

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

HEARING STATEMENT

MATTER 4: THE SCALE AND DISTRIBUTION OF DEVELOPMENT AND THE APPROACH TO SITE ALLOCATIONS

ON BEHALF OF THE CO-OPERATIVE GROUP

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

Prepared by: Alexander James Bullock

Pegasus Group

First Floor | South Wing | Equinox North | Great Park Road | Almondsbury | Bristol | BS32 4QL

T 01454 625945 | **F** 01454 618074 | **W** www.pegasuspg.co.uk

Birmingham | Bracknell | Bristol | Cambridge | Cirencester | East Midlands | Leeds | Liverpool | London | Manchester

PLANNING | **DESIGN** | **ENVIRONMENT** | **ECONOMICS**

CONTENTS:

Page No:

1.	INTRODUCTION	1
2.	HEARING STATEMENT	2

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 8: The Scale and Distribution of Development and the approach to Site Allocations.

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 21st and Thursday 22nd 2018** in relation to relevant parts of Matter 4. 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 8: Site Allocations (Policy SA1) of Matter 4.
- 2.3 Policy SA1 allocates a range of sites including PA39: Carlton Road – Former Co-op. Accordingly our responses below focus on this site only as opposed to more general statements regarding the Council’s approach to site allocations.
- 2.4 In relation to PA39 we acknowledge that the site boundary has been significantly reduced, within the Submission version of the Local Plan Part II, to now exclude the Albany Works site.

1. Are the site allocations appropriate and justified in the light of potential constraints, infrastructure requirements and adverse impacts?

- 2.5 No, The Co-op considers that the proposed allocation of PA39 is not appropriate and justified for a mix of retail and residential uses.
- 2.6 As The Co-op has made clear during previous representations to earlier versions of the Part II Plan the site is the subject of a legal restriction which limits the use of the site for a food supermarket only.
- 2.7 This legal restriction does not appear to have been identified within any earlier assessment of the site by the Council.
- 2.8 On the basis that the legal restriction is in place we would question that if the site achieved a successful planning consent for an alternative use, whether in reality such a use could be implemented. Accordingly, the approach could not reasonably be justified.
- 2.9 Equally, we would draw attention to the concerns that The Co-Op has raised previously regarding the removal of this site from the Neighbourhood Centre (CONI) boundary, although this will be discussed under Matter 5.

2.10 We would also question the ability of the site to be able to effectively accommodate a mixed-use scheme, given the relatively small-scale nature of the site and the re-use of a store of equivalent size to that which is already in existence. We do not foresee a scheme which can work given the need to maintain the existing car parking arrangements to serve the store and meet residential car parking requirements.

2. Are there any significant factors that indicate that any sites/parts of any sites should not have been allocated?

2.11 As noted above we welcome the proposed change which sees the deletion of the Albany works element of the site.

2.12 The Co-op does not request that any further parts of the site should be excluded but maintains its objection to the re-use of the site for anything other than an A1 retail use.

3. Is there any risk that site conditions and constraints might prevent development or adversely affect viability and delivery? Are the sites viable and deliverable?

2.13 Yes, The Co-op considers that the restrictive legal covenant preventing the re-use of the site for anything other than A1 retail would be a significant constraint to the implementation of any future permission for an alternative use.

2.14 The Co-op considers that with this in place the effectiveness of this allocation is questionable.

4. How were the site areas and capacities in terms of the various types of development determined? Are the assumptions regarding the capacity and delivery justified and based on available evidence? Would the modifications proposed by the Council address any shortcomings in these respects?

2.15 The Co-op considers that the Council has not produced any evidence to justify how 18 dwellings could be accommodated on site alongside either the retention of the existing store or provision of a new similar sized store.

2.16 The Co-op believes the numbers identified have been based on an arbitrary assessment of the size of the land parcel and in the absence of any detailed understanding regarding how a mixed-use site, such as that which is proposed, could work.

2.17 The Co-op is an experienced retailer and operates over 4,000 food shops across the UK. As the current leaseholder The Co-op are concerned how the two uses at the scales proposed could operate side by side.

5. How were the proposed uses and development principles for the allocated sites identified? What factors were taken into account? Are the proposed uses and development principles for the allocated sites effective and justified? Would the modifications proposed by the Council address any shortcomings in these respects?

2.18 The site currently benefits from an A1 retail use and therefore it is assumed that the Council carries this use forward, given its proximity to the town centre, where A1 is highly suitable. The C3 residential use is presumably identified to boost housing delivery and by the Council to make more effective use of its land asset.

2.19 As explained above we consider the proposed mixed use to not be justified or effective given the restrictive legal position on the site and the ability of the site to be operated at a similar floorspace to that which currently exists on the site.

2.20 However, given that the site is being retained within the Centres of Neighbourhood Importance (CONI), we are unsure as to why the Council has defaulted to a residential use and appears not to have given any consideration for other suitable town centre uses.

2.21 Annex 2 of the National Planning Policy Framework defines main town centre uses as:

“Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment facilities the more intensive sport and recreation uses (including cinemas, restaurants, drive through restaurants, bars and pubs, night-clubs, casinos, health and fitness centres, indoor bowling centres, and bingo halls; offices; and arts,

culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities)".

- 2.22 The supporting text to Policy SH7 at paragraph 3.132 states that within CONI's the focus will be on "*convenience goods and service provision to meet local needs and small-scale community and leisure facilities*".
- 2.23 Sites within the CONIs are suitable locations for main town centre uses, therefore The Co-op suggest that if there is to be a divergence away from A1 retail then the Carlton Road site should also be considered for a wider range of uses appropriate to its location within the neighbourhood centre, akin to main town centre uses as defined above.
- 2.24 The site at present is vacant and The Co-op consider that the flexibility created through the amendments suggested above (i.e. greater range of potential main town centre uses) would increase the chances of it being brought back into beneficial use. We are mindful of the neighbouring supermarket (Lidl) and consider other town centre uses could compliment this offering rather than seeking to directly compete.
- 2.25 The Co-op consider there would be no policy objections to such potential uses, particularly given the approach of Policy SH7, and the allocation should be amended accordingly.