

Development Management Committee 12 December 2017

Additional Information

JM1 – 17/1262

Proposal: Hybrid proposal for designer outlet village

Site Address: Land off Tollemache Road North, Grantham

Summary of Information Received:

- **Lincoln City Council** – in a combined response to S17/1262 and S17/2155, they raise concerns that the developments would lead to unsustainable retail trading in the sub-region and could be harmful to retail trading in Lincoln. They are concerned neither application considers the evidence base for the application for redevelopment of St Marks Shopping Centre and Retail Park or the impact upon its redevelopment. The application does not yet have the benefit of planning permission as it is awaiting the signing of a s106 planning obligation. They argue that it would not be appropriate for either of the proposed developments to go ahead and it would be unsustainable for both proposals to go ahead together. Moreover they consider the establishment of both proposals would undermine retailing in Grantham and would be to the detriment of sustainable development and the wider growth of other centres in Lincolnshire. They say the application for Rioja DOV fails to assess the Downtown DOV proposal within the relevant sequential test. They suggest the Council consider the cumulative impact of both schemes upon the basis that they are both granted permission. If the Council is minded to grant permission for one of the proposals they suggest that the Downtown proposals would be less likely to lead to unsustainable travel patterns, as the development would be in connection with existing development of a similar nature and could make use of upgrades to existing highway infrastructure.
- **Newark and Sherwood District Council** – no objections subject to the imposition of similar conditions to control the form of development and target tenants as used on other recently approved DOV schemes.
- **Lincolnshire County Council Minerals and Waste** – no safeguarding objections to the proposal given the proposed strategic importance of the development, the economic justification and the proposed allocation in the emerging SKDC Local Plan, provided the Council is satisfied that the development could not reasonably be sited elsewhere.
- **Peterborough City Council** – object as it would have an impact on the viability of Peterborough city centre and could have an impact on the future proposals for the city centre redevelopment allocated in the Local Plan. The retail impact report

acknowledges the proposal would draw 1.5% (£6.7 million) from Peterborough; although it may be small when compared with total expenditure it is only an estimation and would be an underestimation given the size and range of goods to be sold together with free parking. The proposal is also likely to impact on the North Westgate Opportunity Area which is allocated in the Local Plan but has not yet come forward; the proposal would put this at greater risk of not being implemented, contrary to the NPPF objectives of putting city centres first.

- **Lichfields, on behalf of intu** – request that the retail impact assessment is revised to take account of both the committed intu Victoria Centre and intu Broadmarsh developments in Nottingham, as these are important material considerations being town centre schemes. Consideration should also be given to any other town centre schemes that have been omitted. They suggest that the applicant was incorrect to remove from its assessment of cumulative retail impact the committed extension to intu Victoria Centre and that the intu Victoria Centre and intu Broadmarsh developments are material considerations which must be included within the cumulative impact assessment. As per their previous representation they suggest conditions to ensure development is implemented in accordance with that described in the application and to ensure that the development does not adversely impact on the vitality and viability of Nottingham or Derby city centres or other centres.
- **Neighbour representation** – There are currently two similar developments under consideration and the Oldrids application is a better solution and one that has less impact on the environment and town centre. The development will hurt the town centre of Grantham and result in further decline.
- **Representation on behalf of Oldrids and Downtown Company Forum** – express serious concerns about the proposal, the proposal for a DOV at Downtown has massive local and public support and the employees of Downtown are extremely excited about the proposal. Conversely, employees are very concerned about the damage the Buckminster proposal would cause to Downtown job security as it would threaten the future of Downtown Grantham and Garden Centre which attract visitors from significant distances outside the immediate area. The Grantham stores are extremely important to our overall business, employing about 700 people with a further 400 at other sites in Boston, Gainsborough and Scunthorpe. We also have supplier relationships that would be affected by any downturn in trade, many of whom are Lincolnshire based. Downtown is the perfect location for a DOV with the necessary infrastructure in place and a scheme that could be delivered more quickly.
- **Representation on behalf of Downtown** – Fisher German, as agent for the promoter of the Downtown proposal, has raised further representations on the Rioja proposal and the committee report including in summary:
 1. They support the principle of a Designer Outlet Village for Grantham but do not consider the location of the Rioja proposal to be appropriate and therefore object to the application
 2. The development would be contrary to the emerging Local Plan which identifies the site as part of a strategic employment allocation

3. Downtown is an existing retail site and is a sequentially preferable site to the Rioja proposal with strong links to the town centre and local businesses
4. Downtown is in a sustainable location and does not need to be accessed passed existing industrial and commercial uses
5. Downtown will be a Tier 1 designer outlet
6. The Rioja scheme is of a speculative nature having no operator on board
7. Linked trips are already made from the Downtown site to Grantham town centre and the Downtown proposal will provide further opportunity for this
8. Existing bus services serve Downtown from Grantham and other towns. Downtown will invest in these existing routes whereas Rioja will provide funding for a new services but only for three years.
9. Downtown DOV will act as a catalyst for improving the existing A1 triangle known as the 'northern gateway'
10. Rioja proposal does not include contributions toward Grantham Southern Relief Road
11. Downtown will not only create further jobs but sustain jobs of 700 existing employees
12. Downtown will be a family backed scheme, not speculative
13. Downtown has received widespread support from the public and business community
14. Downtown is sequentially preferable as it is a brownfield site in existing retail use
15. Downtown will create a high-tech hub / office facility along with leisure use, training academy and tourist visitor centre
16. Downtown will act as a catalyst for wider regeneration including a potential new railway station and park and ride facility.

Amendments to the Committee Report:

- Paragraph 1.12 should read: "...It is intended parking demand would be monitored by the site management through the car park management scheme and allocations of customer and staff parking would be flexible in line with demand, subject to the terms of a staff travel plan which will in any event look to minimise staff travel by private car."
- The following additional paragraphs should be inserted:
 - 1.23 The Environmental Statement includes assessments of the following environmental matters:
 - Consideration of Alternatives
 - Socio Economic
 - Landscape and Visual
 - Ecology and Nature Conservation
 - Water and Drainage
 - Historic Environment
 - Agriculture and Soil Resources
 - Ground Conditions
 - Traffic and Transport

- Air Quality
- Noise and Vibration
- Services, Infrastructure and Waste

1.24 The Environmental Statement, Appendices and revised ES have been taken into consideration as required by Regulation 3(4) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and are considered acceptable in principle. The imposition of conditions and obligations will be necessary to ensure that the environmental effects of the proposed development are mitigated where necessary. These conditions and obligations are summarised later in this report.

- With respect to the assessment of alternative sites the following amendments to these paragraphs in the report should be noted:

8.3.13 Within Oakham, the Long Row site is situated in an edge-of-centre location while the Melton Road site is in-centre.

8.3.14 The Advanta Seeds and Maltings sites in Sleaford are in edge-of-centre locations.

- The following sentences should be deleted from paragraph 11.7 as they are duplicated under paragraph 11.8: “The main mode of visitor transport benefits outweighing this.”
- The listed buildings referred to at paragraph 8.9 10 are graded as follows:

St Wulfram’s Church - Grade I
Church of St Guthlac, Little Ponton - Grade I
Pigeoncote, Little Ponton - Grade II*
Grange Farm, Little Ponton - Grade II
Little Ponton Hall and Service Range - Grade II
Stable and Coach House, Little Ponton - Grade II
Old School House, Little Ponton - Grade II
Malthouse, Grantham - Grade II
Church of St John the Evangelist, Grantham - Grade II
Spittlegate Lodge, Grantham - Grade II
Spittlegate Mill and Mill House, Grantham - Grade II
Former Lee and Gringlings Maltings, Grantham - Grade II
St Vincent’s House, Grantham - Grade II
Harlaxton Manor - Grade I

Alterations/Additional Conditions:

Two additional conditions to be added:

No development hereby approved shall commence on any Phase (other than Enabling Works) until a waste management plan for the operation of the DOV has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure adequate measures are in place to minimise the impact of waste and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

The DOV shall be operated in accordance with the approved waste management plan at all times.

Reason: To ensure adequate measures are in place to minimise the impact of waste and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

Changes to suggested conditions 4 and 16 are proposed as follows. No further changes are proposed as the conditions and occupancy restrictions requested by consultees have been incorporated into the report.

Condition 4: on page 50, reference to drawing number 106648-SK004 should include revision letter "A".

Condition 16: on page 53, condition 16 should read as follows:

No development of Phase 2 shall commence until the use of the customer and staff car parking provided for Phase 1 has been monitored and reviewed in accordance with a methodology approved in advance by the Local Planning Authority and the results of the review together with a scheme detailing any additional car parking requirements in respect of Phase 2 have been submitted to and approved in writing by the Local Planning Authority. Where the approved scheme identifies additional car parking requirements such additional car parking shall be provided in accordance with the approved scheme prior to the first opening and use of Phase 2 of the development.

Planning Obligation:

Proposed planning obligations are described in section 9 and appendix 3 to the Committee Report. This includes a requirement for the provision of a bus service for three years between the DOV, the station and the town centre at the frequency set out in appendix 3. The service will be secured by way of a planning obligation requiring a financial contribution as proposed in appendix 3 to the report or by such other means approved by the Council.

Comments on the Additional Information:

With regard to the views of Lincoln City Council, a sequential assessment and retail impact assessment have been undertaken in accordance with the requirements of the NPPF. Section 10 of the Committee report entitled Comparative Assessment with Downtown Application provides a comparative assessment of the two DOV applications. The assessment includes a comparison of the two sites and concludes that the Downtown site is not in a sequentially preferable location. The Downtown DOV application, as currently submitted, does not comprise an existing, committed or planned retail scheme and a cumulative retail assessment of both schemes is not required as part of the determination of the Rioja application. Whilst Lincoln City Council has concluded that the

Downtown site would be preferable location due to the possibility of shared trips with the existing ‘full price’ retail offer, the Council officers do not consider that the Downtown proposal is a preferable alternative site to the Rioja proposal either in sequential terms or in relation to its land use merits, and have concerns about the likely impact of a combined ‘full price’ and ‘outlet’ offer which remain to be fully assessed.

The Council’s retail advisor states:

“Lincoln has provided comments in respect of both the Grantham Designer Outlet Village and the Downtown Designer Outlet Centre. Our comments here are focussed on the former. The City Council has recognised the wide catchment area that is likely to be served by the proposed designer outlet developments. It goes on to raise two key issues in respect of the proposed redevelopment of the St Marks Shopping Centre and Retail Park in Lincoln City Centre and the conditions to be imposed if the District Council is minded to grant planning permission to either of the proposed retail schemes.

Taking the first issue, the City Council has suggested that the current proposals should take account of the retail impact work carried out to support the St Marks scheme. It has also suggested that insufficient consideration has been given to impacts on that planned in-centre investment. Whilst we have not reviewed the work prepared to support the planning application for the St Marks scheme we note that this proposal has a number of fundamentally different characteristics to the application scheme. It should also be reiterated that the applicant’s estimated cumulative trade impacts of the Grantham Designer Outlet Village on the comparison retail turnover of Lincoln City Centre would be -2.3 per cent in 2022. Given this level of trade impact, that the St Marks scheme will be likely to increase the comparison retail turnover of the city centre (therefore reducing percentage trade impacts), that the scheme seems well advanced and will operate on the basis of a different retail format to the application scheme, we do not expect that the Grantham Designer Outlet Village proposals will have significant adverse impacts on this planned in-centre investment.

In terms of the City Council’s suggestion that conditions should mirror those applied at Scotch Corner, we note that this is the case and that some planning obligations go beyond those agreed in the Scotch Corner case.

Additionally, and as previously discussed, given the mix of uses retail formats proposed as part of the Downtown scheme our initial view is that this proposal could potentially have higher trade impacts on defined centres such as Lincoln City Centre than the Grantham Designer Outlet Village scheme.”

The matters raised by Peterborough City Council are addressed within section 8.4 of the Committee report entitled Impact Assessment.

The Council’s retail advisor states:

“Peterborough has objected to application S17/1262 on the grounds that the proposals would impact on the viability of Peterborough City Centre and adversely impact the delivery of an allocated site, the North Westgate Opportunity Area, with

reference to paragraph 26 of the NPPF. We note that Peterborough is located within the secondary catchment area of the proposed development and that the applicant's impact assessment suggests that, in 2022, the proposed development would have cumulative trade impacts of - 1 per cent on the comparison retail turnover of Peterborough City Centre. In our advice to the District Council, we agreed with the applicant that Peterborough City Centre was performing well, with a strengthening comparison retail offer, and that the forecast levels of trade impact would not result in significant adverse impacts.

The City Council considers that trade impacts on the city centre have been underestimated and that the proposal could result in there being insufficient expenditure capacity available to support. It has not provided any detailed evidence to support either of these assertions. Given the forecast levels of trade impact, the relative health of Peterborough City Centre and that fact that the city centre will draw trade from different geographical catchment area to the proposed development, we remain of the view that the proposals would not lead to significant adverse impacts on the vitality and viability of Peterborough City Centre. In terms of the North Westgate Opportunity Area, Policy CS4 of the of the Peterborough Core Strategy of 2012 states that North Westgate will be the priority for retail expansion (in particular comparison retail development) in accordance with appropriate capacity forecasts. The supporting text goes on to say that North Westgate will comprise mixed-use development also including housing, leisure and a potential cinema.

The adopted City Centre Plan of 2014 shows that North Westgate falls within the City Core Policy Area (Policy CC3) which allocates the site as suitable for mixed-used development including an indicative 200 dwellings. It does not provide any figures for anticipated retail floorspace, although we note that outline planning permission has been granted for up to 3,000 sq. m of comparison retail floorspace at the site (ref: 15/01041/OUT). Notwithstanding this commitment, the Peterborough Retail Study of 2016 found that there was residual capacity for up to an additional 34,400 sq. m of comparison retail floorspace in the period to 2026. Given this capacity and the likely trade diversion from Peterborough City Centre to the Grantham Designer Outlet Centre, we are of the view that there would be no significant adverse impacts on this proposed development.”

In response to the comments received by Lichfields on behalf of intu, Council officers consider that a sequential assessment and retail impact assessment have been undertaken in accordance with the requirements of the NPPF. The Council's retail advisor has considered the comments by Lichfields, on behalf of intu, concluding:

“Lichfields has submitted a late representation on behalf of Intu which owns the Broadmarsh and Victoria shopping centres in Nottingham City Centre. For similar reasons to those described above, we do not expect the proposed development to have any significant impacts on the planned investment at either of these two city centre schemes. We remain of the view that in-centre commitments do not need to be taken into account as part of the cumulative impact assessment (an approach that is consistent with Cannock and as considered by the SoS). These schemes will improve the offer and therefore the retail turnover of Nottingham City Centre. Lichfields has not alleged that it or Intu, consider that the application scheme would seriously undermine these planned investments. Again,

the conditions under discussion are very similar to those applied in the Scotch Corner case.”

Council officers accept the analysis of the Council’s retail consultant.

The matters raised by Oldrids & Downtown Company Forum and the neighbour representation are addressed within section 10 of the Committee report entitled Comparative Assessment with Downtown Application.

In respect of the Downtown application, the comments in support of the proposals are noted but do not change the outcome of the comparative assessment that has been carried out.

Members should note by way of clarification:

- The additional information states that the Downtown proposals would comprise a Tier 1 DOV, however, this has not been borne out in the information submitted with the planning application.
- The emerging SKDC Local Plan is only at consultation stage therefore as stated in the Committee report, it carries no weight in decision-making
- It is correct that the Rioja application does not include provision for any part of the Grantham Southern Relief Road as this is a scheme which will be forward-funded and delivered by Lincolnshire County Council.
- Whether a site is greenfield or previously developed is not part of the sequential test.
- The proposed new railway station is not included as part of the Downtown proposals.
- It is correct that the vehicular access to the Downtown site would take customers past existing and consented industrial and commercial uses.

Changes to Recommendation:

The recommendation remains as per paragraphs 14.1 and 14.2 of the Committee Report subject to Appendix 3 being updated as per the Planning Obligations section of this paper.