



PLANNING & RETAIL ASSESSMENT

**FORMER CARCRAFT SITE & HOME
BARGAINS TRAINING CENTRE, AXIS
BUSINESS PARK, PORTAL WAY,
LIVERPOOL, L11 0JA**

T J MORRIS LIMITED

December 2015

Our Ref: Q60192

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Documents

1. Site Location Plan (ref. 5834-120)
2. Decision Notice & S106 Agreement (ref. 07F/2969)
3. Pre-application meeting request submission
4. Appeal Decision (ref. APP/G2815/V/12/2190175)
5. Retail Impact Tables

1 INTRODUCTION

1.1 This Planning and Retail Assessment (PRA) has been prepared by Quod, on behalf of T J Morris Limited ('TJM'), in support of a full planning application for a change of use to the existing Home Bargains ('HB') Training Centre to offices (Class B1) and the change of use and conversion of a car hypermarket building (*sui generis*) to provide 3no. units, one of which will be occupied by HB to provide their new, improved and larger Training Centre, and 2no. retail units both providing a bulky goods offer (Class A1). Specifically, planning permission is sought for the following development:

“Conversion of existing training centre to offices (Class B1); change of use and conversion of car hypermarket building (*sui generis*) to provide 3no. units: a training centre with associated accommodation at first and second floor levels and 2no. bulky goods retail units (class A1); with associated alterations to the building and site layout including creation of external display area, revised parking and servicing arrangements and new access off Portal Way roundabout.”

1.2 One of the three newly created units will be taken up by the new Home Bargains Training Centre, which is the trading name of TJM. The intention is to have HB occupy the first unit which will have a ground floor area of 3,657 square metres (GIA) and a 929 square metres garden centre and outside storage yard. Consistent with the existing Training Centre, first and second floor overnight accommodation is also proposed, which will extend to 871 square metres for each floor. The redeveloped unit will provide a HB with a new and improved Training Centre which will satisfy the retailer's commercial and design requirements to be able to train new members of staff within a 'live' Home Bargains store. The balance of the former Carcraft sit will be converted into 2no. bulky goods retail units (Class A1) (Unit A & Unit B), extending to 2,035 and 2,062 square metres, respectively.

1.3 TJM has acquired the freehold of the former Carcraft site which extends beyond the application site boundary given the extensive car parking that existed for the lawful car hypermarket use. Carcraft ceased operations in April 2014 resulting in the loss of 500 jobs. The substantial building and wider site now sits vacant and economically inactive. The proposed development therefore offers a real opportunity to bring the site back into active economic use, contributing positively to the local economy. Its proximity to TJM's headquarters also offers a unique opportunity for expansion.

- 1.4 The principle intention of this change of use application comes from TJM's longstanding commitment of having Axis Business Park as their headquarters and therefore retaining an important national business within Liverpool. However, in line with their ever evolving business model requirements, there is also a requirement to have a Training Centre of a suitable size that will ensure HB can provide training within a much larger store, consistent with the company's new store roll out. HB average unit size has increased significantly over the last 18 months with much more substantial stores being opened. The proposed training centre will therefore provide a more appropriately sized facilitate to replace the existing 1,533 square metre facility which in turn will be converted to offices.
- 1.5 It is also important to highlight from the outset of this report that HB already have a strong representation of 'town centre' stores in Liverpool, which offer their smaller format and without any training facility for their staff. Therefore, the change of use proposed by this application will complement the existing offer, and will be largely ancillary to the wider distribution facility. Indeed, the rationale for the larger training centre is location specific as HB cannot deliver this development from an existing store within the surrounding area. Critically, HB has confirmed that the existing stores within the local area will remain and trade alongside the current proposals at Axis Business Park.
- 1.6 The principle of a training centre at TJM's Regional Distribution Centre (RDC) is well established. This will be TJM's third training centre, with the previous two being substantially smaller. Over the last 10 years the business has grown rapidly both in terms of the number of new stores and the size of the stores themselves. This has resulted in larger training facilities being needed at the RDC site. TJM has also recently opened a second RDC in Wiltshire, which sits alongside a 2,323 square metre training centre. This is required to support the new store rollout in the South of the country.
- 1.7 If the new Training Centre and retail units are approved, the HB Training Centre will give retain existing jobs and provide scope for additional job creation given the upscale in development. The proposed change of use will also result in local investment of £5 million. These are substantial economic benefits that should be afforded appropriate weight, particularly given the importance the National Planning Policy Framework (NPPF) places on economic development and growth. To this end, the full economic impact of the development is assessed within this report.
- 1.8 In terms of the structure of this PRA:

- **Section 2** provides the factual background relating to the site;
- **Section 3** sets out the proposed development in detail;
- **Section 4** sets out the planning policy context at national and local level;
- **Section 5** sets out the employment land considerations;
- **Section 6** explains when compliance with the Sequential Test is applicable;
- **Section 7** describes the anticipated trading effects of the scheme;
- **Section 8** assesses the scheme against the relevant development management considerations; and
- **Section 9** provides a summary and conclusion to the proposals.

1.9 Finally, for the avoidance of doubt, this PRA should be read alongside the following supporting documents:

- Design and Access Statement, prepared by Quod;
- Air Quality Assessment, prepared by Fairhurst;
- Ecological Assessment, prepared by Ecology Solutions;
- Flood Risk Assessment, prepared by Fairhurst;
- Geo-Environmental Desk Study, prepared by Fairhurst; and
- Transport Statement & Travel Plan, prepared by Fairhurst.

2 FACTUAL BACKGROUND

a) Site & Surrounding Area

- 2.1 A Site Location Plan (ref. 5834-120) appears at **Document 1**.
- 2.2 The application site is located in Axis Business Park, an area comprising mainly warehouse and distribution units located 6.5 miles north east of Liverpool City Centre. The existing Training Centre extends to some 2,028 square metres (including first floor overnight accommodation) over a total site area of approximately 0.8 hectares. The unit has its own dedicated parking provision and vehicular access is taken from East Lancashire Road.
- 2.3 The application site is located directly east of the existing Training Centre and provides 10,500 square metres of floorspace in a single building on a total site area of approximately 4.6 hectares. To note, the former hypermarket sits vacant and unused. As with the existing Training Centre, the unit has its own dedicated parking provision and vehicular access is taken from Portal Way off East Lancashire Road.
- 2.4 Axis Business Park is surrounded by greenfield land to the east, residential properties to the south and north west and the remaining part of the Industrial Estate to the west.
- 2.5 The application site is located in both Flood Zone 1 and Flood Zone 2 and we are not aware of any TPO's on or within the immediate surroundings of the site.

b) Relevant Planning History

- 2.6 Most recently, planning permission was granted on 20 May 2008, for the erection of a warehouse extension to existing warehouse; conversion of existing retail/training area to distribution offices and amenity block; transport office extension; de kit baler and compactor area; vehicle maintenance unit; training, research and development and retail centre to frontage; gatehouse along with external works, landscaped bund and landscaping (ref. 07F/2969). This permission was subject to a Section 106 Agreement which was signed on 18 May 2008. A copy of both appears at **Document 2**.

2.7 The decision notice subject to 23no. conditions, none of which restricted the type of retailing permitted at the training centre. Importantly however, the Section 106 agreement placed operational restrictions on the retail element of the training centre, by stating that the retail element was ancillary to the main use of the unit as a training centre. Specifically, paragraph 2 of the second schedule stated:

“2. From the Date of First Occupation of the Training Centre not to cause permit or suffer the use of the Retail Area for Retailing:

a. otherwise than in conjunction with or as ancillary to the operation of the Training Centre by TJ Morris and for the avoidance of doubt this paragraph 2 shall mean that the right to operate and use the Retail Area pursuant to the Planning Permission shall be personal to TJ Morris at all times; and

b. Unless the Report has been provided to the Council in accordance with paragraph 4 of the Third Schedule to this Deed;

c. Following the cessation of the use of the Training Centre by the Developer.

2.8 Prior to the May 2008 consent, planning permission was granted (ref. 02F/1611) for the development of the now vacant Carcraft car hypermarket. The decision notice is not available however the conditions attached to a later variation of condition application are. These conditions did not place a restriction on the operations of the use.

2.9 There is no other planning history of relevance.

c) Pre-application Consultation

2.10 Consistent with paragraphs 188-195 of the NPPF, the Applicant has actively engaged with Officers at Liverpool City Council in a period of pre-application consultation, a summary of which is provided below.

2.11 A comprehensive written pre-application submission was submitted to the Council on 18 August 2015. The detailed pre-application submission set out the rationale for the proposed development, and the summary policy framework against which the proposal is to be considered. A copy of Quod’s pre-application meeting request is enclosed at **Document 3**.

- 2.12 A formal pre-application meeting subsequently took place on 13 October 2015 where the proposed development was set out in detail, and the reasoning for the expansion of the HB Training Centre was discussed and explained through with Officers. TJM's commitment and aspirations to remain at Axis Business Park was explained with Officers understanding that the commercial and retail requirements for HB's expansion is a necessary and evolutionary step change in the Business's model.
- 2.13 Officers also noted the Applicant's assurances that the existing Town Centre HB stores would not be impacted on as a result of the Training Centre expansion and provision of 2no. retail units. In terms of the additional two retail units, the scheme for 1no. discount foodstore (as initially set out in the pre-application submission) was discussed. However Officers voiced some concern in respect of a discount foodstore in this location. Consequently, the proposed development has been revised to remove the discount foodstore element and replace it with another bulky goods retail unit.
- 2.14 The scope of the application including the supporting documents which would support the application was discussed and agreed with Officers. All feedback received during discussions has been taken on board with the scope of the retail evidence agreed (as reflected by the decision to remove a discount foodstore from the scheme) and further work has been undertaken to address the issues raised.

d) TJM Commercial Requirements

- 2.15 As mentioned, the proposals will result in the expansion of HB's existing Training Centre facility at the RDC. This main element of the proposals has been put forward to support HB's ever evolving business and retail model. In order for HB to adequately train their staff whilst provide consumers with their diverse and wide ranges of products, HB have identified the former hypermarket as a viable and commercially sensible location, not least given the site is situated within Axis Business Park, which wholly accords with HB's aspirations to remain in this location.
- 2.16 Indeed, the size of the former hypermarket is such that using the whole unit for HB's Training Centre would not be commercially viable. Whilst HB's retail model is searching for larger sites, the whole 10,500 square metre former hypermarket is not required to fulfil HB's requirements and as such, the only sensible option is provide an opportunity for the balance of the unit to be brought back into use.

As such, the proposals include the creation of 2no. additional large format retail (Class A1) units that would be attractive for a range of bulky goods operators.

2.17 In respect HB's expansion and the relationship the proposals have on their existing offer in the local area, the complementary nature of a retail store as part of the Training Centre has already been established, and the proposals simply are a reaction to HB's evolving requirements and local market changes. The proposals will lead to the closure of HB's existing 'in centre' stores, but instead will continue to act as a complementary 'out of centre' offer over a larger footprint that will continue to be largely used in connection with the Training Centre facility.

2.18 The table below provides information on the existing HB provision in and around Liverpool Town Centre:

Home Bargains Location	NPPF Classification
6-12 Audley Street Liverpool L3 8LB	In Centre
St. Johns Centre St. Georges Way Liverpool L1 1LY	In Centre
34-36 Bold Street Liverpool L1 4DS	In Centre
Barnes Street Breck Road Everton Liverpool L6 5LB	Out of Centre
275 Kensington Liverpool L7 2RG	Out of Centre
Wavertree Retail Park Wavertree Road Liverpool L7 5LZ	Out of Centre



2.19 Indeed, it should be noted that the three sites mentioned above in 'out of centre' locations are closely located to the Town Centre. HB are committed to maintain their strong presence within Liverpool and HB's expansion at Axis Business Park will not adversely impact on the company's existing and future presence in the City and wider area.

3 PROPOSED DEVELOPMENT

3.1 Planning permission is sought for the following change of use and redevelopment:

“Conversion of existing training centre to offices (Class B1); change of use and conversion of car hypermarket building (*sui generis*) to provide 3no. units: a training centre with associated accommodation at first and second floor levels and 2no. bulky goods retail units (class A1); with associated alterations to the building and site layout including creation of external display area, revised parking and servicing arrangements and new access off Portal Way roundabout.”

3.2 The Existing Training Centre will be subject to a change of use to offices (Class B1). The unit itself is not subject to any external changes, only internal reconfigurations and clearance to provide an office space.

3.3 The vacant hypermarket will be subject to a change of use and sub-division with external changes to provide 3no. units. The first unit will be occupied by HB and will have a ground floor area of 3,657 square metres (GIA) which will also have the provision of a secure and external 929 square metres garden centre and outside storage yard to the rear of the unit on the eastern boundary. On the first and second floors, overnight accommodation is also proposed, which will extend to 871 square metres on each floor.

3.4 The proposed Training Centre will have its own dedicated Service Yard to the rear of the unit on the south east boundary of the site, accessible by a service access road.

3.5 The other two retail units (Class A1) will extend to 2,035 and 2,062 square metres respectively with a shared service yard made available for on-site deliveries and service activity and will benefit from the same access road to the rear of the units. In total, 305no. parking spaces will be made available which includes a number of disabled spaces. Cycle shelters will also be made available on site to cater for alternative modes of transport.

3.6 The units will be built with materials such as rain screen cladding throughout in multi coloured champagne. On the ground floor level, the units will be architecturally polished facing the masonry in the colour grey. The double glazing will also be polyester power coated in aluminium colour and the curtain walling, entrance floor and windows will also be in the colour grey.

3.7 The scheme is fully illustrated in the drawings prepared by AJA Architects as listed below:

Drawing Reference	Drawing Title	Scale
5834-120	Site Location Plan	1:1250 @ A1
5834 - 101C	Existing Site Plan	1:500 @ A0
5834 - 105A	Existing Floor Plan	1:200 @ A1
5834 - 106A	Existing Elevations	1:200 @ A1
5834 - 118A	Training Centre - Existing Plans	1:200 @ A1
5834 - 102C	Proposed Site Plan	1:500 @ A0
5834 - 110C	Proposed Ground Floor Plan	1:200 @ A1
5834 - 111B	Proposed First and Second Floor Plans	1:200 @ A1
5834 - 112B	Proposed Indicative Section	1:200 @ A1
5834 - 113B	Proposed Elevations	1:200 @ A1
5834 - 114A	Proposed Roof Plan	1:200 @ A1
5834 - 119A	Training Centre - Proposed Plans	1:200 @ A1
5834 - 115A	Cycle Shelter	1:25 @ A1
5834 - 116A	Fence Details and Sprinkler Tank	1:25 @ A1

4 PLANNING POLICY CONTEXT

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance, the development plan comprises the 'saved' policies of the UDP (2002), which is significantly out of date.

4.2 The NPPF is a material consideration of significant weight. It states that significant weight should be given to sustainable economic growth and local authorities should not act as an impediment to sustainable development. Furthermore, paragraph 214 of the NPPF states that decision takers may continue to give full weight to relevant Development Plan documents adopted under the Planning and Compulsory Act since 2004. The current Local Plan was adopted under the previous system and its policies cannot be afforded full weight; rather the weight depends upon consistency of the plan's policies with the current planning framework.

a) Development Plan

4.3 The Liverpool City Council UDP (2002) is the Council's most recent adopted development plan policy document, and the following 'saved' policies are relevant. First however, it should be noted that the site is allocated in the adopted UDP Proposals Map as a site for 'Industrial and Business Development,' therefore 'saved' Policy E1 (Primarily Industrial Areas) is particularly relevant.

4.4 Specifically, the site falls within the identified 37.9 hectare Gillmoss Business Park and in respect of the principle of development, 'saved' Policy E1 (Primarily Industrial Areas) states: that permission will be granted for industrial/business uses (Class B1/B2/B8) with some small ancillary uses. Specifically, 'saved' Policy E1 states:

"Within the primarily industrial areas and on the sites identified in Schedule 6.1 and on the Proposals Map, planning permission will be granted for industrial/business uses (Use Classes B1/B2/B8) and small scale ancillary uses. Planning permission for other uses will only be granted where the proposal:

- i. Would clearly act as a catalyst to the comprehensive redevelopment of the site or area primarily for industrial/business use;**

- ii. **Would not prejudice the long term development of the area primarily for these uses;**
- iii. **Does not involved the development of? a warehouse in the City centre in excess of 2,500 square metres;**
- iv. **Would not cause unacceptable traffic and highway congestion and related problems or have an adverse impact on residential amenity or on the operation of existing businesses; and**
- v. **Would not conflict with other policies in the Plan.”**

4.5 In respect office development, ‘saved’ Policy E2 (Office Development) states that office development outside of Main Office Areas will be permitted subject to relevant considerations to residential amenity, traffic generation and other Plan policies.

4.6 In respect of development management considerations, the following policies are of some relevance:

- HD18 (General Design Requirements);
- HD22 (Existing Trees and landscaping);
- HD23 (New Trees and Landscaping);
- OE11 (Protection of Green Space);
- T6 (Cycling);
- T7 (Walking and pedestrians);
- T8 (Traffic Management);
- T9 (Road Safety);
- T12 (Car Parking Provisions in New Developments);
- T15 (Traffic Impact assessment);
- EP1 (vacant, derelict and Neglected land);
- EP2 (Contaminated Land);

- EP9 (Waste Storage);
- EP11 (Pollution);
- EP12 (Protection of Water Resources); and
- EP13 (Flood Prevention).

b) Material Considerations

i) Emerging Planning Policy

4.7 Liverpool City Council recently published its Submission Draft Liverpool Core Strategy but decided that instead of submitting this to the Secretary of State, they would work on a new Local Plan. Because the development of this Plan is in its infancy, the emerging planning policy for LCC holds no weight in the determination process of applications.

ii) National Planning Policy Framework (March, 2012)

4.8 The NPPF is underpinned by a presumption in favour of sustainable development which is embodied within paragraph 14. For decision taking this means:

"Approving development proposals that accord with development plan without delay; and

where the development plan is absent, silent or relevant policies are out of date, granting permission unless:

- **Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or**
- **Specific policies in this framework indicate development should be restricted."**

4.9 In relation to the proposed change of use, paragraph 17 of the NPPF goes onto states as part of its 12 core planning principles, one should be to:

"...encourage the reuse of existing resources, including conversion of existing buildings..."

4.10 The core planning principles are followed by the section entitled 'Delivering sustainable development' and the first sub-section deals with 'Building a strong, competitive economy'. Paragraph 18 begins by advising that the Government is committed to securing economic growth in order to create jobs and prosperity. Significantly, paragraph 19 states:

"The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system."

4.11 Turning the retail policies which are relevant to out of centre retail proposals, the following paragraphs are pertinent.

"24. Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.

26. When assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500sqm)."

4.12 Paragraph 27 states that planning permission should be refused if compliance with the sequential test is not demonstrated, or if the development will result in a significant adverse impact. In this case, there is no local impact threshold, so the NPPF default threshold is applied.

iii) Planning Practice Guidance (PPG) (March, 2014)

4.13 The online PPG was published in March 2014 and it supports the policies within the NPPF. It therefore includes important guidance on town centres and the application of both the sequential

and impact tests. In this instance, given it is only the sequential test that is relevant, the guidance specific to this test is outlined below.

4.14 Paragraph 10 of 'Ensuring the vitality of town centres' defines how the sequential test should be used in decision-taking, stating:

"Wherever possible, the local planning authority should support the applicant in undertaking the sequential test, including sharing any relevant information. The application of the test should be proportionate and appropriate for the given proposal. Where appropriate, the potential suitability of alternative sites should be discussed between the developer and local planning authority at the earliest opportunity."

4.15 The PPG goes on to outline a checklist which sets out the considerations that should be taken into account in determining whether a proposal complies with the sequential test:

- **"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 rather to consider what contribution more central sites are able to make individually to accommodate the proposal.**
- **If there are no suitable sequentially preferable locations, the sequential test is passed."**

4.16 Consideration of the proposal against the relevant policy and guidance is provided below.

5 EXISTING LAND USE CONSIDERATIONS

- 5.1 Saved Policy E1 of the adopted UDP states that within primarily industrial areas (such as the application site) that Class B1, B2 and B8 and ancillary uses are appropriate. However, it is important to note that the former use of part of the industrial area (car hypermarket) fell outside the B Class uses encouraged by the UDP in such locations and therefore could be considered a non-conforming use (*sui generis*) within an allocated employment site. Consequently, the Council has accepted that other uses are acceptable in this location by allowing a car hypermarket on this site. Therefore, the principle of non-Class B uses has been well-established.
- 5.2 Instead the proposals will result in the delivery of economic development (as recognised by the NPPF) within a building that would otherwise be left vacant. This will lead to a number of economic benefits that should be afforded significant weight in the determination of this proposal.
- 5.3 In respect of job creation, the proposed Training Centre will result in approximately 100no. jobs on a full and part time basis of which 70no. will be existing. Further jobs will also be created as part of the two additional retail units. In addition jobs will be created during the fit out. The former car hypermarket does not currently support employment on site.
- 5.4 Finally, the proposed development will result in significant investment which is wholly supported by the sustainable economic principles of development set out in the NPPF. The proposed development is likely to result in £5 million in inward investment on the application site which, in its majority, sits vacant, unused and degrading. The proposals offer a real and achievable opportunity to bring the former hypermarket back to contribute positively towards the local economy.

6 SEQUENTIAL ASSESSMENT

- 6.1 Full planning permission is being sought for the change of use to the existing HB Training Centre and former Carcraft car hypermarket at Axis Business Park, to provide offices (Class B1), a new, improved and much larger HB Training centre (which includes retail sales area), and 2no. bulky goods retail units (Class A1).
- 6.2 The proposals are 'location specific' and would not be located in any other location within the city. The proposed Training Centre cannot be located in a different location to the existing HB headquarters. Both elements of the Business are tied to each other and required to remain together in line with its business model.
- 6.3 The former car hypermarket provides an ideal opportunity to meet the needs of HB whilst importantly retaining their presence on the Axis Business Park. However, the size of the hypermarket is such that it is too large for the needs of HB and it would be commercially unviable for HB to accommodate this level of floorspace. It is essential that the remainder of the floorspace can also be used. Therefore the additional retail units being proposed cannot be located in any other location as if it were, it would prohibit the proposed Training Centre from being progressed given the use of the former hypermarket would become an unviable option for development. This application is progressed on the basis that the scheme must be assessed in its entirety and not disaggregated to become a scheme of individual elements. It is in this context that the sequential approach needs to be considered.
- 6.4 The PPG advises that the sequential test should be 'proportionate and appropriate' for the given proposal. The PPG goes on to outline a checklist which sets out the considerations that should be taken into account in determining whether a proposal complies with the sequential test.
- 6.5 However, in the context of this application it is important that for an available central site to be sequentially preferable it must be 'suitable'. To this end, the definition of suitability has been established through case law and Secretary of State/Appeal decisions.
- 6.6 The judgment at Dundee (Tesco Stores Limited v Dundee City Council (Scotland), 21 March 2012) and Scunthorpe (Zurich Assurance Limited v North Lincolnshire Council, 20 December 2012) are of

particular relevance. These Judgments establish that if a site is not suitable for the commercial requirements of the development in question, then it is not a suitable site for the purposes of the sequential approach. The Dundee Judgment (para. 29) highlighted that in applying the sequential approach, the question is:

“...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.”

- 6.7 Paragraph 38 of the Dundee Judgment goes on to highlight that the application of the sequential approach should be 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.’*
- 6.8 The Scunthorpe Judgement reinforces the Dundee conclusions, focusing the considerations of the sequential test on the real world, with commercial realities.
- 6.9 The interpretation of ‘suitability’ has been further reinforced by the Secretary of State (SoS). In June 2014, the SoS agree with the Inspector’s recommendation to allow a large mixed use scheme at Rushden Lakes (Ref. APP/G2815/V/12/2190175).
- 6.10 A copy of the appeal decision can be found at **Document 4**.
- 6.11 Within this decision the Inspector identified the Supreme Court Dundee judgment as being of ‘seminal importance’. To this end, when commenting on suitability the Inspector (para. 2.64) noted that:
- 6.12 “...if a site is not suitable for the commercial requirements of the developer in question then it is not a suitable site for the purposes of the sequential approach.” The Rushden Lakes decision also clarifies whether there is any longer a requirement to assess the scope for disaggregation. When commenting on this point the Inspector states:

“There is no longer any such requirement stated in the NPPF...Had the Government intended to retain disaggregation as a requirement it would and should have explicitly stated this in the NPPF. It is too large a point to rest on implication. If it had been intended to carry on with the requirement then all that would have been required is the addition of the word “disaggregation” at the end of NPPF [24].” (para. 2.68)

6.13 Another relevant appeal decision relates to an application for a new Next store in an out of centre location in Sheffield (Ref. APP/J/4423/A/13/2189893), allowed on 3 July 2013. The Inspector afforded significant weight to the interpretation of the sequential test in the Dundee and Scunthorpe judgments stating (para. 35, Inspector's Report) that:

“What needs to be established is whether an alternative site is suitable for the development proposed, not whether the proposed development can be altered or reduced so that it can be made to fit an alternative site.”

6.14 The message from the above Judgments, SoS/appeal decisions and the PPG is consistent: when applying the sequential approach it is necessary to consider whether the proposed development can be accommodated on a more central suitable sites, rather than trying to reconfigure the scheme. The importance of the local planning authority operating in the real world is also well established when applying the sequential approach and the need that this should not be applied so as to fundamentally compromise the development proposed.

6.15 It is against this background that the sequential assessment needs to be considered and the key points to note are that:

- HB would not provide a new Training Centre away from the existing headquarters. The proposed Training Centre (and ancillary retail sales area) cannot be disaggregated from the headquarters.
- The 2no. bulky goods units are required to ensure that the re-occupation of the former car hypermarket is commercial viable. Any thought that it would be viable for HB to occupy only part of the former car hypermarket is wholly unrealistic. The nature of the former car hypermarket means that retail provides the only suitable and viable use

Given the unique circumstances of the proposal it is not considered necessary to apply the sequential approach to site selection. There are no sites that would be able to meet the site specific requirements of the application site.

7 TRADING EFFECTS OF THE PROPOSED DEVELOPMENT

a) Context

- 7.1 The NPPF (para. 26) sets out the impact considerations against which planning applications for main town centre uses (not in a centre and not in accordance with an up-to-date development plan) should be assessed. An assessment of retail impact is required for all retail proposals above the default threshold of 2,500 square metres or any locally set threshold. Although there is no locally set threshold, the proposals result in an uplift in retail floorspace over and above that which already exists on site of 6,221 square metres (gross). This level of floorspace is above the default threshold and therefore a retail impact assessment is required for the proposal.
- 7.2 Applicants are required to address a two pronged impact assessment (para. 26) of:
- **“The impact of the proposal on existing, committed 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 years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.”**
- 7.3 When considering impact of retail proposals within the City, it is important to note from the outset that the NPPF (para. 27) states that an application should only be refused where the proposed development is likely to have a ‘significant adverse’ impact.
- 7.4 Not only is it necessary for impact to be significant but there should also be evidence to demonstrate that any impact will be adverse, either on the vitality and viability of a centre or on future investment. This has been reflected by an appeal decision in Derby (Ref. APP/C1055/A/11/2161815). This decision highlighted that a demonstration of impact does not necessarily mean that the proposal is unacceptable and it is the impact on the overall vitality and viability of the centre, and its ability to function within its existing role that provide the key considerations. The Inspector at Derby (para. 116, Inspector’s Report) recognises that there needs to be evidence that any impact is likely to be significant in stating that:

“To justify an objection to the proposal it is not sufficient to simply suggest that there will be an impact. There is no persuasive evidence of such a significant impact that would be likely to undermine the vitality and viability of the city centre trade/turnover and trade in the wider area, arising from the appeal proposal.”

7.5 The fact that there must be some evidence to demonstrate that any impact is likely to be significant is an important factor to take into account when considering the specific application proposal. Nevertheless, even if a significant adverse impact is identified, material considerations can indicate that planning permission should be granted.

7.6 Against this background, we set out below the likely effects of the proposal against the relevant impact tests. This assessment is supported by the retail tables contained at **Document 5**.

b) Impact on Vitality and Viability and Trade in a Centre

i) Proposed Turnover

7.7 In order to quantify any potential impact of the proposal, it is first necessary to estimate the likely turnover the proposal is expected to achieve. Much of the retail floorspace proposed (3,657 square metres) is to be occupied by HB, which will be ancillary to the Training Centre rather than a standalone store. The existing Training Centre already benefits from a sales area totalling 1,533 square metres gross of floorspace. The proposal will result in an uplift in sales area to be used by HB of 2,124 square metres gross, or 1,912 square metres net (based on 90% of the gross floorspace being the net sales area). It is expected that the uplift in sales area will not fundamentally the role and function of this ancillary sales area. As is the case with the existing sales area operated by HB in this location it will continue to function as a complementary role to the company’s existing offer.

7.8 When considering the effects of the floorspace to be occupied by HB it is important to remember that the uplift in sales area will be ancillary to the wider Training Centre and used for training purposes rather function as just a retail destination. Consequently, the trading characteristics are likely to be different to more traditional HB stores. However, in order to provide a robust assessment, in estimating the potential turnover of this floorspace this has been based on applying an average sales density figures provided by HB for a number of their typical stores. This information shows that such stores achieve a sales density of between £2,000 and £2,500 per square metre (inclusive of

VAT). For the purposes of this assessment we have applied the higher sales density figure of £2,500 per square (at 2014 prices).

- 7.9 This means that the uplift in floorspace (1,912 square metres net) will have an estimated turnover of £4.78 million in 2015. By applying the annual sales densities currently identified by Experian (Figure 4b, Retail Planner Briefing Note 13, October 2015) this turnover increases to £5.33 million by 2020 (**Table 5A at Document 5**).
- 7.10 Whilst the new HB store will be predominantly for the sale of comparison (non-food) goods, as with the existing store, a proportion of the floorspace will be for the sale of convenience goods – up to 30% of floorspace. However this will largely be ancillary to the comparison led offer. Furthermore, such goods are already sold from the existing HB and any increase, and the effect of this increase, will be very limited. **Table 5B at Document 5** identifies that the potential uplift in convenience turnover from the extended HB sales area will be just £1.58 million by 2015. Such a modest increase in convenience floorspace will have negligible impact on neighbouring centres. By way of comparison the resident population within the anticipated catchment area¹ of the proposal is identified to generate almost £297 million of convenience goods expenditure by 2020 (**Table 1 at Document 5**). The potential uplift in convenience turnover represents just 0.5% of this expenditure.
- 7.11 As a result, this impact assessment has focused on the comparison goods element of the extended sales area to be operated by HB, which represents the bulk of the uplift in floorspace being proposed.
- 7.12 In terms of the other two retail units being proposed, discussions are ongoing with potential retailers and interest has been expressed from a number of bulky comparison retailers. These ongoing discussions are confidential at this stage, but we can confirm that the applicant is willing to accept a condition restricting the range of goods to be sold to bulky goods only.
- 7.13 To assist the Council in understanding the potential turnover of these units an average sales density of leading ‘bulky goods’ retailers have been applied of £3,210 per square metre (inclusive of VAT and at 2014 prices). This average sales density figure has been derived from a range of bulky goods retailers as set out in Table 7.1. These retailers are not put forward as potential tenants but to

¹ The Catchment Area is identified to comprise Zone 5, 6 and 11 of the wider Study Area defined for the Liverpool Retail and Leisure Commercial Study (2011) – this area broadly equates to a ten-minute drivetime from the application suite

provide an indication of the potential turnover of the proposal based on the range of goods proposed to be sold (i.e. bulky goods only).

Table 7.1 – Average Sales Density of Leading Bulky Goods Retailers

Retailer	Average Sales Density (£ per square metre)
Dixons	7,158
Carpentryright	1,177
Wickes	2,145
Topps Tiles	1,124
DFS	5,181
ScS	2,470
Halfords	3,213
Average	3,210

Notes: Sales densities taken from Mintel Retail Rankings (April 2015)
At 2014 Prices inclusive of VAT at 20%

- 7.14 Collectively the two bulky goods units seek to provide 4,097 square metres (gross) of floorspace. It is anticipated that up to 3,278 square metres (or 80%) will comprise the net sales area.
- 7.15 By applying an average sales density of £3,210 per square metre, this floorspace is identified to achieve a comparison goods retail turnover of £10.52 million in 2015, increasing to £11.73 million by 2020 (at 2014 prices). Again, the anticipated turnover post 2015 assumes the annual sales densities currently identified by Experian.
- 7.16 Overall, the proposal is identified to result in an uplift in retail turnover of £17.06 million by 2020. Of this turnover, almost 70% (or £11.73 million) is identified to be for the sale of bulky goods only.

ii) Trade Diversion

- 7.17 In assessing the impact of the proposal, the PPG acknowledges the need to assess the potential impact of a scheme against other similar retailers in the area. It goes on to state at paragraph 16 that:

“Retail uses tend to compete with their most comparable competitive facilities.”

- 7.18 In light of this it is necessary to understand the type of development proposed and existing shopping patterns in the local area. As previously highlighted, the proposal is intended to be predominantly for the sale of bulky goods and to provide a larger retail sales area for HB. Existing shopping patterns within the catchment area for comparison goods (**Table 3**) and bulky goods (**Table 4**) are contained at **Document 5**.
- 7.19 Within the defined catchment, the principal bulky goods destinations for local residents is identified to be Aintree Racecourse Retail Park, which is identified to attracts 38% of bulky goods shopping trips undertaken. The retail park, which is located just beyond the defined catchment in the neighbouring authority of Sefton, comprises a range of bulky retailers, including representation from B&Q, DFS, ScS, Currys/PC World, Harveys, Topps Tiles, Wickes and Halfords. Given the retail offer and existing shopping patterns it is proposed that approximately 45% of the proposal’s overall turnover will be derived from Aintree Racecourse Retail Park.
- 7.20 Reflecting the scale of development proposed the anticipated trade diversion from the retail park is not significant. The retail park is identified to comprise over 27,500 square metres of floorspace, is well occupied, including representation from M&S and Next, and well used (as identified by the findings of the Sefton Retail Strategy Review Update, 2012 published by Sefton Council). Nevertheless, existing out-of-centre retail facilities such as Aintree Racecourse Retail Park are afforded no policy protection and any impact is not material in considering the acceptability of the proposal.
- 7.21 Trade is also anticipated to be derived from other out-of-centre retail destinations, including the popular Asda stores at Aintree (2.8% of the proposal’s turnover) and New Mersey Shopping Park (2.8%), which includes representation from Argos, DFS, Harveys, CSL and B&Q and Edge Lane Retail Park (1.5%), which includes a B&Q.
- 7.22 In terms of expenditure derived from existing centres, this is anticipated to be principally derived from Liverpool city centre (22.6% of the proposal’s turnover). This reflects its role as the main retail destination in the sub-region, albeit predominantly for non-bulky comparison goods. Trade from other centres, such as Bootle, St Helens, Kirkby, Walton Vale and Prescott, will be much lower (5% or

less) and not at a level that would undermine their long-term vitality and viability. Indeed, none of these centres are underpinned by their bulky goods retail offer and Home Bargains are represented in a number of these centres and this presence will be retained.

iii) Impact on Turnover

7.23 The anticipated trading effects on existing retail destinations within and beyond the defined catchment are set out in **Table 6** at **Document 5**. In considering these turnovers it is important to note that:

- Our assessment is only based on expenditure generated by the resident population within the defined catchment area and an allowance for trade from the wider Study Area defined for the Council's retail study. No allowance is therefore made for expenditure being attracted to the centre from residents beyond the Study Area, including for centres located beyond this area, such as St Helens. For example, the Council's latest retail study identified that Liverpool city centre attracts a further 25% of its turnover from expenditure generated beyond the defined Study Area. Accordingly, the turnover of existing centres will have been underestimated; and
- The turnover is based on comparison goods floorspace only. The turnover of convenience retailers has not been taken into account in calculating the turnover of existing retail destinations. Established practice and recent appeal decisions² recognises that when considering the trading effects of a proposal it is appropriate to assess its impact on the vitality and viability as a whole and not on particular sectors (such as comparison goods only) or retailers.

7.24 Both the above factors have the effect of underestimating the turnover of existing retail facilities and subsequently overstating the potential impact of the proposal. As a result, our assessment is very robust and the levels of impact identified (albeit still limited) will in fact be even lower. It is in this context that the levels of impact should be based.

² Brampton, South Yorkshire (Ref. APP/P4415/A/13/2197947)

7.25 Nevertheless, Table 7.2 summarises the anticipate impact on the retail turnover of the key nearby centres in 2020.

Table 7.2 – Anticipated Trading Effect of the Proposal (Main Centres) - 2020

Centre	Impact	Change in Turnover Post Development – 2015 to 2020
Within Liverpool Administrative area		
Walton Vale district centre	-2.7%	+9.4% / +£2.05m
West Derby Village local centre	-1.3%	+11.1% / +£0.41m
Liverpool City Centre	-0.4%	+11.9% / +£94.29m
County Road district centre	-0.4%	+11.8% / +£0.65m
Speke district centre	-0.2%	+12.2% / +£20.30m
Broadway district centre	0.0%	+12.3% / +£0.27m
Outside Liverpool Administrative area		
Kirkby town centre	-3.6%	+8.5% / +£1.28m
Prescot town centre	-2.4%	+9.7% / +£2.78m
Bootle town centre	-0.9%	+11.4% / +£4.54m

Source: Table 6 at Document 5

7.26 The above analysis demonstrates that the impact on existing centres by 2020 will be limited (3.6% or less). Such impact is not at a level that is likely to lead to a significant adverse impact upon their continued vitality and viability, particularly when also taking into account the wider convenience and service sector of these centres.

- 7.27 Indeed, for each centre it is evident that over the next five years, even after allowing for the anticipated trading effects of the proposal, the retail turnover will increase from its current level. This shows that the trade diversion effects of the proposals will be overtaken by short term expenditure growth.
- 7.28 On the basis of the above analysis, we summarise the potential effects of the proposal on existing nearby centres.
- 7.29 **Liverpool city centre** is the principal retail destination within the sub-region for shopping. The findings of the Liverpool Retail and Commercial Leisure Study identifies that the City Centre has a notable influence on shopping patterns within a wide area.
- 7.30 It is anticipated that the application proposal will have an impact on the centre's retail turnover of just 0.4% by 2020. This limited impact reflects the strong trading performance of the City Centre, the modest scale of retail floorspace proposed and the fact that the bulk of the retail floorspace proposed is largely for the sale of bulky goods, which does not underpin the City Centre's offer.
- 7.31 Such a limited impact will not adversely effect the continued strong performance of Liverpool city centre. Significant investment has come forward in the City Centre in recent years, most notably Liverpool One, which has significantly strengthened the City Centre's retail and leisure offer. Indeed, in considering the potential trading effects of the proposal, it is useful to refer to the findings of the Liverpool City Centre Main Retail Review (MRAR) published by the Mayor of Liverpool in June 2014. In particular, in assessing the performance of Liverpool city centre the MRAR identified the following:
- 71 new businesses have opened within the centre's main retail area, the 4th highest increase seen in 500 shopping centres across the UK;
 - More businesses are opening than are closing;
 - The vacancy rate is reducing;
 - Some £56 million worth of investment is on site within the Main Retail Area, delivering over 10,000 square metres of retail/leisure floorspace. A further £69 million of development is also proposed; and

- Annual sales continue to increase on a year-by-year basis.

7.32 Taking into account all the above factors, the MRAR concluded (page 2) that: *“Liverpool is a vibrant shopping destination with wide appeal”*

7.33 Given this strong trading performance, the level of trade diversion identified will have negligible effect on the City Centre, which will continue to function as the principal retail and leisure destination in the sub-region.

7.34 **Walton Vale district centre** is located within the anticipated catchment area of the proposal and the commercial offer is focused along the A59, a busy arterial road. Within the centre there is currently retailer representation from Iceland, HB and Tesco, although the ‘bulky goods’ provision is more limited. The centre’s ‘offer’ is also well represented by the service sector. Indeed, the LCC District and Local Centre Study (2009) identified that the centre has a *‘reasonably vibrant evening economy’*.

7.35 Given the role and function of the district centre, the anticipated trading effect of the proposal on the district centre will be limited (2.7% by 2020). Such a limited impact will not undermine the vitality and viability of the district centre and it will continue to serve an important role in meeting some of the day-to-day needs of the local population. As previously highlighted, HB is committed to retaining their existing store in the district centre, reflecting the complementary nature that the two stores will serve.

7.36 **County Road district centre** is located on the A59, north of the City Centre (outside the catchment area) and was identified in the LCC District and Local Centre Study to be the largest district centre in North Liverpool.

7.37 In terms of its existing offer, the LCC District and Local Centre Study identified (para. 3.63) that:

“It is generally busy and well occupied, but focused on budget-end retailing with limited presence of multiple retailers of a centre of this size.”

7.38 The convenience retail offer in particular is relatively strong with representation from Iceland, Aldi, Heron Frozen Foods and Farmfoods together with a range of local services. Neither of these sectors will be adversely impacted upon by the application proposal. In terms of the comparison goods offer,

HB already operates within the district centre and this position will not change by allowing a larger HB store on the application site.

7.39 In terms of impact, our assessment identifies that the application proposal will have a limited impact on the comparison retail turnover of the district centre (0.4% by 2020). Such a limited impact will not adversely impact upon the continued role and function of the centre, which is largely underpinned by its convenience and service offer.

7.40 **West Derby Village local centre** is located within the defined catchment area and comprises an attractive local centre that is located away from the major routes. As a consequence the centre maintains a village character. This is reflected in the Submission Draft Liverpool Core Strategy (2012), which identifies that West Derby Village (para. 6.221):

“...is an attractive centre in the north of the City, located within a Conservation Area. It benefits from a strong quality of place and performs well as a convenience shopping destination. It is important to protect its role and consider the potential to manage the growth of its evening economy.”

7.41 As recognised by the LCC in publishing the Submission Draft Liverpool Core Strategy, given the role of the centre as a convenience retail destination with a growing evening economy, the application proposal will not undermine this role. Our assessment identifies that the proposal will have an impact of just 1.3% by 2020. Such a level of impact will have negligible effect on the centre’s trading performance.

7.42 In terms of the impact on centre outside Liverpool administrative area (such as Kirkby, Prescott and Bootle), again it is anticipated that any impact will be limited and will not undermine any centre’s long-term vitality and viability. The highest impact, albeit only 3.6%, is identified to fall on Kirkby town centre. Whilst such an impact is not significant, our assessment overstates the impact as the full turnover of Kirkby town centre, which is located at the periphery of the defined catchment area has not been identified. Notwithstanding this, even after allowing for the trade diversion to the proposal, Kirkby town centre will continue to see an increase in turnover over the next five years by more than 8%.

7.43 Likewise, for the same reasons the impact on Bootle and Prescott is also likely to be overstated. Nevertheless an anticipated impact of just 0.9% and 2.4% respectively will not have a significant

adverse impact on the vitality and viability of either centre, particularly when the wider role and function of these centres (such as their convenience and local service offer) are also taken into account.

c) **Impact on Planned Investment**

7.44 The PPG provides a helpful insight with regard to measuring the effect of retail development on in-centre investment. Specifically, Paragraph 16 states:

“Where wider town centre developments or investments are in progress, it will also be appropriate to assess the impact of relevant applications on that investment. Key considerations will 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)**
- **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.”**

7.45 Furthermore, the Secretary of State decision at Rushden Lakes also provides commentary on the ‘planned investment’ test. Paragraph 8.60 of the Inspector’s conclusions stated:

“NPPF [26] requires an assessment of the impact (if any) of the proposal on ‘existing, committed and planned public and private investment’ in a centre. That requirement is quite straightforward, only investment that has been made, and been committed or is planned warrants consideration. There appears to be general agreement that ‘existing’ investment is to be taken as a reference to investment that has already been made and that ‘committed’ investment is that which is contractually committed (private) or subject to resolution (public).”

7.46 The PPG and Secretary of State decision at Rushden Lakes provide important context when considering the impact of the retail proposals on planned investment. Furthermore, the type of retail floorspace being proposed is an important factor when considering any impact on future investment. The proposal seeks to create a larger sales area for HB as part of the adjoining Training Centre that already trades from the application site and HB also have a number of stores in the surrounding centres, together with two bulky goods units that by their nature are not typically located in ‘town centre’ locations.

- 7.47 Given this, we are not aware of any ongoing investment coming forward that will be adversely impacted upon by a bulky goods led retail development.
- 7.48 For example, any retail development coming forward as part Kings Dock area of the Liverpool waterfront will fundamentally differ to the application proposal. Phase 1 of the redevelopment of the Kings Dock area has been developed and comprises the Liverpool Arena and BT Convention Centre, Jurys Inn Hotel and a range of retail and leisure uses. The Masterplan and Planning Brief for the remainder of the site was published in November 2012 and sets out a vision for a leisure-led, mixed use quarter that will maximise the growing visitor economy and enhance opportunities for existing and future residents of the area. Clearly, the application proposals do not reflect this aspiration for the Kings Dock and the type of development being proposed (predominantly bulky goods) and will not undermine its future delivery.
- 7.49 Likewise, the ongoing redevelopment plans for Lime Street, where planning permission has recently been granted in August 2015, will not be adversely impacted by the proposal. Whilst it is acknowledged that this scheme includes retail and leisure floorspace, this is relatively limited totalling 3,022 square metres with the wider scheme comprising student accommodation and a hotel. The level of retail floorspace provided as part of the Lime Street redevelopment, not only represents less than half the retail floorspace being proposed by this application, but it is likely to comprise small format 'high street' units (as set out in the drawings submitted with the application) and given its location within the City Centre. Again, the type of retailers that will occupy this floorspace will not be large format 'bulky goods' retailers and there is evidence to suggest that the application proposal will undermine the future delivery of this scheme.
- 7.50 In light of the above, together with the limited trade diversion identified, the likelihood of the proposals undermining either permitted or planned investment is extremely limited.

d) Consumer Choice

- 7.51 The NPPF (para. 26) states that the assessment should include consideration of the impact of a proposal on local consumer choice and trade in a town centre and wider area.
- 7.52 In considering the application, the proposal will improve the choice and distribution of the retail offer in an established retail location. The development will have the positive effect of reducing the need

for local residents to travel to destinations further afield but will also improve consumer choice and provide a more competitive sector – in line with Government objectives.

e) **Summary**

- 7.53 The retail impact assessment provides a robust and thorough analysis of the likely impact of the proposed development. It has been demonstrated that the level of impact anticipated is not considered to be significant adverse in terms of investment or vitality and viability. The assessment demonstrates that the proposal is in accordance with national and local planning policy.
- 7.54 The principal impact is identified to fall on out-of-centre retail destinations. Such destinations are not afforded any planning policy protection.
- 7.55 Whilst there will be some impact on existing centres this will be negligible (3.5% or less) and is likely to have been overstated. However, as previously highlighted, the policy requirement is for there to be demonstrable evidence that the development is likely to have a significant adverse impact. There is no evidence to suggest that the proposal is likely to have a significant adverse impact on existing centres or future investment. Instead, the wider positive impacts associated with the proposal, including the re-occupation of vacant floorspace, will far outweigh any perceived adverse impacts.

8 DEVELOPMENT MANAGEMENT CONSIDERATIONS

8.1 The application is made with the support of a range of documents to deal with compliance requirements set out in local and national planning policy.

a) **Transport & Highways**

8.2 First, the Transport Statement has been prepared which concludes that:

- The Application Site is well connected to the local road network with a signalled junction onto the A580 East Lancashire Road. There are pedestrian crossings linking with housing at Croxteth and shared pedestrian and cycle paths run along either side of the A580.
- Bus services in the area are frequent and give good connections to central Liverpool, the Utting Avenue and East Lancashire Road corridors, to Kirkby and other surrounding suburbs.
- Current travel patterns by people working in the area show that nearly 16% travel to work by bus and just over 10% as car passengers. 4% cycle, which is above average both for Liverpool and for England as a whole, but just under 60% drive cars. However, there is potential for promoting alternatives to the private car. A Travel Plan has been prepared in support of this application.
- The proposed change of land use will generate vehicle trips in the PM peak but remove vehicle trips in the AM peak. The current NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- Access arrangements (by others; not part of this application) will ensure safe and suitable access can be delivered.
- There are therefore no transport grounds on which to refuse planning permission for the proposed development.

8.3 Second, the submitted Travel Plan also sets out alternative travel plan measures which takes into account walking and cycling, bus and rail routes and also car sharing measures. As a result, the proposals accord with 'saved' policies T6, T7, T8, T9 and T15 of the 'Liverpool UDP.

b) Flood Risk

8.4 The Flood Risk Assessment has also been submitted alongside the application given the site partially falls within Flood Zone 2. As such, the Flood Risk Assessment has assessed the proposals and concludes:

"Having completed a Level 2 Flood Risk Assessment it is considered that potential flood risks resulting from the change in use of this land are no greater than in its current situation. All flood management measures covered in this report encompass those principles promoted by the EA and comply with requirements of NPPF and guidance given in CIRIA 624."

8.5 As such, the proposals are deemed acceptable and accord with 'saved' Policy EP13 of the Liverpool UDP.

c) Air Quality

8.6 Given the whole city of Liverpool is located within an Air Quality Management Area, an Air Quality Assessment has been prepared to support this application. The Assessment concludes:

"The change in predicted PM 10 and NO 2 concentrations at existing receptors in 2020 following completion of the proposed development is considered negligible. Overall, using the flow chart presented in Figure 3, air quality is a low priority consideration with regards to the impact of the proposed development."

8.7 The proposals are therefore in accordance with 'saved' Policy EP11 of the Liverpool UDP.

d) Ecology

8.8 In line with the Council's requirements, an Ecological Assessment has been prepared which concludes that in respect of habitats, the habitats present are of low ecological interest and their loss to the proposed development would be of little significance. In respect of protected species, the trees within the site lack suitable opportunities to support roosting bats. The results of the bat survey work undertaken found no use of the buildings for roosting purposes. In conclusion, the report states that

there is no overriding ecological constraint to the redevelopment of the site and it is considered the proposals accord with planning policy with regard to nature conservation. The proposals are therefore in accordance with Policy OE11 of the 'saved' Local Plan.

e) Geo-environmental Desk Study

8.9 In line with the Council's requirements, and after agreeing the scope of the application, a Geo-environmental Desk Study has been prepared which concludes:

- The site represents a LOW risk to future site users set in the context of the proposed development, apart from the risk from ground gas which is considered MODERATE, and the risk from Tin Slag which is considered MODERATE/LOW.
- The site represents a MODERATE/LOW risk to construction workers set in the context of the proposed development works apart from the risk from ground gas which is considered MODERATE.
- The site represents a LOW risk to the main groundwater body
- The site represents a HIGH risk to the adjacent watercourses
- The site represents a MODERATE/LOW risk to buried structures and services in the context of the proposed development, and a VERY LOW risk to Archaeological sites.
- The site represents a LOW risk to landscaping within the development.

8.10 The proposals are therefore in accordance with 'saved' Policy EP2 of the Local Plan.

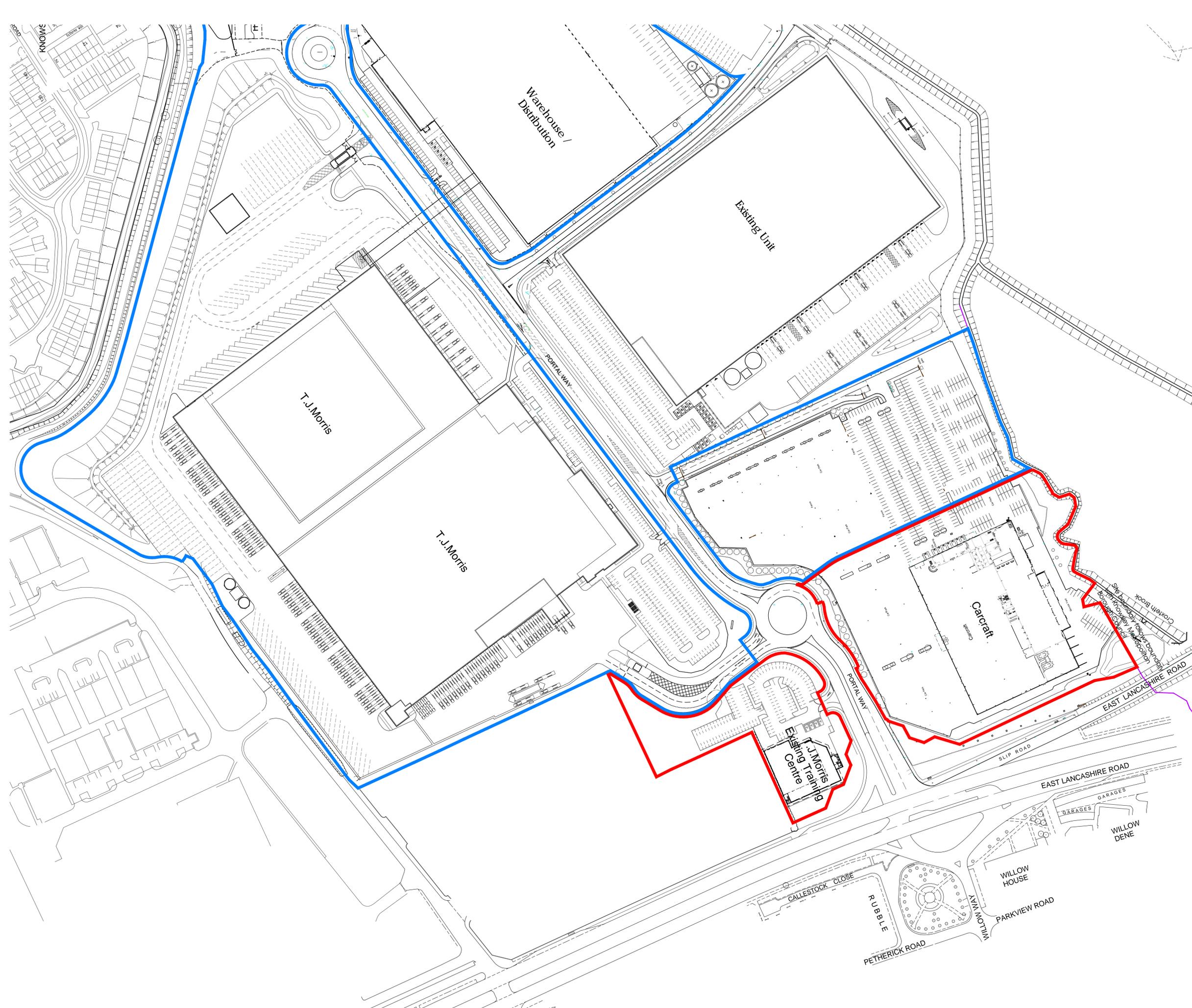
f) Summary

8.11 All relevant development management considerations have been assessed and the supporting technical reports provide further justification for the development. The assessment has demonstrated that the proposed development fully complies with the relevant development plan.

9 SUMMARY AND CONCLUSIONS

- 9.1 This PRA has been prepared in support of a full planning application submitted in support of the change of use of the existing HB Training Centre and former Carcraft car hypermarket to provide offices (Class B1), a new, upgraded, improved and larger HB Training Centre and 2no. bulky goods retail units (Class A1).
- 9.2 The proposals, if permitted, will result in HB occupying part of the former Carcraft car hypermarket totalling a ground floor area of 3,657 square metres (GIA) and a 929 square metres garden centre and outside storage yard. Consistent with the existing Training Centre, first floor overnight accommodation is also proposed, which will extend to 871 square metres. The balance of the former Carcraft hypermarket site will be converted into 2no. bulky goods retail units (Class A1), extending to 2,035 and 2,062 square metres respectively.
- 9.3 The application is submitted following positive pre-application discussions with Officers at Liverpool City Council. The scope of the application including the supporting documents which would support the application was discussed and agreed with Officers. All feedback received during discussions has been taken on board with the scope of the retail evidence agreed and further work has been undertaken to address issues raised.
- 9.4 The key development management consideration is the principle of establishing retail use within the former Carcraft car hypermarket, in particularly compliance with both the sequential approach and impact test.
- 9.5 In terms of the sequential approach, due to the site specific requirements and taking into account recent case law and Secretary of State decisions, it is considered unnecessary to apply the sequential approach to site selection. The type of development proposed can only be accommodated on the application site due to the need to be located adjacent to HB headquarters. Any thought of disaggregating the proposal to an alternative location away from the headquarters would not be viable or appropriate. Likewise, the two additional retail units are required to ensure that the part re-occupation of the former car hypermarket by HB would be viable and importantly bring back in active use a significant quantum of vacant floorspace.

- 9.6 In terms of the likely trading effects, it has been demonstrated that the type of development proposed (i.e. an ancillary sales area to a Training Centre and 2no. bulky goods retailers) will not lead to a significant adverse impact on the vitality and viability of existing centres or any future investment.
- 9.7 Full consideration has been given to a wide range of development management issues including highways, flood risk and air quality. These are all covered in detail within the supporting technical reports, and compliance with the relevant development plan and NPPF has been demonstrated.
- 9.8 The development will also give rise to a significant number of tangible socio-economic benefits, including job creation, inward investment, active use of an otherwise vacant building and consumer choice.
- 9.9 For all the reasons set out within this report and the supporting documents, the planning application accords the development plan, and applying the presumption of sustainable development planning permission should be granted without delay.



notes

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Scale

no.	date	revision	by



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T J Morris

project

Regeneration of former
 Carcraft Site
 Axis Business Park
 Liverpool

drawing
 Site Location Plan

scale 1:1250 @ A1 drawn ZI

checked JP date 14 Dec 2015

no

5834-120
 planning

Certificate issued to:-
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Application No: **07F/2969**
Case No:
Date Issued: **20th May 2008**

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT
PROCEDURE) ORDER 1995

Location: **Axis Business Park, East Lancashire Road, Liverpool, L11 0JA**

Proposal: **To erect warehouse extension to existing warehouse; conversion of existing retail/training area to distribution offices and amenity block; transport office extension; de kit baler and compactor area; vehicle maintenance unit; training, research and development and retail centre to frontage; gatehouse along with external works, landscaped bund and landscaping**

Applicant: **T J Morris Ltd**
Axis Business Park
East Lancashire Road
Gilmoor
Liverpool
L11 0JA

Date Valid: **22nd October 2007**

In pursuance of its powers under the above-mentioned legislation, the Local Planning Authority on **20th May 2008** GRANTED planning permission for the above-mentioned development in accordance with your application, subject to the compliance with the conditions specified on the attached schedule, for the reasons stated.

(see attached)

Planning Manager

SCHEDULE OF CONDITIONS AND REASONS

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

REASON: The time limit is imposed as provided for by Section 91 of the Town and Country Planning Act 1990 as amended.

2. Notwithstanding details shown on any submitted plan, approval of the following details shall be obtained from the local planning authority and the development shall not commence until all the stated details have been approved in writing, such approved details to be implemented in the development hereby approved (unless otherwise agreed in writing by the local planning authority):-

- (i) treatment of all hard surfaces;**
- (ii) all boundary treatments including gates and vehicles barriers;**
- (iii) design and location of all external lighting which shall be accompanied by a lux contour diagram demonstrating that the lux levels do not exceed 6 lux at any window of any dwellinghouse;**
- (iv) location, design and visibility splay of any CCTV system/cameras; and**
- (v) design, number and location of cycle stands.**

REASON: The Council wishes to ensure that the details are satisfactory in the interests of visual and residential amenity.

3. Notwithstanding the details on any plan, before any construction commences, details of the facing materials to be used in the external construction of this development shall be submitted to and approved in writing by the local planning authority.

REASON: To ensure a satisfactory external appearance.

4. Prior to work commencing on site full details of the number, size, species and location of trees and shrubs to be planted and the treatment of all ground surfaces not built upon shall be submitted to and approved in writing by the local planning authority.

REASON: These details have not been submitted with the application and the Council wishes to ensure they are satisfactory in the interests of visual amenity.

5. (i) The approved landscaping scheme shall be completed either (a) not later than the first planting season following completion of the development or (b) during the appropriate planting season progressively as the development proceeds, in accordance with a programme to be agreed in writing with the local planning authority.

(ii) Any trees or shrubs which die, become diseased, damaged or are removed within 3 years of planting shall be replaced with trees and shrubs of similar sizes and species or as may otherwise be agreed with the local planning authority in the first available planting season thereafter, all works to be carried out to BS 4428: 1989 "Code of Practice for General Landscape Operation".

REASON: It is in the interests of visual amenity and in accordance with the duty of the Council under

Section 197 of the Town and Country Planning Act 1990 in respect of the planting and preservation of trees.

6. (a) No part of the development hereby permitted shall commence until;

(i) an investigation and assessment methodology including analysis suite and risk assessment methodologies, has been agreed in writing prior to site investigations by the local planning authority;
(ii) a site investigation and assessment has been carried out by appropriate qualified and experienced personnel to determine the status of contamination [including chemical, radiochemical, flammable or toxic gas, asbestos, biological and physical hazards, other contamination] at the site and submitted to the local planning authority. The investigations and assessments shall be in accordance with current Government and Environment Agency recommendations and guidance and shall identify the nature and concentration of any contaminants present, their potential for migration and risks associated with them;
(iii) a remediation scheme, which shall include an implementation timetable, monitoring proposals and remediation validation methodology, has been agreed in writing with the local planning authority.

(b) After development commences, if any potentially contaminated (unusual/suspect) material or flammable/toxic gas not previously identified is discovered, then a further assessment and reviewed remediation scheme will be required by the local planning authority. If no contamination is found then this should be detailed in the completion report.

(c) A written confirmatory sampling and analysis programme with an appropriate risk assessment for the site in the form of a completion report to confirm the adequacy of remediation shall be submitted to the local planning authority and approved in writing before this condition will be discharged.

REASON: To ensure that the site is remediated to a satisfactory standard in order to protect public safety and the environment.

7. Prior to the commencement of development a phasing plan shall be submitted to and approved by the local planning authority showing the construction phasing of the overall development, and the development shall be carried out in accordance with the phasing plan. In relation to each agreed phase of development, all works shown on the approved plans or specified in other conditions shall be completed to the satisfaction of the local planning authority prior to the occupation of that particular phase of development.

REASON: It is in the interests of residential and visual amenity.

8. All loading, unloading and parking of vehicles in connection with the use hereby permitted shall take place within the site. The space allocated for those purposes as shown on the approved plans shall be used exclusively to meet this requirement unless otherwise agreed in writing by the local planning authority.

REASON: It is in the interest of highway safety and residential amenity

9. No building shall be occupied until the parking, turning and manouevring areas for that building

have been built entirel in accordance with the approved plans and the means of access has been constructed to the satisfaction of the Council as local highway authority. The approved parking, turning and manoeuvring areas shall be kept permanently available for these particular functions unless otherwise agreed in writing by the local planning authority.

REASON: The Council wishes to ensure the availability of such facilities from the outset in the interest of highway safety and visual amenity

10. The premises shall be acoustically insulated in accordance with a scheme to be submitted to and approved by the local planning authority (in consultation with the Council's Environmental Health Service) which shall be installed to their satisfaction prior to the use hereby permitted commencing.

REASON: It is in the interests of the amenity of adjacent occupiers.

11. Prior to the commencement of development, a construction management plan outlining working practices during construction work shall be submitted to and and approved in writing by the local planning authority, such approved plan to be implemented in the construction of each element of development and which or the avoidance of doubt shall include:

- (i) hours of working;
- (ii) provision of wheel washing facilities;
- (iii) dust suppression measures;
- (iv) the sheeting of any open vehicles during transit of goods and materials;
- (v) construction routes in and around the site;
- (vi) parking of construction and associated vehicles within each site; and
- (vii) location of any compounds.

REASON: The Council wishes to ensure minimum disturbance to local residents during the construction process.

12. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from hardstandings shall pass through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

REASON: To prevent pollution of the water environment.

13. No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water regulation system has been approved by the local planning authority. The scheme shall be completed in accordance with the approved plans.

REASON: To reduce the risk of flooding.

14. Prior to the commencement of any uses on the site, a Green Travel Plan shall be submitted to and approved in writing by the local planning authority . The applicants, its successors in title and their respective agents shall use reasonable endeavours to seek the support and agreement of individual operators to achieve the objectives and targets in the plan. The plan shall be reviewed at two yearly intervals between the local planning authority nad the applicants unless otherwise agreed in writing.

REASON: To promote other forms of safe transport other than the private car, in the interests of sustainability.

15. The provisions of Part 24 and Class a of Part 8 of Schedule 2 of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (ie planning permission will be required for any telecommunications equipment and for any extensions)

REASON: The City Council wishes to control the design and number of telecommunications equipment in the interest of visual amenity and wish to control any extensions in order to ensure there is no harm to visual and residential amenity or highway safety.

16. The proposed high bay warehouse element of the scheme shall be used for warehouse and distribution purposes with Class B8 of the Town and Country Planning (Use Classes) Order 1987 as amended and for no other purpose without the prior consent of the Council as local planning authority.

REASON: In the interest of residential amenity and highway safety.

17. Notwithstanding the details on any submitted plans or as described in the Noise Assessment report by Arup Acoustics, full details of the bund construction and acoustic screen fence shall be submitted to and approved by the local planning authority. The approved bund (including all associated landscaping approved under condition 4), and screen fence shall be constructed to the agreed specification prior to the commencement of the use (or in relation to the landscaping as agreed as part of the landscaping condition) and the bund, fence and all landscaping on the bund shall be maintained thereafter in accordance with the approved plans, unless otherwise agreed in writing by the local planning authority. Landscaping on the bund shall be maintained in accordance with the approved landscaping scheme and only be altered with the written approval of the local planning authority.

REASON: it is in the interest of residential amenity

18. Fixed plant associated with the development shall be designed to a level which is at least 5 db(A) below the existing LA90 background noise level as measured during the relevant time period. Any tonal, impulsive and/or irregular noise should be addressed by imposing a further 5dB penalty as per the methodology set out in BS4142:1997. Noise limits for fixed plant are to apply at a position 1 metre from the closest affected window of the nearest noise sensitive property

REASON: It is in the interest of residential amenity

19. Operational noise shall not exceed 42dB LAeq, 1 hr at the nearest residential properties except where pre-development ambient noise levels already exceed this level in which case operational noise shall not exceed the pre-development noise level (LAeq, 1hr) at the nearest residential properties.

REASON: It is in the interest of residential amenity.

20. Operational noise from the site should be controlled to ensure that facade noise levels during the night time period (2300 to 0700) at the nearest habitable room windows do not exceed 60dB LAmax, F.

REASON: It is in the interest of residential amenity.

21. The building shall not be used for the storage and distribution of refrigerated goods without the prior written consent of the local planning authority.

REASON: The Council wishes to control such use in the interests of residential amenity.

22. Prior to the commencement of development an operational management plan for the distribution warehouse, outlining operational practice for the warehouse, shall be submitted to and approved in writing by the local planning authority, and the development shall only be operated in accordance with such plan.

REASON: It is in the interests of residential and visual amenity.

23. The retail element of the retail training facility shall not be open for business outside the hours of 0700 and 2200 hours.

REASON: It is in the interest of residential amenity.

INFORMATIVES

1. The following policies in the Liverpool Unitary Development Plan are relevant to this decision:

GEN1: Economic Regeneration

E1: Primarily Industrial Areas

S12: Out of Centre Retailing

EP11: Pollution

T12: Car Parking in New Development

HD18: General Design Requirements

HD23: New Trees and Landscaping

2. Reason for Approval:

The proposal when considered as a whole will:

- (i) bring significant economic and regeneration benefits to the local area;**
- (ii) not result in any significant loss of amenity to local residents from noise and activity;**
- (iii) not result in any significant harm to visual amenity having regard to the allocation of the site for industrial purposes;**
- (iv) not have an adverse impact on highway safety;**
- (v) would be of a suitable design with appropriate landscaping; and**
- (vi) not result in a flood risk**

3. This planning permission is subject to an agreement under Section 106 of the Town and Country Planning Act 1990

4. This permission relates to the application as amended by the letter and plans of 3rd April 2008, the email of 6th May 2008 and as approved by the letter of 9th May 2008.

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER 1995

NOTES FOR PLANNING DECISION NOTICES

OTHER CONSENTS

This permission refers only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other enactment, byelaw, order or regulation. In particular, if building operations are involved these may also require consent under the Building Regulations and before commencing work this aspect should be discussed with the Building Surveying Division. Where a building regulations approval is obtained and this is different from your planning permission, revised drawings must be submitted to the Planning and Building Control Manager.

COMPLIANCE WITH THE PERMISSION/CONSENT

It is important that this permission/consent is implemented strictly in accordance with the plans approved by the consent. Where a planning permission is granted subject to conditions it is important that these are fully complied with. Non-compliance with the conditions of the permission/consent may well result in a Breach of Condition Notice being served on you or any other appropriate enforcement action required to remedy the breach of planning control.

APPEALS TO THE PLANNING INSPECTORATE

If you are aggrieved by the decision of the city council as local planning authority then you can appeal to the Planning Inspectorate.

If you want to appeal, then you must do so within **six months** of the date of issue of this notice.

The Planning Inspectorate have introduced an online appeals service which you can use to make your appeal online. You can find the service through the Appeals area of the Planning Portal – see www.planningportal.gov.uk/pcs. The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

If you do not have access to this service, forms can be obtained from the Planning Inspectorate at 315a Eagle Wing, Temple Quay House, 2 The Square, Temple Quay Bristol, BS1 6PN. (Tel: 0117 372 6372 or e-mail: enquiries@planning-inspectorate.gsi.gov.uk)

PURCHASE NOTICES

If the local planning authority or the Office of the Deputy Prime Minister refuses to grant permission to develop land or grants it subject to conditions, the owner may claim in certain circumstances that the land has become incapable of development. In these circumstances, the owner may serve a Purchase Notice on the Council under Part VI of the Town and Country Planning Act 1990, requiring the Council to purchase the owners interest in the land.

COMPENSATION

In certain limited circumstances, a claim must be made against the local planning authority for compensation. The circumstances in which compensation is payable are set out in Parts VI and V of the Town and Country Planning Act 1990.

NEW RESIDENTIAL DEVELOPMENT

In order to ensure that minimum disruption occurs once a development is completed; developers are asked to contact all the public utilities to ensure that adequate services are provided at the outset. In particular developers are asked to contact Telewest over the provision of Cable TV infrastructure. Developers are requested to write to the Construction Supervisor, Telewest Business Services, Sovereign House, Sovereign Business Park, off Warrington Road, Wigan, WN1 3AP.

PUBLIC NOTICE – PARTY WALL ETC. ACT 1996

From the 1 July 1997 any person intending to carry out works affecting party walls or involving excavations for foundations adjacent to a party wall will be required to serve notice on all adjoining owners before work commences.

You are advised to engage the services of a private surveyor to act on your behalf in any formal private procedures and agreements that you are now required, by The Party Wall etc. Act 1996, to enter into.

Failure to comply with the Act may result in civil action being taken against you.