

UNIT L5, NEW MERSEY SHOPPING PARK, SPEKE

Mothercare UK Limited

**Planning and Retail Statement – Mezzanine
Floor**

June 2015

mothercare

CBRE

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1.0 Introduction

PURPOSE OF STATEMENT

- 1.1 CBRE Ltd is instructed by Mothercare UK Limited on behalf of Early Learning Centre Limited ("the applicant") to submit a full planning application for the erection of a mezzanine floor within unit L5, New Mersey Shopping Park, Speke, Liverpool ("the site").
- 1.2 This statement demonstrates that the proposed development is acceptable in terms of the policies in the development plan, as well as the National Planning Policy Framework ("NPPF") and other documents which are material to the determination of the application. It should be read alongside of other documents and plans submitted in support of the application.
- 1.3 The application seeks full planning permission for:

Insertion of mezzanine floor.
- 1.4 The current unit is 960sqm (GEA). This planning application seeks to insert a mezzanine floor of 750sqm. This will bring the total gross floor area of the unit to 1,710sqm.
- 1.5 A number of units on the park benefit from retail mezzanines including Dorothy Perkins, River Island and Laura Ashley (Table 1.1 overleaf). Mothercare wishes to ensure that they remain competitive and able to respond to customer's needs. The proposed unit is now considered to be constrained and the installation of a retail mezzanine will allow a wider choice of product lines to be sold, thereby improving overall consumer choice and satisfaction.

THE APPLICATION SITE

- 1.6 The application site comprises unit L5 at New Mersey Shopping Park (the "Park"), Speke.
- 1.7 The Park is located 6 miles south east of Liverpool City Centre on the A561 Speke Road and provides c. 54,000sqm of A1-A3/A5 retail floor space within 35 retail units.
- 1.8 The Park is bound to the north by a service road which goes around the perimeter of the Park beyond which is are trees and landscaping and a railway line; to the east by a large area of hardstanding used for lorry parking and depot/staff parking; to the south by Speke Road; and to the west by playing fields and residential properties off Burnsall Street.
- 1.9 Unit L5 is currently occupied by Mothercare and extends to 922sqm (GIA) at ground floor.
- 1.10 Other existing retailers occupying the park include: Currys/PC World, Furnitureland, Argos, B&Q, Boots, Carphone Warehouse, Clarks, Clintons, DFS, H&M, Halfords, Harveys JD Sports, Laura Ashley, Bank, Bensons for Beds, M&S, M&S Simply Food, New Look, Next, O2, Oak Furnitureland, OUTFIT, Pets at Home, River Island, ScS, Smyths, Sofaworks, Sports Direct, Thomson, WHSmith.
- 1.11 The Park provides a mix of retail floorspace and services with fashion/clothing and footwear retailers alongside bulky goods and service retailers. Convenience retail floorspace is limited to Marks and Spencer Simply Food unit and the only non-A1 retail units at the Shopping Park are a McDonalds and Pizza Hut. Other services provided at the Shopping Park include a cash machine block by the O2, Pizza Hut and McDonalds units.
- 1.12 The retail units are generally located around a central shared car park with c.1,800 car parking spaces however the McDonalds, O2 and Pizza Hut units are standalone and centrally located within the car park.

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- 1.13 A number of units at the Park are provided with mezzanine floors and these are identified below:

Table 1.1 Units at New Mersey Shopping Park with Mezzanines

UNIT	MEZZANINE COVER *
Dorothy Perkins/ Burton	75%
Smyths	20%
Bank	50%
Harveys	75%
River Island	75%
New Look	30%
Sports Direct	50%
Next	75%
H&M	75%
Laura Ashley	75%
Halfords	30%
CsL	30%
Sofa Works	30%
Mamas & Papas	30-50%
Oak Furniture	70%
Outfit	50%
Tessuti	30%

* Estimated mezzanine cover as a % of ground floor.

- 1.14 An application is currently being considered for the refurbishment of the retail park to improve the park and the quality of the environment for visitors. The application (Ref: 15F/0808) consists of the following elements:
- Demolition of Unit F (6,393sqm gross Class A1 floorspace including authorised 2,978sqm mezzanine)
 - Development of new cinema/restaurants building (4,582sqm cinema/2,933sqm restaurants) on the current Unit F site
 - Demolition of Unit 11A and 11B and part of existing B&Q unit (5,793sqm gross Class A1 floorspace) in the north east corner of the Park
 - Replacement of the 12,186sqm gross existing/authorised Class A1 floorspace that is to be demolished with 12,186sqm gross of new Class A1 floorspace in the north east corner of the site and mezzanine floorspace in Unit L4; Unit 4A/4B; and in Unit 5/6. No increase in Class A1 gross floorspace is proposed above existing/authorised levels; and
 - Development of customer services building with coffee shop (356sqm including 135sqm coffee shop)
- 1.15 It should be noted that this refurbishment application does not change the overall quantum of permitted Class A1 floorspace within the retail park.

1.0 Introduction

- 1.16 Vehicular access for shoppers is made from Speke Road with service access made from a separate access road to the east of the Park which then wraps around the Park to the rear of the retail units.
- 1.17 Access by public transport can be made via four bus stops on either side of Speke Road. Cycle racks are provided at the entrance of the Park with a shared pedestrian footpath and cycle lanes running along both sides of Speke Road.
- 1.18 In terms of the surrounding uses and character, land to the east and south is principally commercial and includes a Crowne Plaza hotel, David Lloyd Leisure Club and Damon's Restaurant; whilst land to the west is more residential leading towards Garston. John Lennon Airport is also situated to the south.

STRUCTURE OF STATEMENT

- 1.19 This Statement should be read in conjunction with the following documents submitted as part of the planning application:
 - i. Existing and Proposed Plans prepared by HLN Architecture and Engineering; and
 - ii. Transport Statement prepared by Motion
- 1.20 The following sections of this Statement are set out as follows:
 - **Section 2** sets out the planning history of New Mersey Shopping Park
 - **Section 3** details the application proposals
 - **Section 4** outlines the planning policy context
 - **Section 5** sets out the relevant evidence base
 - **Section 6** outlines precedent relevant to the proposals
 - **Section 7** sets out assessment of the sequential test
 - **Section 8** considers retail impact
 - **Section 9** considers the impact of the development on parking and traffic movements; and,
 - **Section 10** summarises and concludes.

2.0 Planning History

- 2.1 The Park has an extensive planning history and key permissions relating to the site and proposals are summarised below:

1 – PLANNING APPLICATION 04F/0431

- 2.2 In May 2004 a 'unifying' planning permission (LPA Ref: 04F/0431) was granted for development at the Park whose purpose and effect was to unify a number of previous planning permissions.
- 2.3 Condition 2 of this permission restricts the range of retail goods and size of some retail units at the Park as follows:

2.2(a) the development hereby approved shall not be used for the sale of food, clothing and footwear in so far as permitted by virtue of condition 2(b)

2(b) the retail development hereby approved shall allow units to be used for the primary purpose of the sale of (1) food, (2) clothing and/ or footwear subject to:-

- (i) The total area used for the sale of food within the retail park shall not exceed 10,000sqft (929sqm) gross internal at ground floor level. Any mezzanine floorspace provided in connection with food retailing shall be used for non-trading purposes only unless otherwise agreed in writing by the Planning Authority;*
- (ii) The total area use for the retail sale of clothing and footwear within the retail park shall not exceed 8,826sqm (95,000sqft) (gross internal) excluding non-trading floorspace;*
- (iii) In addition to (i) & (ii) above, the total area used for the sale of sportswear and sports footwear together with sports goods and recreational goods already permitted shall not exceed 3,252sqm (35,000sqft) (gross internal) excluding non-trading space; and*
- (iv) The total area used for the sale of clothing, footwear, sportswear and sports footwear shall not exceed 10,219sqm (110,000sqft) (gross internal) excluding non-trading floorspace.*

2(c) The retail development hereby approved shall not include any unit with a gross internal area of less than 750sqm (8,070sqft) except in so far as is permitted by virtue of condition 2(d)

2(d) No more than four Class A1 units shall have a gross internal area of less than 750sqm (8,070sqft) and the aggregate of such units shall not exceed 1,858sqm (20,000sqft) gross internal area.

2 – CERTIFICATE OF LAWFULNESS

- 2.4 Four Certificate of Lawfulness for the unrestricted sale of goods within use class A1 of the Schedule attached to the Use Classes Order were granted in August 2011 (Unit 1,2 & 2A - LPA Ref: 11LE/0975) (Units 10, 10A, 10B - LPA Ref: 11LE/0976) (Unit K2, K3 - LPA Ref: 11LE/0977) (Units 11 & 11A - LPA Ref: 11LE/0978).
- 2.5 The effect of these Certificates of Lawfulness was to confirm the pre-existing situation that 10 existing units (totalling 10,087sqm) at the Park no longer operated within the controls imposed by the consolidated 2004 permission (LPA Ref 04F/0431). Therefore the net sales floorspace at those existing clothing and footwear retailers -New Look, River

2.0 Planning History

Island, Clarks, Laura Ashley and Mamas & Papas- did not count towards the floorspace thresholds for clothing and footwear under condition 2 of the 2004 permission.

3 – PLANNING APPLICATION 11F/1940

- 2.6 Planning permission was granted in November 2011 'To install new mezzanine floor' (LPA Ref: 11F/1940) in unit 8b.
- 2.7 Use of the mezzanine floorspace was conditioned for use by Hennes and Mauritz (H&M) with the use of the mezzanine floor to revert to storage purposes and/ or staff amenity space if H&M were ever to cease trading from any part of the unit. Condition 4 of permission 11F/1940 carried forward the restrictions set out in condition 2 of the 2004 permission.

4 – PLANNING APPLICATION 15F/0808

- 2.8 As outlined in the previous section, an application was submitted in early April 2015 to redevelop Unit F and adjoining to "provide new cinema, restaurants, B&Q unit including relocation of builders yard, redevelopment of existing retail floorspace to provide new retail units mezzanine floorspace external alterations to shopfronts customer services centre with coffee shop, alterations to car park relocation of substation and associated landscaping" (Ref: 15F/0808). The application does not increase the total A1 floorspace permitted on the retail park. This application is still being determined at the time of submission and has been taken into consideration in the supporting Transport Statement.

3.0 Proposed Development

- 3.1 The application seeks full planning permission for:
Insertion of mezzanine floor.
- 3.2 Mezzanine floors are an established feature of units within the Park (as highlight in para 1.14, Table 1.1).
- 3.3 Unit L5 is currently occupied by Mothercare and it extends to 922sqm at ground floor and is of limited scale compared to other available units at the Park. In order improve consumer choice and remain competitive with other units benefiting from mezzanines on the park, it is proposed to install a 750sqm mezzanine floor within the unit. The proposal to insert a mezzanine floor is the most sustainable means of making the full product range accessible to customers.
- 3.4 The proposed mezzanine floor will be utilised for the sale of retail goods (Class A1) with an ancillary coffee shop use. Given the nature of the goods by Mothercare (including children's and maternity clothing, children's footwear, toys, furniture, pushchairs and car seats) the mezzanine floor will need to be unrestricted Class A1 use.
- 3.5 The total existing A1 floorspace at the Park is 54,720sqm GIA (including the recent mezzanine within the H&M unit approved under LPA Ref: 11F/1940) and the proposals represent a 1.37% increase in floorspace. The proposals will not therefore result in a material change in the scale of A1 floorspace of the Park and is considered consistent with the established character, role and function of the Park.
- 3.6 The proposals will not affect or trigger the type of retail goods and floorspace restrictions set out in Condition 2 of the 2004 permission. In-line with other permissions for additional A1 floorspace at the Park (for example LPA Ref: 11F/1940), if the City Council is minded to approve this mezzanine application, then the use of the proposed floorspace in terms of the range of goods can be controlled via a condition which cross-references to and re-applies condition 2 of the 2004 consolidated/unifying permission (LPA Ref: 04F/0431).
- 3.7 In terms of design, there are no external alterations associated with the proposed development and the external appearance and design of the unit within the Park will remain unchanged.
- 3.8 Regarding access, the mezzanine floor will be utilised as sales floorspace and will be publically accessible. It will be accessible to all through the incorporation of a goods and passenger lift, in addition to a flight of customer stairs towards the front of the mezzanine floor.
- 3.9 There are no proposals to increase car parking as the site is currently well provided for by the existing car park. However, the proposed redevelopment of the Park will provide a net increase of 197 parking spaces. Please see the Transport Statement for further details regarding this.

4.0 Planning Policy Context

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications is made in accordance with the development plan unless material considerations indicate otherwise.
- 4.2 The National Planning Policy Framework ("NPPF") confirms this approach, noting that the planning system is plan-led, with the development plan, which includes adopted Local Plans and neighbourhood plans, the starting point for the determination of any planning application.
- 4.3 In this case the development plan is formed of:
- Liverpool Unitary Development Plan (2002)
- Other material considerations include:
- The National Planning Policy Framework (2012)
 - The emerging Liverpool Local Plan
 - GL Hearn, Liverpool Retail and Commercial Leisure Study (2011)
- 4.4 We have reviewed these documents and consider the issues which need to be addressed are:
- The sequential assessment;
 - The impact test; and,
 - Transport
- 4.5 We address these issues in Sections 7 to 9, before conclusions in the final section.

5.0 Evidence Base

GL Hearn - Liverpool Retail and Commercial Leisure Study (2011)

- 5.1 GL Hearn (GLH) was commissioned by Liverpool City Council to prepare a review of the future retail and commercial leisure needs of Liverpool City Council's administrative area up to 2026.
- 5.2 The Study underpins retail policies within the Core Strategy (now superseded by preparation of the Liverpool Local Plan) and will assist in making informed decisions on retail development proposals and the Council's response to any retail applications that come forward over the plan period.
- 5.3 GLH undertook an assessment of comparison goods capacity which identified that the market share retention of comparison goods expenditure by facilities within the City and primarily the City Centre is some 71% of available expenditure within the study area. Comparing this market share turnover with the theoretical benchmark turnover of comparison floorspace indicated that in 2011, before consideration of comparison goods schemes, GLH identified that there was no capacity for additional comparison goods floorspace. In 2016, there remains negative capacity but by 2021, theoretical capacity before commitments would indicate a need for additional comparison goods floorspace able to absorb £307m worth of turnover.
- 5.4 GLH noted that there were a number of committed comparison shopping scheme including substantial comparison goods shopping floorspace at the Project Jennifer Scheme at Great Homer Street and redevelopment of Edge Lane Retail Park. Taking into account commitments, GLH identified that there was negative capacity at 2011 and 2016. By 2021 and 2026 as a result of the growth in population and increasing levels of consumer spending on comparison goods, the negative capacity situation is reversed and there is capacity for an additional £119m of comparison goods shopping floorspace. GLH considered that capacity at 2021 would support around 21,630sqm of comparison goods floorspace assuming a trading density of £5,500sqm.
- 5.5 GLH then considered comparison capacity by sub-sectors within the study area. New Mersey Shopping Park is located South Sub-Sector (Zones 9 and 10). GLH identified that the Liverpool South sub-sector has a trade retention of 56% in Zones 9 and 10 and when outflow from South Liverpool to the City Centre is taken into account, the combined retention rate is 84%. GLH note that the South sub-sector has a net inflow of turnover which is mainly attributable to the attraction of New Mersey Shopping Park which draws trade from a significant and wide area - approximately £207m at 2011 and £355m at 2021 is drawn from the rest of Liverpool (Zones 1-8).
- 5.6 GLH goes on to conclude that capacity for additional comparison goods shopping provision within the South sub-sector is large, even with regard to commitments. In 2011, capacity net of commitments was identified as £122m, increasing to £207m in 2016 and £328m in 2021. However, GLH notes that a very substantial element of this capacity is made up from the significant attraction and overtrading of New Mersey Shopping Park which 'in attracting shopping trips away from other parts of Liverpool is taking turnover which should legitimately and sustainably be captured more locally' (paragraph 5.70).
- 5.7 GLH advises (para 5.72):

'The significant capacity figures shown for South Liverpool area do not mean that it is appropriate to seek to allocate more floorspace to South Liverpool as this would potentially compound the already significant and unsustainable pattern of shopping trips originating from the Central and North sub-sectors to South Liverpool. If New Mersey Retail Park did not exert such a strong influence, trading patterns would be

5.0 Evidence Base

more balanced and the capacity shown to exist in South Liverpool arising from the overtrading of the Retail Park would be more evenly spread across the whole of the City...'

- 5.8 As part of the Retail and Leisure Study GLH also considered alternative scenarios for comparison goods retention and trade equalisation (broadly based on redistributing turnover capacity from New Mersey Shopping Park to the North and City Centre sub-sectors).
- 5.9 In concluding its assessment of capacity for additional retail floorspace in the South sub-sector, GLH state (para 8.15):

'..For comparison goods whilst there is substantial theoretical requirement for additional floorspace in South Liverpool, this does not arise directly from any unmet comparison goods shopping needs of residents, rather it is the consequence of the strong attraction and trading of New Mersey Retail Park....In dealing with the capacity identified for South Liverpool we consider it would be prudent to adopt a cautious approach. The delivery of Edge Lane and Great Homer Street will alter shopping patterns between South and Central Liverpool and these commitments should be allowed to come forward before any specific allocations are made. Any new comparison goods shopping floorspace coming forward over the short-term should be directed into existing and district and local centres and be of appropriate scale to those centres.'

6.0 Relevant Precedents

EDGE LANE RETAIL PARK

- 6.1 Outlined below is the approach to other out of centre retail development elsewhere in Liverpool.
- 6.2 Edge Lane Retail Park has the same policy status as New Mersey in that it is located out-of-centre and allocated as a Retail Warehouse Park in the adopted Liverpool UDP. Consequently we consider that the Council's approach and determination of this application, in particular with regards to the sequential test to be a material consideration for proposed development at Unit L5.
- 6.3 Planning permission. *'To develop land with a Mixed Use development comprising retail units, leisure units, and restaurants; together with associated car parking, landscaping, and external works'* at Edge Lane Retail Park was granted in September 2011 (LPA Ref: 10F/2235).
- 6.4 The proposals were made for comprehensive, phased redevelopment of the Retail Park to provide 47 new retail units providing a total of 56,117sqm GIA of comparison floorspace, leisure and other uses. The Committee Report dated December 2012 noted, *'...The Retail and leisure elements of the application propose a significant increase in the overall level of retail, leisure and food uses.'*
- 6.5 In terms of the sequential test, the Council accepted the applicant's submission that *'...synergistic benefits of providing retail and leisure uses in combination and that the critical mass, and therefore, the success of the scheme is dependent upon the combination of uses'.*
- 6.6 The Council also took into consideration the fact *'...the site is an established retail location, although not a recognised town centre; that consent exists for substantial increase in the floorspace at the existing park; and the site area was large (21.5 ha) and that notwithstanding issues over disaggregation there are no in centre or edge of centre sites capable of accommodating the overall development.'*
- 6.7 Overall the Council accepted the sequential assessment as the site was considered *'...the only site upon which the proposals can readily be achieved.'*
- 6.8 The Council's determination of large scale retail warehouse proposals at Edge Lane, demonstrates, in our view that the Council accept:
 - i. the complementary function of the identified Retail Warehouse Parks;
 - ii. that these Retail Warehouse Parks primarily compete with each other on a 'like for like' basis;
 - iii. that the City Centre is a vital and viable centre;
 - iv. that the City Centre, District and Local Centres will not experience significant effects from a significant Retail Warehouse proposal i.e. the Edge Lane scheme which will significantly change the scale, character, role and function of that Retail Warehouse Park;
 - v. that there are location-specific needs i.e. *'synergistic benefits'* that can justify additional retail development at Retail Warehouse Parks; and
 - vi. there are location-specific needs to accommodate smaller business models in Retail Warehouse Parks.
- 6.9 These factors have all been taken into account in the assessment of the proposal for the provision of 750sqm of floorspace at mezzanine level at Unit L5, at the Park.

6.0 Relevant Precedents

- 6.10 Subsequent applications for variation of conditions and phasing of development at Edge Lane have been approved in 2012 and 2013 under LPA Refs: 12F/2662 and 13F/0499 which have continued to accept the principle of retail development at this location.

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POLICY

UDP (2002)

- 7.1 The Liverpool UDP (2002) identifies three 'Retail Warehouse Parks' including New Mersey Shopping Park, Edge Lane Retail Park and Liver Retail Park.
- 7.2 **Paragraph 10.5** of the UDP recognises that Retail Warehouse Parks '*perform an important role in the shopping hierarchy*' and '*are in strategic and accessible locations, cater for a particular type of retailing, which may be difficult to locate in, or entirely inappropriate for either the City Centre or District Centres.*'
- 7.3 **Paragraph 10.7** of the UDP recognises the importance of maintaining the quality and attractiveness of '*all the City's shopping areas are attractive to shoppers and investors, and that an overall image of quality is maintained.*' i.e. including the application site/ New Mersey Shopping Park.
- 7.4 **Policy S11 (Retail Warehousing)** states that in addition to the City Centre, District Centre and Shopping Parks, proposals for retail warehousing will be permitted at Edge Lane Retail Park, New Mersey Retail Park and Liver Retail Park. Policy S11 goes on to state that except where extant planning permissions apply, in order to ensure that retail warehouse development does not subsequently change its character unacceptably and have a detrimental impact on the vitality and viability of other shopping centre, planning conditions may be implemented restricting: minimum size, type of goods, leisure and food and drink uses.
- 7.5 The supporting text to policy S11 notes that retail warehouse parks are viewed as complementary to the retail provision of traditional shopping centres, and that they should not compete directly or deflect trade and investment from established centres.
- 7.6 **Policy S12 (Out-of-Centre Retailing)** relates to out of centre retailing and states that retail development outside the City Centre Main Retail Area, Principle Development Area (PDA), the London Road Shopping Area, the District and Local Centres will only be permitted where a number of criteria has been met, including
 - *A sequential approach has been adopted which demonstrates that a suitable site is not available in or on the edge of the City Centre and other identified centres;*
- 7.7 The UDP goes on to advise at paragraphs 10.64 and 10.70 that where alternative locations within or adjacent to the City Centre Main Retail Area, London Road, the District Centres and Shopping Parks are precluded, the Plan proposes to concentrate further retail warehousing in the existing Retail Warehouse Parks. The complementary role of Retail Warehouse Parks to traditional shopping centres is also identified.
- 7.8 Notwithstanding the Park's designation as a Retail Warehouse Park, the application site is located out of centre for retail development in terms of the NPPF approach to town centres.

Liverpool Local Plan (Emerging Policy)

- 7.9 The Liverpool Local Plan is at an early stage of plan preparation with an initial consultation undertaken between December 2013 and 30 April 2014. As part of this, it is understood that the Local Plan will include policies from the Submission Draft Core Strategy (2012) which will be realigned to accord with the NPPF.
- 7.10 Of relevance to the proposed development is emerging Strategic Policy 22 (Out-of-Centre and Edge-of-Centre Retail and Leisure Facilities). Proposals for new retail or leisure

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floorspace including extensions and proposals to vary or remove conditions in respect of the type of goods sold outside defined centres over 500sqm gross in out-of-centre locations will need to demonstrate compliance with the sequential approach and that there would be no significant adverse impact on any identified centre within the City or adjacent authority.

- 7.11 Strategic Policy 22 goes on to state that the new and redeveloped retail and leisure facilities will be supported at Edge Lane Shopping Park. Whilst the existing role and function of New Mersey Shopping Park, Hunts Cross Shopping Park and Stonedale Crescent Shopping Park is recognised, Strategic Policy 22 makes clear that they are not regarded as ‘centres’ and therefore are not sustainable or priority locations for further development.
- 7.12 It should be noted that this policy has limited material weight when considering the proposed development.

NPPF (2012)

- 7.13 The NPPF requires local planning authorities to apply a sequential approach to planning applications for retail and leisure uses that are not in an existing centre and not in accordance with an up-to-date Local Plan and that in adopting this approach (paragraph 24):
- Local planning authorities should require main town centre uses to be in town centres, then in edge of centre locations, with out of centre sites considered only if suitable sites are not available in those locations;
 - When considering edge of centre and out of centre locations, preference should be given to accessible sites that are well connected to the town centre; and
 - Applicants and local authorities should demonstrate flexibility on issues such as format and scale.
- 7.14 Annex 2 of the NPPF sets out definitions for town centre, edge of centre, out of centre and out of town retail locations with edge of centre locations defined as *“For retail purposes, a location that is well connected and up to 300m of the primary shopping area”*.

NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)

- 7.15 The NPPG sets out how the tests within NPPF are to be interpreted and implemented with the PPS4 practice guidance withdrawn. The main headline points relevant to assessment of the application proposals are set out below.

Sequential

- 7.16 The NPPG provides a ‘checklist’ of considerations that should be taken into account in determining whether a proposal complies with the sequential test, including:
- With due regard to the requirement to demonstrate flexibility, has the suitability of more central sites to accommodate the proposal been considered? Where the proposal would be located in an edge of centre or out of centre location, preference should be given to accessible sites that are well connected to the town centre. Any associated reasoning should be set out clearly.
 - Is there scope for flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but

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rather to consider what contribution more central sites are able to make individually to accommodate the proposal

- 7.17 The NPPG specifies that it is for the applicant to demonstrate compliance with the sequential test. Whilst the guidance details that there are locational and market requirements of certain town centre uses which mean that they may only be accommodated in specific locations (land ownership excepted), ultimately, if there are suitable sequentially preferable locations then the sequential test is failed (or vice-versa).

Relevant Case Law – Tesco v Dundee CC Case (2012)

- 7.18 The NPPF in particular (para. 24) identifies that both local planning authorities and applicants should demonstrate flexibility on issues such as format and scale in completing the sequential assessment. Following the publication of the NPPF, there is no longer any policy requirement to consider disaggregation when applying the sequential approach. The NPPF (paragraph 24) states that in demonstrating flexibility this should be on issues such as format and scale and not explicitly disaggregation. This is reflected in an appeal decision in Newark, Nottinghamshire¹ where the Inspector's Report (para. 42) stated that:

"...whilst the Framework calls for flexibility from appellants and local planning authorities when considering the format and scale of a development proposal, there is no policy requirement for disaggregation".

- 7.19 This premise is supported by the Tesco Stores v Dundee City Council Supreme Court judgement which specified the following in terms of suitability when applying the sequential approach:

- **Paragraph 37** – "it is the proposal for which the developer seeks permission that has to be considered when the question is asked whether no suitable site is available within or on the edge of the town centre".
- **Paragraph 38** – "the issue of suitability is directed at the developer's proposals, not some alternative scheme which may be suggested...these criteria are designed for use in the real world in which developers wish to operate, not some artificial world in which they have no interest in doing so".
- **Paragraphs 28 – 29** – "to refuse an out-of-centre planning consent on the ground that an admittedly smaller site is available within the town centre may take an entirely inappropriate business decision on behalf of the developer...the question remains whether an alternative site is suitable for the proposed development, not whether the proposed development can be altered or reduced so that it can be made to fit an alternative site".

- 7.20 Whilst the Judgement concerned the Scottish Version of the sequential test, the wording of the test, including the key word 'suitable' is common in the NPPF and this judgement is relevant in determining applications in England. This is reflected by recent decisions, including Sheffield, Malton (North Yorkshire)² and particularly Rushden³. In respect of the latter decision, it is important to note that the Inspector's Report (para. 8.43) detailed that:

¹ PINS ref: APP/B3030/A/12/2174284

² PINS refs: APP/J4423/A13/2189893 and APP/Y2736/A12/2174677 respectively

³ PINS ref: APP/G2815/V/12/2190175

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“The Supreme Court has told us in Dundee what ‘suitable’ means and it has expressly rejected the notion that ‘suitable’ means that one should alter or reduce the proposal so as to fit onto an alternative site”.

- 7.21 In light of the Supreme Court Judgement and subsequent appeal decisions, when applying the sequential approach it is necessary to only access alternative sites that are capable of accommodating the type of development being proposed.

COMMENTARY

Location Specific Needs of the Proposals

- 7.22 As set out earlier in this section, the policy support for New Mersey Shopping Park as a complementary shopping destination in the Liverpool UDP arises from the fact that the Council has recognised that there is a location-specific need to support economic development in Speke/ Garston due to local deprivation and the recognition that the Park performs an important role in providing customer choice in shopping facilities and in providing local employment. The City Council has also recognised in the UDP that there are retail business models that require co-location in Retail Warehouse Parks and this co-location requirement is an important justification for the Park as it has attracted investment by national multiple retailers and bulky goods retailers that may not have otherwise have been accommodated in South sub-sector of Liverpool.
- 7.23 The publication of the NPPF in 2012 and its emphasis on sustainable development and economic growth in our view reinforces the merits of the proposals and its contribution to sustainable development in Speke/ Garston.
- 7.24 The Speke/Garston area remains one of the most deprived areas in Liverpool and the Park continues to have an important and ongoing role in the local area both in terms of investment and local employment.
- 7.25 The application proposals seek very limited additional retail floorspace at the Shopping Park as part of the future planning, vitality and viability of the New Mersey Shopping Park. It is considered that there are legitimate considerations of the benefits of co-location (or ‘synergistic benefits’ as noted in the Committee Report for the redevelopment application of Edge Lane Retail Park) which present a location specific need for national multiple retailers to locate particular business models at the Park if they are to invest and located in this part of Liverpool.
- 7.26 The fact that the proposal for additional floorspace is within an existing retail unit which will improve take up of unit L5 by a new tenant when the existing occupier of the unit vacates, is considered to present a further location-specific need to accommodate the additional floorspace being sought at the Park.
- 7.27 These types of location specific considerations have been accepted by Liverpool City Council in its review of the sequential assessment submitted in support of application LPA Ref: 10F/2235 at Edge Lane Retail Park.
- 7.28 The recently published Planning Practice Guidance states: *‘Promoting new development in town and city centre locations can be more expensive and complicated than building elsewhere. This means that LPAs need to also be flexible and realistic in terms of their expectations’* (previously para 6.29 of the CLG Practice Guidance).

7.0 Issue 1 – Sequential Assessment

- 7.29 The proposed 750sqm mezzanine floor within the existing unit L5 will create a new single unit of 1,710sqm likely to be required by the retailer to display its goods and accommodate necessary back of house storage and ancillary areas.
- 7.30 The additional floorspace is to be used for retail only and the installation of a mezzanine within an existing unit is a simple, fast and cost-effective method of creating new retail floorspace without having to bear the cost of constructing an entirely new unit which would necessitate groundwork, new foundations, external walls and shopfronts, servicing provision and possibly car parking and vehicle access.

Scope for Disaggregation

- 7.31 As set out in *Tesco v Dundee CC* and appeal decisions thereafter, there is no requirement to disaggregate a proposal. In this instance, the scope of the sequential assessment is based on a search of more centrally located sites / units (relative to the application site) which could accommodate the proposed entire Mothercare operation (ground floor sales of 922sqm (GIA) plus mezzanine of 750sqm).
- 7.32 It is not possible to disaggregate the mezzanine element of the wider operation, given that it is inextricably linked to the Mothercare operation in the rest of the unit.
- 7.33 It follows that the proposed mezzanine floorspace can only realistically trade from within the existing Mothercare store; the operator would not countenance trading the mezzanine as a separate operation. The sequential assessment is therefore based on the availability of a unit within a minimum floorspace size of 1710sqm (gross).

Assessment of Availability, Suitability and Viability

- 7.34 Our Assessment of availability, suitability and viability follows the advice in the Practice Guidance. We start from the position that unit L5 at New Mersey Shopping Park is available and suitable and that development for additional retail floorspace is viable.

Order of Search

- 7.35 As part of the assessment of alternative sites, the following District Centres (as identified in the Liverpool UDP (2002) have been considered:
- Aigburth Road;
 - Allerton Road;
 - Belle Vale;
 - Garston;
 - Halewood;
 - Smithdown Road South;
 - Speke;
 - Wavertree High Street; and
 - Woolton.
- 7.36 The above list has also been informed by a review of the spending patterns and trade draw of the Retail Park as shown in the 2011 Retail Study. Given the spatial distribution of retail warehouse parks across the city (Edge Lane serving Central and East Liverpool in particular); the sequential site search exercise is based on South Liverpool.

7.0 Issue 1 – Sequential Assessment

- 7.37 Local Centres identified under Liverpool UDP policy S6 have not been assessed on the basis that the scale of the unit that would be created once the mezzanine floor is installed (total 750sqm) would be too large and of an inappropriate scale for Local Centres; and potentially providing a scale of comparison goods well above that appropriate to the position of these centres in the Liverpool centre hierarchy.

1. District Centres

Aigburth Road

- 7.38 Aigburth Road is a long linear district centre focused primarily on the south side of the A561 to the south-east of the City Centre close to Sefton Park.
- 7.39 The largest units in the District Centre are occupied by Tesco Metro, Home Bargains and Heron Foods. At the time of the site visit there were a number of small vacant units, however, there are no available, suitable or viable units within, or on the edge of the district centre able to accommodate the proposed mezzanine floorspace. The table below identifies the current vacant units of the centre.

Table 7.1 Aigburth Road Vacancies

Centre Vacancy Survey 7 May 2015

ADDRESS OF VACANCY	AREA (SQM)	ESTATE AGENTS	COMMENTS
64 Aigburth Road	64		
68 Aigburth Road	73		
88 Aigburth Road	59		
98 Aigburth Road	28		
106 Aigburth Road	80		
108 Aigburth Road	69		
126 Aigburth Road	70		
134 Aigburth Road	45	Hitchcock and Wright	Under offer
170 Aigburth Road	60	Venmore	
168 Aigburth Road	200		
214 Aigburth Road	90		
Vacant site	2.68 acres	Legat Owen	Planning permission for 37 dwellings

- 7.40 It should also be noted that Aigburth Road is re-classified from a District Centres in the Liverpool UDP to a Local Centre in the Submission Draft Core Strategy and the proposed mezzanine floorspace may be considered inappropriate in scale relative to the centre's position in the proposed/new Liverpool centre hierarchy.
- 7.41 In summary there are no sequential sites for the proposed development in Aigburth Road District Centre.

Allerton Road

- 7.42 Allerton Road is one of the largest district centres in Liverpool and extends along Smithdown Road and Allerton Road. The centre comprises 205 units. A Tesco store is located on its southern end on an edge of centre site. The table below outlines the current vacancies of the centre.

7.0 Issue 1 – Sequential Assessment

Table 7.2 Allerton Road Vacancies

Centre Vacancy Survey 7 May 2015

ADDRESS OF VACANCY	AREA (SQM)	ESTATE AGENTS	COMMENTS
370 Smithdown Road	60	No board	Vacant A1 unit
617 Smithdown Road	51	Venmore	Former A5 use
619 Smithdown Road	71	No board	Redevelopment site undertaking works former A1
3-5 Church Road	147	MR Real Estate board up	Former restaurant (A3) not advertised on company website and no particulars available.
Smithdown Place		No board	No information
114 Penny Lane	80	No board	No information
110 Penny Lane	60	No board	No information
32 Allerton Road	98	Venmore	Application received according to Venmore website 11.5.15. Unit no longer available.
1 Allerton Road	160	No Board	No information
78 Allerton Road	46	Hitchcock and Wright	Under Offer with Hitchcock and Wright
80 Allerton Road	92	Sutton Kersh	Available.
164 Allerton Road	250	No board	No information
97 Allerton Road	150	Storeys Edward Symmons Ltd and ES (Group) Ltd	A1, A2 and A3 use.
105-107 Allerton Road	65	GVA	No information
153 Allerton Road	57	Sutton Kersh	Former pharmacy
182 Allerton Road	128	RBI Assets	Ground floor and mezz A3 use
184 Allerton Road	128	RBI Assets / Symmons	Ground floor and mezz A3 use
190 Allerton Road	128	RBI Assets	Ground floor and mezz A3 use
195 Allerton Road	90	Venmore	

- 7.43 There are 19 vacant units in the District Centre. The majority of these are traditional single frontage retail units which are significantly smaller than the proposal. The largest potential sites/ units in the centre are the Allerton library, Police station and fire station. However, these are all in active use and therefore unavailable for potential redevelopment.
- 7.44 Additionally, construction is underway for a new build mixed use development on Smithdown Road, between Dubbingston Avenue and Cramond Avenue (LPA ref 13F/1351). This development will create a three storey mixed use development of four ground floor commercial units (totalling 481sqm) and 38 student rooms and communal areas on upper floors. The ground floor commercial space, were it amalgamated would still be less than the proposed floorspace and therefore this new development is not considered suitable.
- 7.45 The centre is also considered unsuitable for proposed development as there is limited dedicated parking available. The 2009 GL Hearn Study of District Centres and Local Shopping Centres noted that there was limited availability of parking in the centre and it identified issues with shoppers parking on side streets. Additional parking is provided at the new retail development of Penny Lane Shopping Centre.

7.0 Issue 1 – Sequential Assessment

- 7.46 In summary there are no sequential sites for the proposed development in Allerton Road District Centre.

Belle Vale

- 7.47 Belle Vale district centre comprises the covered Belle Vale Shopping Centre and a Morrisons supermarket to the east of Liverpool City Centre.
- 7.48 The centre contains 57 units. The Belle Vale centre is anchored by a Morrison's supermarket and other, predominantly value-led national multiple retailers including New Look, Wilkinsons, B&M, Home Bargains and Argos. The table below outlines the current vacancies of the centre.

Table 7.3 Belle Vale Vacancies

CBRE Centre Survey 7 May 2015

ADDRESS	AREA (SQM)	ESTATE AGENTS	COMMENTS
Unit 4a	105	Tushingham Moore	
Unit 4b	105	Richard Lucas	
Unit 6	57	DTZ	
Unit 7	61	Richard Lucas	
Unit 11-12	117	Tushingham Moore	
Unit 13	57	Richard Lucas	
Unit 16	127	Richard Lucas	
Unit c	131	DTZ	
Unit 23	100	Richard Lucas	
Unit 26a	114	DTZ	

- 7.49 There are 10 vacant units within the Belle Vale Shopping Centre being let by agents DTZ, Richard Lucas and Tushingham Moore. The largest available unit (26A) extends to only 131sqm. This unit is too small and would not be suitable for the proposed floorspace and therefore can be discounted as a sequentially preferable site.
- 7.50 There is an edge of centre development site being actively marketed, the Belle Vale Business Centre of 665sqm and 27 car parking spaces. The unit is not currently in retail use. Again this is not considered suitable for the proposed development. There are location specific needs of the proposals and Mothercare require to sell a full range of products. The unit would not allow for this to happen.
- 7.51 In summary there are no sequential sites for the proposed development in Belle Vale District Centre.

Garston

- 7.52 Garston is a linear district centre located on St Mary's Road/ Speke Road to the south west of the city centre. Garston is the nearest district centre to New Mersey Shopping Park.
- 7.53 Garston comprises of 138 units and is anchored by a Dunelm Mill and Asda Supermarket, located at either ends of the retail centre. The centre has a number of national multiple retailers but is dominated by small independent retailers. Other services at the centre includes a Lloyds bank, Iceland foodstore, post office, job centre, Police station, Garston community house, Children's Play Centre and a family health centre. The table below sets out the current vacancies of the centre.

7.0 Issue 1 – Sequential Assessment

Table 7.4 Garston Shopping Centre Vacancies

CBRE Survey 7 May 2015

ADDRESS	AREA (SQM)	ESTATE AGENT	COMMENTS
Holly Court, 41-47 Speke Road	4 x ground floor units ranging from 49sqm – 80sqm	Sutton Kersh	New built ground floor commercial units.
Holly Court, 37-39 Speke Road-	73	Tushingham Moore	New build ground floor commercial units
29 Church Road	28	Sutton Kersh	
Church Road	27	Marshall	
23 St Mary's Road	65		
25-27 St Mary's Road	167		
28 St Mary's Road	28	Liverpool Residential	
7-31 St Mary's Road	2,788	Tushingham Moore	Former Cooperative store
50-54 St Mary's Road	208		
76-78 St Mary's Road	176		
77 St Mary's Road	80		
88-90 St Mary's Road	136		
95 St Mary's Road	51	Venmore	
102 St Mary's Road	100		
103 St Mary's Road	282		
112-114 St Mary's Road	236		
124-126 St Mary's Road	185		
132 St Mary's Road	80		

- 7.54 The centre has a higher vacancy rate particularly along St Mary's Road, which comprises predominantly small ground floor units within terraced properties. These units could not however accommodate the proposed mezzanine floorspace within one ground floor unit. There are no vacant units which are suitable for the proposed development.
- 7.55 Within the centre are a number of development sites, including a 0.74 acre site with expired outline planning permission for mixed use development comprising of 68 apartments and 6 retail units. This site is located at the eastern area of the centre and comprises of a predominately cleared site with primary frontage on Speke Road, opposite the Iceland and Garston Market car park. The site would be too large and therefore can be discounted as it won't be suitable for the proposed development.
- 7.56 Additionally, the recently vacated Co-operative foodstore site, 7-31 St Mary's Road off Woodger Street, is being marketed by Tushingham Moore. This A1 site comprises 2,788sqm. It is not considered suitable for the proposals due to its size. Even when considering the total floorspace, the unit would be too large.
- 7.57 The Garston Masterplan acknowledges the poor quality environment of this shopping centre and proposes solutions to reinvigorate the centre. Such measures include the consolidation of the centre, alternative community uses for vacant units and temporary uses. Such options are considered to assist in the re-establishment of the centre.
- 7.58 There are location specific needs for the proposals to be located at New Mersey Shopping Park which already includes a number of large format stores for national multiples and

7.0 Issue 1 – Sequential Assessment

bulky goods retailers as well as dedicated parking and servicing required by bulky goods retailers.

- 7.59 It should also be noted that Garston is re-classified from a District Centres in the Liverpool UDP to a Local Centre in the Submission Draft Core Strategy and the proposed mezzanine floorspace may be considered inappropriate in scale relative to the centre's position in the proposed/ new Liverpool centre hierarchy.
- 7.60 In summary there are no sequential sites for the proposed development in Garston District Centre.

Halewood

- 7.61 Halewood is a new centre located east of Liverpool City Centre and built by Neptune. The centre is well represented by national operators including Aldi, Tesco Express, Home Bargains and Iceland.
- 7.62 The centre comprises a total of 14 units of which there are no vacancies.

Smithdown Road South

- 7.63 Smithdown Road South district centre is located to the south east of the city centre.
- 7.64 The centre comprises of 171 units and is anchored by an ASDA, Tesco Express and Aldi.
- 7.65 The 2009 GL Hearn Study of District Centre and Local Shopping Centres noted that there were limited national multiples with the centre dominated by independent retailers. GL Hearn also identified that the centre lacks focus with varied environmental quality and with available parking focused in the store car parks along the western end of the centre. The eastern end of the centre was considered to lack car parking provision and that retailing in this area suffers as result. From the centre visit undertaken by CBRE this view remains the same with the eastern part of the centre devoid of parking provision. The current vacancies of the centre are detailed in the table below.

Table 7.5 Smithdown Road South Vacancies

Centre Vacancy Survey 7 May 2015

ADDRESS	SIZE	ESTATE AGENT	COMMENTS
358 Smithdown Road	75	Hitchcock Wright and Partners	
144 Smithdown Road	64	Beech properties	
172 Smithdown Road	43	Sutton Kersh auction	16/04/2015 auction date
178 Smithdown Road	76	Sutton Kersh	
385 – 387 Smithdown Road	46	Sutton Kersh Auction	16/04/2015 auction – currently available
190 Smithdown Road	75	Venmore	
194 Smithdown Road	90	Wavertree Property Link	No information on the website
270 – 272 Smithdown Road	154	Sutton Kersh	Under offer
Former Motor World Unit, Smithdown Road	458	Trafford Oliver Ltd	Available again following abortive negotiations

- 7.66 There are location specific needs for the proposals to be located at New Mersey Shopping Park which already includes a number of large format stores for national multiples and bulky goods retailers as well as dedicated parking and servicing required by bulky goods retailers. Accordingly it is considered that there are no available, suitable or viable sites

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within or on the edge of Smithdown Road district centre. The size of the vacant units would not be suitable for the level of floorspace proposed.

- 7.67 In summary there are no sequential sites for the proposed development in Smithdown Road South District Centre.

Speke

- 7.68 Speke district centre is located off Speke Boulevard to the south east of the city centre.
- 7.69 The 2009 GL Hearn Study of District Centre and Local Shopping Centres noted that the centre is a new build centre which has been relocated to the former site of Speke Park. From the CBRE centre survey there is a single vacancy within the centre, Unit 3 at 454sqm supporting the view that this centre is healthy.
- 7.70 The district centre comprises of a Morrison's foodstore, four retail warehouse and local shop units, and is located adjacent to the Parklands Complex which includes a school, community centre, library and Liverpool City Council One Stop Shop. The centre is provided with a 728 space central car park and includes a bus station.
- 7.71 The 2009 GL Hearn Study of District Centre and Local Shopping Centres considered that Speke district centre has a more limited local catchment than a number of district centres, reflecting its location, land use and development densities.
- 7.72 It is considered that there are no available sites within or on the edge of the district centre. The site is not considered suitable or viable for the proposed mezzanine development as there are site specific needs for the proposals to be located at New Mersey Shopping Park and development elsewhere will not enable re-let of unit L5 when Mothercare vacates the unit in 2014.
- 7.73 In summary there are no sequential sites for the proposed development in Speke Road South District Centre.

Wavertree High Street

- 7.74 Wavertree High Street district centre is located on the B5178 to the south east of the city centre.
- 7.75 The centre comprises of 156 units with limited representation by national multiples. The 2009 GL Hearn Study of District Centre and Local Shopping Centres noted that the centre lacks some of the basic facilities that might be expected for a district centre of its size and that car parking is generally limited and consisting mainly of on-street parking. From the CBRE centre survey two national retailers, Tesco Express and a Co-operative foodstore are now represented within the centre at the eastern area of the centre. The current vacancies of the centre are detailed in the table below.

Table 7.6 Wavertree High Street Vacancies

CBRE Centre survey 7 May 2015

ADDRESS	AREA (SQM)	ESTATE AGENTS	COMMENTS
23 High Street	149		
Former Bingo Hall and Snooker Club	984	Mason and Partners	
4 High Street	69	Mason and Partners	
27 High Street	74		
270-272 Picton Road	110		

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195 Picton Road	41	Liverpool Property Solutions	Building for sale including 4 bed property above
PFS site Picton Road	688		
155 – 157 Picton Road	112		
127- 131 Picton Road	371	Sutton Kursh	Building including upper floors for sale
105 Picton Road	55		

- 7.76 The centre has a low vacancy rate for district centres in the Liverpool area and there are no available vacant units that could accommodate the quantum of floorspace proposed at unit L5, New Mersey Shopping Park.
- 7.77 There are location specific needs for the proposals to be located at New Mersey Shopping Park and Wavertree High Street is considered unsuitable and unviable for the proposed development.
- 7.78 Wavertree High Street is re-classified as a Local Centre in the Submission Draft Core Strategy and the proposed mezzanine floorspace may be considered inappropriate in scale relative to the centre's position in the proposed/new Liverpool centre hierarchy.
- 7.79 In summary there are no sequential sites for the proposed development in Wavertree High Street District Centre.

Woolton

- 7.80 Woolton district centre is located to the south east of Liverpool city centre close to the A562.
- 7.81 The centre comprises of 89 units and is anchored by a Sainsbury's supermarket. There is also a Tesco store located edge of centre to the district centre.
- 7.82 The 2009 GL Hearn Study of District Centre and Local Shopping Centres identified that the centre has a below average proportion of A1 floorspace with limited national multiples. From our centre visit it is confirmed that there are a high representation of service uses including banks, hairdressers and estate agents. Vacancies within the centre are low and limited to a single double unit on Allerton Road consisting of 65sqm. This is too small to accommodate the proposed development and therefore can be discounted.

Table 7.7 Woolton District Centre Vacancies

CBRE Centre survey 7 May 2015

ADDRESS	AREA (SQM)	ESTATE AGENT	COMMENTS
5-7 Allerton Road	65	Mason Owen	

- 7.83 There are location specific needs for the proposals to be located at New Mersey Shopping Park and Woolton district centre is considered unsuitable and unviable for the proposed development due to the limited proportion of A1 floorspace and representation by national multiples and the limited provision of parking within the retail core of the centre.
- 7.84 In summary there are no sequential sites for the proposed development in Woolton District Centre.

7.0 Issue 1 – Sequential Assessment

CONCLUSIONS ON THE SEQUENTIAL ASSESSMENT

- 7.85 There are location specific needs for the proposals which seek limited additional retail floorspace at the Park as part of its future planning, vitality and viability. Furthermore, as outlined earlier in the report, the operator will not disaggregate the total floorspace and therefore when assessing sites the whole Mothercare operation (existing plus mezzanine) needs to be taken into consideration.
- 7.86 It is considered that there are legitimate considerations of the benefits of co-location (or 'synergistic benefits' as noted in the Committee Report for the redevelopment application of Edge Lane Retail Park) which present a location specific need for national multiple retailers to locate particular business models at the Park if they are to invest and located in this part of Liverpool.
- 7.87 The proposals are made for additional floorspace within an existing retail unit which will improve potential take up of unit L5 by a new retailer when the existing occupier of the unit vacates.
- 7.88 The proposed 750sqm mezzanine floor within the existing unit L5 will create a new single unit of 1,710sqm which is required to display a full range of goods and accommodate necessary back of house storage and ancillary areas.
- 7.89 The additional floorspace is proposed to be used for retail only and the installation of a mezzanine within the an existing unit is a simple, fast and cost-effective method of creating new retail floorspace without having to bear the cost of constructing an entirely new unit which would necessitate groundwork, new foundations, external walls and shopfronts, servicing provision and possibly car parking and vehicle access.
- 7.90 This section demonstrates that in applying a flexible approach to the sequential assessment there are no sequentially preferable alternative sites within identified District Centres. The proposal accords with the NPPF sequential test.

8.0 Issue 2 – The Impact Test

POLICY

UDP (2002)

- 8.1 **Policy S12 (Out-of-Centre Retailing)** relates to out of centre retailing and states that retail development outside the City Centre Main Retail Area, Principle Development Area (PDA), the London Road Shopping Area, the District and Local Centres will only be permitted where a number of criteria has been met, including:
- *It can be demonstrated that the proposal either by itself or in conjunction with other proposals does not undermine the vitality and viability of any identified centre;*
 - *There is a need for the level of development proposed;*

NPPF (2012)

- 8.2 The NPPF outlines that local planning authorities should require an impact assessment of all retail, leisure and office development that is:
- Outside of town centres; and
 - Not in accordance with an up to date Local Plan; and
 - Over a proportionate, locally set floorspace threshold (or, if there is no locally set threshold, over 2,500sqm).
- 8.3 It explains that this should include an assessment of:
- The impact of the proposal on existing, committee and planned public and private investment in a centre or centres in the catchment area of the proposal; and
 - The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five year from the time of the application is made (or ten years for major schemes).

NPPG

Impact

- 8.4 In terms of impact, the NPPG details the following:
- **When should the impact test be used;** the NPPG states that as a guiding principle, impact should be assessed on a **like-for-like** basis as;
 - It may not be appropriate to compare the impact of an out of centre DIY store with small scale town-centre stores as they would normally not compete directly.
 - Retail uses tend to compete with their most comparable competitive facilities.
 - Assessing the impact of relevant application on town centre developments or investments in progress; key considerations include:
 - The policy status of the investment (i.e. whether it is outlined in the Development Plan);
 - The progress made towards securing the investment (for example if contracts are established); and

8.0 Issue 2 – The Impact Test

- The extent to which an application is likely to undermine planned developments or investments based on the effects on current / forecast turnovers, operator demand and investor confidence.

8.5 In applying the impact test in a development management (decision taking) capacity, the NPPG sets out a number of key steps, including examining a 'no development' scenario. The guidance also specifies that a judgement as to whether the likely adverse impacts are significant can only be reached in light of local circumstances. Where evidence shows that there would be no likely significant impact on a town centre from an edge of centre or out of centre proposal, the guidance directs LPAs to consider all other material considerations in determining the application, as it would for any other development.

COMMENTARY

- 8.6 The proposal will ensure that the Park remains a competitive and attractive retail destination and will help improve customer choice to meet the demand for shopping at larger format retail units within this established Shopping Park.
- 8.7 Liverpool City Council does not have locally set thresholds for when retail impact needs to be assessed in adopted policy. Whilst an emerging policy does suggest a threshold of 500sqm, this is not adopted and has yet to be subject to examination (e.g. unresolved objections not tested). Therefore, no material weight can be placed on the emerging threshold in the determination of the application. Moreover, the proposed development falls well below the 2,500sqm threshold articulated in the NPPF.
- 8.8 There is, therefore, no requirement for an impact assessment in this instance.

9.0 Issue 3 - Transport

POLICY

UDP (2002)

- 9.1 **Policy T6 (Cycling)** of the UDP outlines that all development needs to ensure that secure parking facilities are provided at locations regularly visited by the public and requiring new developments to provide secure cycle parking facilities.
- 9.2 **Policy T7 (Walking and pedestrians)** sets out that development needs to give consideration to the provision of safe and convenient walking routes through all major development and redevelopments sites.
- 9.3 **Policy T12 (Car parking provision in new developments)** outlines all new development including change of use, which will generate a demand for car parking will be required to make provision for car parking on site, to meet the minimum operational needs of the development.
- 9.4 **Policy T13 (Car parking for the disabled)** sets out a minimum of 6% of the first hundred parking spaces in a development should be reserved for Blue Badge holders.

NPPF (2012)

- 9.5 **Paragraph 32** of the NPPF outlines that planning policies and decisions should consider whether:
 - The opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure.
 - Safe and suitable access to the site can be achieved for all people.
- 9.6 **Paragraph 35** of the NPPF outlines that developments should be located and designed where practical to:
 - Accommodate the efficient delivery of goods and supplies;
 - Give priority to pedestrian and cycle movements, and have access to high quality public transport facilities.

COMMENTARY

- 9.7 The proposals do not include any changes to the existing car parking provision at the park.
- 9.8 A Transport Statement has been prepared and is submitted with the application which shows the following:
 - The store is located on an established retail park, which is accessible by a choice of travel modes including foot, cycle and public transport;
 - The additional floor area is not expected to result in a pro-rata increase in customers and as a result the increase in peak hour traffic movements will be negligible. It is expected that the increases equate to just one additional vehicle per 20 minutes on Fridays and on per 7 minutes at the weekend. This is as to be expected given that the store is located within an established retail area with several complementary units in close proximity increases the opportunity for linked trips to occur; and,
 - The increase in car parking demand would not be material, particularly when taking account of the significant existing parking supply and spare capacity on the site. From the survey result, found at Appendix B of the Transport Statement, there is significant

9.0 Issue 3 - Transport

space capacity within the car park with highest demand of 1,929 utilising 95% of the available car parking, and the Park will continue to operate with residual parking capacity.

- 9.9 The statement demonstrates that the proposals of additional retail floorspace will not lead to a material impact upon the existing transport infrastructure. There is no transport related points why the proposals should be resisted. Accordingly, the proposals are in accordance with the NPPF and policies T6, T7, T12 and T13 of the UDP.

10.0 Conclusion

- 10.1 CBRE Planning has been instructed by Mothercare UK Limited to prepare this statement to support the proposals at Unit L5, New Mersey Shopping Park, Speke for the insertion of mezzanine floor. The application seeks permission for:

Insertion of mezzanine floor.

- 10.2 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires determination of proposals in accordance with the adopted statutory development plan unless material considerations indicated otherwise. The Council can attribute significant weight in its overall assessment to the following:

- **NPPF SEQUENTIAL COMPLIANCE;** in accordance with the assessment parameters established in recent case law (Tesco Dundee) there are no available or suitable units or sites within identified centres to accommodate the floorspace proposed.
- **DISAGGREGATION;** there is no explicit (policy or law-based) requirement to demonstrate disaggregation. It is not possible to disaggregate the mezzanine element of the wider operation given that it is inextricably linked to the Mothercare operation in the rest of the unit.
- **NPPF - IMPACT TESTS;** the City Council does not have a locally set threshold and the proposal falls well below the threshold set in national policy. No impact assessment is therefore required in support of the application.
- **JOB GENERATION;** the proposals will create a net increase of jobs.

- 10.3 Overall, it is concluded that the proposals accord with the provisions of the statutory development plan. We therefore request that planning permission be granted.