



Appeal Decision

Site visit made on 19 December 2024

by **J Smith MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9 January 2025

Appeal Ref: APP/Z4310/W/24/3347930

11 Dickson Street, Liverpool L3 7EB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Mark Scott against the decision of Liverpool City Council.
 - The application Ref is 24F/0676.
 - The development proposed is change of use from storage facility to licenced premises.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was updated in December 2024, during the consideration of this appeal. Insofar as is directly relevant to the appeal, there are no substantive changes. As a result, the cases of the parties have not been prejudiced by not being able to comment on the revised Framework. I have therefore determined the appeal on the basis of the statements and comments received.
3. A Grade II listed building is located next to the appeal site, known as 'Bonded Tea Warehouse' (List Entry Number: 1298760). In determining this appeal, I have therefore had special regard to the desirability of preserving the setting of this building, as required by section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Main Issues

4. The main issues are:
 - whether the proposal would be in a suitable location; and,
 - the effect of the proposal on the setting of the Grade II listed building.

Reasons

Building use

5. The appeal building is a metal clad single storey industrial unit which hosts a central roller shutter, with a door to the side of this central feature. The building sits within a line of industrial buildings which differ from each other in their form and material palette.
6. The appeal site is located within a primarily industrial area. Policy EC2 of the Liverpool Local Plan 2022 (LLP) notes that land in these areas will be protected for industrial purposes. Policy EC2 further notes that where a proposal falls outside of

the Use Classes Order for the use of primarily industrial or business sites, it should be clearly demonstrated that the proposed use is complementary to the primary industrial use of the area. It further states that it should be demonstrated that there is no reasonable prospect of the building being used for industrial/business uses following appropriate marketing for a minimum of 24 months.

7. The proposal would involve the change of use from a B8 use class to a Sui Generis use class as a licensed premises. As such, this proposal would fall outside of the uses allowed within the Use Classes Order. The plans show that the main area of the building would host a large open space with a bar and beer store to the rear of the building. An 'event space' which includes a stage would be provided, however this space is not shown on the proposed plans. The premises would be open from 09:00 to 23:00.
8. The appellant states that the proposal would operate as a food premises throughout the day to service those in neighbouring industrial employment. However, owing to the absence of a kitchen facility, the operation of a food service would be severely limited. As a licensed premises, the main use of the building would be focused on the serving of alcoholic drinks. It is unlikely that industrial and business employees would regularly purchase alcohol from the premises during a working day or working evening. Furthermore, the premises would be open until 23:00. As such, the opening hours would be beyond the hours usually worked in the neighbouring industrial and business premises. Therefore, owing to the focus of the development on alcoholic products and the operation of the premises into the late hours, this would not be complimentary to the primary industrial use of the area which meets the day to day needs of local employees.
9. In relation to marketing, no substantive information has been provided to demonstrate that there is no reasonable prospect of the building being used for an industrial or business use and that the conversion of the building would not adversely affect the overall capacity of Liverpool to meet future demand for industrial or business premises as required by Policy EC2 of the LLP. Therefore, the proposal would conflict with Policy EC2.
10. The appeal site is also located within the designated Ten Streets area, which the Council note is on the brink of regeneration. Policy CC13 of the LLP notes that within the Ten Streets area, there should be a focus for a mix of employment generating uses including artists, makers and technology sectors. Ancillary uses including small-scale shops and services, and offices will be supported where it is clearly demonstrated that they will provide a service to meet day to day needs and subject to other plan policies. The policy further states that proposals in the Ten Streets area should comply with a set list of criteria and that regard should be had to the Spatial Regeneration Framework (SRF) for the area.
11. In consideration of these criteria and the SRF, the appeal building is a plain, utilitarian building that does not make a positive contribution to the street scene, and the very limited changes proposed to its external appearance would improve the public realm. Whilst the provision of a stage and events space may assist in achieving the aim of providing a creative business, the proposal itself would not involve the introduction of a creative industry as the main purpose of the building. Therefore, the proposal would make a limited contribution in this regard. Furthermore, for the reasons that I have given in relation to Policy EC2, it has not been clearly demonstrated that the proposal would provide a service to meet the

day to day needs of neighbouring businesses. Taking all of these matters into account, I find that the proposal would also conflict with Policy CC13 of the LLP.

12. The appellant notes the new sports stadium under construction at Bramley Moore Dock. This development would create a multi-purpose venue which would incorporate a plaza with numerous food and drink vendors. It is the appellant's contention that there are insufficient food and drink facilities to service neighbouring residential properties and those attending events at the new stadium development. The appellant further highlights a number of residential and hotel developments and bars which are close to the appeal site. These premises possess licences to open until varying times.
13. However, as no officer report or decision notice has been provided in relation to the developments referred to, I cannot ascertain the reasoning behind these decisions. Consequently, I ascribe only limited weight to these examples in support of the appeal. I acknowledge that the proposal would provide a small supplement to the supply of licenced premises within close distance to Bramley Moore Dock where there would be a large concentration of people during event days. Yet, this would not overcome the conflict with policy which I have identified.
14. It is noted that the appellant has sought to amend the proposal during the application stage to address highway safety and waste storage concerns. However, this would not overcome the conflict with policy found in relation to this main issue.
15. To conclude, the proposed change of use would conflict with Policies EC2 and CC13 of the LLP. There would be a loss of an industrial space, which would not be complimentary to the primary industrial use of the area which meets the day to day needs of local employees. The proposal would also not create a distinct sense of place, improve the public realm or further generate a creative business.

Setting of a listed building

16. The Bonded Tea Warehouse has a close relationship with the appeal site, located on the corner of Dickson Street and Great Howard Street. Its significance is derived from its historic interest, dating back to the 19th century and its architectural interest through the use of a strong brick-built form with recessed, iron bar windows equally spaced apart on its elevations. These features are universal across the elevations on Dickson Street, Dublin Street and Great Howard Street. However, in addition to these features, the facades on Dickson Street and Dublin Street include deeply recessed loading bays with large iron doors.
17. Dickson Street and those surrounding the Grade II listed building are arranged in straight lined streets with access gained from Regent Road and Great Howard Street. Despite the provision of modern industrial units which are generally smaller in scale, there is an intervisibility of other 19th century warehousing with a similar appearance and historic function to the Bonded Tea Warehouse. These other warehouses are situated in the straight-lined streets off Regent Road and Great Howard Street. This creates an industrial setting, where noise and a lack of tranquillity is apparent. This makes an important contribution to the significance of the building. As a result, being of a different form and appearance, the appeal building across the other side of Dickson Street makes a limited contribution to how the significance of the listed building is appreciated.

18. The proposal would create a new uPVC access door to the front elevation and create a new pavement area to the front of the appeal building. The roller shutter to the front elevation would be retained. As such, the visible external changes to the appeal building would be limited and the building would retain much of its current appearance. Whilst I recognise that this would not improve the quality of the building beyond that of a basic modern industrial unit, owing to the small-scale changes proposed, the proposal would preserve the setting of the adjacent Grade II listed Bonded Tea Warehouse. Such development within the setting of the listed building would therefore not be harmful to how its significance is understood.
19. Furthermore, the proposed use is a licenced premises open until 23:00. As such, there would be numerous comings and goings from the site into the late hours. Due to the industrial atmosphere of the location where an absence of tranquillity is generally found, the comings and goings from people into the late hours would not harm the setting of the Grade II listed building.
20. I therefore conclude that there would be no conflict with Policy HD1 of the LLP or the statutory duty. Policy HD1 states that particular consideration will be given to ensure that the significance of the warehouses located in the docklands which contribute to the City's distinctive identity and sense of place is not harmed.

Conclusion

21. The proposal would conflict with the development plan considered as a whole and material considerations do not indicate that the appeal should be decided other than in accordance with it. Accordingly, the appeal should be dismissed.

J Smith

INSPECTOR