



Planning Policy Response Note

Sovereign Industrial Estate, Wilson Road, Huyton

1 Introduction

- 1.1 This Planning Policy Response Note ('Note') supports the full planning application for the retail-led regeneration of the former Halewood Distillery at Sovereign Industrial Estate in Huyton, Knowsley, L36 6AD ('the Application Site'). The planning application is currently pending determination under application reference 23/02782/FUL.
- 1.2 This Note has been prepared in response to comments from Knowsley Council's Planning Policy Team, dated 9th January 2024 which are enclosed at **Document 1** for ease of reference. In summary, the Planning Policy Team have made the following comments or requested the further information in respect of the following:
- Compliance with Saved Policy EC3 of the Knowsley Replacement UDP.
 - Compliance with Policy CS4 of the Knowsley Local Plan Core Strategy.
 - The sequential approach to site selection.
 - Retail Impact
- 1.3 We consider each matter in turn below and this response should be read alongside the documents submitted in support of the pending planning application.

2 Background

- 2.1 It is important to note from the outset that the Applicant, Davos Property Developments Limited, is inextricably linked to TJ Morris Limited (TJM). The latter, a significant private investor and substantial employer in the region who are looking to invest further and create additional employment in Knowsley.
- 2.2 The Application Site's vacancy was signalled as far back as 2020 when it was announced the previous occupier was relocating before fully vacating in September 2022. Since then, the Application Site has been targeted by trespassers and suffered from vandalism, falling into a poor state of repair following years of no investment.
- 2.3 The Application Site has been purchased by the Applicant with an aim to bring back into active economic use a large vacant brownfield industrial allocation. Such significant investment will only be secured through the inclusion of retail floorspace, which is occupier-led by Home Bargains ('HB') – the trading name of TJM. The proposed retail floorspace is the catalyst for the development and is key to delivering the redevelopment of the wider site.
- 2.4 TJM is a significant investor and employer in the area and have a requirement for further representation in the Borough to cover the south Huyton / Tarbock area. The proposed new store will complement the existing offer within neighbouring centres elsewhere, including in Huyton town centre. This in centre and out-of-centre retail model is common across the wider



Note continued

Merseyside region. For example elsewhere in the Borough at Prescot, there is an existing store within the town centre and out-of-centre at Prescot Parkway.

- 2.5 The Application Site provides an opportunity to meet TJM's requirements, complementing their existing store within Huyton town centre and serve the South Huyton / Tarbock catchment. Further, the proposed store is a key anchor and catalyst to the wider regeneration of the Application Site which currently lies vacant and derelict.
- 2.6 It is within this context that the application proposals need to be considered. The National Planning Policy Framework (NPPF) dictates at Paragraph 38 that *"local planning authorities should approach decisions on proposed development in a positive and creative way"* (our emphasis). Further, they should *"work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area."* Finally, it outlines that *"decision-makers at every level should seek to approve applications for sustainable development where possible."*

3 Proposal's Compliance with Policy EC3 of the Knowsley Replacement UDP

- 3.1 The Knowsley Replacement UDP was adopted in June 2006 and covers the period until 2016. The UDP is therefore out of date, being almost 20 years old. Given this, very little weight, if any, can be afforded to Policy EC3 in the determination of the planning application. However, for completeness, the requirements of this policy have been addressed.
- 3.2 Criterion 2 of Policy EC3 states that other uses in Primarily Industrial Areas 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.*
- 3.3 The supporting text to this Policy (at Paragraph 6.25) goes on to state that *"other uses can be appropriately located within these areas, provided they are complementary in scale and nature and address identified needs of the area."*
- 3.4 We address each criterion in turn below.
- a) Be complementary to and compatible with the surrounding employment uses**
- 3.5 The Policy Team's response suggests that the retail component of the proposal would not be complementary to and compatible with the existing employment use.
- 3.6 We do not accept this position. The proposed retail use proposed within Class E of the Use Classes Order. Class E is identified by the relevant Regulations as comprising 'Commercial, Business and Service' uses. Such uses are commercial in nature and similar to the industrial uses found within the Primary Industrial Areas. This is reflected by the previous Use Class B1 now falling within Class E.



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- 3.7 There are numerous examples where retail and industrial uses share locations. This is demonstrated in the local area with a successful Home Bargains/retail-led regeneration being completed on allocated Primarily Industrial Area land on Speke Boulevard, some six kilometres from the Application Site. This is a scheme that shares many similarities with the one being considered.
- 3.8 The compatible nature of retail uses within this location is further demonstrated by the fact that Home Bargains are pursuing this application in the full knowledge of the surrounding uses.
- 3.9 There is also a clear precedent in Knowsley Borough for the co-location of such uses. Indeed, planning permission was granted in January 2019 (ref. 17/00301/HYB) for a new Aldi together with more than 8,660 square metres of business and general industrial uses (Class E / B2) on land allocated as 'Land for Employment Development'. This site is just 50 metres from the Application Site.
- 3.10 For the reasons set out above, it can be concluded that this criterion is complementary nature and the compatibility of the retail use proposed with employment uses cannot be called into question.

b) Be consistent with the any approved regeneration strategy for the area

- 3.11 The Policy Team's response confirms that there is no approved regeneration strategy for the area. As such it is agreed that this criterion is not relevant in the determination of the application proposals.

c) Preserve or enhance the image of the industrial area

- 3.12 Since September 2022 the Application Site has sat vacant following a well-publicised announcement in 2020 that the previous occupier was leaving the premises. The proximity of the site to Junction 1 of the M57, Junction 6 of the M62 and on the A5080, a key arterial route into Huyton, and at the entrance of Huyton Business Park is pertinent as the Application Site occupies a prominent location.
- 3.13 This application looks to transform a vacant brownfield site which houses a dilapidated warehouse that has suffered from a lack of investment for a number of years in order to provide a modern, high-quality industrial floorspace, which can only be achieved through the delivery of the retail element. The proposed Home Bargains is the catalyst needed to deliver the wider industrial uses. Without this, the wider delivery of the Application Site will not be achieved.
- 3.14 It is also significant to note that the proposed development gives rise to significant tangible and intangible benefits including the creation of up to 120 jobs¹ during the construction phase and a further 389 jobs² at the operation phase generating approximately £14 million GVA per year³.

¹ CITB, Labour Forecasting Tool

² For warehouse floorspace, a density of one employee for 70 square metres GIA has been applied. For retail floorspace, a density of one employee per 20 square metres GIA has been used.

³ GVA estimates are informed by Office for National Statistics (ONS) data on regional GVA (ONS (2023) Regional gross value added (balanced) by industry: all ITL regions) and Business Register and Employment Survey (BRES) data (ONS (2021). Business Register and Employment Survey).



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- 3.15 These benefits are significant and will enhance the image of the industrial area, particularly given the alternative should planning permission not be granted. We therefore do not accept that the proposals would not preserve or enhance the image of the industrial area. The application proposals satisfy this criterion.

D) Avoid causing an unacceptable loss of land available for industrial development

- 3.16 The Application Site has been seeking a new occupier since the well-publicised departure announcement in 2020 by the previous tenant. As stated, the warehouses have sat vacant since September 2022 and have been marketed since it has become vacant. The latest marketing particulars of the site are available at **Document 2**. To date, there has been limited interest from employment uses.
- 3.17 When considering this specific matter in determining the nearby Aldi application, the Committee Report concluded (at Paragraph 9.2) that *“the loss of some of the site to non-employment uses is not considered to significantly harm the supply of employment land available borough wide”*.
- 3.18 The Aldi application proposed up to 3,200 square metres of Class A1, A3 and A4 (now Class E) floorspace across a 5.67ha site. This compares to the 2,396 square metres proposed on the Application Site which measures 6.54ha. A clear precedent has therefore been set that a higher quantum of Class E floorspace on a smaller site is *“not considered to significantly harm the supply of employment land”*.
- 3.19 The most recent Annual Monitoring Report 2021-2022, published in December 2022, highlights the latest employment land supply. Paragraph 2.3 confirms that the land “available and potentially deliverable within 5 years is 63.68 ha”. This is in excess of the Local Plan Core Strategy requirement of 45.50 ha by more than 18 ha. The proposed loss of just 0.24 ha of employment land to other uses, which will still result in employment, would not undermine the supply of employment land.
- 3.20 It should also be noted that the proposals do not set a precedent for the loss of industrial land. This application, along with the neighbouring Aldi scheme approved in 2019, are catalysts and unique in that they seek to regenerate their wider sites for industrial occupiers. The application will result in the physical improvement to the Application to provide modern floorspace that will not only safeguard the land for employment uses in the long term but result in an intensification of the industrial floorspace once occupied. The latter is achieved through an increase in tenants and modern design being more efficient and effective, often resulting in higher outputs.
- 3.21 In addition, in considering the application proposals against Policy EC3 (and Policy CS4) significantly the application proposals are not just for retail, but also includes retaining more than 19,500 square metres of industrial warehouses and bringing this back into active use. The retail element therefore represents only a small part (c. 11%) of the overall scheme. Furthermore, the proposed retail unit, which acts as the catalyst for the wider industrial uses, will itself generate significant employment. It is within this context that the proposal’s compliance with relevant employment policy needs to be considered.
- 3.22 Against this background, it can be concluded that the proposal will not result in an unacceptable loss of land available for industrial development.



Note continued

4 Proposal's Compliance with Policy CS4 of the Knowsley Local Plan

4.1 In considering this Policy, the Planning Policy Team's response it is suggested that the proposals fail to accord with Criterion 7 of Policy CS4.

4.2 Criterion 7 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."

4.3 The Application Site is currently vacant and despite extensive marketing it has not been possible to find an occupier for the Application Site other than the interest by the Applicant. This is principally due to the bespoke and outdated nature of the existing warehouses. The previous occupier was for a specific use comprising a distillery, production and bottling warehouse. The existing premises was tailored for that specific use. Accordingly, substantial investment is now required to upgrade the floorspace and ensure it is appealing to a wider market.

4.4 Furthermore, the Planning Policy Team's consideration of the proposal against Criterion 7 of Policy CS4 is at odds with the NPPF. Specifically, the comments state that:

"I am not of the opinion that wider regeneration; environmental and amenity benefits would be generated from the proposal".

4.5 The Planning Practice Guidance (PPG) that supports the NPPF outlines what is meant by the term public benefits. This can be defined as anything that delivers the economic, social or environmental objectives as described in the NPPF at Paragraph 8⁴. The supporting PPG also later states that the benefits do not always have to be visible or accessible to the public in order to be genuine public benefits. This has been confirmed through a recent Court of Appeal judgment in March 2021 (known as Bramshill)⁵.

4.6 We believe that significant weight can and should be given to the environmental, economic and social benefits that the scheme can genuinely generate. Indeed Paragraph 85 of the NPPF states that *"significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development"* (our emphasis).

4.7 The benefits outlined within the application proposals include, but are not limited to:

⁴ Paragraph 20 Reference ID: 18a-020-20190723

⁵ City & Country Ltd vs SoS for Housing, Communities and Local Government & Ors [2021] EWCA Civ 320 (09 March 2021)



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- A total of 120 full-time equivalent (FTE) jobs in construction during the eight month construction period estimated based on the Construction Industry Training Board's (CITB) Labour Forecasting Tool⁶;
- A total of 389 FTE gross jobs in the warehouse and retail uses on site when the Site is operation which would benefit the local labour market estimated based on employment densities⁷ set out in the Employment Density Guide (Homes & Communities Agency, 2015)⁸;
- Potential to support further jobs through indirect effects;
- New employees on-site would generate approximately £1.2 million per year in spending within the local area. This has been estimated based on an average daily worker spend of approximately £14 on food and drink⁹.
- Local labour, skills and training opportunities through the construction and operational phase;
- Economic benefits, including job creation, in an area with high unemployment rate among working residents and a lower economic activity rate;
- The employees accommodated by the warehouse and retail premises would generate approximately £14 million GVA per year¹⁰;
- Provision of a modern and updated working environment that prioritises health of the employees;
- Intensifying the existing premises, which sits vacant, through providing upgraded and modernised warehousing space which will support growth within the wider economy;
- The retention of the existing warehouse, as far as possible, represents the most sustainable option for the Site. The reuse of the warehouse will deliver whole life cycle carbon savings over new development given the approach avoids large scale demolition and therefore significant waste;
- The refurbished warehouses will achieve the thermal and efficiency targets set out in Section 6, Volume 2 of the Building Regulations 2021;
- The warehouses are proposed to result in an overall reduction of 23% in CO2 emissions and 25% reduction in primary energy when compared to Part L Notional Building; and

⁶ CITB, Labour Forecasting Tool

⁷ For warehouse floorspace, a density of one employee for 70m2 GIA has been applied. For retail floorspace, a density of one employee per 20m2 GIA has been used.

⁸ Homes & Communities Agency, 2015. Employment Density Guide, 3rd Edition.

⁹ Estimated using Visa (2014) UK Worker Spend and adjusted to inflation using Bank of England Inflation Calculator available at: <https://www.bankofengland.co.uk/monetary-policy/inflation/inflation-calculator>

¹⁰ GVA estimates are informed by Office for National Statistics (ONS) data on regional GVA (ONS (2023) Regional gross value added (balanced) by industry: all ITL regions) and Business Register and Employment Survey (BRES) data (ONS (2021). Business Register and Employment Survey).



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- The scheme includes native hedge planting, wildflower areas and native tree planting for 70 new trees.
- 4.8 These benefits should be given full consideration in the determination of the application proposals.
- 4.9 In considering Criterion 7 of Policy CS4, it is also evident that this states that proposals for other types of development on land that is currently in use or allocated for employment development will be acceptable where 'other uses would bring wider regeneration, environmental and amenity benefits'.
- 4.10 As previously highlighted, the scheme retains a substantial quantum of industrial floorspace (c. 19,500 square metres) and the retail element of the scheme is critical to the wider redevelopment of the site acting as a catalyst for development. In this respect, the proposals will assist in achieving wider regeneration in line with the objectives of Criterion 7 of Policy CS4.
- 4.11 Against this background, we strongly believe that the application proposals satisfy the requirements of Policy CS4.

5 Sequential Assessment to Site Selection

- 5.1 In reviewing the Planning Policy Team's comments, a number of points are raised in respect of the application's sequential approach to site selection. These relate to the extent of the area of search and the need to consider opportunities in additional centres within the catchment of the proposal, and the need to assess the suitability of the former Wilko unit in Huyton town centre. These issues are addressed below.

Area of Search

- 5.2 The Planning Policy Team response acknowledges that the area of search is consistent with that adopted in support of the neighbouring Aldi application. Clear precedent has been set for a five-minute drivetime core catchment by a discount retailer (Aldi). This approach adopted is also consistent with the Home Bargains out-of-centre store at Prescott Park Way approved under application ref. 14/00478/FUL. This store measures 2,323 square metres. The sequential assessment that supported this application solely assessed Prescott town centre.
- 5.3 The proposals are being pursued by a specific type of retailer that is seeking further representation in the local area and has specific requirements in terms of both catchment and operation. This is illustrated by the fact that the existing Home Bargains store lies at the periphery of the identified catchment and largely serves a different catchment to the proposed development.

Additional Centres to be Assessed

- 5.4 The Planning Policy Team has requested that Tarbock Road and Manor Farm Road local centres, which fall within the agreed area of search, are included in the sequential assessment. These have been assessed below.

Tarbock Road



Note continued

- 5.5 Tarbock Road is defined in the Town Centre Uses Supplementary Planning Document ('SPD') as a Major Local Centre.
- 5.6 The extent of the defined Major Local Centre extends to approximately 2,800 square metres and is dominated by small format retail units with residential uses on the upper floors. The surrounds are predominantly residential housing. There are also no allocated Development Opportunity Sites in the vicinity.
- 5.7 In reviewing opportunities within and at the edge of the local centre, we are not aware of any available and suitable sites to accommodate the proposed development.
- 5.8 Furthermore, Policy CS4 of the Knowsley Local Plan states that in applying the sequential approach only local centres 'of an appropriate scale' be considered. Likewise, 'saved' Policy S2 states that retail proposals need to be 'compatible with the scale and role of the centre'. Within this context, we do not believe that the scale of development proposed (c. 2,400 square metres) is appropriate in neighbouring local centres. Nevertheless, no opportunities exist that can accommodate the proposed development.

Manor Farm Road

- 5.9 Manor Farm Road is defined in the Town Centre Uses SPD as a Medium Local Centre. The centre is made up of a number of very small commercial units. Again, we believe that locating the proposed development in this location will be inappropriate in scale to the role and function of the local centre.
- 5.10 The centre is also surrounded by residential housing or allocated Urban Greenspace. For the avoidance of any doubt there are no Development Opportunity Sites within close proximity to the centre.
- 5.11 Nevertheless, we are not aware of any sites within or at the edge of the defined centre that can accommodate the proposed development.

Suitability of the former Wilko store as a sequential alternative

- 5.12 The Planning Policy Team's response suggests that further consideration is required in the consideration of the former Wilko in Huyton town centre as a sequential alternative to the Application Site.
- 5.13 The availability and suitability of the former Wilko store on Cavendish Walk for the proposed development was fully assessed as part of the Planning and Retail Statement (PRS) submitted in support of the planning application. This concluded that the former Wilko was not suitable for the proposed development or a flexible interpretation of it.
- 5.14 Despite reaching this conclusion, as requested further consideration has been provided regarding the suitability of the former Wilko unit.



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- 5.15 It is understood that the former Wilko unit extends to 1,895 square metres at ground floor¹¹. Consequently, having regard to the sequential parameters in the PRS¹², which the Planning Policy Team do not appear to challenge, this unit is not suitable, representing less than the minimum floorspace requirement, which is already lower than the minimum floorspace requirement for Home Bargains¹³.
- 5.16 Whilst additional floorspace can be provided at first floor level, multi-level store formats do not provide a viable trading position, not least because of the high proportion of customers who have been shown to undertake their shop using a trolley. This is reflected by the fact that the application proposals include trolley bays within the car park. The configuration of the former Wilko unit is therefore not suitable for the proposed development.
- 5.17 In addition, as outlined in the PRS, there are also further operational constraints impacting upon the unit's suitability for the type of occupier, i.e. the requirements of a modern discount retailer. The Planning Policy Team's response suggests that car parking is provided under the nearby B&M store. Critically, this parking is privately-owned and the intended occupier will have no control on the use of the car park, and this is a 'Pay and Display' car park that can be used by all visitors to the town centre and is a notable distance from the store below street level. This arrangement would not be suitable for the operating requirements of many modern discount retailers seeking a large-format store. This includes Home Bargains, which requires dedicated at grade customer car parking for its customers given the high number of shoppers that use a trolley.
- 5.18 This requirement is no different to "bulky goods" retail warehouse operators and foodstore operators who all require adjacent car parking provision as part of their business model. This underpins the operational requirements for a single level store and an immediately adjacent and demised customer car park, with a trolley store area adjacent to the front of the customer entrance, to enable goods to be transferred – often by trolley - from the store to customers' vehicles.
- 5.19 For all these reasons the former Wilko store does not provide a suitable alternative for the proposed development. The PRS conclusions continue to remain valid: no sequential alternative exists that could accommodate the proposed development, having regard to flexibility of format and scale for the type of occupier for which permission is being sought.
- 5.20 Recent case law has established that when considering flexibility of format and scale, the local planning authority must operate in the 'real world'. Indeed, the *Dundee* Supreme Court Judgement established that if a site is not suitable for the commercial requirements of the development in question, then it is not suitable for the purposes of the sequential approach; and that in terms of considering alternative sites, the question is:

¹¹ Valuation Office Agency

¹² Paragraph 5.28

¹³ As confirmed by Home Bargains' latest property requirements



Note continued

“...whether an alternative site is suitable for the proposed development, not whether the proposed development can be altered or reduced so that it can fit an alternative site.” (our emphasis)

5.21 The interpretation of ‘suitability’ has subsequently been clarified in the Secretary of State decision at Rushden Lakes – also referred to in the PRA. In particular, the Inspector identified that the Dundee Judgment to be of ‘seminal importance’. To this end, when commentating on suitability, the Inspector¹⁴ noted that:

“...if a site is not suitable for the commercial requirements of the developer in question then it is not suitable for the purposes of the sequential approach.”

5.22 This well-established case law, which was outlined in the submitted PRS¹⁵ needs to be recognised when considering the suitability of alternative sites.

5.23 In addition, when applying the sequential approach to site selection it is also important to note the following:

- The retail element of the proposals will act as a catalyst to the wider use of the Site. By removing the retail element of the scheme this will undermine the delivery of wider improvements being proposed to deliver viable employment floorspace; and
- As reflected by the Description of Development, the proposals relate to the creation of 2no. industrial warehouse buildings and 1no. retail unit. When applying the sequential approach there is no requirement to disaggregate the scheme, and as outlined above, case law has established that an alternative site needs to be suitable for the ‘proposed development’. In this respect, there is no alternative site (including the former Wilko) that can accommodate the proposed development (i.e. industrial warehousing and retail units).

5.24 These factors further demonstrate that no sequentially preferable site exists for the proposed development.

6 Retail Impact

6.1 The Planning Policy Team’s comments state that:

“ideally, and to truly assess the likely effects of the proposal on the vitality and viability on a designated centre, an impact assessment should be undertaken”.

6.2 Whilst these comments are acknowledged, Paragraph 94 of the NPPF is clear in stating that an impact assessment is only required if the development for proposals over 2,500 square metres or a locally set threshold. In this instance, there is no locally set threshold, so the default threshold (2,500 square metres) applies. Indeed, the supporting text of Policy CS6

¹⁴ Paragraph 2.64, Inspector’s Report

¹⁵ Paragraphs 5.12 to 5.18



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(Paragraph 5.56) is clear that a retail impact assessment is only required if the proposals exceed 2,500 square metres.

- 6.3 Notably, when considering the potential to set a local threshold, 'Planning for Retail in Knowsley' (2013), produced by Knowsley Council as part of their evidence base for the adopted Core Strategy, concluded that there are no local circumstances or evidence that justify a different threshold. At 2,396 square metres, the proposed retail unit falls below the impact threshold.
- 6.4 Against this background, we maintain the strong view that there is no policy requirement for a retail impact assessment given the proposals fall below the threshold set both locally and nationally.
- 6.5 Nevertheless, when considering retail impact it is important to note that TJM is a key stakeholder in the Borough. This includes an existing Home Bargains store in Huyton town centre, which they are committed to trade alongside the new store at the Site. Furthermore, TJM is open to further investment in Knowsley and recently met with Officers at Knowsley Council (Tony Clark, Jonathan Lowe and Steve McKeown) on 19th February 2024 to discuss opportunities for further investment and demonstrate their commitment to Huyton town centre. The opening of a further Home Bargains store at the Application Site will not undermine this commitment. Having a two-store strategy is not uncommon in towns across the UK, as evidenced in nearby Prescot and at numerous locations across Merseyside.

7 Conclusion

- 7.1 This response addresses the comments received by Knowsley Council's Planning Policy Team, dated 9th January 2024.
- 7.2 It has been demonstrated that the proposals satisfy employment policies contained within the Development Plan, including Saved Policy EC3 and Policy CS4. It has also been demonstrated that the proposals satisfy the sequential approach to site selection. As such, given that there is no requirement to assess impact, there is no retail policy reason for the application not to be supported.
- 7.3 The proposals comprise a sustainable economic development which is fully in accordance with both national and local planning policy. Applying the presumption in favour of sustainable development and affording significant weight to the economic, social and environmental benefits which the application proposes, planning permission should be granted without delay.



Document 1

Planning Policy Team Comments

Consultation on Planning Application – 23/02782/FUL

Consulting Officer: Mark Quinn

Consulted Officer: Rachel Maddison

Date: 09.01.2023

Application number: 23/02782/FUL

Proposal: ERECTION OF 1NO. RETAIL UNIT (USE CLASS E(A) WITH EXTERNAL DISPLAY AREA AND CAR PARKING AND SERVICING ARRANGEMENTS. PARTIAL DEMOLITION, RECONFIGURATION AND REFURBISHMENT OF EXISTING EMPLOYMENT BUILDING TO CREATE 2NO. 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: Sovereign Industrial Park, Wilson Road, Huyton, Knowsley.

The planning application relates to a site which forms part of Sovereign Business Park within Huyton Business Park and comprises of the now vacant industrial warehouse previously occupied by Halewood International Limited. The planning application site is in a Primarily Industrial Area whereby saved Policy EC3 of the Knowsley Replacement Unitary Development Plan (UDP) is pertinent. Policy EC3 identifies primarily industrial areas which are appropriate locations for Business (Class B1); General Industry (Class B2); and Storage and Distribution (Class B8) uses. It should be noted that use class B1 has been replaced with Class E (g).

The planning application seeks consent for partial demolition, reconfiguration, and refurbishment of existing employment buildings to form 2 industrial / warehouse buildings with ancillary offices (Classes B2, B8 and E(g) (iii)) and the erection of 1 no. 2,396 m² retail unit (Class E (a)) of which the prospective retailer occupier is stated to be Home Bargains. The industrial element of the proposals is acceptable in policy terms; however, the retail element is a different matter.

Criterion 2 of Policy EC3 states that proposals for development for other uses in these areas (either on site 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.*

To the best of my knowledge there is no approved regeneration strategy for the area therefore this criterion is not relevant. When considering the retail component of the proposal against the remaining criteria of Policy EC3 the proposal would not be complementary to and compatible with the existing employment uses, consequently the retail use would not preserve or enhance the image of Huyton Business Park. On this basis, all the elements of the proposal would not fully accord with saved Policy EC3.

Local Plan Core Strategy Policy CS4 also provides guidance on non-employment uses on employment land. The policy stipulates: *land which is currently in use or allocated for employment development will be safeguarded from changes to other development, except where: there is not current or likely future demand for employment uses on the land; or where other uses would bring wider regeneration, environmental and amenity benefits.* The proposal involves the partial demolition and reconfiguration of the existing industrial unit to form two individual industrial warehouse units which would result in the loss of 1,813 square metres of floor space. This loss on its own could be considered acceptable if it helps to meet the needs of the industrial market. However, the proposed erection of a retail unit (Class E (a)) within an area of existing car parking and landscaping at the site would lead to additional loss of 2,396 square meters.

Whilst the case is made by the applicant that the proposal would bring a vacant site back into use, there are no guarantees this would happen and the use of the site for a retail use may hinder the use of the site for industrial purposes and its attractiveness to the market. In my opinion the proposal does not accord with criterion 7 of Policy CS4 because it appears there would be future demand for employment uses on the land; in this case from the creation of the two industrial warehouses. If the applicant does not consider the reconfiguration and refurbishment of the existing unit viable in isolation, then this doesn't mean another proposal will not be forthcoming in the short to medium term to make the reconfiguration and refurbishment viable. I am not of the opinion that wider regeneration, environmental and amenity benefits would be generated from the proposal. Therefore, it is considered that the land which is currently allocated for employment development should remain safeguarded for employment development.

With regard to the retail element of the planning application it is worth noting any retail proposal must be compliant with Local Plan Policy CS6: Town Centres and Retail Strategy, which seeks to enhance the vitality and viability of Knowsley's centres and maintain appropriate local service provision via a retail centre hierarchy. The application site is not located within one of the retail centres defined in the Knowsley's hierarchy of centres, and in planning terms is proposed in an 'out of centre' location. Criterion 2 of Policy CS6 stipulates: *Proposals for retail and other main town centre uses will only be permitted if they would complement regeneration opportunities, avoid significant impact upon the viability and vitality of the town, district and local centres, and comply with the sequential test in Policy CS4: Economy and Employment.*

In my opinion the proposal would not complement regeneration opportunities and any benefits from the incorporation of the retail element would be limited to the site, if at all. As a result, I would recommend you get an independent view on the viability argument put forward by the applicant. I would also like to understand what evidence there is that the site has been substantially marketed for industrial/employment purposes without a potential purchaser/developer coming forward.

In relation to the sequential test, Policy CS4 states: *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.*

Having read the Planning and Retail Statement submitted as part of the planning application, I note that a sequential test has been undertaken and only opportunities within and on the edge of Huyton Town Centre have been assessed because it is considered to be the only defined centre in the Local Plan which falls under the "catchment". For clarity paragraph 6.18 of the Planning and Retail Statement informs that the adopted catchment is based on a 5 -

minute drivetime from the application site and is consistent with the catchment adopted and accepted as part of application 17/000301/HYB which involved the erection of a 1,800sqm food store.

Reviewing document 5 (Plan Showing Core Catchment) in the Planning and Retail Statement, it has been incorrectly conveyed by the applicant that Huyton Town Centre is the only 'defined centre' which falls within the adopted catchment defined for the sequential test. When in fact, major local centre Tarbock Road and medium local centre Manor Farm Road are identified as further designated centres which lie in the adopted catchment. Therefore, in my opinion the sequential test fails to consider whether there is or isn't any sites in district and local centres of an appropriate scale. As stated in paragraph 5.56 in the Local Plan, *justification should include evidence of an absence of suitable, available, and viable sites in town, district, or local centres, before 'edge of centre' then 'out of centre' locations should be considered suitable.*

The applicant's sequential test identifies the 2,600m² former "Wilko" store in Huyton Town Centre but discounts its suitability mainly due to insufficient parking provision to serve the store. This approach flies in the face of sustainable development because the store is large enough, re-uses an existing building in a location accessible to bus and rail links. Should car parking provision be justified it is my understanding that there is access to a privately owned car park under the B&M store. The re-use of the store would also prevent the demand for a new build store outside established retail centres and prevent the unsustainable private vehicle movements the new retail proposal would promote. The Huyton Village Masterplan Supplementary Planning Document (SPD) sets out the vision and guides future development for Huyton Village Centre up to 2028. Under Policy HV6 of the SPD, it states that opportunities for larger format retail within the Huyton Village Centre particularly along Lathom Road would be supported to strengthen the retail environment in the centre. As a result, I would recommend you contact Mark Bingley (Principal Regeneration Officer) and Steve Myers (Town Centres Manager) to get their views on the proposal, its impact on the Masterplan, the suitability of Huyton Town Centre for this retail proposal, and the applicant's stance that the former Wilko store is not suitable for a 2,396m² retail proposal.

The reasoned justification to Policy CS6 states that *due to the current poor performance of Knowsley's three existing town centres identified in the Knowsley Town Centres and Shopping Study, there is a need for additional comparison floorspace primarily focused in Huyton, Kirkby and Prescott. Planning for new retail development towards the upper increase threshold where possible is necessary to enhance the viability and vitality of Huyton, Kirkby and Prescott during the plan period until 2028. This will ensure that the scale and function of Knowsley's town centres remain proportionate and consistent with their role at the heart of large suburban communities.* Whilst there is an existing Home Bargain store in Huyton Town Centre which meets the daily needs of the catchment area, I am concerned that in delivering new comparison floor space outside of the town centre there would be a detrimental impact to the existing comparison provision, in turn resulting in harm to the overall retail function of the centre and the vitality and viability of the centre.

With further regard to the retail proposal I would like to comment that paragraph 94 of the National Planning Policy Framework (NPPF) stipulates 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).*

The proposed retail unit as drawn measures 2,396 m², close to the default threshold of 2,500m² of gross floorspace. Ideally, and to truly assess the likely effects of the proposal on the vitality and viability on a designated retail centre, an impact assessment should be undertaken.

In an attempt to further support the retail element of the application I note that the applicant has made reference in the Planning and Retail Statement to application 17/000301/HYB, to showcase a site in an out-of-centre location which accommodates an Aldi convenience supermarket. In my opinion this alone is not considered acceptable justification and therefore further information/evidence is required which demonstrates why the 5-minute drive time catchment area for the sequential test is appropriate. For example, when considering the catchment area likely to be served by the application proposal, has the location of existing centres, Home Bargain stores and competing stores been taken into account? On the basis of the reasons above, I find the submitted sequential test incorporated in the Planning and Retail Statement to be inadequate as it does not conform fully with criterion 5 of Policy CS4.

I am keen to express my uneasiness with comparing this current proposal with the existing Aldi supermarket on the land east of Roscoes Wood, Tarbock Road, Huyton. The principle of losing employment land to non-employment uses on the employment allocation was accepted in 2011 with the granting of outline planning permission for a mixed-use development comprising of employment uses (Classes B1 and B2), Hotel (Class C1), Retail/Food and Drink Uses (Classes A1, A3, A4 and A5) and Salting Depot. In terms of the loss of employment land, it was considered that the site represented a key gateway site (on the M57/M62 intersection) which is unique within the borough in its ability to improve the image of Knowsley and draw in private investment. The physical regeneration of this site, which had seen little activity since its allocation, was viewed as an opportunity to increase the attractiveness of the Borough having the potential to stimulate the wider economy.

Planning permission 17/00301/HYB was granted after a rigorous appraisal concluded no alternative sites were suitable or available; the applicant's viability report was reviewed by independent consultants and demonstrated that the Aldi proposal was a viable proposal to help stimulate the development of the site; and the applicant has also provided evidence that the site has been substantially marketed over several years for employment purposes but without a potential purchaser/developer coming forward.

In my opinion the introduction of a retail use on the application site would set a dangerous precedent in one of the main industrial areas in Knowsley. In considering wider town centre uses Huyton Business Park accommodates two hotels i.e., the Village Hotel on Fallows Way and the Premier Inn and accompanying restaurant on Wilson Road. The concept of the hotel uses is considered to compliment the business park by offering hotel accommodation to people using the business park. Whereas the proposal would result in an intensified use in the business park with car movements far exceeding the number associated with an industrial use. The proposal would draw custom from the borough's retail centres and possibly retail centres outside the borough given the proximity of the site to the strategic highway network, promoting unsustainable journeys. For instance, the nearby Huyton Town Centre is well served by public transport with rail and bus stations whereas the application site would primarily be accessible via private motor vehicle.

In summary, the proposal is contrary to Local Plan policies CS4 and CS6 and saved UDP policy EC3.



Document 2

Application Site Marketing Particulars



PHASE TWO
DETAILED
PLANNING SUBMITTED

Unit B

Unit A

Retail Store

INDUSTRIAL / WAREHOUSE UNITS

UNIT A 145,250 sq ft (13,494 sq m)

UNIT B 65,600 sq ft (6,094 sq m)





Units A & B will provide high quality fully refurbished self contained industrial/warehouse units in a strategic location.

Unit	Ground Floor	First Floor / Office	Total	Car Parking (Accessible)	Cycle Parking	Motorcycle Parking	EV Charging Point (Enabled with ducting)
A	141,250 sq ft (13,122 sq m)	4,000 sq ft (372 sq m)	145,250 sq ft (13,494 sq m)	134 (7)	16	7	1 (27)
B	63,100 sq ft (5,862 sq m)	2,500 sq ft (232 sq m)	65,600 sq ft (6,094 sq m)	61 (7)	7	3	1 (12)



Steel portal frame / Steel truss construction



Eaves height up to 7.72m



Low energy lighting



First floor office accommodation



Substantial trailer parking areas



Dock level and level access loading doors



High quality refurbishment / re-modelling



Sprinkler system to Unit A



Dedicated car parking areas

Unit A - Front

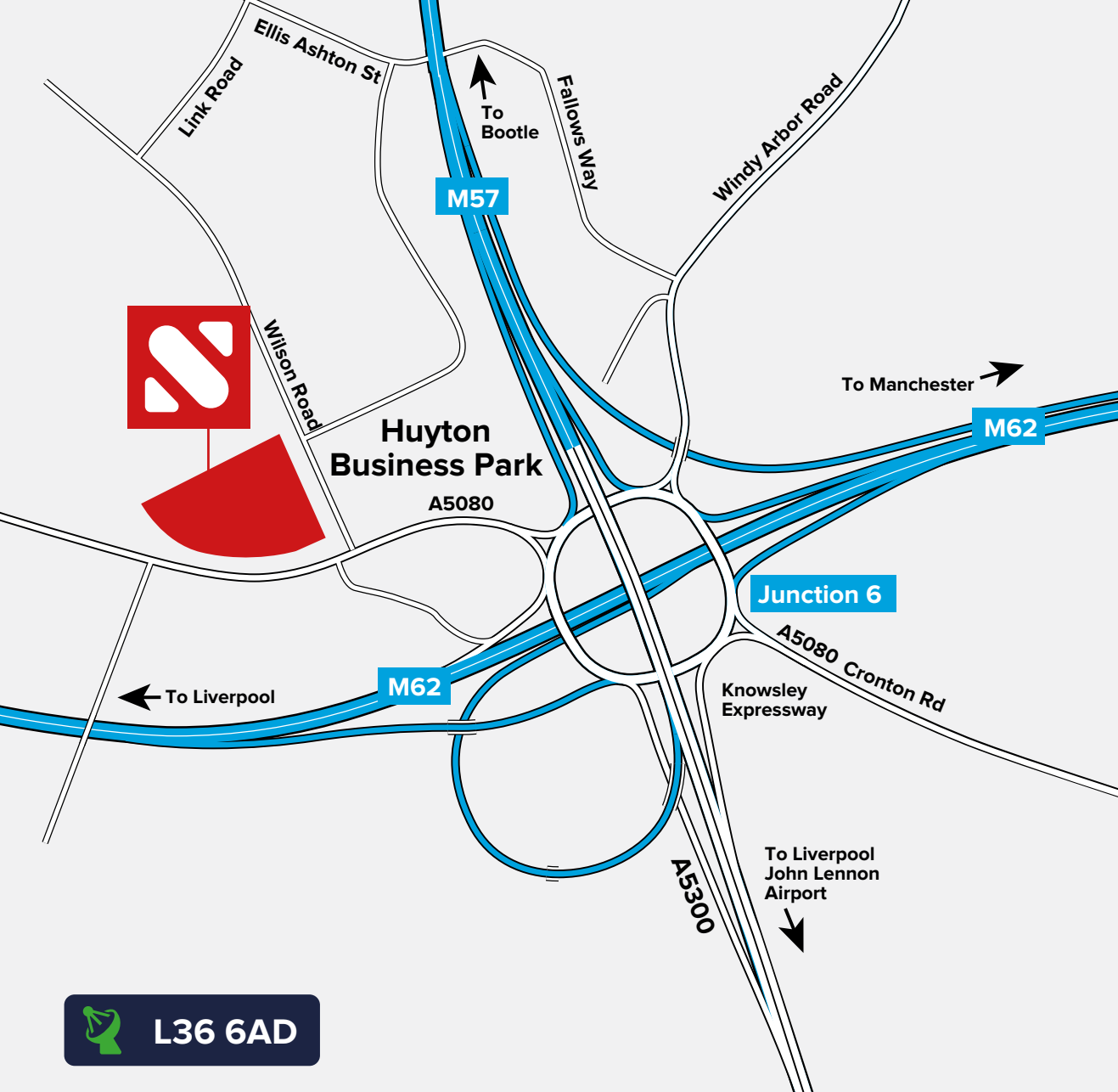


Unit A - Rear



Unit B





 **L36 6AD**

Huyton Business Park comprises a well-established predominantly industrial and trade counter location, strategically situated adjacent to the M62/M57 intersection, known locally as Tarbock Island. Liverpool City Centre is located approximately 9.5 miles to the West of the property, whilst Warrington and Manchester are located 11.5 miles and 25 miles to the East.

The estate benefits from excellent road communications, with good access to the M57, M56, M62, M58, M53 and the M6 motorways. Liverpool John Lennon Airport is located approximately 7 miles South, with Manchester International Airport located approximately 28 miles South East. Liverpool Lime Street station and Runcorn station provide regular rail services to London Euston, and also provide links to the North West including Manchester, Preston and Warrington.

The region is further enhanced by the completion of a number of major infrastructure projects which include the Liverpool2 Container Terminal and also the New Mersey Crossing Bridge.





LIVERPOOL

WILSON ROAD

COREX
LIVERPOOL

ROYAL MAIL

JOHN MASON
INTERNATIONAL

LFC

HEMSEC

BATLEYS
LIVERPOOL

OLYMPIC
OILS

VILLAGE
HOTEL

ANTOLIN
INTERIORS

M57

M62



M62

A5300 KNOWSLEY EXPRESSWAY

J6/1

STRATEGICALLY SITUATED ADJACENT
TO THE **M62/M57 INTERSECTION**

M6/MANCHESTER

TERMS

On application.

VAT

VAT will be payable where applicable.

LEGAL COSTS

All parties will be responsible for their own legal costs incurred in the transaction.

EPC

Energy Performance Certificate is being prepared and will be made available upon request.

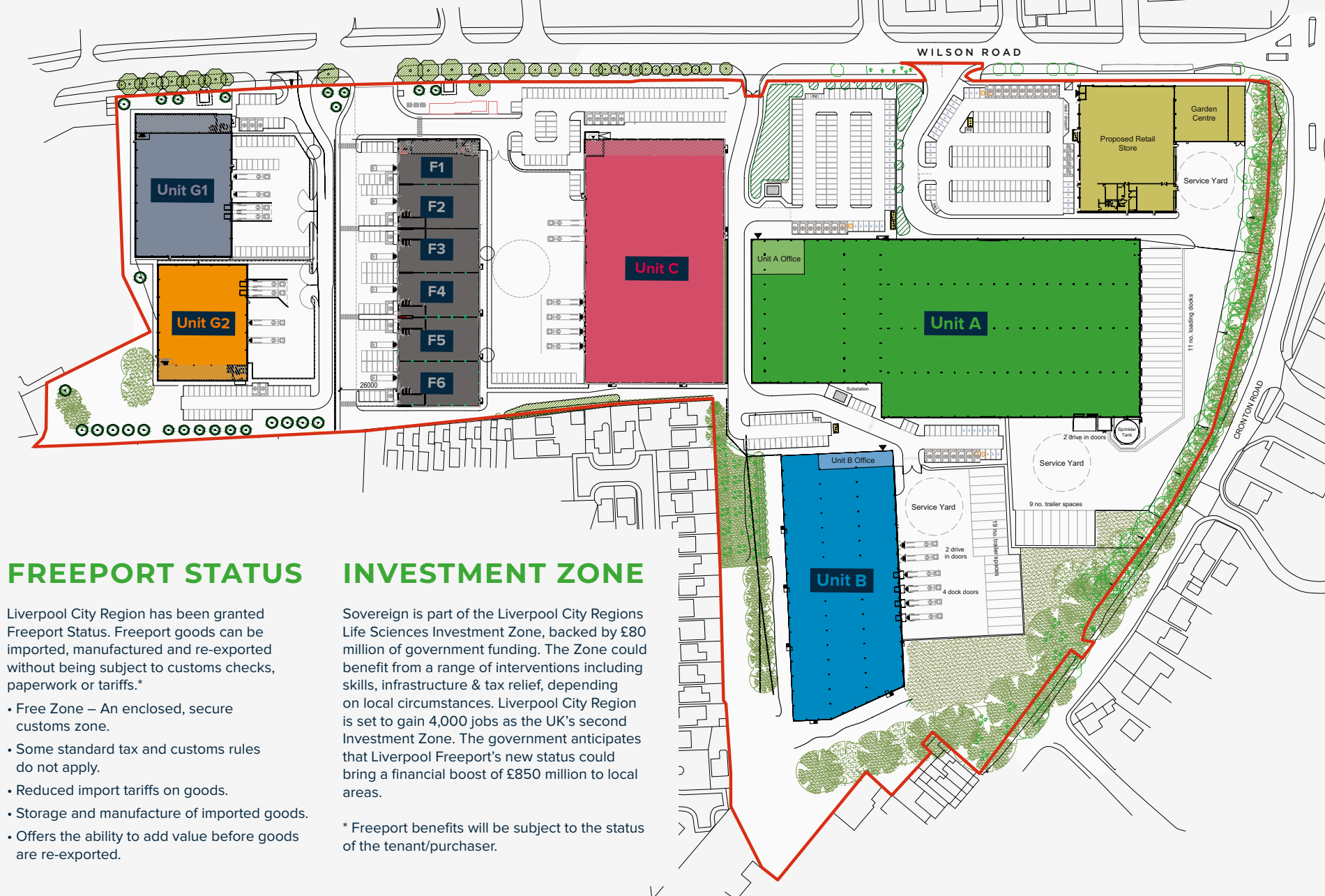
FURTHER INFORMATION

For further information please contact;



Jon Thorne
07738 735 632
jon@b8re.com

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FREEPORT STATUS

Liverpool City Region has been granted Freeport Status. Freeport goods can be imported, manufactured and re-exported without being subject to customs checks, paperwork or tariffs.*

- Free Zone – An enclosed, secure customs zone.
- Some standard tax and customs rules do not apply.
- Reduced import tariffs on goods.
- Storage and manufacture of imported goods.
- Offers the ability to add value before goods are re-exported.

INVESTMENT ZONE

Sovereign is part of the Liverpool City Regions Life Sciences Investment Zone, backed by £80 million of government funding. The Zone could benefit from a range of interventions including skills, infrastructure & tax relief, depending on local circumstances. Liverpool City Region is set to gain 4,000 jobs as the UK's second Investment Zone. The government anticipates that Liverpool Freeport's new status could bring a financial boost of £850 million to local areas.

* Freeport benefits will be subject to the status of the tenant/purchaser.