

South Kesteven District Council  
Development Management  
Council Offices  
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30 May 2018

Dear Mr Johnson,

Notification of Application

**Proposal:** Outline planning permission for the erection of a Designer Outlet Centre of up to 20,479 sqm (GEA) of floor space comprising retail units (A1) restaurants and cafes (A3) and storage. Additional large goods retail (5,574 sqm GEA) garden centre (5,521sqm GEA) and external display area for garden centre (1,393 sqm) tourist information and visitor centre, training academy, leisure unit and offices including high-tech hub/start-up offices. Demolition of existing garden centre and sales area and existing warehouse. Improvements to existing Downtown Grantham Store elevations. Reconfigured car-parking and provision of new multi storey car park. Increased coach parking. Access improvements, drainage works, hard and soft landscaping and all ancillary works. All matters reserved with the exception of access.

**Address:** Downtown Garden Centre Old Great North Road Great Gonerby Lincolnshire

I refer to the above consultation received by this Authority on 16<sup>th</sup> November 2017 in relation to the above application. Please find below the formal response from NSDC in relation to the above application being considered by your authority at Downtown Grantham.

- (i) **Strong objection to the proposed development at Downtown Garden Centre**
- (ii) **Formally request attendance by both an Officer and elected Member to speak at South Kesteven District Council's Planning Committee to set out the reasons Newark and Sherwood District Council are objecting to the scheme (due to the retail impact on Newark town centre as per advice set out by Carter Jonas as retail consultant to Newark and Sherwood District Council).**

Background to Newark and Sherwood District Council's (NSDC) objection:

Following the granting of the consent of the King 31 application on Tollemache Road to the south of Grantham NSDC issued a holding objection to the pending Downtown application until such time as Council's retail consultant (Carter Jonas) and colleagues within planning policy could review the submitted information. It was considered that as a standalone application the proposed development would not result in a significant adverse impact on the vitality of the District Centre subject to the imposition of a condition similar to that proposed as part of the recent Thoresby Colliery scheme. The condition relating to retention of retailers in district centres has been the subject of a legal challenge (Skelmersdale Limited Partnership v West Lancashire Borough Council Case No: C1/2016/0625) and was judged to be lawful by Lord Justice Sales and Lord Justice Briggs.

However, at the NSDC planning committee meeting on 8<sup>th</sup> May 2018, following the receipt of further advice following publication of the Planning Committee, Officers advised that an objection be raised to the proposed development given that the previous lack of objection as detailed within the Committee Agenda was based on the application as a standalone proposal and did not take a view on cumulative harm. The previous no objection subject to condition recommendation from CJ was stipulated on the basis that the market would be unable to support the implementation of the King 31 scheme and the proposal at Downtown given the similarity in the retail offers being proposed. The Officer view presented to Committee was that the Downtown scheme must be considered cumulatively with that of the already approved King 31 scheme. A recommendation of objection to the proposed development was therefore detailed by Officer's to Members and for clarity the minutes of this meeting are appended below.

You will note Members resolved to raise a strong formal objection to the proposed development raising concern that cumulatively the Downtown proposal with that of the recently approved King 31 development to the south of Grantham could have a significant adverse impact on the retail vitality of the Newark District Centre and would therefore fail to accord with paragraph 27 of the NPPF.

You have already been forwarded all supporting assessment documentation produced on our behalf by Carter Jonas and as detailed above NSDC formally request that one of its elected Members and an Officer be invited to attend and speak at the upcoming SKDC planning committee meeting when this item is heard. We would be grateful for your written confirmation of acceptance to this request at the earliest opportunity and prior to the application being determined. We as a Council will also be writing to our local MP requesting that the application be called in for determination by the Secretary of State.

I trust you will take the above comments into consideration when assessing the application.

Yours sincerely



Matt Lamb  
Business Manager  
Growth and Regeneration

## 8<sup>th</sup> May Planning Committee Minutes

The Committee considered the report of the Business Manager Growth & Regeneration which related to a planning application seeking outline planning permission within the neighbouring South Kesteven District for the erection of a Designer Outlet Centre of up to 20,479 sqm (GEA) of floor space comprising retail units (A1) restaurants and cafes (A3) and storage. Additional large goods retail (5,574 sqm GEA) garden centre (5,521 sqm GEA) and external display area for garden centre (1,393 sqm) tourist information and visitor centre, training academy, leisure unit and offices including high-tech hub/start up offices.

Demolition of existing garden centre and sales area and existing warehouse. Improvements to existing Downtown Grantham Store elevations. Reconfigured car-parking and provision of new multi storey car park. Increased coach parking. Access improvements, drainage works, hard and soft landscaping and all ancillary works. All matters reserved with the exception of access.

Members were informed that the Council had been consulted on the above planning application and were invited to make comments on the scheme to the decision maker, South Kesteven District Council. A Holding Objection was issued to South Kesteven District Council until such time as the Council had secured professional retail advice on the scheme. The report set out what officers considered those comments should be for Members consideration.

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from Carter Jonas – Retail Consultant. The Business Manager Growth & Regeneration advised Members of the application before them and informed them that the Retail Consultant had advised that it was unlikely that the market would be able to support two large-scale schemes within such close proximity. If one scheme was in place the impact would be £7.1m loss to Newark, the consultant had advised that the impact was just short of significant impact, albeit it was for Members to debate this issue. In any event the Business Manager informed that the view of Queens Counsel had been obtained regarding the proper retail planning test to consider. The issue for us to assess is whether the impact of 2 no. planning consents would be acceptable on the vitality and viability of Newark town centre. Retail advisors to the Council consider that the impact of both schemes to Newark Town Centre would be £11.8m. The Council was also considering the pending application for Marks & Spencer to relocate to Newark North Gate, which would also have an impact on the Town Centre. The Business Manager suggested that both a Planning Officer and an elected Member should attend South Kesteven District Council's Planning Committee to speak against the application, in addition to providing a strong written objection.

Members considered the application and agreed that the application would have a significant adverse impact on Newark Town Centre, particularly when viability margins were lower than ever in difficult market conditions. The loss of a significant town centre retailer would further exacerbate any significant adverse harm. It was suggested that the Newark MP should be informed and asked to seek confirmation that the Secretary of State call the matter in for his own determination should SKDC be minded to approve the application. Members also confirmed they supported attendance of both a Planning Officer and an elected Member at the South Kesteven District Council Planning Committee to raise their objection.

AGREED (unanimously) that:

- (i) Strong objection be placed in writing to South Kesteven District Council; and
- (ii) attendance at South Kesteven District Council both an Officer and elected Member to speak at their Planning Committee against the scheme due to the retail impact on Newark town centre as per advice set out by Carter Jonas – Retail Consultant as detailed in the late items schedule.