



PLANNING & RETAIL ASSESSMENT

**FORMER RAYWARE SITE, SPEKE
BOULEVARD, SPEKE, LIVERPOOL, L24
9HZ**

T J MORRIS LIMITED

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Our Ref: Q30321

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Documents

1. Site Location Plan (ref. AL(1)001 & AL(0)001)
2. Pre-application submission, prepared by Quod
3. Sequential Site Assessment Plan (ref.Q02)
4. Sequential Site Assessments
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1 INTRODUCTION

- 1.1 This Planning and Retail Assessment (PRA) has been prepared by Quod, on behalf of T J Morris Limited (TJM) (the applicant), in support of a hybrid planning application for the retail-led regeneration of the former Rayware site on Speke Boulevard, Liverpool. Specifically, planning permission is sought for the following development:

“Demolition of existing buildings and cessation of temporary airport car parking use; full planning application for erection of 1no. flagship retail unit (Class A1) for Home Bargains (Class A1 non-food retail use with 30% ancillary food and drink for consumption off the premises and ancillary customer café) with associated external garden centre, 1no. building for Class A1 retail use, and 1no. leisure/café/restaurant unit for class A3 or class D2 uses along with access and servicing arrangements, car parking, landscaping and associated highway works; outline planning application for up to 9,000 square metres of employment uses (classes B1(c), B2 and B8) including details of access with all other matters reserved.”

- 1.2 This PRA has been prepared to assess the application proposals against the relevant provisions of the statutory Development Plan and other material considerations, particularly the National Planning Policy Framework (March 2012) and accompanying Planning Practice Guidance (March 2014).
- 1.3 The Statement will demonstrate that there is no planning reason why planning permission should not be granted. It will justify the principle and also assess all relevant development management considerations.
- 1.4 The 4.5 hectare Site is occupied by a vacant, substantial linear building that has fallen into disrepair and is detrimental to visual amenity. Through the submission of an initial hybrid planning application, TJM is looking to facilitate the retail-led regeneration of this key site within the South Liverpool International Gateway Strategic Regeneration Framework (SRF). Such a proposal is permitted under the site’s UDP allocation as a Primary Industrial Area, given the significant benefits that will arise from the scheme. Notably, Policy E1 of the out of date UDP will be satisfied in this PRA.
- 1.5 The proposals, which will be phased, will comprise the demolition of the existing buildings and comprehensive redevelopment of the site to provide a mix of employment generating retail and employment uses. The catalyst for the long awaited regeneration of the site and wider area will be retail (Class A1) and other commercial (Class A3 or D2) floorspace, including a flagship Home Bargains

(‘HB’) store. This in turn will facilitate the demolition and remediation of the land and will ‘pump prime’ the balance of the site for the future employment development.

- 1.6 This pump priming could not be achieved without the value arising from the speculative retail unit proposed. The site is being developed by TJM who will own and occupy the flagship Home Bargains store. The construction of this unit along with the demolition and remediation of the wider site will attract significant losses that in some way need to be offset to make the development more viable. The speculative retail unit achieves just this, given it will derive a rent and commercial value which will assist with the delivery of the site.
- 1.7 The proposed development therefore represents a real opportunity to bring a large vacant, brownfield site back into active economic use, contributing positively to the local economy. The site has been largely unused for more than 10 years, which only seeks to underpin the significance of the current application which will regenerate the site.
- 1.8 The proposed development gives rise to significant and tangible benefits including the creation of up to 320no. new jobs and £25 million of local investment. These are substantial economic benefits that should be afforded considerable weight, particularly given the importance the National Planning Policy Framework places on economic development and growth.
- 1.9 It should be highlighted from the outset that the proposals have been subject to pre-application discussions with officers at LCC dating back to 2013. Substantial changes have been made to the scheme to satisfy feedback received including the acquisition of Booth House to facilitate improved access arrangements to the site. The submission is therefore robust in this respect.
- 1.10 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** requests an EIA screening opinion;
 - **Section 5** sets out the planning policy context at national and local level;

- **Section 6** addresses the sequential approach to site selection;
- **Section 7** describes the anticipated trading effects of the scheme;
- **Section 8** sets out the employment land considerations;
- **Section 9** assesses the scheme against the relevant development management considerations; and
- **Section 10** provides a summary and conclusion to the proposals.

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

- Design & Access Statement, Bracewell Stirling;
- Transport Assessment & Travel Plan, prepared by Iceni Projects Limited;
- Ecological Assessment, prepared by Ecology Solutions;
- Flood Risk Assessment & Drainage Strategy, prepared by Hydrock;
- Air Quality Assessment, prepared by Encon Associates;
- Ground Investigation Report, prepared by Hydrock;
- Economic Statement, prepared by Quod;
- Site Location Plan (ref. A(1)001 & ref. A(0)001), prepared by Bracewell Stirling; and
- Full planning drawings, prepared by Bracewell Stirling.

2 FACTUAL BACKGROUND

a) Site & Surrounding Area

2.1 The Site fronts Speke Boulevard (A561) in Speke, South Liverpool, in close proximity to Speke district centre and Hunts Cross local centre, and within easy travelling distance of Garston and Woolton district centres. It has a prominent frontage, approximately 320 metres, to the A561 Speke Boulevard which represents the main arterial road into Liverpool city centre from the south. Vehicular access is gained via two junctions on the A561 which are connected by a service road running the full length of the site frontage parallel to Speke Boulevard; the south east junction is egress only. Site Location Plans appear at **Document 1**.

2.2 The land extends to approximately 4.5 hectares (11.5 acres) with two large warehouses, dating from the 1950s, situated on it and providing the following accommodation:

Front Building

- 13,378 square metres (144,000 square feet)
- Arch concrete frame construction with eaves height ranging from 14 feet to 30 feet.

Rear Building

- 9,197 square metres (99,000 square feet)
- Majority built in 1970s of brick construction with steel roof truss.

2.3 Part of Booth House is also located on the western periphery of the site which is a two storey office building totalling c. 860 square metres (GIA). This will be demolished to make way for the site's improved access arrangements.

2.4 The main buildings which form part of the former Rayware site are at the end of their useful lives and need to be demolished; they are an eyesore. Moreover, the buildings are vacant and have been for more than 10 years, and do not contribute positively to either job generation or the regeneration aspirations for the site and wider area.

- 2.5 The remainder of the Site offers an external hard standing covering an area of approximately 0.61 hectares (1.5 acres). This area is currently used as a temporary car park for the airport, which has been in operation for approximately 9 years. This use will cease if the development proceeds.
- 2.6 The surrounding area is mixed and includes Venture Point Business Park to the north and west, the former GSK building to the east and Speke housing estate to the south. The wider area is characterised by a prominent mix of uses being close to the Jaguar Land Rover factory, New Mersey Retail Park, Liverpool International Business Park and Liverpool John Lennon Airport.
- 2.7 Finally, the site is afforded good access to pedestrian/cycle facilities, bus services and the road network. Although located in out of centre location in retail planning terms, it is in close proximity to Speke District Centre as well as Hunts Cross Local Centre and is accessible by a variety of modes of transport.
- 2.8 In respect of other physical constraints, the Environment Agency identifies the site as being with Flood Zone 1 but given the total site area, this application is supported by a Flood Risk Assessment.

c) Relevant Planning History

- 2.9 The most recent application in respect of this site related to the temporary continued use of the external yards and rear building for airport related car parking (LPA ref. 09F/0280). This application was refused in May 2009 for the following reasons:

“The proposed continued use of the application site as airport related car parking would undermine the successful delivery and implementation of the Airport Surface Access Strategy, currently under revision, which seeks to regulate the availability of car parking for passengers and staff and would be contrary to Policy RT5 in Regional Spatial Strategy for the North West and PPG13.”

- 2.10 There is no other planning history of relevance.

d) Pre-application Consultation

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

- 2.12 A comprehensive written pre-application submission was submitted to the Council on 7 January 2013. 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 2**.
- 2.13 A formal pre-application meeting subsequently took place in January 2013 where TJM's vision for the site was described, the proposed development was set out in as much detail as possible, and the reasoning for proposed development was thoroughly discussed and explained with Officers. TJM's commitment and aspirations to have a presence at the former Rayware site, alongside other retail and employment uses, was explained to Officers, stating that the commercial and retail requirements for HB's expansion was a necessary and evolutionary step change in their business model and also to act as the catalyst to regenerate the site within South Liverpool International Gateway SRF.
- 2.14 The Applicant also confirmed that existing HB stores would continue to operate should planning permission be granted (this is still the case).
- 2.15 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 broad scope of the retail evidence agreed and further work has been undertaken to address the issues raised.

3 PROPOSED DEVELOPMENT

- 3.1 The application comprises a 'hybrid' submission which seeks full planning permission for some elements of the proposed development and outline planning permission for others.
- 3.2 A hybrid application enables the Local Planning Authority to consider the principle of development in respect of the entire application site and at the same time give detailed approval for particular elements of the scheme. This approach is necessary in respect of a comprehensive development of the Site. It provides certainty for TJM, LCC and the community about the overall form of development (including the type and amount of development and site layout) whilst allowing precise details of the outline elements of the scheme to be established through subsequent approvals.
- 3.3 The formal description of development contained within the hybrid application is as follows:

“Demolition of existing buildings and cessation of temporary airport car parking use; full planning application for erection of 1no. flagship retail unit (Class A1) for Home Bargains (Class A1 non-food retail use with 30% ancillary food and drink for consumption off the premises and ancillary customer café) with associated external garden centre, 1no. building for Class A1 retail use, and 1no. leisure/café/restaurant unit for class A3 or class D2 uses along with access and servicing arrangements, car parking, landscaping and associated highway works; outline planning application for up to 9,000 square metres of employment uses (classes B1(c), B2 and B8) including details of access with all other matters reserved.”

- 3.4 The site can be defined by two distinct parcels; the full retail and leisure component and the outline employment area. The outline element of the proposals will be inclusive of access with all other matters reserved and the full element will be subject to detailed approval for the demolition of existing buildings and erection of Class A1 (retail) and Class D2 (Leisure) uses.
- 3.5 Each parcel constitutes the following components.
- a) **Detailed Elements**
- 3.6 Full planning permission is sought for the following:
- 4,973 square metres (GIA) of retail (Class A1) floorspace within two separate buildings;

- Associated Garden Centre and Service Yards;
- 178 square metres (GIA) of either retail or leisure (Class A3/D2) floorspace;
- 204no. parking spaces including 17no. disabled spaces;
- 20no. hooped cycle spaces;
- New access road; and
- Soft landscaping.

b) Outline Application

- 3.7 Outline planning permission, with all matters reserved for subsequent approval except means of vehicular access to the site, is sought for the balance of the Application Site. This will comprise:
- Up to 9,000 square metres (GEA) of Class B1(c), B2 and B8 development;
 - Maximum building heights of 15 metres;
 - Means of access.
- 3.8 The existing buildings on site will be subject to total demolition and the site will become cleared for redevelopment. The demolition of the existing buildings forms part of the proposals and are integral, throughout the whole site, for the aforementioned proposed development to be delivered.
- 3.9 The proposed development has been designed on the back of extensive discussions, scoping and consideration of a range of development options, in order to produce a well thought out scheme.
- 3.10 The overall development site extends to 4.5ha of which 2.5ha will be occupied by retail and leisure (Class A1) / (Class A3/D2) uses with the remaining 2ha for employment uses. The former element of the proposals (retail and leisure) forms the detailed aspect of this application, and the latter future employment uses will be 'pump primed' by the completion and operation of the retail / leisure uses. The phasing and location of the principal elements of the scheme are shown on the Indicative Masterplan, prepared by Bracewell Stirling.

- 3.11 The retail element of the proposed development is brought forward in order to enable future development of the employment area of the site. Without the permission from LCC to progress with the retail development, shown in full by the submitted plans, the employment uses adjacent to the retail area could not be delivered. Therefore, the proposed retail element is wholly enabling future employment development at the site.
- 3.12 Given the scale of the proposals and the cost of demolition and remediation works, the development would be phased the retail component coming forward first, acting as the catalyst for the site's wider regeneration. As a result, the first phase of development will enhance the prospects for wider B-class uses being brought forward following clearance, remediation and making good of the wider land. The delivery of these uses will be subject to market demand, but the initial preparatory works will demonstrably enhance the land's commercial attractiveness thereby maximising future development opportunities in this SRF priority site.
- 3.13 In respect of the general layout and design of the proposals at the former Rayware Site, these set out in detail within the submitted Design and Access Statement and illustrated on the full planning pack, prepared by Bracewell Stirling, as listed below.

Drawing Reference	Drawing Title	Scale
Outline		
AL(1)001	Site Location Plan	1:1250 @ A3
4098-A AL(1)002	Development Parameters Plan	1:1250 @ A3
4098-A AL(1)003	Site Access Plan	1:500 @ A3
4098-A AL(1)004	Indicative Masterplan	1:1250 @ A3
Full		
AL(0)001	Site Location Plan	1:1250 @ A3
4098 AL(0)002	Existing Site Plan	1:500 @ A1
4098 AL(0)003	Proposed Site Plan	1:250 @ A0
4098 AL(0)004	Proposed Floor Plan	1:100 @ A1
4098 AL(0)005	Proposed Elevations (Unit 1)	1:200 @ A1
4098 AL(0)006	Proposed Floor Plan & Elevations (Unit 2)	1:200 @ A1

Drawing Reference	Drawing Title	Scale
4098 AL(0)007	Proposed Plans & Elevations (Unit 3)	1:200 @ A3
4098 AL(0)008	Contextual Elevations	1:300 @ A1
4098-A AL(1)004	Indicative Masterplan	1:1250 @ A3

4 EIA SCREENING REQUEST

- 4.1 The proposed development at the former Rayware Site falls within Schedule 2 of the EIA Regulations as an 'Urban development projects, including the construction of shopping centres and car parks, sports stadiums, leisure centres and multiplex cinemas'. The site is 4.5 hectares and therefore exceeds the associated threshold of 1 hectare of urban development which is not dwelling house development as defined in Schedule 2. As such, a screening opinion is required.
- 4.2 The site is an existing employment site which is located within an industrial area. It is not located in a sensitive area as defined by Schedule 3 of the EIA Regulations, nor is it at risk of affecting any surrounding sensitive uses. Indeed the site is located within a AQMA, however this allocation is relevant to the whole of Liverpool. We do not deem the proposed development to constitute an EIA development. Nevertheless, in the interests of completeness, Quod, on behalf of T J Morris Limited, formally request a Screening Opinion under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 in relation to the proposed development for:

"Hybrid planning application for comprehensive retail-led regeneration comprising: demolition of existing buildings and cessation of temporary airport car parking use; full planning application for erection of 1no. flagship retail unit (Class A1) for home bargains (Class A1 non-food retail use with 30% ancillary food and drink for consumption off the premises and ancillary customer café) with associated external garden centre, 1no. building for Class A1 retail use, and 1no. leisure/café/restaurant unit for Class A3 or Class D2 uses along with access and servicing arrangements, car parking, landscaping and associated highway works; outline planning application for up to 9,000 square metres of employment uses (Classes B1(c), B2 and B8) including details of access with all other matters reserved."

- 4.3 We would be grateful if Officers are able to confirm that the application does not give rise to any additional, or unacceptable localised impacts when assessing the proposals against the Regulations and Government advice on EIA taken from the PPG, 2014.
- 4.4 We look forward to receiving the Opinion within the necessary period, as specified in the EIA Regulations.

5 PLANNING POLICY CONTEXT

- 5.1 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 Liverpool UDP (2002).
- 5.2 The NPPF is a material consideration of considerable 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.
- 5.3 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.
- 5.4 Other material considerations include the South Liverpool International Gateway SRF, the Liverpool Core Strategy (Publication Consultation) dated March 2012 and Liverpool Retail and Commercial Leisure Study (November 2011).

a) Development Plan

- 5.5 The UDP (2002) is the Council's most recent adopted development plan policy document, which is now 14 years old and largely out of date.
- 5.6 On the UDP proposals map the Site is allocated as a Primary Industrial Area (PIA) under Saved Policy E1, which states that within these areas planning permission will be granted for Class B1, B2 and B8 uses along with small scale ancillary uses. It goes on to advise that 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.**

5.7 The Site is also located on an Environmental Improvement Corridor which is dealt with under Saved Policy OE15. The A561 (Speke Boulevard) is given priority in the policy which aspires to improve the environmental appearance of these corridors by incorporating a high standard of landscaping boundary treatment, appropriate screening and, *inter alia*:

“ii. carrying out environmental improvements to vacant and derelict land within its ownership in accordance with Policy EP1 and landscaping schemes along the corridor generally”

5.8 Saved Policy EP1 deals with vacant derelict and neglected land and states that the City Council will promote and encourage the reclamation of derelict land and the restoration of neglected land and encourage the development of these and other vacant sites for appropriate uses. The policy goes on to state that particular attention will be given to the contribution the site would make to achieving the aims of urban regeneration, the need to facilitate inward investment opportunities and create jobs and degree of contamination.

5.9 Speke Boulevard is a designated Primary and Strategic Route Network on which schemes that open up or improve access to areas of employment will be implemented. The A561 is also a route of a high pressure gas pipeline (Saved Policy EP10).

5.10 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.

5.11 In respect of development management considerations, the following saved 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);
- EP2 (Contaminated Land);
- EP9 (Waste Storage);
- EP11 (Pollution);
- EP12 (Protection of Water Resources); and
- EP13 (Flood Prevention).

a) **Material Considerations**

i) **Emerging Planning Policy**

5.12 LCC 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. Given this, the now abandoned Draft Core Strategy holds little weight in the determination process of applications although it does provide an indication of the direction of travel for local planning policy.

5.13 The draft Core Strategy identified the Application Site as being within the Speke Halewood/International Gateway ‘Suburban Area’ in which there should be a *‘focus on job creation and economic growth’*. The Site also falls within a ‘Regeneration Fringe’ and ‘Strategic Investment Area’ (SIA) within which investment should capitalise on the assets of the nearby airport, the Port of Garston, and other economic development opportunities in locations accessible to the local and national transport links.

5.14 Strategic Policy 2 dealt with employment land. It stated that new employment development will be directed towards the SIAs and these areas will be *‘primarily reserved for industrial and business uses’*. It further moots that if land within SIAs are to be used for another purpose it will need to be clearly demonstrated that:

- **The proposed use is complementary to the primary employment use of the area, providing a small scale ancillary service to meet the day-to-day needs of employees; or**
- **The proposal would not prejudice the long term development of the wider employment area primarily for industrial and business development; and**
- **There is no likely future demand for employment use on the site, and its use for other purposes would bring economic, social or environmental benefits.**

5.15 Strategic Policy 6 dealt with economic development in the Suburban Areas in general. This policy specifically noted that sites located to the north of Speke Boulevard should continue to provide value job opportunities especially for residents of nearby communities. In the preamble it further states:

“The SIA includes substantial reserves of employment land and existing floorspace, particularly office-related uses, on account of its business park environment. However, its development for the full range of economic development uses – subject to conformity with national planning policy, and other policies in the Local Development Framework, particularly those relating to retail and leisure uses – will enable it to continue to attract investment and jobs.” (our emphasis)

5.16 It went on to state that Liverpool Vision and its partners (including the City Council) have prepared a long term development strategy for the SIA known as the South Liverpool International Gateway Strategic Regeneration Framework.

ii) South Liverpool International Gateway SRF

- 5.17 The SRF sets out the area's challenges and opportunities and identifying the key objectives to attract investment and improve the economic, social and physical environment. Within the SRF the South Liverpool International Gateway is divided into four areas within which the Application Site is located in 'Speke Boulevard'. Speke Boulevard is then divided into three sub-areas and the application site falls within 'Speke Industrial Estate'. In terms of land uses within this area, the SRF states:

"The established character of employment uses at Speke Industrial Estate should prevail with new office, industrial and storage/distribution uses (Use Class B2, B8). There may also be scope for other ancillary uses such as hotel, food-drink and car/trade showroom uses (Use Classes C1, A3, A4, A5, sui generis) to the main road frontages in order to animate the site. The suitability of such uses, however, will need to be considered on a site-by-site basis against other proposals in the area to ensure there is a balance across the International Gateway."

- 5.18 In the 'Implementation' chapter of the SRF, paragraph 6.1.60 identifies projects of the highest priority which includes development of the former Rayware site.

iii) National Planning Policy Framework (March, 2012)

- 5.19 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."**

- 5.20 Paragraph 17 sets out 12 core land-use planning principles that should underpin both plan-making and decision-taking. The following principles are of particular relevance to the current proposals:

“Proactively drive and support sustainable economic development to deliver homes, business and industrial units, infrastructure and thriving local places that the Country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in that area, taking account of the needs of residential and business communities;

Encourage the effective use of land by reusing land that have been previously developed (brownfield land), provided that it is not of high environmental value;”

- 5.21 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 advises 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." (Our emphasis)

- 5.22 Paragraph 22 goes on to advise that planning policies should not protect employment land where there is no reasonable prospect of it being used for that purpose. Specifically it states:

“Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.”

- 5.23 Turning to retail and town centre policies that are relevant to the 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). This should include an assessment 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."

- 5.24 Paragraph 27 states that planning permission should be refused if either the sequential or impact tests are not met, albeit material considerations can indicate otherwise.

iv) Planning Practice Guidance (March, 2014)

- 5.25 The online PPG was published in March 2014 and it supports the policies within the NPPF. It provides detailed planning practice guidance to support national and local planning policy. The supporting reports have adhered to the relevant guidance within this document.
- 5.26 The PPG states (ref. ID: 26-001-20140306) that good design for new proposals are integral to sustainable development and development proposals should reflect the requirement for good design set out in national and local policy and where there is development of poor design, permission should be refused.
- 5.27 The PPG (ref. ID: 42-001-20140306) states, in respect of transport and highways, that Travel Plans, Transport Assessment and Statements are required for all developments which are likely to generate significant amount of movements.

5.28 In terms of retailing and town centre, the PPG (ref. ID-2b-010-20140306) 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."

5.29 The PPG (ref. ID: 2b-011-20140306) 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."**

5.30 In terms of the impact test, the PPG (Ref. ID 2b-016-20140306) states:

"It is for the applicant to demonstrate compliance with the impact test in support of relevant applications. Failure to undertake an impact test could in itself constitute a reason for refusing permission.

The impact test should be undertaken in a proportionate and locally appropriate way, drawing on existing information where possible. Ideally, applicants and local planning authorities should seek to agree the scope, key impacts for assessment, and level of detail required in advance of applications being submitted."

5.31 Consideration of the proposal against the relevant policy and guidance is set out within the PRA.

b) Summary

- 5.32 The starting point for determining the planning implication is the development plan which in this instance comprises the 'saved' policies within the Liverpool UDP 2002. In determining the planning application the NPPF also requires local planning authorities to apply the presumption in favour of sustainable development.
- 5.33 The site comprises a Primarily Industrial Area where Class B1, B2 and B8 uses are encouraged. However, both the adopted UDP and emerging policy recognises that other uses would be appropriate where they can act as a catalyst for wider development, subject to a number of criteria being satisfied.
- 5.34 There are numerous development management policies which need to be considered when assessing the application proposals and these are considered later in this report.

6 PRINCIPLE OF DEVELOPMENT

- 6.1 There are two key matters of principle in relation to the proposals – retail uses within an allocated Primary Industrial Area, and retail uses in an out of centre location. This section of the report addresses the first part, with the subsequent sections dealing with relevant retail planning policy.
- 6.2 The 'saved' UDP is out of date, being almost 15 years. We would therefore fundamentally question the weight that can be afforded to it when determining this application. However, in the interests of robustness, the criteria of 'Saved' Policy E1 ('Primarily Industrial Areas') is addressed below.
- 6.3 To recap, Policy E1 allows for the loss of land within PIA's if certain criteria are met. Furthermore, the supporting text to Saved Policy E1 (para. 6.26) recognises that there are occasions when individual proposals for alternative uses will be appropriate.

“Would clearly act as a catalyst to the comprehensive redevelopment of the site or area primarily for industrial/business use;”

- 6.4 Retail (Class A1), along with the proposed B Use Classes, are defined by the NPPF (Annex 2) as economic development. Consequently, the application will ensure economic activity continues in a location that has remained vacant for over ten years.
- 6.5 The proposed retail use is a necessary catalyst to achieve the value required to facilitate the demolition of the existing vacant buildings and the remediation of the wider site. This is the first phase of the site's comprehensive redevelopment with the prospect of later phases of B-class development being maximised through the clearance and making good of the wider land. The likelihood of further commercial interest in the land will be greatly increased by providing a prominent, readily developable site and this is a compelling and overriding benefit arising from the initial phase of works. In short, the clearance and remediation of the site provides the very best foundation for future employment development to come forward. The outline component of the hybrid application simply allows TJM to retain flexibility in the balance of land uses throughout the regeneration process, which is an approach that is fully supported by the NPPF.

“Would not prejudice the long term development of the area primarily for these uses;”

- 6.6 The site is largely derelict and vacant, although is in part used on a temporary basis for airport car parking. As such the proposal will not lead to the loss of industrial/business uses, or prejudice the long term development of the area for such uses. The area will remain primarily for industrial/business uses in accordance with Saved Policy E1. Indeed, the Class A1/A3/D2 uses will pump prime the delivery of employment uses on the Site.

“Does not involved the development of a warehouse in the City centre in excess of 2,500 square metres;”

- 6.7 The proposal is not for a warehouse in the City Centre so this criterion is not relevant in this instance.

“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;”

- 6.8 A full Transport Assessment has been submitted in support of the application. No existing businesses will be affected by the proposed development, and there are no residential properties nearby that could be impacted upon by the proposal. This criteria is therefore satisfied.

“Would not conflict with other policies in the Plan.”

- 6.9 All other relevant policies have been fully addressed as part of the application and summarised within the PRA. This demonstrates that the proposal would not conflict with other policies within the Plan.
- 6.10 On the basis of the foregoing, Policy E1 is fully satisfied. To reinforce the economic case in favour of the development an Economic Statement is submitted with the application which sets out the historical and economic context of this Site and the potential benefits of the development proposals in light of this context, the prevailing market conditions and the policy aims and ambitions set by LCC.
- 6.11 The Statement notes that there of the need of employment land in Liverpool has been overstated and that the two preferred scenarios chosen by GVA as part of the Employment Land Review to set the upper and lower limits of estimated need both include assumptions that are overly optimistic, especially in light of the continuing economic challenges in the intervening years.

- 6.12 It also states that in respect of the supply and demand within the Liverpool Southern international Gateway, demand for employment floorspace had significantly dropped showing that there is a weak market demand and a high quantity of vacant floorspace. Indeed, in 2010 there were over 1 million square feet of available industrial floorspace – not including a number of development proposals which have been stalled due to the recession and additional serviced plots that have not been taken up.
- 6.13 The Economic Statement concludes however that considering the quantity of available employment land in within the Southern Gateway and the prevailing economic challenges, potential development on the Rayware Site should be considered on its own merits and not be constrained by policies which limit its land use. In particular, the ability of the retail element of the scheme to support the viability of redevelopment and for the Site to act as a catalyst for other vacant plots in the area should be considered.
- 6.14 Against this background, the proposal accords with ‘saved’ Policy E1. Indeed, redevelopment of the former Rayware site is identified as a high priority project in the SRF; the current buildings are an eyesore and the site in its current state is detrimental to visual amenity. With the exception of Booth House the buildings have been vacant for over 10 years; they are beyond refurbishment and prone to vandalism. Their demolition will improve the aesthetics of the area and, significantly, open up the site for future development. The land will also need to be remediated.
- 6.15 Moreover, saved Policy EP1 of the UDP promotes and encourages the development of vacant neglected sites for appropriate uses. The SRF also identifies ancillary uses such as hotels, food-drink and car/trade showroom uses to the main road frontages in order to animate the site. For all of these reasons, alternative non-B class uses are considered to be entirely acceptable on this site, given the catalytic effect these uses will have in delivering ‘oven ready’ development plots for up to 9,000 square metres of employment floorspace.

7 SEQUENTIAL ASSESSMENT

a) Context and Scope

- 7.1 Both national and local planning policy requires that the sequential approach to site selection be applied for main town centre uses that are not in an existing centre and not in accordance with an up to date plan. Whilst the sequential approach seeks to focus new retail development in town centres, it does not preclude sites coming forward elsewhere if no in-centre or edge of centre opportunities exist.
- 7.2 Planning permission is being sought for the retail-led regeneration of the former Rayware site on Speke Boulevard, Liverpool to include a range of main town centre uses alongside up to 9,000 square metres of B-class uses. Fundamentally the town centre uses will enable the wider site to be brought forward for employment development through the provision of 'oven ready' development plots.
- 7.3 In this respect, given the cost of demolition and remediation works along with providing a serviced site, the delivery of Class B uses only would not be viable in isolation. Therefore, the retail element of the scheme is critical to the delivery of the remainder of the Site for employment uses as it would act as the catalyst for the Site's wider regeneration.
- 7.4 The development will be phased, with the retail component coming first. The delivery of the first phase of development will enhance the prospects for wider B-class uses being brought forward following clearance, remediation and making good of the wider land. This initial preparatory works will demonstrably enhance the land's commercial attractiveness thereby maximising future development opportunities in this SRF priority site. In short, the clearance and remediation of the Site provides the very best foundation for future employment development to come forward.
- 7.5 The adopted UDP (Saved Policy E1) recognises that other uses in PIAs will be acceptable where they would act as a catalyst to the comprehensive redevelopment of the site for industrial/business use and would not prejudice the long term development of the area for these uses.
- 7.6 Likewise, the Draft Core Strategy (although now abandoned) identified that alternative uses would be acceptable (subject to criteria being met), including for the full range of economic development uses to enable such areas to continue to attract investment and jobs. Significantly, retail (Class A1),

along with B Use Classes, are defined by the NPPF (annex 2) as economic development. Consequently, the application will not only assist in delivering employment/business uses but ensure economic activity continues in a location that is in a poor state of repair and largely unused.

7.7 It is against this background that the sequential approach to site selection needs to be considered. Indeed, the proposals are 'location specific' and cannot be located in any other location within the City. The proposed uses cannot be located in a different locations as the retail element of the proposals will ultimately 'pump prime' the progression and development of the wider employment uses.

7.8 In light of this, it is not considered necessary to apply the sequential approach to site selection for the proposal. Nevertheless, for robustness alternative sites have been considered. In this respect, alternative sites that could accommodate the broad quantum of floorspace have been considered (i.e. 9,000 square metres of Class B1(c), B2 and B8 uses and approximately 5,000 square metres of Class A1 floorspace with appropriate servicing and car parking). There is no requirement to consider sites to accommodate the constituent elements being proposed.

7.9 Such an approach is supported by recent case law and Secretary of State / appeal decisions. Indeed, the Secretary of State decision at Rushden Lakes (Ref. APP/G2815/V/12/2190175) clarifies there is no 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)

7.10 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 (para. 35, Inspector's Report) stated 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."

- 7.11 The Site extends to over 4.5 hectares, in order to demonstrate flexibility, alternative sites of at least 3.5 hectares is identified as the minimum site threshold to accommodate a flexible interpretation of the propose development.

b) Site Assessment

- 7.12 A thorough sequential assessment has been undertaken that assesses all realistic opportunities within or at the edge of District Centres within the anticipated catchment area of the proposal. The Catchment Area is identified to comprise Zone 4, Zone 9, Zone 10 and Zone 14 of the Liverpool Retail and Commercial Leisure Study published by LCC in 2011. Collectively these zones broadly represents a ten-minute off-peak drivetime from the Application Site.
- 7.13 Sites within and at the edge of local centres have not been considered given that the scale and nature of development proposed would not be suitable in such locations. A summary of the sites is provided below. A Sequential Site Plan appears at **Document 3** and the full assessment of all sites appear at **Document 4**.
- 7.14 All of the sites have been comprehensively discounted on grounds of suitability, availability or viability. They all have individual constraints that hinder their ability to accommodate the proposed development in whole or in part, and a summary of our assessment is provided in the table below.

Site Reference	Suitable	Available	Viable
SS1 - Playing fields to south of DC	X	x	x
SS2 - Land South of Woolton DC	X	x	X
SS3 - Land to the South of Garston	X	x	X
SS4 - Garston DC - Vacant Co-op	X	x	X
SS5 - Garston DC - Vacant Empire Bingo Club	X	x	X
SS6 - Land to North of Speke Road, Garston	X	x	X

c) **Summary**

- 7.15 Notwithstanding the fact that we believe that the site specific characteristics of the proposal means that the sequential approach to site selection is not necessary, it has been demonstrated that there are no suitable, available and viable sites which could accommodate the proposed development, even when regard is given for flexibility.
- 7.16 Such a conclusion reflects that accepted by LCC in their recent determination of planning applications in the local area. This includes LCC's consideration of the Cains Brewery redevelopment at Stanhope Street (LPA ref. 13F/2178), which is located within the catchment area. In granting consent for this application the Council agreed that following a review of 33 sites by the applicant based on the parameter of being capable of accommodating just 900 square metres of commercial floorspace, it was considered that no site exists that is available, suitable and viable for such a level of floorspace.
- 7.17 Likewise, LCC in granting consent in November 2015 for the change of use to create a retail unit (Class A1) of just 270 square metres at Speke Hall Road, Hunts Cross (in relatively close proximity to the application site) (LPA ref. 15F/2155), LCC concluded that no sequentially preferable site exists.
- 7.18 Given that the application proposal seeks to deliver over 14,000 square metres of commercial floorspace, the conclusions reached by LCC when determining these recent planning application, and identifying no sequential site exists in the local area, is even more applicable when applying the sequential approach for the application proposal.
- 7.19 Against this background it has been demonstrated that the proposal complies with the sequential approach.

8 TRADING EFFECTS OF THE PROPOSED DEVELOPMENT

a) Context

- 8.1 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 the creation of 4,973 square metres (gross) of Class A1 retail floorspace. This level of floorspace is above the default threshold set out by the NPPF and therefore a retail impact assessment is required for the proposal.
- 8.2 The likely trading effects of the Class A3/D2 uses, although main town centre uses (as defined by the NPPF), this element of the scheme falls below the threshold when an impact assessment is required. Therefore, an assessment of impact is not required. Therefore, this assessment has focused on the Class A1 floorspace.
- 8.3 In considering impact, 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.”**
- 8.4 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.
- 8.5 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."

- 8.6 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.
- 8.7 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

- 8.8 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 (2,413 square metres gross / 2,172 square metres net) is to be occupied by HB, which will be for a new flagship store.
- 8.9 The potential turnover of this floorspace this has been based on applying an average sales density figures provided by HB and reflects the type of floorspace being proposed. Indeed, account has been given to the local catchment characteristics and the existing provision of HB stores in the local area, which will influence the extent of the store's catchment. In addition, it is widely recognised that larger stores trade at a lower sales density than smaller stores. The scale of unit proposed (2,172 square metres net) is at the higher end of stores within HB's portfolio.

- 8.10 Against this background, the information provided by HB (who is also the applicant) 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).
- 8.11 This means that this element of the scheme will have an estimated turnover of £5.43 million in 2016. By applying the annual sales densities currently identified by Experian (Figure 4b, Retail Planner Briefing Note 13, October 2015) this turnover increases to £5.98 million by 2021 (**Table 5A at Document 5**).
- 8.12 Whilst the new HB store will be predominantly for the sale of comparison (non-food) goods, as with their existing stores in the City, a proportion of the floorspace will be for the sale of food and drink – up to 30% of floorspace. However this will largely be ancillary to the comparison led offer. **Table 5B at Document 5** identifies that the turnover of this floorspace will be just £1.80 million in 2021. Such a modest turnover will have negligible impact on neighbouring centres.
- 8.13 For the reasons outlined above, the sales density applied represents a robust approach in identifying the likely trading turnover of the proposed HB unit. However, consistent with LCC's consideration of recent planning applications for HB stores, a further sensitivity testing has been undertaken based on the average sales density for HB identified by Mintel Retail Rankings (2015) of £6,419 per square metre. Whilst we have some concerns with regard to the figure suggested by Mintel, particularly for larger HB stores, this sensitivity testing has been undertaken for completeness.
- 8.14 Based on applying this revised sales density, the turnover of the HB unit increases to £15.36 million for comparison goods and £4.62 million for convenience goods by 2021.
- 8.15 In terms of the other retail unit being proposed (2,560 square metres gross), discussions are ongoing with potential retailers and interest has been expressed from a number of retailers. These ongoing discussions are confidential at this stage, but it is anticipated that this floorspace will comprise up to three units of different sizes.
- 8.16 However, to ensure flexibility, this assessment has assessed the impact on the basis that all the floorspace could be occupied by convenience or comparison retailers. Therefore, to assist the Council in understanding the potential turnover of these units an average sales density of leading

comparison retailers have been applied of £4,000 per square metre and £5,500 per square metre for convenience goods (inclusive of VAT and at 2014 prices). The scale and form of development proposed means that if the proposal is fully occupied by a convenience retailer that it would be attractive to discount operators.

- 8.17 The second building seeks to provide 2,560 square metres (gross) of floorspace. It is anticipated that up to 2,048 square metres (or 80%) will comprise the net sales area should it be occupied by comparison retailers, reducing to 70% for convenience goods. By applying an average sales density of £4,000 per square metre, this floorspace is identified to achieve a comparison goods retail turnover of £8.19 million in 2016, increasing to £9.03 million by 2021 (at 2014 prices).
- 8.18 Should it be occupied by convenience retailers, the turnover increases to £11.67 million in 2016, reducing slightly to £11.61 million by 2021. Again, the anticipated turnover post 2016 assumes the annual sales densities currently identified by Experian.
- 8.19 Overall, the proposal is identified to result in a comparison retail turnover of up to £15.01 million by 2021 and a convenience retail turnover of up to £11.61 million by 2021.
- 8.20 It is important to note that our assessment assumes that up to 30% of the gross floorspace (724 square metres) could be for the sale of food and drink. However, at certain periods the level of floorspace dedicated to the sale of food and drink goods may be less, meaning the residual floorspace will be for the sale of non-food goods. Therefore, to allow flexibility, the maximum level of floorspace that could be provided (both non-food and food and drink goods) has been tested. This represents a very robust approach to adopt and means that the overall turnover of HB has been overstated by £1.80 million. Consequently, the modest levels of impact identified by applying this approach will in fact be much lower. This is an important factor to take into account when considering the trading effects identified.

ii) Trade Diversion

- 8.21 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.”

- 8.22 In light of this it is necessary to understand the type of development proposed and existing shopping patterns in the local area. Existing shopping patterns within the catchment area for comparison goods (**Table 3**) and convenience goods (**Table 4**) are contained at **Document 5**.
- 8.23 In terms of comparison goods, within the defined catchment, the principal comparison retail destinations for local residents are identified to be Liverpool city centre, despite being located beyond the catchment, which is identified to attract 35% of comparison goods retail expenditure generated in the catchment area. Reflecting its role as a regional shopping centre, the City Centre comprises a wide range of retailers, including representation from HB. Given the retail offer and existing shopping patterns it is proposed that approximately 37.5% of the proposal’s comparison retail turnover will be derived from Liverpool city centre.
- 8.24 Reflecting existing shopping patterns in the local area, the remaining trade will be principally derived from New Mersey Shopping Park (25.0% of the proposal’s turnover). Whilst the level of diversion will not be significant given the strength and popularity of the Shopping Park, it comprises an out-of-centre retail facility that is afforded no policy protection. As such any impact is not material in considering the acceptability of the proposal.
- 8.25 Trade is also anticipated to be derived from other out-of-centre retail destinations, including Hunts Cross Shopping Park (7.5% of the proposal’s turnover) and Gemini Retail Park near Warrington (3.0%).
- 8.26 In terms of expenditure derived from existing centres, in addition to trade from Liverpool city centre, this is anticipated to be principally derived from Speke district centre (7.5% of the proposal’s turnover). This reflects the strength of the district centre as a retail destination in the local area, and the overlap in offer. Trade from other centres, such as Belle Vale district centre (which includes representation from HB that will be retained), Woolton, Garston and Aigburth Road, will be much lower (7.5% or less) and not at a level that would undermine their long-term vitality and viability.
- 8.27 Should the second building be occupied by solely convenience retailers, it is anticipated that trade will be principally derived from supermarkets in the surrounding area. This includes the existing out

of centre Asda at Hunts Cross (22.5% of the proposal's convenience turnover). Again, such out of centre destinations are afforded no policy protection.

- 8.28 In terms of the trade derived from existing centres, this will be principally derived from Speke district centre, (12.5% of the proposal's convenience offer), namely the Morrisons store; Belle Vale district centre, predominantly from Morrisons (10.0%); Woolton district centre, namely from Sainsbury's (7.5%); and Smithdown Road South district centre (5.0%), with trade principally from Asda. Again, the modest trade diversion from any particular centre and the strength of existing retail destinations means that any impact will not be significant.

iii) Impact on Turnover

- 8.29 The anticipated trading effects on existing retail destinations within and beyond the defined catchment are set out in **Table 6** (for comparison goods), **Table 7** (for convenience goods) at **Document 5**.
- 8.30 In considering these impacts 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.
- 8.31 In addition, established practice and recent appeal decisions¹ 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.

¹ Including tan appeal at Bampton, South Yorkshire (Ref. APP/P4415/A/13/2197947)

- 8.32 Both these factors have the effect of overstating the potential impact of the proposal. As a result, our assessment is very robust.
- 8.33 In addition, the robust approach of basing our assessment on the impossible scenario that 100% of the floorspace of HB could be used for the sale of comparison goods and at the same time 30% could be used for the sale of food drink means that our assessment is very robust. 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.
- 8.34 Nevertheless, Table 6.1 summarises the anticipate impact on the retail turnover of the key nearby centres in 2021. The figures provided in brackets are the impact proposal based on the sensitivity analysis undertaken in respect of the potential turnover of the HB unit.

Table 8.1 – Anticipated Trading Effect of the Proposal (Main Centres) - 2021

Centre	Impact	
	Comparison	Convenience
Belle Vale district centre	-2.3% (-3.8%)	-1.9% (-2.4%)
Aigburth Road district centre	-2.0% (-3.2%)	-1.6% (-2.0%)
Liverpool city centre	-0.7% (-1.1%)	-0.4% (-0.5%)
Speke district centre	-0.6% (-0.9%)	-5.1% (-6.3%)
Hunts Cross local centre	-0.7% (-1.1%)	-2.8% (-3.5%)
Woolton district centre	-1.5% (-2.4%)	-3.3% (-4.1%)
Allerton Road district centre	-0.5% (-0.8%)	-2.7% (-3.4%)
Smithdown Road South	-0.7% (-1.1%)	-0.9% (-1.1%)

Source: Table 6, Table 7, Table 13 and Table 14 at Document 5

- 8.35 The above analysis demonstrates that the impact on existing centres by 2021 will be limited – 2.3% or less in the comparison retail sector and 5.1% or less on the convenience sector. 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 service sector of these centres. Likewise, the sensitivity analysis shows that the potential impact remains at a level that is not significant adverse (the policy test).
- 8.36 On the basis of the above analysis, we summarise the potential effects of the proposal on existing nearby centres.
- 8.37 **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.
- 8.38 It is anticipated that the application proposal will have an impact on the centre's retail turnover of just 0.7% convenience and 0.4% comparison by 2021. This limited impact reflects the strong trading performance of the City Centre, the modest scale of retail floorspace proposed.
- 8.39 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 significant 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.

- 8.40 Taking into account all the above factors, the MRAR concluded (page 2) that: *“Liverpool is a vibrant shopping destination with wide appeal”*
- 8.41 Given this strong trading performance, the fact that HB will retain their existing presence, 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.
- 8.42 **Speke district centre** is located within the anticipated catchment area of the proposal and is a new build centre, anchored by a Morrisons foodstore. There is also representation from TK Maxx, Iceland and Card Factory.
- 8.43 Given the role and function of the district centre as a principally convenience retail destination, the anticipated trading effect of the proposal on the district centre will be limited (up to 0.6% comparison and up to 5.1% convenience). Such levels of 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, particularly in terms of convenience goods shopping. In terms of the convenience retail sector, the principal impact is identified to fall on the existing Morrisons store. From our visits to the Morrisons, this store appears to be well used, and the modest diversion anticipated impact identified will not undermine the store’s continued performance or more importantly the role and function of the district centre.
- 8.44 **Allerton Road district centre** performs an important function as one of the largest district centres and is identified in the LCC District and Local Centre Study (2009), as *‘probably its most successful’*. The successful trading performance of the centre was also acknowledged in the Draft Core Strategy. The District Centre has a good range of comparison, convenience, and service outlets including representation from WH Smith, Boots and Iceland together with a Tesco store that acts as an anchor for the southern end of the centre.
- 8.45 The LCC District and Local Centre Study identifies Allerton Road as a ‘vibrant’ and ‘successful’ centre. Whilst this position was reached in 2009, there is no evidence to suggest that this position has changed and the vitality and viability has weakened. The district centre continues to provide a strong retail offer together with the wider community uses and a relatively strong evening economy.

- 8.46 In terms of the effect on the trade / turnover of the district centre, our assessment identifies that the application proposal will have a limited impact on the retail turnover of the district centre (up to 0.5% in the comparison sector and up to 2.7% in the convenience sector by 2021). Such limited impacts will not undermine the continued performance of the district centre.
- 8.47 **Aigburth Road district centre** is a long linear centre focused on the south side of the A561. The retail offer within the centre contains a mix of national and independent retailers. The 'offer' currently provided in the district centre, which caters predominantly for the local community and is anchored by wider community uses and local services, including a medical centre. These uses will not be undermined by the application proposal. Indeed, the retail offer is relatively limited. The LCC District and Local Centres Study identified that Aigburth Road has the lowest level of Class A1 floorspace of all the district centres within the City.
- 8.48 Reflecting its role and function the impact on the district centre the application proposal is anticipated to have a limited impact on the centre (up to 2.0% on the comparison retail sector and up to 1.6% on the convenience retail sector by 2021). Such a level of impact will not undermine the long-term vitality and viability of the centre.
- 8.49 **Belle Vale district centre** comprises a 1970s indoor shopping mall, together with a large Morrisons store. The centre is dominated by Class A1 uses and includes a significant representation from multiple retailers including Argos, New Look, Iceland and Boots. HB are also represented and their presence will be retained should planning permission be granted on the Application Site.
- 8.50 Reflecting its retail offer, the highest impact on any individual centre is identified to fall on Belle Vale. However, this remains limited (up to 2.3% on the comparison retail sector and up to 1.9% on the convenience retail sector by 2021).
- 8.51 Overall, Belle Vale district centre is a vital and viable centre. As reflected by the LCC District and Local Centre Study it is widely accessible and draws from a wide catchment. Given the strength of the retail offer of the centre, the modest level of impact of identified will not lead to a significant adverse impact.
- 8.52 **Smithdown Road South district centre** is an attractive centre. The LCC District and Local Centre Study (2009) identified that:

“It is a substantial district centre with a more affluent catchment than other centres within Inner Liverpool. The catchment area includes a substantial student population.”

- 8.53 With regard to the likely impact of the application proposal on the retail turnover of the district centre, this is identified to be limited (up to 0.7% on the comparison retail sector and up to 0.9% on the convenience sector by 2021) much of which will fall on the large-format Asda store. Whilst this is not deemed to be significant, it is anticipated that any impact has been overstated as the significant local student population (which has not been factored into our assessment) will provide additional expenditure to contribute to the trading success of existing facilities, including the Asda store.
- 8.54 In this context, there is no demonstrable evidence to suggest that the proposal would have a significant adverse impact. The district centre will continue to act as a focus for the local community and provide a range of shops and services.
- 8.55 The anticipated impact on **other centres**, such as Woolton district centre and Hunts Cross local centre will again not be significant (up to 1.5% or less in the comparison retail sector and up to 3.3% on the convenience retail sector by 2021) and will not undermine the role and function of these centres.
- 8.56 In terms of any assessment of the likely cumulative impact and recent commitments, it is important to note that following the publication of the NPPF in 2012, there is no longer a specific policy requirement for such an assessment to be undertaken. Whilst reference is made to cumulative effects of recent developments within the PPG, this is in the context of setting locally set thresholds not in the determination of planning applications. Likewise, although ‘Saved’ Policy S6 of the Liverpool UDP outlines that a cumulative impact assessment is required, this policy was set against a different national policy framework (PPG6), which required cumulative impact to be considered. In the same way that retail ‘need’ no longer needs to be considered (also a criterion of Policy S6), an assessment of cumulative impact is no longer an explicit policy requirement – as confirmed by national policy.
- 8.57 Notwithstanding, for robustness and without prejudice to the fact that such an assessment is not required by policy, as part of the additional retail analysis we have considered the potential cumulative impact of the proposal and the principal outstanding commitments within the defined catchment area. In this respect, the main commitment within the catchment area (albeit towards

the periphery) is the Cains Brewery redevelopment on Stanhope Street (LPA Ref. 13F/2178) at the outskirts of Liverpool city centre.

- 8.58 Table 6.2 summarises the potential cumulative impact of the proposal and the Cains Brewery development. Again, for robustness, the figures in bracket show the cumulative impact based on the sensitivity assessment in terms of the potential turnover of HB.

Table 8.2 – Anticipated Cumulative Trading Effects of the Proposal and Cains Brewery Redevelopment (Main Centres) – 2021

Centre	Cumulative Impact	
	Comparison	Convenience
Belle Vale district centre	-2.3% (-3.7%)	-2.6% (-3.0%)
Aigburth Road district centre	-1.9% (-3.1%)	-2.6% (-3.0%)
Liverpool city centre	-1.5% (-1.9%)	-6.8% (-6.9%)
Speke district centre	-0.8% (-1.2%)	-5.3% (6.5%)
Hunts Cross local centre	-0.7% (-1.1%)	-2.7% (-3.4%)
Woolton district centre	-1.4% (-2.3%)	-5.8% (-6.6%)
Allerton Road district centre	-1.6% (-1.9%)	-5.6% (-6.2%)
Smithdown Road South	-1.5% (-1.9%)	-5.2% (-5.4%)

Source: Table 10, Table 11, Table 15 and Table 16 at Document 5

- 8.59 The above analysis shows that the cumulative impact on existing centres remains limited (up to 2.3% or less on the comparison retail sector and up to 6.8% on the convenience retail sector by 2021) and is not at a level that would undermine the long-term vitality and viability of existing centres.

8.60 Consequently, it is demonstrated that the likely trading effects of the proposal (either solus or cumulative) will not lead to a significant adverse impact on the vitality and viability of existing centres.

c) Impact on Planned Investment

8.61 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.”**

8.62 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).”

8.63 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. Much of the floorspace will be occupied by a flagship HB store. In this respect it is acknowledged that HB also have a number of stores in the surrounding centres, which will continue to trade alongside the proposal.

- 8.64 Given this, together with the modest quantum of floorspace proposed, we are not aware of any ongoing investment coming forward that will be adversely impacted upon by a bulky goods led retail development.
- 8.65 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 and will not undermine its future delivery.
- 8.66 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. Furthermore, the location of this scheme outside the primary catchment of the proposal means that it will largely serve a different role to that of the application proposal.
- 8.67 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

- 8.68 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.
- 8.69 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

- 8.70 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.
- 8.71 The principal impact is identified to fall on out-of-centre retail destinations. Such destinations are not afforded any planning policy protection.
- 8.72 Whilst there will be some impact on existing centres this will be negligible 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.

9 DEVELOPMENT MANAGEMENT CONSIDERATIONS

9.1 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) Contamination

9.2 In line with the Council's requirements, a Ground Investigation Report has been prepared by Hydrock. This provides recommendations for further work which extends to:

"The following further works will be required:

- **design of a capping layer to any areas of proposed landscaping ;**
- **design of potable water barrier pipes:**
- **design of the foundations roads and pavements;**
- **writing of a remediation method statement;**
- **writing of a material management plan; and**
- **discussions and agreement of the conclusions of this report with the local authority, water company and any other appropriate body."**

9.3 Importantly however, the Report has concluded that all aspects of risk to contamination have been assessed and therefore the proposals accord with 'saved' Policy EP2.

b) Transport

9.4 In respect of transport, a Transport Assessment has been prepared by Icen Projects Limited, which states that:

"Car parking and cycle parking will be provided in accordance with the standards set out in the Liverpool City Council Parking Guidelines.

Vehicular access to the site will be via a new fully signalised junction to replace the existing priority junction. This will also include formal pedestrian and cycle crossing facilities across the site access, a new right turn lane on the eastbound carriageway.

The safety of the surrounding highway network has been assessed, which showed that a total of 46 personal injury accidents occurred in 5 years within the whole study area. The data has been analysed in detail, which showed that there are no underlying patterns or particular locations that raise particular safety concerns and there is nothing to suggest that the proposed development will lead to an increased risk of accidents occurring on the surrounding highway.

The main junctions on the surrounding highway network have been assessed and it has been shown that the proposed development will result in a negligible impact on the surrounding highway network. By changing the method of control at the Speke Boulevard/Evans Road junction the capacity can be increased by some 5%. It should also be noted that the proposed trip generation is robust given the assumption that 40% will be passby or diverted traffic.

Trip generation associated with a new rail development is rarely new to the highway network and on a strategic route such as Speke Boulevard it is considered that the actual proportion of new trips will be lower than assessed. As such, the impact on the surrounding highway will also be lower than outlined within this report."

- 9.5 The proposals therefore accord with the relevant 'saved' development management policies T6, T7 T8, T9, T12 and T15 of the UDP.

c) Air Quality

- 9.6 An Air Quality Assessment has been prepared by Encon Associates which states that:

"The assessment has predicted a negligible impact on PM₁₀ and PM_{2.5} concentrations at sensitive receptors located adjacent to the local road network. However traffic generated by the operational development is predicted to result in a minor adverse impact on local NO₂ concentrations."

- 9.7 The proposals wholly accord with the development plan 'saved' Policy EP11 of the UDP.

d) Ecology

- 9.8 In line with the Council's requirements, an Ecological Assessment has been prepared by Ecology Solutions which concludes that in respect of habitats, those that are 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.

- 9.9 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) Flood Risk

- 9.10 A Flood Risk Assessment and Drainage Strategy has been prepared by Hydrock which states:

The report has determined that the site is at low risk of flooding from tidal, fluvial, groundwater, sewers and artificial sources. The majority of the site is at low risk of surface water flooding. There are areas at medium/high risk of surface water flooding associated with hardstanding areas around existing buildings. To ensure the risk to the proposed buildings is low, the development will include improved drainage systems to direct rainfall to the nearest channel and gully and away from the new buildings.

The use of SuDS with controlled (restricted) outflow in line with the required runoff rates will help mitigate any flood risk impact to the surrounding areas.

As there is no flood displacement or increased rate of runoff from the proposed development, this will prevent surface water flooding impact from the development onto the downstream catchments."

- 9.11 The proposals therefore accord with 'saved' Policy EP13 of the UDP.

f) Summary

- 9.12 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.

10 SUMMARY & CONCLUSIONS

- 10.1 This Planning and Retail Assessment has been prepared by Quod, on behalf of T J Morris Limited in support of a hybrid planning application made for the retail-led regeneration of the former Rayware site on Speke Boulevard, Liverpool.
- 10.2 The overall development site extends to 4.5ha of which 2.5ha will be occupied by retail and leisure (Class A1) / (Class D1) uses with the remaining 2ha for B-class employment uses. As mentioned, the former element of the proposals (retail and leisure) forms the detailed aspect of this application, and the latter future employment uses will be 'pump primed' by the completion and operation of the retail / leisure uses.
- 10.3 The main elements of the proposals include, but are not limited to the demolition of the existing buildings, formation of a new access junction and road, the erection of high quality buildings comprising 2,413 square metres (GIA) landmark retail (Class A1) building, a separate Class A1 building totalling 2,560 square metres (GIA), 2 storey unit for either leisure/retail/restaurant/coffee shop usage and a total of 204no. parking spaces are proposed for the larger retail units and 27no. for the smaller unit.
- 10.4 The application is submitted following positive pre-application discussions with Officers at LCC and 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.
- 10.5 In terms of the sequential approach, the retail element of the scheme is critical to deliver the regeneration of this underutilised site and bring forward employment uses for the remainder of the site. The retail use is a necessary catalyst to achieve the value required to facilitate the demolition of the existing vacant buildings and the remediation of the wider site. The clearance and remediation of the site provides the very best foundation for future employment development to come forward. Both adopted and emerging local planning policy recognises that other uses would be acceptable where certain criteria is met, including acting as a catalyst for redevelopment.

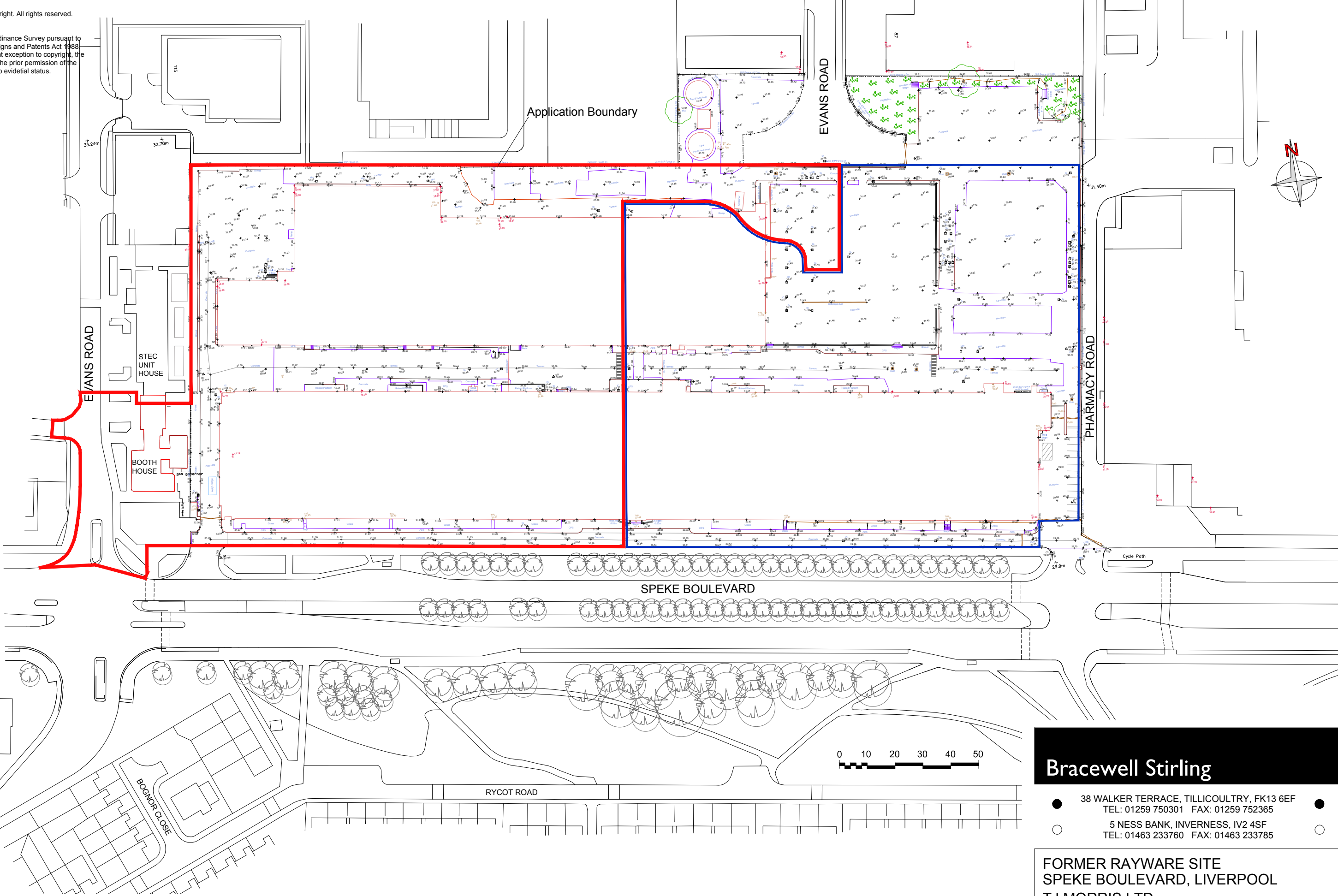
- 10.6 Notwithstanding the fact that a sequential approach is not considered to be required, a sequential site selection has been undertaken that demonstrates that no sequentially preferable site exists that is available, suitable and viable. This is consistent with LCC's view in determining retail proposals in the local area.
- 10.7 In terms of the likely retail impact, it has been demonstrated that the proposals will not lead to a significant adverse impact (the policy test) on the vitality and viability of existing centres or any future investment.
- 10.8 Full consideration has been given to a wide range of development management issues including contamination, highways, flood risk, air quality and ecology. These are all covered in detail within the supporting technical reports, and compliance with the relevant development plan and NPPF has been demonstrated.
- 10.9 The development will also give rise to a significant number of tangible socio-economic benefits, including job creation of up to 320no. new jobs, inward investment, active use of an otherwise vacant building and consumer choice.
- 10.10 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.



DOCUMENT 1

SITE LOCATION PLAN (REF. AL (1)001 & AL (0)001)

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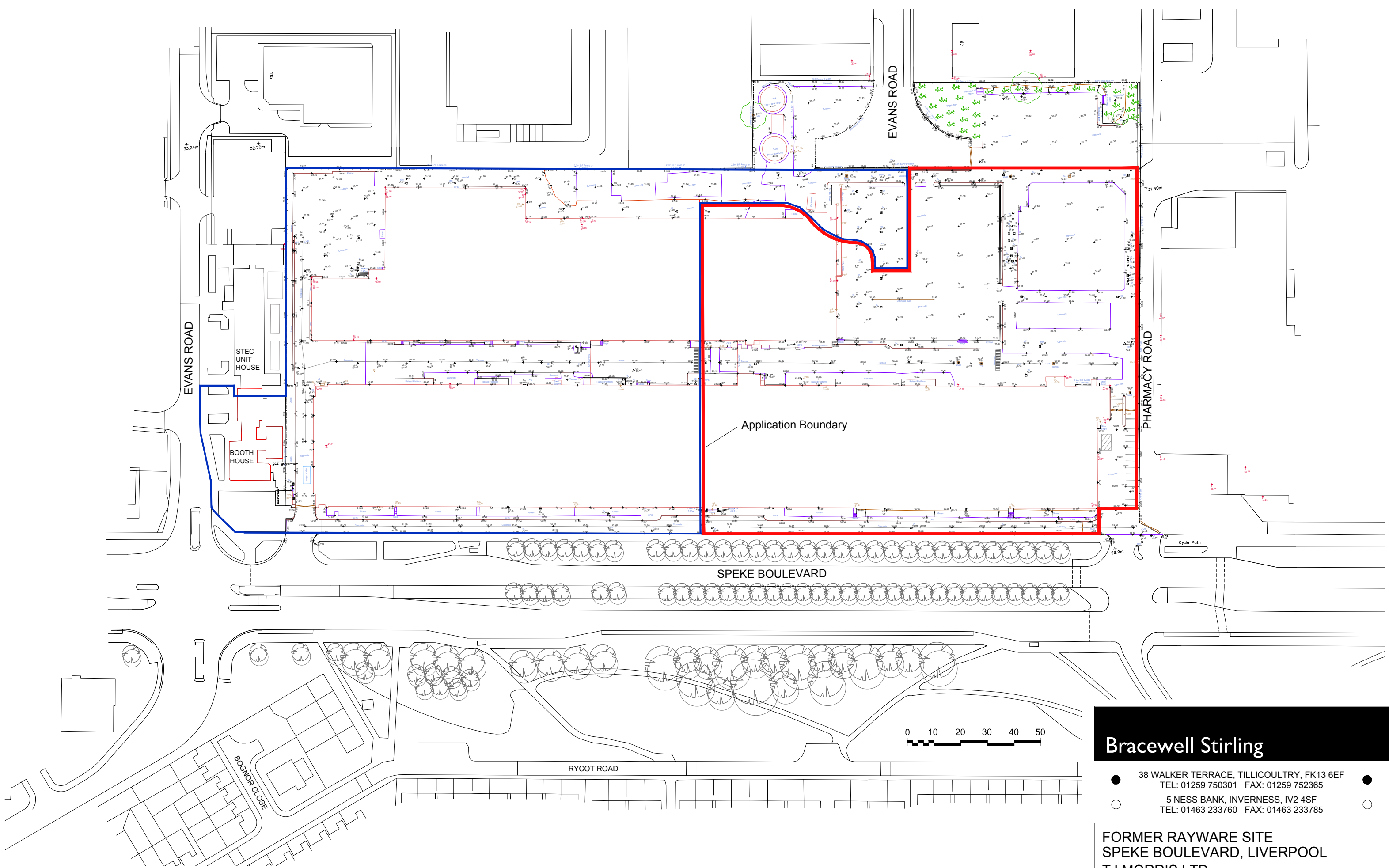
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FORMER RAYWARE SITE
SPEKE BOULEVARD, LIVERPOOL
TJ MORRIS LTD

SITE LOCATION PLAN

SCALE	1:1250	DATE	2016/03/12	BY	jpc
			PLANNING		DWG SIZE A3

DWG NO	4098 / AL(0)001	REV	-
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FORMER RAYWARE SITE
SPEKE BOULEVARD, LIVERPOOL
TJ MORRIS LTD

SITE LOCATION PLAN

SCALE 1:1250

DATE 2016/03/12
PLANNING

BY jpc
DWG SIZE A3

DWG NO 4098-A / AL(1)001 REV -



DOCUMENT 2

PRE-APPLICATION SUBMISSION, PREPARED BY QUOD

our ref: TR/Q30321
your ref:
email: tim.rainbird@quod.com
date: 7 January 2013



Liverpool City Council
Planning
Municipal Buildings
Dale Street
Liverpool
L2 2DH

PRIVATE & CONFIDENTIAL

By Email

Dear Sirs,

COMPREHENSIVE MIXED-USE REDEVELOPMENT OF FORMER RAYWARE SITE, SPEKE BOULEVARD, SPEKE, LIVERPOOL, L24 9HZ
REQUEST FOR PRE-APPLICATION ADVICE

We are instructed by our client, TJ Morris Limited ('TJM'), to submit this formal request for pre-application advice in relation to the comprehensive mixed-use redevelopment of the former Rayware on Speke Boulevard, Liverpool. The submission follows positive initial discussions with Liverpool City Council (LCC) including meetings with Mayor Anderson, Chief Executive, Max Steinberg, and Mark Kitts, Assistant Director Regeneration.

In line with Liverpool City Council's planning advice note on pre-application discussions this written submission is accompanied by the following documents:

- **Completed Pre-application Enquiry Form;**
- **Site Location Plan;**
- **Highways Plan;**
- **Study Area & Retail Centres Plan; and**
- **Indicative Site Layout (ref. HB-022 P01).**

This submission is not accompanied by a fee on the basis that the proposal is classed as a 'Significant Major Development'. LCC's guidance advises that the charge will be negotiated depending upon the size and complexity of the application.

a) Vision

The locally established and family run business, T J Morris Limited, has now acquired this prominent 4.65 hectare site which is occupied by a vacant, substantial linear building that has fallen into disrepair and is detrimental to visual amenity. Through the submission of an initial hybrid planning application, TJM want to realise their vision for the regeneration of this key site within the South Liverpool International Gateway SRF.

The proposals, which will be phased, will comprise the demolition of the existing buildings and comprehensive redevelopment of the site to provide a mix of employment generating uses. The catalyst for the long awaited regeneration of the site and wider area will be a c. 2,400 square metre flagship store

for Home Bargains which will facilitate the demolition and remediation of the land. These fundamental preparatory works and 'making good' of the land will maximise future development opportunities by attracting interest through its readily deliverable state.

b) Site & Surrounding Area

The site is located fronting Speke Boulevard (A561) in Speke, South Liverpool, in close proximity to Speke District Centre and Hunts Cross Local Centre, and within easy travelling distance of Garston and Woolton District Centres. It has a prominent frontage, approximately 320 metres, to the A561 Speke Boulevard which represents the main arterial road into Liverpool City Centre from the south. Vehicular access is gained via two junctions on the A561 which are connected by a servicing road running the full length of the site frontage parallel to Speke Boulevard.

The land extends to approximately 4.65 hectares (11.5 acres) with two large warehouses, dating from the 1950's, situated on it and providing the following accommodation:

Front Building

13,378 square metres (144,000 square feet)

Arch concrete frame construction with eaves height ranging from 14 feet to 30 feet.

Rear Building

9,197 square metres (99,000 square feet)

Majority built in 1970's of brick construction with steel roof truss.

Both properties are at the end of their useful lives and need to be demolished; they are an eyesore. Moreover, the buildings are vacant and have been for more than 10 years, and do not contribute positively to either job generation or the regeneration aspirations for the site and wider area.

The remainder of the site offers an external hard standing covering an area of approximately 0.61 hectares (1.5 acres). This area is currently used as a temporary car park which has been in operation for approximately 5 years.

The surrounding area is mixed including Venture Point Business Park to the north and west, the former GSK building to the east and Speke housing estate to the south. The wider area is characterised by a prominent mix of uses being close to the Jaguar Land Rover factory, New Mersey Retail Park, Liverpool International Business Park and Liverpool John Lennon Airport.

Finally, the site is afforded good access to pedestrian/cycle facilities, bus services and the road network. It is also located in out of centre location in retail planning terms, but in close proximity to Speke District Centre as well as Hunts Cross Local Centre.

c) Relevant Planning History

We have yet to undertake a full search of the site's planning history. However, the most recent application related to the temporary continued use of the external yards and rear building for airport related car parking which was refused in May 2009 (ref. 09F/0280).

d) Proposed Development

The development proposals are in their infancy, but the enclosed indicative site layout illustrates the mix of uses that are currently being considered which include retail (Class A1), trade counters (Class B8), offices (Class B1), industrial (Class B2) and a Petrol Filling Station. It is envisaged that both junctions to the A561 would be utilised with the adjacent service road between the A561 and the site being used to access the various land uses.

The intention is to submit a hybrid planning application with the retail element being a full plans submission and the remaining land and uses in outline. The proposal would also include demolition of the existing buildings which total circa 24,000 square metres. Given the scale of the proposals and the cost of demolition and remediation works, the development would be phased the retail component coming forward first, acting as the catalyst for the site's wider regeneration.

Significantly, the first phase of development will enhance the prospects for wider B-class uses being brought forward following clearance, remediation and making good of the wider land. The delivery of these uses will be subject to market demand, but the initial preparatory works will demonstrably enhance the land's commercial attractiveness thereby maximising future development opportunities in this SRF priority site.

Finally, we are aware of the Council's aspirations to expand Venture Point to the rear of the site and the feasibility of this will be considered by the applicant.

e) TJM Background

T J Morris Limited own Home Bargains ('HB') which is one of the UK's fastest growing discount retailers. TJM was established over 35 years ago by Tom Morris who opened his first store in Liverpool. Home Bargains has grown the business organically to become one of the biggest privately owned companies in the UK and currently employs over 8,000 members of staff.

The business currently has nearly 300 stores throughout the UK and plans, via its aggressive expansion strategy, to expand to over 700 in the next five years. HB is progressing plans for a second distribution centre of 700,000 square feet in Wiltshire, to support the significant expansion of the business in the South of the country. The company's head office and existing 700,000 square feet distribution centre is located at AXIS Liverpool with 1,000 staff on site.

HB currently has stores on the High Street and out of town. The HB portfolio includes stores which are typically 12,000 to 30,000 square feet. In all cases, however, the requirement for ancillary food and drink sales is an integral part of the business model and is sold from up to 30% of the total floorspace.

The business' ethos is to 'sell the best branded products at the lowest possible price'. For HB to sell a particular product, it needs to be between 10% and 30% cheaper than elsewhere. Approximately, 70% of the retailer's stock is regular lines, while the other 30% changes continually. This business model allows prices to be kept to a minimum.

HB's principal range includes health and beauty products, medicines, baby products, household products, a limited clothing range, toys and games, pet food, home furnishings and ornaments, seasonal products and ancillary food and drink products. This mix of goods forms an integral part of HB's business model with a varied value product offer. This complete product range is required to attract customers to the store based on a very specific business model.

The proposed flagship store in Speke would serve the south of Liverpool which is currently not represented by the retailer. The store will complement HB's 30+ stores on Merseyside many of which are located 'in centre'. In terms of job creation, TJM is one of the largest employers on Merseyside employing around 2,000 staff. The flagship store will create 60 further jobs which will be both full and part time positions.

f) Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

In this instance the relevant development plan document comprises the 'saved' policies with the adopted Liverpool UDP (November 2002). Material considerations include the NPPF (March 2012), the supporting Practice Guidance on town centres (December 2009), the South Liverpool International Gateway Strategic Regeneration Framework (SRF), the Liverpool Core Strategy (March 2012 Publication Consultation) and Liverpool Retail and Commercial Leisure Study (November 2011).

i) NPPF Policies & Weight

The Liverpool UDP is considered to be generally out of date. The emerging Liverpool Core Strategy is also yet to be submitted to the Secretary of State. The NPPF (March 2012) states that the weight applied to the policies in old development plans should depend on their consistency with the framework. Emerging policies should also be given due weight in this regard, as well as the stage of preparation.

In this instance therefore the NPPF is considered to be a material consideration of significant weight. It is underpinned by a presumption in favour of sustainable development (paragraph 14) and places great emphasis on the need to secure economic growth through the planning system (paragraph 19). Paragraph 26 advises that a retail impact assessment is not required where the gross floorspace is less than 2,500 square metres gross and the LPA do not have a lower locally set threshold. A sequential test is however required consistent with paragraph 24.

It is within this very recent policy framework that the proposals should be considered.

ii) Liverpool UDP

The site is allocated as a Primary Industrial Area (PIA) under Policy E1 which states that within these areas planning permission will be granted for B1, B2 and B8 uses along with small scale ancillary uses. It goes on to advise that 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;**
- ...
- iv. **would not cause unacceptable traffic and highway congestion and related problems or have an adverse impact on the residential amenity or on the operation of existing businesses; and**
- v. **would not conflict with other policies in the plan."**

The site is also located on an Environmental Improvement Corridor which is dealt with Policy OE15. The A561 (Speke Boulevard) is given priority in the policy which aspires to improve the environmental appearance of these corridors by incorporating a high standard of landscaping boundary treatment, appropriate screening and:

- "ii. carrying out environmental improvements to vacant and derelict land within its ownership in accordance with Policy EP1 and landscaping schemes along the corridor generally;"**

Policy EP1 deals with vacant, derelict and neglected land and states that the City Council will promote and encourage the reclamation of derelict land and the restoration of neglected land and encourage the development of these and other vacant sites for appropriate uses. The policy goes on to state that particular attention will be given to the contribution the site would make to achieving the aims of urban regeneration, the need to facilitate inward investment opportunities and create jobs and the degree of contamination.

Finally, Speke Boulevard is a designated Primary and Strategic Route Network on which schemes that open up or improve access to areas of employment will be implemented. The A561 is also a route of a high pressure gas pipeline (Policy EP10).

ii) Emerging Core Strategy

We understand that the Core Strategy (CS) Examination in Public is due to take place in the New Year with adoption likely to be at the end of 2013/early 2014. The CS therefore has limited weight at this point, but it does provide the Council's 'direction of travel' in planning policy.

The CS identifies the application site as being within the Speke Halewood/International Gateway 'Suburban Area' in which there should be a '*focus on job creation and economic growth*'. The site also falls within a 'Regeneration Fringe' and a 'Strategic Investment Area' (SIA) within which investment should capitalise on the assets of the nearby airport, the Port of Garston, and other economic development opportunities in locations accessible to the local and national transport links.

Strategic Policy 2 deals with employment land. It states that new employment development will be directed towards the SIA's and these areas will be '*primarily reserved for industrial and business uses*'. It

further notes that if land within SIAs are to be used for another purpose it will need to be clearly demonstrated that:

- **The proposed use is complementary to the primary employment use of the area, providing a small scale ancillary service to meet the day-to-day needs of employees; or**
- **the proposal would not prejudice the long term development of the wider employment area primarily for industrial and business development; and**
- **There is no likely future demand for employment use on the site, and its use for other purposes would bring wider economic, social or environmental benefits.”**

Strategic Policy 6 deals with economic development in the Suburban Areas in general. The policy specifically notes that sites located to the north of Speke Boulevard should continue to provide value job opportunities especially for residents of nearby communities. In the preamble it further states:

“The SIA includes substantial reserves of employment land and existing floorspace, particularly office-related uses, on account of its business park environment. However, its development for the full range of economic development uses - subject to conformity with national planning policy requirements, and other policies in the Local Development Framework, particularly those relating to retail and leisure uses - will enable it to continue to attract investment in jobs.” (our emphasis)

It goes on to note that Liverpool Vision and its partners (including the City Council) have prepared a long term development strategy for the SIA known as the South Liverpool International Gateway Strategic Regeneration Framework (SRF).

Strategic Policy 22 deals with out of centre retail developments. It states that in addition to demonstrating compliance with the sequential approach where the proposal is over 500 square metres gross floorspace the applicant is required to demonstrate that there will be no significant adverse impact on any centre within the City or adjacent authority. It also goes on to state that where the policy is satisfied planning conditions will be used to control the type and mix of retail floorspace, the range of goods sold, the size of units and quantum of gross and net floorspace.

There is no adopted policy requirement to meet BREEAM standards or for developments of over 1,000 square metres gross to provide at least 10% of the total predicted energy requirements from renewable or low carbon sources. However, TJM is a responsible company with strong sustainability credentials and appropriate measures will be incorporated into the design and construction of buildings.

iv) South Liverpool International Gateway SRF

The SRF sets out the area's challenges and opportunities and identifying the key objectives to attract investment and improve the economic, social and physical environment. Within the SRF the South Liverpool International Gateway is divided into four areas within which the application site is located in

‘Speke Boulevard’. Speke Boulevard is then divided into three sub-areas and the application site falls within ‘Speke Industrial Estate’. In terms of land uses within this area, the following is stated:

“The established character of employment uses at Speke Industrial Estate should prevail with new office, industrial and storage/distribution uses (Use Class B2, B8). There may also be scope for other ancillary uses such as hotel, food-drink and car/trade showroom uses (Use Classes C1, A3, A4, A5, sui generis) to the main road frontages in order to animate the site. The suitability of such uses, however, will need to be considered on a site-by-site basis against other proposals in the area to ensure there is a balance across the International Gateway.”

In the ‘Implementation’ chapter of the SRF paragraph 6.1.60 identifies projects of the highest priority which includes development of the former Rayware site.

g) Planning Justification

Redevelopment of the former Rayware site is identified as a high priority project in the SRF; the current buildings are an eyesore and the site in its current state is detrimental to visual amenity. The properties have been vacant for approximately 10 years; they are beyond refurbishment and prone to vandalism. Their demolition will improve the aesthetics of the area and, significantly, open up the site for future development. The land will also need to be remediated.

UDP Policy EP1 promotes and encourages the development of vacant neglected sites for appropriate uses. To this end, both the adopted (E1) and emerging (Strategic Policy 2) policies recognise that alternative, non-B class uses may be acceptable on sites that are allocated for employment as long as certain criteria are met. CS Strategic Policy 6 further notes that the development of SIAs for the full range of economic development uses will enable it to continue to attract investment in jobs.

UDP Policy E1 advises that an alternative use, such as the proposed retail warehouse, will be acceptable if it would act as a catalyst to the comprehensive redevelopment of the site or area primarily for industrial/business use, and if other relevant policies are met. Moreover, the CS advises that other uses will be acceptable provided the proposal does not prejudice the long term development of the wider employment area and that there is no likely future demand for employment use on the site, and its use for other purposes would bring wider economic, social or environmental benefits.

The SRF also identifies ancillary uses such as hotels, food-drink and car/trade showroom uses to the main road frontages in order to animate the site.

The proposed retail use is a necessary catalyst to achieve the value required to facilitate the demolition of the existing vacant buildings and the remediation of the wider site. This is the first phase of the site’s comprehensive redevelopment with the prospect of later phases of B-class development being maximised through the clearance and making good of the wider land. The likelihood of further commercial interest in the land will be greatly increased by providing a prominent, readily developable site and this is a compelling and overriding benefit arising from the initial phase of works. In short, the clearance and remediation of the site provides the very best foundation for future employment development to come forward. The

outline component of the proposed hybrid application simply allows TJM to retain flexibility in the balance of land uses throughout the regeneration process which is an approach that is fully supported by the NPPF.

In terms of justifying the principle of retail floorspace in this out of centre location, the NPPF provides the starting point, and at less than 2,500 square metres gross, a retail impact assessment is not technically required. Whilst the emerging CS requires proposals of 500 square metres gross to deal with retail impact, that policy has limited weight and it is only the sequential approach that needs to be demonstrated in this instance.

The principle of the hybrid application, which will facilitate the comprehensive regeneration of this large brownfield site, is therefore supported by both the development plan, and the emerging policy framework. The out of centre retail floorspace does nevertheless need to be justified against the relevant NPPF tests in the absence of an up to date development plan policy. The scope of the retail evidence is outlined below.

h) Scope of Retail Evidence

Paragraph 24 of the NPPF is the key retail policy test in this instance given the proposals are less than 2,500 square metres gross and there is no adopted development plan policy containing a lower locally set threshold. The removal of the impact test in the absence of an express development plan policy requirement to assess impact where a proposal is below the NPPF threshold has been confirmed through recent appeal decisions. The scope of the sequential assessment is therefore provided below.

The Practice Guidance identifies that the first stage of any sequential assessment is to establish an area of search; it comments, at paragraph 6.22, that:

“When considering applications, LPA’s will need to consider the extent of the catchment area likely to be served by the proposal, and to then identify alternative sites located in existing centres within the catchment area. This will determine whether sites in other nearby centres may represent more appropriate locations in which to accommodate the scale and form of development proposed.”

The proposed study area is enclosed with this submission. It has been generated using Experian Micromarketer Software and represents the store’s primary catchment area which is illustrated by a 0-10 minutes drivetime. This is the area within which HB would expect to draw the bulk (80%) of their trade and it is, therefore, within this area that appropriate centres have been assessed. To this end, annotated on the plan are the designated centres which fall within the catchment and it is within these centres that more central sites will be assessed. The exception is Hunt’s Cross Local Centre as the proposed floorspace would not be consistent with the role and function of that centre.

When applying the sequential approach to site selection the NPPF requires both applicants and local planning authorities to demonstrate flexibility on issues such as format and scale. The Practice Guidance also discusses other points relating to disaggregation and car parking. We will therefore provide details of HB’s business model and the minimum floorspace requirements which will be acceptable to the proposed occupier in commercial terms. This in turn will underpin the scope of our sequential assessment in terms of whether more central sites are suitable, available and viable.

Please can Officers confirm that the above approach is considered acceptable in view of paragraph 24 of the NPPF, and identify any additional sequential sites that should be assessed, consistent with paragraphs 7.37 to 7.39 of the Practice Guidance?

Please can Officers also confirm that in light of paragraph 26 of the NPPF a retail impact is not required to support the application?

i) Summary Development Benefits

The headline benefits can be summarised as follows:

- Removal of unsightly buildings;
- Remediation of contaminated land;
- Reuse of previously developed site;
- Regeneration of a high priority site in the SRF;
- Significant investment in the SIA by a local business;
- Creation of 60 new retail jobs available to local people;
- Further job creation through site clearance, construction, security and maintenance; and
- Further jobs and investment arising from future development phases.

These laudable planning benefits should be afforded significant weight in the determination of the future planning application.

j) Supporting Documentation

We envisage the following documents will be required to support the hybrid application:

- Completed forms, certificates and copies of relevant Noticed served;
- Requisite application fee (to be confirmed);
- Site Location Plan;
- Design and Access Statement;
- Planning & Sequential Assessment;
- Transport Assessment and associated Travel Plan;
- Land Contamination Study; and
- Flood Risk Assessment.

A full set of planning drawings will also be provided including block plans and existing and proposed site layouts, floor plans and elevations for the full planning application component. Consistent with the new Regulations coming into force on 31 January 2013 the outline component will be supported by information consistent with the imminent changes to the DMPO.

k) EIA Screening Request

Given the size of the site a Screening Request will be submitted to LCC to seek confirmation that the application does not give rise to more than localised impacts. This will be done once the scheme has been fixed and in advance of the planning application being submitted.

l) Points for Discussion

We would like to meet Officers to discuss the proposals in more detail. If Officers are happy to meet which we understand from our initial discussions they are, we would like to discuss the following key points:

- Principle of development;
- Level of type of supporting retail evidence; and
- Development management considerations including design, highways (access/car parking/servicing), flood risk, trees and landscaping etc.

In addition we would like to discuss the following procedural matters:

- Agreement of hybrid application;
- EIA Screening Request;
- Supporting documents;
- Section 106/CIL;
- Planning Committee (speaking, dated etc.);
- AOB.

m) Conclusion

The proposed sustainable economic development has significant planning merit and the NPPF presumption in favour of sustainable development should apply.

We are grateful for Officer's consideration of this pre-application submission and we would welcome a meeting to discuss the proposals in more detail and an initial indication of the pre-application fees that the process would attract. To move matters forward therefore please could you suggest some meeting potential dates after 29th January 2013? If there is any further information we can provide in advance of a meeting, please do not hesitate to contact us.

Yours faithfully,



Tim Rainbird
Director

Enc.

cc. Mark Kitts - Assistant Director Regeneration, Development Planning and Housing, LCC
Andy Wallace - Senior Development Manager, Development Unit, LCC
TJ Morris Limited (c/o Bennett)