



Appeal Decision

Site Visit made on 4 November 2021

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 December 2021

Appeal Ref: APP/Z4310/W/21/3277369

IBS Building, 72 Waterloo Road, Bordered by Porter Street & Regent Street, Liverpool L3 7BL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 11, Class B, Paragraph B.2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr David Copestake against the decision of Liverpool City Council.
 - The application Ref 20PM/3079, dated 24 November 2020, was refused by notice dated 21 December 2020.
 - The development proposed is to demolish the former IBS building.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr David Copestake against Liverpool City Council. This application is the subject of a separate Decision

Preliminary Matters

3. The appellant submitted a Structural Assessment Report (SAR) with the appeal. The Council states that they have not been able to properly assess the SAR because it was not submitted with the application, but they were afforded an opportunity to comment during the appeal process. I am satisfied that I can take account of the SAR without causing prejudice to the Council's case. I proceed on that basis.
4. The Council's reason for refusing prior approval included reference to the effect of the proposed demolition on the Liverpool World Heritage Site. That designation was however revoked in July 2021.

Main Issue

5. Under Article 3 and Part 11, Class B of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO), planning permission is granted for any building operation consisting of the demolition of a building. This 'permitted development' (PD) right is subject to a condition at B.2(b)(i) that the developer must, before beginning the development, apply to the local planning authority for a determination as to whether their prior approval will be required as to the method of demolition and any proposed restoration of the site.

6. The main issue is whether or not prior approval should be granted for the method of demolition of the IBS building and proposed works to restore the site.

Reasons

7. The appeal site, as edged red on the submitted plans, is drawn tightly around the former IBS building and associated land that was used as a car park. The site, and therefore the proposal for demolition, excludes a 'link bridge' which connects the appeal building with that at 24 Vulcan Street and 13 Porter Street. The link bridge is formed of brick and located at approximately second floor height.
8. The link bridge is outside of the site partly because there is uncertainty as to its ownership and partly because the appellant suggests that they would seek to retain it within any scheme to redevelop the site after demolition. Be that as it may, if the IBS building was demolished and the link bridge was left with no support at one end, there would be obvious risks to property that the appellant does not own and to public safety. The appellant's statement of case therefore explains that 'there of course would be every careful measure taken to ensure the structural integrity of the linked bridge structure'.
9. It is also stated in the SAR that 'the principal objective of this inspection was to assess the structural options relating to retention of the bridge in consideration of the proposed demolition of the former IBS warehouse'. Thus, the proposal before me is not to demolish the IBS building in its entirety, but to retain the 'existing masonry wall' that is attached to the bridge, and 'add sufficient buttressing return walls that are to be toothed into the perimeter wall to provide sufficient flexural strength'.
10. I do not dispute that such works *could* ensure the safe retention of the link bridge but the SAR also advises that, 'prior to the commencement of any works the existing wall and link bridge require a full series of local repairs in relation to the defects noted...[but] as level external access to the link bridge, full wall height and link bridge roof was not possible, we recommend a follow up drone survey that can establish a full schedule of defects...Following this a schedule of reparations can be compiled that are required to be implemented prior to any demo[lition] works'.
11. If there is a need for a further survey to properly scope what defects may exist in the link bridge and wall, then I cannot be confident that the proposed works would represent the 'safest, most pragmatic, and most sustainable option'. I cannot be confident that the proposed method of demolition and works to restore the site would ensure the integrity and safety of the wall and bridge at all. It is irrelevant as to whether Part 11, Class B actually requires any scheme for demolition to include site restoration when such works are in fact proposed in this instance and were submitted by the appellant.
12. I am also concerned that the appellant has only submitted sketches of the proposed buttressing and no plans of how the site would look after the works have taken place. It is not therefore certain that this part of the site would be left in a visually acceptable condition. Furthermore, the Demolition Method Statement says little as to the appearance of the hoarding to be erected around the site. Part 11, Class B makes no provision for a decision-maker to

control any details of the demolition or restoration scheme through the imposition of conditions on prior approval.

13. The Council's decision to refuse planning permission for a nine storey, hotel-led mixed-use development on the site is not a barrier to a grant of prior approval, and moreover may be reversed on appeal. However, since it is impossible for me to know at this time how long the land might remain cleared except for a wall and buttressing to the link bridge, then the lack of information as to what repairs are needed and how the site would look are compelling objections.
14. Indeed, I have some reservations as to whether the buttressing could fall within the ambit of Part 11, Class B; it would be a building operation but not comprised in the demolition of the IBS building, and it would be carried out not to restore the site but shore up an adjacent structure. I make no finding on that matter but even if all of the proposed works could be PD in principle, there is still insufficient information for me to grant prior approval because it has not been shown that the site and link bridge would be left in a reasonably safe or visually acceptable condition. For that reason, I conclude that the appeal should be dismissed.

Graham Wraight

INSPECTOR