



Property Advisers

## Planning Statement

**August 2015**

17287/ 108890

5<sup>th</sup> Floor  
West Tower  
8 Brook Street  
Liverpool  
L3 9PJ

**Prepared for**

*Panoramic 34 Holdings Ltd*

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## 1. Introduction

- 1.1 This planning statement has been prepared on behalf of our client Panoramic 34 Holdings Ltd for the retrospective change of use of a 5<sup>th</sup> floor apartment (no. 5.01) to an office, used in connection with Panoramic 34 Restaurant.
- 1.2 This statement provides evidence to support the planning application and assesses the existing use against policy at local and national level.
- 1.3 The Statement is structured as below:
- Chapter 2 – Site and surroundings;
  - Chapter 3 – Proposed development;
  - Chapter 4 – Policy review;
  - Chapter 5 – Policy assessment; and
  - Chapter 6 – Conclusion

## 2. Site Description

- 2.1 The application site is located within the 5<sup>th</sup> Floor (no. 5.01) of West Tower Brook Street.
- 2.2 With a spire height of 140 metres (459 ft) and 40 floors, West Tower is Liverpool's tallest building and is a landmark building on the Liverpool waterfront.
- 2.3 West Tower offers a mix of residential, commercial and offices uses including 123 apartments. The existing offices are situated from the ground floor up to the 4<sup>th</sup> floor. The office this application refers to is situated above existing offices.
- 2.4 The 34<sup>th</sup> floor is home to Liverpool's highest restaurant, Panoramic. This floor is completely clad in a clear glass perimeter offering diners views of the city of Liverpool and further afield.
- 2.5 The building is a modern building located within a central location and therefore is surrounded by many business uses. In recent years many complementary residential and hotel uses have also development as part of the growth of high rise developments and conversions of defunct office buildings.
- 2.6 In terms of location to transport services West Tower is situated a short walk from many public transport routes, including Moorfields Train Station. Lime Street Station is situated 1 mile from West Tower, which provides transport routes across the country.

Figure 1 – Site Location (Google Maps)

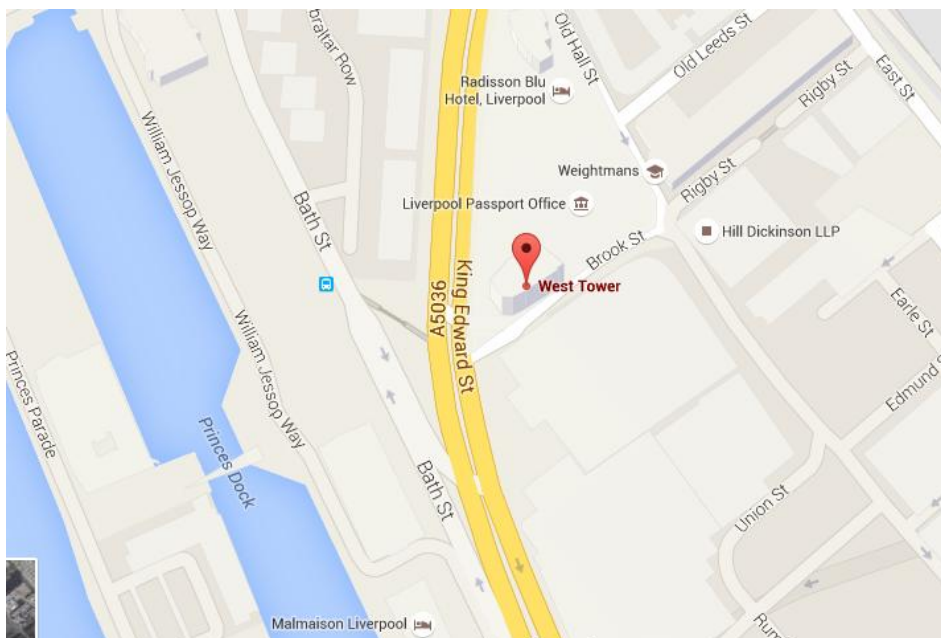
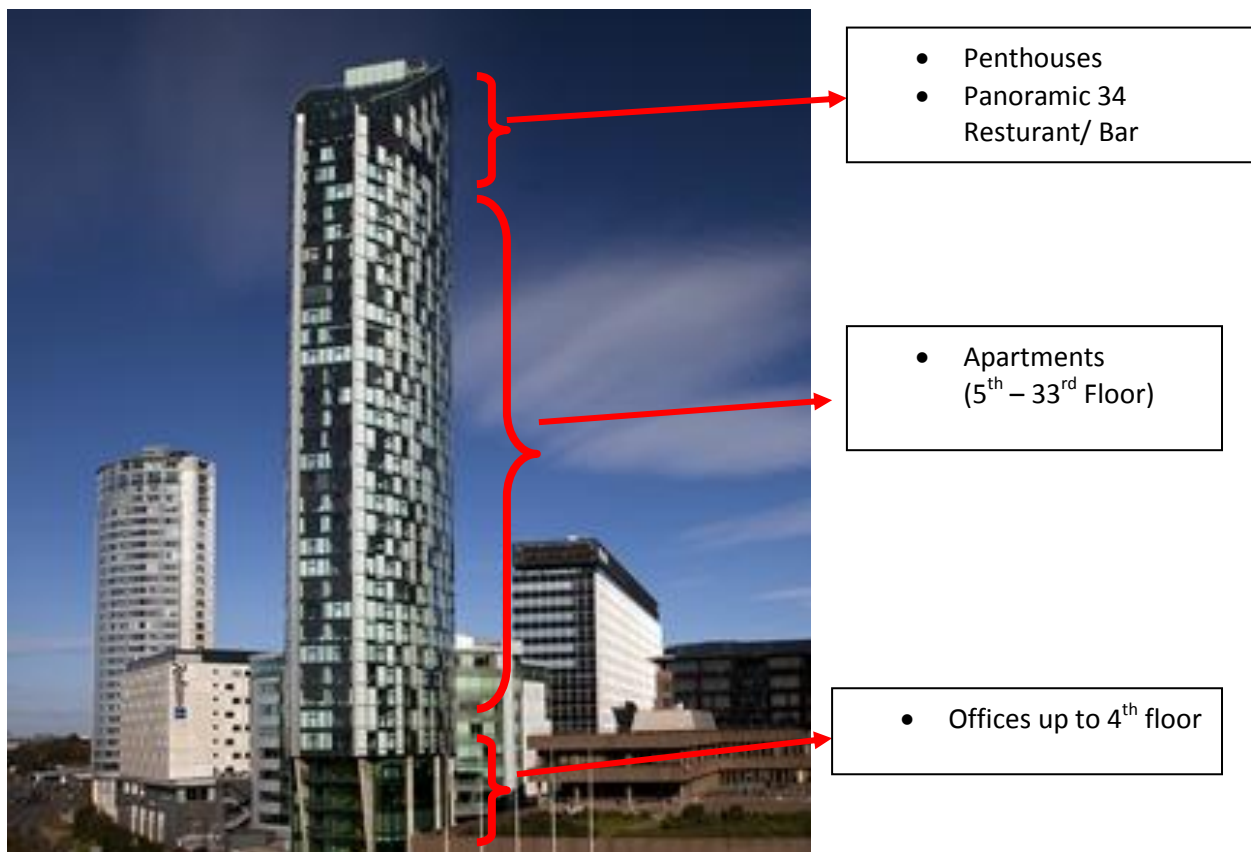


Figure 2 – Image of West Tower



*Examples of Mixed Use Development in Liverpool City Centre*

Figure 3 - The Tower Building



Figure 4 – One Park West

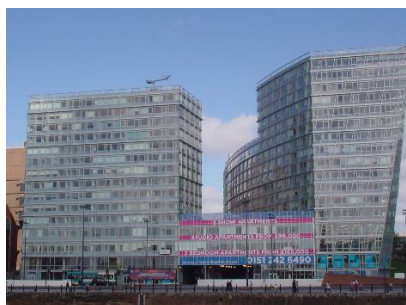


Figure 5 –Capital Building





## 4. Planning Policy

- 4.1 The National Planning Policy Framework (NPPF) states that development should firstly be assessed against the Local Authority's adopted Development Plan, with the NPPF forming a material consideration. This is unless the Development Plan is out of date (i.e. contains policies which were adopted before 2004 – Paragraph 215 of the NPPF). In this scenario the NPPF becomes the precedent Development Plan.
- 4.2 Liverpool Council's Development Plan is the Unitary Development Plan which was adopted in November 2002. The UDP is therefore out of date, however we have assessed the proposals against relevant local policies for completeness, demonstrating full compliance.
- 4.3 This section therefore identifies all relevant policies nationally and locally.

### *National Planning Policy Framework*

- 4.4 The National Planning Policy Framework sets out an overall presumption in favour of sustainable development, which defines as having an economic, social and environmental role.
- Economic Role – Contributing to building a strong, responsive and competitive economy.
  - Social Role – Supporting strong, vibrant and healthy communities.
  - Environmental Role – Contributing to protecting and enhancing our natural, built and historic environment.
- 4.5 Paragraph 17 of the NPPF sets out a number of overarching roles the planning system ought to play and a set of core planning principles which should underpin both plan-making and decision-taking.

### *Liverpool Unitary Development Plan*

- 4.6 The site is identified in the Liverpool Unitary Development Plan (adopted November 2002) under Policy E6 (site M4) for mixed use areas and sites for various types of development.
- 4.7 The Liverpool Unitary Development Plan Policies relevant to the determination of this application include:
- Policy GEN1 – Economic Regeneration
  - Policy E6 – Mixed Use Areas and Sites for Various Types of Development.



- 4.8 One of the primary purposes of the plan is to promote economic development, set out in Policy GEN1.
- 4.9 Policy GEN1 seeks to encourage economic activity, investment and employment by promoting mixed use development in appropriate locations; promoting regeneration and providing sites for economic development and investment.
- 4.10 Policy E6 (3) states:
- ‘in assessing development proposals within those Mixed Use Areas and on Sites for Various Types of Development which are located in the City Centre, the City Council will promote the principle of mixed use development whereby a range of complementary uses will be encouraged, subject to the provision of other relevant Plan policies.’*
- 4.11 The sub-text to the policy is that the designation of mixed use areas and sites for various types of development is intended to promote development, which can make a significant contribution to the regeneration of the local economy, providing enhanced employment prospects and opportunities for environmental improvement.



## 5. Policy Assessment

5.1 This section assesses the main issues associated with the proposed development against the adopted planning policy and material consideration highlighted in the previous chapter. The main issues to be addressed are as follows:

- Principle of Development;
- Sustainable Development;
- Noise; and
- Parking

### *Principle of Development*

- 5.2 The site is allocated within the Liverpool City Council Unitary Development Plan within an Area of Mixed Development Types.
- 5.3 The building comprises mixed use development including office, commercial and residential uses. Therefore the proposed change of use contributes towards the existing mixed use offer in accordance with UDP Policy E6.
- 5.4 There are several examples within Liverpool City Centre in which buildings comprise mixed use development. For example, The Tower Building, situated adjacent to the Liver Building. This was originally built for office use, however, has recently been converted into mixed use which is wholly supported by the Council. The building now comprises a mixture of residential uses, offices and retail uses.
- 5.5 A more modern structure of this nature includes, One Park West, Liverpool One. This also comprises mixed development including, leisure, offices, and residential.
- 5.6 The above examples should be considered material considerations and when the B1 use is assessed against the current national and local policies, the principle of development is regarded as acceptable.

### *Sustainable Development*

- 5.7 As identified, at the heart of the NPPF is a “presumption in favour of sustainable development.” Full compliance with the three elements of sustainability (Paragraph 7). Each of the elements of sustainability has been assessed against B1 office use below.
- 5.8 Socially, the existing business provides a high quality well known restaurant / bar at 34 Panoramic. The business requires space for general admin / enquiries during the hours of 9am -5.30pm. The use does not include meetings to be held within this location, and is wholly for administrative purposes. Due to the success of the business, the small area allocated for business administration within the restaurants footprint was not suitable. It is more efficient and sustainable for the business to have its administrative office within the same building as the main business.
- 5.9 Economically the proposed change of use will enable the business to run more efficiently and allow an area separate from the restaurant to be used for administration. The application represents economic growth in an entirely acceptable location (i.e. Town Centre) and therefore its full support is provided by the NPPF. Paragraph 18 of the NPPF states that:
- “the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should encourage and not act as an impediment to sustainable growth.”*
- 5.10 Therefore significant weight should be placed on the need to support economic growth and *“authorities should plan proactively to meet the development needs of business”*. Given the location of the restaurant the owners sought to accommodate their growth within the immediate area to ensure that the business could be run efficiently.
- 5.11 This application will help meet the needs of Panoramic 34 by enabling the business to meet customer demand and deliver a high quality social experience, whilst continuing to provide local jobs.
- 5.12 The location of the office is sustainable in relation to the location of the restaurant, negating the need to travel between locations. Additionally, as the premises will only operate during office hours of 9am - 5.30 pm residential amenity will not be compromised. This is also having regard to the fact that a B1 office use is not considered to be noise generating under normal circumstances.

- 5.13 As we have wholly demonstrated, the application proposes 'sustainable development' it should be granted approval by the Council in reference to Paragraph 14 of the NPPF.

#### *Noise*

- 5.14 The use of the unit for B1 office use does not result in disturbance to neighbouring properties. As previously emphasised the opening hours are 9am to 5.30pm, which are normal office hours. The location of the change of use was previously considered and has been located to be situated above existing offices which operate similar hours.
- 5.15 It should be noted that other uses within the building operate much later hours including Panoramic 34 and therefore these office hours are more than reasonable.
- 5.16 No meetings are to be held internally within the offices. Any staff meetings are held within the existing restaurant. Furthermore, the office is self contained; there will be little movement from employees in comparison to residential use.
- 5.17 As there is already mixed use within the building, suitable noise insulation has been implemented to mitigate noise from office use, residential and commercial uses. It should be noted that the office this application concerns is situated above existing offices.
- 5.18 Noise control in buildings for residential use in England and Wales is regulated using Building Regulations Approved Document E. The aim of the regulation is to protect residents from the noise of activities in other rooms or adjoining properties. The modern structure of the building means that it has been built in accordance with the latest building regulations (Part E) and has more than sufficient noise insulation, to protect existing residents on the 5<sup>th</sup> floor.

#### *Parking*

- 5.19 Liverpool Unitary Development Plan Supplementary Planning Guidance Note 8 refers to parking standards in Liverpool.
- 5.20 This states that in terms of B1 office use in the City Centre a maximum of 1 space per 100 sqm is required. Therefore, as the area measures than 100 sqm, no parking is required.

## 6. Conclusion

- 6.1 The application proposes retrospective planning permission for the change of use of a residential apartment on the 5<sup>th</sup> Floor (no. 5.01) of West Tower to B1 office use in conjunction with the business at 34 Panoramic.
- 6.2 The site is situated within an Area for Mixed Use Development. The use of an office within the 5<sup>th</sup> Floor of Tower contributes towards the mixture of development within the building.
- 6.3 It is evident within the City Centre there are numerous mixed use developments which is continuing to be encouraged by the Council.
- 6.4 The opening hours of the offices are normal and reasonable opening hours to respect the surrounding residential amenity.
- 6.5 This statement has identified that B1 office use fully accords with planning policy on a national and local level.
- 6.6 We therefore request that Liverpool City Council grants planning permission.