



Planning Statement

On behalf of:

Derwent Development Management Ltd.

In respect of:

**Unit B5 and B9,
Huyton Trade Park,
Wilson Rd, Huyton
L36 6JG**

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Date:

June 2026

Reference:

MA/DDML/008-13/R001

1 Executive Summary

- 1.1 The proposed development is for the change of use and amalgamation of two existing units (B5 and B9) to meet the requirements of an incoming occupier.
- 1.2 The development does not seek consent for any additional floorspace nor any material change to the external appearance of the subject unit (the only revisions stem from a minor change to door strategy). It is also confirmed that there are no consequential changes to access arrangements, landscaping or the character of the use of the wider site as a result of the development itself.
- 1.3 These units were built as part of a wider development pursuant to approval 22/00662. This secured consent 2 blocks of built form each of which is sub-divided to provide smaller units. Whilst Block A is smaller in floorspace terms, the approved layout identifies 15 units whilst the approved layout for Block B provides 9 units.
- 1.4 Condition 16 on the parent consent restricts the use of individual units aligned to what had been tested by the submission material removing permitted development rights for change of use. For Unit B5 this would have assumed Use Class B2 and for Unit B9 this would have assumed Use Class B8.
- 1.5 Neither unit has been let since completion, and it has proved impossible to secure a letting aligned to the restrictions on the approval despite long-term marketing.
- 1.6 The market interest is for a bathroom showroom, for a space that will require the amalgamation of units B5 and B9. Whilst these formats do tend to trade across a variety of planning consents, for robustness we assume the requirement for a Class E(a) consent for bulky goods retailing with a proposed planning condition that reflects operator requirements and mitigates the risk of more relaxed forms of trading. It is therefore necessary to seek consent for amalgamation and change of use accordingly.
- 1.7 The proposed change of use of this existing vacant unit will attract a new business to the borough in an established commercial estate which forms part of a 'Primarily Industrial Area' as defined by saved UDP Policy EC3.
- 1.8 The scheme will result in the limited loss of employment floorspace, but this is very modest in scale and does not impede the Council's ability to meet employment land requirements. This will have a beneficial impact on the local economy and help to create much needed jobs. This assessment shows that the proposed bathroom showroom use of vacant space is compliant with the requirements and advice set out by UDP Policy EC3.
- 1.9 The proposals comply with the relevant development plan policy and, in accordance with guidance set out in the NPPF, should be approved without delay.

2.0 Background

Site Location and Use

- 2.1 The application site comprises of the existing vacant Units B5 and B9. This is contained within the Interchange Motorway Industrial Estate. The wider estate site is currently occupied by existing industrial units, and areas of hardstanding which is partially used for vehicle circulation and parking by the existing industrial units. Access is taken through the estate and onto Wilson Road which lies to the north.
- 2.2 The units were constructed during 2024 as part of a wider development and have not yet been occupied. They were designed as employment units (suitable for trade counters, light industrial and small logistics uses) but the parent consent specifies end uses based upon the evidence underpinning the original approval. The GPDO does provide an opportunity for change of use through various employment-generating uses through permitted development subject to certain criteria but these are not applicable in this instance owing to conditional controls on the parent consent.
- 2.3 The site forms part of the existing industrial estate which is occupied by a number of light industrial, general industrial and storage and distribution uses. The surrounding area is characterised by commercial uses with a number of estates along Wilson Road and bounding the application site. Whilst these have been focused upon industrial and employment uses, retail use for a larger format Home Bargains unit has been permitted upon the former Sovereign Distillery site.

Relevant Planning History

- 2.4 The wider site was historically used by Huntley & Palmer as a biscuit factory, prior to consents secured for remodelling issued in 1988 and 1990. The 1990 consent (74/12578/HIST) sought to change the use of a number of existing commercial buildings (1-14 inclusive as well as 17-18) from "existing light industry" to "light industry and warehouse usage". The consent from October 1988 (74/11045/HIST) sought a different use which was described as "*Subdivision of factory and industrial units for general industrial and office use within classes B1 and B2*".
- 2.5 It is understood that the consent which was implemented on the wider site was the 1988 scheme (for B1 and B2 uses). There have been a number of other planning consents sought and secured in relation to other units on the wider site.
- 2.6 Units B5 and B9 form part of a recently constructed scheme, pursuant to consent 22/00662. This secured consent for two blocks of employment development in an under-utilised area that required clearance of existing. The development description is extracted below:
"*Demolition of buildings and the erection of 2 no. Industrial buildings to include 24 no. Units comprising of 2 no. Units (use class e (g) (iii), 4 no. Units (use class b8) and 18 no. Units (use class b2) together with other associated works*"
- 2.7 This has been built out, subject to some minor design development pursuant to NMA approvals and the submission of details to discharge relevant planning conditions.

Nearby Sites

- 2.8 Sovereign Distillery formed an established employment use immediately south of the wider Motorway Interchange Estate. This has fallen into under-use in more recent times and has been subject of planning activity to modernise the built form for employment uses and to introduce a larger format retail unit suitable

for Home Bargains.

- 2.9 The original application (23/02782) was approved in June 2025 subsequent to detailed technical work. The scheme is under construction, following design development and approval of NMA and s73 applications, as necessary.

3.0 Development Proposals

- 3.1 This Planning Statement is submitted on behalf of our client, Derwent Development Management Ltd in support of a full planning application for the amalgamation and change of use of Units B5 and B9 at Interchange Motorway Estate on land at Wilson Road, Huyton. This existing vacant space will be used within Use Class E(a) for bulky goods retailing providing commercial floorspace for a bathroom showroom and building supplies operator.
- 3.2 The development does not seek consent for any additional floorspace nor any material change to the external appearance of the subject unit. It is also confirmed that there are no consequential changes to access arrangements, landscaping or the character of the use of the wider site as a result of the development itself.
- 3.3 In accordance with s38 (6) of the Planning and compulsory Purchase Act (2004), this Planning Statement considers the proposal against relevant policies of the adopted Development Plan and addresses other material considerations pertinent to the assessment of the development.

The New Occupier

- 3.4 The landowner has agreed a lease with a bathrooms supplier which will use the building primarily to display bathroom sets and tiling, as well as facilities to allow customers to design layouts to reflect their specific requirements and complete purchases. Goods can either be collected from the store or delivered to site.
- 3.5 The parts of the building for goods collection also include a limited area of trade counter which would allow purchase of associated goods relevant to the installation of tiling and bathroom sets.
- 3.6 The intended occupier (Easy Bathrooms) will take occupation as soon as planning consent is issued. This will be an additional branch for this operator and represents inwards investment for Knowsley.
- 3.7 Easy Bathrooms currently has 157 branches across the United Kingdom, the nearest of which is in St Helens. This would be the first branch for Easy Bathrooms in Knowsley.
- 3.8 It is understood that the scheme will result in no external changes to elevations or to areas of landscaping or hardstanding.

4.0 Planning Policy Framework

- 4.1 As per Section 38 of the Town and Country Planning Act, development control decisions must be taken in accordance with the adopted Development Plan unless material considerations indicate otherwise. For the purpose of this application the Development Plan comprises of saved policies from the 2006 UDP and the Knowsley Local Plan Core Strategy adopted in January 2016.

Development Plan Policy

UDP

- 4.2 Saved UDP policy EC3 (Primarily Industrial Areas) is deemed relevant to the determination of the scheme. It states:
1. *Primarily industrial areas are identified on the Proposals Map and are appropriate locations for Business (Class B1); General Industry (Class B2); and Storage and Distribution (Class B8) uses.*
 2. *Proposals for development for other uses in these areas (either on sites which are allocated for development or on other land or buildings) will only be permitted where they would*
 - a) *Be complementary to and compatible with the surrounding employment uses;*
 - b) *Be consistent with any approved regeneration strategy for the area;*
 - c) *Preserve or enhance the image of the industrial area; and*
 - d) *Avoid causing an unacceptable loss of land available for industrial development.*
- 4.3 Policy S8 from the UDP was concerned with proposals for retail uses which lie outside any defined centre. This policy was not saved.

Core Strategy

- 4.4 In terms of the Core Strategy, this provides high-level strategic advice and a key element of this is provided by Strategic Objective 1 (Sustainable Economic Growth) which seeks:
- "To encourage and maintain sustainable economic and employment growth in Knowsley, complementary to that within the wider Liverpool City Region, by accommodating employment related development, improving skills within the workforce, and promoting enterprise, entrepreneurship and innovation."*
- 4.5 The key policy for existing employment land is CS4 but this provides no specific advice for this proposal as this is very limited in terms of planning change given that it constitutes a change of use within two employment uses on a site which is allocated for primarily industrial purposes. The text of paragraph 5.26 is relevant and helpful, and this states:
- "A key Core Strategy requirement is to facilitate employment development of the right type and in the right location to support the Council's employment priorities. This is particularly important given high levels of socio-economic deprivation which exist in the borough. These and other requirements are addressed by Policy CS4."*
- 4.6 The policy continues to set out a requirement for at least 164 hectares of land to be developed for employment uses between 2010 and 2028, and illustrates that the readily available supply exceeds this. Having regard to take-up between 2010-2014, the Development Plan indicates 238 hectares of supply comparative to a residual requirement of 153 hectares.
- 4.7 The subject site forms part of the Primarily Industrial Area and the existing supply. Part 7 of the Policy sets out the approach to safeguarding existing employment land:
- "Land which is currently in use or allocated for employment development will be safeguarded from changes to other types of development, except where: there is no current or likely future demand for employment uses on the land; or where other uses would bring wider regeneration, environmental and amenity benefits."*

- 4.8 Within the sub-text of the policy, it continues to highlight how a key priority will be enhancing the quality, effectiveness and accessibility of existing employment areas.
- 4.9 Policy CS6 directs retail uses towards defined centres, albeit that criterion 2 does provide a framework for the positive determination of proposals for retail uses which lie outside any defined centre. Criterion 2 of this policy states:
"Proposals for retail and other 'main town centre uses' outside the above centres will only be permitted if they would complement regeneration opportunities, avoid significant impact upon the viability and vitality of the town, district and local centres, and comply with the sequential test in Policy CS4: Economy and Employment."
- 4.10 We also note that advice in terms of retail impact thresholds is provided at paragraph 5.56 of the accompanying text. This maintains the need for sequential assessment and identifies the use of the national threshold of 2500 square metres unless a Part II plan were to impose a lower locally adopted threshold. It states:
"Proposals for retail development or other town centre uses in an 'edge of centre' or 'out of centre' location will not be considered appropriate to provide or disaggregate the delivery of suggested ranges of retail floorspace during the plan period, unless acceptable justification is provided in accordance with the sequential approach to town centre uses set out in Policy CS4: Economy and Employment . Justification should include evidence of an absence of suitable, available and viable sites in town, district or local centres, before 'edge of centre' then 'out of centre' locations could be considered suitable. In these circumstances, preference will be given to sites which are well connected to town centres, and where sufficient flexibility has been demonstrated in terms of format and scale. An impact assessment will also be required if the development exceeds 2,500 sq. m. (or any locally set threshold defined in the Local Plan: Site Allocations and Development Policies document). Impact assessments will be expected to assess for example the effects of the scheme on the viability or vitality of any established town, district or local centres."

National Planning Guidance

NPPF

- 4.11 Though not part of the Development Plan, national planning policy is an important material consideration and the NPPF may supersede adopted local documents where these conflict with guidance set out in the NPPF. The latest iteration of the NPPF was published in December 2024.
- 4.12 The NPPF 2024 sets out the Government's planning policies for England. Chapters 2 (Achieving sustainable development), 6 (Building a strong, competitive economy) and 7 (Ensuring the vitality of town centres) are particularly relevant to this application.
- 4.13 Paragraph 11 of the NPPF sets out a clear policy direction to promote sustainable economic development and advises that local planning authorities should approve; *'development proposals that accord with the development plan without delay'*.
- 4.14 Paragraphs 86 and 87 of the NPPF sets out a clear message to encourage planning authorities to provide a policy framework to allow economic development to be delivered in practice. It advises significant weight should be afforded to the need to support economic growth and productivity, taking account of local needs and opportunities to address them.
- 4.15 Specific advice in terms of proposals for retail and leisure development is provided through paragraphs 90-95. At paragraphs 91-92 of the NPPF, which are concerned with the sequential approach to development management (i.e. planning applications) it states:
"Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date Local Plan. Main town centre uses should be located in town centres, then in

edge of centre locations; and only if suitable sites are not available (or expected to be available in a reasonable period) 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 planning authorities should demonstrate flexibility on issues such as format and scale so that opportunities to utilise suitable town centre or edge of centre sites are fully explored."

4.16 At paragraph 94 of the NPPF, concerned with the assessment of retail impact, it states:

"When assessing applications for retail and leisure development outside 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 2,500 sq m of gross floorspace). This should include 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 retail catchment (as applicable to the scale and nature of the scheme)."*

4.17 Paragraph 95 of the NPPF provides a summary analysis in terms of the decision that would ordinarily be reached, save for the weight to be applied to other material considerations as is required by s38(6) of the Act. Paragraph 90 states:

"Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 89, it should be refused."

4.18 Paragraph 124 gives substantial positive weight to the use of brownfield land to support gainful development, particularly where that land is under-utilised. Paragraph 125 also directs local planning authorities to encourage the re-use of such sites.

Planning Practice Guidance

4.19 The National Planning Practice Guidance (NPPG) is an online tool which was published on 6 March 2014 and supplements the NPPF.

4.20 The NPPG provides advice and guidance across a range of topics which includes the use of planning conditions and retail planning (last key updates in July 2019). Whilst the NPPF has been updated twice since 2019, the relevant NPPG guidance (as it would pertain to the consideration of planning applications) cited below remains in force.

4.21 The NPPG's guidelines on ensuring the vitality and viability of town centres underlines the Government's expectations that local authorities adopt a positive approach to planning for new development, and plan to meet the need for main town centre uses in full. It confirms the use of the sequential and impact tests as those which need to be addressed by proposals which are not in an existing centre and not in accordance with an up-to-date DPD.

4.22 It is important to note that whilst the revised NPPF does make some subtle but important changes to analysis in respect of the impact tests and sequential analysis, the NPPG has not been updated. The NPPG reflects previous expectations that applicants are expected to demonstrate flexibility, in terms of the format and layout of the proposal in their application of the sequential test. The NPPG confirms that where there are no sequentially preferable sites, the sequential test is passed.

4.23 The impact test is imposed to ensure that the impact of proposed development over time (up to five years or ten years for major schemes) on existing town centres is not significantly adverse. The NPPG recognises that

retail uses tend to compete with their most comparable competitive facilities. The impact test is only applicable to proposals which exceed 2,500m² as set out in the NPPF. The NPPG highlights that there is a requirement to assess the impact of retail and leisure schemes only, albeit that within Annex 2 of the NPPF restaurant uses are identified as a leisure use in this context.

- 4.24 In assessing impact, the NPPG confirms that this must be undertaken within the context of local circumstances. Where the impacts of a proposed development are not likely to result in significant adverse impact, the LPA is expected to consider all other material considerations to determine the application, giving weight to economic development. In terms of planning conditions, it cross-refers to the NPPF tests and notes "*..that planning conditions should be kept to a minimum, and only used where they satisfy the following tests...*" *.(PPG ref 21a-003-20190703).*
- 4.25 The 6 tests (must all be met to be a sound condition) comprise:
- Necessary
 - Relevant to planning;
 - Relevant to the development permitted;
 - Enforceable;
 - Precise; and
 - Reasonable in all other respects.

Planning Precedents

- 4.26 The NPPF provides national level planning guidance, but the interpretation of specific advice and/or the weight to be attached to it should consider the influences of material planning judgments at local and national level, including legal challenges as appropriate. In terms of the genuine requirements of the sequential approach, this has been clarified through Court judgments and Appeal decisions relating to retail development on out-of-centre sites. Key to this (following Dundee as amended by Zurich and Barnsley) is a SoS decision in relation to an out-of-centre scheme in Northamptonshire (Rushden Lakes).

Rushden Lakes Decision

- 4.27 This is a Secretary of State decision published June 2014 following a Call-In Inquiry principally held July 2013. It was concerned with proposals for new retail and leisure units and ancillary A3 and hotel in an out-of-centre location.
- 4.28 Whilst much of the debate focused upon the proper interpretation of its catchment (and the extent to which this complied with or indeed prejudiced the spatial planning objectives of relevant LPAs), the other key matters were focused upon the Council's contention that the proposal should be disaggregated and could therefore be easily located upon a more central site, and that there was potential that the proposal could impact upon planned investment.
- 4.29 In terms of identifying an area of search for the sequential assessment, it advises that there is clear merit in identifying a core opportunity area which best represents the opportunity to meet the identified need. Within that area of search, candidate sites must be able to accommodate development of sufficient critical mass to meet that planning purpose. In the properly defined area of search the task is to identify sequentially preferable sites that are suitable and available which necessarily includes consideration of deliverability/viability.

- 4.30 The decision clarifies that the NPPF requires developers to identify the purpose of their proposal and to demonstrate reasonable flexibility in terms of format and scale. This plainly excludes reference to the disaggregation of such proposals and also confirms that the test is to ascertain whether the proposed development can be had on a more central site as opposed to a scheme so considerably amended that it would fail to meet the real-world requirements of the applicant. In terms of the assessment of what is suitable, it advises:
- "In similar vein, there is nothing in the sequential test as set out in NPPF that states that the concept of "suitable" sites means suitable in terms of the scale of the nearest centre to the site in question and/or its place in the "hierarchy" of centres. The sequential test relates entirely to the application proposal and whether it can be accommodated e.g. on a town centre site. It is also important to be clear that NPPF is entirely related to plan making and it has nothing to do with decision making"*
- 4.31 In terms of matters of scale and catchment, the Rushden Lakes decision concluded that whilst the scheme would draw from an extended area and that there would be resultant impacts, there was a deemed opportunity to provide facilities to make the area more self-sufficient and create sustainability benefits such as mileage savings and local employment.
- 4.32 In terms of planned investment, the decision confirms that whilst it is appropriate and necessary to consider the potential for any proposal to impact upon the delivery of planned investment in centres it must firstly be clear that this alternate development is genuinely capable and have realism of delivery in the absence of the new proposal. Thereafter, it is important to be establish the extent to which the proposal would seek to compete with the planning purpose of the deemed planned investment opportunity.

Evidence Base

Local Plan Monitoring Report 2024-25

- 4.33 This Monitoring Report (published December 2025) is the most recent and covers April 2024 to 31 March 2025. In relation to employment land supply and delivery it advises that:
- "At the end of 2024-25 there was a total employment land supply of 140.34ha in Knowsley with 52.70ha. available within the next five years. Almost forty percent of the most deliverable employment land in the next 5 years is within Knowsley's Principal Regeneration Areas.*
- During 2024-25, 23.94 ha. of land was developed for employment use and 61,303 sqm of employment floorspace was completed, mostly for Use Class B2 "Industrial", and B8 "Storage and distribution" purposes."*

5 Retail Policy Tests

- 5.1 The development proposes conversion of existing commercial units through amalgamation, and the end use of that space (circa 697m²) to serve a bathroom and tile showroom operator. In our view, this comprises a business format for bulky goods retailing.
- 5.2 This falls well below the adopted threshold for retail impact assessment (2500m²) and therefore no impact assessment is necessary or should be sought. However, there is a requirement for consideration of the sequential approach to site selection.
- 5.3 The Application Site comprises a well-established commercial destination, although it is acknowledged that it comprises an out of centre location in retail policy terms. Therefore, a sequential approach to site selection has been undertaken, in line with established retail planning policy.
- 5.4 Whilst the sequential approach seeks to focus new retail development in 'town centres', it does not preclude sites coming forward for retail elsewhere if no in centre or edge of centre opportunity exists that is available and suitable for the nature of the development being proposed.

Local Context

- 5.5 Whilst this is a Primarily Industrial Area, it does include wider commercial uses including the Home Bargains unit under construction on the adjacent site (under 23/02782) and also a permission for the now trading Aldi store. The Committee report which underpinned that 2019 approval advised as follows in respect of the sequential approach to site selection:
- "Its conclusion, that there are no alternative sites that are currently suitable or available, is agreed with. The applicant has also highlighted that the uses proposed would provide employment in the retail and hospitality sectors."*
- 5.6 Similar conclusions were reached in 2025 regarding the Home Bargains application on the adjacent land parcel. It is against this background that the sequential approach to site selection needs to be considered.

Methodology and Approach

- 5.7 NPPF advice states that local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and not in accordance with an up-to-date development plan. This application site is considered to be within an out-of-centre location as it falls outside a defined centre and is not located within 300m of a defined centre.
- 5.8 Paragraph 92 of the NPPF highlights the need for applicants to consider opportunities for flexibility of format where that would allow sites within or well connected to a defined town centre to be utilised to accommodate the development proposed by the applicant.
- 5.9 The key considerations in terms of the sequential approach will be the planning implications of:
- The amalgamation of two units; and
 - The use of the resultant mid-format unit to support a bathroom showroom operator (bulky goods retail).
- 5.10 In order to assess whether sequentially preferable sites can (or should) be identified to meet the deemed need, it is first necessary to establish the purpose of development. One can then look to confirm an area of search based on a likely catchment for the proposed development and then to confirm other key search parameters. These parameters provide context for the exercise in order to demonstrate flexibility on format and scale as required by NPPF para. 92.

- 5.11 The PPG also recognises that in applying the sequential approach to site selection there are certain main town centre uses that have particular locational requirements. In particular, the PPG16 (ref ID. 2b-011-20190722) states that:

"Use of the sequential test should recognise that certain main town centre uses have particular market and locational requirements which mean that they may only be accommodated in specific locations."

- 5.12 These factors are pertinent in considering the form and nature of development proposed by this application, which is to support a bathroom showroom use (bulky goods retail and trade counter).

Purpose and Effect of the Proposal

- 5.13 The subject site has a long background of accommodating commercial uses, and main town centre uses have been supported on this and other nearby sites which lie outside any defined centres.

- 5.14 The development proposes conversion of existing commercial units through amalgamation, and the end use of that space (circa 697m²) to serve a bathroom and tile showroom operator. In our view, this comprises a business format for bulky goods retailing.

- 5.15 The proposal seeks to deliver a bathroom showroom use (bulky goods retail and trade counter). The ability for customers to visit the site is key, but more significantly it is necessary for goods to be transported to the showroom from an off-site distribution centre and then for tradespeople to arrive at the site and pick up heavy items (to take to site). This requires the ability to accommodate heavy goods vehicles and vans. This format requirement is particularly pertinent in the context of the sequential approach to site selection.

- 5.16 Sites within the immediate vicinity of the subject plot have been previously found acceptable for retail-led uses, including foodstores and variety retailing. There is a clear background that commercial land close to the application site has been found acceptable for retail uses having regard for the requirements of the sequential approach to site selection.

Area of Search

- 5.17 The sequential site search focuses on a very local catchment, which reflects the proximity of other operators which would act as bathroom and tile showrooms (including other branches of the same operator and larger DIY stores within the target area. This is consistent with the approach undertaken in relation to previous retail-led applications submitted for this area.

- 5.18 Given the above, the primary catchment has been based on a 5-minute drivetime from the Application Site. This is consistent with the catchment adopted and accepted as part of the Home Bargains and (prior to that) the Aldi permissions. Whilst it is expected that the proposal will draw some trade beyond this area, it is not expected that this will represent its core catchment.

- 5.19 The sequential test therefore considers opportunities within and on the edge of Huyton Town Centre given this is the only defined centre which falls within the catchment.

Understanding of the Sequential Test: Case Law

- 5.20 In the case of the Dundee Supreme Court Judgement (Tesco Stores Limited v Dundee City Council [2012] UKSC 13) Lord Reed considered the matter of a site's 'suitability'. At paragraph 30 Lord Reed stated that Asda judged the alternative site as 'not suitable for their needs: it was far smaller than they required, and its car parking facilities were inadequate'. Para 38 of the Judgement states '*...the issue of suitability is directed to the developer's proposals, not some alternative scheme which might be suggested by the planning authority. I do not think this is in the*

least bit surprising, as developments of this kind are generated by the developer's assessment of the market that he seeks to serve. If they do not meet the sequential approach criteria, bearing in mind the need for flexibility and realism...they will be rejected. But these criteria are designed for use in the real world in which developers wish to operate, not some artificial world in which they have no interest in doing so.'

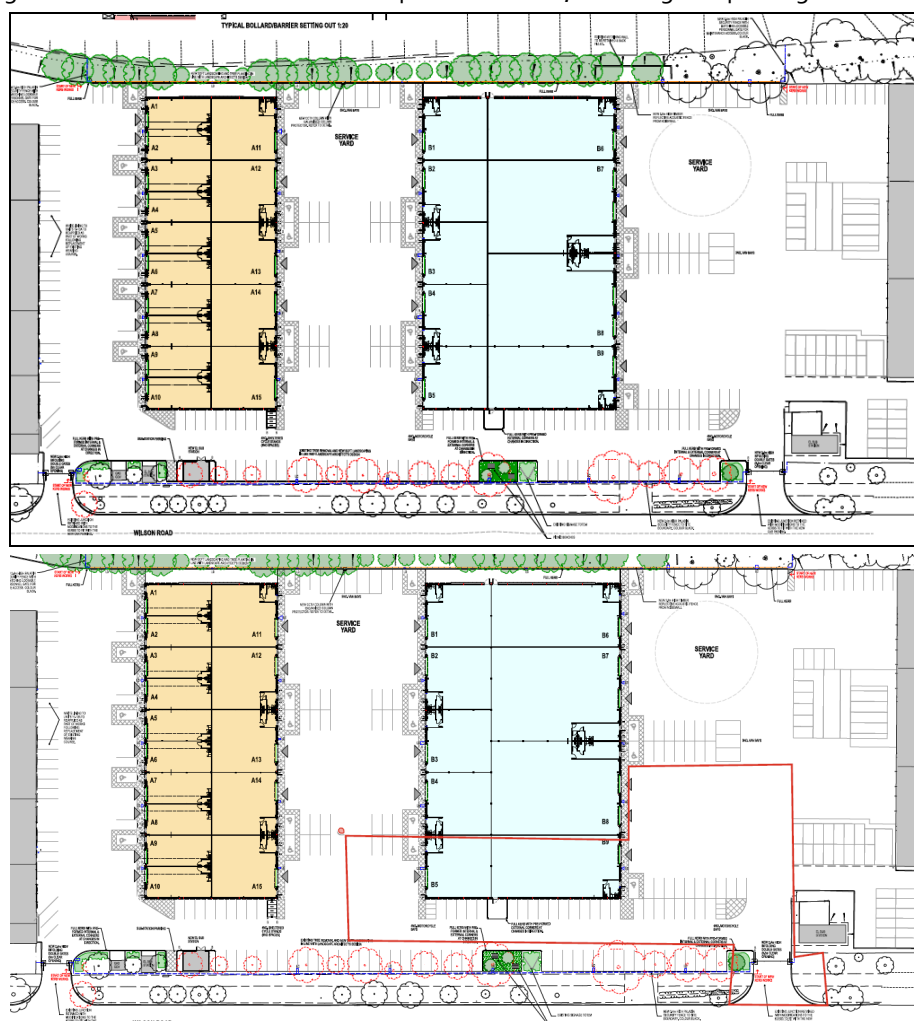
- 5.21 The Zurich Assurance Ltd judgement (R (oao Zurich Assurance) v North Lincolnshire Council [2012] EWHC 3708 (Admin)) recognised the Dundee judgement, particularly in respect of the 'real world' concept, stating: *'It is also important to mark that developers ...work in the real world. Marks & Spencer had assessed the only available town centre alternative to the Site, and had concluded that a development that was smaller than that proposed, or one with a more restricted range of goods, was neither commercially viable nor suitable for their commercial requirements'.*
- 5.22 It continues to state in regard to the viability of alternative sites *'It is unrealistic to expect a commercial operator to reveal its precise commercially sensitive and valuable calculations as to why it considers possible alternatives to the development proposal not to be commercially viable; and it is unnecessary for them to do so to enable a planning authority to come to a view on viability.'*
- 5.23 The Meadowhall Way appeal by Next for a new Next Home and Garden centre development (ref: PP/J4423/A/13/2189893) was allowed by the Inspector who stated that *'...what needs to be established is where an alternative site is suitable for the development proposed, not where the proposed development can be altered or reduced so that it can fit an alternative site.'*
- 5.24 The above decisions were clear e.g., the Inspector in respect of Meadowhall Way that a proposal should not have to alter its format or size to fit on an alternative site. The Zurich case is a reminder that an operator would not locate on the alternative site even if it were the only site for consideration because it will only operate 'in the real world'.
- 5.25 The Scotch Corner decision continues this theme where it states: *'In carrying out the sequential test it is acknowledged that whilst Framework paragraph 24 indicates that applicants should demonstrate flexibility on issues such as format and scale, it does not require the applicant to disaggregate the scheme. The sequential test seeks to see if the application, i.e. what is proposed, can be accommodated on a town centre site or on sequentially preferable sites.'*
- 5.26 The Mansfield judgment reminds that the sequential approach should be fascia blind, but that it must have regard to the business model of the applicant. To that extent, the fact that a particular trading location is unpalatable to (for example) one food discounter does not render it unsuitable to all such retailers. Ouseley J argued that: *"In my judgment, "suitable" and "available" generally mean "suitable" and "available" for the broad type of development which is proposed in the application by approximate size, type and range of goods...The area and sites covered by the sequential test search should not vary from applicant to applicant according to their identity, but from application to application based upon the content."*
- 5.27 The Cribbs Causeway scheme was multi-faceted but reinforces the need for all parties to demonstrate realism (i.e. reasonable flexibility) in terms of the consideration of the sequential approach. In this instance it included a pragmatic consideration of operational parameters to establish what would be needed to deliver a broadly similar form of development that would meet reasonable operator requirements.

Parameters Approach and Flexibility of Format

- 5.28 There is no prescriptive advice either in the NPPF or online NPPG to provide any definitive or indeed inferential advice as to how an applicant might demonstrate a reasonable approach to showing flexibility and realism to meet the requirements of the sequential approach. Para 38 of the Dundee decision states that *'the whole exercise [Sequential Assessment] is directed to what the developer is proposing, not some other proposals which*

the planning authority might seek to substitute for it which for something less than that sought by the developer’.

- 5.29 The approach we have agreed on numerous other applications is to apply a generous tolerance to the preferred format in order to establish what could be a broadly similar scheme. We have adopted a 15% parameter (i.e. considering sites and existing units that are capable of accommodating these uses which are 15% larger and smaller than the proposed layouts). Using a 15% margin demonstrates flexibility in the applicant’s business model as required by the NPPF, providing a robust sequential site search.
- 5.30 This application seeks to amalgamate two “end units” to provide a single trading space for a bathroom and tile showroom. The building itself provides 697m² floorspace and relies upon access to Wilson Road and hardstanding which provides:
- Space for goods vehicles to service the unit, with the ability to turn in the site to allow access and egress in forward gear;
 - Space for parking for customers and staff; and
 - Space for trade vans to park and be loaded with goods to allow the completion of contracts off-site.
- 5.31 The 22/00662 scheme provides 2 blocks which are sub-divided into 24 units with 7740m² of overall commercial floorspace with 177 parking spaces across a site measuring circa 1.9 hectares. This is shown on the first plan below. The second plan identifies a 0.38 hectare sub-parcel (bounded red) which would allow for the amalgamated unit as well as associated space for access, servicing and parking.



- 5.32 In addition to the consideration of floorspace and parking, the fundamental operational requirements of the intended occupier include the following:
- The ability to display their full range of bathrooms and tiling products;
 - The ability to sell and display associated goods for the completion of tiling and installation of bathroom sets by tradespersons;
 - Located in a commercially viable location (including prominent frontage and parking);
 - An at-grade customer car park of an appropriate size directly adjacent to the retail unit to allow the safe and direct transfer of goods from store to customer vehicle;
 - Space for staff to design bathroom layouts for customers; and
 - Simple, safe and efficient at-grade servicing arrangements allowing direct rear servicing for 16.5 metre articulated vehicles to arrive, unload and leave the site without any disruption, conflict with the wider highway network or any negative impact on residential amenity.
- 5.33 Using the parameter approach outlined, other sequential candidate sites would need to be able to deliver:
- 0.32-0.44 hectares;
 - Space for a 25m turning circle;
 - 592m² - 802m² retail floorspace; and
 - 33 – 45 parking spaces.
- 5.34 Given that the proposals are intended to attract a commercial operator that requires on-site car parking provision as part of their business model, the need to identify a site or existing units with parking provision and servicing is considered vital to the proposed scheme. Without any one of these, the retail model is unacceptably compromised, and thus the retailer will not proceed with a new store. If alternate sites are unable to accommodate these basic parameters, they cannot therefore be considered sequentially preferable.

Huyton Town Centre Strategy

- 5.35 Prior to considering specific units, we refer to the more significant aspirations for Huyton town centre focusing particularly on the Genr8 / Kajima plans and ownership for the remainder of Cavendish Walk. Cavendish Walk is a retail complex over two floors that provides circa 100,000 ft² of lettable space with 21 units and a basement car park. It is understood that the majority of the plot (73,000ft²) was acquired in late 2025 by Rugby Property Assets out of receivership, with the remainder acquired by Knowsley in 2024.
- 5.36 The part of the Cavendish Walk site acquired by Knowsley forms part of a wider parcel which underpins the Council's regeneration strategy for Huyton. These plans assume its redevelopment for a mixed-use scheme dominated by civic buildings and apartments.



- 5.37 The site is currently subject of a hybrid application promoted by Kajima / Genr8 (25/00606/HYB) with a detailed element that would provide a new headquarters for Knowsley MBC, 130 key hotel and a library. In addition, there is an element submitted in outline to provide 410 apartments, car parking, as well as circa 5600m² of commercial space (4000m² of office space and 1600m² of Class E and F1 uses to provide active ground floor uses).

Sites Considered

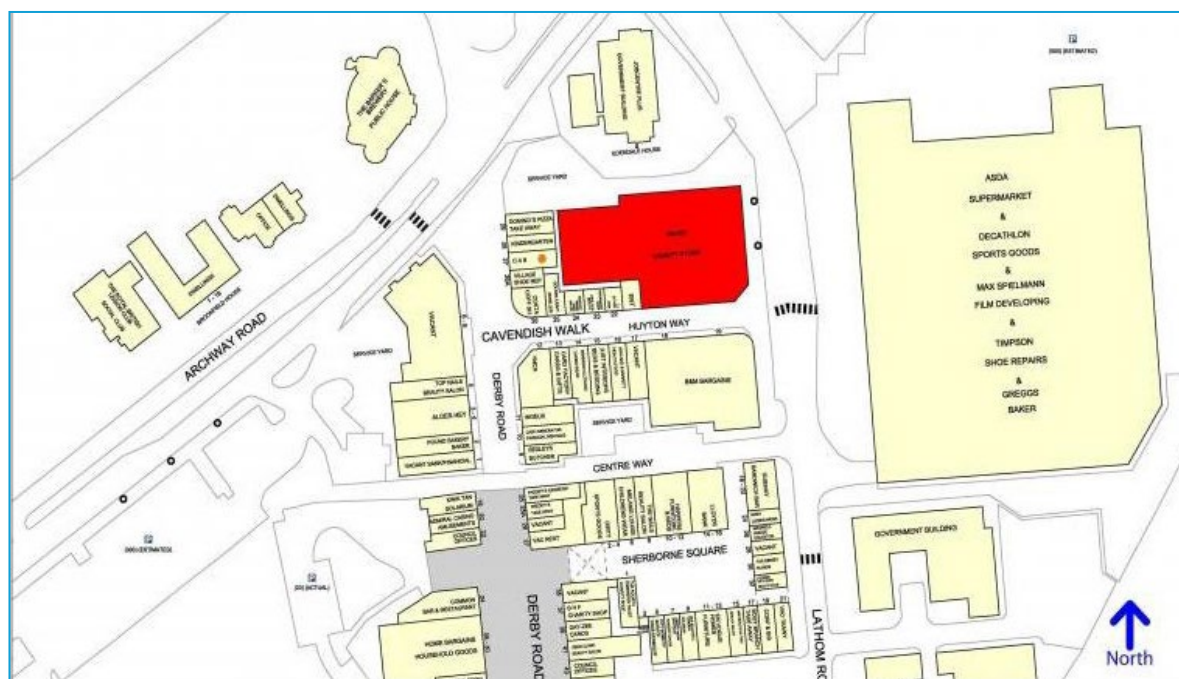
- 5.38 The following sites have been identified as being potentially available and considered as part of our sequential assessment:

- Unit 20, Cavendish Walk Shopping Centre (former Wilko unit);
- Other vacant units within Cavendish Walk Shopping Centre;
- 31 – 33 Derby Road, Huyton; and
- 42 – 46 Derby Road, Huyton.

- 5.39 Further consideration of the above sites is provided below.

Unit 20, Cavendish Walk Shopping Centre

- 5.40 Unit 20 is a large unit (2601m²) that was previously occupied by Wilko until it fell vacant in September 2023 following a group administration in 2023. The unit is highlighted red on the Experian Goad extract below.



- 5.41 The unit is far too large to reflect the format sought through this development. Whilst it could theoretically be sub-divided, it is fundamentally constrained by a number of issues which undermine its suitability in terms of accommodating the proposed development, having proper and reasonable regard for flexibility.
- 5.42 The unit relies upon basement car parking as part of the wider centre, and this absence of adjacent at-grade car parking (for trade and retail customers) is a fundamental conflict with the business model which relies upon the ability to transfer bulk-purchase items into customer cars or vans.
- 5.43 The theoretical sub-division would also leave circa three quarters of the building void. Whilst a broadly rectangular unit, its proximity to other units and highway and topography would not assist any opportunity

to sub-divide and still leave the remainder straightforwardly capable of being let.

- 5.44 The unit is not of a suitable size and would fail to meet basic operational requirements for this format. In practical terms, the site is not suitable in planning terms and cannot be concluded sequentially preferable.

Other vacant units within Cavendish Walk Shopping Centre

- 5.45 Cavendish Walk Shopping Centre comprises c9,290 square metres of commercial floorspace across 21 units of assorted sizes. Our review indicates that there are (in addition to the former Wilko) four available units and these are identified below as part of our sequential assessment:

- 28 Cavendish Walk (212 square metres)
- Unit 12, Cavendish Walk (331 square metres)
- Unit 16, Cavendish Walk (160 square metres)
- Unit 18, Cavendish Walk (577 square metres)

- 5.46 The majority of the units are very limited in size (577 square metres or less) meaning they are too small to accommodate the proposed development.

- 5.47 The largest unit (unit 18) forms part of the Genr8 proposals and it is envisaged to be redeveloped to provide a community hub inclusive of a library and space to undertake training and cultural activities. It is envisaged that this will be a critical component of the ambition to encourage civic uses and to drive footfall within this part of the town centre, with adjacent plots supporting office uses and town centre living. The use of the unit to support a bulky goods retail warehouse would impede these regeneration plans.

- 5.48 The site is unsuitable and availability is uncertain (given that the site's owner is progressing alternative plans and there is no active marketing of the site). As such, we find that these premises are neither available nor suitable to accommodate the proposed unit and cannot be concluded sequentially preferable.

- 5.49 None of these units are of a suitable size and all would fail to meet basic operational requirements for this format. The largest unit is closer to the size parameters but is required as part of a strategic plan-led redevelopment of key parts of the town centre. In practical terms, none of these units are suitable in planning terms and cannot be concluded sequentially preferable.

31 – 33 Derby Road, Huyton

- 5.50 31 – 33 Derby Road is located within Huyton Town Centre and sits adjacent to the Cavendish Walk Shopping Centre. The unit comprises two storeys and measures 264 square metres at ground floor.

- 5.51 The unit is far too small to accommodate the minimum floorspace requirements (592 square metres). And could not feasibly be extended to accommodate the format requirement or a flexible interpretation of it.

- 5.52 Whilst the unit is available, it can be discounted on the grounds of suitability.

42-46 Derby Road, Huyton

- 5.53 This plot comprises three ground floor retail units in Huyton town centre, with ancillary first floor space formerly used as office and storage space. The property is advertised as a freehold opportunity with three fully let units with opportunity to put upper floors into active uses.

- 5.54 The combined floorspace only measures 354 square metres at ground floor. This represents circa half of the retail floorspace proposed at the Application Site and is therefore too small to accommodate the proposals.

- 5.55 In addition to fundamental constraints in terms of suitability (unit size and issues regarding servicing and parking) the units are occupied and therefore the space is not available. In practical terms, the site cannot be concluded sequentially preferable.

Retail Impact

- 5.56 National planning policy only requires an impact assessment to be undertaken for proposals for main town centre uses above 2,500 square metres unless there is a locally set threshold. In the absence of a locally set threshold, the default threshold set by national policy applies. The retail unit falls below the default threshold.
- 5.57 Within this context, retail impact is not a policy consideration in the determination of the application proposals.

Summary

- 5.58 The assessment has demonstrated that there is no sequentially preferable site that is available within a reasonable period, and suitable to accommodate the proposed development, or a flexible interpretation of it – a position entirely consistent with that reached by Knowsley Council in determining the Home Bargains permission on the adjacent plot (and previously in connection with the Aldi proposal) within the local area.
- 5.59 Whilst the former Wilko remains available, it is not remotely suitable for a range of reasons both by consequence of being much too large and more generally constrained.
- 5.60 Against this background, the proposed development satisfies the sequential approach as set out in national and local planning policy.

6 Loss of Employment Land

6.1 Core Strategy policy CS4 provides a framework which encourages employment-generating uses in Knowsley, including consideration of sites which are currently in use or allocated for employment land.

6.2 The specific units which are proposed for change of use (for retailing) have an approved employment use (part B2, part B8) and fall within a Primarily Industrial Area. Neither unit has ever been occupied, so in the prism of the CS4 policy we would note that:

- The units have never been in use for employment purposes;
- The wider site is not allocated as new employment land; and
- The plot does form part of a wider Primarily Industrial Area.

6.3 Part 7 of Policy CS4 sets out the approach to safeguarding existing employment land:

"Land which is currently in use or allocated for employment development will be safeguarded from changes to other types of development, except where: there is no current or likely future demand for employment uses on the land; or where other uses would bring wider regeneration, environmental and amenity benefits."

6.4 Part 7 of policy CS4 provides a framework for the consideration of other uses, whilst criterion 4 of saved UDP policy EC3 provides a differently worded framework but this does expressly include reference to Primarily Industrial Areas.

6.5 The proposal provides a different employment-generating use for a vacant unit. The text of paragraph 5.26 is relevant and helpful, and this states:

"A key Core Strategy requirement is to facilitate employment development of the right type and in the right location to support the Council's employment priorities. This is particularly important given high levels of socio-economic deprivation which exist in the borough. These and other requirements are addressed by Policy CS4."

6.6 Saved UDP policy EC3 (Primarily Industrial Areas) is now circa 20 years old, but remains part of the Development Plan. We include the following key extracts:

3. *Primarily industrial areas are identified on the Proposals Map and are appropriate locations for Business (Class B1); General Industry (Class B2); and Storage and Distribution (Class B8) uses.*
4. *Proposals for development for other uses in these areas (either on sites which are allocated for development or on other land or buildings) will only be permitted where they would:*
 - e) *Be complementary to and compatible with the surrounding employment uses;*
 - f) *Be consistent with any approved regeneration strategy for the area;*
 - g) *Preserve or enhance the image of the industrial area; and*
 - h) *Avoid causing an unacceptable loss of land available for industrial development.*

6.7 The Core Strategy was adopted in 2016 and the accompanying text to Policy CS4 sets out a requirement for at least 164 hectares of land to be developed for employment uses between 2010 and 2028, and illustrates that the readily available supply exceeds this. Having regard to take-up between 2010-2014, the Development Plan indicates 238 hectares of supply comparative to a residual requirement of 153 hectares.

6.8 Moving forward to the period ending March 2025, the Council's 2024-25 Annual Monitoring Report advises as follows in relation to employment land supply and delivery:

"At the end of 2024-25 there was a total employment land supply of 140.34ha in Knowsley with 52.70ha. available within the next five years. Almost forty percent of the most deliverable employment land in the next 5 years is within Knowsley's Principal Regeneration Areas.

During 2024-25, 23.94 ha. of land was developed for employment use and 61,303 sqm of employment floorspace was completed, mostly for Use Class B2 "Industrial", and B8 "Storage and distribution" purposes."

6.9 Turning to the criterion-led approach of policy EC3, there is an argument to say that given its vintage (part of a 2006 UDP) the weight to be afforded to it is quite limited. We note that the economic and broader policy context is now vastly different and reflect that the UDP publication pre-dates several iterations of the NPPF and macro-economic events which include:

- The Northern Rock crisis;
- Rise of last-mile logistics; and
- Changes in customer behaviour following COVID.

6.10 Notwithstanding the above and for robustness, the proposals have been assessed against the EC3 criteria which permits alternative uses.

Be complementary to and compatible with the surrounding employment uses

6.11 The proposed use of the building will not result in any external changes to the building and will require no revisions to the wider site layout. As such, there would be no constraint or change to the appearance of the estate or the ability of other operators to utilise space for their servicing or parking.

6.12 There is no practical likelihood of any adverse implications upon surrounding employment uses, and through active occupation it will improve vitality and active surveillance. We would also note that the active use of this space will also ensure that service charge implications for other existing and new occupiers would fall on a pro rata basis. This will inevitably be welcomed by surrounding employment uses.

Be consistent with any approved regeneration strategy for the area

6.13 There is no specific 'regeneration strategy' for the area outside of the allocation. There is no conflict with this criterion and therefore this has not been expanded on further.

Preserve or enhance the image of the industrial area

6.14 The building was designed with flexibility in mind and can straightforwardly accommodate the proposed retail / trade counter use. For robustness, we have modelled this as a retail use which falls within Class E ('Commercial, Business and Service').

6.15 This is a commercial format and requires no external alterations. Trade counter and builder merchant units are very frequently operated in these types of location and acceptable by being established and consistent with the proper objectives and requirements of the Development Plan.

6.16 We would also note that the Council has found other retail uses acceptable in the very local area (including those which are of much larger format, retail offer and wider ranges of goods) and this is of relevance. Indeed, trade counter / retail and industrial uses are often situated 'cheek by jowl' given their long-standing ability to complement one another. There is no conflict with this criterion and therefore this has not been expanded on further.

Avoid causing an unacceptable loss of land available for industrial development

6.17 The two units subject of this application were completed during 2024 and have remained vacant despite sustained marketing. This period has allowed occupiers to come forward to take the premises in its current guise, but a new tenant has not been secured. This is principally owing to market demand conditions and the controls upon the planning consent which would only allow B2 or B8 uses.

6.18 The Core Strategy sets out the Council's plan-led requirement for employment space over a period to 2028,

assuming an annualised requirement of circa 9.1 hectares (164 hectares over 18 years). By 2014, it is understood that the available supply was 238 hectares.

- 6.19 Moving ahead to March 2025, the AMR advises that the available supply was 140.38 hectares. This did include some more significant delivery in the post-COVID era, but if we were to assume consistent delivery between 2014 and 2025, that would equate to circa 8.9 hectares take-up per annum which aligns with the Core Strategy trajectory. That therefore means that the residual supply is adequate to respond to more than 15 years of typical requirements.
- 6.20 The proposal would result in the loss of 697m² of employment floorspace, which would comprise only 1.1% of the employment floorspace delivered in the single year 2024-25. If the proposed use were to be delivered on an isolated site, it would require a plot of circa 0.3 hectares. If this were deemed as a "loss", it would still leave the available supply over 140 hectares which would equate to more than 15 years of requirements based upon the evidence from 2010-2025.
- 6.21 This is a healthy supply position, particularly given that the Council will soon be embarking on a new Local Plan where they would have the opportunity to identify further land to meet wider Plan-led requirements and respond to market signals. There is no credible evidence to suggest that this proposal would result in any unacceptable loss of employment land.

Summary

- 6.22 The above analysis clearly shows that the proposed development will not result in any unacceptable loss of land available for industrial development, or any other conflict with the requirements of UDP Policy EC3 or Core Strategy Policy CS4.

7 Assessment of Development

7.1 This chapter assesses the proposal's compliance with relevant development plan policy and should be read alongside the accompanying drawings. The following issues are considered relevant in the assessment of the development:

- The Principle of Development;
- Contribution to Economic Development;
- Planning Controls;
- Amenity Considerations;
- Accessibility; and
- Other Material Planning Considerations.

The Principle of Development

7.2 The development proposals consist of the change of use and amalgamation of two vacant units on a brownfield site within a 'Primarily Industrial Area' as defined by the Proposals Map and UDP Policy EC3.

7.3 Through our EC3 analysis, we have identified that whilst the proposed retail use of the floorspace is not a traditional employment use it will generate jobs and will not conflict with any of the EC3 requirements. Therefore the use of this land to secure active use of existing vacant space permitted for employment uses is compliant with the conditions set out by UDP Policy EC3 and Core Strategy policy CS4.

7.4 Having set out the justification for the proposed commercial use within a Primary Industrial Location, the second in-principle consideration relates to the proposed retail floorspace in an out of centre location. The scale of floorspace is well below the retail impact threshold, and the submitted evidence has shown that the sequential approach to site selection has been robustly considered and that there is no evidence that there are any more centrally located sites within the catchment that could properly be concluded to be sequentially preferable. There is no conflict with the requirements of the retail policy framework.

7.5 The application site is a brownfield site located within an existing industrial park and therefore the site will help to deliver Strategic Objective 1 of the Core Strategy which seeks to make efficient use of previously developed land for economic development.

Contribution to Economic Development

7.6 This application will help to deliver more efficient use of floorspace within an existing commercial area, thus helping to reduce pressure on the need for job-creating development in adjacent districts or on Green Belt land. Whilst it is accepted that the proposals will result in the re-purposing of units originally permitted for more traditional employment uses, there are poor market signals for those uses and the supply position is evidently very healthy. There is no prospect of any unacceptable harm to the Council's ability to maintain an effective employment land supply.

7.7 The proposed use will attract a new business to utilise existing vacant space in an established and well-located commercial estate- we estimate the delivery of circa 20 jobs. As such, the proposed development through its ability to create new jobs and attract new businesses to the borough will help to deliver objective 4 of the Knowsley Replacement UDP which seeks to secure economic growth. The NPPF provides further support for development that can deliver economic development stating that '*significant weight should be place on the need to support economic growth through the planning system*'.

Planning Controls

- 7.8 This application seeks to secure consent to allow an amalgamated building can be utilised by a bathroom showroom operator to fulfil their format requirements. These types of use are commonly operated in out-of-centre locations and often rely upon B8 “trade counter” consents. In the context of this specific use, the majority of the floorspace will be laid out for the display of bathroom and tile sets rather than associated storage. On that basis, we conclude that the use more squarely sits as a retail use.
- 7.9 We do recognise that if we sought an unfettered retail consent within Use Class E (a), that could lead to an unintended consequence of its re-use by a different form of retailing which could have greater prospect of conflict with the vitality of specific retailers in Huyton town centre. Whilst the floorspace remains well below the impact threshold (and therefore the prospect of material harm to vitality and viability) must be extremely limited, for robustness we accept that conditional controls will be appropriate moving forward.
- 7.10 On the basis of what is sought by the occupier and what has been modelled through this assessment we propose the following conditional wording:
“The amalgamated unit shall be used for the sale of bathroom, kitchen, tiles and associated goods only (including furniture and fixtures and fittings) and for no other purpose (including any other purpose within Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification) that is currently Class E(a) of the 2020 modification unless otherwise agreed with the Local Planning Authority in writing.”
- 7.11 The applicant would be agreeable to accept the condition indicated above on any subsequent consent. As such, there would be no lawful opportunity to implement (for example) wider forms of retail development that could result in different effects on shopping patterns and have not been tested through this submission. This provides an appropriate mitigation against unplanned future impacts, which would clearly comply with NPPF advice and be more robust than the requirements of Development Plan policy in this respect.

Amenity Considerations

- 7.12 The proposals create no change to access arrangements, servicing, and there is no residential property located in the immediate vicinity of the application site.
- 7.13 We note that the units have permitted use for B2 and B8, but note that other units in the locality have been operating as trade counters for an extended period. The location of the units (far away from residential receptors) and the proximity to other trade counter uses does suggest that this is (in essence) another example of a type of use which has become established and commonplace in this area.
- 7.14 Given the above, there is no credible prospect of additional nuisance that would warrant a negative conclusion being reached.

Accessibility

- 7.15 It is considered that the site has good access by both ‘active transport’ to local facilities and to public passenger transport arrangements. The site is located in close proximity to a number of bus stops with north eastbound and south westbound stops provided on Wilson Road.

Other Considerations

- 7.16 The proposals accord with relevant principles set out in Core Strategy Strategic Objective 1 and objectives of Policy CS4 and accompanying text at paragraph 5.26 which seeks to promote economic development.

8.0 Conclusion

- 8.1 The development proposals will provide active use to two vacant units within an existing commercial site in order to allow inward investment for the occupation of a trade counter occupier as soon as planning consent is issued.
- 8.2 The proposed development through its ability to create new jobs and attract new businesses to the borough will help to deliver Strategic Objective 1 of the Knowsley Local Plan Core Strategy which seeks to secure economic growth. The NPPF provides further support for development that can deliver economic development stating that '*significant weight should be place on the need to support economic growth through the planning system*'.
- 8.3 In conclusion, the proposals are synonymous with the objectives of the NPPF, underlying principles of the saved policies of the UDP and the adopted 2016 Core Strategy which seek to promote economic development.
- 8.4 This report demonstrates how the proposed development accords with the Development Plan policies and therefore should be approved in accordance with the guidance set out within the NPPF which states that local planning authorities should approve; '*development proposals that accord with the development plan without delay*'.