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Dear Madam

Retail development – recent Northgate Retail Planning Permission and impact on Allocations and Development Management DPD

Further to the recent Northgate appeal decision the District Council would make the following observations;

The Appeal Decision has altered the residual retail requirement which the District Council is seeking to provide for with regard to comparison retail.

Set out in the table below are the details of the application and an assessment of the Net Internal Floor Space based on a 30% reduction (as advocated by the Appellant) which is required to identify the impact on the residual retail requirements.

| Unit | Gross Internal Floor Space | Net Internal Floor Space (Based on a 30% Reduction) |
|---|----------------------------|--|
| Unit A (open A1) | 1,375 | 962.5 |
| Unit's B – E (restricted to Bulky Goods – Comparison) | 4,540 | 3,178 |
| Unit F (Comparison – and bulk wines and spirits) | 840 | 588 |

The overall total additional net comparison floor space is 3766 sqm. The result of these permissions on the retail requirements as set out in the Final Proposed Modifications are illustrated below with the amended figures in brackets. Given that the Unit A is intended for open A1 use and not comparison in particular, it has not been included within the commitments and completions figures for comparison retail. Much more likely is that Unit A will be taken up by a convenience retailer and this assumption has been made below:

Final Proposed Modification 306 Retail Requirements

| Type of Retail | Area | Requirement | Commitments, Completions and Losses between 01/04/2010 and 31/03/2012 | Sites where the principal of development has been accepted in the Core Strategy and Allocations and Development Management DPD | Totals |
|----------------|----------------------|-------------|---|--|-------------------|
| Convenience | Newark Urban Area | 5661 | 4343 (5,718) | 2000 | 6343 (7718) |
| Convenience | Rest of the District | 6707 | 5354 | 1210 | 6564 |
| Comparison | All of the District | 15690 | 4821 (8,587) | 13000 | 17821 (21,587) |

It is therefore clear that in both convenience and comparison retail as things currently stand an over-provision is predicted. In terms of convenience retail the oversupply relates to existing permissions and the Core Strategy allocated Strategic Sites assumptions and therefore cannot in that sense be altered. In terms of comparison retail the proposed allocation, NUA/MU/3 impacts upon the over – provision in the sense that the allocation identifies “comparison retail up to 10,000 sqm” and it is now clear with the decision on Northgate that there is a much lower level of residual requirement to address.

The new residual requirement is:

| | |
|--|--------|
| Overall Requirement | 15,690 |
| Minus Completions/Commitments and losses and Core Strategy Assumptions | 11,587 |
| Residual Requirement | 4,103 |

With this in mind it is clear that the plan should be amended to reflect this change in circumstance and the Council is proposing to make the following modifications:

- 1) Amend FPM 306 Retail Requirements Table to reflect the Northgate Decision, however this will have to make clear that this is an in year change and not based on 2011/12 figures as before.
- 2) Amend FPM 59 NUA/MU/3 within the DPD to reflect a lower residual requirement for comparison retail and state a minimum 150 dwellings to allow greater flexibility on the mixed use site
- 3) Proposals Map amended to reflect both the residential retail permissions on the Northgate site.

In proposing these modifications the Council will need to discuss the impact on the viability on NUA/MU/3 with NSK and their representatives, however we believe that the mixed use nature of the scheme will provide for ongoing viability especially as employment and dwelling numbers are flexible within the allocation. As noted by Jonathan Wadcock's email on behalf of Newark Property Development Ltd on the 19th February 2013 we believe that if we propose modifications that take into account the Northgate permission then the need to re-open the Hearing Sessions will not arise and therefore can be consulted upon in a similar manner to the Final Proposed Modifications.

To that end we believe that we can prepare and screen the modifications suggested, in detail, by the beginning of next week ready for a 4 week consultation period. However given the involvement of the various parties such a length of time may not be required and we would seek your guidance on this matter.

Yours Faithfully

Matthew Norton
Business Manager – Planning Policy