



ROMANSUMMER

PLANNING STATEMENT

LAND BETWEEN NORFOLK STREET AND BRICK STREET, LIVERPOOL

ON BEHALF OF PHD1 CONSTRUCTION LTD

MAY 2015

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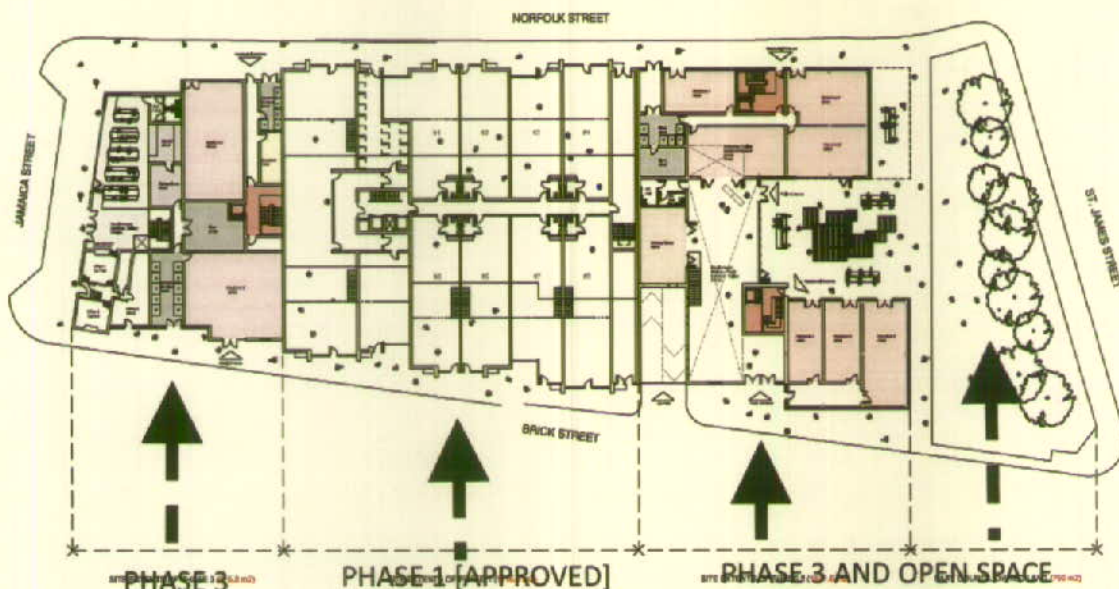
Contents

Page

1. Introduction	1
2. Description of the Site, Surroundings, Proposal & Planning History	4
3. Overview of Planning Policy	14
4. Planning Assessment	31
5. Conclusions	53

1.0 Introduction

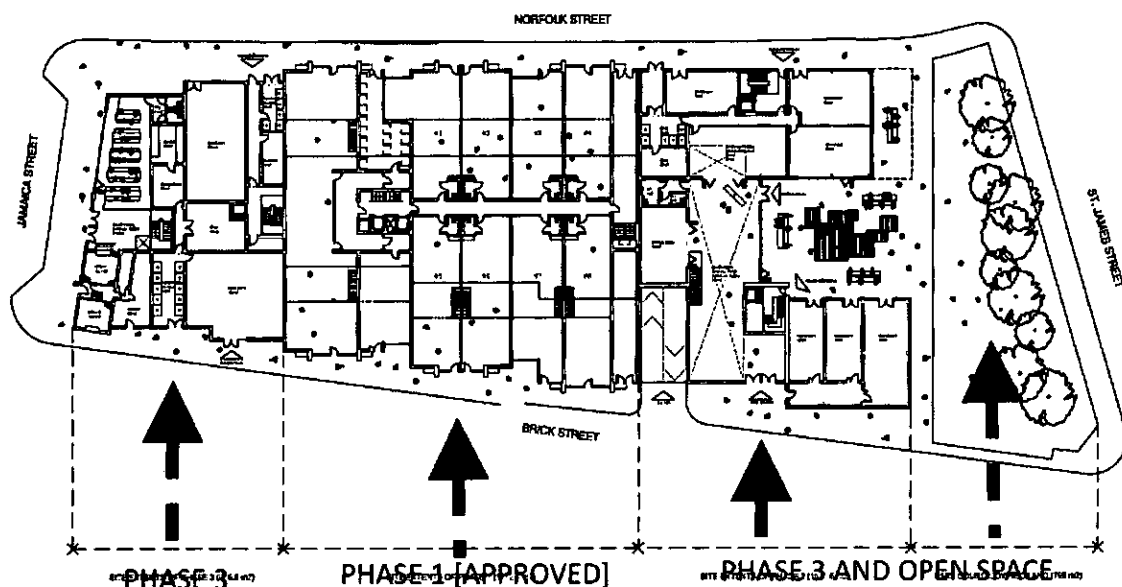
- 1.1 This Planning Statement supports a full planning application submitted by **PHD1 Construction Ltd** for two parcels of land between Norfolk Street and Brick Street (flanked by St. James Street and Jamaica Street at either end), Liverpool that seeks permission for the demolition and clearance of all existing structures and the erection of two buildings (referred to as Phases 2 and 3) comprising a mix of 125 apartments (1 bedroom and studios) [Phase 2], 72 student studio apartments [Phase 3], Class B1(a) office uses, gallery space (Class D2), and small scale Class A1, A2, A3, A4 and/or D1 uses, with associated 41 car parking spaces, =cycle parking, plant / storage / reception areas, pavement café / terrace and hard and soft landscaping. The application also proposes the change of use of the 3 storey brick building (43 Jamaica Street) to form self contained Class B1a and / or A2 offices, reverting from its current use as staff quarters / storage associated with the wider City Sheds business, and minor external alterations to include new doors and windows.



- 1.2 As the plan above makes clear, the application site is split on either side (west and east) of Phase 1 of our client's comprehensive development planned along this stretch of Norfolk Street. The Phase 1 application was approved on 13 February 2015, and work will be starting on site imminently. That application (ref: 14F/0829) promoted the development of eyesore land midway along Norfolk and Brick Streets

1.0 Introduction

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for a part 11 / part 9 storey building comprising 123 student apartments and studios (sui generis use) (94 x 3 bed apartments and 29 studios) with associated communal hub, plant room, cycle store, bin store and courtyard plus 12,835 sq.ft of Class B1 creative workshop space at ground and first floor levels.

- 1.3 Phase 2 (the subject of this application) will abut the Phase 1 development to the immediate east. This 9 storey building (ground plus 8 floors) will comprise 125 apartments (1 bedroom and studios), 545 sqm of Class B1a or A2 office space, 53 sqm of community meeting space, 185 gallery space (Class D2), and 41 basement car parking spaces. To the east of the building (up to St. James Street) an attractive area of open space will be created to replace what is currently a somewhat bland and uninspiring plot of underused green space.
- 1.4 Phase 3 (also the subject of this application) will abut the Phase 1 development to the immediate west. This 9 storey building (ground plus 8 storeys) will comprise 72 student studios, two small commercial units (172 sqm and 225 sqm respectively) in any combination of Class A1, A2, A3, A4, A5 or D1 (crèche / day nursery), external eating / drinking space, 185 sqm of gallery space (Class D2), and 112.5 sqm of Class A2 and / or B1a office space.
- 1.5 The proposal has been discussed at pre-application stage with the LPA, and the advice received has been positive, and described as 'exciting'. All of the issues raised have been addressed and are recorded elsewhere in this Planning Statement and in the remainder of the supporting information.
- 1.6 This Planning Statement acts as an 'umbrella' document to support the planning application. It is intended to bring all key planning-related issues together in one place, and, to assess the proposal against relevant planning policies. However, it is important that this Planning Statement is not read in isolation. It forms only one part of a comprehensive package of documents and drawings which – considered together – support the planning application.
- 1.7 The application is based on the following :
 - Application forms and certificates;

- Application fee of £43,654. This is based on the creation of 197 residential units and 1,424.5 sqm of mixed commercial floorspace;
- This Planning Statement (Roman Summer Associates Ltd);
- Design and Access Statement (BLOK Architects);
- Transport Statement (including MASA) (DTPC);
- Travel Plan Framework (DTPC);
- Tree Survey (Woodland Solutions); and
- Drawings as per the submitted drawing schedule (BLOK Architects).

1.8 It should be noted that, at an early stage in the application process, detailed landscaping plans will be submitted, particularly in relation to the reworked area of open space that marks the eastern end of the site (adjacent to St. James Street).

1.9 The remainder of this Planning Statement is structured as follows:

- Section 2.0 describes the site, surroundings, background and proposed development;
- Section 3.0 summarises national and local planning policies relevant to the application;
- Section 4.0 assesses the proposed development against planning policy and addresses other material considerations;
- Section 5.0 sets out our conclusions.

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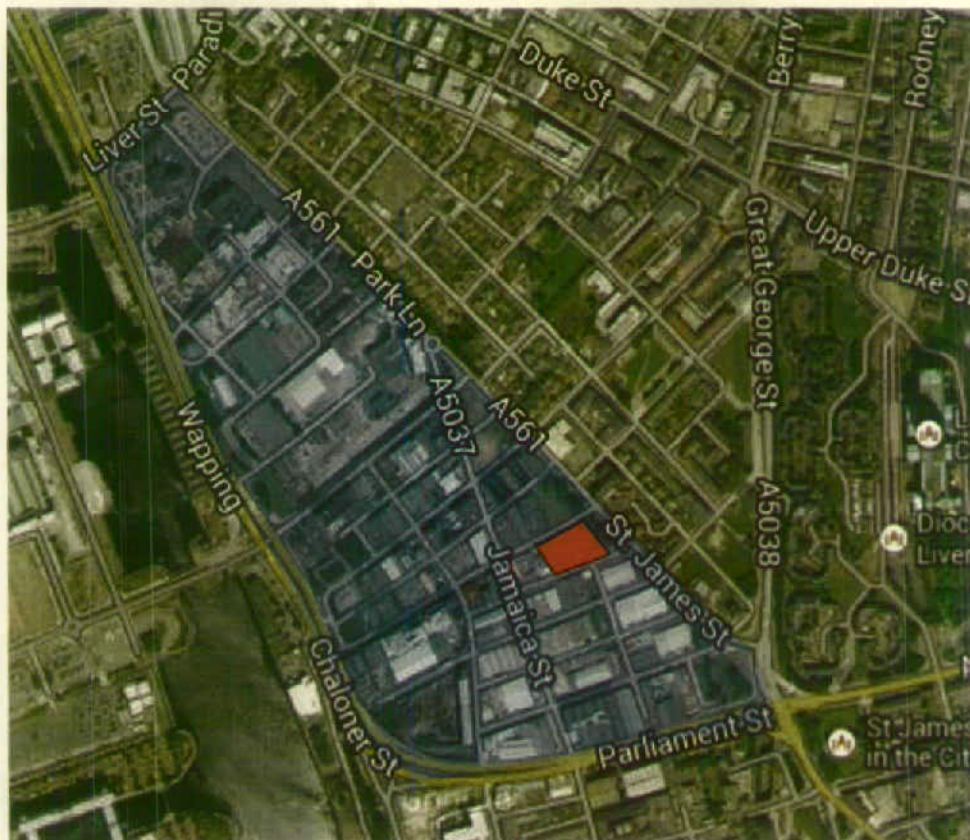
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2.0 Description of the Site, Surroundings & Proposal

The Site

- 2.1 The application site is 0.31324 hectares in total (Phase 2 = 0.15216 ha / Phase 3 = 0.08168 ha + 0.0794 ha open space flanking St. James Street) and lies around 0.5km to the south of Liverpool City Centre, within the 'Baltic Triangle'. It is also located within the 'buffer zone' of the Liverpool World Heritage Site.



- 2.2 The site sits in a mixed zone of partly vacant, derelict industrial / commercial land and premises, albeit recent and current residential-focused development has kick-started regeneration within the Baltic area.
- 2.3 The application site covers three distinct parcels of land. Aside from the fine historic building on the 'City Sheds' site (43 Jamaica Street), both parcels of land are in unkempt condition and undoubted eyesores flanking two busy roads (Jamaica

Street and St. James Street). There are no buildings of architectural merit on the site. They offer a poor appearance and are in urgent need of regeneration.



- 2.4 The Baltic area was historically a zone for industrial uses. In recent years, this character has begun to change, and now includes several large residential schemes along with hotels and food, drink and entertainment uses.
- 2.5 The site sits in the mid eastern section of the Baltic Triangle. This part of the city is in the process of regeneration and is identified by the City Council as an eclectic and vibrant mix of residential and business activities, with the need to improve linkages and connections within the area and to / from adjacent parts of the city.
- 2.6 There is an increasing amount of modern development coming forward nearby (see photographs on following page). Most of these new developments are residential focused, reflecting the sentiment of the 'Baltic Manifesto' :

'The strategy is simple. Fill the area with people and the rest will follow.'



2. View of nearby warehouses



3. View of Women's Organisation and nearby student accommodation



4. View of nearby cafe on Jamaica Street



5. View of neighbouring industrial units

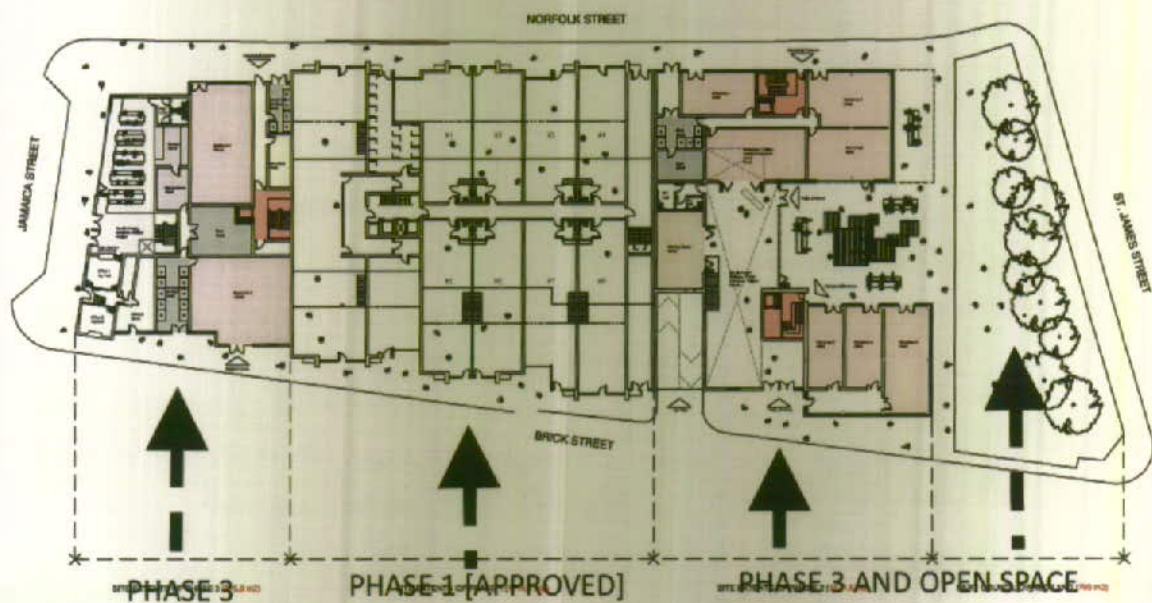
- 2.7 The site is not located in a Conservation Area and there are no immediately proximate listed buildings.

PROPOSAL

- 2.8 The application seeks full planning permission for two parcels of land between Norfolk Street and Brick Street, Liverpool that seeks permission for the demolition and clearance of existing structures and the erection of two buildings (referred to as Phases 2 and 3) comprising a mix of apartments, student accommodation, Class B1(a) office uses, gallery space (Class D2), and small scale Class A1, A2, A3, A4 and/or D1 uses, with associated car and cycle parking, plant / storage / reception areas, pavement café / terrace and hard and soft landscaping.
- 2.9 The application site is split on either side (west and east) of Phase 1 of our client's comprehensive development planned along this stretch of Norfolk Street. The Phase 1 application (see image below) was approved on 13 February 2015, and work will be starting on site imminently.



2.10 That application (ref: 14F/0829) promoted the development of eyesore land midway along Norfolk and Brick Streets for a part 11 / part 9 storey building comprising 123 student apartments and studios (sui generis use) (94 x 3 bed apartments and 29 studios) with associated communal hub, plant room, cycle store, bin store and courtyard plus 12,835 sq.ft of Class B1 creative workshop space at ground and first floor levels.



- 2.11 Phase 2 (the subject of this application) will abut the Phase 1 development to the immediate east. This is located on land known as the 'Liver Grease' site. This 9 storey building (ground plus 8 floors) will comprise 125 apartments (1 bedroom and studios), 545 sqm of Class B1a or A2 office space, 53 sqm of community meeting space, 185 gallery space (Class D2), and 41 basement car parking spaces. To the east of the building (up to St. James Street) an attractive area of open space will be created to replace what is currently a somewhat bland and uninspiring plot of underused green space.
- 2.12 Phase 2 also includes 16 cycle spaces at ground floor level and 100 cycle spaces and 4 pool cycle spaces in the basement.

057 Norfolk Street: Liver Grease		Phase 2					
Floor Level		Parking Spaces	Workshop SqM	Meeting space SqM	gallery SqM	Apartment No.	Studio No.
Basement		41	0	0	0	0	0
Ground floor		0	395	53	185	0	0
First floor		0	150	0	0	4	8
Second floor		0	0	0	0	4	16
Third floor		0	0	0	0	4	16
Fourth floor		0	0	0	0	4	16
Fifth floor		0	0	0	0	4	16
Sixth floor		0	0	0	0	2	14
Seventh floor		0	0	0	0	1	10
Eighth floor		0	0	0	0	1	5
		TOTALS					
		41	545	53	185	24	101

Phase 2 Accommodation Schedule (by floor)

- 2.13 Phase 3 (also the subject of this application) will abut the Phase 1 development to the immediate west. This 9 storey building (ground plus 8 storeys) will comprise 72 student studios, two small commercial units (172 sqm and 225 sqm respectively) in any combination of Class A1, A2, A3, A4, A5 or D1 (crèche / day nursery), external eating / drinking space, 185 sqm of gallery space (Class D2), and 112.5 sqm of Class A2 and / or B1a office space.
- 2.14 Phase 3 includes the incorporation of 26 secure cycle spaces (more than 18 based on previous agreed 1:6 ratio) at ground floor level, and 8 visitors cycle spaces.
- 2.15 The application also proposes (as part of Phase 3) the change of use of the 3 storey brick building (43 Jamaica Street) to form self contained Class B1a and / or A2 offices, reverting from its current use as staff quarters / storage associated with

the wider City Sheds business, and minor external alterations to include new doors and windows. This characterful building can be seen in the foreground on the CGI image below, which also includes the approved Phase 1 development in the background, and the image beneath that shows the building in the context of the Phase 3 proposal (far right).



43 Jamaica Street in foreground, with the approved Phase 1 scheme behind



43 Jamaica Street to the far right, shown in context with the proposal Phase 3

058 Norfolk Street: City Sheds		Phase 3				
Floor Level		Café SqM	Retail SqM	gallery SqM	Studios No.	Commercial SqM
Ground floor		172	225	0	0	56.9
Mezzanine floor		0	0	185	0	26.7
First floor		0	0	0	12	28.9
Second floor		0	0	0	12	0
Third floor		0	0	0	12	0
Fourth floor		0	0	0	10	0
Fifth floor		0	0	0	8	0
Sixth floor		0	0	0	8	0
Seventh floor		0	0	0	8	0
Eighth floor		0	0	0	2	0
		TOTALS				
		172	225	185	72	112.5

Phase 2 Accommodation Schedule (by floor)

- 2.16 The apartments forming Phase 2 will comprise 24 x 1 bedroom apartments and 101 x single bedroom studio apartments for unrestricted Class C3 use [125 apartments total].
- 2.17 5% (6 no) will be wheelchair accessible (apartment numbers : 112 , 201, 219, 301, 401 and 501) (refer to Design & Access Statement for details).
- 2.18 The accommodation within Phase 3 is focused on students, as complementary to that approved under Phase 1. 72 studio rooms are proposed in total (and no 'clusters').
- 2.19 41 basement car parking spaces will be provided within the Phase 2 scheme, equating to 33% parking provision (considerably more than other schemes approved elsewhere in the Baltic, certain of which are providing no parking whatsoever).
- 2.20 In total, the scheme (Phases 2 and 3 combined) will provide 154 cycle parking spaces.
- 2.21 The above parking commitment and other sustainable travel measures are explained in the Framework Travel Plan (DTPC), which we anticipate will be conditioned as an approved document to ensure ongoing monitoring.



- 2.22 As noted earlier, a high quality hard and soft landscape scheme is proposed, and it is worth noting the extent of attention paid to the open area of land that sits to the immediate east of the Phase 2 development (flanking St. James Street) [see photo above].
- 2.23 The LPA has encouraged the inclusion of that parcel of land as part of a comprehensive package of works to cover the entire block between St. James Street (east) and Jamaica Street (west).

PRE-APPLICATION DIALOGUE

- 2.24 The proposal has been discussed at pre-application stage at three meetings involving the Local Planning Authority and the Council's Urban Design Officer and Highways.
- 2.25 The response was positive, and the scheme described as 'quite exciting'. The comments received are reproduced below in the interests of comprehensiveness :

The applicant outlined his business model and gave some background on the type of development he is interested in promoting in Liverpool. This combines high quality building design, a mix of uses and accommodation which offers hotel style facilities and management arrangements. It was acknowledged that the recently approved Pall Mall scheme has considerable merit in design terms. The first scheme in Liverpool was Falkland House which was not a great success in design terms but 'lessons have been learned'.

The funding model works best with a fast turn-around on planning permission and, generally, an immediate start on site following approval. It was agreed that a full pre-application process assists

in ensuring all major issues are resolved prior to submission and avoids delays in determination. It was also emphasised that many standard planning conditions require submission and agreement of details prior to a start on site, so it is advisable that details come in with the application if there is an intention to commence on site straight after planning permission is issued. It was noted that there have been delays in discharging contaminated land conditions.

The design approach was presented. Sam Campbell from Urban Design was unwell and therefore not present at the meeting. It was emphasised that the revised design would need to be considered and discussed with her prior to issuing comments on design. Sam is on leave this week and will be back in the office on 14th April. LB expressed some reservations about the design of Phase 2 but it was agreed that the scheme as a whole would be discussed with Urban Design prior to comment.

PI indicated that the accommodation is designed with the Chinese market in mind in terms of initial sales and occupation. The property's proximity to Chinatown is seen as positive and he is interested in strengthening links from Chinatown through into the Baltic Triangle.

The proposed Phase 2 accommodation comprises studios (between 28 and 30sqm) and 1 bedroom flats as standard residential and Phase 3 (facing Jamaica Street) would be 3 bed student units. The first floor living spaces to St James Street show kitchen and bathroom furniture against the glazing – detail on how this is to be workable is needed. Amenity space is provided in the form of roof terraces within Phase 3 and a courtyard within Phase 2.

RG was passed a copy of the DCLG statutory guidance issued on 27th March, 'Technical housing standards – nationally described space standard'. Link to the document: <https://www.gov.uk/government/publications/technical-housing-standards-nationally-described-space-standard> This is clearly a very new piece of national guidance. I have asked RG to let me have his comments on this.

Public Art was discussed and it was suggested that work by a well known US artist may be incorporated into the scheme along with suggestion that projections onto faces of the building to Jamaica Street.

The current Mayoral review of student housing was briefly discussed. This will take place in April and the likely outcome is at present unclear. There has been a degree of concern about the Baltic area as a location for student accommodation because the area is achieving some considerable success as an area for digital and creative business and a large amount of student accommodation could have a negative impact upon this. However, it was acknowledged that the developer has worked closely to local creative businesses and the scheme offers workspace and gallery space, along with the residential accommodation. RG emphasised that the viability of the scheme depended on the student accommodation.

Car parking was discussed, AD reported his observations having surveyed the area and made a number of suggestion about traffic management generally and a possible approach to the 70% guide for car parking (as set out in the transport SPD). The scheme includes a 39 space car park and the option of funding a study of parking requirements was proposed. SW to consider and respond.

The design of the St James Street section of development is reliant upon the space to St James Street remaining as open space. This space adds considerable value to the attractiveness of the scheme and given that it is elevated to face an open space it is important that this is within the application. PJ advised that this area should be included within the red line for the application. It was noted that a part of this land is city council owned and part privately owned. RG has

subsequently contacted PJ to discuss leaving this area out of the planning application and then adding it in after 21 days (the time required for owner notification). The ownership issues in respect of this land will need to be resolved as part of the application process. There are some large trees on the site which soften this edge.

This section of green space element could potentially be a reason to reduce s106 contributions.

Overall the scheme offers an exciting mix of workspace, gallery and leisure uses with residential giving it potential to add significant economic value to the area.

Timescales for submission were discussed. We recommend that submission is held until final pre-app comments are issued; this would be at the end of next week. It is understood that PJ is keen to submit as soon as possible so the application may come in before this. We are willing to work with you whichever route is adopted although the former is our preference, particularly as Urban Design and Highway comments have yet to be issued.

- 2.26 All comments received have been given due consideration and the proposal has been shaped accordingly.

APPLICATION FORM - FLOOR SPACES

- 2.27 The Portal's application form does not allow for flexibility when inserting the mix proposed uses / floorspaces. As such, rather than rely on the floorspaces on the application form, we encourage the LPA and others to rely on the descriptions and extent / mix of floorspaces set out in this Planning Statement.

3.0 Overview of Planning Policy

- 3.1 This section summarises the planning policy context against which the application falls to be considered. These policy strands will then be considered further in Section 4.0 of this Statement.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

- 3.2 The NPPF was published on 27 March 2012.
- 3.3 Paragraph 12 makes it clear that the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an *up-to-date* Local Plan should be approved, whilst development that conflicts should be refused, unless other material considerations indicate otherwise. Paragraph 2 confirms that the NPPF is a material consideration in planning decisions.
- 3.4 Paragraph 187 states that :
- ‘Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should **work proactively with applicants** to secure developments that improve the economic, social and environmental conditions of the area.’*
- 3.5 From the outset, the NPPF asserts that development that is sustainable should go ahead **“without delay”**, and that a presumption in favour of sustainable development should be the basis for every planning decision.
- 3.6 Paragraph 6 states that the purpose of the planning system is to contribute to the achievement of sustainable development. This is elaborated in paragraph 7, which suggests that there are three dimensions to sustainable development: **economic, social and environmental**. These dimensions give rise to the need for the planning system to perform a number of roles:

- **an economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation;
- **a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- **an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

3.7 Paragraph 14 reinforces the message about 'sustainable development'. It states that the presumption in favour of sustainable development lies at the heart of the NPPF, and describes this as *"a golden thread running through both plan-making and decision-taking"*. For **decision-taking** this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are **out-of-date**, granting permission unless any adverse impacts of doing so would **significantly and demonstrably outweigh the benefits**, when assessed against the policies in this Framework taken as a whole.

3.8 Paragraph 17 states that, within the overarching roles that the planning system ought to play, 12 core land-use planning principles should underpin both plan-making and decision-taking. These include (with our emphasis) :

- Planning should not simply be about scrutiny, but instead be **a creative exercise** in finding ways to **enhance and improve** the places in which people live their lives

- 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.
- Planning should always seek to secure **high quality design** and a good standard of amenity
- Planning should support the transition to a **low carbon future** in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources
- Planning should encourage the effective use of land by **reusing land** that has been previously developed (**brownfield land**)
- Planning should promote **mixed use** developments
- Planning should actively **manage patterns of growth** to make the **fullest possible use of public transport, walking and cycling**

3.9 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.

3.10 Paragraph 22 suggests that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, **applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.**

3.11 Paragraph 49 suggests that **housing applications should be considered in the context of the presumption in favour of sustainable development.**

3.12 Paragraph 50 makes it clear that councils should look to deliver **a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.**

- 3.13 Paragraph 56 carries forward the sentiment of previous policy statements 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. Planning policies and decisions should aim to ensure that developments:
- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
 - optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
 - respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
 - create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
 - are visually attractive as a result of good architecture and appropriate landscaping.
- 3.14 Paragraph 60 confirms that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.
- 3.15 Paragraph 111 states that planning policies and decisions should encourage the effective use of land by *re-using land that has been previously developed* (brownfield land), provided that it is not of high environmental value.

National Planning Practice Guidance (NPPG)

- 3.16 On 6 March 2014 the Department for Communities and Local Government launched its new Planning Practice Guidance web-based resource. This was accompanied by a Written Ministerial Statement, which included a list of the previous planning practice guidance documents cancelled when this site was launched.
- 3.17 The PPG echoes the NPPF in stating that good quality design is an integral part of sustainable development and is about creating places, buildings, or spaces that work well for everyone, look good, last well, and will adapt to the needs of future generations. In particular, the Guidance states that the following key issues should be considered in development:
- local character (including landscape setting)
 - safe, connected and efficient streets
 - a network of greenspaces (including parks) and public places
 - crime prevention
 - security measures
 - access and inclusion
 - efficient use of natural resources
 - cohesive & vibrant neighbourhoods

LIVERPOOL UDP

- 3.18 The UDP was published in November 2002, with many of its policies 'saved' in 2007 in preparation of the publication of the Council's LDF (now referred to as the Local Plan). Limited progress has been made towards the Local Plan, but there is some way to go, and as such the UDP remains in force. However, it must be said that the UDP is now well over 12 years old and much has changed (both locally and nationally) during that time (crucially the industrial policy designation that relates to this site and the rest of the Baltic Triangle).
- 3.19 That in turn raises questions about how relevant / up to date certain policies are, and the extent to which the UDP complies with the NPPF and its drive towards sustainable economic growth / development.

- 3.20 Paragraphs 214 and 215 of the NPPF explain that, for 12 months from the day of publication of the NPPF (March 2012), decision-takers could continue to give full weight to relevant policies adopted since 2004, even if there was a limited degree of conflict with the Framework. That 12 month period expired over 2 years ago, and NPPF paragraph 215 explains that - following that 12 month period – *“due weight”* should be given to relevant policies in existing plans *“according to their degree of consistency with this Framework”*. In other words, the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given. We note that the UDP has not been formally assessed against the provisions of the NPPF to establish its degree of consistency, but it is self evident that, since its adoption well over 12 years ago, a good deal has changed in Liverpool and nationally, which again raises questions about the weight that can now be attached to many of the UDP’s policies. Notwithstanding that, we consider the relevant UDP policies below.
- 3.21 The application site is designated as part of a *‘Primarily Industrial Area’* under Policy E1. This states that planning permission will only be granted for industrial / business uses and small scale ancillary uses, unless the proposal would clearly act as a catalyst to the comprehensive redevelopment of the site or area primarily for industrial / business use, and would not prejudice the long term development of the area primarily for these uses. We assert at Section 4.0 that this policy is so outdated that it now has no relevance or merit in respect of this site.

Policy H3 (City Centre Living)

- 3.22 Policy H3 states that the City Council will encourage and support proposals which improve the City Centre housing stock, through the inclusion of housing within mixed use development schemes. The Strategic Investment Framework (SIF) confirms that the site is within the defined City Centre, and as such the principles and objectives contained in Policy C3 should carry weight in the assessment of this proposal.
- 3.23 Paragraph 9.60 of the UDP states that some forms of City Centre residential accommodation will prove more suitable for some groups of people than for others. It suggests that the lack of amenity and play space combined with the impact of

living close to pubs, cafes, night clubs and other sources of noise and disruption, would not tend to attract families.

Policy H5 (New Residential Development)

3.24 Policy H5 outlines that the City Council will grant permission for new residential developments in cases where the following criteria have been met:

- the density, design and layout respects the character of the surrounding area, and maintains levels of privacy and amenity for existing and future residents; and
- the highway and parking provision ensures a safe, attractive, convenient and nuisance-free highway environment for pedestrians, cyclists and drivers.

3.25 It states that new developments will need to accord with Policy HD18 (General Design Guidance) and OE14 (Provision of New Open Space). Alongside this, the policy suggests that the Council will welcome residential schemes include an element of local community facilities.

Policy GEN1 (Economic Regeneration)

3.26 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 in appropriate locations.

Policy GEN3 (Heritage and Design in the Built Environment)

3.27 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.

UDP Policy HD18 (General Design Requirements)

- 3.28 Policy HD18 identifies several design-related criteria, with which all applications will be required to comply :
- a. The scale, density and massing of the proposed development relate well to its locality
 - b. The development includes characteristics of local distinctiveness in terms of design, layout and materials.
 - c. The building lines and layout of the development relate to those of the locality
 - d. External boundary and surface treatment is included as part of the development and is of a design and material which relates to its surroundings
 - e. All plant machinery and equipment are provided within the building envelope or at roof level, as an integral part of the design
 - f. The development pays special attention to views into and out of any adjoining greenspace
 - g. The development has regard to and does not detract from the city skyline, roofscape and local views within the city
 - h. The satisfactory development or redevelopment of adjoining land is not prejudiced
 - i. There is no severe loss of amenity or privacy to adjacent residents
 - j. Adequate arrangements are made for the storage and collection or refuse within the curtilage of the site, and provision of litter bins where appropriate
 - k. The exterior of the development incorporates materials to discourage graffiti
 - l. Adequate arrangements are made for pedestrian and vehicular access and for parking.

Policy HD19 (Access for All)

- 3.29 Policy HD19 states that the City Council will ensure that consideration is given to the need to ensure ease of access and movement for disabled people between and within public areas by the careful provision, siting and design of parking areas, paths, dropped kerbs, pedestrian crossings, street furniture and open space. It states that access to and from buildings and their surroundings will be improved.

Policy T12 (Car Parking Provision in New Developments)

- 3.30 Policy T12 outlines that any new development which generates 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.

The Emerging Local Plan

- 3.31 The ***Submission Draft Core Strategy*** is the most recent version of the Liverpool Core Strategy, and was subjected to consultation from 22 March 2012 to 10 May 2012. The Council has since declared that the Core Strategy will not be submitted as a separate DPD, but will instead form the framework for the new ***Local Plan*** for Liverpool (not yet published).
- 3.32 Notwithstanding the fact that it currently possesses no weight, it is worth considering the content of the Submission Draft Core Strategy (SDCS), as (while it has not been adopted and is the subject of unresolved objection) this is a fairly recent corporate statement of intent.
- 3.33 The SDCS contains eight 'strategic objectives' which aim to ensure that, by 2028, Liverpool will have :
- A strong economy
 - Residential neighbourhoods that meet housing needs
 - Vital and viable shopping centres
 - An attractive and safe city with a strong local identity
 - High quality green infrastructure
 - Efficiently used resources
 - More sustainable accessibility
 - Improved social inclusion and equal opportunities
- 3.34 The central approach of the SDCS is to capitalise on Liverpool's assets and resources to achieve urban and economic growth, prioritising those areas of the City with the greatest development potential. It aims to stimulate, support and deliver economic growth and address regeneration needs.

- 3.35 The SDCS states that the City Centre will continue to be a primary focus for economic activity and job creation. The approach aims for a balance in new housing growth between the **City Centre / Urban Core (70%)** and the outer Suburban Areas (30%) across the whole 15 year plan period.
- 3.36 Paragraph 3.32 states that, like many other major city centres in the UK, there has been significant investment and interest in recent years in new housing, resulting in an increase in its population from 2,300 in 1991 to an estimated 19,500 in 2008. ***Such has been the growth in development interest over that period that the "city centre living" effect has spread to areas around the City Centre fringe.***
- 3.37 Paragraph 3.33 highlights that ***there is potential capacity for further significant expansion of the City Centre housing stock to take place. However, due to the current economic crisis, the development market is subdued and not expected to recover for a number of years.***
- 3.38 The Strategy builds on the Core Strategy 'vision', and takes account of the key issues within Liverpool. A number of strategic objectives have been identified for the City.
- 3.39 ***Strategic Objective 2 (Create residential neighbourhoods that meet housing needs)*** states that, within and around the City Centre, the focus will be on the provision of higher density residential development and preserving areas of existing family housing.
- 3.40 ***Strategic Objective Four (Attractive and Safe City with a Strong Local Identity)*** notes that the Core Strategy seeks to protect and enhance the City's unique historic and architectural environment, including the World Heritage Site, Conservation Areas and Listed Buildings. The Core Strategy should also ensure that 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.
- 3.41 ***Strategic Policy 1 (Sustainable Development Principles)*** states that, to ensure the sustainable growth of the City new development, should be located and designed so that resources are used prudently. New development should :-

- As a first priority, be located on previously-developed land and buildings ahead of greenfield sites
- Improve accessibility, reduce the need to travel by motorised transport and where travel is necessary, enable convenient and safe access by sustainable transport modes
- Deliver high quality design
- Protect and enhance environmental and heritage assets
- Be adequately supported by infrastructure and, where necessary, be phased to enable essential infrastructure to be brought forward

3.42 Paragraph 6.137 states that, resulting from the 'credit crunch' there has been a prolonged contraction in bank lending for City Centre apartment-led schemes. Evidence suggests that, apart from the most robust schemes in the most favoured parts of the City Centre and new student schemes underpinned by the Universities' expansion plans, *new development may be constrained for a number of years.*

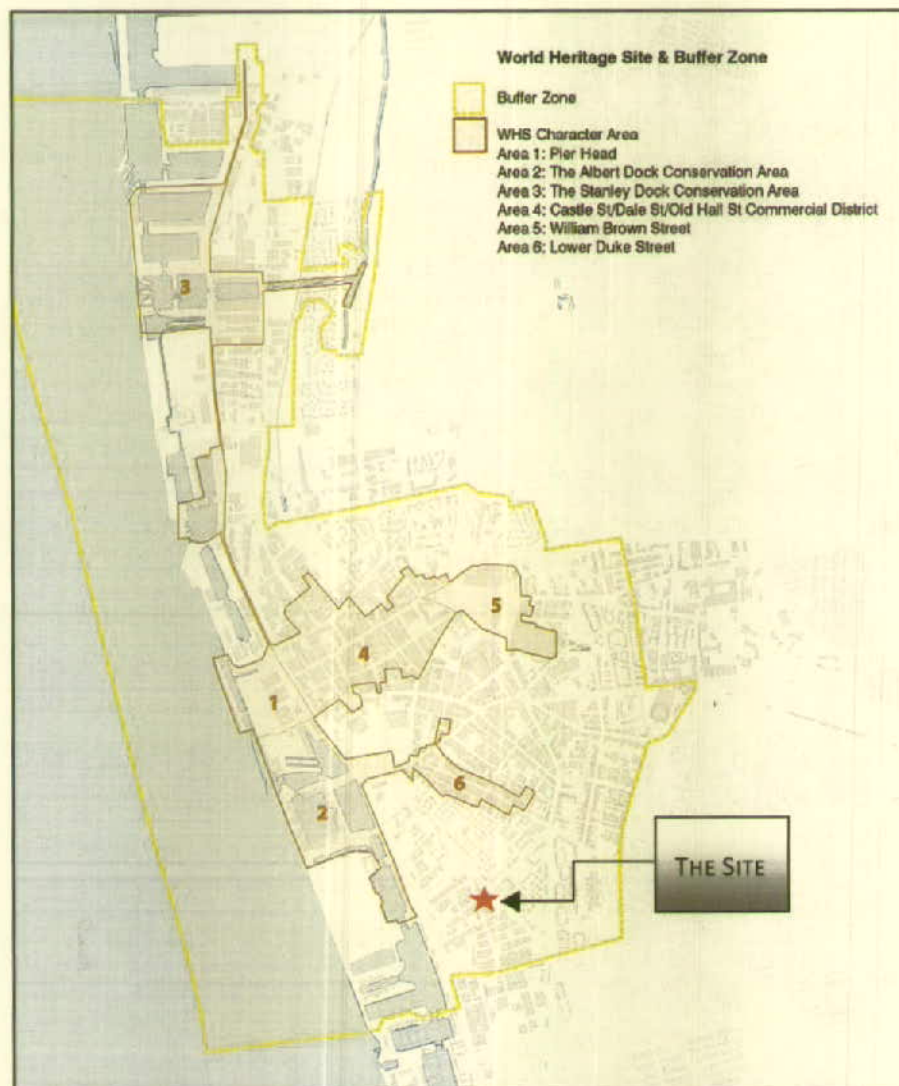
Other Policy Considerations

'ENSURING A CHOICE OF TRAVEL' (SUPPLEMENTARY PLANNING DOCUMENT)

- 3.43 Published in March 2010, the Ensuring a Choice of Travel SPD was introduced by the LPA and Merseytravel to provide consistent guidance to developers on access and transport requirements for new development across the wider Merseyside area.
- 3.44 The objectives of the SPD are to ensure that there is reasonable access to new developments, via a reasonable choice of transport methods; to reduce the environmental impact by our travel choices; to improve road safety; promote healthier lifestyles and reduce the level of traffic growth and congestion, encouraging opportunities to improve the quality of new development proposals by better use of space through less car parking spaces where appropriate.
- 3.45 Issues regarding transport are covered in more detail in the Transport Statement accompanying this planning application.

'WORLD HERITAGE SITE' (SUPPLEMENTARY PLANNING DOCUMENT)

- 3.46 Published in October 2009, the overarching aim of this SPD is to provide guidance for protecting and enhancing the outstanding universal value 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 plan extract below confirms that the application site falls outside the WHS, but within its 'Buffer Zone'.



Supplementary Planning Guidance Note 10 - New Residential Development

- 3.47 This SPG was adopted at the same time as the UDP. It is therefore dated and was produced overwhelmingly to regulate traditional forms of housing, rather than City Centre apartment schemes (of which there were very few in Liverpool at that time).
- 3.48 The SPG states that all new residential developments are expected to have reasonable levels of privacy and amenity, and that each development will be assessed on its merits.
- 3.49 The SPG recognises that the use of standards as 'blueprints' for design is unlikely to produce interesting or innovative layouts. It therefore encourages designers to respond with a variety of design solutions, and indicates that the Council will be prepared to be flexible where carefully designed and imaginative layouts are proposed.
- 3.50 The SPG continues by confirming that the Council does not operate a strict density policy, and that the appropriate density of a particular scheme will rather be dictated by, *inter alia*, the density and character of the surrounding area, particularly regarding the space about buildings.

Design for Access for All (Supplementary Planning Document)

- 3.51 This SPD was adopted in 2011. It seeks to ensure that inclusive design principles are integrated into development proposals, promoting a high quality and inclusive environment for all, irrespective of age, gender, mobility or impairment.
- 3.52 Somewhat confusingly, the SPD cross refers to the LDF, which - as explained above - does not in fact exist.
- 3.53 It suggests that all new housing should enable the needs of a household to be met over its lifetime. Additionally, it indicates that 10% of all new dwellings must be wheelchair accessible.
- 3.54 The LPA have indicated that the accessible units must be built to Lifetime Homes standard. This includes 16 criteria, which cover parking; the approach to dwellings from parking areas; the approach to entrances, communal stairs and lifts; internal

doors and hallways; circulation space; entrance level living space; potential for entrance level bed-space; entrance level WC and shower drainage; WC and bathroom walls; stairs and potential through-floor lifts; potential for fitting hoists in bedrooms and bathrooms; bathrooms, glazing and window handles; and location of service controls.

New Housing Development (Supplementary Planning Document)

- 3.55 The New Housing SPD was adopted in July 2005 to guide new residential development in Liverpool. It was framed largely around the HMRI Programme that was in place at that time.
- 3.56 Paragraph 1.10 states that the City Centre and surrounding inner areas of Liverpool ***urgently require urban renaissance*** and pledges to adopt a concerted and comprehensive approach to influencing housing supply ***across all tenures and values*** in the interests of improving the quality of housing stock.

STRATEGIC INVESTMENT FRAMEWORK 2012 (SIF)

- 3.57 Liverpool's City Centre's Strategic Investment Framework 2012 (SIF) creates a 15 year vision for the City Centre, outlining key developments and improvements to the principal business and residential districts.
- 3.58 Notably, the SIF extends the boundary of the defined City Centre, the Baltic Triangle and the Creative Quarter southwards to include the application site.
- 3.59 One of the SIF's '*Strategic Actions*' is to expand the residential population and create distinctive neighbourhoods. It suggests that implementation of the SIF will expand the City Centre population from 32,000 to over 42,000 – the largest of any UK city core. It makes it clear that the ***Baltic Triangle*** will play an important role in this, describing it in the following terms :

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

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

... a quirky, alternative destination, where new communities are forming ...

... emerging 'BoHo' character ...

The Baltic Triangle is ready to take off.

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

The area needs a revolutionary plan ...

BALTIC TRIANGLE PLANNING FRAMEWORK

3.60 The Baltic Triangle Planning Framework was published jointly by Liverpool Vision and Liverpool City Council in January 2008. It is intended to provide a framework to guide future development and investment into the Baltic Triangle area, and to ensure that regeneration is truly sustainable.

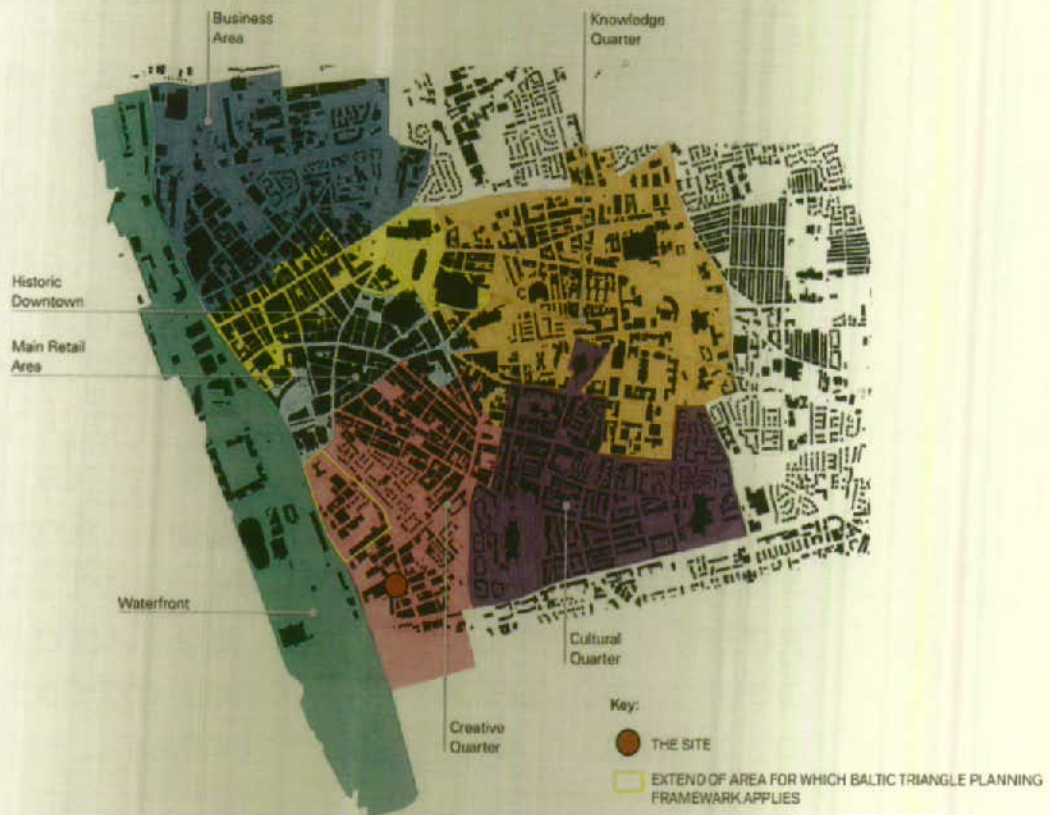
3.61 Chapter 2 of the Framework states that the Baltic Triangle's current designation within the adopted Unitary Development Plan for Primarily Industrial Uses 'no longer reflects the spatial distribution of different activities throughout the area.'

3.62 It states that new uses, such as residential uses, will be **positively encouraged** through the Planning Framework. The vision for the Baltic Triangle is of a vibrant, mixed use area. This is underpinned by the introduction of new residential development, which will build on the market demand for apartment living in the city centre.

3.63 The Framework identifies a vision for the Baltic Triangle, stating that :

'The Baltic area of Liverpool becomes known as an exciting, stimulating and fun place to work, live and visit. It will be a viable and diverse mixed use area, based upon entrepreneurial business activity and creative industries, complemented by a high quality and diverse residential environment. The area will complement the investment in the surrounding areas of Paradise Street, Kings Waterfront and RopeWalks. The Baltic will be an integral part of the redevelopment of south of the City Centre, facilitating seamless movement throughout the area. Development will

be of the highest quality and innovation will be as standard. Development must respect the scale of the individual and conform to the area's historical context'



BALTIC MANIFESTO

- 3.64 The Baltic Manifesto is not an adopted land use planning document and as such carries no weight – ie it does not form part of the development plan. It is a series of photographs combined with aspirational statements. For example :

'A bonfire of old school regeneration mantras; a celebration of everything marginal, curious and inspired; a private sector led, bottom-up, grassroots networking, matchmaking and freewheelin' revolutionary manifesto for change. With a creative, industrious, pioneering agenda and a bohemian, alternative, radical leaning. Our mummy = in- genuity. Our daddy = fru- gality.'



15
there is other stuff. But we just don't know what it is yet.

The strategy is simple, fill the area with people and the rest will follow – fill the area with creative, industrious and pioneering people and the rest will follow sooner; We believe in SME incubation, innovative uses, creative capital, gainful employment, cultural tourism, international press, optimism and goodtimes.

- 3.65 Other statements in the Manifesto (such as that reproduced above) are easier to comprehend, and we suggest that – by helping to fill the Baltic with people - the proposal is very much in line with these :

'Support urbanism, urban leisure, urban community. Encourage independent retail; night- time thrill seekers ... Underwrite Liverpool's reputation as a modern progressive European city ... Fill the area with people and the rest will follow.'

4.0 Planning Assessment

4.1 The key planning policy issues arising in this case are summarised in Section 3.0. The purpose of this section is to consider these further and to present the benefits likely to accrue from the development. Each of the key issues will be addressed in turn, namely :-

- Compliance with the NPPF;
- Compliance with UDP;
- Principle of Housing;
- Town Centre Uses;
- Contribution to Renaissance and Regeneration;
- Design Quality and Townscape Considerations;
- Sustainable Economic Growth;
- Synergy with the SIF and the Baltic Triangle Planning Framework
- Section 106 Issues;
- Transportation & Parking Issues.

COMPLIANCE WITH THE NPPF

- 4.2 We suggest that the application is consistent with the NPPF, and that there are no considerations that should prevent approval.
- 4.3 The proposal is to create quality mixed / residential accommodation on a highly accessible, sustainable brownfield 'eyesore' site.
- 4.4 The proposal reflects policies designed to 'build communities', delivering a complementary and balanced mix of new homes across the Baltic area. This will have positive implications for the social, cultural and economic well-being of the area.
- 4.5 The proposed development will help to deliver the housing objectives set out in the NPPF, which confirms that a key housing goal of the Government is to ensure that everybody has the opportunity of living in a decent home, which they can afford, in a community where they want to live.

- 4.6 The NPPF also promotes good design, and suggests this is fundamental to the creation of sustainable, mixed communities. It encourages developers to make effective use of land and existing infrastructure, with priority being previously developed land (in particular vacant and derelict sites and buildings).
- 4.7 This application addresses all of these key policy aims and objectives: good quality, sensitive but bold design; making efficient use of existing infrastructure; and building the community in a sustainable, balanced fashion. We therefore contend that this proposal complies with the policy framework set out in the NPPF.
- 4.8 A viable and high quality development scheme is being promoted. It will create vibrant and viable residential accommodation on an accessible brownfield site.
- 4.9 In all of the above terms, the proposal constitutes sustainable economic development. The NPPF tells local authorities that development that is sustainable should go ahead ***"without delay"***; that a presumption in favour of sustainable development should be the basis for every planning decision; and that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 14 states that, for ***decision-taking*** this means:
- approving development proposals that accord with the development plan without delay; and
 - where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 4.10 As such, the scheme complies with the NPPF and should be approved accordingly.

COMPLIANCE WITH UDP

- 4.11 The starting point in considering the UDP is that the application is contrary to the provisions of UDP Policy E1, which designates the site as part of a larger *'Primarily Industrial Area'*. Accordingly, legislation suggests that the application should be refused, unless other material considerations dictate otherwise.

- 4.12 We contend that material considerations far outweigh the provisions of the industrial designation under policy E1. The UDP designation is clearly outdated and inappropriate, formulated well over a decade ago when UDP production was in its infancy.
- 4.13 The Council has approved a surfeit of residential and other applications that do not accord with this policy – including a student accommodation scheme on the neighbouring site.
- 4.14 We note that the Baltic Triangle Planning Framework states that the Baltic Triangle's current designation for Primarily Industrial Uses *'no longer reflects the spatial distribution of different activities throughout the area.'*
- 4.15 The NPPF addresses the issue of outmoded policies in its statement at paragraph 22, in stating that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose:
- 'Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.'*
- 4.16 We are therefore confident that technical non-compliance with UDP policy E1 should have no material bearing on the consideration of this planning application.

THE PRINCIPLE OF HOUSING

- 4.17 The proposed development will help to deliver the housing objectives of the NPPF, which confirms that a key goal of the Government is to ensure that ***everybody has the opportunity of living in a decent home, which they can afford, in a community where they want to live.***
- 4.18 The NPPF promotes good housing design, and suggests that this is fundamental to the creation of sustainable, mixed communities. It encourages developers to make effective use of land and existing infrastructure, with priority being previously developed land (in particular vacant and derelict sites and buildings).

- 4.19 In Section 3.0, while questioning the status / currency of the UDP, we set out a number of relevant UDP policies and also drew attention to the emerging Core Strategy policies. Both sets of policies seek economic growth and regeneration, with particular focus on opportunities within the City Centre. For example, UDP Policy H3 (City Centre Living).
- 4.20 This application addresses all of these key policy aims and objectives: good quality, sensitive design; making efficient use of existing infrastructure; and building the community in a sustainable, balanced fashion. In that regard, our client has identified a largely untapped demand for small affordable apartments close to the City Centre, for key workers and others with limited budgets who cannot afford to buy flats of 'standard' size. Even 'standard' one bedroom flats hold a premium, as their value is clearly based (at least in large part) on the extent of floorspace.
- 4.21 The current scenario means that many people who wish to purchase a home in the City Centre cannot afford to do so. That is not a fair or equitable scenario. This proposal seeks to cater for those needs and aspirations, in the same way that comparable schemes in other UK cities have successfully done so.
- 4.22 By catering for those who cannot currently afford to purchase a standard apartment in the City Centre, that will introduce a new population who will contribute to the vitality, vibrancy and overall balance of the evolving community.
- 4.23 In terms of housing land supply, while the Council asserts it has in place a robust 5 year supply (as required as an absolute minimum by NPPF), the reality is that it does not, and we (and others) suggest that the claim is open to serious challenge. This is a very important contextual point.
- 4.24 The City Centre is lauded in the SIF as a key delivery component of the housing strategy. Notably, the City Centre boundary has been extended to include this site.
- 4.25 The NPPF tells us all that the City Council should be '**significantly boosting**' housing supply to kickstart the economy and to provide the homes that people need and aspire to. The priority is to redevelop accessible vacant brownfield sites and to deliver mixed use, balanced and sustainable schemes - just like this one. And of course the SIF tells us that the aspiration is to grow Liverpool City Centre's

residential community by more (*pro rata*) than any other UK city. This scheme will contribute to that very ambitious aspiration.

- 4.26 In terms of Liverpool's Strategic Housing Market Assessment (SHMA), that is now well over 3 years old. It was produced in a different economic climate and is not entirely consistent with the NPPF (as it was produced before the NPPF was published). It tells us that, in terms of the **quality of the City's housing stock**, in 2009, 5.7% of the city's housing stock was classified as unfit (compared to the national average of 4.2%) and 40% failed to meet the Decent Homes Standard. Stock quality problems are prevalent across all tenures, but are particularly acute within the private rented sector, where 15.6% of stock is unfit (compared to 10.9% nationally) and 52% of dwellings fail to meet the decent homes standard. This proposal will help to address this deficiency by providing a mix of good quality accommodation.
- 4.27 The SHMA tells us that Liverpool continues to play an important economic role within the wider Liverpool City Region, representing a hub of employment opportunities. Analysis of journey to work statistics reveals that 74% of Liverpool's residents work within the city, and suggests that the housing market is relatively well contained on this measure. However, looking at the labour market from the perspective of employment within Liverpool, the 115,559 residents who also worked within Liverpool comprised only 56% of all employment in the city. This suggests that **44% of the jobs within Liverpool are taken by persons residing outside the city**, with the surrounding authorities in the City Region providing the majority of this labour force. This relationship is an important one as it indicates that a substantial part of the city's workforce choose to live outside the city. Providing good quality accommodation in a high quality mixed use scheme on an accessible City Centre site such as that proposed will play a part in reducing the level of out commuting, with benefits for sustainable economic growth in Liverpool.
- 4.28 The SHMA tells us that, despite the relatively 'affordable' pricing of properties in all tenures, there are issues facing households across Liverpool in terms of **mobility within the housing market**. The benchmarking of access to different tenures has

highlighted that a significant proportion of households are unable to exercise genuine choice in the market as a result of their financial capacity.

- 4.29 Low incomes are clearly a driving factor for many households across Liverpool, although, as a result of tightening mortgage lending regulations, new households whose incomes are relatively healthy, but who have limited savings, are also being excluded from the owner occupier market. This proposal comprises small flats as, which will be affordable to many of those wishing to get one foot on the housing ladder and live close to the City Centre, but who may not be able to afford more central schemes with a higher premium.
- 4.30 The SHMA tells us that the City Centre and Waterfront have played a significant role in the changing nature of Liverpool's housing market over recent years. The two areas collectively have contributed a significant proportion of new development and have become home to a sizeable new community. It tells us that this role is set to continue in the longer-term, with a **substantial proportion of future capacity still remaining** in these areas set alongside the projections of a **growth in single person households**, in particular those aged 15 - 34. Discussions held within the SHMA focus group, coupled with specific City Centre research conducted in 2008, highlighted the importance of managing this growth and the balance of tenures and types of property within the market. In particular, increasing the choice of properties available and the leaseholds will help to continue to develop communities rather than transient populations.
- 4.31 We suggest that this proposal sits neatly against the SHMA framework for the reasons noted above.
- 4.32 Returning to national policy, a presumption in favour of sustainable development is seen as a golden thread running, and it is advised that, in determining applications where the development plan is out of date (which the UDP inarguably is), permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits.
- 4.33 The NPPF addresses the role of 'business in the economy', and paragraphs 21 & 22 state that planning should act to encourage, not impede economic growth, and that planning policies should avoid the long-term protection of sites allocated for

employment use where there is no reasonable prospect of a site being used for that purpose.

- 4.34 The NPPF tells us that alternative use of land and buildings should be considered on their merits, having regard to market signals, and in terms of supporting expanding businesses and sustainable local communities.
- 4.35 The Council's Core Strategy appears to have faltered, with little obvious signs of moving forward. No real weight can therefore be put on its policies, although it is worth noting certain of those by way of context.
- 4.36 For example, Strategic Policy 9 sets out the level of housing delivery for the Plan period (2011-2028) as totalling 40,950 dwellings (net). Through this policy, as well as Strategic Policy 11 of the Core Strategy, the provision of new housing will be managed to deliver housing market renewal in Liverpool's Urban Core and to broaden housing choice and improve the sustainability of existing residential neighbourhoods. The application site is located within such an area.
- 4.37 Returning to paragraph 49 of the NPPF, that tells us that *'housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites'*.
- 4.38 Again, we contend that Liverpool cannot demonstrate a robust and deliverable supply of land with appropriate buffer. First, there is no up-to-date assessment of Full Objectively Assessed Needs (FOAN) for housing in Liverpool in accordance with the Framework and PPG. Immediately, therefore, there can be no legitimate claim to have a demonstrable 5 year supply, as the FOAN is the starting point to assessing supply.
- 4.39 In the absence of a FOAN, the council continues to use the target figures set out in Regional Strategy (RS) (now revoked) for the purposes of calculating the housing requirement and five year supply. That requires an average of 1,950 dwellings per annum with a base date of March 2003.

- 4.40 Alternatively, the emerging local plan (which carries practically no weight) applies the same annual requirement of 1,950 (re-based to 2011), plus an additional 3,510 dwellings to 2018 reflecting the city's Growth Point status.
- 4.41 On either measure Liverpool is unable to demonstrate a deliverable 5-year land supply.
- 4.42 Of particular note, within eight of the ten years since the base date of RS, the City has failed to achieve its annual target figure, and in many cases net completions have fallen significantly below this figure. This has resulted in a net shortfall in excess of 6,000 dwellings since the RS base date (see table below).

Year	RSS Requirement	Net Completions	Shortfall/ Surplus
2003/04	1,950	1548	- 402
2004/05	1,950	1225	- 725
2005/06	1,950	1517	- 433
2006/07	1,950	2104	+ 154
2007/08	1,950	1486	- 464
2008/09	1,950	2278	+ 328
2009/10	1,950	924	- 1,026
2010/11	1,950	228	- 1,722
2011/12	1,950	942	- 1,008
2012/13	1,950	896	- 1,054
Total	19,500	13,148	- 6,352

- 4.43 The above table clearly demonstrates that the City has consistently and substantially failed to achieve its housing delivery target. If this scheme is approved, work will commence in late 2015, and the new homes will start to come on stream some time in late 2016. This is a real, financed, deliverable project, which will play its part in remedying the poor delivery performance in the City, helping to address the shortfall in supply. It should be considered in that context.
- 4.44 The Strategic Housing Market Assessment 2011 (SHMA) identifies that the growth in single person households will, in the longer-term, result in a high level of demand for smaller properties. It also identifies the northern part of the city has an oversupply

of terraced and socially rented properties. The statement goes on to reference the City's Strategic Housing Land Availability Assessment (SHLAA), and the requirement to meet an annual net housing delivery target of 2,340 dwellings.

- 4.45 This proposal will assist in meeting an identified demand for smaller households, which could accommodate young professionals, workers, nurses and other key workers requiring shorter-term let accommodation.
- 4.46 As a whole, the development will boost the City's housing land supply deficit and help to rectify the inarguable poor delivery performance. The site is located in a highly accessible area in the recently extended City Centre boundary. The high density of development proposed is therefore entirely appropriate. The residential accommodation is laid out in such a manner that units could be amalgamated to create larger, single occupation households should future demand dictate, thereby constituting a flexible and sustainable form of development.
- 4.47 We therefore contend that this proposal complies with the housing policy framework set out in the NPPF.

MAIN TOWN CENTRE USES

- 4.48 The proposal includes 1,424.5 sqm of new mixed commercial floorspace (Classes B1a, A1, A2, A3, A4, D2 and / or D1), with pavement cafes / terraces, broken down as below.
- 4.49 Phase 2 will comprise 545 sqm of Class B1a or A2 office space, 53 sqm of community meeting space, and 185 gallery space (Class D2).
- 4.50 Phase 3 will comprise two small commercial units (172 sqm and 225 sqm respectively) in any combination of Class A1, A2, A3, A4, A5 or D1 (crèche / day nursery), external eating / drinking space, 185 sqm of gallery space (Class D2), and 112.5 sqm of Class A2 and / or B1a office space.
- 4.51 The NPPF retains the 'town centre first' objective, and in turn the overarching aspiration to protect and enhance our towns and cities through appropriate investment.

- 4.52 The NPPF sets out the circumstances in which certain 'tests' that ought to be undertaken.
- 4.53 We contend that the proposal does not warrant a detailed assessment of all in and edge of centre sites in respect of the Main Retail Area or indeed any other designated District or Local Shopping Centre (the closest of which is some distance away in Park Lane).
- 4.54 It is evident – without detailed investigation and assessment – that there are undoubtedly vacant premises in or on the edge of the MRA that could theoretically accommodate some or all of the 1,424.5 sqm floorspace promoted by this application (albeit we note that around half will be offices, which is squarely in line with the site's UDP designation). That is something of a given, and in those terms alone the application would inevitably fail this national and local policy test.
- 4.55 However, planning applications must be assessed and determined on the basis of prevailing policies (at national and local levels) and also having regard to other material considerations.
- 4.56 In this case, key considerations include the location of the site within the defined City Centre (as confirmed by the SIF); the fact that numerous other developments offering similar (and in some cases more) retail/commercial space have been recently been approved elsewhere in the Baltic Triangle (which have not been subjected to these policy tests); the inarguable fact that the modicum of space proposed would clearly have no material impact on existing centres (in this case the main City Centre); and having regard to the fact that the commercial units are of such a size and location that they can only possibly cater for localised needs and convenience, including those of the new residents of this scheme.
- 4.57 Prevalent policies (at all levels) promote sustainable economic investment and mixed use schemes that will help to build the community, particularly where those will play a role in the furtherance of urban regeneration and renaissance. The proposed commercial elements will add to the variety and vitality of the scheme during the day and evening, and we therefore anticipate that these will be welcomed by the LPA and the local community.
- 4.58 It is clear that the commercial elements of this proposal will respond to the day to

day needs of the residents of the scheme and the surrounding / evolving Baltic and city fringe areas, and will help to activate areas of public realm.

- 4.59 The need for such ground floor uses is an essential component of all contemporary regeneration projects, and commercial elements comparable to those on offer here (in terms of type and size) have been accepted and welcomed by the LPA in cases elsewhere.
- 4.60 One such example is the recently approved Neptune Baltic scheme on Hurst Street, which included over 600 sqm of Class A uses. More recently, 'town centre uses' have been approved on the former 'Greenberg' site (Park Lane) and on the Heaps Mill site. At no stage during those applications (at either pre-application stage or during the application process itself) was the type and scale of those 'main town centre uses' questioned as being inappropriate, or the 'need' for it raised. Certainly no request for sequential assessment was made in those cases.
- 4.61 So, while we readily acknowledge that there is a technical requirement for sequential assessment to be undertaken by virtue of the site lying outside the main retail area, the completion of a sequential assessment is considered to be inappropriate and unnecessary in this case. In many respects, it would be a pointless exercise simply to tick a policy box without full and proper consideration of the regeneration context and aspirations.
- 4.62 Although not in the main retail area, the site is nonetheless in the defined City Centre, and the modest level of commercial accommodation will assist in activating site frontages and areas of public realm, adding vitality and vibrancy to the area and meeting the day to day needs of the development's future residential community and that of the immediate neighbourhood. It will self-evidently not compete with the retail / leisure in the main retail area or in District / Local Centres, and is entirely in tune with the aims and aspirations of the Baltic Triangle Planning Framework and 'Manifesto'. Indeed, we are involved in a separate application within only 100 metres or so from this site, where the applicant's decision in that case to omit active ground floor uses has been questioned by the LPA.
- 4.63 Furthermore, to seek to accommodate these uses elsewhere would singularly fail to deliver the mixed and sustainable regeneration that lies at the heart of this proposal. In this regard, we again point to the recent Neptune Baltic scheme and the way that

was presented in the Committee Report that ultimately led to approval of the application. At paragraph 2.4, the Report states :

'In the event of the units being used for retail purposes, it is considered that given their location they are likely to be small scale shops providing convenience shopping for local residents and workers which would be acceptable. However, the Divisional Manager Planning would not wish to see any destination or larger non- food retail units (e.g. clothing or footwear) that could potentially impact on the main retail area or other district centres or create a unit that would result in servicing demands that may adversely impact on the local highway network. For these reasons, it is recommended that a condition be attached to control the size of any non-food retail unit.'

The Divisional Manager Planning is satisfied that these residential and commercial uses are appropriate and will contribute to the increasingly mixed use nature of the area. They will promote an efficient use of land which relates well to its surroundings. The apartments will contribute towards the mix of residential accommodation within a highly sustainable City Centre location while the commercial units will contribute towards employment opportunities within the area. Furthermore, by introducing ground floor level activity, the scheme will add welcome animation to the area and will improve the vitality and viability of the locality.'

- 4.64 A similar message was relayed in the Committee Report in recommending approval for the Heaps Mill development (application ref: 14F/13130), where active ground floor 'main town centre uses' were clearly seen as a welcome element:

'The development also provides 574 sqm of commercial floor space split over the three new blocks. It is proposed they will be used for retail, food & drink uses and/or a gymnasium (A1, A3, A4, A5 and D2). There is scope for any food and drink uses to spill out to the newly created public external areas. With respect to the A4 (Drinking Establishment) and A5 (Hot Food Take-Away) proposals, while it is accepted that such uses could contribute towards the vitality of the scheme, it is not considered appropriate for large areas of the development to be used for those purposes due to the potential impact they could have on residential amenity. It is therefore recommended that a condition be imposed restricting the maximum floorspace to be used for A4 and A5 uses.'

and will send out the recurring message that this part of the city – the Baltic Triangle – is very much ‘open for business.’

DESIGN QUALITY & TOWNSCAPE CONSIDERATIONS

- 4.74 In the formulation of the scheme design and layout, regard has been paid to UDP Policy HD18 (General Design Requirements), with its emphasis on the need to deliver high quality urban design and architecture.
- 4.75 Such issues, together with a detailed explanation of the background and rationale to the design is contained in the separate Design & Access Statement.
- 4.76 The site is not located within a Conservation Area and contains no listed structures. As noted in Section 3.0, it is located *outside* the World Heritage Site, but inside its ‘Buffer Zone’.
- 4.77 The building will contribute towards local character utilising a contemporary, yet contextual design solution. It will add visual interest and distinctiveness, and provide animation to adjacent streets. We therefore suggest that it accords with the design and heritage principles of UDP policies HD5, HD8, HD12, HD18 & H5 and Liverpool’s Maritime Mercantile World Heritage Site SPD.
- 4.78 It is therefore considered that the proposal satisfactory reflects and responds to the townscape context and presents an appropriate and respectful design solution, in terms of height, siting, massing, materials and its relationship with existing buildings and spaces.

SUSTAINABLE ECONOMIC GROWTH

- 4.79 In simple terms, a viable, deliverable, high quality development scheme is being promoted in ongoing difficult economic times. Not only will the proposal bring back into use a prominent, vacant, brownfield ‘eyesore’, but it will also create a vibrant and viable residential development that will sit alongside the wider regeneration that is coming forward in the Baltic Triangle. We contend that this scheme represents high quality, socially responsible urban regeneration and renaissance, providing good quality homes.

4.80 The likely physical impacts of the proposal are self-evident. The site is currently in an unsightly state. Its current state and lack of use is not tenable or desirable in the long term. The proposal will transform the site into a high quality mixed use scheme along three important road frontages.

4.81 In the above terms, this project represents sustainable economic development, particularly bearing in mind the economic climate that continues to affect the construction industry. It is worth drawing attention to the following statements in the NPPF :

'Development that is sustainable should go ahead without delay'

'A presumption in favour of sustainable development should be the basis for every planning decision'

'For decision-taking, this means, where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'

'Planning should not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives.'

'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.'

4.57 We therefore anticipate that this application will be welcomed by the Council in respect of its deliverance of sustainable economic growth and associated regeneration.

SYNERGY WITH THE STRATEGIC INVESTMENT FRAMEWORK AND THE BALTIC TRIANGLE PLANNING FRAMEWORK AND THE BALTIC MANIFESTO

4.58 In Section 3.0, we noted that one of the SIF's 'Strategic Actions' is to expand the residential population and create distinctive neighbourhoods. It suggests that

implementation of the SIF will expand the City Centre population from 32,000 to over 42,000 – the largest of any UK city core. It makes it clear that the Baltic Triangle will play an important role in this.

- 4.59 This proposal will clearly play its part in delivering that aspiration, providing 125 new homes and separate student accommodation in this part of the City Centre. This will introduce a new community, complementing the current and emerging mix, and in turn helping to realise other aspirations identified in the SIF for the Baltic, such as creating an exciting new place to live, work and visit and seeing the area grow into a thriving creative City Centre neighbourhood.
- 4.60 Crucially, the SIF describes the Baltic Triangle as *'ready to take off'* and having the most potential to transform itself over the next 15 years and to grow its role within the City Centre economy. Again, this proposal, which sits within both the City Centre and Baltic Triangle boundaries, will play a part in realising these objectives.
- 4.61 Similarly, the proposal fits squarely within the Council's aspirations set out in its Baltic Triangle Planning Framework. This confirms what is readily apparent, that the Baltic Triangle's current designation in the UDP for Primarily Industrial Uses *'no longer reflects the spatial distribution of different activities throughout the area.'*
- 4.62 It states that residential uses will be positively encouraged, and that (as reiterated in the more recent SIF) the vision for the Baltic Triangle is of a vibrant, mixed use area, underpinned by the introduction of new residential development, which will build on the market demand for apartment living in the city centre.
- 4.63 The application proposal respects and reflects all of the above aims, objectives and aspirations as highlighted in the SIF and Baltic Planning Framework. It will regenerate a vacant eyesore. It will introduce a bold, contemporary building of excellent design quality and will significantly enhance the street scene. It will create 125 quality apartments and student accommodation (contributing to City Centre Living) and local employment / community spaces.
- 4.64 As noted in Section 3.0, the 'Baltic Manifesto' is not an adopted land use planning document and as such carries practically no weight. It is a series of photographs

combined with an assortment of aspirational statements. However, we suggest that the proposal is squarely in line with these :

'Support urbanism, urban leisure, urban community. Encourage independent retail; night- time thrill seekers ... Underwrite Liverpool's reputation as a modern progressive European city ... Fill the area with people and the rest will follow.'

SECTION 106 ISSUES

4.65 The City Council's 'policy' would ordinarily anticipate Section 106 contributions as below:

- new or enhanced open space/public realm @ £2,000 per dwelling = **£394,000** [ie 197 units of accommodation = $197 \times £2,000$]
- the provision of 1 tree per 5 dwellings, or 1 tree per 1,000 sqm of floorspace for non residential elements – or if that level of tree planting is not realistic – payment of the cost of providing street trees (including their maintenance) at £4,000 per tree. This suggests a requirement for 42 trees (2 for the commercial floorspace and 40 for the residential), equating to a S106 demand of $42 \times £4,000 = \textbf{£168,000}$. [in this regard, we have explained that we intend to submit a detailed landscaping in the very near future, which we anticipate will include a considerable number of trees, and as such we anticipate that this figure will reduce considerably in due course]
- 15% of the value of the planning application fee to part fund the Council's costs in relation to the implementation of a strategy/programme for the provision of Public Art = $15\% \times £43,654 = \textbf{£6,548.10}$ [however, we note the statement in NPPG that Council's should not be seeking S106 demands in respect of public art. As such, the applicant is minded not to offer any public art contribution]
- To fund the post of a Section 106 Monitoring Officer, an additional charge of 15% of the value of the planning application fee contributions for the Liverpool Construction Initiative = $15\% \times £43,654 = \textbf{£6,548.10}$. In this regard, we have drawn the LPA's attention to the recent case of Oxfordshire County Council and the Secretary of State for Communities and Local Government (High Court of

Justice QBD Case No CO/4757/2014), and the judgment of Lang J, who ruled that the administration fees claimed by the Claimant (ie the Council) did not comply with Regulation 122 of the Community Infrastructure Levy Regulations 2010. We therefore question whether any charge should be levied in this case, and request the LPA to consider any such request against the above court judgement and the Regulation 122 legal tests.

• **TOTAL 'STARTING POINT' S106 DEMAND = £575,096.20**

- 4.66 Our client considers the above level of S106 demand to be excessive and unreasonable, particularly in the current economic climate and having regard to the overriding need to regenerate this site. The above S106 demands were formulated prior to the global economic crisis, and we have noted on numerous occasions our various clients' surprise and frustration that the City Council has not taken the opportunity to review these demands in the light of economic circumstances, particularly having regard to Government pronouncements such as :

'The Government is concerned about the high number of stalled schemes and the lost economic benefit they represent. Some planning obligations negotiated in different economic conditions now make sites economically unfeasible – resulting in no development, no regeneration or community benefits.

We want to ensure that effective renegotiation of planning obligations can be achieved to make them more reflective of the current market.'

['RENEGOTIATION OF SECTION 106 PLANNING OBLIGATIONS' (CONSULTATION) (AUGUST 2012)]

- 4.67 Paragraph 173 of the NPPF states that :

'Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development ... should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable'.

4.68 NPPF paragraph 205 goes on to advise that :

'Where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled'.

4.69 Added to the above is the advice set out in the NPPG in respect of S106 demands. That makes it clear that local authorities should ensure that the combined total impact of such requests does not threaten the viability of sites.

4.70 NPPG also notes that policies seeking obligations should be set out in a development plan document to enable fair and open testing of the policy at examination. In Liverpool's case, its S106 'policy' is contained in a guidance note that does not form part of an adopted development plan, contrary to the clear advice of NPPG.

4.71 NPPG adds that S106 policies should not set rates or charges which have not been established through development plan policy. Again, none of LCC's S106 regime is set out anywhere in a development plan policy, and is therefore out of kilter with national policy.

4.72 NPPG continues by stating that, in all cases, including where tariff style charges are sought (as in Liverpool's case), the local planning authority must ensure that the obligation meets the relevant tests for planning obligations, in that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. In this regard, we would question whether the LPA seriously considers that a demand approaching £600,000 towards the provision of open space and street trees (plus art and monitoring) is strictly ***necessary to make this development acceptable in planning terms***. We suggest that it is not.

4.73 As noted above, NPPG states that planning obligations should not be sought – for instance, for public art – which are clearly not necessary to make a development acceptable in planning terms. Also, obligations should only be sought where they are necessary to make the development acceptable in planning terms. Where local planning authorities are requiring tariff style contributions, *'they should be flexible in*

their requirements ... their policy should be clear that such obligations will take into account specific site circumstances.'

- 4.74 We suggest that marginal regeneration projects on longstanding brownfield eyesore sites such as this ought to be given special recognition and that a pragmatic and flexible approach be taken to S106 demands that were formulated in a very different economic climate.
- 4.75 Our client is well aware of the Council's approach to securing S106 contributions, and we have in turn raised queries on various projects about the regime that is in place and its compliance with Regulation 122 tests. Regulation 122 states that any S106 demands must be **'necessary to make the proposed development acceptable in planning terms.'** As such, it is critical to assess whether or not this proposal is 'acceptable in planning terms'. This sentiment is echoed in the Council's own report on S106 demands. That makes it clear that S106 requests **'are intended to make development proposals acceptable, which might otherwise be unacceptable.'** We suggest that this proposal is entirely acceptable and cannot therefore be considered 'unacceptable in planning terms'.
- 4.76 Notwithstanding the above, the Council does recognise that viability is a relevant consideration when making S106 financial demands.
- 4.77 The Council also recognises that benchmark and quality schemes, which contribute positively to the public realm, can warrant a reduction in S106 demands. By way of example, our client's recently approved scheme at Pall Mall on the northern edge of the City Centre.
- 4.78 In the case of this application, an important contextual point (when considering any S106 demands) is our proposal to create a high quality hard and soft landscaping scheme on the land to the east of the Phase 2 development (flanked by St. James Street). This will be a scheme of excellent quality, with plentiful tree planting and other greenery. It will considerably enhance what is currently a somewhat dreary and unused / unusable open space, enhancing the street scene / public realm. We will be requesting the City Council to consider this alongside any S106 demands.

TRANSPORTATION & PARKING CONSIDERATIONS

- 4.78 The site is located in a highly accessible location within the built up area of Liverpool. It is located within the City Centre (as defined by the SIF) and is served by frequent bus services. Pedestrian facilities and connections are generally good, and are improving as the Baltic Triangle regenerates. We are also aware of the policy aspirations to improve connectivity through the Baltic Triangle as part of the ongoing regeneration and resurgence of that city zone.
- 4.79 Transport considerations are reported in more detail in the Transport Statement (by DTPC). This concludes that the scheme accords with local and national policy to site development adjacent to good transport linkages and other attractions to minimise trips and share trip movements. It confirms that the site occupies a sustainable location and that the site layout is designed to accord with good practice. It further confirms that there are no operational transport issues that would arise if the development was to proceed, and that the scheme will have little or no impact on the local highway network.
- 4.80 Fundamentally, DTPC conclude that there are no reasons why the scheme should not be approved from a transportation point of view, and they correctly refer to the advice in the NPPF that confirms that :

'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.'

5.0 Conclusions

- 5.1 The application proposes the regeneration of prominent, vacant, brownfield 'eyesore' land with two quality buildings.
- 5.2 The scheme represents Phases 2 & 3 of our client's regeneration project in this part of the Baltic Triangle. It should be considered alongside the approved Phase 1 development.
- 5.3 The proposal will provide quality apartments and student accommodation to complement that approved as part of Phase 1. It will transform this City Centre site into an attractive, sustainable, vibrant and efficiently used environment, introducing new, exciting and lively community and commercial uses to add to the emerging vibrancy of the Baltic Triangle.
- 5.4 The site is designated for industrial uses in the Liverpool UDP, but it is widely accepted that that designation is no longer current or appropriate. Approval of our client's Phase 1 student accommodation scheme on adjacent land, and innumerable other non-industrial applications close by is testament to that.
- 5.5 The Strategic Investment Framework (SIF) indicates that the site is within both the City Centre and the 'Baltic Triangle' boundaries. The proposal will play a part in delivering some of the strategic aspirations of each of these designations.
- 5.6 A surfeit of policy statements support the principle of mixed uses in the Baltic Triangle, so the proposal accords with those policies.
- 5.7 The application is consistent with the policy aims and objectives of the NPPF. That promotes the efficient use of land, sustainable economic regeneration, and the prioritisation of brownfield land. This will be achieved by the proposal.
- 5.8 The scheme presented is of high quality design and layout. It will contribute to local distinctiveness, and will be a marked improvement over the current condition of the site. The scheme has been designed to make efficient and effective use of the land

and existing infrastructure. It will integrate with the immediate surroundings, helping to create attractive and convenient access routes.

- 5.9 The proposed development will also deliver the housing objectives of the NPPF, which confirms that a key housing goal of the Government is to ensure that ***everybody has the opportunity of living in a decent home, which they can afford, in a community where they want to live.*** That aspiration goes to the heart of this proposal. This scheme will help to build a mixed and balanced community, complementary to the other housing that is available and coming forward in this part of Liverpool.
- 5.10 In Liverpool (like all other UK cities), there is a sector of society (such as key workers earning very modest starting salaries) who wish to enjoy the benefits of City Centre living, but cannot afford to purchase their own 'standard' apartments. This proposal looks to cater for some of that need by providing compact but attractive apartments that *can* be afforded. This will open up opportunities for many people looking to get their first foothold on the housing ladder, and as such this scheme should be heralded as helping to build a mixed and balanced community, complementary to the other housing that is available and coming forward in this part of Liverpool.
- 5.11 We therefore maintain that the proposal represents sustainable economic development. Approval of the application will reflect the advice of central Government in the NPPF that planning should not simply be about scrutiny, but instead be ***a creative exercise*** in finding ways to ***enhance and improve*** the places in which people live their lives :
- '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.'***
- 5.12 For all of the above reasons, we contend that the application proposal is compliant with relevant policies and will deliver a range of much needed regeneration benefits. This will be sustainable development. We accordingly commend it to the Council and urge its positive determination.