

NOTTINGHAM CITY LOCAL PLAN PART 2: LAND AND PLANNING POLICIES (MARCH 2018)

HEARING STATEMENT

MATTER 5: DEVELOPMENT MANAGEMENT POLICIES – SUSTAINABLE GROWTH

ON BEHALF OF THE CO-OPERATIVE GROUP

**TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)
PLANNING AND COMPULSORY PURCHASE ACT 2004**

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1. INTRODUCTION

1.1 This Hearing Statement has been prepared by Pegasus Group on behalf of The Co-Operative Group (The Co-op) in respect of the Nottingham City Council Local Plan Part 2: Land and Planning Policies. This Statement seeks to respond to the questions raised by Mrs Beverley Doward (Inspector) in relation to Matter 5: Development Management Policies – Sustainable Growth.

1.2 The Co-op are the leaseholder of the former Co-op store on land to the north of Carlton Road, Nottingham. The land is within the ownership of Nottingham City Council (NCC) who have a legal restriction on the use of the site for a food supermarket.

1.3 This statement has been prepared with the requirement of Paragraph 182 of the National Planning Policy Framework (NPPF) 2012 which requires that Plans are 'sound' if they are:

- **"Positively prepared** – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.
- **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in this Framework."

1.4 Pegasus, on behalf of The Co-op, wish to take a full and active part in the hearing session on **Wednesday 27th November 2018** in relation to relevant parts of Matter 5. Our responses to the questions and issues raised are set out within the remainder of this Statement.

2. HEARING STATEMENT

2.1 Within this section of the Statement we identify the relevant question/matter (in *italics*) and provide our response within the subsequent paragraphs. All references are consistent with those provided in the 26th September 2018 set of questions.

2.2 The focus of this statement is on questions raised under Issue 3: City, Town, District and Local Centres of Matter 5. We are concerned with the Council's approach to Policy SH7 and the implications for The Co-op site at Carlton Road.

1. Is the approach to the designation of the CONIs justified, effective and consistent with the Framework and the policies of the ACS? How were the CONIs defined? Are the identified areas of the CONIs justified and effective?

2.3 Yes, the designation of the CONIs is justified. The Co-op expressed concerns regarding earlier drafts of the CONI boundary in respect of their site at Carlton Road, Nottingham. Previous iterations had removed the site from the boundary.

2.4 However, the Submission Version (March 2018) of the Policies Map North (LAPP-CD-REG-02) reinstates the boundary. The Co-op are supportive of this approach given the commitment at 3.100 of the Submission Version which states that Centres will "*continue to be the focus for retail provision*".

2.5 CONIs are considered by The Co-op to be suitable locations for main town centre uses as defined by the NPPF 2012.

2.6 Given the sites existing use and the restrictive legal covenant on the site it would be inconsistent to remove this site from the boundary.

2.7 Paragraph 23 of the NPPF 2012, requires for the growth of centres of the plan period policies should seek to achieve the following summary points:

- Support their viability and vitality;
- Define a hierarchy of centres;
- Define the extent of two centres and primary shopping areas;
- Promote competitive centres giving customer choice;

- Retain and enhance existing markets and where appropriate re-introduce or create new ones;
- Allocate a range of suitable sites to meet the scale and type of retail development needed in towns;
- Set policies for the consideration of proposals for main town centre uses which cannot be accommodated in or adjacent to town centres;
- Recognise the role of residential development; and
- Where town centres are in decline plan positively for their future economic activity.

2.8 The Co-op consider that as drafted Policy SH7 achieves all of these objectives, however in some respects the policy could be enhanced to provide greater certainty to providers.

2. Are criteria b) and c) of policy SH7 sufficiently clear and effective for development management purposes having regard to the Framework?

2.9 No, these criteria are not sufficiently clear and effective.

2.10 Whilst the main thrust of the requirements of each criterion are understood and these broadly align with national requirements, there is a good deal of subjectivity within policy wording which is not helpful.

2.11 For example, there is no definition provided as to when, in terms of a threshold, 'over concentration' is triggered within any centre. Whilst this may vary across centres, due to existing conditions, it is likely that this will only be defined through the appeals process which is not a satisfactory approach in The Co-op's view.

3. See Q5 in relation to policy SH2 which also applies to criterion d) in policy SH7.

2.12 There are indeed similarities between policy SH2 and SH7 in relation to the assessment of how the Council would assess the negative impact on the economic and social wellbeing of residents.

2.13 This is particularly the case where the impacts to one sector or grouping of residents/community is different from another. We are unsure as to how the Council will look to balance competing impacts as part of any balancing exercise.

2.14 This is particularly important as the NPPF seeks to ensure that centres are competitive and promote customer choice ad a diverse retail offer.