
Nottingham City Council

Response to Matter 5



**Nottingham
City Council**

**Development Management policies – Sustainable
Growth**

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Issue 1: Climate Change

Policy CC1: Sustainable Design and Construction

Q1. *Is the requirement of section 3 of policy CC1 in relation to water consumption justified in terms of need and has the impact on viability been adequately considered?*

5.1 Yes. The requirement was introduced by ACS Policy 1.2(a) and is based on and justified by the findings of the Greater Nottingham and Ashfield Outline Water Cycle Study, 2010 ([LAPP-ENVIRO-07](#)), which highlights the area as an area of “moderate water stress”. This approach has been supported by Severn Trent and the Environment Agency, who were party to the Outline Water Cycle Study. Since the ACS the Government have introduced National Housing Standards of water consumption. The LAPP standard of 110 litres per day is slightly less demanding than the ACS requirement of 105 litres a day, justified on the basis of the more recent Government “Housing: optional technical standards”.

5.2 The viability considerations (which are not significant) have been fully taken into account in the Plan Wide Viability Assessment ([LAPP.NCC16](#)) and address concerns put forward by the Home Builders Federation (HBF) (representation 2795 x 4313) and Gladman Developments (representation 3878 x 5447)

Q2. *Is the reference in section 4 of policy CC1 to supporting energy generation and use over and above the National Housing Standards consistent with national policy? Is the policy wording sufficiently clear and effective for development management purposes having regard to the Framework?*

5.3 Yes. Section 4 of Policy CC1 is a “supportive” policy, and is in recognition that best practice in Nottingham City could be more widely applied to development, and will be encouraged. Exemplar developments, such as Green Street Housing in the Meadows, and new housing at Trent Basin (PA83) provide examples of development that the City Council would wish to see emulated more widely. Supporting such development to become the norm encourages innovation in design and drives up standards. It also can assist in achieving the Council’s ambitions in being a Low Carbon Pioneer City (LAPP para 3.18). The HBF (representation 2795 x 4314) have made representations on this policy. However, it is considered that the policy is adequately explained at LAPP para 3.10 and 3.11, which explain that the City Council is not requiring or specifying energy standards over and above those in National Housing Standards.

Policy CC2: Decentralised Energy and Heat Networks

Q1. *Is the wording of section 4b) of policy CC2 consistent with national policy?*

5.4 Yes, 2012 NPPF does not make specific reference to consultation in respect of wind turbines, however, para 97 urges local planning authorities to support community led initiatives for renewable energy. 2018 NPPF footnote 49 states that: “Except for applications for the repowering of existing wind turbines, a proposed wind energy development involving one or more turbines should not be considered acceptable unless it is in an area identified as suitable for wind energy development in the development plan; and, following consultation, it can be demonstrated that the planning impacts identified by the affected local community have been fully

addressed and the proposal has their backing.

- 5.5 Due to the built up area of Nottingham City, there are no areas identified in the LAPP as suitable for wind turbines, and so their development can only be considered acceptable through a Neighbourhood Plan or other Development Plan Document. This approach is considered to be fully in line with national policy.

Policy CC3: Water

Q1. Are the requirements of policy CC3 justified and consistent with national policy? Would the modifications proposed by the Council address any shortcoming in these respects?

- 5.6 Yes. Policy CC3 follows ACS Policy 1 ([LAPP-CROSS-01](#)) and is in accordance with the Water Framework Directive (Directive 200/60/EC), and national policy. It has been subject to a Sustainability Appraisal ([LAPP-CD-REG-08](#), [LAPP-CD-REG-09](#), [LAPP-CD-REG-10](#)) and, in accordance with 2012 NPPF para 100, has been drafted in close cooperation with the Environment Agency. The Environment Agency (1540) have confirmed that they consider Policy CC3 sound subject to the modifications proposed. It is therefore justified.

- 5.7 ACS Policy 1 recognises that Nottingham City has significant areas of brownfield land in urgent need of regeneration which may also be at risk of flooding and Policy CC3 also seeks to manage this, providing further clarity as to how development on land with a higher probability of flooding will be considered.

- 5.8 Proposed Modification SC011 seeks to explicitly recognise the biodiversity value of SuDs (please refer to representation from Notts. Wildlife Trust 431 x 4674) and . Proposed Modification SC012 rewords part 8 of the Policy to clarify that all development in areas of flood risk will only be considered when supported by an acceptable flood risk assessment, following the Sequential Test and if required the Exception Test. SC012 adds a further criterion in recognition of the potential cumulative impact of development on flood risk which may require a more strategic approach which would necessitate on and off-site schemes.

- 5.9 The modifications contained in the Justification Text make reference to; the requirement for a Flood Risk Assessment on all sites larger than 1 ha, updated flood risk assessments, modelling and schemes, and climate change guidance. SC015 also references 2012 NPPF guidance where sites that do not benefit from formal flood defences should compensate for any raising of land levels.

Q2. Does the wording of section 4 of policy CC3 in relation to S106 agreements accord with the Framework?

- 5.10 Yes. Section 4 of Policy CC3 expands on ACS Policy 1: Climate Change criterion 10 which states that all new development should incorporate Sustainable Urban Drainage Systems and accords with 2012 NPPF paras 203 to 206. Local Plan Policy IN4: Developer Contributions also cross references Policy CC3 making it clear that contributions may be sought where necessary to ensure development is supported by appropriate infrastructure and to ensure it meets the wider objectives of the Local Plan.

Issue 2: Employment Provision and Economic Development

Policy EE2: Safeguarding Existing Business Parks/Industrial estates

Q1. Is policy EE2 which seeks to safeguard existing business parks/industrial estates by restricting acceptable employment development to that defined in the glossary (B1, B2, B8 uses or sui generis uses of a similar nature), except for ancillary development necessary to serve the proposal, positively prepared, justified and consistent with the ACS and national planning policy?

5.11 Yes. Policy EE2, which seeks to safeguard the major business parks/industrial estates in the City from development for other uses, is considered to be appropriate as there is limited capacity for new land becoming available for these types of economic development use.

5.12 The majority of sites named relate to major existing employment sites within the main built up area of Nottingham City in accordance with ACS Policy 4 h (i) and h (ii). The safeguarding of these sites to ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and Innovations is in accordance with 2012 NPPF para 7 which promotes the economic role of plans and para 19 in encouraging sustainable growth. The LAPP explains at 3.56 that the locations are considered to have a reasonable prospect of being used for the allocated employment use.

5.13 Policy EE2 has been subject to Sustainability Appraisal (Sustainability Appraisal, (Main document) January 2016) [LAPP-CD-REG-08](#). It is therefore considered justified and consistent with the ACS and the Framework.

Q2. Is the reference to ancillary development necessary to serve the proposal sufficiently clear and effective for development management purposes having regard to the Framework?

5.14 Yes. The reference to ancillary development is considered clear and effective for development management purposes. The policy provides opportunities to develop uses ancillary to the existing employment use. Given the bespoke nature of an ancillary use, the development management process would require an assessment of the nature and scale of each proposal for ancillary use in the context of the existing use. For this reason, it is not considered appropriate for this element of the policy to be over-prescriptive.

Policy EE3: Change of use to Non-Employment Uses

Q1. Is policy EE3 justified and consistent with the ACS and national policy?

5.15 Yes. Policy EE3 is consistent with ACS and National policy. It allows for the consideration of the change of use or redevelopment of existing employment sites. This approach accords with ACS Policy 4, which seeks to appropriately manage existing employment sites and allocations to cater for the full range of employment uses, including by considering the release of sites that do not meet set criteria.

5.16 Policy EE3 does not provide for blanket protection of allocated sites, and is therefore in accordance with 2012 NPPF para 22, which states that “planning policies should avoid the long-term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose.” The policy was also subject to Sustainability Appraisal ([LAPP-CD-REG-08](#)). It is therefore considered to be justified.

- 5.17 In addition, following the Publication Version of the LAPP, it should be noted that the definition of “Employment Uses” has been broadened to include appropriate Sui Generis uses as suggested in representations by Wilson Bowden (2813x4159) and Aldi Stores (3726x4360).

Policy EE4: Local Employment and Training Opportunities

Q1. Is the wording of policy EE4 sufficiently robust, clear and effective for development management purposes having regard to the Framework?

- 5.18 Yes. The wording of Policy EE4 is considered sufficiently robust, clear and effective for the purposes of Development Management. Para 3.77 of the Justification highlights the range of measures which will continue to be supported by the implementation of this policy. It is noteworthy that no representations have been received on this policy, and that the practice of seeking opportunities for local people to access work and training opportunities through development schemes is well established in the City, with many developers welcoming the access to local labour that the approach provides. A Supplementary Planning Document (SPD) will be prepared which will provide further information relating to the type and scale of development which will be expected to contribute towards the employment and training, with additional detail covering appropriate options to meeting the obligations.

Q2. Does section 2 of policy EE4 in relation to planning obligations accord with the Framework?

- 5.19 Yes. The City Council believes that section 2 of Policy EE4 in relation to planning obligations accords with the Framework.
- 5.20 Firstly it is important to note that the 2012 NPPF (para 10) makes it clear that local plans and decisions need to take local circumstances into account so that they respond to the different opportunities for achieving sustainable development in different areas.
- 5.21 The 2012 NPPF also sets out the Government’s commitment to securing economic growth (paras 18-21) in order to create jobs and prosperity and in turn emphasises the role of local planning authorities in setting out a clear economic vision and strategy for their area, planning to meet the development needs of business and supporting a modern economy.
- 5.22 Para 204 of the 2012 NPPF sets out guidance on the use of Planning Obligations. It states that Planning obligations should only be sought where they meet all of the following tests:
- necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.
- 5.23 The principle of using Section 106 obligations as a mechanism for delivering local employment and training opportunities has been established for some time, and there are many examples of good practice in the successful use of planning obligations for this purpose across a range of local authorities throughout the country (Camden, Milton Keynes, Islington, Barking and Dagenham, Greenwich, Newham,

and Newcastle). In Nottingham City, the principle of negotiating the provision of employment and training opportunities through the use of planning obligations was established in Policy 4 (Employment Provision and Economic Development) of the ACS and there have been many cases of voluntary planning agreements being entered in to to date to achieve the purposes of securing employment and training opportunities.

- 5.24 In Nottingham City, there are clear strategic objectives in relation to “Developing a skilled workforce” (set out in Nottingham’s Growth Plan ([LAPP-EMP-06](#))) and “Tackling poverty and deprivation” by getting more local people into good jobs (Strategic Priority 4 of the Nottingham Plan to 2020 ([LAPP-CROSS-08](#))). Evidence in the Employment Background Paper ([LAPP-CD-BACK-01](#)) shows that there are high levels of unemployment in the city and high levels of deprivation leading to poor skills levels and low educational attainment making it harder for residents to enter employment. Furthermore, despite the underlying strength of Nottingham City’s economy (it has one of the Country’s eight largest city economies outside of London), too many people remain disconnected from jobs, wealth and opportunities.
- 5.25 Both the Growth Plan and The Nottingham Plan to 2020 point out that there are many valuable development opportunities facing Nottingham City such as jobs arising from new developments, business opportunities as new industries grow and new regeneration initiatives. It is demonstrable however that employment opportunities arising from new developments, and regeneration initiatives on their own, do not necessarily lead to social regeneration and a reduction in economic inactivity. Socio-economic circumstances within deprived communities create barriers to accessing these opportunities, and whilst development and physical regeneration create employment opportunities in a local area, it is only through using proactive measures that more of these opportunities will be created and filled by unemployed local residents.
- 5.26 The Nottingham City Growth Plan therefore states the City’s economy can only develop if everyone benefits from the opportunities that growth has to offer. Restructuring the City’s economy and tackling the barriers that exist for many Nottingham City residents to access higher-skilled job opportunities, through targeted training and employment support, are all critical to improving the economic performance of the City and quality of life for residents. Such measures include providing improvements to education, skills and training provision, removing barriers to work, providing an increased number of job opportunities and promoting local labour agreements to enable local residents to develop skills and secure employment arising from development within the local area.
- 5.27 In Nottingham City, a range of measures have already been implemented across the City in order to connect residents to work including the Nottingham City Jobs Fund, the Recurring Grants Programme targeted at local community and voluntary sector groups and the establishment of the Employer Hub and the Apprentices Hub in partnership with Nottingham Futures. The City Council and its partners are making significant investments in employability projects, such as the Employer Hub and the Integrated Employer Engagement Service. The Employer Hub is the only service in the City aimed solely at connecting unemployed City residents to local jobs. Since its inception in October 2011, the Employer Hub has placed 423 City residents into work through 21 projects. Of these new starters, 72 have been apprenticeships. The Employer Hub also regularly engages with employers to establish their employment needs and delivers targeted training programmes to focus on addressing any skills deficits that are identified.

- 5.28 To sustain this early success, it is critical that City residents, often hindered by the socio- economic circumstances of deprivation, are given improved access to employment opportunities created by new development. In this way the 'conversion rate' between inward investment into the City and the level of unemployment within the City can be significantly improved.
- 5.29 It is proposed that a SPD will; be prepared which will identify the types and scales of development that will be required to contribute to employment and training initiatives. The SPD will also set out the options available to developers to fulfil any such obligations in order to meet policy objectives.
- 5.30 It is noteworthy that no representations have been received on this policy, and that the practice of seeking opportunities for local people to access work and training opportunities through development schemes is well established in the City, with many developers welcoming the access to local labour that the approach provides.

Issue 3: City, Town, District and Local Centres

Policy SH1: Major Retail and Leisure Developments within the City Centre's Primary Shopping Area

Q1. Is policy SH1 justified in referring to both retail and leisure floorspace and in its focus on the intu Broadmarsh Centre and intu Victoria Centre?

- 5.31 Yes. Retail and leisure are both main town centre uses which underpin the success of Nottingham City Centre, and have strong linkages and often similar locational requirements. Referring to both in relation to the City Centre's Primary Shopping Area is fully justified in this regard.
- 5.32 Intu Broadmarsh and Victoria represent the two most significant opportunities to enhance and modernise the City Centre's offer and support its vitality and viability. The approach is set out in ACS Policy 5 "Nottingham City Centre". Extant planning permissions are in place for both centres, and for the Broadmarsh car park. The demolition of the existing Broadmarsh car park is complete. Once fully implemented, these schemes will enhance the attractiveness of the City Centre and assist in achieving the ACS aim of promoting Nottingham City Centre as the region's principal shopping, leisure and cultural destination, whilst maintaining its compactness. Land Securities Plc. (representation 3739x4413) is not accepted in this regard.

Q2. Is there a contradiction between policy SH1 and policy SH2 in so far as there are primary frontages identified within the City Centre's Primary Shopping Area?

- 5.33 No. The 2012 NPPF states that primary shopping areas comprise primary and secondary shopping frontages. Policy SH2 sets out how development within the primary shopping frontages will be considered. Policy SH1 is a high level policy, setting the strategic principles of new development within the primary shopping area, whilst SH2 is a detailed development management policy, setting out how applications for development within the primary shopping frontage will be considered.

Q3. Is the requirement of part c) of policy SH1 justified?

5.34 Yes. The requirement is justified in that major retail and leisure floorspace can be a significant trip generator and draw for City Centre visitors, and like all development should make provision for users of the development. Improvements to connectivity and public realm are therefore necessary to make the development acceptable in planning terms, relevant to planning and to the development under consideration. They meet the test for planning conditions and contributions set out at paras 203 to 206 of the 2018 NPPF. Representation 3739x4417 from Land Securities Plc. is therefore not accepted in this regard and the support of Notts. Local Access Forum (3744x4600) is noted.

Policy SH2: Development within Primary Frontages

Q1. Is policy SH2 justified and consistent with the Framework?

5.35 Yes, Policy SH2 is justified and consistent with the 2012 and describes primary shopping frontages (PSF) as a component of primary shopping areas, stating PSF are likely to include a high proportion of retail uses which may include food, drinks, clothing and household goods. At para 23 the 2012 NPPF states that Local Plans should set policies that make clear which uses will be permitted in such locations, and Policy SH2 is aimed at meeting this requirement. By providing criteria against which planning applications for retail (A1) and non retail uses will be assessed. It should be noted that the response to Matter 1, Issue 6 Question 2 proposes removing reference to SPD from the policy.

Q2. Is criterion 1 d) of policy SH2 capable of effective implementation? How would the Council assess whether or not a proposal for retail development within the primary frontages would have a negative impact on existing, committed and planned investment in the Centre?

5.36 Further consideration has been given to criterion 1 d) of SH2, and a clearer wording is proposed in order to improve its effective implementation. Proposed Post Submission change (PPSC17) is therefore proposed as follows:-

PPSC number	Para Ref/Policy	Proposed Post Submission Change
PPSC17	Policy SH2: Development within Primary Frontages	Criterion 1 d) of Policy SH2 amended to read: "d) does not have a negative impact on existing, committed and planned investment <u>any plans for comprehensive redevelopment</u> in the Centre;

Q3. Is section 2 of policy SH2 which relates to development other than retail (Class A1) justified and consistent with the Framework?

5.37 Yes. Section 2 of Policy SH2 is justified and consistent with the 2012 NPPF. The 2012 NPPF describes primary shopping frontages (PSF) as a component of primary shopping areas, stating PSF are likely to include a high proportion of retail uses which may include food, drinks, clothing and household goods. At para 23 the 2012 NPPF states that Local Plans should set policies that make clear which uses will be permitted in such locations, and Policy SH2 is aimed at meeting this requirement. Section 2 provides criteria against which planning applications for non retail uses will be assessed. Section 2 is necessary to manage concentrations and clusters of non

retail (A1) uses, which could be detrimental to the vitality and viability of the centre as a whole.

Q4. Is consideration 2 g) of policy SH2 capable of effective implementation? How would the Council assess whether or not a proposal for retail development within the primary frontages would have a negative impact on existing, committed and planned investment in the Centre?

5.38 Further consideration has been given to criterion 2 g) of SH2, and a clearer wording is proposed in order to improve its effective implementation. Post Submission change (PPSC18) is therefore proposed as follows:-

PPSC number	Para Ref/Policy	Proposed Post Submission Change
PPSC18	Policy SH2: Development within Primary Frontages	Criterion 2 g) of Policy SH2 amended to read: "g) does not have a negative impact on existing, committed and planned investment any plans for comprehensive redevelopment in the Centre;"

Q5. Is consideration 2 i) in policy SH2 (along with a similar consideration in policies SH3 and SH7) which indicates that proposals will be assessed against whether it would have a negative impact on the economic and social wellbeing of local residents justified and in particular in this context is the specific reference in the supporting text to Pay Day Loan Shops and Betting Shops justified? If so, is the consideration capable of effective implementation? How would the Council assess whether or not a proposal would have a negative impact on the economic and social wellbeing of residents?

5.39 Yes. Policies SH2, SH3 and SH7 seek to ensure that centres remain vital, attractive and provide a diverse retail offer. The policies are directly in line with the objectives of the 2012 NPPF and Policy 4 of the ACS (Role of Town and Local Centres) which seeks to maintain and enhance the vitality and viability of all centres, including widening the range of uses (whilst maintaining a strong retail character).

5.40 Analysis by Landman Economics published in 2014 ("A Review of the Local Data Company's Report - An independent analysis of betting shops and their relationship to deprivation along with their profile relative to other high street business occupiers") ([LAPP.NCC 26](#)) concluded that betting shops are more likely to be located in areas of high deprivation and confirmed that the presence of Payday Loan shops on high streets is positively linked to a preponderance of betting shops. Landman used analysis carried out by Geofutures, which showed that the areas with the highest levels of deprivation had more than twice as many betting shops compared with the lowest levels of deprivation.

5.41 Landman also examined mapping of Payday Loan shops. The report sets out that over 34% of all betting shops are located in the most deprived quartile compared to 16% in the least deprived quartile. The report contends that the number of Betting Shops and number of Payday lenders is strongly correlated with the Index of Multiple Deprivation in local authorities.

5.42 The City Council's Retail Background Paper ([LAPP-CD-BACK-10](#)) and Retail Background Paper Addendum ([LAPP-CD-BACK-11](#)) references Southwark Council's

research (Betting, borrowing and health – Health impacts of betting shops and payday loan shops in Southwark (March 2014) ([LAPP-RETAIL-08](#))), which claims that problem gambling is linked to poor health and problem gamblers experience the worst health outcomes and tend to live in deprived areas. It also shows that access to gambling venues increases gambling activity and problem gambling.

- 5.43 In January 2018, Public Health England published its "Healthy High Streets, Good place-making in an urban setting" document ([LAPP.NCC 27](#)). Drawing upon information from numerous pieces of research including, Geofutures The Betting Shop Landscape (<https://www.geofutures.com/gambling-2/the-betting-shop-landscape/>), they explain betting shops tend to cluster in some of the most deprived areas.
- 5.44 Public England found that "harm from gambling occurs either sequentially or in parallel. Harm includes financial harm, harm to family relationships (including intimate partner violence), emotional or psychological distress, reduced performance at work or study, increased risk of criminal activity, feelings of lack of control around behaviour or circumstances, feelings of insecurity or lack of safety, and feelings of shame and stigma. These issues can create mechanisms or pathways for poor health behaviours, including poor sleep practices and non-compliance with medication routines". Consequently, tasked with improving health, social and cultural wellbeing, local authorities, in supporting creation of strong, vibrant and healthy communities, should consider policies to reduce inequality and which aim to promote the economic and social wellbeing of residents.
- 5.45 In 2014 Newham Council released a joint submission under the Sustainable Communities Act to reduce the stakes on category B2 Fixed Odds Betting Terminals (FOBTs) in on-street betting outlets from £100 to £2 per spin had the support of 31 of the London Boroughs and London Councils. The submission also has cross-party support from a further 62 councils across the country (including Nottingham City Council) making this the largest ever submission under the Act. In describing the issues the submission outlined, 'the proliferation of on-street betting outlets is an issue of grave concern to many councils across the country and their local residents due to the impact on the vitality of high streets and the increased anti-social behaviour associated with clustering in one locality'.
- 5.46 A paper published in the Journal of Gambling Studies by social research institute NatCen in December 2012 showed that the greatest concentration of gambling machines could be found in Britain's most deprived areas, "with the highest density of machines mirroring the profile of those most at risk of experiencing harm from gambling"¹. In support, Geofutures research discovered, upon analysis of the clustering of betting shops in centres across Great Britain, that on average a 20% increase of betting shops occurred for every percentage point increase in the unemployment count of a studied area.²
- 5.47 In this context, it is very relevant that Nottingham City has high levels of deprivation and poor health. Overall, Nottingham City was ranked as the 8th most deprived local authority out of 326 local authority districts in England according to the 2015 Index of Deprivation. Within this Index there are domains relating to Income Deprivation and Health Deprivation where Nottingham City ranks 14th and 19th respectively meaning

¹ Heather Wardle, Research Director, Health and Wellbeing, NatCen, Betting shops blighting the high street? How, why and where and why?, <http://map.geofutures.com/dispatches/cutting/28/NatCenGamblingHarmCommentary.pdf>, August 2012

² Geofutures, Analysis of high street book makers across Britain, <http://map.geofutures.com/dispatches/cutting/22/GeofuturesBackgroundAnalysis.pdf>, August 2012

it is in the 10% most deprived authorities in England. On each of these measures, Nottingham City has seen its ranking worsen relative to other districts since the 2010 Index of Deprivation.

- 5.48 Nottingham City Council acknowledges the lack of national and empirical evidence base with regards proving that betting shops exacerbate existing economic and social characteristics of deprivation as stated in representations from Power Leisure Bookmakers Ltd. (please refer to representation numbers 5462, 5470,5471). However, the research highlights that there is a clear link between deprivation and the proximity of Payday Loan and Betting Shops and that access to gambling venues increases gambling activity and problem gambling.
- 5.49 Furthermore, there is a clear common sense logic to the concern, both at a Government and local authority level across the country, of the cumulative impact of Payday Loan and Betting Shops on the places they occupy. This is borne out by the government's decisions on Fixed Odds Betting Terminals and amendments to The Town and Country Planning (General Permitted Development) Order 2015 which provides greater control over the location of new Payday Loan and Betting Shops. (by placing them in a "sui generis" use class so that any new Payday Loan or Betting Shop proposals require planning permission with no permitted change of use from other use classes).
- 5.50 Power Leisure Bookmakers rightly identify (please refer to representations 4396 and 4397), that the City Council wants to scrutinise applications to ensure that they will not lead to any clusters or concentrations which will lead to negative impacts.
- 5.51 Mindful of past conclusions involving other Local Planning Authorities, Nottingham City Council has reconsidered the representations submitted by Power Leisure Bookmakers and favours the approach suggested in the example of the model policy quoted in representation numbers 4396 and 4397. The City Council concludes however that the sentiment of this approach is already embodied in policies SH2 (2a), SH3 (b) and SH7 (b). On re-examination, it would seem that these criteria already offer a justified and pragmatic policy allowing for control over the proliferation of Payday Loan and Betting Shops. The City Council therefore also proposes to delete the following criteria: SH2 (i), SH3 (f) and SH7 (d).
- 5.52 Consequently, further consideration has also been given to the Justification Text to Policy SH2 in paras 3.102 and 3.103 and clearer wording is proposed in order to support the effectiveness of the policy. Accordingly, Post Submission Changes are also proposed for the Justification Text to Policy SH3 (para 3.110) and Policy SH7 (para 3.315) and these are detailed in the responses to Policy SH3, Q3 and Policy SH7, Q3 respectively.
- 5.53 The following post submission changes are therefore proposed:

PPSC number	Para Ref/Policy	Proposed Post Submission Change
PPSC19	Policy SH2: Development within Primary Frontages	Delete Criterion 2 i) of Policy SH2 “i) whether the proposal would have a negative impact on the economic and social wellbeing of local residents.”
PPSC20	Policy SH2: Development within Primary Frontages	Amend justification text to Policy SH2 as follows: “3.100 Beyond the City Centre, the defined Town, District and Local Centres will continue to be the focus for retail provision in line with NPPF and Core Strategy. These Centres have a wider role as a focal point within communities, a place to meet, socialise, gain access to services and pursue leisure interests. <u>Above all, the policy will seek to ensure that centres remain vital, attractive and provide a diverse retail offer.</u> <u>3.100a Nottingham has high levels of deprivation and poor health and was ranked as the 8th most deprived local authority out of 326 local authority districts in England according to the 2015 Index of Deprivation. Research on the spatial distribution of Payday Loan Shops (and Betting Shops) shows that they tend to locate in areas which experience high levels of health and economic deprivation (e.g. research by Landman Economics 2014 and ‘Betting, Borrowing and Health’ – Southwark Council 2014). Specifically, in relation to these uses, it is important that further development does not lead to any clusters or concentrations which would lead to negative impacts.</u> <u>3100b Due to there being such a diverse range of town and local centres with distinct identities and characters, the policy will assess non A1 uses in relation to specific locational circumstances taking into account, for example, the number of non A1 units, length of non A1 frontage, amount of active frontage and clustering of single uses rather than specifying proportions of non A1 frontages for town centres.</u> 3.101 Changes in shopping behaviour and trends towards internet based shopping reinforce the already acknowledged importance of other complementary main town centre uses to the vitality and viability of Centres. This has also been recognised by the Government with the introduction of more flexible Permitted Development rights to allow change of use of some retail units to other uses without the need for planning permission.

PPSC number	Para Ref/Policy	Proposed Post Submission Change
		<p>3.102 The Government has also responded to concerns over the growth of Pay Day Loan shops in the high street. In March 2015 the Government confirmed that Pay Day Loan shops would no longer be included within the A2 Use Class but would become ‘sui generis’ meaning that planning permission is now required for such uses. This was in response to concerns over the impact that such uses can have on the retail character and attractiveness of an area but most importantly the potential negative impact on the social and economic wellbeing of local communities.</p> <p>3.103 Nottingham has high levels of deprivation and poor health and was ranked as the 8th most deprived local authority out of 326 local authority districts in England according to the 2015 Index of Deprivation. Research on the spatial distribution of Pay Day Loan shops (and betting shops) shows that they tend to locate in areas which experience high levels of health and economic deprivation (e.g. research by Landman Economics 2014 and ‘Betting, Borrowing and Health’ – Southwark Council 2014). The Council will resist proposals which do not assist in reducing inequality and which may further harm the economic and social wellbeing of residents. In considering proposals, the Council will review the social and economic characteristics of the local area including reference to the Government’s Indices of Deprivation and where appropriate information from other agencies on the nature of inequality and deprivation in the area.</p> <p>3.104 If necessary, further guidance to support the enhancement of Centres will be provided, particularly where Centres are identified as being in decline and/or underperforming, or where significant additional provision and change is required to meet identified need.”</p>

Policy SH3: Development within Secondary Frontages

Q1. Is policy SH3 justified and consistent with national policy?

5.54 Yes. Policy SH2 is justified and consistent with the 2012 NPPF. The 2012 NPPF describes secondary shopping frontages (SSF) as a component of primary shopping areas, stating SSF provide greater opportunities for a diversity of uses such as restaurants, cinemas and businesses. At para 23 the 2012 NPPF states that Local Plans should set policies that make clear which uses will be permitted in such locations, and Policy SH3 is aimed at meeting this requirement, in that it promotes all main town centre uses, and includes criteria against which proposals will be judged. It should be noted that the response to Matter 1, Issue 6 Question 2 proposes removing reference to SPD from the policy.

Q2. Should the secondary frontages be specifically defined?

5.55 No. Specific definition is not necessary. Frontages within the primary shopping areas which are not primary shopping frontages are by definition secondary shopping frontages. In addition, the 2018 NPPF makes no reference to secondary shopping frontages.

Q3. See Q5 in relation to policy SH2 which also applies to consideration f) in policy SH3.

5.56 The Inspector is referred to the response to SH2, Q5 for a full explanation of the proposed Post Submission Changes below:

PPSC number	Para Ref/Policy	Proposed Post Submission Change
PPSC21	Policy SH3: Development within Secondary Frontages	Delete criteria f) SH3 as follows: “f) whether the proposal would have a negative impact on the economic and social wellbeing of local residents.”
PPSC22	Policy SH3: Development within Secondary Frontages	Amend justification text to Policy SH3 as follows: “3.110 The Justification Text to Policy SH2, is also relevant to Policy SH3 <u>in relation to Payday Loan and Betting Shops</u> and the Council will carefully consider and resist proposals to ensure that development <u>does not lead to any clusters or concentrations of these uses</u> which could have a negative impact on the economic and social wellbeing of residents. ”

Policy SH4: Development of Main Town Centre Uses in Edge of Centre and Out of Centre Locations

Q1. Is policy SH4 justified, effective and consistent with national policy?

5.57 Yes. The 2012 NPPF para 24 states that local planning authorities should apply a sequential test to main town centre uses that are not in existing centres, whilst para

26 states local planning authorities should require an impact assessment, and allows for proportionate local set thresholds to be used. Para 23 states that local planning authorities should set policies for the consideration of proposals for main town centre uses which cannot be accommodated in or adjacent to town centres, and Policy SH4, including SH4.3, responds to this requirement.

- 5.58 The policy is considered to be worded in a way that will ensure it is effective, and is justified by evidence, principally the Broxtowe, Gedling, Rushcliffe and Nottingham Retail Study, 2015 ([LAPP-RETAIL-01](#)) and the Retail Background Paper ([LAPP-CD-BACK-10](#)). It should be noted that the response to Matter 1, Issue 6 Question 2 proposes removing reference to SPD from the policy.

Q2. Are the locally set thresholds for impact assessments contained in section 2 of policy SH4 justified particularly in relation to the smaller centres?

- 5.59 Yes. The Broxtowe, Gedling, Rushcliffe and Nottingham Retail Study, 2015 ([LAPP-RETAIL-01](#)) paras 15.40 to 15.46 concluded that a local threshold of 1,000sqm gross and above was appropriate for retail proposals in edge of City centre and out of City centre locations. This threshold reflects the size and role of Nottingham City Centre as a regional centre and the scale and demand for out of centre retail floorspace (para 14.40 and 15.41).

- 5.60 Whilst a lower threshold of 500sqm was recommended for smaller Centres, it is considered that a threshold of 1,000sqm (gross) is reasonable and practicable for all edge of and out of centre locations throughout the City, as it provides a consistent approach across the City, thus providing certainty to retail developers. Preparing an impact statement for all developments between 500 sqm and 1000 sqm is not considered to be a proportionate response, given the resources and time to prepare and analyse impact assessments both from the perspective of the applicant and from that of the local planning authority.

Q3. Is section 3 of policy SH4 justified and consistent with the Framework and the advice of the PPG? Do the criteria within section 3 of policy SH4, with the exception of criterion a) apply to all proposals for main town centre uses in edge of centre and out of centre locations? Are the criteria within section 3 of policy SH4 justified and consistent with the Framework and the PPG? If so, are they sufficiently clear and effective for development management purposes having regard to the Framework?

- 5.61 Yes. Para 23 of the 2012 NPPF states that local planning authorities should set policies for the consideration of proposals for main town centre uses which cannot be accommodated in or adjacent to town centres, and policy SH4, including SH4.3, responds to this requirement.
- 5.62 [Planning Practice Guidance](#) (para 006 Reference ID: 2b-006-20140306) states that "It may not be possible to accommodate all forecast needs in a town centre: there may be physical or other constraints which make it inappropriate to do so. In those circumstances, planning authorities should plan positively to **identify the most appropriate alternative strategy for meeting the need for these main town centre uses, having regard to the sequential and impact tests.** This should ensure that any proposed main town centre uses which are not in an existing town centre are in the best locations to support the vitality and viability of town centres, and that no likely significant adverse impacts on existing town centres arise, as set out in para 26 of the National Planning Policy Framework." (Emphasis added).

Section 3 of policy SH4 positively identifies the most appropriate alternative strategy for meeting the need for these main town centre uses which cannot locate within town centres. The implication of this para is that whilst regard is needed to the sequential and impact tests, it is legitimate to also consider other factors, and this is the role of Policy SH4.3.

5.63 Representations have been made against SH4.3(a) concerning small scale retail provision in areas of deficiency to serve local need, Thames Water Pension (3223), Sainsbury's Supermarkets Ltd (2166) and Lidl UK GmbH (5344) argue that there should be no policy requirement to demonstrate need for retail facilities. However, it is considered that the intent of the criteria has been misunderstood, in that it does not seek to introduce a requirement to demonstrate need, and a further Post Submission Change is proposed to increase clarity.

5.64 Proposed Post Submission Change **PPSC23** to SH4 section 3 criterion (a):

PPSC number	Para Ref/Policy	Proposed Post Submission Change
PPSC23	Policy SH4: Development of Main Town Centre Uses in Edge of Centre and Out of Centre Locations	Amend criteria 3a of Policy SH4 to read: "SH4.3(a) whether the proposal is for small scale retail provision in an area of deficiency to serve local convenience or service needs <u>requirements</u> , including that generated by major new development. In determining local need <u>the proposal</u> , consideration will be given to the extent and nature of the local catchment, proximity to existing shopping facilities and local accessibility."

Q4. Should the reference in the supporting text to policy SH4 regarding the promotion of major investment in leisure, sport, cultural and tourism facilities be included in the policy? Is it justified?

5.65 No, the reference to major investment in leisure, sport, cultural and tourism facilities at para 3.122 should not be included in the policy. The para is included to provide context for other main town centre uses. It is considered that other policies regarding the City Centre (ACS Policy 5), Castle Quarter (Policy RE4) and Royal Quarter (Policy RE5) are relevant considerations for proposals of this nature.

Policy SH5: Independent Retail Clusters

Q1. Is policy SH5 justified? How were the Independent Retail Clusters defined?

5.66 Yes. Policy SH5 concerns development within independent retail clusters. These clusters were identified through the City Centre Time and Place Plan 2014, pages 17-18 ([LAPP.NCC20](#)).

5.67 The clusters are important elements of the City Centre's local distinctiveness, and are visitor/shopper attractors in their own right. They contribute significantly to the City Centre's vitality and viability, and their ongoing success is an important component of the overall attractiveness of the City Centre and the Quarters within which they are located. It is considered that the policy is fully justified by these

factors. It should be noted that the response to Matter 1, Issue 6 Question 2 proposes removing reference to SPD from the policy.

Policy SH6: Food and Drink Uses and High Occupancy Licensed Premises/ Entertainment Venues within the City Centre

Q1. Is policy SH6 justified and effective?

5.68 Yes. Nottingham City Centre is a major destination for enjoying the evening economy, however, the density and cumulative impact of venues gives rise to particular issues which justify Policy SH6. The Council's Statement of Licensing Policy – Nottingham City Council, January 2014 ([LAPP-RETAIL-06](#)) points out that as of "March 2013 there were in the region of 491 licensed premises in the City centre, and statistics from the East Midlands Public Health Observatory show that in 2011 Nottingham was the most densely populated City centre for pubs, clubs and off licences within the East Midland region, having a similar density to some areas of London. The movement of large numbers of people between premises, or leaving licensed premises late at night drunk, gives rise to problems of shouting, fighting, street urination and vomiting. Further problems of fighting and disorder occur at stress points - queues for taxis and hot food takeaways." All of these factors inhibit the vitality and viability of the City centre.

5.69 Policy SH6 seeks control over licensed premises falling within use classes A3, A4 and A5, and larger premises falling within A4 use or being Sui Generis. The justification for the policy is set out at para 3.128 of the LAPP, which sets out the issues associated with high concentrations of larger licensed premises in the City Centre. The Council's Statement of Licensing Policy, particularly Appendix C, sets out the reasoning for a licensing "saturation zone", and the same evidence is relevant to Policy SH6.

5.70 It applies to A4/sui generis uses which involve larger premises over 500 capacity, is based on evidence within the Statement of Licensing policy (Appendix C). The Police remain of the view that evidence shows that premises with a capacity of more than 500 persons and where the main licensed activity is alcohol sales are more likely to be the focus of high levels of alcohol related crime and disorder, especially where those premises are open after 2am.

5.71 The policy is considered to be effective, in that it cross references other area based City Centre development plan policies (i.e. the Quarters Policies, any future development plan prepared for the City Centre), it sets out that the cumulative effects of harmful impacts of the proposal, other proposed development and existing development will be a consideration (harmful impacts are defined at para 3.128), as will the amenity of residential occupiers. It should be noted that the response to Matter 1, Issue 6 Question 2 proposes removing reference to SPD from this policy.

Q2. Is policy SH6 consistent with policy SH1, policy RE5 and policy SA1 (in relation to site allocation PA61) of the Plan?

5.72 Yes. Policy SH1 promotes major retail and leisure development in the City Centre, whilst SH6 ensures that such development does not harm the character, function, vitality and viability of the area in which it is located. The two policies are therefore consistent, as major leisure development is acceptable where it demonstrably meets the criteria set out in Policy SH6.

5.73 Similarly, PA61 promotes leisure uses, and SH6 will ensure that this leisure development does not harm the character, function, vitality and viability of the area in which it is located. The site allocation and Policy SH6 are therefore consistent.

Q3. *Is criterion b) of policy SH6 sufficiently clear and effective for development management purposes having regard to the Framework?*

5.74 Yes. Criterion b) is considered to be clear and effective for development management purposes, it allows consideration of the cumulative effects of harmful impacts of the proposal, other proposed development and existing development. Harmful impacts are defined at para 3.128 and include noise and disturbance, litter, anti-social behaviour and crime, as well as broader health and wellbeing objectives.

Policy SH7: Centres of Neighbourhood Importance (CONIs)

Q1. *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?*

5.75 Yes. The approach to CONIs is set out in the ACS, which states they should be identified through Part 2 Local Plans, and so their identification in the LAPP is appropriate. The 2012 NPPF definition of centres excludes parades of shops of purely local significance, but nonetheless they can be very important local facilities for residents. The Local Plan at para 3.132 confirms that they are not “centres” in 2012 NPPF terms, and the policy is aimed at maintaining their role as valued neighbourhood facilities, and is considered to be an effective approach.

5.76 Section 6 of the Retail Background Paper ([LAPP-CD-BACK-10](#)) describes how the CONIs were defined, which is on the basis of regular surveys, the findings of which are summarised at Appendix 2 of that document. More detail is contained in Nottingham City Local Centres Study, March 2010 ([LAPP-RETAIL-07](#)). This evidence is considered to justify the identified areas of the CONIs.

5.77 The Cooperative Group (3704/4570) made representations at the Publication stage regarding the exclusion of their unit from the Carlton Road CONI, however, the boundary was amended at Revised Publication to meet this representation.

5.78 It should be noted that the response to Matter 1, Issue 6 Question 2 proposes removing reference to SPD from the policy.

Q2. *Are criteria b) and c) of policy SH7 sufficiently clear and effective for development management purposes having regard to the Framework?*

5.79 Yes. These two criteria are considered to be sufficiently clear and effective. Criteria (b) ensures development of an appropriate scale to a small scale cluster of retail units bearing in mind their neighbourhood role, and seeks to avoid over concentration of any single use which could undermine that role. Over concentration is a matter of planning judgment, based on the characteristics of the unit and of the centre, and so this level of guidance is considered appropriate.

5.80 Criterion (c) allows for consideration of opening hours in CONI development, as units which open late in the evening can have a negative impact on the attractiveness of a CONI due to anti-social behaviour etc. Similarly active frontages can increase the vitality and viability of CONIs, maximise overlooking, and have a beneficial impact on

perceived safety. These factors are all important considerations when considering proposals within CONIs which could otherwise impact on their vitality and viability.

Q3. See Q5 in relation to policy SH2 which also applies to criterion d) in policy SH7.

5.81 The Inspector is referred to the response to SH2, Q5 for a full explanation of the proposed Post Submission Changes below:

PPSC number	Para Ref/Policy	Proposed Post Submission Change
PPSC24	Policy SH7 Centres of Neighbourhood Importance (CONIs)	Delete criteria d) of Policy SH7; Policy SH7:- “d) whether the proposal would have a negative impact on the economic and social wellbeing of local residents.”
PPSC25	Para 3.135 of Policy SH7 Centres of Neighbourhood Importance (CONIs)	“3.135 When assessing development proposals within CONIs the unique character of each CONI will be taken into account, along with the contribution that is made by different uses towards sustaining future local needs provision within the Centre and the on-going economic performance of the Centre. The Justification Text to Policy SH2, is also relevant to Policy SH7 <u>in relation to Payday Loan and Betting Shops</u> and the Council will carefully consider and resist proposals to ensure that development <u>does not lead to any clusters or concentrations of these uses</u> which could have a negative impact on the economic and social wellbeing of residents.”

Policy SH8: Markets

Q1. Is policy SH8 justified and effective?

5.82 Yes. 2012 NPPF at para 23 states that local planning authorities should “retain and enhance existing markets and, where appropriate, re-introduce or create new ones, ensuring that markets remain attractive and competitive”. Policy SH8 provides criteria to meet this 2012 NPPF requirement, and is considered to be both justified and effective.

Issue 4: Regeneration

Policy RE1: Facilitating Regeneration

Q1. Is policy RE1 sufficiently clear and effective for development management purposes having regard to the Framework? Where does it apply?

5.83 Further consideration has been given Policy RE1, and a clearer wording is proposed in order to improve its effective implementation, and to clarify which areas of the City it applies to. Post Submission Change (PPSC26) is therefore proposed as follows:-

PPSC number	Para Ref/Policy	Proposed Post Submission Change
PPSC26	Policy RE1: Facilitating Regeneration	<p>Policy RE1 amended to read;</p> <p>1. Planning permission will be granted for proposals which:</p> <p>a) do not prejudice the wider regeneration and transformation of the area <u>City Centre Quarters and the Waterside area</u>;</p> <p>b) maximise the potential of the site and are of an appropriate scale, density, design and use commensurate with the regeneration ambitions for that area; and</p> <p>c) assist in enabling the appropriate wider regeneration of brownfield sites.</p> <p>2. Where necessary, the Council will use its Compulsory Purchase Order powers to facilitate major regeneration schemes and unblock barriers to delivery.</p>

5.84 This Proposed Post Submission Change clarifies that Policy RE1.1 applies to specific locations, whilst RE1.2 applies across the City area. It is considered that with this change, the policy is clear and will be effective.

Policies RE2, RE3, RE4 and RE5 (City Centre Quarters: Castle Quarter, Canal Quarter, Creative Quarter and Royal Quarter)

Q1. Is the focus for regeneration within the City Centre on four City Centre Quarters justified and effective having regard to the Spatial Objectives of the ACS?

5.85 Yes. ACS Spatial Objective v “Regeneration” is the most relevant, and Policy 7 of the ACS explains how this Spatial Objective will be realised. The Policy refers to the Eastside, Southside and Waterside Regeneration Areas as strategic locations for growth, with detailed boundaries to be determined through Part 2 Local Plans.

5.86 Subsequent to the ACS, the City Centre Time and Place Plan 2014 ([LAPP.NCC20](#)) refines the approach to City Centre Regenerations Zones, recasting them as City Centre Quarters. The Eastside is now known as the Creative Quarter and the Southside is now known as the Canal Quarter (there is some overlap between the two, at the Island Site). The City Centre Time and Place Plan 2014 also introduced two new quarters, the Castle and Royal Quarters, each with their own distinctive characteristics, which link to Spatial Objectives iii “Economic prosperity for all” and vi “Protecting and enhancing the area’s individual and historic character and local distinctiveness”, and for which policy guidance is provided in the LAPP.

Q2. Are the boundaries of each of the City Centre Quarters justified and effective in the context of the ACS?

5.87 Yes. The City Centre Quarter boundaries are justified and effective. They were originally proposed through the City Centre Time and Place Plan, which was formally adopted by the City Council in 2014 ([LAPP.NCC20](#)), following public consultation during its preparation. The boundaries are justified on the basis of the individual characteristics and distinctiveness of each Quarter as described in that document.

5.88 ACS Policy 5 “Nottingham City Centre” seeks to maintain a prosperous, compact and accessible retail centre, develop an economically prosperous City Centre and support City Centre living initiatives, all of which are facilitated by the City Centre Quarter policies as included in the LAPP, which will be effective in ensuring place-specific criteria are considered in considering any planning application..

Q3. Are the strategic aims for each of the City Centre Quarters as set out in policies RE2, RE3, RE4 and RE5 positively prepared, justified, effective and consistent with national policy in the context of the ACS? Are they suitably flexible to provide for the regeneration of the specific areas?

5.89 Yes. The strategic aims of each of the City Centre Quarters respond to, and are justified by, the special characteristics and local distinctiveness of each quarter as described in the Justification Text to each policy, and included in the City Centre Time and Place Plan 2014 ([LAPP.NCC20](#)). The bespoke approach, building on each of the Quarters strengths is a positive approach, and entirely consistent with the 2012 NPPF (e.g. para 60 of the 2012 NPPF, para of the 2018 NPPF). ACS Policy 5 supports this approach as described above at 5.85 and 5.86.

Q4. Is the focus on business and employment uses indicated in the supporting text of policy RE2 (Canal Quarter) justified?

5.90 Yes. The Canal Quarter is already home to significant business and employment uses (Nottingham City Council, Capital One). The Railway Station/Net interchange is located here, so it is highly accessible to workers, and also has significant opportunities for the development of new offices, which are provided for in LAPP allocations.

5.91 There is significant market interest in new economic development, with offices recently granted planning permission at PA69 – Station Street/Carrington Street, and an application imminent at PA71 - Sheriffs Way, Sovereign House. The City Council is also proposing using land that it owns within PA47 - Arkwright Street Eat for office development.

Strategic Regeneration Sites

Policies RE6, RE7 and RE8 (the Boots Site, Stanton Tip and Waterside)

Q1. Are policies RE6, RE7 and RE8 consistent with the identification of the Boots Site, Stanton Tip and Waterside as strategic locations for growth in the ACS?

5.92 Yes. Policies RE6 – The Boots Site, RE7 – Stanton Tip and RE8 – Waterside flow directly from ACS Policy 2 “The Spatial Strategy”, see Policy 2.3 (vi), (vii) and (viii).

Q2. Are the requirements of policies RE6 and RE7 justified, effective and consistent with national policy in the context of the ACS?

5.93 Yes. The requirements of policies RE6 – The Boots Site and RE7 Stanton Tip set out criteria which are necessary to ensure the satisfactory development of the sites. Each is directly related to the development, and are considered to be entirely in accordance with national policy and the ACS.

Q3. Are the strategic aims set out in policy RE8 positively prepared, justified, effective and consistent with national policy in the context of the ACS? In particular has sufficient regard been given to the implications of existing uses in the area which may be considered incompatible with the regeneration aims for the area? If not, would the proposed main modification proposed by the Council ensure that the policy would be positively prepared, justified, effective and consistent with national policy in the context of the ACS and the Nottinghamshire and Nottingham Waste Core Strategy in relation to this matter?

Are the strategic aims set out in policy RE8 positively prepared, justified, effective and consistent with national policy in the context of the ACS?

5.94 Yes. The strategic aims set out in Policy RE8 Waterside set out criteria which are necessary to ensure the satisfactory development of the area as a new sustainable community. Each is directly related to the development, and the criteria positively prepared to achieve sustainable development and transformational change, justified by the opportunity, effective and consistent with national policy in the context of the ACS Policy 2 – The Spatial Strategy.

5.95 The City Council has prepared a draft Supplementary Planning Document for the Waterside 2018 ([LAPP.NCC 22](#)) which sets out in more detail how these strategic aims will be met.

In particular has sufficient regard been given to the implications of existing uses in the area which may be considered incompatible with the regeneration aims for the area?

If not, would the proposed main modification proposed by the Council ensure that the policy would be positively prepared, justified, effective and consistent with national policy in the context of the ACS and the Nottinghamshire and Nottingham Waste Core Strategy in relation to this matter?

5.96 Yes. Particular regard has been given to uses which are considered incompatible to the area, and which will require relocation in order for the Waterside to achieve its full potential as a sustainable new residential neighbourhood.

5.97 There are several such uses within PA82 – Freeth Street, including Veolia (5653), a waste management company who have made representations to the LAPP regarding a Waste Transfer Station within PA82. The justification text for Policy RE8 also makes reference to Policy WCS10 of the Nottinghamshire and Nottingham Waste Core Strategy (adopted 2013), which seeks to safeguard the operation of waste management facilities. The site currently occupied by Veolia is critical to the success of the waterside, as it is in a riverside location, and a key element of the new community is a new riverside walkway linking the Victoria Embankment to Colwick Country Park, which cannot be achieved without relocation of the facility. The City Council is therefore working with Veolia to explore opportunities to relocate the

facility, whilst minimising disruption to both the proposed development and existing operations.

5.98 However criterion a) of the Policy and Justification para 3.189a and 3.189b are specifically aimed at addressing incompatible uses partly in response to comments by Nottinghamshire County Council (3737) and Veolia (5653).

5.99 Submission Changes SC017 and SC118 have been proposed as further interim temporary measures, aimed at ensuring satisfactory development prior to the relocation of uses which are considered incompatible to the area.

Proposed Post Submission Changes as a Result of this Statement

5.100 For completeness, listed below are all the Proposed Post Submission Changes as a result of this statement.

PPSC number	Para Ref/Policy	Proposed Post Submission Change
PPSC17	Policy SH2: Development within Primary Frontages	Criterion 1 d) of Policy SH2 amended to read; "d) does not have a negative impact on existing, committed and planned investment <u>any plans for comprehensive redevelopment</u> in the Centre;
PPSC18	Policy SH2: Development within Primary Frontages	Criterion 2 g) of Policy SH2 amended to read; "g) does not have a negative impact on existing, committed and planned investment <u>any plans for comprehensive redevelopment</u> in the Centre;"
PPSC19	Policy SH2: Development within Primary Frontages	Delete Criterion 2 i) of Policy SH2 " i) whether the proposal would have a negative impact on the economic and social wellbeing of local residents. "
PPSC20	Policy SH2: Development within Primary Frontages	Amend justification text to Policy SH2 as follows: "3.100 Beyond the City Centre, the defined Town, District and Local Centres will continue to be the focus for retail provision in line with NPPF and Core Strategy. These Centres have a wider role as a focal point within communities, a place to meet, socialise, gain access to services and pursue leisure interests. <u>Above all, the policy will seek to ensure that centres remain vital, attractive and provide a diverse retail offer.</u> <u>3.100a Nottingham has high levels of deprivation and poor health and was ranked as the 8th most deprived local authority out of 326 local authority districts in England according to the 2015 Index of Deprivation. Research on the spatial distribution of</u>

PPSC number	Para Ref/Policy	Proposed Post Submission Change
		<p><u>Payday Loan Shops (and Betting Shops) shows that they tend to locate in areas which experience high levels of health and economic deprivation (e.g. research by Landman Economics 2014 and 'Betting, Borrowing and Health' – Southwark Council 2014). Specifically, in relation to these uses, it is important that further development does not lead to any clusters or concentrations which would lead to negative impacts.</u></p> <p><u>3100b Due to there being such a diverse range of town and local centres with distinct identities and characters, the policy will assess non A1 uses in relation to specific locational circumstances taking into account, for example, the number of non A1 units, length of non A1 frontage, amount of active frontage and clustering of single uses rather than specifying proportions of non A1 frontages for town centres.</u></p> <p>3.101 Changes in shopping behaviour and trends towards internet based shopping reinforce the already acknowledged importance of other complementary main town centre uses to the vitality and viability of Centres. This has also been recognised by the Government with the introduction of more flexible Permitted Development rights to allow change of use of some retail units to other uses without the need for planning permission.</p> <p>3.102 The Government has also responded to concerns over the growth of Pay Day Loan shops in the high street. In March 2015 the Government confirmed that Pay Day Loan shops would no longer be included within the A2 Use Class but would become 'sui generis' meaning that planning permission is now required for such uses. This was in response to concerns over the impact that such uses can have on the retail character and attractiveness of an area but most importantly the potential negative impact on the social and economic wellbeing of local communities.</p> <p>3.103 Nottingham has high levels of deprivation and poor health and was ranked as the 8th most deprived local authority out of 326 local authority districts in England according to the 2015 Index of Deprivation. Research on the spatial distribution of Pay Day Loan shops (and betting shops) shows that they tend to locate in areas</p>

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		<p>which experience high levels of health and economic deprivation (e.g. research by Landman Economics 2014 and 'Betting, Borrowing and Health' – Southwark Council 2014). The Council will resist proposals which do not assist in reducing inequality and which may further harm the economic and social wellbeing of residents. In considering proposals, the Council will review the social and economic characteristics of the local area including reference to the Government's Indices of Deprivation and where appropriate information from other agencies on the nature of inequality and deprivation in the area.</p> <p>3.104 If necessary, further guidance to support the enhancement of Centres will be provided, particularly where Centres are identified as being in decline and/or underperforming, or where significant additional provision and change is required to meet identified need."</p>
PPSC21	Policy SH3: Development within Secondary Frontages	Delete criteria f) SH3 as follows: "f) whether the proposal would have a negative impact on the economic and social wellbeing of local residents."
PPSC22	Policy SH3: Development within Secondary Frontages	Amend justification text to Policy SH3 as follows: "3.110 The Justification Text to Policy SH2, is also relevant to Policy SH3 <u>in relation to Payday Loan and Betting Shops</u> and the Council will carefully consider <u>and resist proposals to ensure that development does not lead to any clusters or concentrations of these uses which could have a negative impact on the economic and social wellbeing of residents.</u> "
PPSC23	Policy SH4: Development of Main Town Centre Uses in Edge of Centre and Out of Centre Locations	Amend criteria 3a of Policy SH4 to read: "SH4.3(a) whether the proposal is for small scale retail provision in an area of deficiency to serve local convenience or service <u>needs requirements</u> , including that generated by major new development. In determining <u>local need the proposal</u> , consideration will be given to the extent and nature of the local catchment, proximity to existing shopping facilities and local accessibility."
PPSC24	Policy SH7 Centres of Neighbourhood Importance (CONIs)	Delete criteria d) of Policy SH7; Policy SH7:- "d) whether the proposal would have a negative impact on the economic and social wellbeing of local residents."

PPSC number	Para Ref/Policy	Proposed Post Submission Change
PPSC25	Para 3.135 of Policy SH7 Centres of Neighbourhood Importance (CONIs)	<p>“3.135 When assessing development proposals within CONIs the unique character of each CONI will be taken into account, along with the contribution that is made by different uses towards sustaining future local needs provision within the Centre and the on-going economic performance of the Centre. The Justification Text to Policy SH2, is also relevant to Policy SH7 <u>in relation to Payday Loan and Betting Shops</u> and the Council will carefully consider and resist proposals to ensure that development <u>does not lead to any clusters or concentrations of these uses which could have a negative impact on the economic and social wellbeing of residents.</u>”</p>
PPSC26	Policy RE1: Facilitating Regeneration	<p>Policy RE1 amended to read:</p> <ol style="list-style-type: none"> 1. Planning permission will be granted for proposals which: <ol style="list-style-type: none"> a) do not prejudice the wider regeneration and transformation of the area <u>City Centre Quarters and the Waterside area</u>; b) maximise the potential of the site and are of an appropriate scale, density, design and use commensurate with the regeneration ambitions for that area; and c) assist in enabling the appropriate wider regeneration of brownfield sites. 2. Where necessary, the Council will use its Compulsory Purchase Order powers to facilitate major regeneration schemes and unblock barriers to delivery.