



our ref: TR/Q60192  
your ref:  
email: tim.rainbird@quod.com  
date: 18 August 2015

Head of Planning  
Liverpool City Council  
Municipal Building  
Dale Street  
Liverpool  
L2 2DH

**PRIVATE AND CONFIDENTIAL**

**By Email**

Dear Sirs,

**PRE-APPLICATION MEETING REQUEST**

**CONVERSION OF EXISTING TRAINING CENTRE TO OFFICES (CLASS B1); CHANGE OF USE AND CONVERSION OF CAR HYPERMARKET BUILDING (SUI GENERIS) TO PROVIDE 3NO. UNITS FOR USE AS A TRAINING CENTRE, DISCOUNT FOODSTORE (CLASS A1) AND BULKY GOODS UNIT (CLASS A1); WITH ASSOCIATED ALTERATIONS TO THE BUILDING AND SITE LAYOUT INCLUDING CREATION OF EXTERNAL SALES AREA AND REVISED PARKING AND SERVICING ARRANGEMENTS**

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

**SUBMITTED ON BEHALF OF T J MORRIS LIMITED**

We are instructed by our client, T J Morris Limited, to submit the enclosed pre-application consultation request in respect of the former Carcraft site and existing Home Bargains Training Centre at Axis Business Park, Portal Way, Liverpool, L11 0JA.

The purpose of this submission is to outline the proposed development and provide the context within which the proposals should be assessed. We also want to agree the scope of information that would be needed to be prepared to support a future application. The proposed development, if granted, will result in the change the use of the existing Home Bargains 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 Home Bargains to provide their new, improved and larger training centre, and 2no. retail units providing bulky goods unit (Class A1) and a discount food store (Class A1). The approach is fully endorsed by both the NPPF (March, 2012) and the PPG (March, 2014).

In line with the Council's published pre-application guidance, this letter is supported by the following enclosures:

1. Existing Site Plan (ref. 5834-012);
2. Decision Notice and Section 106 Agreement (ref. 07F/2969);
3. Decision Notice (ref. 02F/1611); and
4. Proposed Site Plan (ref. 5834-011).



A cheque for £1,080, made payable to Liverpool City Council ('LCC'), has been sent under separate cover in accordance with the Council's pre-application advice fee schedule (receipt ref. WSZZ00283024). We trust that this fee will provide us with a meeting with a Senior Planning Officer at Liverpool City Council.

**a) Introduction**

T J Morris Limited own the freehold of a wider site comprising approximately 20 hectares of industrial and business land at Axis Business Park. The land mainly comprises warehouse and distribution units with ancillary accommodation including TJM's existing Training Centre. TJM has also now acquired the now vacant Carcraft car hypermarket.

Home Bargains, the trading name of TJM, have a strong requirement to expand the Training Centre and are therefore assessing the feasibility of converting and changing the use of the car hypermarket building to create 3no. units, one of which will facilitate the occupation of a new, improved and larger scale Training Centre. Given the scale of the vacant building there is potential to create two additional units which have been identified for a use as a discount food store and the sale of bulky goods. Given the hypermarket site is so large, the balance of the land (currently used as a car park) will be retained for a future phase of employment development. Finally, as mentioned, the existing Training Centre will be converted into offices (Class B1) to support the ongoing expansion of TJM's thriving retail business.

TJM is clearly committed to its Head Quarters at Axis Business Park and significantly want to retain and improve their existing Training Centre which is necessary to ensure the facility is in line with Home Bargains evolving retail model. The new facility more appropriately reflects the increasing size of HB stores with units of up to 35,000 square feet (GIA) now be acquired, along with external sales areas. The current training centre therefore no longer represents a typical HB store and, similar to the upgrading of the original training centre in 2008, HB are now seeking permission for a development that marries with their modern operational needs.

The proposed development will not only result in considerable additional investment in the local economy, it will also provide an opportunity to bring a large vacant site back into economic active use by HB and other retailers. The significant economic benefits afforded to a development of this scale should not be ignored.

The application is being advance on this basis.

**b) Site Description**

An Existing Site Plan (ref. 5834-012) appears at **Document 1**. The existing Training Centre extends to some 2,028 square metres 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.

The former Carcraft car hypermarket is located directly east of the Training Centre and extends over 10,500 square metres on a total site area of approximately 4.6 hectares. As with the existing Training Centre, the unit has its own dedicated parking provision and vehicular access sis taken from Portal Way off East Lancashire Road.

**c) Relevant Planning History**

Axis Business Park has a long history of planning applications, the most relevant of which are briefly summarised below.

Planning permission for the existing training centre was granted on 20 May 2008 alongside a wider extension of TJM's operations including 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 the decision and s106 appears at **Document 2**.

It is important to highlight that 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."**

As we will come on to discuss, it is anticipated that the new training centre now proposed will be bound by similar obligations.

Finally, planning permission for the car hypermarket was granted under application 02F/1611. This permission has since been varied (ref. 02F/1611) and a copy of the revised consent appears as **Document 3**. This establishes the site's lawful *sui generis* use as a car hypermarket, as controlled by condition 13 of the varied permission.

There is no other planning history of importance.

**d) Proposed Development**

A Proposed Site Plan (ref. 5834-011) appears at **Document 4**. In view of this, the following description of development is envisaged:

**“Conversion of existing training centre to offices (Class B1); change of use and conversion of car hypermarket building (*sui generis*) to provide 3no. units including a training centre with internal and external Retail Areas and first floor overnight accommodation, discount foodstore (Class A1) and bulky goods unit (Class A1); with associated alterations to the building and site layout including revised car parking and servicing arrangements.”**

A change of use will therefore be sought to permit the existing Training Centre unit to be converted into offices (Class B1). The existing training centre will then be relocated to within part of the former hypermarket which, given its size, will be subdivided to create three units. The first unit closest to the main road will be taken up by the new HB training centre with a ground floor area of 3,251 square metres (GIA), with an additional 929 square metres for a Garden Centre and an outdoor service yard. Consistent with the existing Training Centre, first floor overnight accommodation is also proposed which extends to 799 square metres. The balance of the former car hypermarket will be split into 2no. units comprising a bulky goods retail unit and discount food store (Class A1), both extending to 1,858 square metres (GIA). These units will both be served by a shared service yard at the rear. Parking for 302 vehicles will serve the three unit scheme which is an area of parking that already exists.

The existing parking areas associated with the car hypermarket are extensive and having accounted for those required to support the training centre and adjacent retail units, a large development plot remains and has been carved out of the development site. This is marked up on the Proposed Site Layout and will be reserved for further TJM expansion in the future.

#### **e) Planning Policy Context**

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.

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.

##### *i. Development Plan*

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.

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. 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.

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

ii. Material Considerations

The NPPF is underpinned by a presumption in favour of sustainable development with significant weight afforded to the need for the planning system to support economic growth. In terms of the presumption, paragraph 14 states that where development plans are out of date, to grant permission unless any adverse impacts of doing so would significantly outweigh the benefits. Paragraph 17 encourages the use of brownfield land and paragraph 18 goes on to discuss development coming forward that is sustainable as well as emphasising that a key aim is to build a 'strong, competitive economy'. Paragraph 19 goes on to state that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic development.

In respect of out of centre retail development, paragraphs 24 and 26 of the NPPF are of relevance. Paragraph 24 requires the sequential test should be applied taking a town centre approach first, followed by an edge of centre and then an out of centre approach. Paragraph 26 requires impact assessments to be applied for out of centre retail development that exceeds 2,500 square metres in floorspace, unless there is a lower locally set threshold.

f) Headline Planning Case

The conversion of the existing train centre to offices is considered to be acceptable in principle and in accordance with the site's employment allocation. The rehousing and upgrading of the training centre is also

considered to be acceptable in principle given the precedent set by the existing facility and an acknowledgment that similar s106 restrictions will be imposed on the development to make the development bespoke to HB. There is no loss of employment land issue on the basis that the former car hypermarket is a quasi sui generis retail use.

Finally, the case in favour of the two additional retail units is considered to be acceptable in principle, subject to the satisfaction of the sequential and impact tests. Again there is no loss of employment land objection given the current use of the site which is a material planning consideration. To this end, we are confident that the retail tests can be met and we would like to agree the scope of the retail assessment when we meet.

In support of the proposals is the considerable job creation and investment that will arise should planning permission be granted. These benefits should be awarded considerable weight and provide further support for the development.

**g) Points for Discussions**

In light of the above, we would like to discuss the following main points at the pre-application meeting:

- Introductions;
- Background;
- Proposed development;
- Principle;
- Development management considerations;
- CIL/S106;
- Validation requirements/supporting documents;
- Delegated or Committee Decision (and committee dates if relevant); and
- AOB.

We trust that the enclosed is sufficient to aid Officers understanding of the proposals and we would be grateful for some suggested meeting dates at the earliest opportunity.

Yours faithfully,



Tim Rainbird  
Director

Enc.