



PLANNING

TOWN CENTRE AND LEISURE IMPACT ASSESSMENT

L32 TRADING LTD

KIRKBY VALLEY GOLF COURSE

TOWN CENTRE AND LEISURE IMPACT ASSESSMENT

On behalf of: L32 TRADING LTD

In respect of: Kirkby Valley Golf Course

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1.0 Introduction

1.1 This Town Centre and Leisure Impact Assessment has been prepared on behalf of our client, L32 Trading LTD, in support of the planning application for the redevelopment of Kirkby Valley Golf Course, Ingoe Lane, Kirkby, Merseyside. The proposed development comprises:

- Reconfiguration and other improvement works across the entire golf course, including the reshaping of tees / greens / bunkers to provide both an improved 18 hole course and a new 9 hole course.
- New and improved irrigation / drainage works (including irrigation lake), extensive tree and shrub planting, and ecological mitigation measures across the course.
- The erection of a footbridge over the River Alt (to provide improved access around the course).
- The erection of a new 2 storey Clubhouse of 2,027.8 sqm GEA with associated operational / management offices, golf shop, café / restaurant, function room, changing and toilet facilities.
- Retention, alteration and 364 sqm (GEA) extension of the existing clubhouse, and its change of use to form a golf-related / grounds maintenance training academy with associated classroom space, cafeteria and overnight accommodation for golf professionals / teachers / trainers (existing access and car park retained / unchanged).
- A new centrally located greenkeeper's compound with associated 720 sqm GEA portal frame building to contain welfare facilities, office, training space and equipment storage and maintenance and security fencing.
- An adventure golf course and practice putting green.
- A golf driving range with an associated 2 storey building containing 40 driving bays (over two levels), bar / lounge, pro golf shop, training and practice rooms / facilities, and external lighting and safety netting.
- 6 synthetic outdoor 5-a-side football pitches with associated lighting, means of enclosure and car parking.
- 5 synthetic outdoor tennis courts with associated means of enclosure and lighting.
- 1 external bowling green with associated timber players' hut, means of enclosure and lighting.
- Car and cycle parking spaces to serve all of the above facilities.
- Two new accesses created onto Valley Road.
- The formation of a new gated access via Aintree Lane for the use of construction traffic (during construction phase) and - upon completion of development works - for the sole use of course operatives for the purposes of course management / maintenance.

1.2 This report considers matters solely relating to retail/ leisure and town centre policies, focusing upon the town centre impact of the proposals and the need to demonstrate accordance with the sequential test assessment. Other matters, including an assessment of the proposals against

other relevant policies of the adopted Development Plan are addressed within the submission package supporting the planning application.

Structure of This Report

1.3 This report is structured as follows:

- **Chapter 2 Proposed Development** – Setting out the main design principles and quantum of development along with an introduction to the operator.
- **Chapter 3 Town Centre Planning Policy Overview** – Covering the key local and national planning policy considerations relating to the proposals.
- **Chapter 4 Sequential Assessment** – Providing a detailed methodology and background alongside a full sequential assessment of identified sites.
- **Chapter 5 Town Centre and Leisure Impacts** – Full assessment of the proposed development's impacts on the vitality and viability of defined centres
- **Chapter 6 Conclusions** – Identification of the key findings from the Assessments carried out at Chapters 4 and 5 and conclusion on compliance with policies identified in Chapter 3.

PROPOSED DEVELOPMENT



2.0 Proposed Development

Existing Facilities

- 2.1 Kirkby Valley Golf Course was founded in 1928. It comprises an 18 hole municipal parkland course located in the Green Belt, dissected by the River Alt. Due to the age of the course and associated clubhouse, they are deteriorating in quality, arranged in an inefficient layout, and for parts of the year unplayable due to poor drainage. There are also numerous holes which compromise health and safety due to 'blind greens', meaning the course does not adhere to the PGADC Guidelines for the safe design of golf courses.

Management and Operator

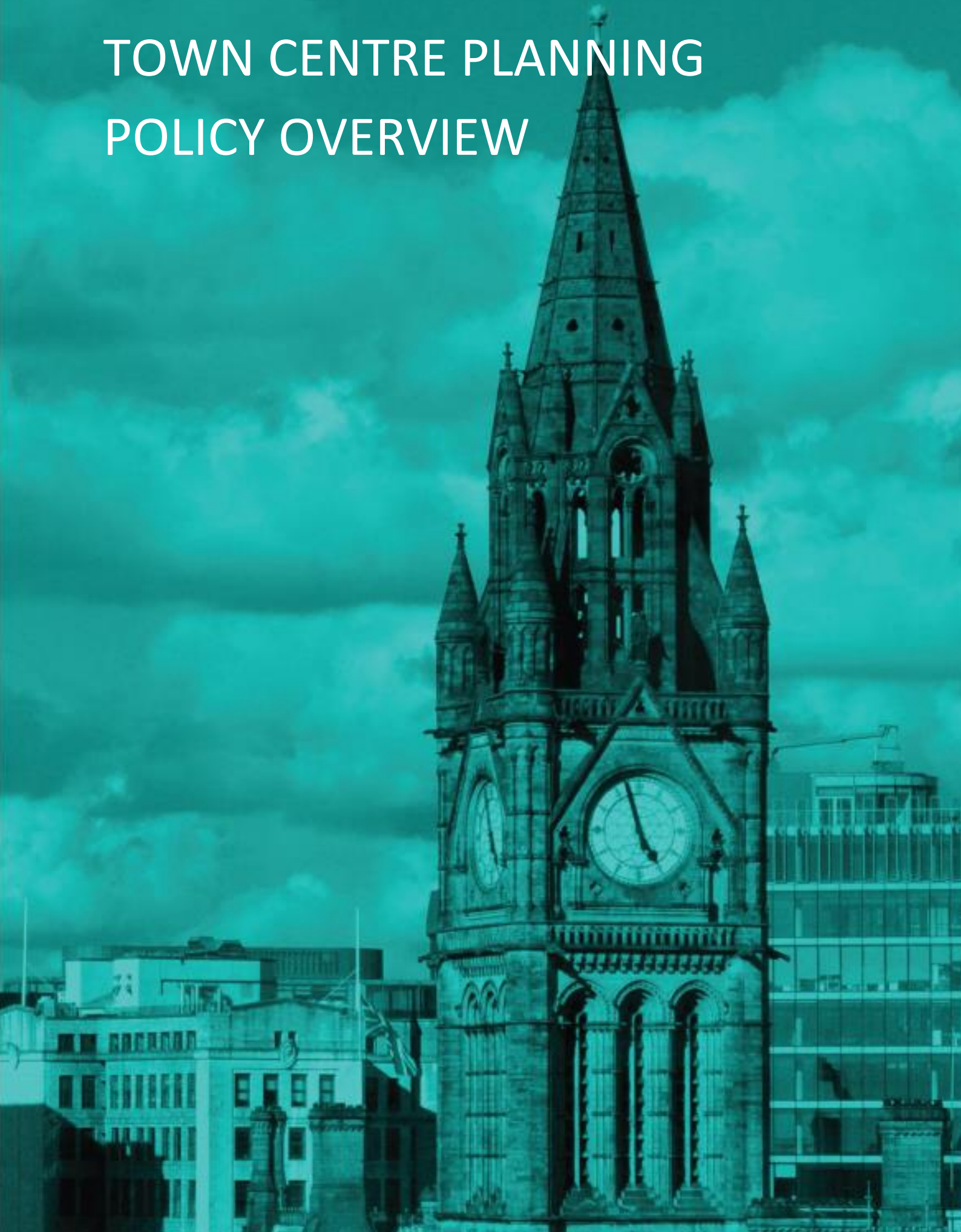
- 2.2 The course is owned by Liverpool City Council who have sought an experienced and reputable golf operator to assume management of the facility and bring private investment into the facility. As such, in 2014, the Council opted to lease the course to our client, L32 Trading Ltd, which operates the course on a 150 year lease (from March 2019).
- 2.3 L32 Trading Ltd forms part of Green Circle Estates, which controls Allerton Manor Golf Club in south Liverpool, which is the subject of considerable ongoing investment and improvement, with a current application before Liverpool City Council promoting a further £15 million of investment to deliver a range of additional golf-related facilities.
- 2.4 The applicant was also, until recently, the owner operator of owner-operator of the PGA affiliated Formby Hall Golf Course Resort which is considered one of the best facilities in the UK and is locally Sefton's largest leisure employer.
- 2.5 The experience of the applicant on other sites demonstrates their credentials in operating and developing class leading facilities and is expertise that would be brought to Formby Valley Golf Course through the proposed redevelopment.

Redevelopment Proposals

- 2.6 This application is for a full planning application submitted by L32 Trading Ltd that promotes the following development at Kirkby Valley Golf Club and Course:
- Reconfiguration and other improvement works across the entire golf course, including the reshaping of tees / greens / bunkers to provide both an improved 18 hole course and a new 9 hole course.
 - New and improved irrigation / drainage works (including irrigation lake), extensive tree and shrub planting, and ecological mitigation measures across the course.
 - The erection of a footbridge over the River Alt (to provide improved access around the course).

- The erection of a new 2 storey Clubhouse of 2,027.8 sqm GEA with associated operational / management offices, golf shop, café / restaurant, function room, changing and toilet facilities.
 - Retention, alteration and 364 sqm (GEA) extension of the existing clubhouse, and its change of use to form a golf-related / grounds maintenance training academy with associated classroom space, cafeteria and overnight accommodation for golf professionals / teachers / trainers (existing access and car park retained / unchanged).
 - A new centrally located greenkeeper's compound with associated 720 sqm GEA portal frame building to contain welfare facilities, office, training space and equipment storage and maintenance and security fencing.
 - An adventure golf course and practice putting green.
 - A golf driving range with an associated 2 storey building containing 40 driving bays (over two levels), bar / lounge, pro golf shop, training and practice rooms / facilities, and external lighting and safety netting.
 - 6 synthetic outdoor 5-a-side football pitches with associated lighting, means of enclosure and car parking.
 - 5 synthetic outdoor tennis courts with associated means of enclosure and lighting.
 - 1 external bowling green with associated timber players' hut, means of enclosure and lighting.
 - Car and cycle parking spaces to serve all of the above facilities.
 - Two new accesses created onto Valley Road.
 - The formation of a new gated access via Aintree Lane for the use of construction traffic (during construction phase) and - upon completion of development works - for the sole use of course operatives for the purposes of course management / maintenance.
- 2.7 Full details of the proposals are provided within the submitted plans and Design and Access Statement supporting this application.
- 2.8 For the purposes of this statement it is important to consider the context and development as a whole when carrying out the sequential assessment. However, for the purpose of the assessment on the impact on any town centres, it is only necessary to consider the elements of the proposals which fall within the NPPF's definition of 'Main Town Centre Uses'.
- 2.9 The Main Town Centre Uses in this instance are largely ancillary and/or complementary to the redeveloped golf proposals onsite however for robustness all have been considered.

TOWN CENTRE PLANNING POLICY OVERVIEW



3.0 Town Centre Planning Policy Overview

- 3.1 Section 7 of the National Planning Policy Framework (NPPF) sets out the national policy approach for town centres and town centre uses. Paragraph 87 sets out the requirement to undertake a sequential test assessment for main town centre uses not within an existing centre nor in accordance with an up-to-date plan, with paragraph 90 requiring the preparation of an impact assessment and the nationally set thresholds clarifying when this may be required. Paragraph 91 confirms that where an application fails the sequential test or is likely to have a 'significant adverse impact' on a defined town centre, it should be refused.
- 3.2 As set out within the submitted Planning Statement, the development plan is comprised of the Knowsley Core Strategy and saved policies of the former Unitary Development Plan. The key policy focused on town centre matters that is relevant to the planning application / application site is Core Strategy Policy CS6.
- 3.3 Based upon guidance provided within the NPPF, PPG and the adopted Development Plan, the application site is in an out of centre location in terms of town centre policy. This is the case as the application site is located over 300m from the nearest defined centre (Kirkby Town Centre). As such, there is a requirement to demonstrate accordance with the sequential and impact tests.
- 3.4 However, with regards to the Sequential Assessment due to the nature of the proposals and the extent of the existing facilities it is the applicant's view that the proposals should be considered as location specific to the application site. PPPG sets out the following:
- '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. Robust justification will need to be provided where this is the case, and land ownership does not provide such a justification.'*
- 3.5 Taking this into account, it is considered that the main town centre uses in this instance, i.e. retail, food and drink, and more intensive sporting uses, are so closely tied and complementary to the overall redevelopment of the existing golf course which is not a main town centre use, that they should be considered as having specific locational requirements for the application site.
- 3.6 Nonetheless, and for the case of robustness, this report undertakes a full sequential assessment for the proposals, however the specific locational requirements are a significant material consideration that should be given weight in the determination of this application.

Knowsley Validation Checklist and Pre-application Consultation

- 3.7 Knowsley Council's validation checklist confirms that the nationally set thresholds for impact assessments are adopted by the council who have opted not to provide a local threshold. On the basis of the main town centre uses within the scheme this threshold is met, triggering the need for this assessment. This was also confirmed through a pre-application consultation (18/00057/PREAPP) held with council officers.

SEQUENTIAL ASSESSMENT



4.0 Sequential Assessment

4.1 Before moving on to undertake the assessment, it is important to establish how the sequential test should be applied in respect of NPPF paragraph 86 and 87, and set out, in detail, the methodology and approach of any assessment. This is split into the following sub-sections:

- Application of the Sequential Test – Site Location;
- Relevant Appeal Decisions and Case Law;
 - Suitability; and,
 - Flexibility.
- Sequential Test Methodology;
 - Proposed Development and Site Requirements;
 - Demonstration of Flexibility – Format and Scale; and
 - Area of Search.
- Sequential Assessment – Consideration of Sites;

Application of the Sequential Test – Site Location

4.2 As already highlighted, the application of the sequential test is required for main town centre uses that are not located within a defined town centre and not in accordance with an up-to-date local plan. In considering the sequential test, NPPF paragraph 87 and Unitary Development Plan Policy S12 confirms that the first preference is to locate proposals within defined town centres followed by edge of centre locations and, in the event of there being no suitable and available sites, out of centre sites should be considered. In considering edge and out of centre sites, paragraph 88 confirms that preference should be given to accessible sites that are well connected to the town centre.

4.3 It is important to note that the NPPF does not require consideration of out of centre sites when applying the sequential test. This includes recognised out of centre destination, with Annex 2 clarifying further under the definition of Town Centres the following:

‘Unless they are identified as centres in the development plan, existing out-of-centre developments, comprising or including main town centre uses do not constitute town centres.’

4.4 Given this, it is necessary to consider where the application sits within this tiered approach required by NPPF para 87 and Policy S12. As already highlighted, the application site is in an out-of-centre location, with the nearest defined centre being Kirkby town centre, located to the north-east of the application site.

4.5 Given this, the focus of the sequential site search will be on in centre locations or edge of centre locations that are more accessible and better connected to a defined town centre than the application site.

- 4.6 In addition to this, NPPF para 88 confirms that applicants and local planning authorities should demonstrate flexibility on issues such as format and scale. This is considered in more detail later within this section.

Relevant Appeal Decisions and Case Law

- 4.7 Before moving on to define the methodology for the sequential assessment in relation to the application proposals, it is necessary to consider relevant appeal decisions and case law in respect of the application of the sequential test given that these influence the methodology and approach for the sequential test assessment. The following considers case law in respect of the demonstration of 'suitability' and 'flexibility' (as defined in NPPF) and what is meant by the term 'available' (NPPF para 87).

Suitability

- 4.8 NPPF Paragraph 87 highlights the need to consider the suitability of sites stating that 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 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 become available within a reasonable period) should out of centre sites be considered'.

- 4.9 The Planning Practice Guidance (PPG) goes on to confirm at Paragraph 011 (Ref. ID. 2b-011-20190722) in the checklist for the sequential test that:

'with due regard to the requirement to demonstrate flexibility, has the suitability of more central sites to accommodate the proposal been considered?... if there are no suitable sequentially preferable locations, the sequential test is passed.'

- 4.10 Taking this into account, it is important to consider what the term "suitable" means in the application of the sequential test. In this regard, the Dundee Case, a Supreme Court decision, confirmed what "suitable" means. Lord Reed confirmed at paragraph 28 of the judgement that when considering "suitable" sites this should be considered as:

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

- 4.11 Lord Hope in paragraph 38 of the judgement confirms that in relation to the word "suitable" the sequential test is:

'...directed to what the developer is proposing, not some other proposal which the planning authority might seek to substitute for it which is for something less than that sought by the developer...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 doing so.'

4.12 The Dundee Case therefore clearly establishes what suitable means in relation to the sequential test assessment confirming that any sequentially preferable site must be suitable for the commercial requirements of the developer and, subject to demonstrating flexibility in regard to format and scale, must be suitable for the proposed development, not whether the proposed development could be altered or reduced so that it can be made to fit a sequentially preferable site.

4.13 The matter of suitability in the application of the sequential test within the NPPF was considered the inspector's report of a recovered appeal by LXB RP (Rushden) Limited at Northampton Road, Rushden (the 'Rushden Lakes' decision). The Inspector at Paragraph 8.43 highlighted the key question when considering "suitable" must be "suitable for what" confirming that; 'the answer to this question of law is suitable for the development proposed by the Applicant'. The Inspector went on to reference the Dundee decision at Paragraphs 8.44-8.46:

8.44 The Supreme Court has told us in Dundee what "suitable" means and it has expressly rejected...that the concept relates to need and/or identified deficiencies in retail provision in the area in question; and it has expressly rejected the notion that "suitable" means that one should alter or reduce the proposal so as to fit onto an alternative site. The policy concerning the sequential approach as set out in the NPPF, and (to the extent that it is still relevant) the non-policy PG that accompanied PPS4, must be applied in a manner which complies with the legally binding case law on the meaning of the sequential approach. Plainly the case in question (Dundee) is of seminal importance.

8.45 In summary it [The Dundee Decision] establishes [a] that if a site is not suitable for the commercial requirements of the developer in question then it is not a suitable site for the purposes of the sequential approach; and [b] that in terms of the size of the alternative site, provided that the Applicant has demonstrated flexibility with regards to format and scale, the question is whether the alternative site is suitable for the proposed development, not whether the proposed development could be altered or reduced so that it can be made to fit the alternative site. These points although related are distinct. Although much was made of the fact that the Dundee case was a Scottish case the Supreme Court's decision applies in England (the Supreme Court is the Supreme Court for England too) as the High Court ruled in terms in the North Lincolnshire case in which it was read across and applied to the English sequential test then found in PPS4.'

8.46 It is important to bear in mind that the sequential test as set out in NPPF [24] require applications for main town centre uses to be located in town centres and it then runs through the sequence, edge and then out-of-centre. This makes good the very simple point that what the sequential test seeks is to see whether the application i.e. what is proposed, can be accommodated on a town centre site. There is no suggestion here that the sequential test means to refer to anything other than the application proposal. So, Dundee clearly applies to the NPPF.'

4.14 The Dundee decision and subsequent Rushden decision therefore make it plainly clear that in the application of the sequential test, the term 'suitable' relates to the development which is proposed, not related to an identified need / deficiency in the area, or to another form or scale of development amended to fit on a town centre site.

Flexibility

- 4.15 Both decisions referred to make it clear that when considering whether a site is suitable for the development proposed there is a requirement to demonstrate flexibility with regards to format and scale. This is confirmed within the NPPF at Paragraph 88 which states that when undertaking the sequential test assessment, applicants and local 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. The Planning Practice Guidance (PPG) provides further advice at Paragraph 11 (ref: 2b-011-20190722) in relation to this in the decision-making process stating:

'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.'

- 4.16 In terms of the deemed requirement to demonstrate flexibility in relation to the proposal, regard must be had to the Dundee Case already referred to and which confirms that the assessment should be: '...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.'
- 4.17 Flexibility therefore needs to be weighed against the requirement to identify sites capable of accommodating the proposed development. The Rushden Lakes decision (paragraph 49) confirms that the NPPF does not provide any indication as to what degree of flexibility is required.
- 4.18 Nevertheless, the matter of flexibility was considered in the Scunthorpe decision. This judgement considered whether, when demonstrating flexibility, there was a requirement for a proposed Marks & Spencer store to consider disaggregating its food and non-food offer into different units/sites, in the Scunthorpe case an existing store within a town centre. This judgement, referencing the Dundee decision, confirmed at Paragraph 61 that:

'It is also important to mark that developers, and planning authorities, 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.'

- 4.19 The Rushden Lakes decision went further in relation to the potential need to consider the disaggregation of a scheme, confirming that the NPPF did not require the consideration of disaggregation of a proposed scheme, or part of a scheme, when considering flexibility. The Inspectors confirmed this in Paragraphs 8.47 and 8.51 stating:

8.47 The last sentence of NPPF [24] states that: "Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale." This contrasts strikingly with what was

said previously in PPS4 in policy EC15.1 at (d) (iv) and 15.2 which contained an explicit requirement for disaggregation. There is no longer any such requirement stated in the NPPF. It is no answer to this to refer to the words “such as” in the last sentence of NPPF [24]. These words cannot be read so as to imply that a major, and extremely controversial, part of previously stated national policy lives on by implication in the NPPF. Had the Government intended to retain disaggregation as a requirement it would and should have explicitly stated this in the NPPF. 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].

8.51 There is no requirement to disaggregate...

- 4.20 The Secretary of State agreed with the inspector in his decision letter stating at paragraph 16 that; *‘He agrees with the Inspector that there is no requirement to disaggregate.’*
- 4.21 Some parties have sought to argue that the Rushden Lakes decision and the Secretary of State’s comments in relation to the consideration of disaggregation related only to the specific nature of the Rushden Lakes proposals. However, this, and the question of disaggregation, was further considered through a recovered appeal for a site at Broomhills Industrial Estate in Braintree ‘the Braintree decision’.
- 4.22 The Braintree inspector’s report clearly highlighted that in considering the Rushden Lakes decision, the Secretary of State’s comments in relation there being no requirement to disaggregate was in relation to the application of the NPPF and not site / case specific. The Braintree Inspector’s report stated that:

‘449. Was that statement [relating to disaggregation] specific to the Rushden Lakes decision as the Council suggests, given the ‘unique characteristics of that site and the proposed development in that case? It was not qualified in any way other than by reference to the two report paragraphs from which it derived. While one of these paragraphs dealt with specific aspects of the proposal, the other dealt with the intention of national policy in paragraph 24 of the Framework following the demise of PPS4. And that paragraph was not specific to the site or to the proposal in any way.

450. Moreover, the RL [Rushden Lakes] application was for a wide variety of uses including a home and garden centre, retail units, visitor centre, restaurants, boathouse, hotel, crèche and leisure club. It was described in summary as a mixed retail and leisure scheme. The retail element was of significant size, being some 31,502m² of retail units. If the Secretary of State had wanted to qualify his statement on disaggregation in any way, that could have been achieved very simply by the addition of words such as ‘in this case’. Indeed, the variety of uses in the RL proposal and the fact that the proposal included retail units, rather than one large retail unit, would have afforded more rather than less opportunity for some disaggregation if that had been an aim.’

- 4.23 Through the Braintree decision, the Secretary of State confirmed that this was correct with paragraph 9 of the decision confirming that:

‘The Secretary of State agrees with the Inspector’s assessment regarding the sequential test at paragraph 24 of the Framework (IR443-467).’

- 4.24 Taking these decisions into account for the proposed development, it is clear that there is no requirement to consider the disaggregation of any of the proposed development including, for example the proposed car parking area from the retail park.
- 4.25 The imposition of a highly artificial disaggregation, for example the disaggregation of a certain unit or use from the proposed development, or significant flexibility, for example a level of floorspace or number of units significantly larger or smaller than is proposed, would fail to deliver a development of the type proposed; namely a mixed use employment led development with modest-sized retail units for comparison goods with additional food and drink units capable of serving the local population and visitors to the area.
- 4.26 As the above has highlighted, there is no requirement to seek to disaggregate proposals and that whilst there is a requirement to demonstrate flexibility, this should focus on the development proposed rather than something significantly different than is being sought.

Availability

- 4.27 The sequential test set out within the NPPF requires applicants to consider whether sequentially preferable sites are available. It is important therefore to properly understand what is meant by available in the application of the sequential test. The 2018 update to the NPPF (and carried through to the 2019 and 2021 issues) has added additional wording requiring availability to be considered in the case of whether sites would become available within a reasonable period. There is no definition or explanation of what constitutes a reasonable period and thus it is considered that this will be assessed on a case by case basis with due regard to applications particular circumstances and timescales.

Sequential Test Methodology

- 4.28 The following sets out the methodology used in this assessment, taking into account the relevant case law already discussed and the guidance contained within the NPPF and PPG.

Proposed Development and Site Requirements

- 4.29 At the outset, it is important to define what is to be assessed through the sequential assessment. In this respect, the application proposals are for a large mixed-use sport and leisure led development with associated access, car parking and servicing arrangements. The proposals also include a residential care home that facilitates the viable delivery of the main sport and leisure uses. The site area to accommodate the development proposals is circa 77ha. This site is understandably of a very significant scale due to the land requirements for high quality golf facilities. Beyond the extent of the existing golf course, further land is being incorporated into the proposals to provide further golf facilities along with the other areas housing the main town centre uses and the care home facility.
- 4.30 Circa 7,300sqm of built floorspace is to be provided across the different uses. Of this 2,622sqm is considered to be floorspace in main town centre uses. This includes the clubhouse for

robustness; however, it is the applicant's view that there is a clear justification for location specific development in this instance given this is a replacement clubhouse that needs to adjoin the golf course.

- 4.31 All access roads and parking are necessary for the development, particularly given many of the sporting facilities will require visitors to bring gear with them, particularly golf gear for which the majority of visitors generally travel by car.
- 4.32 The sequential assessment has sought to identify sites that can accommodate the development as a whole. Any site that is not capable of accommodating this cannot be considered suitable.

Demonstration of Flexibility – Format and Scale

- 4.33 As already highlighted, the sequential site assessment seeks to identify sites capable of accommodating the proposed development as a whole. As already highlighted, this is expected to require a site with a developable area of circa 77ha.
- 4.34 For robustness, and to demonstrate flexibility as required by NPPF para 87, this sequential site search has considered sites and existing units that can accommodate a development 15% larger and 15% smaller than is proposed. This level of flexibility is considered appropriate and accords with the NPPF, PPG and with recent Secretary of State decisions, appeal decisions and case law.
- 4.35 On the basis of the total site area proposed to house the development, sites will be considered within a range of 65ha – 89ha. Given the scale of the proposals, this is a wide range which is considered robust in showing flexibility in scale.
- 4.36 With regards to format the development proposals, it has been established through the case law presented at the outset of this section that the sequential assessment, in demonstrating flexibility, must still be capable of accommodating what is applied for. In this instance this means the proposals must be capable of providing for all or the vast majority of the facilities provided onsite. This must accommodate a high quality golf course, other training and junior golfing facilities, driving range, clubhouse, as well as a varied indoor and outdoor sporting offer for other sports and a residential care home to promote development viability. Whilst some of these elements could be reduced in scale if a smaller in centre site necessitates, the overall offer achievable must be closely comparable to be considered an acceptable deviation from the proposed development.
- 4.37 The layout of the uses may be altered to the extent that it would not cause any significant logistical issues such as separating the clubhouse from the golf course or the outdoor pitches and courts from the main sports hall. It is however considered that the development proposals follow a logical and highly efficient use of the land available as currently proposed.

Area of Search

- 4.38 Given the scale and nature of the proposals, the existing users of the golf course and intended primary catchment for the proposals, the scope of search for the sequential assessment has

focused on Kirkby town centre. This was confirmed by the council through the pre-application discussions via an email from officer Andrew Hunt dated 6th September 2019.

Sequential Assessment – Consideration of Sites

4.39 From the outset, the scale of the proposals, due to the nature of locational and land requirements of the golf course, means that no site could accommodate the proposals whilst being located entirely within Kirkby town centre. This is confirmed by reference to the total extent of Kirkby town centre totalling just 16ha compared to the application site area of 77ha. As such it is clear that any sequential sites would need to encompass areas which are at least edge of centre or out of centre in at least part.

4.40 Given the scale of proposals, the sequential site search has focused on larger sites and immediately dismissed any small vacant sites such as individual retail vacancies within the town centre given the clear unsuitability for accommodating the proposed development.

4.41 The following sites have been considered as part of this sequential assessment, as illustrated on the plan below:

- Kirkby town centre redevelopment site
- Land South of Kirkby Town Centre and Cherryfield Drive
- Land around Kirkby Brook and west of Valley Road
- Webster Park
- Millbrook Park Millennium Green and Land around Simonswood Brook
- Old Rough Park



Kirkby Town Centre Redevelopment Site

- 4.42 This site is the only site identified within the Town Centre boundary of a large scale however it is a proportionally large element of the town centre covering circa 6ha of the total 16ha of the town centre. Due to the surrounding urban grain, there is no prospect of bringing further land in to increase the scale of the site and as such it is much too small to accommodate the development proposals as a whole or accounting for the 15% reduction in total site area.
- 4.43 Regardless of the site being too small to accommodate the development proposals, this site is currently under development for a retail led scheme which is considered a key project for the town centre and which is now being brought forward after a number of years of delays. As such it is clear that this site is not available.
- 4.44 In summary this site is not suitable due to scale and is unavailable for the proposed development in any case. As such this site is discounted.

Land South of Kirkby Town Centre and Cherryfield Drive

- 4.45 This site is located to the south of Kirkby Town Centre in a well linked but edge-of-centre location. The site is actually a collection of different parcels of land making up a large area of development opportunity. The parcels include greenspace and the former All Saints School and former Kirkby Leisure Centre sites. This is the largest overall site within the assessment, totalling circa 30ha. Despite this large scale the site remains less than half of the total land requirements to accommodate the development proposals as a whole even when considering a reduced scale for flexibility.
- 4.46 The size of the overall site is further confused by the mix of ownerships and development priorities for the different parcels of land. As a large strategic site next to the town centre, Kirkby Council and its economic partner Invest Knowsley are working to bring forward development opportunities on the site(s). Currently the southern part half of the site is advertised as a residential development opportunity whilst the former leisure centre element to the north west is confirmed as being under offer. Therefore, disregarding the fact that the site is too small to accommodate the proposals, it is considered there are clear priorities for the site to deliver other key requirements for the town centre such as additional housing and other complimentary uses. It is therefore not suitable for uses with the extensive land requirements such as those proposed with this application.
- 4.47 In summary, this site is not suitable for the proposed development due to its scale and split availability and redevelopment priorities towards other uses and is discounted for these reasons.

Land around Kirkby Brook and west of Valley Road

- 4.48 This site lies to the west of Kirkby Town Centre in an edge-of-centre location. The site is an irregular shaped tapering parcel of land which currently comprises designated urban greenspace.

Whilst of a reasonable scale and in an accessible location, this site still extends to only 5ha which is not capable of accommodating the proposed development.

- 4.49 The availability of this land is unknown however given it form part of the council's designated urban greenspace, which is currently publicly accessible and plays a key function for recreation for local residents to the west of the town centre, it is not considered suitable for redevelopment.
- 4.50 In summary this site is not suitable due to scale and is unsuitable for the proposed development given its current use. As such this site is discounted.

Webster Park

- 4.51 This site lies to the south east of Kirkby Town Centre in an edge-of-centre location. The site is a roughly stretched L-shape parcel of land which comprises Webster Park. This site is only circa 3.5ha and as such is clearly too small for the proposed development.
- 4.52 As with the previous site it forms part of the council's designated urban greenspace, which is currently publicly accessible and plays a key function for recreation for local residents and as such it is not considered suitable for redevelopment.
- 4.53 In summary this site is not suitable due to scale and is unsuitable for the proposed development given its current use. As such this site is discounted.

Millbrook Park Millennium Green

- 4.54 This site lies to the north west of Kirkby Town Centre in an edge-of-centre location. The site is a generally rectangular shaped parcel of land which splits to the south around St Chads. The site is an active council owned park, designated as urban greenspace. Notably, this is the second largest site assessed at approximately 14ha. However, this still falls well short of being capable of accommodating the total site area required to accommodate the development proposals.
- 4.55 Additionally, as with the previous sites it forms part of the council's designated urban greenspace, which is currently publicly accessible and plays a key function for recreation for local residents and as such it is not considered suitable for redevelopment.
- 4.56 In summary this site is not suitable due to scale and is unsuitable for the proposed development given its current use. As such this site is discounted.

Old Rough Park

- 4.57 This site lies to the north east of Kirkby Town Centre in an edge-of-centre location. The site is also a roughly stretched L-shape parcel of land which comprises Old Rough Park. This site is only circa 5.5ha and as such is clearly too small for the proposed development.

- 4.58 As with the previous site it forms part of the council's designated urban greenspace, which is currently publicly accessible and plays a key function for recreation for local residents and as such it is not considered suitable for redevelopment.
- 4.59 In summary this site is not suitable due to scale and is unsuitable for the proposed development given its current use. As such this site is discounted.

Sequential Assessment Conclusions

- 4.60 Due to the scale of the proposed development this assessment has focused on large sites, primarily in edge-of centre locations, however due to the land requirements of the proposed development it is simply not possible to identify any sequentially preferable sites. Even the large sites identified cannot accommodate the proposed development as a whole and in the majority of cases would not be suitable as they would require building on public parkland as these are the only sites of a large scale within sequentially preferable locations.
- 4.61 It is concluded that there are no sites which are sequentially preferable to the application site due to a lack of sites of a suitable scale or availability to accommodate the proposals. This reflects and confirms the assertion previously set out in this report that the proposals by their nature have specific locational requirements as per PPG notes on the requirements of the sequential assessment.

TOWN CENTRE AND LEISURE IMPACT ASSESSMENT



5.0 Town Centre and Leisure Impact Assessment

- 5.1 In accordance with paragraph 90 of the NPPF; as the development is in an out-of-centre location this section assesses the impact of the proposed development on the defined town centre of Kirkby.
- 5.2 In order to assess the impact on Kirkby Town Centre, it is first necessary to consider the main town centre uses proposed with this application. Whilst the retail and food and drink uses within the clubhouse and driving range are considered to be ancillary to the main use of the site for a golf course, these have been included for robustness in the assessment. The main town centre uses are set out below:
- Driving Range:
 - Pro Shop
 - Bar/Restaurant
 - Club House:
 - Bar/Restaurant & function rooms
- 5.3 For the purposes of this assessment, the remainder of the development proposals are not considered main town centre uses and as such are now considered in terms of impact on the town centre. It is instead relevant to consider the impact the rest of the proposals will have on the local authority area and its residents. This matter is also considered within the Planning Statement and Health Impact Assessment and is relevant here to set the context for the inclusion of all uses as a comprehensive multi-sports facility.
- 5.4 The main town centre uses listed above provide three separate functions; retail, food & drink, and, indoor sports (considered intensive sport and recreation use per NPPF glossary). As such the impact of each component is first considered on a use by use basis.

Retail Impact

- 5.5 The retail element of the proposals are the smallest by floorspace comprising just 230sqm sales area. As such this element when viewed independently is well below the 2,500sqm threshold for the impact assessment. As such it is not considered necessary to provide any retail impact tables in this instance as to do so would be disproportionate to the scale and nature of the proposals and against PPG guidance.
- 5.6 When assessing impact PPG provides the following guidance:

'As a guiding principle impact should be assessed on a like-for-like basis in respect of that particular sector (e.g. it may not be appropriate to compare the impact of an out of centre DIY store with small scale town-centre stores as they would normally not compete directly). Retail uses tend to compete with their most comparable competitive facilities.'

- 5.7 In the case of the application proposals, the retail element serves a very specific purpose in that it is a Pro golf shop with a very limited range of goods aimed directly towards users of the wider golf facilities. It is directly related to the wider use of the site and hence in the applicant's view an ancillary element of the golf course itself.
- 5.8 Considering the existing provision of stores within Kirkby town centre, the only sporting goods shop is Planet Sports. This store offers a range of sporting and leisure wear including a larger ranges of trainers, football tops and junior wear. There is very limited cross over of the type of products that will be offered through the retail element of the proposed development. Given this is the closest store in regard to the type of goods and yet offers very little cross over speaks to the specificity of the proposed development. From this it is clear that on the basis of PPG's like for like trading, there will be a truly negligible impact upon Kirkby town centre from the operation of the pro golf store.
- 5.9 The stores trade draw will likely be drawn from other similar onsite golf stores at other courses along with the limited number of dedicated specialist golf shops in the wider area which includes American Golf at Aintree Shopping Park and Clarkes Golf Centre in St Helens. The impact on all of these facilities will be very limited and, in any case, all are located in out-of-centre locations for which protection is not afforded through NPPF.

Food and Drink Impact

- 5.10 The food and drink offering through the proposals will be provided through spaces within both the clubhouse and the driving range. At present the clubhouse offers food and drink and function room facilities so this is not a wholly new impact but will be increased through greater floorspace provision and significantly improved offering in an attractive new high quality facility. The clubhouse will feature a bar/restaurant of 335sqm and upstairs function rooms totalling 413sqm. The driving range will add a further bar/restaurant facility of 210sqm. In total this will provide 545sqm of regular food and drink use facilities along with 415sqm of occasional use function spaces. This total provision again falls well short of the impact assessment thresholds when considered independently as food and drink uses separate from the other main town centre uses on the site. Indeed, even combined with the retail element of the proposals would still be well below the threshold of the impact test.
- 5.11 Considering the trade draw of these uses, it is clear that the majority of trade will be directly from users of the facilities onsite, including those already making use of the existing clubhouse facilities. In considering a like for like trade basis it is clear that there is very limited crossover in offer with Kirkby Town Centre. The town centre has very little in the way of food and drink uses, with those that are present primarily comprising takeaway and café uses. This was a feature of the town centre that was remarked on within the last Town Centres and Shopping Study (2010) and the situation has not improved notably in that time. The study also identified that the majority of spend on food and drink services from the area went out of Kirkby to Liverpool City Centre.

- 5.12 The proposals will draw visitors from other out of centre golf courses with similar food and drink offers whilst also offering opportunities to claw back some of the food and drink spending from the local area that currently goes outward to Liverpool City Centre. This retained spending, whilst in an out of centre location will help maintain a key recreation facility that is closely linked with the Town Centre and may encourage other retention of spending within the local area by improving the overall offer.
- 5.13 Having considered the current trends of food and drink expenditure in the local area and the existing provision located within the town centre, it is clear that the proposals will have a negligible impact on the existing facilities on account of the limited like for like trad draw potential. Furthermore, the facilities will replace a valued but dated facility in the existing club house, improving the quality and amount of offer in the general Kirkby area with the potential to attract expenditure from out of centre locations and the thriving Liverpool City Centre. This offer is a notable benefit for a town that has been identified as acutely lacking such facilities for a prolonged period of time.

Intensive Sports and Recreation Impact

- 5.14 For the purposes of this assessment, the clubhouse is not considered, other than for its food and drink uses as the remainder of the facility is solely ancillary to the golf course use which is not a main town centre use. Whilst the driving range could be considered a more intensive sporting and recreation facility than the wider golf course, this still requires a significant amount of land to operate viably and is again directly related to the main golf course, effectively serving as an important practice facility for users of the main course as well as entry point for some new users. The exclusion of the driving range from this assessment is further justified by a brief consideration of whether there is any prospect of like for like trade draw from a defined centre. Understandably, due to the land requirements, there are no similar facilities within Kirkby town centre, providing further credence to the fact that the driving range is not a main town centre use.

Overall Impact on Kirkby Town Centre

- 5.15 As set out previously, the impact on Kirkby Town Centre by the application is through the main town centre uses included within the proposals, these being; retail, food and drink, and intensive sport and recreation.
- 5.16 The impact on the vitality and viability of Kirkby Town Centre as a retail destination is negligible given the almost total lack of like for like trade draw from the town centre. This is similarly the case for the food and drink offering which will assist in the clawing back of trade from other out of centre golf course facilities and Liverpool City Centre. Additionally, the retained and attracted expenditure is within a site which is also easily accessible to the town centre and thus offers similar opportunities for shared benefits with the town centre. As such the overall impact on the town centre expenditure is expected to be negligible.

- 5.17 A key benefit of the proposals are the opportunity to provide a class leading facility of such diversity that it attracts greater levels of expenditure in the leisure and recreation sector which can be clawed back from other out of centre locations and Liverpool City Centre to a location which is well connected to Kirkby Town Centre. This benefit also has significant complementary potential for the other strategic redevelopment opportunities in Kirkby Town Centre and the Cherryfield Drive Land where significant investment is being brought through retail led redevelopment and opportunities for residential development. This diversity of investment and the resulting amenity provision for local residents will work to notably improve the long term vitality and viability of Kirkby Town Centre.

Impact on Other Defined Centres

- 5.18 Through this section of the report it is clear that the proposals as a large out of centre facility with ancillary main town centre uses and intensive sport and recreation use, draw primarily from other similar facilities which are overwhelmingly located in other out of centre locations. As such impact on any other defined centres is negligible. The other defined centre most likely to see some trade draw due to the local populations current spending patterns for food and drink amenities is Liverpool City Centre but this is a truly negligible impact on a thriving vital and viable city centre.

Conclusion on Impact

- 5.19 In conclusion there is very limited impact on Kirkby Town Centre or any other defined centre due to a lack of competing facilities or offerings. The nature of the proposals offer potential for retention of expenditure in the wider Kirkby area which is currently being lost to other out of centre locations and Liverpool City Centre whilst offering encouragement to further investment that is proposed in the town centre and on the edge of the centre at Cherryfield Drive.
- 5.20 In NPPF terms it has clearly been demonstrated that the application proposals will not have a significant adverse impact on any defined centre. Indeed the proposals are in an accessible, albeit out-of-centre, location which will improve leisure and recreation opportunities for local residents, encourage healthy and active lifestyles for people of all ages and abilities and assist in clawing back and retaining expenditure in the local area, improving investor confidence in Kirkby.

CONCLUSIONS



6.0 Conclusions

- 6.1 This Town Centre and Leisure Impact Assessment has been prepared in support of the planning application for the redevelopment of Kirkby Valley Golf Course, Ingoe Lane, Kirkby, Merseyside. The proposals will bring forward a class leading sports and recreation facility catering to all ages and abilities. This report has considered the sequential and impact tests set out in NPPF, having agreed the scope of these assessments with LPA officers through pre-application discussions.
- 6.2 Having undertaken a sequential assessment per NPPF requirements, it has been concluded that due to the scale of the proposed development and its land requirements it is simply not possible to identify any sequentially preferable sites. Even the large sites identified cannot accommodate the proposed development as a whole and in the majority of cases would not be suitable as they would require building on public parkland as these are the only sites of a large scale within sequentially preferable locations.
- 6.3 It is concluded that there are no sites which are sequentially preferable to the application site due to a lack of sites of a suitable scale or availability to accommodate the proposals. This reflects and confirms the assertion previously set out in this report that the proposals by their nature have specific locational requirements as per PPG notes on the requirements of the sequential assessment.
- 6.4 Regarding the NPPF Impact test, there is very limited impact on Kirkby Town Centre or any other defined centre due to a lack of competing facilities or offerings. The nature of the proposals offer potential for retention of expenditure in the wider Kirkby area which is currently being lost to other out of centre locations and Liverpool City Centre whilst offering encouragement to further investment that is proposed in the town centre and on the edge of the centre at Cherryfield Drive.
- 6.5 In NPPF terms it has clearly been demonstrated that the application proposals will not have a significant adverse impact on any defined centre. Indeed, the proposals are in an accessible, albeit out-of-centre, location which will improve leisure and recreation opportunities for local residents, encourage healthy and active lifestyles for people of all ages and abilities and assist in clawing back and retaining expenditure in the local area, improving investor confidence in Kirkby.
- 6.6 In summary these high quality new proposals will act as a significant new leisure opportunity for local residents, with no significant adverse impact on the vitality or viability of any defined centre. As such the application is supportable in leisure and town centre planning policy terms.