Examination into the Newark & Sherwood Allocations and Development Management DPD

Matter 7 – Retail and Town Centres – Sutton on Trent & Policy DM11

Thursday 7 November 2024

Representor: TOWN-PLANNING.CO.UK
Agent Organisation (if applicable):
Representor Number: 005 & 037
Representation: 0008 & 0091 (also covering the same site 0007 & 0009)
Person Appearing: Anthony Northcote *HNCert LA(P), Dip TP, PgDip URP, MA, FGS, ICIOB, MIoL, MCMI, MRTPI*

MATTER 7 – RETAIL AND TOWN CENTRES

Issue 1 – Whether the Plan will contribute to the vitality and viability of Town, District and Local Centres

Policy DM11

MIQ 7.1 Is the retail hierarchy and network of centres informed by up-to-date evidence?

Allocation ST/MU/1 is overlaid at the western end by the notation ST/LC/1. The area covered by ST/LC/1 for a future local centre cannot be delivered as this is open space prevented from being developed by the planning obligation that accompanied the housing development which was completed over four years ago. Accordingly, the proposed Local Centre allocation is not achievable or deliverable and the retention of the Policy is highly misleading.

The development of the entire housing on site ST/MU/1 by Charles Church is complete as was completed over 4 years ago. The space for a potential retail store which is in fact within the area of ST/MU/1 and not in the area of land shown under ST/LC/1 is reserved in the planning obligation and cannot currently be developed for anything else.

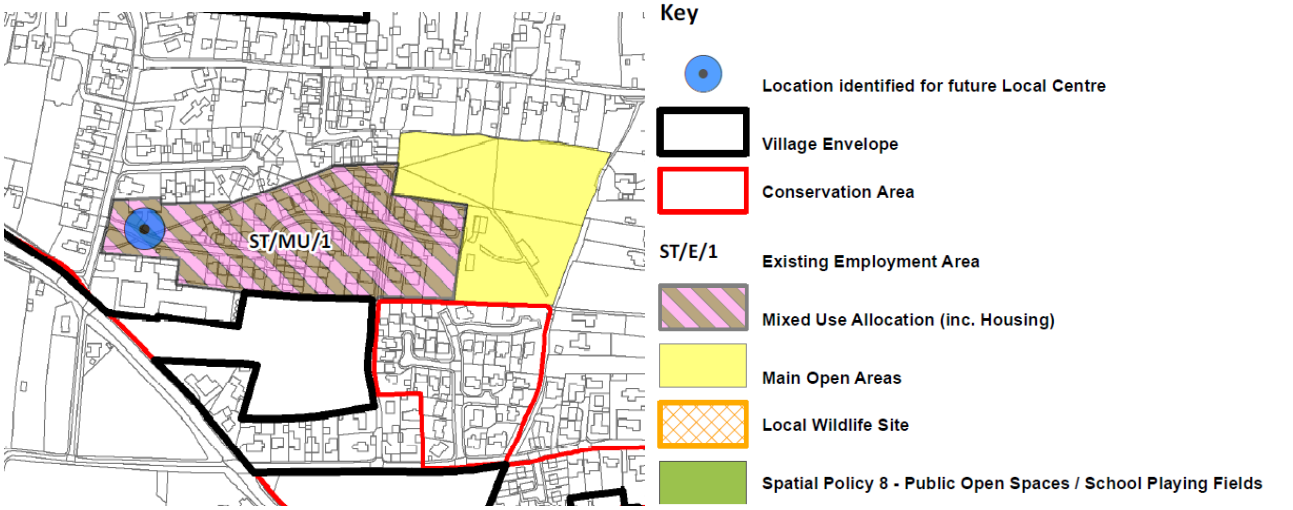
The small possible site for retail use is secured by other means and the Local Centre allocation is not necessary to bring it forward. In any event the space for the retail store will never come forward and be delivered as it is too small for the needs of the Lincolnshire Co-op; it is smaller than their existing site which they have consistently said is far too small for their current needs anyway. The Lincolnshire Co-op would like to relocate but they need a site significantly larger

than their existing site. Due to the presence of the Lincolnshire Co-op no other retailers have expressed any interest in the village and Charles Church have not marketed the retail.

The Local Centre allocation directly conflicts with a planning permission already implemented and the accompanying planning obligation that now requires the land shown for the Local Centre allocation to remain undeveloped open space in perpetuity, so there is no land available for further development, the entire site has been developed out. As such site ST/LC/1 is no longer deliverable and its retention is misleading

The extract from the approved layout of the development, 14/00161/FULM as varied under 19/00971/FULM is shown below:

Land Reserved For Possible Retail in Development As Built



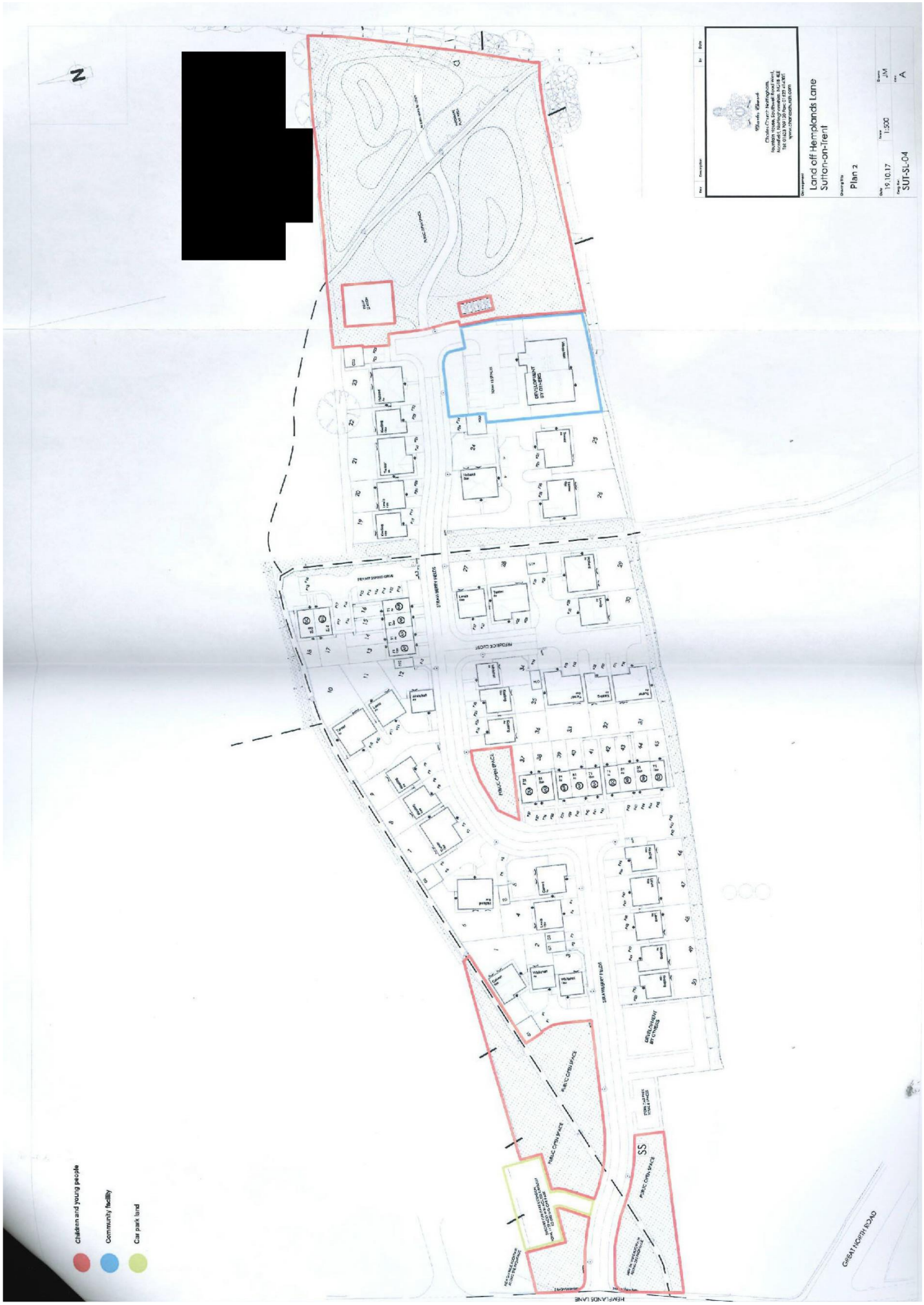
Extract From DPD Review Policies Map

The development of the entire housing on site ST/MU/1 by Charles Church is complete as was completed over 4 years ago. Some 50 dwellings were constructed rather than 37 so the policy covering ST/MU/1 is highly misleading and in delivering that revised proposal the scheme as built has impacted on both the proposed local centre under ST/LC/1 and the main open area.

The planning permission granted was only for housing and not a mixed use so again the policy is misleading. The space for a potential retail store is reserved in the planning obligation and cannot currently be developed for anything else. It is secured by other means and the allocation is not necessary to bring it forward. In any event the space for the retail store will never come forward and be delivered as it is too small for the needs of the Lincolnshire Co-op; it is smaller than their existing site which they have consistently said is far too small for their current needs anyway. The Lincolnshire Co-op would like to relocate but they need a site significantly larger than their existing site. Due to the presence of the Lincolnshire Co-op no other retailers have expressed any interest in the village and Charles Church have not marketed the retail.

Land reserved for the village hall is outside of the allocated site in the Main Open Area. It is also secured in the planning obligation, although it is unlikely to be delivered at this time due to the overall cost being some three times the financial contribution obtained from Charles Church through the planning obligation. The Doctors surgery car park was delivered many years ago. The allocation also covers land at the western end that the planning obligation requires to remain undeveloped open space in perpetuity, so there is no land available for further development, the entire site has been developed out. As such site ST/MU/1 is no longer required and its retention is misleading.

The extract from the Planning Obligation Deed of Variation under 19/00971/FULM is below:



Red – Open Space, Blue - Community Land (Village Hall) and Green – Doctor's Car Park

The Main Open Area designation has been amended at the eastern end to reflect the housing built by Charles Church which included land identified as MOA in the current DPD. This was allowed supposedly because of the delivery of community benefits, which have not yet been delivered due to ongoing planning enforcement issues relating to land levels, flood risk compensation and due to additional open space at the western end being provided as well.

The MOA designation should be amended as indicated on the accompanying plan to include the open space that has been provided in lieu of the eastern open space that was developed. The western area is open space prevented from being developed by the planning obligation that accompanied the housing development which was completed over four years ago. That open space protected through the planning obligation means that that the proposed allocation of ST/LC/1 cannot be delivered. In addition, the western end of the overall site is underlain by electricity infrastructure and surface water drainage holding tanks. It is also crossed by a public footpath, which collectively leaves no developable space, except for the land reserved for possible retail development in the approved layout which is not where the notation ST/LC/1 covers in any event.

Although the western this is protected under that planning obligation, inclusion in the DPD as Main Open Area will secure the retention of this open space within the Conservation Area in the long term.

The extract from the approved layout of the development, 14/00161/FULM as varied under 19/00971/FULM is shown below:

Land Secured As Open Space in Development As Built

Outcome Sought

The legislative requirements for the examination are contained in the Planning and Compulsory Purchase Act 2004 (as amended) (PCPA) and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). Some guidance on procedure is also provided in Planning Practice Guidance.

The legislation in sections 20(7),(7A),(7B) & (7C) of the PCPA allows for three possible outcomes to the examination:

- The Inspector finds that the plan is sound and legally compliant as submitted: in these circumstances the Inspector must recommend that the plan is adopted;
- The Inspector finds that the plan is unsound and/or legally non-compliant as submitted, but that it is possible to make it sound and legally compliant by making main modifications to it. In these circumstances the Inspector must recommend the necessary main modifications, if requested to do so by the LPA. The main modifications must relate directly to the reasons why the Inspector has found the plan unsound or legally non-compliant;
- The Inspector finds the plan unsound and/or legally non-compliant as submitted, and that it is not possible to make it sound and legally compliant by making main modifications to it. In these circumstances the Inspector must recommend non-adoption of the plan. In practice, the LPA would be asked to consider withdrawing the plan before any such recommendation was made.

Although dealt with under three different matters, the aspects relating to the mixed-use allocation, the local centre allocation and the main open area at Sutton on Trent all relate to the same inter-related site and as such the outcomes sought for all three matters inter-relate.

In my view the appropriate way forward at this stage is for the LPA to invite the Inspector to make a main modification addressing Site ST/LC/1 being deleted in its entirety.

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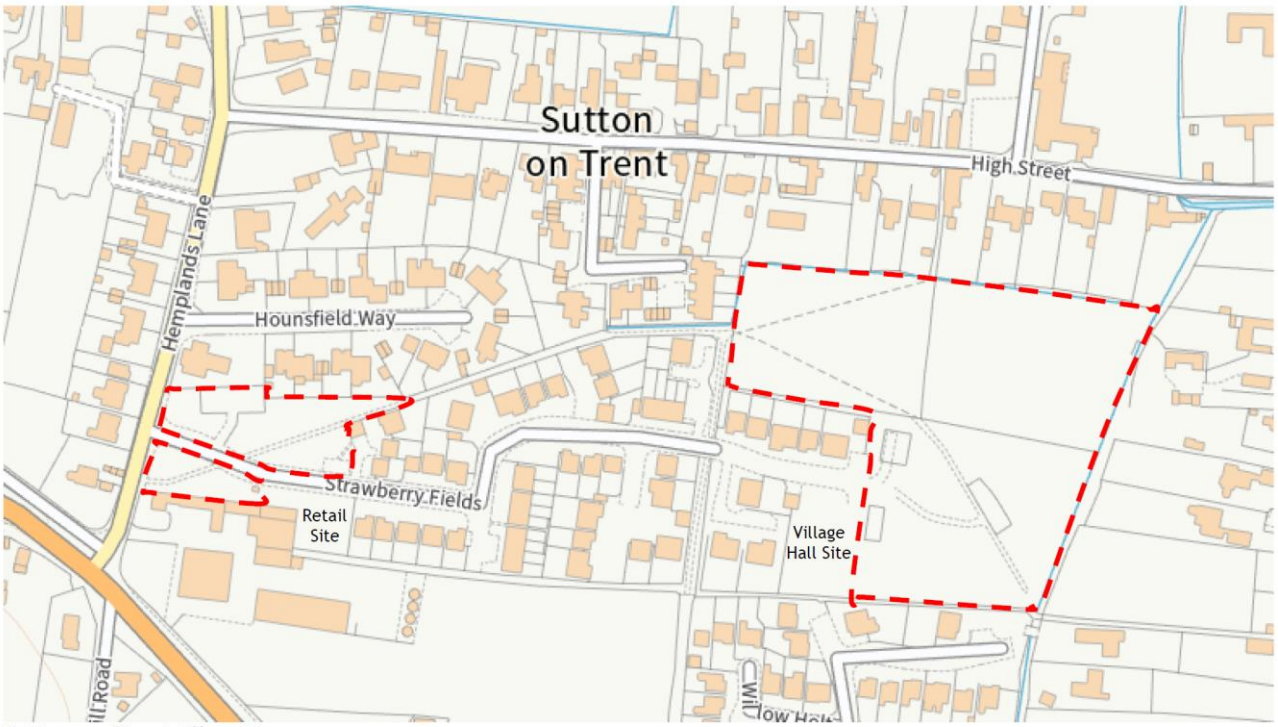
In my view the appropriate way forward at this stage is for the LPA to invite the Inspector to make a main modification amending the Main Open Area to reflect the actual position now agreed following the development undertaken as shown on the plan below:



Sutton on Trent Allocations

Areas That Should Now Be Main Open Areas

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14th October 2024