

PLANNING & HIGHWAYS COMMITTEE
THURSDAY, 19th April 2018
UPDATE:

1 10/17/1435: Former Pioneer Mill Site, New Wellington Street, Blackburn

The following paragraph was omitted from the objection received by Smith & Love Planning consultants on behalf of Bridge Stores Ltd (Spar) – 21st January 2018: Page 31 of the main report:

“Retail and socio-economic context:

Our client has operated the Spar store in Mill Hill district centre for over 30 years. During that time, he has made significant, continual investment in the store premises and retail business, to ensure it provides a high-quality convenience shopping experience, maintains an up-to-date offer and wide choice, and serves all of the needs of the local community. The existing private in-centre investment has been made in the knowledge that the store is located within the Mill Hill District Centre and is therefore afforded ‘in-principle’ protection by national retail policy at paragraph 26 (first bullet) of the Framework and local policy in the Blackburn with Darwen Local Plan.”

The comments have been addressed in the Principle of Development Section of the main report under paragraphs 3.5.1 to 3.5.10.

ADDITIONAL REPRESENTATIONS RECEIVED SINCE WRITING OF MAIN REPORT:

Objection received from Smith & Love Planning consultants on behalf of Bridge Stores Ltd (Spar) – 16th April 2018:

“I am writing as requested to set out the points raised at our meeting of the 13th April 2018 in response to the Pioneer Mill Retail Audit prepared by GL Hearn.

1. It appears that our letter of the 14th March 2018 (copy attached) was not provided to GL Hearn to consider in its Audit. If this is correct, the letter should be forwarded please as it forms part of our client’s objection and contains information that is material to the assessment of the application.

2. GL Hearn points out that shopper surveys can under-estimate the level of trade being drawn to local convenience stores given the types of question asked and how the combined results are weighted between main and top-up shopping. For similar reasons, we remain concerned that the 2011 Retail

Study over-estimates the level of convenience shopping being drawn to supermarkets beyond Mill Hill and the primary catchment area of the proposed store, and is not representative of localised shopping patterns. Despite being the best available evidence, we consider a degree of caution must therefore be applied to the Retail Study results.

3. On the basis that 'like affects like', as retail uses tend to compete with their most comparable competitive facilities¹ and the applicant has confirmed the proposed store will 'not serve a substantially different retail offer to our client's Spar store', GL Hearn does not explain why 30% of the store's trade will be clawback from larger supermarkets. GL Hearn also does not comment on the applicant's assumption that 22% of its trade will be drawn from Tesco Express and Sainsburys Local stores beyond the catchment area.

4. GL Hearn agrees that trade drawn from our client's Spar store will be greater than the applicant assumes, and that both stores will compete for the same customers and local convenience market share. On the basis that retail impact assessment is not a precise science and there is a need to exercise judgement, and especially at a localised level, the trade draw could easily be greater than 10%, which it should be noted is over three times more than the applicant's assumption of just 3%, highlighting the degree of differing opinion.

5. The point to consider however, is that regardless of whether the assessed level of trade diversion is 10% or greater, our client could not combat further loss as an independent business and would inevitably close within the short term. Our client has first-hand experience of this, where the former Spar store at Berry Lane, Longridge had closed within 18 months of a rival operator opening on an adjacent site.

6. As our client's store anchors the Mill Hill District Centre and is the sole convenience store, its predicted closure is a highly material planning policy consideration, which does not relate to protection from commercial competition, but goes to the heart of national planning policy and the 'town centre first' approach, which seeks to protect the vitality and viability of existing centres. By definition, the loss of the Spar business will be a significant adverse impact on the vitality and viability of the Mill Hill District Centre as whole.

7. On the basis that the proposed edge-of-centre store will result in the closure of our client's in-centre store, it will not add quantitative or qualitative value to the Mill Hill District Centre and its convenience retail offer as the applicant and GL Hearn indicate. It is clear that;

a) Regeneration of a vacant edge-of-centre site will be at the cost of creating an in-centre vacant and blighted site, comprising a large store building and the adjacent car park;

- b) It is speculation to assume, and highly unlikely, that our client would be able to let (or sell) his retail unit based on its size and limited market interest, evidenced by the number of empty and available shop units in Mill Hill, and;*
- c) The proposed store will not widen choice and competition, but will narrow the range of convenience goods presently available within the Mill Hill District Centre and replace one retailer with another.*

Conclusion

We strongly maintain our objection to the proposed development. The application fails to consider the full impact of the proposed development on the viability and vitality of the Mill Hill District Centre in a robust and credible manner.”

OFFICER RESPONSE:

Officers have sought additional comments from GL Hearn who undertook the independent retail impact assessments for a response to the matters raised above. It can be confirmed that the letter dated 14th March from Smith & Love Planning Consultants was submitted to GL Hearn as part of the initial request. The response provided is as follows:

- *“I have reviewed both submissions (dated 14 March and 16 April)*
- *I agree a degree of caution needs to be used with regards the results of the shopper survey*
- *On trade diversion, judgement has been used to arrive at 30% of trade draw from larger supermarkets, based on the results of the shopper survey (using caution as identified above).*
- *The trade drawn from the Tesco Express and the Sainsbury's appear reasonable (exercising judgement as it is not an exact science using their words). It is noted that their views that the trade drawn should be lower contradicts their 'like trades with like' principle. They have also not provided any substantive evidence to demonstrate why the trade drawn from these stores should be lower.*
- *No further evidence is presented to demonstrate that the Spar will actually close. Any comparisons to Longridge are not relevant as every scheme should be considered on its own merits and here will be a similar list of in centre stores which are still open following the opening of an edge or even an out of centre stores.*
- *No evidence is presented to demonstrate that there is no market interest in their site should (in the unlikely scenario that the unit were to*

become available). Any current vacant shops/sites are not of a similar size and scale, hence the sequential assessment for Heron not being able to identify any alternative sites. This does not demonstrate a lack of market interest for their unit.

- *No evidence is presented to demonstrate a narrowing of goods available within the centre for customers*

Overall GL Hearn's view remains unaltered in that the overall impact of the proposal could not be considered 'significantly adverse' and as such the proposal would comply with the retail policies of the Local Plan and the NPPF."

The issues raised have in the main been previously addressed in the report. In addition, it is considered that the additional objection has been robustly reviewed and offers no evidence to warrant the refusal of the application. As such, officers consider that on balance, the provision of a new retail premises adjacent to the Mill Hill District Centre is considered to be consistent and in accordance with policies 27 and 29 of the adopted Local Plan Part Two, the Core Strategy and the NPPF.

Gavin Prescott
Development Manager
19th April 2018