
Appeal Decision

Site visit made on 25 October 2024

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 November 2024

Appeal Ref: APP/Z4310/W/24/3346592

8 Cotton Street, Liverpool L3 7DY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Paul Stitt against the decision of Liverpool City Council.
 - The application reference is 23F/2847.
 - The development proposed is alterations to the existing MOT Centre to form a new bar with entrance from Dickson Street; with new steel mezzanine level.
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Decision

1. The appeal is allowed and planning permission is granted for alterations to the existing MOT Centre to form a new bar with entrance from Dickson Street; with new steel mezzanine level, at 8 Cotton Street, Liverpool, in accordance with the terms of the application reference 23F/2847, subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, 23/70/01, 23/70/02 revision B and 23/70/03.
 - 3) The premises shall not be open to customers outside the hours of 08:00 to 02:00, Monday to Sunday.
 - 4) Internal alterations shall not commence until a scheme for the design and construction of highway improvement works has been submitted to and approved in writing by the local planning authority. All highway works require technical approval. For the avoidance of doubt, the works shall include:
 - (i) A two metres wide footway between the application site frontage and Great Howard Street, on the south side of Dickson Street.
 - (ii) Street lighting.
 - (iii) Drainage works necessary to facilitate the highway works.The use shall not commence until the approved scheme has been completed in accordance with the approved details.
 - 5) Noise control measures must be employed within the development such that sound generated in association with the bar hereby permitted, shall not give
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rise to noise levels exceeding NR25 (expressed in terms of the maximum sound pressure level in each octave band) in any nearby lawful residential accommodation.

- 6) Any waste generated by the business to be discarded as refuse shall only be placed outside on such days as trade refuse collection will occur.

Main Issue

2. The main issue is the effect on the provision of industrial land.

Reasons

3. The proposal would result in one end of this large commercial garage building being converted to a two-storey bar. It is proposed that it would be open throughout the day from eight o'clock in the morning until two o'clock the following morning. It would result in job creation and investment to convert the building. It would also result in the provision of a footpath from the premises to Great Howard Street.
4. The site is located in an area designated as a Primarily Industrial Area by the Liverpool Local Plan 2013-2033 (2022)(LP). LP policy EC2 seeks to protect industrial areas and direct employment uses to them. This area is also designated as the Ten Streets District which is intended to function as a new economic driver and connector between the area to the north of the Stanley Dock complex and the city centre to the south. LP policy CC13 seeks to maximise the economic potential of this specific area. It establishes that one of the key aims for the area's regeneration is to focus new investment activity primarily around employment uses, particularly creative industries; and to encourage conversion of and improvements to, existing stock, principally for employment generation.
5. The policy CC13 designation area is also the subject of a Spatial Regeneration Framework: Supplementary Planning Document for Ten Streets (SPD). This includes six distinct character areas. The character area within which the appeal site is located is described as being the heart of the framework area, characterised by distinctive industrial, maritime, engineering and creative uses. It is considered to be pivotal within the framework area, weaving together the wide range of character areas and diverse uses in the North Docks; being a creative hub with workshops, leisure and offices.
6. The council is concerned that the main purpose of the proposal is to create a night-time leisure destination rather than to support the predominantly current daytime operation of the existing industrial uses. The information submitted and the layout details, although alluding to the potential for a daytime café use, supports the council's concerns. In this regard, it would result in some conflict with policy EC2. However, the aspirations of the SPD and policy CC13, distinguish this area from what would be expected of a more generic Primarily Industrial Area. The SPD and policy CC13 anticipate that the area will become a focus for a mix of employment generating uses, primarily creative businesses including artists, makers, digital and technology sectors. The council have already accepted a music and arts venue immediately adjacent.

7. The SPD advises that the Ten Streets area has already become a destination for creative industries, which have moved to the area to utilise the affordable premises and strategic location. It describes that creative industries are already providing unique creative spaces including Kazimier and the Invisible Wind Factory, Make Liverpool, Drop the Dumbbells Gallery, the Wired Aerial Theatre, the Liverpool Lantern Company, Vulcan Music Studios, Meraki, North Shore Troubadour and O'Tooles. A number of these uses have times of operation that are more reflective of the late opening hours anticipated by the appeal proposal. In these circumstances, the proposal would represent a supporting and complementary use to a number of businesses that have already been attracted; and would appear to support those uses that are anticipated to be attracted in the future.
8. The objectives of the SPD and policy CC13 result in some tension with the more generic Primarily Industrial Area policy requirements of policy EC2. This tension is apparent with regard to this proposal in relation to the predominant current industrial uses. However, when considering policies EC2 and CC13 together, it is appropriate to have particular regard to the site specific policies that have been developed for this particular and distinctive area. There is nothing to suggest that the existing use of this building would not continue to operate; and whilst there would be a minor loss of space associated with the policy EC2 listed Use Classes, there would be no reduction in industrial activity. Despite the existing character of many of the businesses in the area, as the proposal would represent a supporting and complementary use to some existing and other anticipated and promoted future uses, it would not be directly at odds with policy EC2; and it would gain support from policy CC13 and the SPD.
9. Dickson Street does not have a pavement or lighting but it is proposed that a two metres wide pavement would be provided. This would allow for safe access and can be conditioned to include appropriate lighting provision. Other concerns have been raised with regard to noise from within the building and the potential for anti-social behaviour. Residents and others, advise that existing operations already result in such issues and the concerns are that this proposal would add to the existing harm. The details of the works, with regard to insulation, would be a matter for the building regulations but I have also imposed the condition suggested by the environmental health officer to protect existing lawful residential occupiers. With regard to the potential for anti-social behaviour and external noise, this is a matter for other agencies, including the licensing authority. However, it is not considered that the addition of this relatively small bar would represent significantly greater concerns in this regard.
10. Overall, the proposal would bring new investment and improve the fabric of this building and provide an improved public domain. It would not harm the objectives of supplying appropriate amounts of industrial land or conflict with the operation of this industrial area. Given the council's aspirations for the future of the area, it would generally gain support from the development plan overall, with specific support from LP policy CC13 and the SPD. Whilst I acknowledge the concerns raised locally, I conclude that the harm that may result from the consolidation of night-time uses, would be outweighed by the benefits of the inward investment and associated activity. I therefore allow the appeal.

11. I have imposed conditions relating to the commencement of development and the details of the approved plans for the avoidance of doubt and in the interests of proper planning. A condition to limit the opening hours would limit the times of use of the premises to accord with the times proposed and considered by the parties. This would not prejudice any requirements with regard to licensing. As it is essential that the access arrangements are complete before the bar becomes operational, to ensure that the access is safe, I have imposed the condition suggested regarding the provision of the footpath and lighting, although the amendment of the traffic orders is outside the scope of this decision. I have also included the noise condition discussed above; and the condition suggested regarding refuse, to ensure that the proposal would function well whilst maintaining the satisfactory appearance of the property.

Peter Eggleton

INSPECTOR