

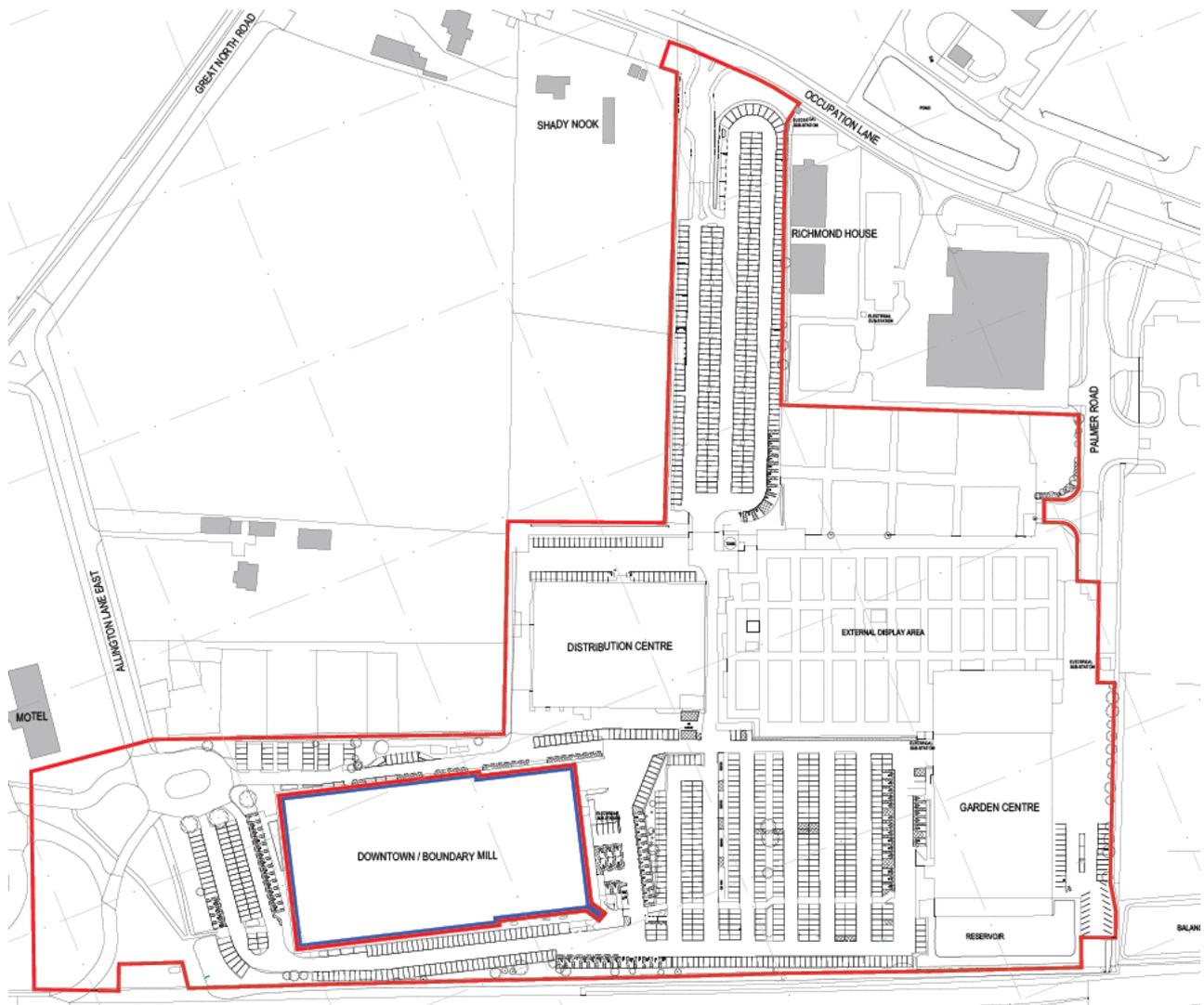
<b>Application No:</b>	<b>Newark and Sherwood District Council: 17/02120/NPA South Kesteven District Council: S17/2155</b>
<b>Proposal:</b>	<b>Outline planning permission for the erection of a Designer Outlet Centre of up to 20,479 sqm (GEA) of floor space comprising retail units (A1) restaurants and 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.</b>
<b>Location:</b>	<b>Downtown Garden Centre, Old Great North Road, Great Gonerby</b>
<b>Applicant:</b>	<b>Oldrid and Co. Ltd.</b>
<b>Registered:</b>	<b>16.11.2017</b> <span style="float: right;"><b>Target Date: 14.12.2017</b></span>

### Introduction

This Council has been consulted on the above planning application and we are invited to make comments on the scheme to the decision maker, South Kesteven District Council. A Holding Objection was issued to SKDC until such time as we have secured professional retail advice on the scheme. We have not been advised by SKDC when the application will be considered by the SKDC Planning Committee but we have already been given an extension of time to provide comments. This report sets out what officers consider those comments should be for Members to consider.

### The Site

The application site falls within the county of Lincolnshire and within the administrative boundary of South Kesteven District Council (SKDC). The site is the existing Downtown Garden Centre situated approximately 15km to the south of Newark town centre on the A1. The below image shows the layout of the site at present with the red line detailing the extent of the application site boundary.



### Relevant Planning History

Officers previously provided a holding objection in December 2017 to the proposed development until such time as the outcome of the application at Tollemache Road on land south of Grantham (17/01380/NPA, S17/1262) was determined. Members of the South Kesteven planning committee resolved to approve this application and the decision notice was recently issued.

### The Proposal

Principally the proposal seeks an almost identical offer in relation to the provision of a retail outlet village to that approved by South Kesteven late last year at Tollemache Road to the south of Grantham. The development proposed relates to approximately 20,479m<sup>2</sup> arranged in 107 units varying in scale from 57m<sup>2</sup> to 474m<sup>2</sup>. The site would offer a mix of retail, restaurants and cafes, leisure based units and office space. The existing Downtown/Boundary Mill building is detailed as being retained.

Both schemes have been reviewed by colleagues in planning policy and by planning consultants at Carter Jonas who have been commissioned to provide independent advice to this Council. The below image shows the proposed site master plan.



## Planning Policy Framework

NSDC have received the application as a consultation request and therefore it remains that SKDC will be the determining authority for the application. SKDC will assess the application against their adopted development plan. Notwithstanding this, it is accepted that the NPPF and its associated guidance, will form part of the material considerations to which SKDC will make their judgement against.

## **Comments of the Business Manager – Growth & Regeneration**

The following comments and observations are offered in respect of the proposed development. This report seeks to simplify the proposal. It should be noted that the response to SKDC will contain a further level of detail.

### **Principle of Development**

The site is in an out of centre location and is not allocated for retail purposes by SKDC. As a consequence the application has been the subject of full sequential and retail impact analysis.

### *Sequential Test*

The applicant has considered sites within a 30 minute drive from the site which follows an established methodology. Two sites have been identified within the Newark urban area as part of the assessment with Carter Jonas identifying a further two from their work on the earlier scheme at Tollemache Road. The sites identified are as follows:

- NSK factory, Northern Road
- Jessop Way
- Land at Northgate
- Former Highway Depot, Great North Road

The report from Carter Jonas and internal planning policy colleagues agrees that neither the NSK factory site nor land at Jessop Way are sequentially preferable to the proposed Downtown site. Land at Northgate and Great North Road have not been assessed by the applicant, however Carter Jonas (CJ) do detail that neither of these sites would be capable of accommodating the development as a whole but could be suitable for elements of the proposal.

### *Retail Impact of Application*

The applicant has forecast a 'solus' impact on Newark Town Centre of £5.1m (3.7%) in 2022. The revised model produced by CJ however forecasts a much higher level at £7.4m (5.4%). Once commitments are taken account of then the applicant identifies an increased, cumulative, impact on Newark Town Centre of £7.5m (5.4%). The CJ model however increases this to about £9.7m (7.1%).

Whilst CJ suggests that the level of impact on Newark Town Centre is likely to be higher than that forecast by the applicant it is considered that this just about falls within acceptable tolerances, bearing in mind the performance of Newark Town Centre. The one caveat however in the conclusion relating to impact would however be if the proposal facilitated the relocation of a key retailer out of Newark Town Centre, this would significantly magnify impact. Accordingly the District Council would seek the introduction of a suitably worded condition to limit the prospect of this occurring which is covered in more detail below.

## *Cumulative Impact*

As detailed above, the application seeks to provide a similar retail offer to that approved to the south of Grantham on land off Tollemache Road by Members at SKDC in December last year. Given the similarities in the schemes it seems highly unlikely that both schemes would be capable of being constructed and operated with there likely to be insufficient market demand for more than one scheme. Nevertheless, CJ have modelled the eventuality of both schemes being constructed and operated and forecast a diversion away from Newark town centre of approximately £11.8m (8.6%).

In planning terms we are being asked to make comments on this planning application, knowing that the Tollemache Road scheme has already been approved. We are not being asked to consider whether the market will deliver both scheme (in which case obviously any retail impact will be less but whether both should be granted permission. In this case Officers are concerned that should both scheme happen there is a likely level of impact upon Newark Town Centre that would warrant a significant adverse effect on the vitality and viability of that centre. If both schemes did not happen, it is likely that such effects could fall on the acceptable side of a planning balance. In these latter circumstances officers would recommend the imposition of a robust condition as detailed above in relation to limiting the prospect of key retailers relocating it is considered unlikely that the proposed development would result in significant adverse harm to the vitality of Newark.

## **Conclusion**

Based on the report and recommendation of our retail consultant CJ and the review of colleagues in planning policy and in attaching weight to the unlikely possibility that both SKDC schemes can come to the market, it is recommended that no objection to the proposed development be raised subject to the imposition of specific conditions. A similar planning condition to this was proposed as part of the recent Thoresby Colliery scheme and the condition 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.

The condition recommended is:

*“None of the approved retail floor space should be occupied by any retailer who at the date of such occupation, or within a period of 6 months immediately prior to occupation, occupies retail floor space in the district centres of Newark or Balderton, as defined in the Local Plan; unless a scheme which commits the retailer to retaining their presence as a retailer within that centre, for a minimum period of 5 years following the date of their occupation of retail floor space within the development, or until such time as they cease to occupy retail floor space within the development, whichever is sooner, has been submitted to and approved in writing by the local planning authority.*

*Reason: To ensure that those retailers which presently occupy units in Newark or Balderton retain a presence in the district / local centre for a reasonable period of time in order to protect the vitality and viability of those centres in accordance with guidance contained within the NPPF.*

## **RECOMMENDATION**

**That the comments of the Business Manager are combined with more detailed analysis provided by policy colleagues and sent to SKDC as the formal consultation response of NSDC.**

Background Papers

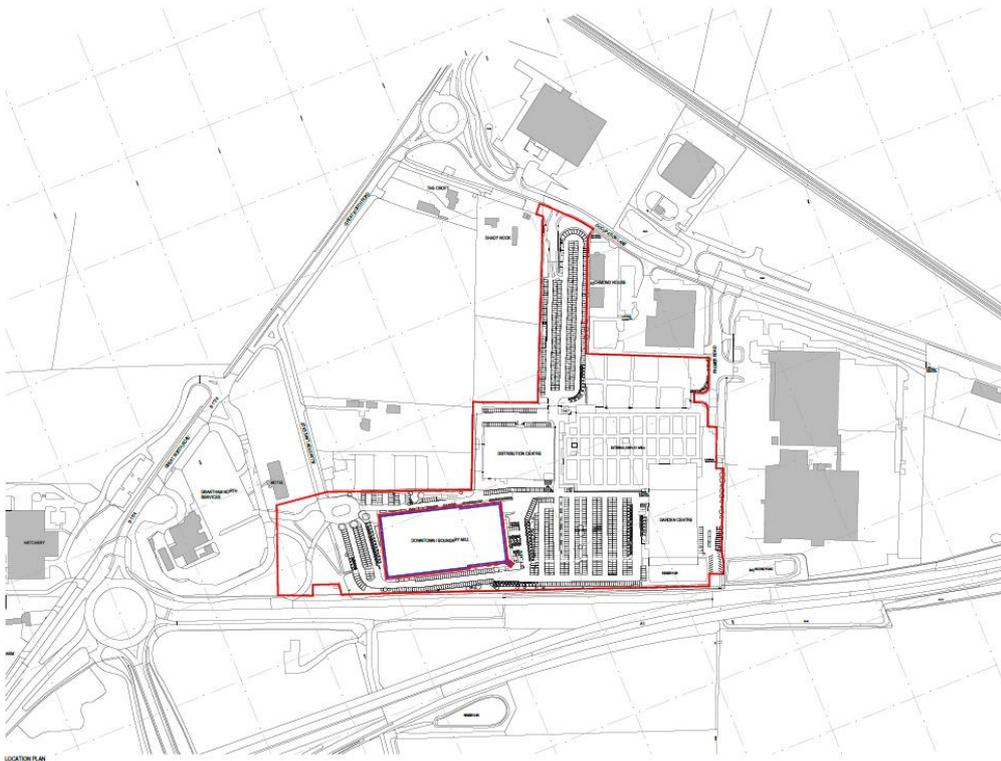
Application Case File

For further information, please contact James Mountain on ext. 5841.

All submission documents relating to this planning application can be found on the following website [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk).

**Matt Lamb**

**Business Manager Growth & Regeneration**



LOCATION PLAN



CONTEXT PLAN

NOTES



<b>GLORIOSO DOWNTOWN</b> <b>OSDO</b> LOCATION PLAN	
PROJECT NO.: 19-001-0000-0000 DATE: 2019-08-01 SCALE: 1:1000	SHEET NO.: 01 OF: 01
DRAWN BY: [Name] CHECKED BY: [Name]	<b>BRUNNEN</b> <b>INGENIEUR</b> <b>AG</b>