

DSD/lja/188/19

3rd December 2019

D2 PLANNING

TOWN PLANNING * DEVELOPMENT * ENVIRONMENTAL CONSULTANTS

West Lancashire Borough Council
52 Derby Street
Ormskirk
West Lancashire
L39 2DF

Suite 3
Westbury Court
Church Road
Westbury on Trym
Bristol BS9 3EF

For the attention of Mrs H Leamey

Tel: 0117 373 1659
e-mail: info@d2planning.co.uk
web: www.d2planning.co.uk

Dear Sir

Application No. 2019/0366/FUL
Pennylands House, High Street, Skelmersdale, WN8 8LP

We have been instructed by The Skelmersdale Partnership who own and manage the Concourse Shopping Centre, which they purchased in March 1997, to submit objections in respect of the above detailed planning application. The objections have been prepared following an examination of the submitted planning application together with the various supporting plans and accompanying documents which include amongst other the Design & Access Statement and Retail & Planning Assessment. We would request that when the Planning Officer undertakes her site visit that she visits the Concourse Centre to update herself on the Aldi store together with the amount of vacant floorspace.

As stated above, the objectors have owned the Concourse Centre since 1997. Aldi have occupied some 1,361 sqm on the ground floor of the Concourse Centre and have approximately 5 years left on their current lease. The objectors have no objection in principle to granting an extension of their lease to remain within the Concourse Centre in a larger store which would meet their requirements. It would appear from the application that the intention is that the Aldi store in the Concourse Centre would close.

The submitted planning application proposes an Aldi convenience store and an additional unit for use within Class A1 – A3 on the site. The proposals are described in detail in Section 3 of the Planning & Retail Statement which accompanied the application as follows: -

“The application proposes the erection of a high-quality development comprising a Class A1 ‘discount’ format foodstore and a divisible, flexible Class A1-A3 retail unit together with associated vehicular accesses, car parking, servicing area, and hard and soft landscaping. The redevelopment proposals have been the subject of a pre-application discussion with West Lancashire Borough Council (‘the Local Planning Authority’) and therefore

represent the output of a collaborative process undertaken in line with best practice.

The precise nature of the development proposals is set out below. The planning application seeks 'detailed' planning permission for the following:

- **Erection of Unit 1 – Class A1 discount foodstore of 1,863 sq.m Gross External Area (GEA); 1,786 sq.m Gross Internal Area (GIA), and 1,315 sq.m net sales area;**
- **Erection of Unit B – 372 sq.m GIA divisible retail unit (Classes A1-A3);**
- **151 car parking spaces, including 9 disabled spaces and 12 parent and child spaces;**
- **20 short-stay bicycle parking spaces (10 cycle hoops) for customers, and long stay bicycle parking spaces (located within the store's warehouse) for staff;**
- **7 motorcycle spaces;**
- **Soft and hard landscaping works across the site, including new landscaping to improve the aesthetic appearance of the site along its northern, southern and western boundaries. The existing mature landscaping at the north western corner of the site will also be retained;**
- **The retention and expansion of the existing landscape buffer on the eastern boundary of the site in order to help protect the amenities of adjacent residential occupiers;**
- **Servicing access, including segregated service road / area along the southern boundary of the site for the footstore and a devoted servicing lay-by immediately adjacent to the proposed divisible retail units (Class A1-A3);**
- **Introduction of a new vehicular access from High Street and the modification of the existing vehicular access from Westgate at the south-western corner of the site.”**

Paragraph 1.3 states that: -

“The rationale for Aldi submitting this planning application is that the retailer has made the decision to vacate their existing store within the Concourse Centre in Skelmersdale Town Centre. Aldi has simply outgrown these premises, which offer only two thirds of the amount of sales floorspace that their modern format stores require (1,315 sq.m net). Given its mall location, the Concourse Centre unit also cannot offer the adjacent, dedicated surface level car parking which modern ‘bulk’ food shoppers have come to

D2

expect of foodstores and which Aldi's competitors elsewhere in Skelmersdale are able to provide. This factor has significantly impacted upon sales at the store. Accordingly, Aldi's objective is to bring their latest discount foodstore format to Skelmersdale so that it can better meet the community's needs and enhance consumer choice and competition in the convenience retail sector."

The accompanying Planning Statement advises at paragraph 6.16 that Aldi's minimum site requirement is 0.7ha (1.75 acres). However, it goes on to state that given the existence of an additional retail unit that the minimum site size is 0.8ha. The objectors do not believe that the additional retail unit is a requirement for the Aldi store, it is simply an 'add on' due to the size of the site.

The application site is identified as an edge of centre site in paragraph 6.2 of the Planning & Retail Assessment. Accordingly, paragraphs 86 and 87 of the NPPF states: -

"Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date 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."

The applicants have undertaken a sequential assessment and the details of the various sites considered are set out in Section 6 of the Planning & Retail Impact Assessment. The Assessment includes the existing Aldi foodstore and also unit 31 First Floor Concourse Centre as follows: -

"Existing Aldi Foodstore, Ground Floor, Concourse Shopping Centre, Skelmersdale

The existing Aldi foodstore on the ground floor of the Concourse Shopping Centre extends to 1,080 sq.m GIA / 887sq.m net sales. Aldi has decided to vacate the premises given that it no longer meets their corporate requirements, providing only broadly two-thirds of the net sales area required by their modern format stores. For the purposes of the sequential approach we have therefore tested the unit as if it were vacant.

In terms of suitability, Aldi's existing foodstore at the Concourse Shopping Centre, Skelmersdale achieves only broadly two thirds of the retailer's present-day net sales area requirements (1,315 sq.m). This has been a key factor in Aldi's decision to vacate the premises. It simply no longer

conforms with their business model by virtue of its limited size and can be dismissed as 'unsuitable' on this basis.

A further suitability constraint is the fact that the access arrangements to the available car parking at the Concourse Centre is very difficult for Aldi's shopping trolley users. It involves a significant walk of close to 200m (minimum) through the mall and then on to the surface level or multi-storey car park. An Aldi store's primary focus is to serve the needs of 'bulk' food shoppers seeking to purchase a wide range of staple goods on a weekly basis, this constraint prevents the unit achieving this objective and renders it unsuitable.

Finally, the Concourse Shopping Centre closes at 17:30 on most days of the week and this is considerably earlier than Aldi's nation-wide opening hours. Aldi would not be able to accept this restriction had they been looking to locate in Skelmersdale in the present day and, as such, the limited opening hours available represents a further reason why the existing unit is 'unsuitable' in our view.

Given the above evidence, it must be concluded that whilst Aldi's existing unit is 'available' (acknowledging Aldi's impending departure), there are a variety of reasons why it would not be 'suitable' for occupation by the retailer in the present date. Accordingly, it is not a sequentially preferable alternative to the application site. A more detailed overview of the site and our analysis is set out in Appendix III of this Planning and Retail Statement.

Unit 31, First Floor, Concourse Shopping Centre, Skelmersdale

Unit 31 of the Concourse Shopping Centre appears to be the largest vacant unit in the shopping centre at the present time. It extends to 1,390 sq.m GIA and is located on the first-floor mall, close to retailers including Wilko and CEX and banks including Barclays and TSB. There is no direct customer car parking adjacent to the unit, with this accessed via the mall entrance / exit to the north.

With regards the unit's suitability, it has a gross, floorspace some 25% smaller than Aldi's proposed store. Even allowing for some flexibility, it would be unable to achieve Aldi's critical net sales area target of 1,315 sq.m alongside all necessary back-of-house provision. It must therefore be regarded as 'unsuitable' for the scale and form of development proposed.

A further suitability constraint is the fact that pedestrian access to the available car parking at the Concourse Centre is particularly difficult for shopping trolley users from first floor level. It involves a lengthy walk through the mall (including potentially down one level) and then on to the surface level or multi-storey car park. An Aldi store's primary focus is to serve the needs of 'bulk' food shoppers seeking to purchase a wide range of

staple goods on a weekly basis, this constraint prevents Unit 31 achieving this objective and renders it unsuitable.

Finally, the Concourse Shopping Centre closes at 17:30 on all but two days of the week and this is considerably earlier than Aldi's nation-wide opening hours. Aldi are unable to accept this restriction as evidenced by the operational hours that they seek for all their new foodstores (08:00 to 22:00). The limited opening hours available at the Concourse Centre represents a further reason why the existing unit is 'unsuitable' in our view.

Given the above evidence, it must be concluded that whilst Unit 31 is evidently 'available', there are a variety of reasons why it would not be 'suitable' for occupation by Aldi in the present day. Accordingly, it is not a sequentially preferable alternative to the application site. A more detailed overview of the site and our analysis is set out at Appendix III of this Planning and Retail Statement."

Comment

At the outset, we can advise that the objectors have tried to engage with the applicant's commercial agents to discuss their requirements to remain within the Concourse Centre. However, they were advised that they were not interested in meeting to discuss. Subsequent discussions with Aldi indicated that where a store has 7 years or less left on a lease, a review is undertaken as to consider whether it is 'fit for purpose'. The objector had provided Aldi with information on footfall figures and indicated that they would be able to look at providing additional facilities for the store e.g. trolley bays etc.

We attach a plan which shows how Aldi's requirement can be accommodated as follows:-

- Gross Floor Area 1,786 sqm
- Net Sales Area 1,313 sqm
- Sufficient parking spaces are available in the adjoining car parking areas.

The store can also open to the requisite hours identified by the applicants in their application.

There are also a number of retail and coffee shops within the Concourse Centre e.g. Unit 110 is shortly to become a new coffee shop.

The attached plans show a retail store can be accommodated within established parameters and can be made readily available. It meets all of the requirements for Aldi in terms of size and orientation. The site is available and sequentially preferable to the application site. Indeed, the advice in paragraph 87 of the NPPF is clear: -

"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."

D2

There is a Town Centre opportunity for the applicants and their proposals do not comply with advice in paragraph 87 of the NPPF.

Impact on Investment

Policy SP2 of the West Lancashire Local Plan states: -

“Proposals for the enhancement, regeneration and redevelopment of Skelmersdale Town Centre within the Strategic Development Site defined on the Proposals Map will be supported. A revitalised Skelmersdale Town Centre is vital to the wider regeneration of the town. All proposals will be expected to conform to the broad principles as indicated in the masterplan shown at Figure 4.2 below.

- 1. The following should form the key principles for any development proposed:**
 - i. Make Skelmersdale a leisure, recreational and retail centre of excellence within the North West;**
 - ii. Ensure that the parks and open space in and around the Town Centre are integral to the regeneration and are more accessible to Skelmersdale’s communities and visitors;**
 - iii. Reconnect the Town Centre with surrounding communities through the building of new footpaths and cycleways;**
 - iv. Increase the number of residents in the Town Centre and diversify the style and range of residential accommodation available; and**
 - v. Ensure that high quality low carbon design will be the key to creating a vibrant Town Centre.**
- 2. The following are the key development aims of the strategic site:**
 - i. To enhance the Town Centre offer and to ensure the long-term vitality and viability of the Town Centre, including the Concourse Centre, new development is required to link the Concourse and Asda/West Lancashire College and must include a range and mix of uses including retailing (food and non-food), leisure, entertainment (including a cinema), office space, residential and green spaces. Any scheme should not harm the viability and vitality of the Concourse Centre and must provide sufficient linkage to the Concourse.**
 - ii. To ensure maximum practical integration, an improved western entrance into the Concourse Centre to link with the new Town Centre development and a relocated or renovated bus station, and re-use of the top floor of the**

Concourse Centre to provide office, leisure or retail uses. Enhancements to the existing Concourse Centre to improve the retail offer and attractiveness of the Concourse Centre will also be encouraged.”

The Retail & Planning Assessment only considers the impact of the proposals on the Ingram Road / Northway Road Town Centre roundabout scheme. However, what the assessment does not do is consider the impact on investment in the Concourse Centre within the Town Centre and requires proposals to ensure its long term vitality and viability.

At present there is 3,874 sqm (41,681 sq ft) (excluding the second floor) of vacant retail floorspace on the ground and first floors and 3,285 sqm (35,350 sq ft) vacant on the second floor. If Aldi relocates this will increase the amount of vacant floorspace by 1,306 sqm (14,049 sq ft).

It is well documented that retail trading conditions are extremely difficult and a number of businesses in the Concourse Centre are at best marginal. The objector has genuine concern that if the Aldi store is approved, that some tenants may not renew their leases. In this context they have lease renewals due in the next 12-18 months and if these tenants decide to vacate there will be difficulty in letting these units which will essentially lead to a further decline in the Centre and the overall vitality and viability of the Town Centre. The objectors will also have to reconsider the levels of ongoing investment they make in the Centre in these circumstances which would further impact on the vitality and viability of the Town Centre. These proposals will undoubtedly adversely impact on the vitality and viability of the Concourse Centre and thus the Town Centre.

In view of the above, the proposals are contrary to Policy SP2 of the West Lancashire Local Plan and paragraph 89 of the NPPF.

Finally, we believe that the application should be refused by reason of: -

- i. The development has not complied with the sequential assessment as there are adequately preferable sites available elsewhere, namely in the Concourse Centre;
- ii. The proposals, if allowed, would threaten the ongoing investment that is taking place in the Concourse Centre contrary to Policy SP2 and the NPPF; and
- iii. The proposals would adversely impact on the vitality and viability of the Concourse Centre and the Town Centre.

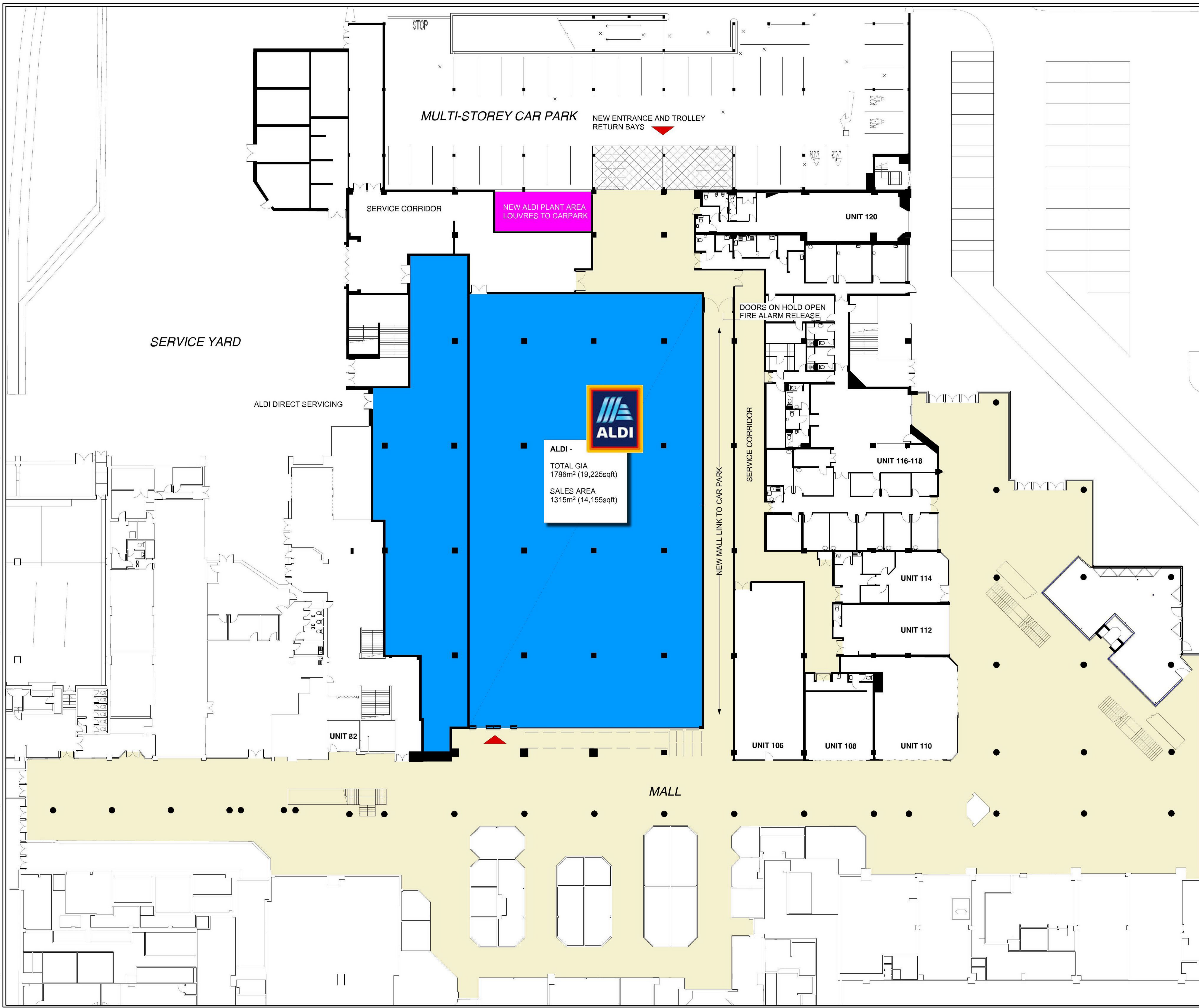
We trust that these comments will be taken into consideration in the determination of this application.

Yours faithfully



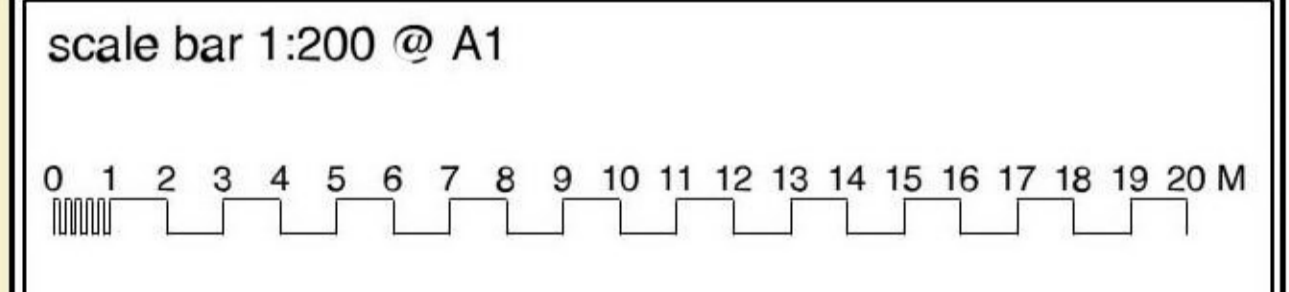
Enc

D2



INFORMATION ISSUE
REQUEST IMMEDIATELY CONSTRUCTION ISSUE FROM ARCHITECT IF THIS DRAWING IS ON SITE

Copyright of this drawing and all designs and detail on it remains the property of Craig Foster Architects and has not been released to any other party unless specifically documented in writing.
Do not scale this drawing.
Check all dimensions and detail on site before proceeding.
Report any discrepancies before proceeding.



**UNITS 100-104
PLAN AS PROPOSED**



date : 21.11.2019	dwg no. 19170(4)001	rev
scale 1:200@A1		