife heart of Liverpool, soon to be strengthened by the redevelopment of the world famous Cream Nightclub and Kazimier Club to the rear of the Application Site, and the proposals will play to this strength, encouraging overnight stays associated with the surrounding bars, venues and nightclubs.

5.4 This proposal, along with planned redevelopment on Wolstenholme Square, provides the opportunity to redevelop a large urban brownfield area, reinforcing the built form and providing active and visually enhanced frontages around all sides of the square, and onto Seel Street.

5.5 The development will also encourage the diversification of the Concert & Wolstenholme area by creating daytime focused uses in the form of hotel check-ins,



and visits to the bar & restaurant and associated commercial unit on the ground floor. The long term success of increased City Centre tourism in Liverpool and other cities of the UK is dependent upon the creation of a vibrant mix of land uses and other support facilities and services - if it is to be successful long term.

- 5.6 The application site is a brownfield redevelopment opportunity which has been largely underused for a number of years, as a low-quality surface car park amongst an otherwise up and coming area. The NPPF promotes the reuse of previously developed land, and pro-actively seeks to deliver new business opportunities in existing town centres. Particularly where such development would also be highly sustainable. The proposed development accords with these principles, and the application site is certainly located within a highly sustainable, urban, brownfield location. It is well placed in terms of close proximity of bus and rail provision thereby enabling guests and visitors to be far less dependent upon the use of a private car.
- 5.7 In accordance with Paragraph 111 of the NPPF, the proposal will not only bring back into use a prominent, underutilised, brownfield site, but it will also create a vibrant and viable commercial-led mixed use development that will sit alongside the wider regeneration that is coming forward in the Ropewalks area. We believe that this scheme represents high-quality, socially responsible urban regeneration, providing good quality tourist accommodation and new commercial units that provide visitor attractions, as well as employment.
- 5.8 The applicant has therefore identified the opportunity to deliver a scheme of mixed aparthotel unit sizes, to reflect the different demands of various guests. A centrally managed development will ensure that the highest standards of maintenance and services are upheld, for the benefit of future visitors and neighbours to the scheme. The Ropewalks area's wide attractions are seen as a significant positive factor, which in turn, allows the development (and its occupiers) to make a positive contribution to the strengths of the existing neighbourhood/community.
- 5.9 In summary, the proposed aparthotel with ground floor commercial uses will contribute towards a complementary mix of uses within the Ropewalks area, in a highly accessible location, promoting leisure and tourists uses within the city centre. The aparthotel units will provide high-quality guest accommodation, which will not imbalance the nightlife focus of Concert & Wolstenholme, nor harm the character and amenity of the local area.

- 5.10 Increased pedestrian activity, combined with active ground floor building frontages, will assist in the animation of adjacent streets and land, thereby creating a more attractive and inviting local environment. We therefore consider that this development proposal accords with the NPPF, Policies GEN4, E6, E8, EP1, World Heritage Site SPD, and Strategic Policies 1 & 3 of the Liverpool Core Strategy Submission Draft.

### **SCALE, MASSING & DESIGN**

- 5.11 In the formulation of the scheme design and layout, regard has been paid to UDP Policy HD18, with its emphasis on the need to deliver high quality urban design and architecture. The design of the scheme has a resultant prominence on the surrounding streetscene, but also given the existence of listed properties adjacent to the site, careful consideration has been given to the proposed size, scale and design of the building. Particular care has been taken in considering an appropriate scale, stepped back from the main façade, further softening the presence of the proposals within the existing streetscene and rising towards the contemporary redevelopment proposals on Wolstenholme Square, away from the lower densities of Seel Street.
- 5.12 A design exercise was undertaken that reviewed the opportunities and constraints of the site. The application sites infill location is important both within its immediate vicinity and also within the context of the surrounding area. As outlined in the D&AS, scale within the viewpoints is important and the proposal both challenges and complements the surroundings. If handled well, and we believe it has been, the challenge of the location can be its major quality, making a 'statement' of the regeneration potential of the area.
- 5.13 The proposed development reflects the range of building heights located within close proximity of the site. The proposal aims to provide a scale of attractive development appropriate to the local area at a density appropriate for energy and space efficient city centre development. The development is of a scale and modelling that is considered appropriate for this site in the City Centre, and will create a defined and strengthened urban form along Seel Street by sensitively infilling a gap within a historic street form. The Heritage & Townscape Assessment expands on appropriate scale within the development sites immediate context.

5.14 In terms of layout, the architects have undertaken a detailed analysis of the site and the surrounding area, whilst also taking into consideration the national and local policy requirements for mixed use development. Key points are:

- The sites relationship with key landmarks;
- City design quality;
- Adjacent listed terrace;
- Movement and connections; and
- Local land uses.

5.15 In terms of materials, the proposed scheme will be constructed using a carefully balanced palette of materials. Further details of the proposed materials are outlined in the D&AS.

5.16 A complementary palette of materials is proposed to ensure the development harmonises with the historic context of Ropewalks whilst maintaining its own identity through contemporary forms. The use of a combination of materials maintains the consistency of the area, but in a contemporary way. The proposed façade on Seel Street reflects the proportions and symmetry of the adjacent existing buildings.

5.17 Materials have been chosen to be thermally efficient (in line with UDP Policy HD21) whilst taking advantage of new techniques to deliver a high quality finished product to the standards prescribed within Paragraph 56 of the NPPF, and the development aspirations of the NPPG.

5.18 It is considered that the application scheme is a very positive response to the design principles which are enshrined in Section 7 of the NPPF, UDP policies (including HD18, HD19, HD20 and HD23) and more directly set out in a Strategic Policy 23 of the Core Strategy Submission Draft.

## HERITAGE CONSIDERATIONS

5.19 Given that the proposed development involves development that is partially within a Conservation Area, as well as within the World Heritage Site Buffer Zone, and within the setting of other listings, heritage considerations are central to the assessment of the merits of this proposal. This is a key issue which was discussed in the Pre-

Application meeting and it is one which sensibly justified the need for a Heritage Assessment.

- 5.20 Our analysis of the heritage context of the application proposals reflects a physical/visual analysis of the presence of the existing site, its negative contribution to the area, the scale and form of the proposed development and its resultant relationship with specific heritage interests, the surrounding conservation area, and WHS Buffer Zone.
- 5.21 The heritage issues raised by the proposal are its impact upon the significance (i.e. heritage interest and value) of the conservation area and upon the setting of the adjacent listed buildings. Not all elements of the Duke Street Conservation Area necessarily contribute to their significance, and it should be considered that the loss of a surface car park in actuality makes a positive contribution to the significance of the presently 'at risk' Duke Street Conservation Area, and creates a sensitive development within the wider World Heritage Site Buffer Zone. Therefore, the proposals should be considered as less than substantial harm under Paragraph 134 of the NPPF.
- 5.22 The site also forms part of the setting of the adjacent listed buildings which closely adjoin it. These are taken into account within the Duke Street Conservation Area, which over the years has seen the loss of numerous listed buildings due to severe decay - a key reason as to why the area is now listed as 'at risk' by Historic England. The proposal maintains the important historic street form along Seel Street by conserving the building line of the existing Georgian terrace. By maintaining a strong building line which is flush against the pavement, but stepping back the higher storeys that increases in height to meet the newer, larger scale developments on Wolstenholme Square, the views along Seel Street and the Georgian mercantile setting of the Conservation Area is maintained, whilst the site is brought back into productive use again. This accords with the Buffer Zone aims of the World Heritage Site SPD.
- 5.23 The adjacent listed terrace is characterised by regularity, strong vertical emphasis and consistent window rhythm, with twinned doorways. As outlined in the D&AS, the proposed elevations have acknowledged the predominant characteristics of these surroundings. The height of the new development is stepped back from Seel Street, rising from five storeys adjacent to the terrace, to seven storeys at the rear of the site. The proposal gives the opportunity to provide a striking addition to this area of the

city, creating a recognisable landmark along this popular street, and enhancing the Concert & Wolstenholme identity (through the provision of further bars/restaurant/commercial premises) to its immediate context.

- 5.24 It is therefore considered that, the proposed new development acknowledges the historical character and precedent of the area, reflecting the defining architectural characteristics of the surrounding late Georgian townscape without creating a pastiche facsimile. The building therefore adopts the rectangularity, vertical emphasis, fenestration rhythm and horizontality which are all found in the neighbouring historic terrace.
- 5.25 In summary, the proposal will enhance Ropewalks by providing a high-quality development whose design is a contemporary acknowledgement of the mercantile city's heritage, which forms its surroundings. The scheme is therefore compliant with national policy as expressed within NPPF Paragraphs 134 and 137 along with Liverpool UDP policies GEN3, HD5, HD11 and HD12. It is therefore considered that consent for the redevelopment should be granted.

#### **ACCESS & PARKING**

- 5.26 Paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe. UDP Policy GEN6 also confirm the need for development proposals to avoid having a negative impact upon local traffic management road safety.
- 5.27 In response to the above, DTPC were appointed to provide transport and highway advice for the traffic and transportation implications associated with the proposed scheme.
- 5.28 The accompanying Transport Statement (TS) states that the overriding theme of national policy is that developments must be accessible by sustainable means of transport and accessible to all members of the local community. Local policy is to echo the sustainability sentiment of national policy. There is a clear presumption in favour of sustainable development.
- 5.29 The proposed development is located on brownfield land in the urban environment which makes it a sustainable use of land as well improving local amenity. There are,

pedestrian and cycle linkages to a number of locations, frequent public transport services to other major centres and interchanges, and adequate off-site parking provision which ensure that this development is as sustainable, as required in local and national policy.

- 5.30 The TS has critically assessed the walking, cycling and public transport accessibility of the site. In relation to accessibility by walking, it found that, the local area has excellent facilities to promote movement of pedestrians, puffin crossings, wide footways, and directional signage to aid visitors to the area, and the proposed development site is located in the urban area with a range of local land uses, services and facilities. The proposed application site can therefore be considered as being highly accessible on foot.
- 5.31 In relation to cycling, there are a variety of leisure, residential and amenity attractions within the cycle catchment area that can access the proposed scheme. The *National Travel Survey* identified that bicycle use depends on topography, and that a mean distance of between 5 – 10 kilometres is considered a reasonable travel distance between home and workplace. A 5 km distance incorporates a substantial part of the adjacent wider area. A 5 minutes cycle radius from the site can be seen in the Cycling Isochronal Map within the TS.
- 5.32 Accessibility to bicycles is ensured by the Citybike scheme, the largest public bike sharing scheme outside London. There are currently 140 bike stations in operation in Liverpool with a range of tariffs available, and one a short walk from the site on the junction of Seel and Hanover Street. There is therefore a variety of leisure, employment and attractions within the cycle catchment area that can access the site. In conclusion, the proposed application site can be considered as being served by the cycle network and is therefore accessible by cycle.
- 5.33 In terms of public transport, the development site is located very close (within 200 metres) to the nearest bus stops. These bus services provide an opportunity for guests, staff and visitors to access the wider area from the proposed development via public transport.
- 5.34 In summary, the application site can be considered as having a very good potential to be accessible by walking, cycle and public transport in accordance with planning policy guidance related to urban areas, included in UDP Policy GEN6.

- 5.35 The development makes no provision for off-street parking. However, given the excellent public transport, walking and cycling routes in this locality and the provision of cycle parking within the development, the proposed mixed use scheme can be adequately accommodated without adverse impacts upon the operation of the local highway network, in line with Paragraph 32 of the NPPF. A no car parking approach can be appropriate in locations that are accessible by a wide range of sustainable transport options such as the Application Site. The proposal is therefore in line with local policy guidance which promotes sustainable transport choices that will mitigate the impact of proposals on the environment, respond to congestion affecting roads and public transport in the area, and promote healthier lifestyles.
- 5.36 A draft Framework Travel Plan has been submitted with the application and this will be agreed, prior to first occupation of the development, incorporating mechanisms for implementation, monitoring and review, on a regular basis. This shall include the appointment of a designated Travel Plan Co-ordinator. The site is highly accessible on foot and cycle, and situated in close proximity to numerous bus routes. Providing secure cycle parking spaces is considered to adequately cater for all staff, guests and visitors of the development.
- 5.37 On the basis of the above information, it is considered that the proposal would accord with the NPPF, Policies HD18, HD19, T6, T7, and T12 of the Liverpool UDP, as well as the *Ensuring a Choice of Travel* – SPD, *Design for Access for All* – SPD and Liverpool's Local Transport Plan.

## NEIGHBOURING AMENITY

- 5.38 The location of the proposed development in an urban mixed use location means that the proposal itself is not a departure from the nature of the surrounding area as an aparthotel scheme, and is indeed a complementary use. However, it is recognised that the proposed development will have a different interface with surrounding land uses given its scale when compared with the existing site.
- 5.39 Delivering aparthotel development in this locality does not come without its challenges, given the presence of night time entertainment venues in this locality. These include Cream and Kazimier nightclubs, although they are to be reconfigured as part of the adjacent redevelopment, and are proposed to incorporate enhanced acoustic insulation and defined management procedures with the aim of creating a

more controlled and relaxed environment. Other such premises in the locality include 'Pleasure Rooms' nightclub at 14 Wolstenholme Square, and bars at 26-28 Gradwell Street and 13-21 Seel Street. There is therefore a challenge to ensure adequate levels of amenity for future residents of this development relative to the activity created by these night time entertainment venues. The second challenge is to ensure that an increase in hotel guests in this area would not unduly inhibit the operations of such premises through noise nuisance complaints.

- 5.40 In response a Noise Assessment has been undertaken by AEC and is submitted in support of the application. It finds that, noise levels at the proposed development have been assessed, and may be controlled through the use of an appropriate sound insulation scheme. Therefore, appropriate planning conditions can be applied to the proposed development to ensure reasonable internal noise levels in the proposed accommodation, and to control noise from any mechanical plant. Based on this, noise should not be considered a determining factor in relation to any planning permission being sought. We therefore consider that, through appropriate mitigation measures, adequate levels of amenity will be afforded for future guests of this development, whilst safeguarding the operation of local businesses.
- 5.41 All of the proposed aparthotel units are of typical city centre sizes, and will offer reasonable levels of privacy and outlook to future guests. The 'back of house' operations includes a bin store, and secure internal cycle storage. Restricted access to the upper floors and a round the clock staffed reception will reduce anti-social behaviour and opportunity for crime. It is therefore considered that the arrangement, size, access and security arrangements of the scheme will provide a reasonable level of amenity to future staff, guests and visitors.
- 5.42 Refuse and recycling facilities are to be provided in line with the guidelines set in the *Refuse Storage & Recycling Facilities in New Developments* guidance note. Waste generated by the development will be taken by staff to a designated ground floor refuse store, and then only be placed outside immediately prior to trade refuse collection. This will mitigate problems of odour, vermin, litter and detritus, and avoid blocking of the public highway. Servicing of the development will need to be carried out in accordance with a management strategy, which can again be secured by condition.
- 5.43 The scheme has included the existing substation on site, incorporating it into the fabric of the new building. This would allow for the maintenance of an essential utility,



whilst disposing of an unattractive standalone plant that doesn't benefit the streetscene.

- 5.44 In summary, the layout and design of the development will provide high quality and secure aparthotel accommodation for guests, whilst safeguarding the amenity of neighbouring occupiers. There will be increased activity and animation of adjacent streets and spaces, which will create a more vibrant, secure and inviting local environment. On this basis, it is considered that the proposal accord with the NPPF, NPPG guidelines, Policies GEN9, E6, HD18, HD20, EP1, EP9 & EP11 of the Liverpool UDP and Strategic Policies 23 of the Liverpool Core Strategy Submission Draft.

### PLANNING OBLIGATIONS

- 5.45 Whilst UDP Policies HD23 & HD24 require trees and landscaping, and public art respectively in new developments, both policies allow for provisions to be made through Section 106 agreements if it is not possible to provide these on site.
- 5.46 The application site is located within a built up urban area which would not traditionally lend itself to the provision of public open space. The proposal is of a nature where the guests, staff and visitors would not have a use for landscaped amenity space, and indeed open space on site would be incongruent with the Ropewalks area layout.
- 5.47 As outlined in Section 4, the NPPG sets out a requirement for Local Planning Authorities to work with interested parties to promote the redevelopment of brownfield sites. It is widely recognised that the redevelopment of brownfield sites can be difficult/expensive due to the high abnormal costs associated with mitigation and site assembly. Local Planning Authorities are therefore encouraged to consider the different funding mechanisms available to them to cover potential costs of bringing such sites back into use; and to take a flexible approach in seeking levels of planning obligations and other contributions to ensure that the combined total impact does not make a site unviable.
- 5.48 This site has sat underutilised, as a surface car park within an otherwise bustling district, for a number of years and this application presents a realistic and high-quality redevelopment opportunity that would provide aesthetic enhancement of this site within the Ropewalks district. Along with the provision of high quality upper floor aparthotel accommodation with ground floor commercial uses, the development will

also regenerate a prominent infill plot. We therefore ask that the Council take this into consideration when debating the need for planning contributions.

- 5.49 Historically, the City Council has ensured that Liverpool is responsive to changing economic circumstances and consistently offered a sympathetic approach to developers. With this, and the above, in mind, the applicant seeks exemptions to the requirements of Policies HD23, HD24 & SPG Note 10 of the Liverpool UDP, and the Council's Executive Board Report (November, 2008) as the development proposals would present regeneration benefit to the wider Ropewalks area.

## 6. SUMMARY AND CONCLUSIONS

- 6.1 This document seeks to address the main elements of the application proposal and to provide an overview of the planning policy framework against which the application will be assessed. This section summarises a number of general and site-specific arguments in favour of the proposed development.
- 6.2 Pre-application discussions have taken place with Officers of the Council prior to submission of the application. The comments received have helped develop and shape the scheme into the form as presented by this application.
- 6.3 The application has been considered against the policies of the current development plan, the emerging Local Plan and national government guidance. It has been illustrated that the proposal conforms to the criteria set out in these policies and that the principle of development is acceptable. This statement clearly demonstrates that the proposed development has policy support and is aligned with national policy.
- 6.4 The principle of commercial led mixed use development is considered acceptable in this location as it is a previously developed site and is located in a highly accessible location in Liverpool City Centre. As such it is located in an area appropriate for aparthotel redevelopment, with specific guidelines stating its suitability to ground floor commercial usage with upper floor aparthotel accommodation.
- 6.5 The proposed development respects the context in which it sits and reflects the recent high quality re-developments, both existing and proposed, that surround the site.
- 6.6 From a heritage perspective, the proposed redevelopment involves redevelopment of a plot which impacts negatively upon the character of the Duke Street Conservation Area, Ropewalks district, as well as the setting of the adjacent listed buildings. The proposed new building will enhance the conservation area and setting of the listed buildings by providing a high-quality development whose design is a contemporary acknowledgement of the late Georgian suburb which forms its surroundings.
- 6.7 The proposed scheme represents significant investment that will act as a catalyst for further future investment in the area. The development will create a positive

statement as to what can be achieved on underutilised land which has long been seen as an opportunity site.

6.8 It is also important to consider the benefits associated with the particular form and type of aparthotel development which is proposed. A centrally managed development will ensure that the highest standards of maintenance and services are upheld, for the benefit of future guests, staff and visitors, as well as the sites neighbours. Such commercial accommodation will be attractive to a wide range of prospective guests and visitors, encouraging both evening and daytime visits to the ground floor commercial units, with overnight stays on the upper floors.

6.9 In summary the proposal will:

- Bring back into active use an underutilised/vacant, brownfield site which is located in a sustainable location;
- Provide significant financial investment in the site and area;
- Deliver a variety of much needed high quality, well designed commercial accommodation that will encourage a mix of people into this area of the city throughout the day;
- Create new jobs associated with construction, and management of the scheme.

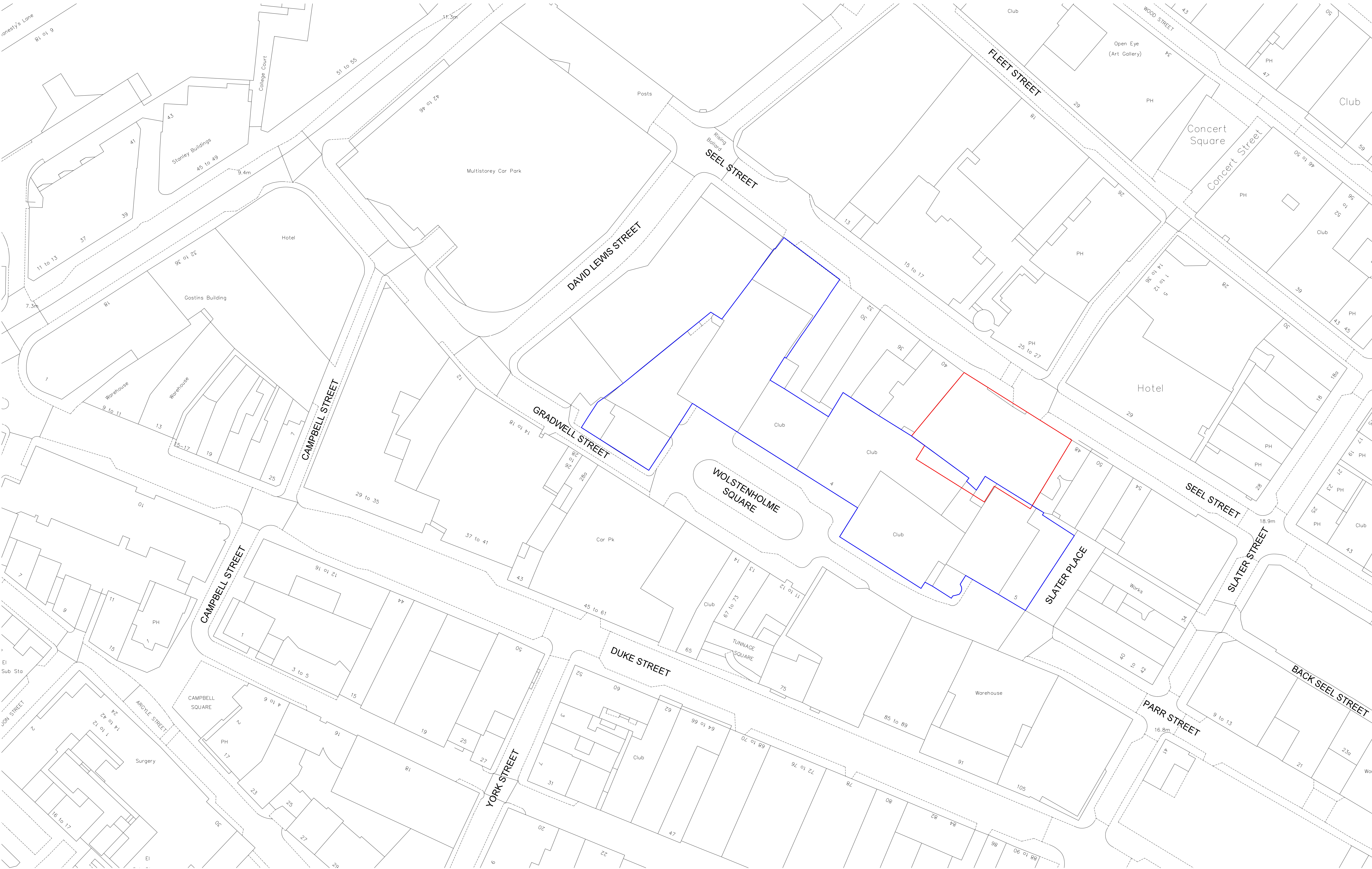
6.10 The NPPF makes it clear that there is a '*presumption in favour of sustainable development*' and that this is the 'golden thread' running through both plan making and decision taking. The proposed development is consistent with the NPPF's core principles. The scheme has been designed to a very high standard, makes use of brownfield land and is in a sustainable, urban location that both benefits from and enhances the bustling Ropewalks district.

6.11 In summary, the proposed development will provide a high quality commercial led scheme in a sustainable location. We have illustrated that the application site is entirely suitable and appropriate for the proposed development.

6.12 Statute requires that this application be determined in accordance with the development plan unless material considerations dictate otherwise. This proposal satisfies all relevant national and local policy considerations. In these circumstances, this application should be welcomed and planning permission granted accordingly.

# Appendix A





— Wolstenholme Square Ownership  
— Seel Street Planning Boundary

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Project Title  
42 Seel Street, Liverpool  
Drawing Title  
Site Layout Plan  
Client  
Elliot Group  
Drawn By  
JC  
Scale  
1:500 @ A1  
Date  
MAR 2016  
Project No.  
P15-098  
Drawing No.  
02-02-001

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## Appendix B



# 48, 50 AND 52, SEEL STREET

## List Entry Summary

This building is listed under the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended for its special architectural or historic interest.

**Name:** 48, 50 AND 52, SEEL STREET

**List entry Number:** 1361674

## Location

48, 50 AND 52, SEEL STREET

The building may lie within the boundary of more than one authority.

**County:**

**District:** Liverpool

**District Type:** Metropolitan Authority

**Parish:**

**National Park:** Not applicable to this List entry.

**Grade:** II



Date first listed: 19-Jun-1985

Date of most recent amendment: Not applicable to this List entry.

## Legacy System Information

The contents of this record have been generated from a legacy data system.

Legacy System: LBS

UID: 359471

## Asset Groupings

This list entry does not comprise part of an Asset Grouping. Asset Groupings are not part of the official record but are added later for information.

## List entry Description

### Summary of Building

Legacy Record - This information may be included in the List Entry Details.

### Reasons for Designation

Legacy Record - This information may be included in the List Entry Details.

### History

Legacy Record - This information may be included in the List Entry Details.

### Details

SJ 3459 SEEL STREET (south side) L1

30/1108 Nos. 48, 50, 52 -

## G.V. II

Terrace of 3 houses. Late C18. Brick with stone dressings, slate roof. 3 storeys and 2 bays to each house. Windows have wedge lintels and are sashed with glazing bars. Entrances are paired with paired attached pediments (No. 48 has lost its partner). No. 52 has altered ground floor.

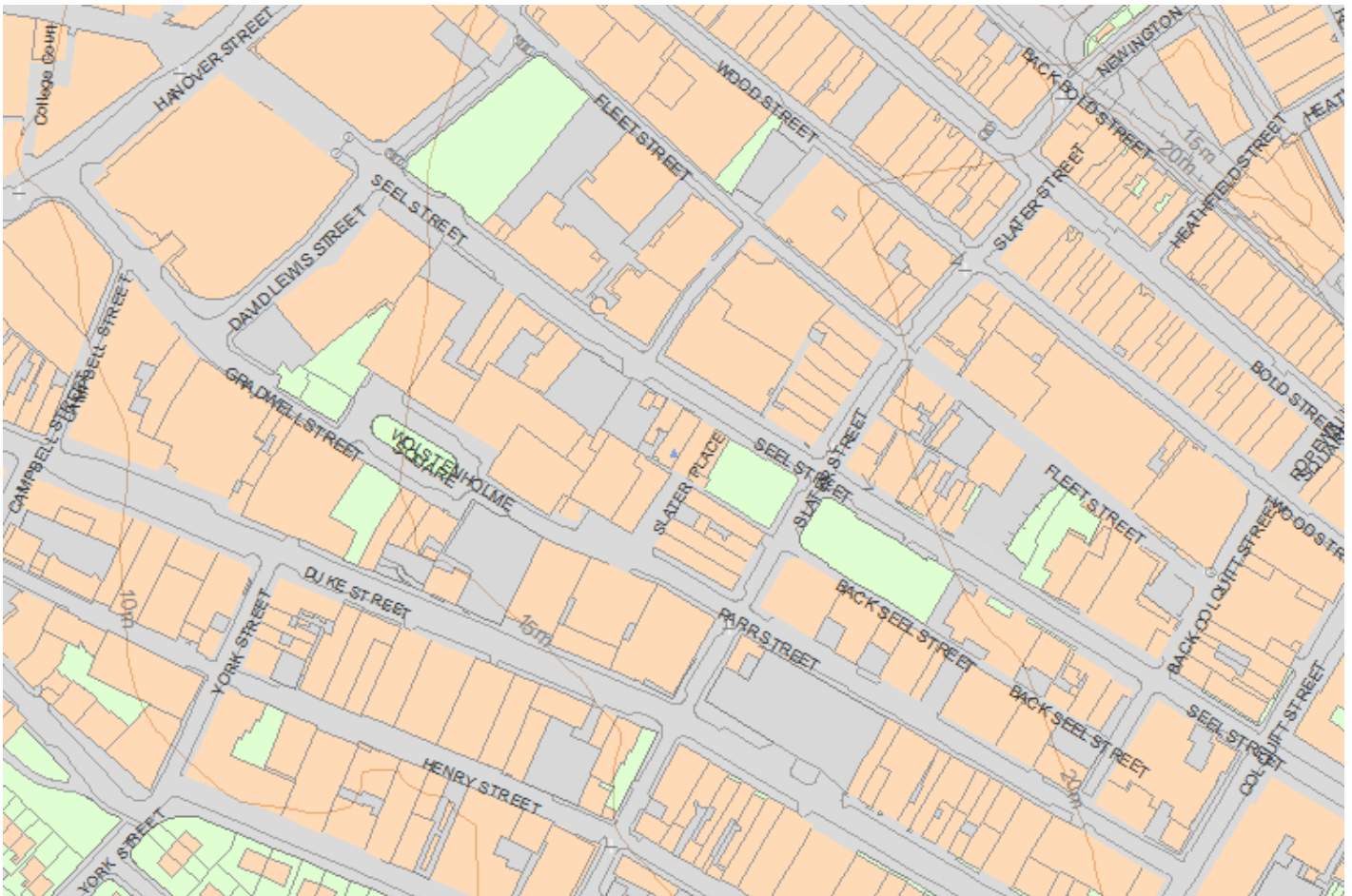
Listing NGR: SJ3489389950

## Selected Sources

Legacy Record - This information may be included in the List Entry Details

National Grid Reference: SJ 34893 89950

## Map



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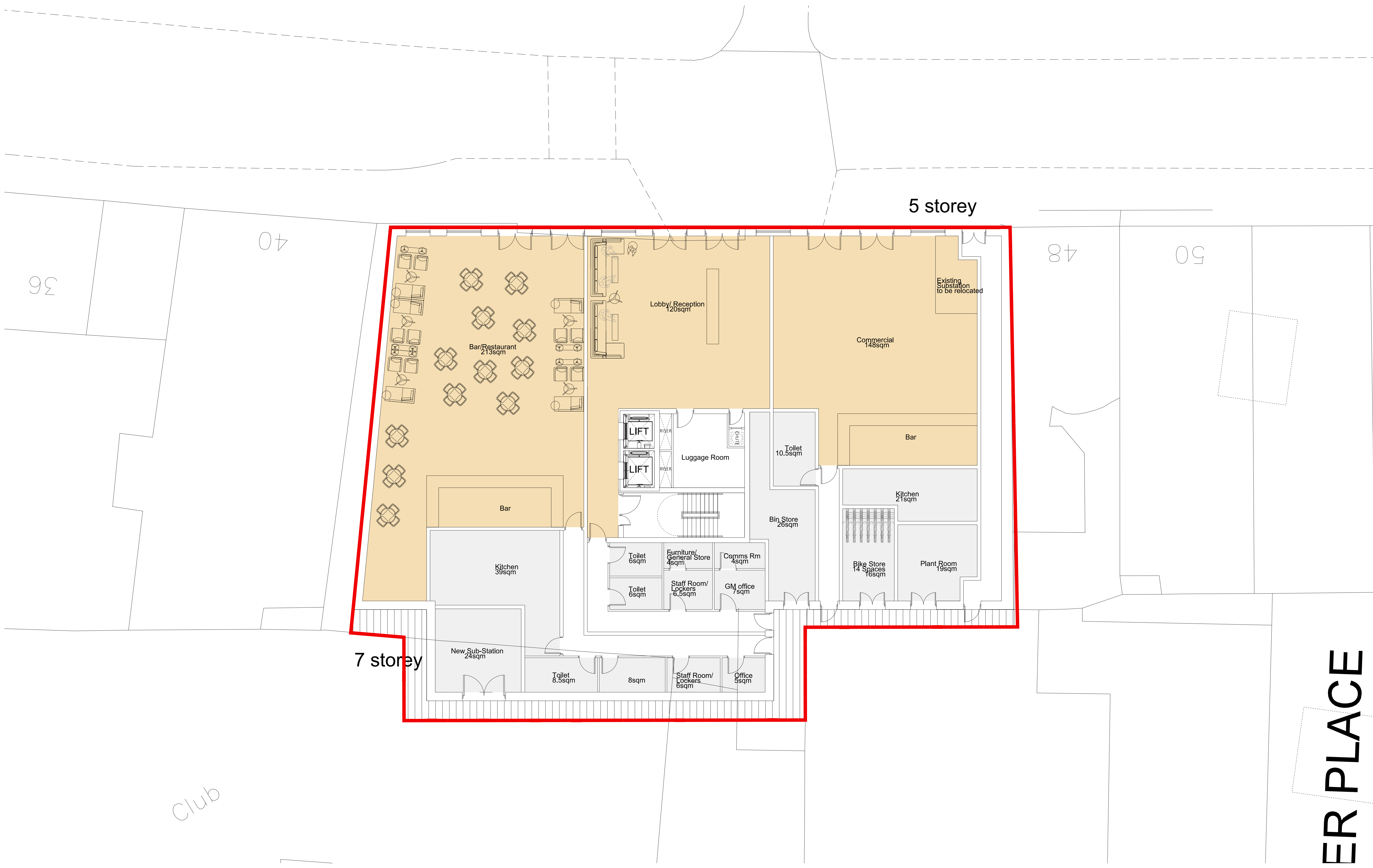
The above map is for quick reference purposes only and may not be to scale. For a copy of the full scale map, please see the attached PDF - [1361674 .pdf](http://gisservices.HistoricEngland.org.uk/printwebservicehle/StatutoryPrint.svc/326775/HLE_A4L_Grade|HLE_A3L_Grade.pdf)  
([http://gisservices.HistoricEngland.org.uk/printwebservicehle/StatutoryPrint.svc/326775/HLE\\_A4L\\_Grade|HLE\\_A3L\\_Grade.pdf](http://gisservices.HistoricEngland.org.uk/printwebservicehle/StatutoryPrint.svc/326775/HLE_A4L_Grade|HLE_A3L_Grade.pdf))

The PDF will be generated from our live systems and may take a few minutes to download depending on how busy our servers are. We apologise for this delay.

This copy shows the entry on 05-Feb-2016 at 02:33:24.

End of official listing

## Appendix C



ER PLACE

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Project Title		Seel Street, Liverpool	Project No.		P15-098
Drawing Title		Ground floor plan	Drawing No.		02-03-001C
Client		Walstenhome Square Developments Ltd.	Scale		1:100 @ A1
Drawn By	Date		www.fcharchitects.com		© F.C.H.
JC	MAR 2016				

## Appendix D

14.0 SCHEDULES

14.1 SCHEDULE OF ACCOMMODATION

Ground Floor:		
Commercial Unit		
Residential lobby		
Plant room		
Cycle Store		
Residential/commercial amenities		
First & Second Floor:		
5 x 2 Bedroom apartments		
2 x 1 Bedroom apartments		
Total: 7 no. of units per floor		
Third & Fourth Floor:		
5 x 2 Bedroom apartments		
2 x 1 Bedroom apartments		
Total: 7 no of unit per floor		
Fifth & Sixth Floor:		
3 x 2 Bedroom apartments		
1 x 1 Bedroom apartment		
Total: 4 no of unit per floor		
Total		
10 x 1 bed	(24%)	
32 x 2 bed	(76%)	
Total: 42 no of apartments		