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Liverpool ONE: Keys Court Planning Statement

May 2012



Document Number: Final
Date: 15 May 2012
Amended by: RS
Principal changes: RS
Final sign off: JDJ

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1 Introduction

1.1 This Statement has been prepared by Drivers Jonas Deloitte (DJD) in support of a full planning application by Grosvenor Liverpool Fund (Grosvenor), at Keys Court, Liverpool ONE.

1.2 The Statement supports an application that proposes the:

“Refurbishment of Keys Court to form single storey pavilion building comprising two retail units.”

1.3 This Statement identifies the context and the background for the proposed development and includes an assessment of how the proposed development accords with relevant national, regional and local planning policies.

1.4 During pre-application discussions with Liverpool City Council it has been agreed that alongside this Planning Statement, the following documents will be submitted in support of the application:

- (a) Planning application form, Ownership Certificate A and Agricultural Holdings Certificate;
- (b) Application fee of £670;
- (c) Cover Letter;
- (d) Design and Access Statement; and,
- (e) supporting plans including red line plan.

1.5 A schedule of plans submitted in support of this application is appended to the planning application form (see Schedule 1).

1.6 The Statement is set out as follows:

- **Section 2** details the characteristics and context of the application site in relation to adjacent uses and the planning history;
- **Section 3** summarises the proposal;
- **Section 4** provides the rationale behind the proposal;
- **Section 5** sets out the planning policy context; and,
- **Section 6** sets out the conclusions.

2 Application Site and Surroundings

Application Site Description and Context

- 2.1 The Application Site (the Site) acts as one of the key entrances to Liverpool ONE. It aids the connection of the traditional retail environment of Church Street with Peter's Lane, College Lane and Manesty Lane beyond.
- 2.2 The Site comprises of three retail units within a pavilion, two of the units are single storey. One of the units has an upper floor which also includes an outdoor area.
- 2.3 The three units currently provide approximately 135 sq m GIA of floorspace.
- 2.4 The three units are in A1 / A3 use.
- 2.5 The existing pavilion is a steel framed structure clad with plywood, cementitious board and ceramic glazed tile.
- 2.6 In the vicinity of the Site are a range of retailers including Marks and Spencer, Primark and Topshop on Church Street and Jigsaw, Hobbs and Reiss on Peter's Lane.
- 2.7 The Site is highly accessible by a range of sustainable modes of transport. The Site is located within the Liverpool City Centre Main Retail Area.

Planning History

- 2.8 The Site to which this application relates was approved under and completed in accordance with application reference number 06F/2354. The description of development was as follows:

"To convert existing pair of shops into one and two storey arcade and shop units inside."

- 2.9 The application was granted on 30 January 2007 pursuant to the comprehensive redevelopment of the Paradise Street Development Area (PSDA) under application reference 04O/0600.
- 2.10 The design was led by Greig Stephenson Architects.
- 2.11 The scheme design was subsequently completed by FAT architects with designs for a two storey building as built.

3 Description of Development

- 3.1 The section below describes the development that is subject to this Planning Application.
- 3.2 This Statement supports a planning application to provide two simple single storey units, installed as a new "piece of furniture" within the room of the courtyard.

Description of Development

- 3.3 The description of development is as follows:

"Refurbishment of Keys Court to form single storey pavilion building comprising two retail units."

Proposed Development

- 3.4 The application seeks to retain the existing flexible A1 / A3 uses on the Site.
- 3.5 The proposal seeks to re-use as much of the existing structure as possible. This is important for both economic, environmental reasons and also due to physical restrictions.
- 3.6 The proposal seeks to convert the three existing units into two simply proportioned single storey units. Unit 1 will be 49 sq m and Unit 2 will be 48.5 sq m (both figures are GIA).
- 3.7 The proposed single storey units are larger than the current ground floor units and are more suited to retailer requirements.
- 3.8 The proposal provides well proportioned and visible units.
- 3.9 The erection of blade signage is proposed as part of this application. The current application does not seek advertisement consent for either the advertisements on the blade signage or the shopfront signage. The Design and Access Statement highlights the indicative location of potential future shopfront signage. The future tenants of the units will seek advertisement consent in due course.
- 3.10 The inclusion of blade signage in this location is in accordance with 'The Liverpool ONE Shopfront Design' (July 2011). The Site falls within the Peters Lane quarter. Within Type 2 areas 'Arcade / Colonnade Units,' high quality, co-ordinated projecting signage solutions may be appropriate due to the more linear spaces of arcades.
- 3.11 Full details of the proposed design and materials to be used are set out in the supporting Design and Access Statement.

4 Planning Justification

- 4.1 The NPPF (March 2012) and Portas Review (December 2011) recognise the important role of town centres and the need to support their vitality and viability.
- 4.2 Town Centres (including City Centres) cannot stand still and must respond to changes in order to remain vital and viable.

Original Scheme Design

- 4.3 The provision of smaller pavilions around Liverpool ONE was intended to provide smaller retail spaces that allowed a greater diversity of franchises, or, independent retailers. The recession has increased the added value and the importance to the provision of smaller spaces. The importance of the provision of different sized spaces is, therefore, critical.
- 4.4 Keys Court falls within Site 8 of the Paradise Street Development Area Masterplan (2004). The Masterplan envisaged a one and two storey arcade and shop units. The intention was to create a physical link to Peter's Lane from Church Street.
- 4.5 Greig & Stephenson architects intended to create a courtyard in this space containing a stand-alone pavilion. The pavilion was intended to evoke a sense of place and provide a link between the main shopping area and the then new Liverpool ONE.
- 4.6 In 2006 a Design Competition invited designers/artists to make proposals for the design of a pavilion in Keys Court. FAT, a local architects practice, was selected by a panel of Grosvenor and Liverpool City Council representatives. FAT designed a building that was distinct from its surrounding acting as a gateway to the development.

Commercial Changes

- 4.7 Keys Court has a high footfall and is a well used entrance to Liverpool ONE from Church Street. Furthermore, there is demand and need for versatile small units within Liverpool ONE.
- 4.8 Despite this, Keys Court has had a string of unsuccessful tenants and has struggled to maintain occupancy.
- 4.9 The Site has consistently failed to deliver for both the tenants and also the landlord. The units in Keys Court have not maintained occupancy and there has been significant retailer churn. Both units 4 and 5 Keys Court have seen numerous tenants occupying the units on a short-term basis since their opening in 2008.

4.10 The below table indicates the tenants that have occupied Keys Court since opening:

Tie Rack	Lollipops	2 Joes Milkshakes (September 2008-January 2011)
Scin (temporary lease)		GIML
Ada & Richmond (temporary lease)		Yog Hut (temporary lease)
Made Here		

4.11 Vacancy and churn in a key gateway entrance to Liverpool ONE has implications on both perceptions of the wider retail area and also the vitality and viability of the City Centre. It is, therefore, important to provide units that meet both tenant and landlord requirements and attract successful occupiers for the long term.

Design Changes

4.12 A number of interrelated issues arise from the existing design and configuration of Keys Court:

- The existing zig-zag glazing creates a confusing shop front. It is difficult to understand the spaces beyond the glass or locate the entrances of the units.
- The irregular shape of the units makes it difficult for retailers to design an effective layout.
- The existing zig-zag frontage leaves the units too narrow and it is difficult for pedestrians to see into the units.
- The complex and brightly coloured tiling results in visual confusion and is incongruous with the architecture of Peter's Arcade. The signage does not make an appropriate impact against the tiles.
- The tiled façade conflicts with the retailer activity within the units, and does not allow the retailers to effectively market their brands and products.
- The upper floor space is undesirable. There are no key views and no other environmental reasons to attract visitors upstairs. Retailers have expressed a desire for simple single storey spaces.
- The existing pavilion is effectively a solid façade for the first 6.5m from the Church St access. This is adjacent to the solid 6.5m of the service area – leaving a long elevation without animation, or, views into the units.

4.13 A detailed overview of the key design issues is provided in the Design and Access Statement submitted in support of this application.

Proposals

- 4.14 Good design should be linked with the successful functioning of a space for its intended purpose. It is clear that the space does not currently function effectively and meet retailer requirements. It is essential to address this due to the Site's location at a key gateway.
- 4.15 The proposal is of a high quality design and through the conversion of the units into two single storey simply proportioned units (of 49 sq m and 48.5 sq m), the scheme should attract a quality retail offering. This would deliver the initial concept of providing smaller retail spaces in a sustainable way for the first time.
- 4.16 The proposal sees a reduction in height to a single level. This is more in-keeping with the visual appearance of Peter's Lane and the surrounding units.
- 4.17 The new proposal does not change the overall footprint of the pavilion. The straightened building line steps out to the point of the zig-zag and does not directly affect physical movement in the arcade.
- 4.18 The proposal is designed to enhance the visibility of the retail units from outside the arcade, providing a clear destination from Church Street through to Peter's Lane. A glazed frontage will be provided on the corner elevation visible from Church Street creating improved sight lines, activity and visibility into the Arcade and the units themselves.
- 4.19 The proposed aesthetic appearance is more in-keeping with the subtle and elegant visual appearance of Peter's Lane and the surrounding units and compliments the classic design.
- 4.20 The works will be capable of being carried out without the need to close Key's Court to pedestrians at any time. Appropriate hoardings around the unit will cordon of the unit to allow the works to be carried out safely.
- 4.21 Grosvenor is committed to bringing forward a deliverable scheme, subject to the granting of planning permission. Construction is anticipated to begin immediately and occupation of the units following their reconfiguration is timetabled for late September 2012.

Summary

- 4.22 The current proposals represent a well-thought out and logical approach to addressing the key issues. Through the proposed improvements a more attractive and appropriate retail space can be provided in this key location to attract longer term retailer interest.

5 Planning Policy Overview

5.1 This section provides an appraisal of planning policy relevant to the proposal.

5.2 In the assessment consideration has been given to the following:

- National Planning Policy;
- Development Plan Policies; and,
- other guidance that may represent Material Considerations.

National Policy

5.3 The Department for Communities and Local Government published the National Planning Policy Framework (NPPF) on 27 March 2012.

5.4 Annex 1 of the NPPF details the implementation process of the NPPF. This makes it clear that the policies contained within the NPPF apply from the date of publication (i.e. 27 March 2012).

Town Centres

5.5 Reference to 'town centre' within the NPPF refers to city, town, district and local centres.

5.6 The Site is located in-centre in NPPF terms and the retail use is established.

5.7 Paragraph 23 of the NPPF states that planning policies should be positive and promote a competitive town centre environment. The NPPF places town centres at the heart of their communities and supports policies which support their viability and vitality and promote competitive town centres.

Viability

5.8 Paragraph 19 of the NPPF states that the planning system should support sustainable economic growth. It is considered that:

"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."

5.9 Paragraph 20 of the NPPF goes on to state:

"local planning authorities should plan proactivity to meet the development needs of business."

5.10 Paragraph 173 of the NPPF states that:

"Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking".

Design

- 5.11 Good sustainable design plays a significant role in the NPPF. Paragraph 56 of the NPPF outlines that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 5.12 Paragraph 58 of the NPPF states that planning policies and decisions should aim to ensure developments:

"will function well and add to the overall quality of the area"

- 5.13 Paragraph 61 of the NPPF notes that although visual appearance and the architecture of individual building are very important, securing high quality and inclusive design goes beyond aesthetic considerations.

NPPF Summary and Implications

- 5.14 The NPPF places a firm emphasis on the need to promote existing town centres and also the need to ensure sustainable growth and take into consideration business needs (Paragraph 20). Keys Court does not currently function effectively for either tenants, or, the landlord. Issues of vacancy and retailer churn in one of the key entrances to Liverpool ONE have implications for the wider scheme in terms of both vitality and viability.
- 5.15 Good design is at the heart of the NPPF. A tenant of good design must be whether the design of a building meets its intended function. Keys Court is a series of retail units that do not function effectively and suffer from vacancy and churn, for the reasons outlined in the preceding section. It is therefore appropriate to seek alternative high quality design to address these longstanding issues.

Unitary Development Plan

- 5.16 The Liverpool Unitary Development Plan (UDP) was adopted in November 2002. Some of the policies in the UDP, particularly in relation to proposals for the City Centre are now considerably dated.

Town Centres

- 5.17 Policy S1 seeks to protect and enhance Liverpool City Centre's role as a regional shopping centre.
- 5.18 Policy S2 relates to the Paradise Street Development Area' (PSDA) now Liverpool ONE. Proposals will be required to provide for design of the highest quality with the inspired use of quality materials, a safe and attractive user environment.

Design

- 5.19 Policy GEN3 aims to protect and enhance the built environment of the City, including the encouragement of a high standard of design.
- 5.20 Policy HD18 outlines general design requirements for new development including guidance on scale, density and massing, local distinctiveness and building lines.

- 5.21 Policy S3 seeks to improve the City Centre shopping environment and states that the City Council will undertake initiatives designed to improve the shopping environment of the City Centre Main Retail Area.
- 5.22 Policy S16 seeks to promote high quality shopfront design throughout the City and states that the design, considering the materials, finishes, size and proportions of the shopfront should be in keeping with the locality and the building in which it is set, and should not detract from the street scene.

UDP Summary and Implications

- 5.23 As noted above, many of the UDP policies are now dated. The UDP places a clear emphasis on high quality design. The proposal is of a high quality design and represents a feasible and deliverable response to a longstanding issue in this key gateway location into Liverpool ONE.

Core Strategy

- 5.24 The Liverpool Core Strategy Submission Draft was published for consultation between the 22 March and 10 May 2012.

Town Centres and Viability

- 5.25 The Council's policies generally support and will continue to direct investment towards the City Centre and show a commitment to ensuring the longevity of retailing in the Main Retail Area (MRA).
- 5.26 The Core Strategy seeks to maximise sustainable economic growth, with the emphasis on the role of, and opportunities in, the City Centre.
- 5.27 Strategic Policy 18 seeks to promote the vitality and viability of centres in Liverpool.
- 5.28 Strategic Policy 19 recognises that the Main Retail Area (MRA) is the primary location for major comparison goods retailing within the City and the City Region. The proposed policy states that its vitality and viability will be protected and enhanced through a range of means including supporting new development and investment which develops its role and function.

Design

- 5.29 The Core Strategy vision seeks to achieve new development that will be of a high design quality that respects local character. This sentiment is echoed in Strategic Objective 4.
- 5.30 Strategic Policy 23 states that:

"The City Council will secure innovative, high quality design to create well-integrated places that are usable, accessible, durable and adaptable"

- 5.31 Paragraph 6.238 notes that outstanding design of buildings and spaces has been at the heart of Liverpool's recent regeneration success. Paragraph 6.237 does, however, recognise the association between a high quality urban environment and its contribution to the functioning of an area.
- 5.32 Keys Court in its current format cannot be considered to be fully usable or, fully functioning as it does not meet either landlord or tenant specifications. Whilst the current design is unique if it does not adequately meet its intended purpose as a retail space.

Core Strategy Summary and Implications

- 5.33 The Core Strategy whilst not yet adopted is at an advanced stage, therefore, consideration of the broad principles is necessary.
- 5.34 The Core Strategy emphasises the need to continue to strengthen and enhance the vitality and viability of the Main Retail Area whilst championing good design.
- 5.35 It is considered that the current proposals represent a realistic, feasible and deliverable opportunity to create an environment in a key gateway location that better meets tenant and landlord needs, that represents high quality design and is in-keeping with the surrounding area.

Other Guidance

- 5.36 The Liverpool ONE Shopfront Design was published in July 2011.
- 5.37 The Site falls within the Peters Lane quarter.
- 5.38 Within Type 2 areas 'Arcade / Colonnade Units,' whilst projecting signage across Liverpool One, high quality, co-ordinated solutions may be appropriate to the more linear spaces of arcades.
- 5.39 Liverpool City Council's Supplementary Planning Guidance (SPG) Note 9 seeks to promote high quality shopfront design.
- 5.40 The Guidance supports shopfront design that takes into account local styles and materials, street pattern and scale, and proportions of the building as a whole and any neighbouring buildings.

Other Guidance Summary and Implications

- 5.41 The Liverpool One Shopfront Design and the Liverpool City Council SPG Note 9 promotes high quality shopfront design. The proposal offers a high quality design which can be considered as more in-keeping with subtle and elegant visual appearance of Peter's Lane and the surrounding units.

6 Conclusion and Summary

- 6.1 In summary, since the opening of Keys Court in 2008 a number of issues have been identified and the current design and configuration of the units have not proved successful for either tenants or the landlord.
- 6.2 This application proposes a high quality and deliverable opportunity to address known issues in a key entrance to Liverpool ONE. The proposal will create two well proportioned retail units that will complement the existing retail offer in Peter's Lane and Liverpool ONE more generally.
- 6.3 This statement demonstrates that the proposal fully accords with the national and local planning policies and as a result should be considered favourably by Liverpool City Council.