

Delegated Item

Ward:	Riverside
Site:	105-107 Bold Street, Liverpool, L1 4HL
Proposal:	To make alterations to shop front to create new entrance.
Applicant:	Rudys Pizza Ltd
Application No.:	21F/1419
D.C. Team:	City Centre
Recommendation:	Approve with Conditions
Contact Officer:	Thiago Amorim

Any supporting or background documentation referenced within the Case Officer Report may be available for inspection at the City Council offices by prior appointment in accordance with the provisions of Section 100D of the Local Government Act 1972. Note that the right to inspect such materials is contingent on the provisions of both Schedule 12A Local Government Act 1972 (as amended) and the Data Protection Act 2018.

Case Officer Report

Site Description

The site relates to a ground commercial unit which forms part of a three-storey building located at a prominent position at the junction of Renshaw Street, St Luke's Place and Bold Street. The site sits within the Castle Street Conservation Area.

The commercial unit is currently occupied by Rudy's and planning permission has been granted for the conversion of the upper floors into residential apartments (21F/0849).

Description of Proposal

The application seeks full planning permission for shopfront alterations comprising:

- Retention of new entrance formed in existing shopfront with door & frame to match existing, with new steps formed in materials to match existing (St Luke's Place elevation)
- Retention of new opening concertina windows installed within the existing timber frames, materials to match existing (St Luke's Place elevation)
- Retention of new entrance formed in existing shopfront with door & frame to match existing (St Luke's Place elevation)
- Proposed new wall constructed to rear of previously recessed shopfront, with new image installed to previously recessed shopfront (Renshaw Street elevation)

- Proposed installation of concertina windows to Bold Street/St Luke's Place elevation

Following discussion with the agent, the following amendments have been made:

- Creation of new entrance to St Luke's Place elevation
- Replacement of existing fire escape door with standard entrance/exit door to provide level access
- Proposed shopfront wall to Renshaw Street elevation has been set back by 0.5m with existing clear glazing being retained.

Relevant Site History

21F/0849: To change use of first and second floors to 9 one bed apartments (C3) replace windows and entrance doors, with ground floor cycle and refuse storage areas. Approved.

Response to Consultations

The application was advertised by way of individual letters to 19no. properties in the immediate vicinity. Various internal and external consultees were also consulted as set out below. The application's statutory consultation period expired on 28th June 2021.

External

Local Councillors

No comments received.

Neighbours

No comments received.

Inter-departmental

N/A

Intra-departmental

Heritage Specialist

Raised no objections subject to a condition ensuring new external materials match existing.

Inclusive Design Specialist

Originally raised concerns over the proposed location and design of the main entrance which is accessed via 5 steps. Advised that there is an existing door (labelled 'fire exit') which is already fully accessible. Therefore, the existing accessible entrance must be used as the main entrance as it provides inclusive access into the building. The proposed main entrance (via steps) may be used as a secondary entrance, however, the main entrance into the restaurant must be the accessible entrance. Also provided advice on accessible WC and the bar and pizza counter.

Planning Policy

The National Planning Policy Framework (NPPF) confirms the status of the Development Plan (i.e. the Unitary Development Plan) as the starting point for decision making. Section 38(6) of the Planning and Compulsory Purchase Act 2004 also requires that "where in making any determination under the planning Acts, regard is to be had to the development plan, and the determination shall be made in accordance with the plan unless material considerations indicate otherwise." As such, both the NPPF and the emerging Local Plan are material considerations, but do not change the statutory status of the development plan.

Revised National Planning Policy Framework 2021 (NPPF)

The Revised National Planning Policy Framework (2021) (NPPF) sets out a presumption in favour of sustainable development. Paragraph 7 of the Framework states that the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

Paragraph 9 of the Framework states that plans and decisions need to take local circumstances into account, so that they reflect the character, needs and opportunities of each area.

The Framework re-iterates that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Liverpool Local Plan 2013 - 2033 (LLP)

National Planning Policy Framework advises at Paragraph 48 as follows:

Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The Liverpool Local Plan 2013 - 2033 (LLP) is now at a very advanced stage towards adoption. Examination hearings have concluded, and the Inspector issued his interim advice letter on 10 November 2020. The Council prepared a consolidated schedule of all the potential main modifications ('MM', 'MMs') identified prior to and during the hearing sessions.

The Inspector's Report on the Examination of the Liverpool Local Plan has now been received and the council, in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012, has published it on its website.

The report concludes that the Liverpool Local Plan is 'sound', provided that a number of main modifications (MMs) are made to it. The examination process has now concluded, and it is now for the council to determine whether to adopt the Local Plan. This will necessitate taking the report to Full Council.

Given the conclusions of the Inspector that the Liverpool Local Plan is sound and the very advanced stage it has reached, it is considered that all the policies contained therein should be afforded very significant weight.

The following policies are considered to be applicable:

UD1 – Local Character and Distinctiveness

UD4 – Inclusive Design

UD7 – Alterations and Extensions to Existing Buildings

HD1 – Heritage Assets

TP1 – Improving Accessibility and Managing Demand for Travel

Unitary Development Plan (UDP)

The following Saved UDP policies are relevant to the determination of this application and are considered to align with the principles, aims and objectives of the NPPF and are considered to carry significant weight.

GEN3 - Heritage and Design in the Built Environment

HD7 - Conservation Areas

HD8 - Preservation and Enhancement of Conservation Areas

HD10 - Alterations of Non-Listed Buildings in Conservation Areas

HD18 – General Design Requirements

HD19 – Access for All

T9 – Walking and Pedestrians

S16 – Shopfronts

Issues

The main issues in the assessment of this application are as follows:

1. Policy Background and Principle of Development
2. Design and Impact upon the Character of the Surrounding Area / Heritage Assets
3. Inclusive Design
4. Residential & Environmental Amenity Considerations
5. Highway Safety

Officer Assessment

1.0 Policy Background and Principle of Development

The proposal solely relates to external alterations to an existing building and no change of use is being proposed. The proposal is, therefore, acceptable from a pure land use perspective. The main issues are assessed below.

2.0 Design and Impact upon the Character of the Surrounding Area / Heritage Assets

The proposal is acceptable as it is accepted that the existing shopfront is modern, and it is

considered that the proposed works, which are minor in nature, have/would have negligible impact upon the overall appearance of the building, preserving the character and appearance of the street scene and wider CA, subject to conditions for the submission of further design details in relation to the proposed concertina windows and recessed wall.

It is noted that the new doors installed on site currently match the existing materials.

It is, however, noted that external awnings with boxings that project from the shopfront have been installed to the application unit which are unauthorised and are not considered acceptable. Any approval will be subject to a condition ensuring said awnings are removed.

In light of the above and subject to the above conditions, the proposal is acceptable in conservation terms, as the works will preserve the character and appearance of the Duke Street Conservation Area, in accordance with policies HD7, HD8, HD10, HD13 and HD18 of the Liverpool UDP, policies UD1, UD7 and HD1 of the Emerging LLP and the revised NPPF (2021) para's 197, 199 & 206.

3.0 Inclusive Design

The proposal solely relates to shopfront alterations and no change of use is being proposed.

Following discussion with the agent, the proposal has been amended to replace an existing fire exit door with a standard entrance/exit door which would provide level access into the application unit and is considered acceptable.

In light of the above, it is considered that the application unit would benefit from adequate access, in accordance with policies HD19 and S16 of the Liverpool UDP, policies UD4 and UD7 of the Emerging LLP and guidance contained in the Council's Design for Access for All SPD.

4.0 Residential & Environmental Amenity Considerations

Given its nature, the proposal would not affect the living conditions of existing occupiers within the building and would not have any impact upon surrounding residents and commercial premises.

The standard hours of working informative be included, which mentions using best practicable means to control noise. This level of mitigation would be acceptable in controlling the impact of the proposed shopfront works on local residents.

In light of the above, the proposal is considered acceptable from a residential/environmental amenity perspective in accordance with policy HD18 of the Liverpool UDP and Policy UD7 of the Emerging LLP.

5.0 Highway Safety

Following discussion with the agent, the proposal was amended showing all external doors opening inwards within the building's curtilage. As such, it is considered that there are no highway implications with this proposal. Any approval will be subject a condition to this effect.

As such, the proposal is considered in accordance with Policy T9 of the Liverpool UDP and policies TP1 and TP6 of the Emerging LLP.

6.0 Summary

The proposed development is considered acceptable from a visual amenity/heritage and highway safety perspectives, subject to the attached conditions, and would provide adequate access. No other issues are anticipated.

It is considered that the proposal would accord with the revised NPPF, policies GEN3, HD7, HD8, HD10, HD18, HD19, T9 and S16 of the Liverpool UDP and policies UD1, UD4, UD7, HD1, TP1 and TP6 of the Emerging Liverpool Local Plan.

Recommendation

Accordingly, it is recommended that planning permission be granted, subject to the stated conditions. The application is considered to fall within 2.2(a) of the scheme of delegation insofar that it accords with the relevant plan policies and does not raise any issues of planning importance or raise any significant public concern/objection or cost implications.

Conditions

1. The development hereby permitted shall begin before the expiration of 3 years from the date of this permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by

2. The development hereby approved shall be carried out in accordance with the following drawings:

Proposed Floor Plans - 404/02 F

Existing and Proposed Elevations - 404/03 A

p2cuk/631623/856236

REASON: For the avoidance of doubt.

3. (a) The shopfront window facing Renshaw Street as shown in dwg. no. 404/02 F shall be reinstated as clear glazing, to be completed within 3 months of the date of this permission and shall not be obscured in any form unless otherwise agreed in writing by the local planning authority.

(b) Images shall be applied to the recessed wall shown in dwg. no. 404/02 F, the details of which shall be submitted within 3 months of the date of this permission and approved in writing by the Local Planning Authority. The approved images shall be fully applied to the recessed wall within 1 month of their approval and retained in such form thereafter.

Reason: In the interest of visual amenity, having regard to the character and appearance of the Duke Street Conservation Area.

4. All existing awnings/canopies to the application unit shall be removed within 1 month of the date of this permission.

Reason: In the interest of visual amenity, having regard to the character and appearance of the Duke Street Conservation Area.

5. (a) Notwithstanding the approved plans/details, the concertina windows as shown in dwg. no. 404/02 F shall not be installed until a schedule, including drawings at 1:20 scale with cross sections at 1:2 (or similar), has been submitted for written approval by the local planning authority. This schedule shall include all sill, lintel, and jamb / reveal details and final paint colour. For the avoidance of doubt, the concertina windows shall match the existing external materials in type, colour, style and texture.

(b) The works shall be carried out in accordance with the approved details.

REASON: The Council wishes to ensure that the works are satisfactory having regard to the

character and appearance of the Duke Street Conservation Area.

6. Within 1 month of the date of this planning permission, the level access entrance/exit door as shown in dwg. no. 404/02 F shall open inwards within the curtilage of the premises and retained in such form thereafter.

Reason: In the interests of highway/pedestrian safety.

Informatives

1. During the site works the contractor shall pay full regard to the best practicable means available in respect of the control of noise and dust from the site. In addition, no operations which are audible at the site boundary shall be carried out: (i) outside the hours of 0800 to 1800 weekdays (ii) outside the hours of 0800 to 1300 Saturdays, and (iii) at any time on Sundays or Bank Holidays.

2. The decision to grant permission and impose any conditions has been taken having regard to relevant policies and proposals in the Development Plan. The local planning authority has worked proactively with the applicant to seek solutions to any problems arising during the course of the application and by granting planning permission for sustainable development has implemented the requirements of the NPPF.

3. The grant of planning permission shall not be construed as authority to erect scaffolding, hoarding or any other device or apparatus for which a licence must be sought from the Highway Authority. The applicant is advised to contact the Council's Highway Development Control Team by email: lcchighwayskipsscaffold@liverpool.gov.uk for further advice. It should be noted that there is a fee associated with this process.

4. The applicant is advised that they may find it useful to have a discussion with the council's in house Building Control Service in relation to various parts of the Building Regulations at an early stage, including Parts B (Fire Safety), H (Drainage/Waste Disposal) and M (Access) prior to making an application to them. . The council's in house Building Control Service will not charge you for an initial discussion regarding these matters. They can be contacted on 0151 233 0339 or via email philip.smith1@liverpool.gov.uk .