

Agenda



Knowsley Council

18 June 2025

To: The Chairperson and Members of the
Planning Committee

Dear Councillor

A Meeting of the **PLANNING COMMITTEE** will be held on **Thursday, 26th June, 2025**, in the Council Chamber, Municipal Buildings, Huyton at **6.00 pm**.

If you have any queries regarding this meeting, please contact Keith Glover on telephone number 0151 443-3502.

Yours faithfully

Chief Executive

Please Note:-

1. *(Please Note: Access to the Council Chamber is limited and members of the public or press wishing to attend in person are strongly advised to register in advance by emailing committees@knowsley.gov.uk or telephoning (0151) 443 2679. Attendees will be required to show photographic identification and will be subject to [security checks](#). Please note that meetings will also be live streamed. The live stream can be accessed from the following link - <https://knowsley.public-i.tv/core/portal/home>.)*
2. *If you have submitted a representation in respect of any of the planning applications that are included on the agenda for determination at this meeting, and wish to speak at the meeting, there is a procedure to be followed which can be accessed via the link below:-*

<https://www.knowsley.gov.uk/residents/building-and-planning/make-a-planning-application/speaking-at-planning-committee>

Membership of the Planning Committee

Councillors

S Donnelly	(Chairperson)
Mrs D Arnall	Ms J Harvey
Mrs C Bannon	Ms J Lilly
D J Baum	Mrs J E Lonergan
H Bell	K W McGlashan
T Brennan	G J Morgan
M Burke	Mrs S Powell
T Byron	I Smith
A J Flute	K Taylor
R Gaffney	Ms A Wright
G Golding	

(Note: The Agenda and Reports are circulated to all other Members of the Council for information only.)

A G E N D A

PART I

APOLOGIES

1. DECLARATIONS OF INTEREST

2. MINUTES

To receive as a correct record the minutes of the meeting of the Committee held on 13th February 2025.

(Pages 1 - 2)

3. APPLICATIONS FOR PLANNING PERMISSION

To consider the reports of the Executive Director (Regeneration and Economic Development) in respect of the following applications for planning permission.

(Please note that:-

- (i) Background Papers to the planning applications referred to in this agenda comprise the following: -
 - 1. The planning application as submitted or subsequently revised including all forms and plans, etc.
 - 2. The application case sheet, inspection report, photographs, etc.
 - 3. An Ordnance Survey sheet extract showing the application site and the surrounding area.
 - 4. Standard planning conditions as adopted by the Council.
 - 5. Relevant policies from the Unitary Development Plan as appropriate.
 - 6. Copies of all statutory and non-statutory consultations and related correspondence except where they are strictly confidential.
 - 7. The relevant planning history of the application site.

Specific documents, which have been used as a background paper for a particular planning application, and which are not included in the above, are detailed as appropriate at the end of the individual report concerned. Please contact the planning services team (0151 443 2381 or via email at Dcsubmissions@knowsley.gov.uk) to arrange inspection of these files and documents; and

- (ii) Details of the contact officer is contained in the individual report and additional information/some background papers can be found on the [Public Access](#) site via the link shown beneath each planning application below).

- (a) **24/00428/FUL - ERECTION OF SINGLE STOREY SIDE EXTENSION WITH INSTALLATION OF GLASS ROOF LANTERN AND PARTIAL DEMOLITION OF EXISTING EXTENSION. ERECTION OF 2M HIGH PERIMETER FENCE AND INSTALLATION OF NEW EXTERNAL STEEL FIRE ESCAPE - UNICORN INN, 405 CRONTON ROAD, CRONTON, KNOWLSEY, WA8 5QF**

Additional information in relation to this item can be obtained on Public Access via the following link:-

<https://planapp.knowsley.gov.uk/online-applications>

and entering 24/00428/FUL in the search box

(Pages 3 - 18)

- (b) **23/02782/FUL - ERECTION OF 1NO. RETAIL UNIT (USE CLASS E(A) WITH EXTERNAL DISPLAY AREA , CAR PARKING AND SERVICING ARRANGEMENTS. PARTIAL DEMOLITION, RECONFIGURATION AND REFURBISHMENT OF EXISTING EMPLOYMENT BUILDING TO CREATE 3NO. INDUSTRIAL/ WAREHOUSE BUILDINGS WITH ANCILLARY OFFICES (USE CLASSES E(G)(III), B2 AND B8) WITH SERVICING AND CAR PARKING; RETENTION AND AMENDMENT OF EXISTING SITE ACCESSES ALONG WITH INTERNAL ESTATE ROADS; 2NO. SUBSTATIONS; LANDSCAPING; AND ASSOCIATED WORKS - SOVEREIGN INDUSTRIAL PARK, WILSON ROAD, HUYTON, KNOWSLEY**

Additional information in relation to this item can be obtained on Public Access via the following link:-

<https://planapp.knowsley.gov.uk/online-applications>

and entering 23/02782/FUL in the search box

(Pages 19 - 52)

4. DELEGATED PLANNING DECISIONS

To consider the report of the Head of Planning and Building Control.

(Pages 53 - 84)

5. TOWN AND COUNTRY PLANNING ACT 1990 - APPEAL DECISIONS

The Head of Planning and Building Control to report on the following appeal decisions taken by the Planning Inspectorate :-

- (a) **25 WOOD CLOSE, WESTVALE, KIRKBY, L32 5SU**
(Pages 85 - 88)
- (b) **1 FELSTEAD AVENUE, LIVERPOOL, L25 9RX**
(Pages 89 - 92)
- (c) **43 BUXTED ROAD, SOUTHdene, KIRKBY,
KNOWSLEY, L32 6SG**
(Pages 93 - 94)
- (d) **44 HOLLY BANK AVENUE, ROBY, KNOWSLEY,
L14 7AB**
(Pages 95 - 98)
- (e) **STREETWORKS ON CARTBRIDGE LANE,
HALEWOOD GREEN, HALEWOOD, KNOWSLEY,
L26 6LS**
(Pages 99 - 104)
- (f) **KNOWSLEY VILLAGE STABLES,
KNOWSLEY LANE, KNOWSLEY VILLAGE,
MERSEYSIDE, L34 9BD**
(Pages 105 - 114)

6. ANY OTHER ITEM(S) WHICH THE CHAIRPERSON DEEMS TO BE OF AN URGENT NATURE

APPLICATION NO: 23/02782/FUL
Limited

APPLICANT: DAVOS Property Developments

WARD AFFECTED: St Gabriels

DEVELOPMENT:

ERECTION OF 1NO. RETAIL UNIT (USE CLASS E(A) WITH EXTERNAL DISPLAY AREA , CAR PARKING AND SERVICING ARRANGEMENTS. PARTIAL DEMOLITION, RECONFIGURATION AND REFURBISHMENT OF EXISTING EMPLOYMENT BUILDING TO CREATE 3NO. INDUSTRIAL/ WAREHOUSE BUILDINGS WITH ANCILLARY OFFICES (USE CLASSES E(G)(III), B2 AND B8) WITH SERVICING AND CAR PARKING; RETENTION AND AMENDMENT OF EXISTING SITE ACCESSES ALONG WITH INTERNAL ESTATE ROADS; 2NO. SUBSTATIONS; LANDSCAPING; AND ASSOCIATED WORKS.

LOCATION OF SITE:

Sovereign Industrial Park, Wilson Road, Huyton, Knowsley.

DEVELOPMENT PLAN ALLOCATION:

Primarily Industrial Area

REPRESENTATIONS:

7 representations have been received comprising 6 objections and 1 making a comment.

RECOMMENDATION:

That Members delegate authority to the Head of Planning & Building Control to grant planning permission subject to:

- (i) The conditions set out in the attached schedule, or such additional or amended conditions that the Head of Planning & Building Control in consultation with the Chair of Planning Committee considers appropriate.
- (ii) The applicants entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 to secure planning obligations for the following:-
 - £2,995 the implementation and monitoring of the Social Value Strategy.
 - £819.73 for off- site tree planting in the existing highway verge on Wilson Road. (to mitigate for the loss of an existing tree in the highway verge).
 - The retention of a Home Bargains store in Huyton Village Town Centre for 5 years following the opening of the proposed retail unit

- (iii) In the event of the applicants not entering into a Section 106 agreement within 6 months of Planning Committee's resolution to secure the obligations, that Planning Committee delegate authority to the Head of Planning & Building Control to refuse planning permission under delegated powers, on such grounds, should it be deemed that insufficient progress has been made in completing the s106 agreement.

CASE OFFICER:

Mark Quinn – 0151-443-2223

SUMMARY:

This application relates to the erection of a retail unit – Class E (A) and the reconfiguration of existing employment buildings to create 3 industrial/warehouse buildings.

The relevant key issues are:

- The principle of development
- Impact of retail store on Huyton town centre
- Impacts on residential amenity
- Environmental issues (Noise, Air Quality, Contaminated Land)
- Highway safety
- Ecology
- Trees and landscaping
- Design & layout
- Flood risk and drainage

1. SITE AND SURROUNDINGS

- 1.1 The application site comprises 6.54 hectares of land located to the western side of Wilson Road, Huyton, forming part of the former Sovereign Distillery site which has been vacant since 2022. The site currently comprises 3 warehouse buildings which are linked together forming an L shape with areas of hardstanding which comprised the former parking and loading/unloading areas. There is an existing woodland area/landscaping located to the northern (part), western and southern site boundaries.
- 1.2 The application site is bounded by existing residential development and phase 1 of the former Sovereign Distillery to the north (phase 1 which proposes the erection of two industrial units with the part demolition/remodelling of an existing industrial building to form 7 units within use classes E (G)(II) (III), B2 and B8) is currently under construction), a building and garden supplies business to the west, a public house, existing residential development and Cronton Road to the southern boundary and Wilson Road to the eastern site boundary.

2. PROPOSAL

- 2.1 The proposed development comprises the erection of a retail store - class E (A) with a gross floorspace of 2,396 sqm and an external display/sales area, the partial demolition reconfiguration and refurbishment of the existing employment building to create 3 industrial/warehouse buildings with ancillary offices (Use Class E(G)(III), B2 & B8).
- 2.2 The re-configured warehouse buildings would have a floorspace of 6,949 sqm (Unit A1), 4,537 sqm (Unit A2) and 6,178 sqm (Unit B).
- 2.3 The two existing access points off Wilson Road would be retained and widened and car parking would be provided for each of the industrial and retail premises. New internal access roads are proposed to serve the car parks and service yards.

3. RELEVANT SITE HISTORY

- 3.1 APP. NO. APP/99/00279

ERECTION OF APPROX. 25,870SQ.M EXTENSION TO PROVIDE WAREHOUSE

GRANTED JUNE 1999

- 3.2 APP. NO. 00/00155/FUL

AMENDMENTS TO PLAN APP. APP/99/00279 (25,870SQM EXTENSION TO PROVIDE WAREHOUSE) COMPRISING ALTERATIONS TO ELEVATIONS OF THE FORMER TRADE TEAM BUILDINGS, AMENDMENTS TO LANDSCAPED EMBANKMENT, WIDENING OF ACCESS ROAD AND AMENDS TO LOADING

GRANTED APRIL 2000

- 3.3 APP NO. 13/00073/FUL

ERECTION OF EXTENSION TO SOUTH EAST ELEVATION OF EXISTING BUILDING TO FORM AUTOMATED STORAGE AREA FOR FINISHED PRODUCTS (USE CLASS B8) TOGETHER WITH ASSOCIATED WORKS.

GRANTED MAY 2013

4. ARTICLE 35 STATEMENT

- 4.1 As required by paragraph 39 of the National Planning Policy Framework (NPPF) Officers have worked with the applicant in a positive and proactive manner to seek solutions to the issues relevant to the proposed development

5. EQUALITIES ACT 2010

- 5.1 In determining this application, the Local Planning Authority has considered the requirements under S149 of the Equalities Act 2010.
- 5.2 Section 149 of the Act sets out a general duty that requires the council to have due regard to the need to:
- eliminate discrimination, harassment and victimisation;
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it, and;
 - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 5.3 In this case, the proposed development is not anticipated to have any potential impact from an equalities perspective.

6. REPRESENTATIONS

- 6.1 This application was publicised by way of letter sent to 102 neighbouring properties, site notices and a public notice in The Metro newspaper. Following the submission of amended plans and reports a further consultation comprising letters to nearby properties was undertaken and as a result of the two rounds of publicity 7 representations have been received comprising 6 objections and 1 comment.
- 6.2 The objections raise the following matters (in summary)

Highways

- The new retail premises is going to result in even more traffic, including HGV vehicles in an area which already has one of the worst air quality measurements in the borough.
- How can you justify attracting even more traffic in an already overloaded road system and further impacting on the quality of life and health of those living in the vicinity.
- A better plan is needed to manage the increased volume of traffic.

Noise/ Dust

- Noise concerns from traffic driving close to existing houses including noise from wagons, unloading the wagons, starting cars, opening/closing car doors, shouting to each other which will destroy our environment in the house and outside the back garden.
- The demolition/noise activity will impact ecosystems of existing wildlife.

- The noise and pollution will cause stress, depression and bad health resulting in it being a private nuisance.
- Proposed works will disturb pets and result in excessive dog barking. Dust/fumes would pollute fish ponds.
- Loss of trees will enhance noise and pollution especially for residents working at home being a source of distraction particularly during the demolition, and reduce the natural habitat for wildlife.

Residential Amenity

- The road and car park directly behind the houses on Bridgewater Way is going to cause serious issues due to air pollution from wagons using the road and from cars using the car park causing air pollution effecting the use of our dwelling and garden.
- Loss of privacy from vehicles using road/car parks looking into adjacent dwellings.
- Overdevelopment of the site adjacent to existing residential dwellings.
- Plans as submitted would have a negative impact on resident's health.
- The proposal would result in the side and rear boundaries of 62 Bridgewater Way being next to an industrial estate.
- Concern that all the trees at the rear of Bridgewater Way will be removed and with working from home permanently the noise of the works particularly demolition would be a source of great distraction.

Other Issues

- There is a lot of bindweed in the woods in the south east of the site.
- Devaluation of existing dwellings and financial impact on residents.
- The carbon footprint is going to be massive compared to the existing situation.
- Reduce the natural habitat for wildlife.

The representation making a comment raises the following matters

- Wants reassurance that a full impact assessment has been undertaken in regard to increase traffic and air pollution.
- The area is already experiencing high volumes of traffic due to new retail businesses on the Coppice Lane site.

7. CONSULTATIONS

Environmental Health (Knowsley Council) – Nitrogen Dioxide levels within the area are of concern and the increase in traffic from this development the levels are likely to increase. No objections to amended layout and proposed mitigation in relation to noise impacts.

Local Highway Authority (Knowsley Council) - No objections subject to planning conditions relating to design of site access junctions, pedestrian access to the retail unit and Unit B, provision of cycle/motorcycle parking and submission of travel plans.

Environmental Sustainability Service (Knowsley Council) No objections subject to an additional landscaping scheme for the SE corner of the site at Wilson Road/Cronton Road.

Lead Local Flood Authority (Knowsley Council) No objections in principle subject to a detailed drainage strategy being submitted.

Public Health (Knowsley Council) – No objections in principle

Fusion 21 – A contribution is required for the implementation and monitoring of the Social Value Strategy.

Merseyside Environmental Advisory Service - No objections subject to planning conditions securing a site waste management plan, reasonable avoidance measures for priority species, lighting scheme to minimise impacts on ecology & provision of bat boxes.

Merseyside Fire Authority – No objections in principle.

Coal Authority – No objections.

United Utilities – No objection in principle subject to a condition restricting water flows.

National Highways - No objections.

8. POLICY CONTEXT

- 8.1 Paragraphs 11 and 12 of the National Planning Policy Framework (NPPF 2024), an extract from which is set - out below, states that:

“Plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up to date development plan, permission should not usually be granted. Local Planning Authorities may take decisions that depart from an up-to date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.”

- 8.2 In this regard, the Knowsley Local Plan: Core Strategy was adopted in January 2016, although certain saved policies of Knowsley Replacement Unitary Development Plan (UDP) remain operational as part of the Statutory Development Plan and are still given weight in reaching a decision under the provisions of paragraph 219 of the latest NPPF. The Joint Merseyside and Halton Waste Local Plan was adopted in 2013 and is also part of the development plan.
- 8.3 The site is designated as primarily industrial area on the Local Plan Policies Map. The relevant adopted policies for the assessment of the application are listed below.

KNOWSLEY LOCAL PLAN: CORE STRATEGY (2016)

CS1 - Spatial Strategy for Knowsley
CS2 - Development Principles
CS4 – Economy and Employment
CS6 – Hierarchy of Centres and Retail Strategy
CS7 - Transport Networks
CS8 - Green Infrastructure
CS19 - Design Quality and Accessibility in New Development
CS21 - Greenspaces and Trees
CS22 - Sustainable and Low Carbon Development
CS24 - Managing Flood Risk
CS27 - Planning and Paying for New Infrastructure

KNOWSLEY REPLACEMENT UNITARY DEVELOPMENT PLAN (Saved Policies 2009)

T5 - Location of Major Traffic Generating New Development
T7 - New Development and Walking & Cycling Routes
T8 - Transport Assessments
T9 - Travel Plans
DQ4 - Trees and Development
ENV2 - Noise and Vibration
ENV3 - Light Pollution
ENV5 - Contaminated Land
EC3 – Primarily Industrial Areas

SUPPLEMENTARY PLANNING DOCUMENTS

Adding Social Value to Development, Employment and Skills SPD (2018)
Ensuring a Choice of Travel SPD (2010)
Design Quality in New Development SPD (2016)
Developer Contributions SPD (2016)

9. ISSUES AND ASSESSMENT

Principle of Development

- 9.1 The application site is allocated as being within a primarily industrial area and the reconfiguration of existing buildings on the site to form 3 warehouse/industrial units within use Classes E(G)(III), B2 and B8 would accord with the site's allocation. This element of the proposed development is therefore in accordance with Local Plan policies CS1(Spatial Strategy for Knowsley), CS2 (Development principles), CS4 (Economy and Employment) and Saved UDP policy EC3 (Primarily Industrial Areas).
- 9.2 The application site is not allocated for a retail development which is a main town centre use, in establishing whether the proposed retail use is acceptable the main considerations are (i) the impact on town and local centres and (ii) the loss of employment land.

Impact on Town and Local Centres

- 9.3 Core Strategy Policy CS4 (Economy and Employment) states "*New retail and other main town centre uses will be primarily located within existing town centres in accordance with Policy CS6: Town Centres and Retail Strategy. A sequential approach to site selection shall be applied with locations in existing town, district and local centres of an appropriate scale being considered first, then edge of centre locations and then only if suitable sites are not available should out of centre sites be considered. For edge of centre and out of*

centre proposals, preference will be given to accessible sites that are well connected to the town centre.”

- 9.4 Core Strategy Policy CS6 (Hierarchy of Centres and Retail Strategy) states that *Proposals for retail and other ‘main town centre uses’ outside of defined town and local 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: “*

- 9.5 NPPF Paragraphs 91 and 92 state *“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.*

When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. 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.”

- 9.6 Paragraphs 94 and 95 of NPPF state that *“When assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date 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 2,500m² of gross floorspace). This should include assessment of:*

a) 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

b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).

Where an application fails to satisfy the sequential test or is likely to have a significant adverse impact on one or more of the considerations in paragraph 94, it should be refused.”

- 9.7 The application is accompanied by a planning & retail statement, (including a sequential test) planning policy note, retail impact assessment and supporting emails.

- 9.8 Whilst the floorspace of the proposed retail unit is below the 2,500sqm threshold for a retail impact assessment as set out in paragraph 94 of the NPPF it was considered that an impact assessment was necessary for this application in this instance to be able to fully assess the impacts on Huyton Village Town Centre in the context of the current regeneration plans.
- 9.9 The areas included in the sequential test were established as Local and Town centres within a 5 minute drive time from the application site which is acceptable. Three centres fell within this area of search, Tarbock Road and Manor Farm Road local centres and Huyton Village Town Centre. The sequential test confirmed that there are no suitable sites within the two local centres so Huyton Town Centre was the focus of the sequential site search.
- 9.10 The applicant's sequential test identifies 6 sites within Huyton Town Centre which are all ruled out as being unsuitable. The sites and the reason that the applicant believes they are unsuitable is set out below.
- 9.11 Unit 20 Cavendish Walk Shopping Centre, Huyton – This unit was formerly occupied by Wilko until the company went into administration in September 2023. The unit is available but the applicant believes that the store would not be suitable because it does not have adjacent at grade customer parking which they deem to be essential for the type of retail offer proposed which caters for trolley shops. The applicant also argues that the retail offer proposed by this application would not meet the needs of residents given the number of discount retailers already trading in Huyton Town Centre.
- 9.12 Other vacant units within Cavendish Walk Shopping Centre, Huyton – A further 7 units in the cavendish Walk shopping centre were considered with a floor space ranging from 114sqm to 577 sqm. However, even if these units were amalgamated they would still be too small to accommodate the proposals (or a flexible interpretation of them)
- 9.13 31-33 Derby Road, Huyton – This unit comprises two storeys and measures 264sqm at the ground floor. This was discounted as the unit is too small to accommodate the minimum floorspace requirements (1,917 square metres). Further the unit is constrained in terms of the opportunity to expand this floorspace.
- 9.14 42 – 46 Derby Road, Huyton – This comprises three ground floor units. The combined floor space only measures 354sqm at ground floor (only 15% of the retail floorspace proposed at the application site). This has been discounted due to the size of the unit and the size of the service yard and parking area would not be suitable for the nature of the retailer.
- 9.15 Former Post Office, 76 Derby Road, Huyton – This unit is 160sqm which is too small to accommodate the proposed development. In addition, it is not possible to achieve adjacent at grade customer parking at this constrained location.

- 9.16 47-49 Derby Road, Huyton – The former Boots unit measures 619sqm at ground floor. This unit was discounted as its too small to accommodate the proposed development even when flexibility is applied.
- 9.17 With the exception of Unit 20 Cavendish Walk, it is considered that the applicant's assessment of the alternative sites is reasonable and that they would be unsuitable for the proposed retail use.
- 9.18 When considering a sequential test, paragraph 92 of the NPPF states that applicants and local planning authorities should demonstrate flexibility on issues such as format and scale so that opportunities to utilise suitable town centre and edge of centre sites are fully explored.
- 9.19 The Council's retail consultants have considered the applicant's argument in relation to Unit 20 Cavendish Walk and they disagree with the applicant's argument. The retail consultant's note that that not all discount variety operators are served by immediately adjacent car parking including the Home Bargains and B&M stores in Huyton, they also believe that discount variety retail remains a potential future use of the site given the scale of the premises and the nature of Huyton town centre's offer.
- 9.20 The proposed development therefore fails to satisfy the requirements of the sequential test and should be refused unless material considerations indicate otherwise.
- 9.21 The Council's retail consultant has provided some context to the importance of the failure to meet the sequential test due to the availability of Unit 20 Cavendish Walk. They advise that the unit has now been vacant for some time and that there are a limited number of operators seeking representation in the 'discount variety' market. It does not necessarily follow that the refusal of the subject planning application will lead to the reoccupation of Unit 20, Cavendish Walk by the same type of retailer.
- 9.22 Council Officers are also aware that during the time that the application has been under consideration Unit 20 was under offer from a potential tenant. Unfortunately this deal has recently fallen through but the agent who is marketing the property is hoping to discuss revised terms with the tenant.
- 9.23 The applicant's retail impact assessment identifies that the overall level of trade diversion impact arising at Huyton Town Centre as a result of the proposed retail store would equate to -5.1% of its overall turnover. It suggests that the largest monetary impact will arise at the Asda superstore at Huyton Lane and that the most significant percentage

impact will arise at the Home Bargains store at Derby Road. The Council's retail consultant agrees with this analysis.

- 9.24 In respect of the Asda store, it is considered highly unlikely that the store's overall viability would be materially impacted through the commencement of trading of a discount variety store (i.e. not a direct grocery competitor) from a site located more than 2 kilometres away (based on the most direct route by public highway).
- 9.25 In respect of the existing Home Bargains store in Derby Road, the impact would be more significant as a proportion of store turnover than that arising at Asda and it would be Home Bargains' expectation that, in the event it closed its store at Derby Road, a substantial proportion of custom would migrate down the road to the new store at Wilson Road. The fact that some such expenditure would still be retained by Home Bargains may impact on its decision-making. It is the retail consultant's view that the potential closure of the Home Bargains store in Huyton village Town Centre is a realistic prospect if this development were to go ahead.
- 9.26 If Home Bargains did close their Derby Road store it would be of significance in respect of the overall composition of Huyton town centre and its offer in the context of the wider loss of trade resulting from the proposal.
- 9.27 In order to mitigate this impact the applicant has confirmed that they will sign a legal agreement which would require a discount variety store to trade from both stores (i.e. the Huyton town centre store and the Wilson Road store) in the event that planning permission is granted. The Council's consultants consider that it will be appropriate for a discount variety store to remain open in Huyton town centre store (or to trade from premises within the defined town centre boundary which have a gross floorspace as large as the existing store) for a period of five years from the Wilson Road store opening. It is considered that this timeframe would allow for the centre to 'weather' the loss of trade and for the centre to benefit from further investment and potential diversification. Should members be minded to grant approval for the proposal then this can be secured through the S106 legal agreement.
- 9.28 It should be noted that the Council's retail consultant has based their assessment of the proposal on the proposed retail store trading as a discount variety operator (such as Home Bargains). It would therefore be recommended that any permission is subject to a planning condition that the retail store trades in this manner. This would include 45% of the net sales area dedicated to selling convenience goods and 55% dedicated to selling comparison goods. In addition the condition should ensure that a range of comparison goods are sold (i.e. household goods, toys, pet products, clothing and electrical items etc) and no one comparison goods sub-sector is dominant. Such a condition is considered to be necessary to ensure that the proposed retail store trades in a manner that is

consistent with the applicant's retail submissions and the Council's retail consultant's appraisal of the retail matters.

- 9.29 Subject to the above mentioned restrictions the Council's consultant concludes that the impact arising from the proposal at Huyton Town Centre would be adverse but not of the "significant adverse" magnitude. Therefore the proposal would be in compliance with the provisions of paragraph 94 and 95 of the NPPF and the Core Strategy Policy CS6 (Hierarchy of Centres and Retail Strategy) in so far as it is relevant to the impact test.
- 9.30 In summary, the failure to comply with the sequential test must carry significant weight against the proposed development. However, the following factors mitigate the harm caused by the failure to comply with the sequential test:
- The proposed retail store would not have a significant adverse effect on Huyton Town Centre subject to a legal agreement which requires the applicant to retain a presence in Huyton Town Centre for 5 years following the opening of the proposed store.
 - If planning permission was refused due to a failure to comply with the sequential test it does not follow that the applicant would occupy that store instead.
 - There has recently been third party interest in the vacant unit.
- 9.31 This will be weighed in the planning balance against the benefits of the proposed development.

Loss of Employment Land

- 9.32 Policy CS 4 (Economy and Employment) states that "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."
- 9.33 Saved UDP policy EC3 (Primarily Industrial Areas) states "*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."
- 9.34 The area of land which would be used for non employment uses (i.e. the retail element) would amount to 0.3ha of a total site area of 6.54ha (approximately

4.5% of the total site area). The most recent Local Plan Annual Monitoring Report 2023-2024, published in December 2024, highlights the latest employment land supply. The report confirms that the land “available and potentially deliverable within 5 years is 72.02 ha”. This is in excess of the Local Plan Core Strategy requirement of 45.50 ha by more than 26 ha. The proposed loss of just 0.3 ha of employment land to retail would not undermine the supply of employment land or result in an unacceptable loss of employment land.

- 9.35 The applicant has not undertaken specific marketing for the use of the site which would be occupied by the retail store, however, they argue that the availability of the site is well known to the commercial market and they say that there has been little interest with few enquiries have been received to date. However, as the land has not been advertised this should not weigh in favour of the proposed development.
- 9.36 The applicant says that buildings on the site are in a poor condition and that they have been the subject of trespassing and vandalism. The applicant argues that the combination of the security costs, maintenance, business rates and other fees results in the holding cost of the site being significant. The applicant says that this context means that a speculative, solely industrial led development would not be viable. They argue that allowing the retail unit would enable them to speculatively deliver the improvements to the employment units on the site, and that it would act as a catalyst for the wider redevelopment proposals.
- 9.37 The applicant sets out that there are significant benefits arising from the refurbishment and modernisation of the industrial floorspace and the proposed retail unit which are set out below. The benefits are considered to be reasonable assessment and should carry significant weight in favour of the proposed development.
- An estimated 120 FTE jobs during the 8 month construction phase
 - An estimated 389 FTE jobs (including 119 full time and part time jobs in the retail store) which would benefit the local labour market.
 - New employees would generate significant spending in the local area.
 - Local labour, skills and training opportunities through the construction and operational phase; and
 - Economic benefits, including job creation, in an area with high unemployment rate among working residents and a lower economic activity rate.
 - Intensifying of the existing premises, providing upgraded and modernised warehouse space which will support growth within the wider economy
- 9.38 In summary the above additional information submitted relating to commercial viability, the condition of the site and the regeneration benefits arising from the proposed development are considered to be reasonable and would give rise to wider regeneration benefits to the Huyton Business Park. Should members be minded to grant planning permission a condition is recommended which would require the industrial units to be completed and

available for use before the first use of the retail unit to ensure that the economic benefits of the scheme as a whole are realised.

- 9.39 The proposal would therefore be in compliance with Local Plan policies CS4 (Economy and Employment) and CS6 (Hierarchy of Centres and retail Strategy) and Saved UDP policy EC3 (Primarily Industrial Areas)

Design & Layout

- 9.40 In relation to achieving well-designed places Paragraph 135 of the NPPF states Planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

- 9.41 Policy CS2 (Development Principles) in the Local Plan Core Strategy states that new development will be expected to enhance local character and promote quality of place. Policy CS19 (Design Quality and Accessibility in New Development) also sets out several criteria that developments will be expected to conform to so that they enhance local distinctiveness and the identity and accessibility of new places.
- 9.42 The existing land and buildings are looking somewhat tired and are in need of some repairs/maintenance. This proposal would result in some partial demolition of the existing buildings and a refurbishment / remodelling of the remainder of the existing buildings to bring them up to modern day requirements. The existing buildings would

benefit from new cladding, loading doors, glazing and canopies and would have a similar appearance to the units in Phase 1 of the former sovereign distillery re-development.

- 9.43 The proposed retail store would be located on part of the existing car parking area. The building is proposed to be sited close (5m) to the Wilson Road site boundary. The design and siting of the proposed retail store has been revised to set the building slightly further back from the Wilson Road site boundary to accommodate additional landscaping and to introduce additional glazing to the Wilson Road building elevation.
- 9.44 The facing materials of the retail unit would use a combination of brickwork, cladding and aluminium framed glazing panels. It would have a similar appearance to many modern retail units.
- 9.45 A 4.2m weld mesh fence is proposed around the boundary of the external sales area and within the site 2.4m high proposed weld mesh fencing and gates are proposed to secure the individual commercial units. The appearance and location of the fencing/gates is considered to be acceptable.
- 9.46 The proposals would significantly enhance the overall appearance of the site and assist in improving the image of Huyton Business Park. The design and siting of the buildings are now considered to be acceptable and the buildings (in particular the new retail store) would not have any adverse impact on the street scene and would be compliant with the guidance in NPPF and the local plan policies referred to above.

Noise and Disturbance

- 9.47 Paragraph 198 of NPPF states *“Planning policies and decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:*
 - a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life*
 - c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.”*
- 9.48 Saved Policy ENV2 (Noise and Vibration) in the Replacement UDP states that development that will either cause an unacceptable increase in noise or vibration or itself be subject to unacceptable noise or vibration from an existing source will not be permitted. It goes on to state that where developments are permitted, conditions may be attached to ensure that effective noise insulation or other required mitigation measures are carried out.

- 9.49 Existing residential dwellings are located to part of the northern site boundary (Bridgewater Way) and to the part of the southern site boundary (Cronton Road). The main impacts from noise would be from HGV traffic, loading and unloading activities and noise from the use of the car park.
- 9.50 The existing building has the loading and unloading bays towards the south of the site which are not adjacent to any existing dwelling, as a consequence any HGV movements are currently sited at least 33m from the closest dwelling to the south of Cronton Road.
- 9.51 The application initially proposed an HGV route between 8-20M of the rear boundaries of 58, 60 and 62 Bridgewater Way which would have been detrimental to the amenities presently enjoyed by the occupants of these dwellings because of noise and disturbance from the HGV's.
- 9.52 These concerns were shared with the applicant and the site layout has now been revised to remove the HGV route from the northern site boundary and relocated towards the centre of the site.
- 9.53 The car parking spaces closest to the boundary with Bridgewater Way have been located further away from the existing dwellings and additional landscaping between the site boundary and the proposed car parking is proposed to the rear of Nos 60 and 62 Bridgewater Way. An acoustic fence is also proposed along the edge of the proposed parking area in between units A2 and B to mitigate any noise impacts to the adjacent occupiers in Bridgewater Way.
- 9.54 A technical note on noise assesses this relationship and states that subject to the proposed mitigation, noise from the development would have an acceptable impact. This is acceptable to the Council's Environmental Health team who agree with the findings of the technical note.
- 9.55 The revised noise assessment demonstrates that the proposed scheme is predicted to generate an increase of no more than a 0.5dB in baseline noise levels at sensitive receptor locations (considered to be imperceptible) during the night-time, therefore falling within the No Observed Adverse Effect Level (NOAEL) category.
- 9.56 The proposed development would therefore not have any adverse impact on the noise environment for the surrounding residents and the noise assessment would be in compliance with guidance in NPPF and saved UDP policy ENV2 (Noise and Vibration)

Highway Safety

- 9.57 Paragraph 115 in the NPPF states that in assessing applications for development, it should be ensured that:

“a) sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location;

- b) safe and suitable access to the site can be achieved for all users;*
 - c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and*
 - d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach.”*
- 9.58 Paragraph 116 in the NPPF states that *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios”.*
- 9.59 Policy CS7 (Transport Networks) in the Core Strategy states that new development will be required to be:
- Located and designed to prioritise accessibility and sustainable modes of travel through a choice of walking, cycling, public transport and incorporate access for private vehicles;
 - Where subject to a planning application, accompanied by Transport Assessments and/or Travel Plans; and
 - In compliance with adopted cycle, car, disabled and service vehicle parking standards.
- 9.60 A Transport Assessment (TA) and a Travel Plan have been submitted with this application. The TA has demonstrated that:-
- a) A review of the local highway network and accident data indicates that there are no inherent / apparent local highway safety issues;
 - b) The application site is sustainably located and accessible to a range of services and amenities in addition to public transport linkages;
 - c) Access to the application site will be retained via amended access arrangements to be located in approximately the same location as existing;
 - d) The existing internal site layout / operation shall be reconfigured and has been demonstrated to operate efficiently, as demonstrated by swept path analysis of vehicles.
 - e) Parking provision for cars, including accessible spaces, motorcycle spaces and EV Charging are proposed in accordance with the Knowsley Council Ensuring a Choice of Travel Supplementary Planning Document.
 - f) Cycle Parking provision is provided in excess of standard set out in the Knowsley Council Ensuring a Choice of Travel SPD.
 - g) Whilst the forecast and net trip analysis indicates an increase in traffic flows during both weekday network peak periods and the Saturday peak period, the impact on

the nearby signalised junction of Wilson Road / Cronton Road (A5060) / Coppice Lane is minimal and is demonstrated to operate within capacity for the 2028 future year scenario plus proposed development, with only a minor increase in traffic flows and one additional queueing vehicle in any of the peak hours over the entire junction.

- 9.61 The Council's highways team agree that the impact of the proposed development on the local highway network will not be severe, that there would not be an unacceptable impact on highway safety and that the proposed car parking within the site to serve the individual units is acceptable.
- 9.62 The design and layout of the vehicular access junctions, a scheme for pedestrian access to the retail store and Unit B, cycle/motorcycle parking for each unit and a full travel plan specific to each unit can all be secured by way of planning conditions if members are minded to grant planning permission.
- 9.63 Subject to the above planning conditions the proposal would be in accordance with the guidance in NPPF and Local Plan policy CS7 (Transport Networks)

Ecological Considerations

- 9.64 Paragraph 193 in the NPPF states that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated or compensated for, then planning permission should be refused. It also states that opportunities to improve biodiversity in and around developments should be integrated as part of their design.
- 9.65 Policy CS8 (Green Infrastructure) in the Local Plan, relating to Green Infrastructure, states that Knowsley's green infrastructure will be protected managed or enhanced primarily to sustain and promote biodiversity, mitigate the effects of flood risk, mitigate air, water and noise pollution and provide sustainable transport linkages between neighbourhoods and easy access to employment and services. The policy goes on to state that the above will be achieved by maintaining and improving water courses and biodiversity assets, protect enhance or introduce biodiversity into areas of green infrastructure and protect and improve green paths and cycleways linking residential areas of greenspace and local community services.
- 9.66 The application has been supported by a preliminary ecological appraisal, bat survey/roost reports and an ecology note. The reports have been prepared by a suitably qualified ecologist and MEAS have advised that the conclusions of the reports are acceptable.
- 9.67 The bat roost assessment found no evidence of roosting bat use in the buildings or trees. However, the proposals will result in the loss of features on a building which were considered to provide low bat roost potential. To compensate for this loss details of bat boxes that will be erected on the site shall be submitted to the Local Planning Authority

for approval. This can be secured by planning condition is members are minded to grant planning permission.

- 9.68 Habitats on, and adjacent to, the site provide foraging and commuting habitat for bats and light spillage from the development may affect the use of these areas. Should members be minded to grant planning permission it is recommended that a condition to require the lighting scheme to be designed so that it protects ecology and does not result in excessive light spill onto the habitats in line with NPPF (paragraph 187) is required.
- 9.69 The habitats on and / or adjacent to the site are suitable for badgers and hedgehogs so a condition requiring reasonable avoidance measures (RAMS) to be put in place to ensure that there are no adverse effects on these species is recommended should members be minded to grant planning permission.
- 9.70 The proposed development will result in the loss of bird breeding habitat, to mitigate for this loss, bird nesting boxes will be required to be installed as part of the development if members are minded to grant permission.
- 9.71 The type and scale of the application means that it is mandatory for the applicant to ensure that there is a net gain of 10% in the biodiversity value of the site. The applicant has submitted a Statutory Biodiversity Metric and an Assessment of Bio Diversity net gain. The Biodiversity Metric shows that the proposed development will achieve a net gain of 4.74 habitat units (equating to 26.1%) and a net gain of 1.54 hedgerow units. This meets the statutory requirement and further details of the ecological enhancements will be secured by planning condition.
- 9.72 Subject to the imposition of planning conditions securing bat/bird nesting boxes, a lighting scheme and reasonable avoidance measures for the protection of badger and hedgehog the impacts on ecology are considered to be acceptable and there would be a biodiversity net gain of over 26% which far exceeds the government's minimum requirement of a 10% net gain. The proposed development therefore complies with NPPF and Policy CS8 (Green Infrastructure) in the Local Plan.

Landscaping and Trees

- 9.73 Saved UDP policy DQ4 (Trees and Development) states that proposals for new development shall include appropriate planting of trees or other soft landscaping. It also states that where the Council accepts that tree loss is unavoidable the applicant will be required to make adequate provision for their replacement.
- 9.74 Local Plan Policy CS21 (Urban Greenspace) part 10 states "The Council will encourage proposals for new development to incorporate:
- a) Retention of existing trees, woodland, vegetation and other habitat features which offer a positive contribution to the local environment in terms of visual amenity, recreation value or biodiversity/wildlife interest;

- b) Appropriate planting of trees, other soft landscaping and installation of habitat features for the benefit of biodiversity; and
- c) Adequate replacement provision where tree loss is unavoidable, comprising two additional trees for every tree lost and taking account of species and size.
- 9.75 The application is supported by a tree report and a landscaping scheme. The tree report confirms that 1 group of 5 Category B trees and 10 individual trees (2 of which are category C and 8 are category B) require removal to facilitate the development. Of these trees to be removed 4 individual trees (3 cherry and 1 field maple – category B) are covered by a Tree Preservation Order. These trees are located in the south of the site adjacent to the service yard area of the proposed retail store.
- 9.76 The proposed landscaping scheme indicates 71 new trees to be planted within the site 2 trees would be planted at 25-30cm girth and 41 trees at 16-18cm girth and 28 trees at 8-10cm girth, this mitigation is considered to be adequate for the trees to be removed. Additional tree planting /maintenance will also be carried out to the existing landscaping at the corner of Wilson Road/ Cronton Road where some of the trees in this area are beginning to die. The precise details of this, and the implementation of the landscaping scheme within the site can be secured by planning condition if members are minded to grant planning permission.
- 9.77 A woodland management plan has been submitted for the existing woodland sited along the southern (Cronton Road) and the northern (Bridgewater Way) site boundaries. The woodland has a high conservation status due to its size, species and habitat range and it also has a high amenity value for the surrounding local residents The woodland management plan proposes minimal intervention but given the high levels of biodiversity in the woodland it is considered to be acceptable.
- 9.78 In conclusion the proposed tree loss is considered to be acceptable including the trees covered by the Tree Preservation Order subject to the mitigation being delivered. The proposal would therefore be in compliance with Core Strategy policy CS21 (Urban Greenspace) and saved UDP policy DQ4 (Trees and Development)

Air Quality

- 9.79 Paragraph 199 of the NPPF states that planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement.
- 9.80 Policy CS2 (Development Principles) states that negative impacts upon air quality should be minimised and appropriately mitigated. Development that will have an unacceptable

impact upon air quality will only be permitted where the benefits of the proposal clearly outweigh the harm.

- 9.81 The Planning Practice guidance relating to Air Quality (November 2019) states that “Whether air quality is relevant to a planning decision will depend on the proposed development and its location. Concerns could arise if the development is likely to have an adverse effect on air quality in areas where it is already known to be poor, particularly if it could affect the implementation of air quality strategies and action plans and/or breach legal obligations (including those relating to the conservation of habitats and species). Air quality may also be a material consideration if the proposed development would be particularly sensitive to poor air quality in its vicinity.”
- 9.82 An Air Quality Assessment has been submitted in support of the application. The Assessment identifies that the application site is not in an Air Quality Management Area and concludes that the development would have a negligible impact on air quality and would not exceed the Air Quality Objectives. Environmental Health have reviewed the document and do not dispute the predicted effects of the development on air quality.
- 9.83 Nevertheless, Environmental Health are concerned that the proposed development would introduce additional vehicular movements into an area where there are instances of poor air quality – in particular around Cronton Road / Whitefield Lane which will be made worse by other planned development around Junction 6 of the M62 Motorway.
- 9.84 Given the application site is very close to other major developments such as Halsnead Garden Village and Beacon 62 development, Environmental Health believe that it cannot be considered in isolation. They have raised concerns to the development because they believe that any further impacts that could worsen the pollution levels, no matter how small, need to be avoided. Another concern raised by Environmental Health was the pollution from HGV's with the HGV access road being sited to the rear of Bridgewater Way. As the internal road layout has now been redesigned the effect of air pollution on the existing occupiers in Bridgewater Way has been removed.
- 9.85 Air quality impacts from a development are a material planning consideration and therefore need to be given appropriate weight and considered in the planning balance among all other material considerations and benefits of the proposal. The modelling submitted as part of the application shows that there will only be negligible increases in nitrogen dioxide and particulate matter so the Local Planning Authority do not consider that the proposed development would cause sufficient harm to have an unacceptable impact on air quality, accordingly there is insufficient justification to refuse permission for this proposal because of its effects on air quality. With the gradual increase in electric vehicles on the road replacing petrol/diesel vehicles it would be expected that over time the nitrogen dioxide levels would gradually decrease to within acceptable limits.
- 9.86 The applicant has offered mitigation in the form of the submission of a Construction Management Plan for the construction phase and securing Electric Vehicle Charging infrastructure and a Travel Plan for the operational phase and whilst these measures are

welcomed Environmental Health officers have advised that this would not be sufficient to overcome their concerns.

- 9.87 In this instance taking into account the negligible impact of the development on air quality and the existing use of the site in an area allocated for industrial and commercial development it is considered that the proposed development would not have an unacceptable effect on air quality and would be in compliance with NPPF and Local Plan policy CS2 (Development Principles)

Contaminated Land considerations

- 9.88 Paragraph 196 of the NPPF states that: *“Planning policies and decisions should ensure that: a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation); b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.”*
- 9.89 Saved policy ENV5 (Contaminated Land) of the replacement UDP states that new development will not be permitted if there is existing contamination which could because of the proposed development place the uses at unacceptable risk. Where there is evidence that a site may be affected by contamination, proposals should be accompanied by a site investigation report and schedule of remedial measures and a verification report shall be submitted before the development is brought into use.
- 9.90 The application is supported by a preliminary risk assessment a ground investigation report and a supplementary gas assessment. The ground investigation report concluded that the results of the contamination screening carried out on the made ground deposits across the area of the proposed new building and service yard did not return any results above the critical concentration values taken for the site. In addition, no asbestos was detected within any of the soil samples tested.
- 9.91 Consequently, the materials from the samples taken are not considered to pose a significant risk to Human Health where exposure pathways are available and no further assessment and / or remodelling works are deemed necessary with this regard. The material found in the vicinity of the proposed new building has been classified as non-hazardous waste.
- 9.92 The supplementary gas assessment included additional monitoring wells however no methane was detected. The report concludes that the site is classified as Characteristic Situation 1 whereby no gas protection measures are required.

- 9.93 These reports are considered to be acceptable and would be in compliance with saved UDP policy ENV5 (Contaminated Land) subject to matters relating to the importation of material and a watching brief for unexpected contamination being dealt with by planning conditions if members are minded to grant planning permission.

Surface Water and Flood Risk Considerations

- 9.94 Paragraph 181 of the NPPF states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment.
- 9.95 Policy CS24 (Managing Flood Risk) in the Local Plan states that :
- *New development that may cause an unacceptable risk of flooding on the site or elsewhere will not be permitted.*
 - *New development should preferably be located in areas of low probability of flooding.*
 - *New development shall include flood mitigation measures, where necessary, to manage flood risk associated with or caused by the development.*
 - *The drainage of new development shall be designed to reduce surface water run-off rates to those associated with a green-field site by treating it at its source.*
- 9.96 The site is located in flood zone 1 which is an area of low flood risk and the most sequentially preferable location in terms of flood risk management. The application is supported by a Drainage Strategy and Flood Risk Assessment (FRA) to explain and assess any necessary mitigation.
- 9.97 The FRA concludes that the site is at low risk of flooding from overland surface water, groundwater sources and from rivers. The Lead Local Flood Authority (LLFA) and United Utilities have confirmed that the drainage strategy is acceptable in principle, and that it would not increase the likelihood of flooding on or off site subject to a detailed drainage strategy (including details of the maximum discharge rates to be agreed with United Utilities). The detailed drainage scheme and details of its management can be secured by planning condition if members are minded to grant planning permission.
- 9.98 Subject to the inclusion of the above planning condition the proposal would be in compliance with guidance in NPPF and Local Plan Policy CS24 (Managing Flood Risk).

Coal Mining Investigations

9.99 Paragraph 196 in NPPF states “*Planning policies and decisions should ensure that:*

a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);

b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and

c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.

Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.”

9.100 The application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

9.101 The Coal Authority records indicate that within, or within 20m of the planning boundary there are seven recorded mine entries (shafts) and that the application site is likely affected by shallow coal mine workings.

9.102 The application is supported by a Mining Stability Report and a Coal Mining Risk Assessment, an Intrusive Coal Mining Risk assessment and a technical note regarding the location and treatment of an existing mine shaft.

9.103 The intrusive report confirms that only intact coal seams were encountered and that no further precautionary measures are warranted, the Coal Authority agrees with the conclusions of the report and the proposal would therefore be in compliance with paragraph 196 in the NPPF (2024).

Developer Contributions

9.104 Local Plan policy CS27 (Planning and Paying for New Infrastructure) sets out the requirements for new developments to meet the infrastructure demands they

create. This approach is supported in the Development Contributions SPD. In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010, it is necessary for planning applications with legal agreements to consider whether the requirements within the S106 are:

- a) Necessary to make the development acceptable in planning terms;
- b) Directly related to the development; and
- c) Fair and reasonably related in scale and kind to the development.

- 9.105 It is considered that the contributions required as part of this application are justified and meet the Council's requirement for policy compliance. All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of development.
- 9.106 In order to mitigate the impacts of the development planning contributions would be required (secured through a S106 legal agreement) for the monitoring and implementation of a social value strategy (£2,995) and for off- site tree mitigation planting on Wilson Road (£819.73). The S106 agreement would also include a provision for the a discount variety store in Huyton Town Centre (or an equivalent floorspace to the existing Derby Road store within the boundaries of Huyton Town Centre) to continue trading for a minimum period of 5 years from the date of the first opening of the proposed Wilson Road retail store.
- 9.107 With the contributions and provisions set out above being secured by a S106 legal agreement the proposal would be in compliance with Local Plan policy CS27 (Planning and Paying for New Infrastructure), Saved UDP policy DQ4 (Trees and Development) and Supplementary Planning Document - Adding Social Value to Development (September 2018).

10. CONCLUSION & PLANNING BALANCE

- 10.1 The proposed retail unit would fail to satisfy the sequential test as there is an available unit in Huyton Village Town Centre which could accommodate this part of the proposed development. The failure to comply with the sequential test which must carry significant weight against the proposed development however, the harm caused by the failure to comply with the sequential test is mitigated by the following factors:
- The proposed retail store would not have a significant adverse effect on Huyton Town Centre subject to a legal agreement which requires the applicant to retain a presence in Huyton Town Centre for 5 years following the opening of the proposed store.
 - If planning permission was refused due to a failure to comply with the sequential test it does not follow that the applicant would occupy that store instead.
 - There has recently been third party interest in the vacant unit.

- 10.2 There are significant benefits of the proposed development including:
- An estimated 120 FTE jobs during the 8 month construction phase
 - An estimated 389 FTE jobs (including 119 full time and part time jobs in the retail store) which would benefit the local labour market.
 - New employees would generate significant spending in the local area.
 - Local labour, skills and training opportunities through the construction and operational phase; and
 - Economic benefits, including job creation, in an area with high unemployment rate among working residents and a lower economic activity rate.
 - Intensifying of the existing premises, providing upgraded and modernised warehouse space which will support growth within the wider economy
- 10.3 On balance the benefits of the proposed development are considered to outweigh the harm caused due to the failure to comply with the sequential test.
- 10.4 The loss of employment land would not undermine the supply of employment land or result in an unacceptable loss of employment land. Satisfactory amendments have been sought to the scheme to mitigate the noise impacts on the adjacent residential occupiers to the northern boundary (Bridgewater Way). Impacts on highway safety, trees/landscaping, ecology, air quality, flood risk and drainage, contaminated land, coal mining investigations are considered to be acceptable subject to the recommended planning conditions.

11. RECOMMENDATION:

- 11.1 That Members delegate authority to the Head of Planning to grant planning permission, subject to:
- (i) the conditions set out in the attached schedule or such additional or amended conditions that the Head of Planning considers appropriate;
 - (ii) the applicant entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 to secure planning obligations for the monitoring and implementation of a social value strategy , a financial contribution for tree mitigation on the highway verge in Wilson Road and a provision to keep the existing Home Bargain Store in Derby Road, Huyton (or an equivalent floorspace within Huyton Town Centre) open for a period of 5 years from the date of the first occupation of the proposed retail store on Wilson Road.
 - (iii) In the event of the applicants not entering into a Section 106 agreement within 6 months of Planning Committee's resolution to secure the obligations, that Planning Committee delegate authority to the Head of Planning &

Building Control to refuse planning permission under delegated powers, on such grounds, should it be deemed that insufficient progress has been made in completing the s106 agreement.

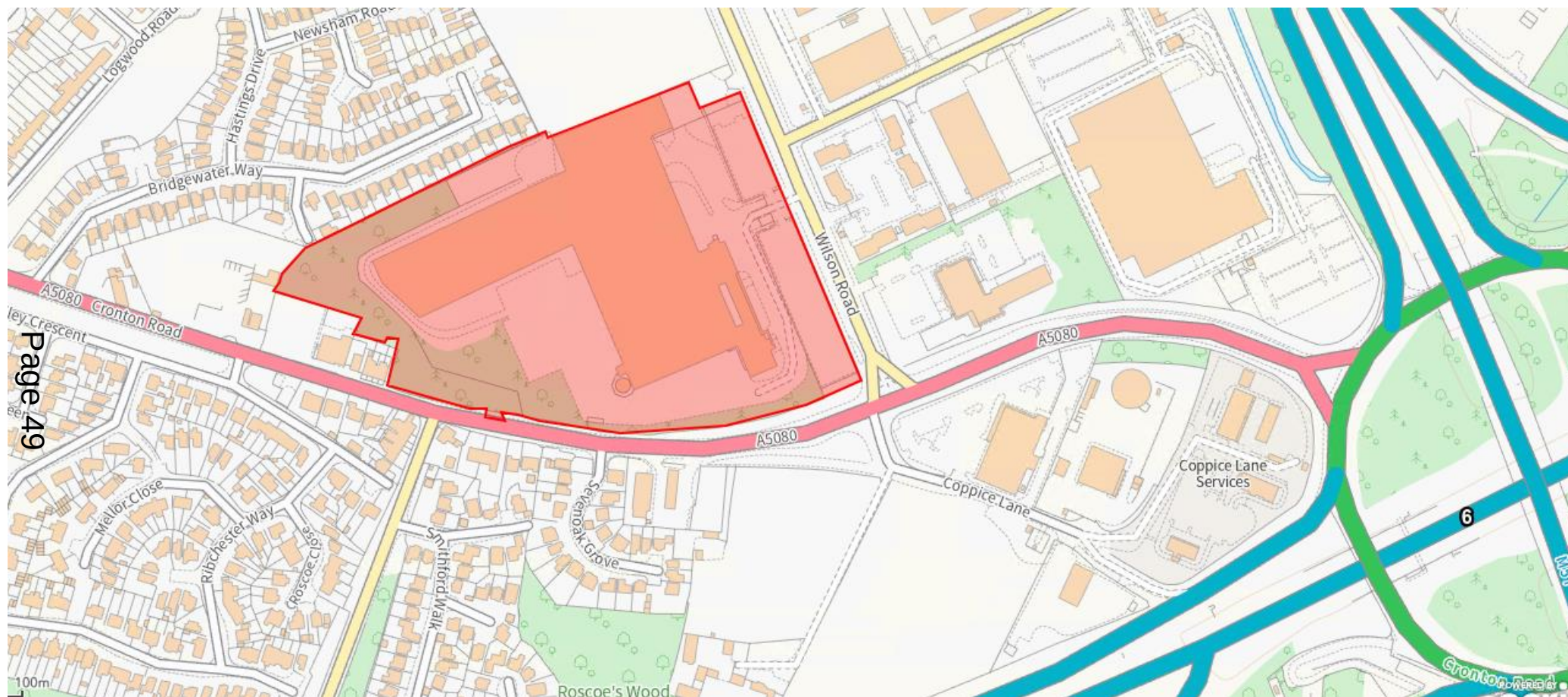
SCHEDULE OF CONDITIONS

	Condition	Trigger
1.	Time period to implement the permission – 3 years	Compliance
2.	List of approved plans and documents	Compliance
3.	Retail Store (Class E(A) to operate as discount variety operator only with 950sqm selling convenience goods and 1,161sqm selling comparison goods. A range of comparison goods shall be sold at all times so not one comparison goods sub-sector is dominant.	Compliance
4.	The employment uses hereby permitted shall be completed and available for use prior to the 1 st use of the retail store.	Compliance
5.	Design and Layout of vehicular access junctions to be submitted for approval.	Prior to the commencement of works to any vehicular access point.
6.	Details of cycle/motor cycle parking for each unit to be submitted for approval.	Prior to the first occupation of each unit.
7.	Full travel plan to be submitted for each unit.	During the 1 st year of occupation of each unit.
8.	Submission of a Construction Environmental Management Plan for approval.	Prior to the commencement of development.
9.	Recommendations set out in the approved noise assessment to be implemented and documentary evidence submitted.	Prior to the occupation of any unit.
10.	Physical assessment to be undertaken during earthworks. Any previously unidentified contamination to be reported to the Local Planning Authority and a remediation and verification report submitted for approval.	Assessment to be undertaken during earth works and remediation and verification to be submitted prior to the development being brought into use.
11.	Submission of a lighting assessment for approval.	Prior to the first installation of any lighting.
12.	Submission of a detailed drainage strategy.	Prior to commencement of development.

13.	Details of bat & bird breeding boxes to be submitted for approval.	Prior to the installation of any bird/bat boxes.
14.	Details of commercial/ industrial waste storage facilities to be submitted for approval.	Prior to the 1 st occupation of the units.
15.	Details of air source heat pumps to be submitted for approval.	Prior to the installation of any air source heat pumps.
16.	Submitted landscaping scheme to be implemented and prior to above ground works an additional landscaping scheme for the SE corner of the site (Cronton Road/Wilson Road) to be submitted for approval.	Within the next planting season following the substantial completion of development.
17.	No soil to be imported until it has been tested for contamination in accordance with a previously approved methodology. Analysis and evidence to be submitted to the Local Planning Authority for approval.	Prior to the importation of any soil to the site.
18.	Specification for proposed 2m acoustic fence- details to be submitted for approval	Prior to the installation of acoustic fence.
19.	Specifying the planning use class of each individual unit which will be retained thereafter.	Compliance
20	Details of materials to be submitted.	Prior to any above ground construction works.

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