

## 1. INTRODUCTION

### 1.1 OBJECTIONS WHICH DO NOT RELATE TO A SPECIFIC POLICY FORMAT OF THE PLAN

#### The Objections

162X 281	Nottinghamshire County Council (Strategic Property)
158X 285	Nottingham Trent University
346X 1141	Tesco Stores Ltd

#### Issues

- a) Lack of paragraph numbers in the plan is unhelpful
- b) Allocated sites appear in the same colour. Sites for Housing, Employment and Mixed uses should appear in distinguishable colours.

#### Inspector's Reasoning and Conclusions

1.1.1 Objection reference 158X 285 is met because paragraph numbers are included in the Revised Deposit Draft.

1.1.2 Objection reference 162X 281 considers that the allocated sites for Housing, Employment and Mixed Uses should appear in distinguishable colours. However, I agree with the City Council that the use of pink to denote all development sites is appropriate because:

- It gives a clear impression of the scale of development expected over the next 10 years.
- The letters denoting each site in any case refer to the expected use.
- Given that most sites are Mixed Use Sites a separate colour for each type of development would be potentially confusing and misleading.
- The currently adopted Local Plan, and the Local Plan preceding it, all used pink to denote a development site. For the purposes of continuity, I consider it inappropriate to introduce new colour designations.

#### RECOMMENDATIONS

No modification

### 1.2 OBJECTIONS WHICH DO NOT RELATE TO A SPECIFIC POLICY CONTENT OF INTRODUCTION

#### The Objections

162X 282	Nottinghamshire County Council (Strategic Property)
162X 284	Nottinghamshire County Council (Strategic Property)

## Objections to Proposed Changes

162X 2228 Nottinghamshire County Council (Strategic Property)

### Issues

- a) The explanation of the background to the review needs to be clearer.
- b) Explanation of the relationship between the various tiers in the Planning process inadequate. No explanation of how or if the Structure Plan is out of date in respect to City policies. Inadequate explanation of how the Structure Plan is 'supplemented and informed' by more recent guidance. No explanation of why the Local Plan is running ahead of the Structure Plan.
- c) Revision is inadequate explanation of clarification sought at first deposit.

### Inspector's Reasoning and Conclusions

1.2.1 1.2.1 Objection 162X 282 argues that there is an inconsistency between the second bullet of the purpose of the Local Plan to 'allocate land for development to meet Structure Plan targets' and the Housing chapter which makes it clear that (a) there is more land for housing already identified than is necessary to meet Structure Plan requirements and (b) there is apparently a substantial amount of further capacity for housing beyond this. Explanation of the Local Plan Review is unsatisfactory, it is considered the need for review derives not from the need to allocate more land, but the need to roll forward general policies. As such, the objector seeks a much clearer explanation of the background to the Review of the Local Plan.

1.2.2 The Nottinghamshire and Nottingham Joint Structure Plan Deposit Draft November 2003 uses the Nottingham City Urban Capacity Study (as updated in the Revised Deposit Draft) as a basis for its housing provision figures. As such, I consider that the 2 Plans now closely accord. Moreover, the footnote to the second bullet point (in the Revised Deposit Draft: January 2003) states that "*The Local Plan provides for significantly more housing than the adopted Structure Plan (1996). This is due to changes in Government guidance which post-date the adopted Structure Plan, including the preparation of an Urban Capacity Study, and this approach has been agreed with the County Council.*"

1.2.3 I consider that the need for the Review is already explained in paragraphs vii and viii of the Introduction. In particular, this refers to PPG3 which says in its introduction 'This guidance introduces a new approach to planning for housing which, for most authorities, will mean that their development plan will require early review and alteration in respect of housing'.

1.2.4 Regional Planning Guidance (RPG) is aimed at Development Plans, not just Structure Plans, indeed under the emerging Planning system, Structure Plans are to be abolished. Guidance in the RPG does not have to be reflected in Structure Plans before it is taken on board by Local Plans. In my view, the Revised Deposit Draft Local Plan provides adequate explanation of the relationship between the various levels of the planning system.

1.2.5 The approach of maximising urban capacity in the City is now embodied in a draft Joint Structure Plan Review, and fully accords with the Government and RPG aims of concentrating development in urban areas. As such, I consider the revisions to the Local Plan to adequately reflect the situation at the time of its publication.

### RECOMMENDATIONS

No modification

### 1.3 OBJECTIONS WHICH DO NOT RELATE TO A SPECIFIC POLICY OMMISSIONS FROM INTRODUCTION

#### **The Objections**

184X 254      East Midlands Arts

#### **Objections to Proposed Changes**

273X 2442      Mr Foster, Nottinghamshire County Council (Planning Team)

#### **Issues**

- a) The contribution of cultural provision to regeneration needs to be acknowledged.
- b) The Plan makes no mention of the Art of Regeneration Strategy

#### **Inspector's Reasoning and Conclusions**

1.3.1 I do not consider it necessary to specifically mention the contribution of cultural provision to regeneration, as this is covered in the cultural strategy itself (and other strategies such as the Economic Development Strategy) and would lengthen the plan unduly, since other contributors to regeneration such as education and training, would therefore also need to be acknowledged. The end result would be to unnecessarily lengthen the Plan and would be inappropriate to the Introduction.

1.3.2 The Art of Regeneration Strategy now forms part of the Cultural Strategy, which is referred to in the Introduction of the Revised Deposit Draft Local Plan.

#### **RECOMMENDATIONS**

No modification

## 2. STRATEGY

### 2.1 OBJECTIONS WHICH DO NOT RELATE TO A SPECIFIC POLICY

#### The Objections

184X 254	Mrs Currie, East Midlands Arts
323X 952	Mr Lee, Friends of the Earth SEE
340X 1092	Mr Woods, Nottinghamshire Fire and Rescue Service
340X 1093	Mr Woods, Nottinghamshire Fire and Rescue Service

#### Issues

- Plan makes no mention of the Art of Regeneration Strategy
- Should be a policy in the Strategy section supporting the sequential approach.
- Preparation of the plan provides opportunity to develop a 'Nottingham Standard' to take into account the full range of Community Safety issues.
- More valuable to be involved earlier in the process, before parameters are set.

#### Inspector's Reasoning and Conclusions

2.1.1 Objection 184X 254 is met because the Art of Regeneration Strategy now forms part of the Cultural Strategy, which is referred to in the Introduction of the Revised Deposit Draft.

2.1.2 The sequential approach in RPG refers to the identification of land in Development Plans, and not to making development control decisions. Thus a policy along the lines of RPG would be inappropriate in the Local Plan. However, the RPG's sequential approach policy has been properly implemented as a major factor for selection of sites within the Local Plan.

2.1.3 Policy T1 provides for a sequential approach to be considered in Development Control decisions, the key criteria of which is accessibility. Other policies, for instance for open space and for Green Belt, ensure that development not specifically identified in the Local Plan is targeted towards more sustainable locations.

2.1.4 The Local Plan Issues Report was published for consultation in September 2000 and provided an opportunity for the Fire Brigade to be involved early in the process. Nevertheless, when the Plan is next reviewed, the City Council will consult Nottinghamshire Fire and Rescue at an early stage to feed more effectively into the Plan preparation.

2.1.5 I acknowledge that the principle of a 'Nottingham Standard' is a good one, but it is outside of the role of any Local Plan to prescribe construction standards. Nevertheless, the Built Environment Chapter (BE1) makes reference to the personal safety of all members of the community being safeguarded. As such, it would be better to take the 'Nottingham Standard' initiative forward through other means rather than the Local Plan.

## RECOMMENDATIONS

No modification

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## 2.2 STRATEGIC OBJECTIVES

### Objections

189X 250	Capital One
272X 539	Mr Ward, Wilson Bowden Developments
323X 951	Mr Lee, Friends of the Earth

### Issues

- a) To achieve the objectives for 'A Successful Economy' a new bullet point is necessary 'protecting existing and allocated employment sites from use for other purposes'.
- b) Delete reference to Architectural Competitions.
- c) Should be commitment to 'locality planning' - communities only sustainable if

### Inspector's Reasoning and Conclusions

2.2.1 Objection 189X 250 considers that it is necessary to protect existing and allocated employment sites for those uses and this should be specifically stated in this section. Whilst the Council agrees this in part, some existing employment sites are not suitable for re-use for employment and would be better used for other purposes. In any case, a blanket protection would not accord with the policies of the Economy and Employment Chapter, or the proposed revision to PPG3 'Supporting the Delivery of New Housing'. Accordingly, an additional bullet point was added to the Revised Deposit Draft (ST.009): *Protecting strategic employment areas from development by other uses.*

2.2.2 Competitions can have a valid role in ensuring high quality and imaginative design, albeit architectural designs are always subject to refinement during the planning process. In addition, the selective use of competitions brings such issues to a wider audience and can help to develop consensus around controversial sites and encourage innovative solutions. The City Council intends their use to be restricted only to the most important or sensitive sites, where design issues can be highly controversial. As such, I consider the use of competitions to be entirely appropriate for inclusion in the Plan, but the Plan should refer to sensitive sites as well as important sites.

2.2.3 As to the objective of "locality planning", I consider that this is already a fundamental part of the Plan embodied in its key objectives and Policies, such as the objectives 'A City for Everyone', the Plan's approach to Regeneration and Mixed Uses, and policies particularly in the Shopping and Town Centres Chapter and the Transport Chapter. Therefore, further reference to this particular objective is unnecessary.

### RECOMMENDATIONS

Under 'A Quality Built Environment' the 3rd bullet to paragraph 1.17 be amended to say:

- **Promoting masterplans and architectural competitions for important and sensitive sites.**

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## 2.3 ST1 SUSTAINABLE COMMUNITIES

### Objections

101X 165	Mr Tribe, English Nature
182X 262	Mrs Money, Miller Homes
272X 543	Mr Ward, Wilson Bowden Developments
399X 1144	Mr Arkwright,

### Objections to Proposed Changes

182X 2172	Mrs Money, Miller Homes
182X 2173	Mrs Money, Miller Homes
720X 2559	Bel-Air Homes
720X 2560	Bel-Air Homes

### Issues

- a) Strategy Policies make no reference to maximising nature conservation value and biodiversity through Development Proposals.
- b) Further clarification required as to weight applied to sub paragraph (a).
- c) Policy considered unnecessary.
- d) Term Sustainable Communities is bogus.
- e) Re-instate original wording 'which encourage' instead of Revision ST015.
- f) Para 1.26 no accompanying explanation and not justified with regard to Circular 1/97.
- g) Proposed revision is too vague.

### Inspector's Reasoning and Conclusions

2.3.1 PPG9 'Nature Conservation' places a duty on Local Plans to protect and enhance international, national and local nature conservation interests. In my view, Further Proposed Changes to the Natural Environment Chapter (FPCNE\01 to FPCNE\10) are considered to address this duty, in that they set out how the City Council will protect and enhance the nature conservation interests within its boundaries. The revised policies NE1, NE2, NE3 together reflect the intention of objection 101X 165 intended policy.

2.3.2 Policy ST1 is an overarching one which outlines the City Council's approach to sustainable development. It is designed to be read in conjunction with the more detailed policies of the Plan. Housing Chapter Policies H2, H3, and H5 provide further guidance on the matters raised.

2.3.3 Criterion (a) is included to ensure the creation and maintenance of mixed and inclusive communities, in line with PPG3 'Influencing the Size, Type and Affordability of Housing'. The City Council agrees that City Centre locations are unlikely to be appropriate for family housing. Policy H5 ensures that new housing development has regard to the surrounding area. Flats and smaller dwellings in and around the City Centre (and elsewhere) serve a valuable purpose in meeting the demand from small households, the number of which is expected to rise over the Plan period. By way of example, 83% of dwellings built in the City between April 2002 and March 2003 were one or 2 bedroom properties.

2.3.4 However, the Housing Background Paper highlights the imbalance in the housing stock in Nottingham, with very few larger dwellings suitable for family occupation. This fuels the on-going out-migration of families from the City which impacts negatively on school rolls and

other services, as well as leading to an unbalanced population mix. The fact that only 17% of completed dwellings had 3 or more bedrooms (April 2002-March 2003) means that relative to the City's housing stock the number of larger dwellings is declining.

2.3.5 Criterion (a) therefore puts particular emphasis on family housing but this does not mean that every site will be suitable for family housing. The policy does not force developers to comply with criterion (a). Where a site is not suitable, then the provision of larger dwellings will not be required. Where a site is identified as suitable, the policy will be implemented through the preparation of Development Briefs and negotiations with developers.

2.3.6 The City Council monitors house building and completion rates in the City annually and this monitoring includes dwelling size. A Housing Needs Assessment has also been prepared in line with PPG3.

2.3.7 Having regard to the foregoing, it seems to me that the policy, and criterion (a) in particular, reflect Government guidance. I do not consider it to be inflexible, especially when read in conjunction with other policies of the Plan. Nevertheless, for clarity, supporting paragraph 1.24 should refer to the preparation of Development Briefs and negotiations with developers.

2.3.8 The creation and maintenance of sustainable communities is fundamental to the City Council's approach to regeneration, and I consider this policy to be a central element in achieving sustainable development. It sets out the City Council's key priorities in new development and ensures developers are aware of these priorities prior to planning applications being submitted. It ensures that all aspects of sustainability (economic, social and environmental) are considered in an integrated way, in line with Government and City Council policy.

2.3.9 Policy ST1 is aimed at achieving sustainability as defined in 'a vision for Nottingham' (page 7). It is not only about being 'green', but sets out the City Council's key priorities in new development, and ensures developers are aware of these prior to submitting planning applications. It ensures that all aspects of sustainability (economic, social and environmental) are considered in an integrated way, in line with Government and City Council policy. As such, I do not consider that the term 'sustainable communities' is bogus.

2.3.10 The City Council agrees that paragraph 1.26 would benefit from clarification. Objection 182X 2173 would be met by further proposed change FPCST\01 and I recommend accordingly.

2.3.11 (720X 2559) In my view, Policy ST1 expresses the overarching principles which apply to all development in the creation of sustainable communities. It is intended to be supported by, and read alongside, the other more detailed policies of the Plan. As such, I consider it is appropriately worded to reflect both Government and City Council policy in ensuring all sustainability matters (economic, social and environmental) are considered in an integrated way.

2.3.12 (720X 2560) The word 'tenure' was deleted in response to an objection by the HBF because Circular 6/98 Planning and Affordable Housing states 'planning policy should not be expressed in favour of any particular tenure'. The wording used has therefore been reproduced from PPG3. Affordable housing is defined as 'both low-cost market housing and subsidised housing, irrespective of tenure, ownership or financial arrangements, that will be available to people who cannot afford to buy or rent housing generally available on the open market'. The range of affordability referred to in the policy therefore already encompasses different tenures.

## RECOMMENDATIONS

Modify the Local Plan by inserting a new 4<sup>th</sup> sentence in paragraph 1.24 after 'communities'. **Where a site is identified as suitable for family housing, the policy will be implemented through the preparation of Development Briefs and negotiations with developers.**

Modify the Local Plan in accordance with FPCST\01 by replacing paragraph 1.26 with the following:

**1.26 Accessible job opportunities are vital for economic growth and increasing social inclusion. The Plan makes provision for employment land in locations accessible to areas experiencing social need, and includes policies to ensure good quality accessible sites and premises are not lost to other uses. Training opportunities linked to development projects and targeted at disadvantaged communities are also important in this regard. The City Council therefore will encourage the provision of training schemes as part of the development process through negotiation with developers.**

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## 2.4 ST4 INTEGRATION OF PLANNING AND TRANSPORT POLICIES

### Objections

276X 381	Mr Burnett, Littman & Robeson
299X 915	Scholter, Aldergate Properties Ltd
346X 1142	Tesco Stores Ltd

### Issues

- Criterion (a) should specify that sites well served by a choice of transport modes, or where such provision can be made, and are already the subject of trip generation, will be preferred.
- Inappropriate reference to the LTP and the Road Traffic Reduction Act within Policy.
- Policy omits Local Centres as locations where new development should be concentrated.

### Inspector's Reasoning and Conclusions

2.4.1 Criterion a) seeks to concentrate development in locations accessible by a choice of transport modes. Locations which are already the focus of many trips but are not served well by alternative means of transport tend to be car based with significant car parking. They are not necessarily the best locations for further development, since this can simply reinforce reliance on private cars.

2.4.2 Retailing is subject to Policy S5, particularly criterion b) which relates to whether edge of centre or out of centre sites for proposed retail development are accessible (or can be made accessible) by a choice of means of transport and whether the proposal would add to the overall number and length of trips. Accordingly, I consider that criterion a) of Policy ST4 is already sufficiently clear.

2.4.3 Criterion b) has already been amended by Revision Number ST032. However, the policy is a key strategic one, in that it demonstrates how land use planning through the Local Plan and transport planning through the Local Transport Plan are integrated. This is in line with Government policy outlined in PPG13 'Transport' and the Regional Transport Strategy as set

out in Regional Planning Guidance. As such, it is appropriate for reference to the Local Transport Plan to remain in the first part of the policy, since the criteria spell out which objectives and policies of the Local Transport Plan are to be considered by the policy. Furthermore, reference to the Local Transport Plan in the supporting text is necessary to demonstrate adequate regard has been given to the integration of the Local Plan and LTP (PPG13 at paragraph 20 says that strategies in the development plan and Local Transport Plan should be complementary).

2.4.4 Policy ST4 refers to District Centres (I note that in the Shopping Chapter I recommend that these be referred to as Sub-urban Centres, and so I recommend accordingly). It does not make specific reference to Local Centres because many such centres are of purely local significance, consisting of just a few shops serving very narrow catchments, and they are accessible only to their local communities. Concentrating development in these locations would be inappropriate, and could be contrary to the policy.

2.4.5 Policy S4 provides further clarification as to what constitutes appropriate (retail) development in local centres, particularly 'whether it is compatible with the scale and nature of the centre'. The criterion provides the flexibility to ensure that appropriately large retail development is not located in smaller local centres, whilst allowing for an appropriate level of retail in those larger local centres.

**RECOMMENDATIONS**

Modify criteria a) of the Policy S4 of the Local Plan to say Sub-urban Centres not District Centres.

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### 3. HOUSING

#### 3.1 OBJECTIONS WHICH DO NOT RELATE TO A SPECIFIC POLICY

##### The Objections

154X 251	Spawforth Associates
155X 291	Mr Johnson CPRE ( Nottinghamshire)
162X 338	Nottinghamshire County Council (Strategic Property)
162X 340	Nottinghamshire County Council (Strategic Property)
162X 342	Nottinghamshire County Council (Strategic Property)
162X 343	Nottinghamshire County Council (Strategic Property)
162X 347	Nottinghamshire County Council (Strategic Property)
182X 388	Mrs Money Miller Homes
198X 444	Mr Phillips Johnson Group Properties plc
260X 775	Mr Hewitt Government Office for the East Midlands
338X 986, 988	Bryant Homes
352X 1011	Mr Cronk The House Builders Federation
352X 1014	Mr Cronk The House Builders Federation
355X 1045	Ms Mossman Nottingham
364X 1064	Mrs Bilson N.D.P.M.

##### Objections to Proposed Changes

154X 2392	Spawforth Associates
162X 2229	Nottinghamshire County Council (Strategic Property)
557X 2231	Crest Nicholson Residential
557X 2241	Crest Nicholson Residential
557X 2242	Crest Nicholson Residential
659X 2424	Taylor Woodrow Developments Ltd
260X 2464	Mr Hewitt Government Office for the East Midlands
364X 2265	Mrs S Bilson

##### Issues

- a) Table 1 does not make sufficient provision for the Structure Plan requirement.
- b) A phasing policy is needed to keep greenfield sites for phase 2 and operate the sequential test.
- c) Inadequate explanation of the context of new housing and the Urban Capacity Study. Discount rates should be higher.
- d) A high level of completions is assumed in the Urban Capacity Study. Surrounding Districts will reduce their allocations as a result.
- e) Significantly more housing is inconsistent with the Structure Plan. No reference to review of the Structure Plan to 2021.
- f) No information of the balance of the housing stock.
- g) Is there adequate provision for expansion of Universities?
- h) Lifetime Homes etc. should have an additional policy.

##### Inspector's Reasoning and Conclusions

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***Whether the Table on page 18 makes sufficient provision to meet Structure Plan requirement of 8000 dwellings 91-2011. And whether a 20% comfort gap should be provided to meet any shortfall.***

3.1.1 Table 1 of the Revised Deposit Draft, January 2003 anticipates that the housing provision in Nottingham to June 2011 would be 16,185 dwellings, albeit this figure may need adjusting as a consequence of this Report. Therefore it would exceed the Structure Plan allocation of 8000 dwellings to the City for the period between 1991 and 2011.

3.1.2 (154X 251) The Urban Capacity Study (UCS) in 2000 showed that completions added to estimated development of windfalls, conversions etc and identified sites totalled 13,000 dwellings thereby exceeding the Structure Plan target by 5,000 dwellings. The Urban Capacity study gives details of these estimates, and already provides for non-take up of between 5 and 30% depending on the category of development. Accordingly, I do not consider that a further overall allowance of 20% would be reasonable. (I note that UCS monitoring has led to a further change in the estimated capacity in the Plan period, which was included in the Revised Deposit Draft Local Plan).

***Whether there should be an explanation of the sequential test.***

3.1.3 (162X 342) RPG8 defines the sequential test. Therefore, in the interests of brevity, I do not consider it appropriate to set out the sequential test in the Local Plan since the Local Plan allocations are the expression of the test in a Nottingham context. All allocated sites are compatible with those principles, with only 2 edge of urban sites included, which give a range and choice in the Clifton area, and meet other policy objectives of the Local Plan.

***Whether there should be a phasing policy in the Plan to reflect guidance in PPG3 on the allocation and release of land for development to ensure that greenfield land is not used before available previously developed land***

*Sequential approach and appropriate use of a greenfield site*

3.1.4 I have considered very carefully whether there should be a phasing policy in the Plan for the allocation and release of land for development to ensure that greenfield land is not used before available previously developed land.

3.1.5 PPG3 sets out guidance on the allocation and release of land for housing development, with the presumption that previously developed land (PDL) should be developed before greenfield land. Despite this guidance, this Local Plan does not contain any proposals to manage the release of housing land in the City. I shall therefore examine, in turn, the reasons for this.

*Structure Plan*

3.1.6 This Plan has an end date of 2011, while the 1997 Local Plan had an end date of 2006 for all matters except housing and employment which also had an end date of 2011. It has been reviewed in the context of the Nottinghamshire Structure Plan (adopted 1996) which covers the period 1991 to 2011. The Housing Background Paper demonstrates that housing development in the City to 2011 is expected to be significantly greater than anticipated at the time of the last Local Plan (16,185 new dwellings compared to 8000). I note that whilst the Structure Plan makes provision for about 8,000 dwellings in Nottingham it does not specifically preclude an over provision. Indeed, it aims to allow enough development to provide for realistic housing need. In addition, PPG3 requires an Urban Capacity Study (UCS) to be undertaken and it would be unreasonable to ignore the result. And, Government Guidance is clear that Local Plans should be kept up to date. So I do not consider that the absence of an up to date Structure Plan should necessarily hinder this process. Nevertheless, I note that the greenfield sites would not be necessary to meet approved Structure Plan targets.

*The conurbation-wide context and the emerging Joint Structure Plan*

3.1.7 PPG3 Housing and RPG8 provide the background to allocating housing sites in the Local Plan. Both have as key aims ensuring the development of previously developed land (brownfield sites) before greenfield sites are developed, whilst also ensuring a range and choice of sites suitable for development, and the creation and maintenance of balanced communities. RPG8 sets out a sequential approach to the identification of land for development. Preference should be given first to previously developed land within urban areas, then other land within urban areas not identified for amenity purposes, then edge of urban area sites (particularly where this involves previously developed land) and finally land outside of urban areas (i.e. not adjoining them), which are or will be well served by public transport, particularly where this involves the use of previously developed land. The Council considers that greenfield sites within the administrative boundaries of the City are more sustainable in terms of the sequential approach than many of the greenfield sites in other Districts which form part of South Nottinghamshire area. This is recognised in the Joint Structure Plan Review which allocates significantly less land for housing in the Districts surrounding Nottingham due to the extra capacity identified in the City.

3.1.8 Although not tested, the Joint Structure Plan Housing Technical Report November 2003 demonstrates this. It shows all current greenfield allocations in the Sub Area, and how they score on a variety of sustainability measures. The graph demonstrates the level of allocations in the City and the Districts needed to meet the Sub Area housing figure. The allocated sites in the City perform better with regard to the sustainability measures than many sites in the surrounding Districts. The graph shows that if de-allocations are necessary, in sustainability terms, it is more appropriate to de-allocate greenfield sites in the Districts rather than to de-allocate sites within the City.

3.1.9 The City Council considers that because the majority of development is (and will continue to be) on previously developed land, this will mean that less greenfield land will have to be developed in the South Nottinghamshire area as a whole. This approach would appear to be consistent with RPG8 at paragraph 4.60 which says that where housing market areas cross administrative boundaries or where there may be concentrations of previously developed land in one authority and a lack of it in neighbouring authorities, co-operation and joint working between authorities will be necessary so that the release of sites is managed to achieve sustainable development. RPG8 says that Nottingham (including parts of East Derbyshire) is one of the urban areas most likely to require this approach.

3.1.10 As stated in supporting paragraph 2.8, the issue of phasing across the conurbation is more properly a matter for the Joint Structure Plan, where a co-ordinated sub-regional approach can be developed. Indeed the Nottinghamshire and Nottingham Joint Structure Plan Deposit Draft November 2003 (JSP) says that *the release of housing land needs to be phased to ensure brownfield sites are developed before greenfield sites, and the regeneration aims for the urban areas of Nottinghamshire can be achieved. In South Nottinghamshire, the approach needs to be applied across the Sub-Area as a whole, to ensure the release of greenfield sites is linked to the housing requirement and regeneration needs of the Sub-Area, and not simply related to conditions within a single District.*

3.1.11 Nevertheless, I acknowledge that there is a problem with the Local Plan Review being out of step with the JSP. A phasing policy which covered the whole of the South Nottinghamshire Sub Area of the Structure Plan would provide an appropriate scale for the implementation of phasing of development to incorporate the sequential approach set out in PPG3. However, the Sub Area is made up of Nottingham City Council, Rushcliffe Borough Council, Broxtowe Borough Council, Gedling Borough Council, the Hucknall part of Ashfield District, and a small part of Newark and Sherwood District. None of these has an adopted Plan

containing a phasing policy and only 2 Plans currently have proposals to include one. Consequently, such an integrated approach is hindered by the number of different planning authorities which are involved and the varying timescales of their Local Plans. The Review of the Structure Plan will provide an opportunity for this approach to be implemented at a conurbation-wide scale. In the interim, the City Council considers that the inclusion of a phasing policy in the Nottingham Local Plan could serve to act against the principles of sustainable development by encouraging development on sites in other parts of the conurbation which are less sustainable in terms of the sequential approach or in measures of accessibility. Nevertheless, the absence of a phasing policy would not encourage brownfield sites to come forward first in the City if it is easier to develop greenfield sites.

*Greenfield sites that are allocated to meet other important policy considerations*

3.1.12 It is evident later in this report that some of the allocated greenfield sites are essential to meet the City Council's policy of encouraging more balanced communities, or for regeneration purposes. In the vicinity of these greenfield allocations there are very few developed sites available that would help meet these needs. So, if the policy objectives of the City Council are to be met, these allocated sites must be developed. This is particularly true of the sites allocated in Bestwood as part of the Bestwood and Bestwood Park Master Plan, see section 3.6 of this Report where the development of these sites is a critical element in the regeneration of this area, which is experiencing extreme social need and environmental problems. In this context, I note the emerging Joint Structure Plan Review recognises the importance of the early release of greenfield sites, if this can be justified on policy grounds. But, again I am unable to attach much weight to the JSP.

*Sites with planning permission*

3.1.13 In any event, phasing cannot be applied to sites which already have planning permission. Allocated greenfield sites are expected to contribute 13.5% of the housing supply over the remaining Plan period. Of this, 35% currently has planning permission. Thus, greenfield sites in H1 that do not have planning permission account for 879 dwellings, or less than 9% of total housing provision over the plan period. Therefore, there is plenty of PDL. But in view of some of my recommendations later in this Report, these figures may require some adjustment. Some sites are noted as greenfield when technically they are brownfield eg Hine Hall (H1.9) although the Radford Bridge Allotments site is greenfield.

3.1.14 Since 9% is such a small percentage of total housing provision, arguably those sites could be omitted, particularly as they are not needed to meet adopted SP guidelines. Or, they could be subject to phasing without seriously compromising other objectives of the Plan save for Bestwood (93 dwellings) but the City Council could monitor and manage the release of these sites.

3.1.15 I note that Nottingham has an excellent record of developing PDL for housing. Brownfield development has always been above 80% since records began in 1998/99 and 97% of new housing was on PDL during 01/02 and 99% during 02/03. This Local Plan contains a target of 85% over the Plan period which is well in excess of national and regional targets of 60%. Therefore, on balance, the absence of a phasing policy would not compromise the objective of concentrating development on PDL. Moreover, holding back the development of greenfield sites would have little effect in encouraging previously developed land to be brought forward at a faster rate in the City. But, it would be likely to hinder other aims of the Local Plan, in particular the regeneration and improvement of Bestwood Estate and the need to create more balanced communities.

*Practicality of a phasing policy in terms of the Plan period*

3.1.16 The earliest likely date for the adoption of this Local Plan will be towards the end of

2004. The end of the Plan period is June 2011. Therefore, by the time the Plan is adopted it will have only 6½ years to run. Given that the dwelling figures in the Plan are those that are expected to be completed in the Plan period, and that a large greenfield site would be likely to take about 3 years to be built out after a planning application has been submitted, any phasing policy would have to release the second phase of housing before mid 2008.

3.1.17 The first phase of any policy would therefore only have a maximum of 3½ years to run. The City Council says that due to complex land assembly, decontamination and infrastructure issues, many of the brownfield sites in the City are not expected to come forward until towards the end of the Plan period. Therefore, the City Council says they could not be included in the first phase of any policy (e.g. Waterside, Eastside and Southside, Stanton Tip).

3.1.18 'Windfall' sites are likely to come forward throughout the Plan period, but the exact timing is unpredictable.

3.1.19 Brownfield sites which are relatively simple in terms of land assembly, contamination and infrastructure can take 3½ years to develop. I share the City Council's concerns that if greenfield sites were included in a second phase it would have the effect of artificially restricting housing supply/completions at the beginning of the Plan period, since the first phase of the policy would only include those few brownfield sites capable of delivering housing (from planning permission to completion) within 3½ years. As such, it could be extremely detrimental to the City Council's aims of stemming out-migration from the City, regeneration and the role of new housing in developing and supporting balanced communities, and lead to house price inflation.

#### *Conclusions*

3.1.20 My conclusions are:

- there is plenty of PDL in the City
- the majority of allocated greenfield sites already have planning permission and cannot therefore be subject to a phasing policy
- some of the allocated greenfield sites are required to ensure a range and choice of sites suitable **for** development, the creation and maintenance of balanced communities or for regeneration purposes
- greenfield sites within the administrative boundaries of the City are more sustainable in terms of the sequential approach than many of the greenfield sites in other Districts which form part of South Nottinghamshire area.
- Restricting the supply of housing land by including the greenfield sites in a second phase would have the effect of artificially restricting housing supply/completions at the beginning of the Plan period. This could be extremely detrimental to the City Council's aims of stemming out-migration from the City, regeneration and the role of new housing in developing and supporting balanced communities, and lead to house price inflation.

3.1.21 Given all of the foregoing factors, in terms of achieving the objectives of PPG3, it is not necessarily appropriate to have a phasing policy within the City boundaries alone because it could result in less sustainable sites outside the City being developed first.

***Whether there is an adequate explanation of the context for the provision of new housing and the implications of the UCS***

3.1.22 (162X 340) The UCS and Housing Background Paper contain the background explanation of the estimated figures for the provision of new housing. In my view, they are detailed technical documents that are inappropriate for inclusion into the main body of the text of the Local Plan.

***Whether it is relevant to set a target for PDL or whether the City Council should identify the most suitable sites overall then calculate % on PDL***

3.1.23 (162X 340) The target for new housing on PDL is included in the Plan to give an indication of the level of brownfield development likely to take place in the City over the period of the Plan. It is based on the Urban Capacity work. As such, I consider it to be a realistic target over the whole Plan period.

***Whether the provision of significantly more housing than the Structure Plan requires is consistent with the Structure Plan.***

3.1.24 Objection 162X 343 considers that the provision of significantly more housing than the Structure Plan requires is not consistent with the Structure Plan and could raise an issue of conformity. In particular, no consideration is given to extent to which increased housing provision would need to be matched by a commensurate amount of land for employment uses; issues of transport or service provision; adequacy of open space provision; or social infrastructure. However, the City is a Unitary authority and so the issue of conformity does not arise because it is a matter for the strategic planning authority which is the City Council. PPG3 requires a UCS to be undertaken and the result has been welcomed by the County Council as Joint Strategic Planning Authority.

3.1.25 There is an inconsistency between the stated aim of the Local Plan 'to allocate land to meet structure plan targets' and the fact that more housing is expected to be provided over the Plan period than envisaged in the Structure Plan. However, the Structure Plan is out of date and its current Review has been brought about in part to address this issue. The Introduction to the Local Plan refers to other Government and Regional Planning Guidance which has been used in preparing the Plan. Government Guidance is clear that Local Plans should be kept up to date. Therefore, as stated earlier, I do not consider that the absence of an up to date Structure Plan should hinder this process.

3.1.26 As to the implication for other land uses, it seems to me that consideration has been given to these matters. The City Council's population has been falling for a considerable period, the additional housing capacity will help to stem out-migration and to stabilise the population at about its current level. Standards for open space remain and proposals are included for the provision of open space in new development, or improvements to existing open spaces, and increased public spaces. The stabilisation of the City's population will be extremely beneficial for supporting services in the City, particularly schools, where falling rolls have led to significant problems in recent years.

***Whether there should be a reference to the review of the Structure Plan to 2021***

3.1.27 Objection 162x 338 is met by the reference provided by Revision No. H.004. The Joint Structure Plan Review is referred to in the Introduction to the Plan. The implications for other authorities will be covered in the Joint Structure Plan Review and is not a matter for this Local Plan. Reference has been added to the Housing Chapter to the approach to be taken in the Review of the Structure Plan and this approach has been agreed with the County Council.

***Whether the detail provided with Table 1 “Housing Provision in Nottingham to June 2011” is sufficiently convincing***

3.1.28 (162X 347) Page 18 of the First Deposit and paragraph 2.10 on page 19 of the Revised Deposit Plan both contain a note preceding the table which states that “Further details are given in the Nottingham Urban Capacity Study (UCS)”. The Revised Deposit also refers to “subsequent Monitoring Notes”. I understand these notes to be ‘Nottingham Local Plan Review Justification for the Housing figures in the Revised Deposit Draft’ but it would be helpful if the Plan made this clear. I note that this subsequent monitoring since 2001 increased the dwelling provision in the Revised Deposit since the expectations of the 2001 UCS were being exceeded. Having studied the documents very carefully, it seems to me that the Housing figures in the Revised Deposit Draft are justified.

3.1.29 Objection 162X 347 also considers that the increase in capacity is not required to meet the Structure Plan total. However, the City Council is obliged to carry out a UCS and it would be unreasonable to ignore the result. The estimate of availability is founded on past rates and current policies; as indicated above, annual monitoring indicates that the take up of windfall and other sites in some major categories exceeds the estimates made in 2000.

3.1.30 The Local Plan does not include housing provision beyond the Plan period. The situation is currently being reassessed in the light of the Joint Structure Plan Review, and provision beyond 2011 will form part of the City Council's Local Development Framework.

3.1.31 Objection 659X 2424 assumes that completions will happen at a constant annual rate throughout the Joint Structure Plan (JSP) period to 2021. Whilst the JSP does not contain separate figures for development in the period up to 2011 and the period 2011-2021 it is not reasonable to assume a constant annual completion rate throughout the period up to 2021. And, the Sub Area figures in the JSP assume a faster completion rate up to 2011, reflecting the figures in RPG8. Furthermore, it would not be reasonable to artificially restrict development in the City in the early part of the JSP period simply to provide for completions to be even over the whole JSP period. Therefore I see no reason to modify Table 1 to provide 8,325 dwellings for the period 2002-2011 (rather than 10,011).

3.1.32 Objection 659X 2424 considers that the figure of 6,712 dwellings for Identified sites at March 2002 should be reduced principally to reduce the density of the allocated sites to 30 dwellings per hectare (dph) in order to provide more family homes. However, first, 42.5 dph is an average density. Secondly, PPG3 at paragraph 58 encourages development between 30 and 50 dph for efficiency and seeks greater intensity of development in places with good public transport accessibility such as city centres. Thirdly, I consider that good family housing could be provided at higher densities in the City with good design and attention to detail. Therefore, I see no need to reduce the density in the City over the period to 2011.

3.1.33 (659X 2424) In order to safeguard against unrealistic windfall allowances, PPG3 requires sufficient sites to be shown on the Proposals Map to accommodate the first 5 years of housing development proposed in the Plan. In this case, the H1 sites are only part of the housing commitments shown on the Proposals Map (2,280 dwellings). If sites under construction as at March 2002, small sites and mixed use sites with planning permission are included (also shown on the Proposals Map) then the Local Plan identifies sites for 6712 dwellings which amounts to 67% of dwellings to be developed between April 2002 and June 2011. As such, the Local Plan identifies more than enough to “accommodate the first five years of housing proposed in the Plan”.

3.1.34 (659X 2424) Patterns and rates of development have changed greatly since the early 1990s as a result of a radical shift in planning policy, linked to central Government policies for more sustainable patterns of development and demand for more urban living e.g. publication of

current PPG3 in March 2000. This emphasis for housing to be concentrated in urban centres is reflected in RPG and the emerging JSP and is, in part, responsible for the resulting step-change in development activity in the City. The recent publication of 'Proposed Changes to PPG3' continues this policy emphasis, requiring LPAs to look critically at land allocated for employment use and to allow housing development on the sites unless it can be demonstrated that there is a realistic prospect of use for employment. I therefore concur with the City Council that a more realistic estimate of small windfall sites is likely to be achieved by taking average completion rates for the 7 most recent years i.e. from 1995. Whilst 1991 is the base date of the approved Structure Plan, this is now out of date and currently under review. The JSP has a period of 2001 to 2021. As to small windfalls on greenfield sites, there is no historic information available, but due to the nature of the City area, the Council says that there have been very few of these.

3.1.35 (659X 2424) The inclusion of the "large windfall" allowance is a recognition that sites are continuing to come forward which have not previously been identified by the planning system. I am satisfied that the increase in large windfall allowance between the UCS and the Revised Deposit Draft is justified in "Justification for Housing Figures in Revised Deposit Draft" in the light of the rate at which they came forward between March 2000 and March 2002. Furthermore, large windfalls have continued to come forward since then. Indeed, nearly 20% of those allowed for in Table 1 have already come forward. The main source of large windfalls is PDL for employment purposes, as encouraged by the proposed amendment to PPG3. Although some such sites are required to be re-used for employment land, some are not suited to the needs of modern businesses, and the best re-use of these sites is for housing or mixed uses.

***Whether there is a sufficiently clear explanation of the nature of the identified sites not accounted for in Policy H1.***

3.1.36 I agree with objection 162X 2229 that the dwelling totals to the sites listed under Policy H1 is helpful. However, despite the explanatory notes which appear before and after the tables on pages 20 and 21 it is not clear which sites make up the figure for 'Identified sites at March 2002' or what (if anything) is the relationship between the 2 tables. The UCS March 2001 clearly demonstrates where the figure for 'Identified sites at March 2000' comes from. But, whilst I accept that these figures need updating, 'Nottingham Local Plan Review Justification for the Housing figures in the Revised Deposit Draft' is much less clear as to how the figure for 'Identified sites at March 2002' is arrived at, and whether or not all the H1 sites are included in the figure given. The figure appears to be derived from dwellings incomplete on sites under construction; dwellings from planning permissions not yet started; dwellings on allocated sites; and newly identified sites. Just as Table 1 schedules the various elements which make up 'Development on Sites not identified in the Plan', it would be helpful if it scheduled the various elements which make up the 'Identified sites'.

***Whether it is inappropriate to include the results of the UCS as a fixed figure of 'provision'.***

3.1.37 Objection 352X 1014 considers that the UCS is a study of potential not available capacity and it is inappropriate to include as a fixed figure. The Council agrees that the UCS is about potential capacity, based on an assessment of future provision informed by past rates of development. However, given the allowances for non-take up (between 5% and 30% dependent on category), I consider it a realistic estimate for the Plan period. The UCS will continue to be monitored to test the assumptions and this will indicate whether they are justified. Monitoring over two and a half years indicates that the assumptions of the UCS are likely to be met, and to be exceeded in specific categories.

3.1.38 PPG3 at paragraph 36 states that allowance should be made on the basis of past trends and future potential windfalls, as assessed in a capacity study. The change in policy emphasis

and rates of development since the adoption of the Structure Plan in 1996 have led to the situation in the City where windfall development rates have considerably exceeded what was expected at that time. Other changes to policy, such as the designation of Regeneration Zones and the trend for City Centre living account for much of the increased capacity.

3.1.39 I would agree with the City Council that it would not be acceptable or sustainable to 'hold back' artificially the re-use of brownfield sites for housing within the City (which is what ignoring the UCS findings would imply). But, I do not necessarily agree that this would result in the release of more greenfield sites outside the urban area because I do not have any evidence on available sites outside the urban area. Furthermore, for the same reason I am unable to properly assess whether potential sites outside the urban area would be likely to be less sustainable in terms of the sequential approach and accessibility criteria.

***Whether developers should be forced to build large houses in unsuitable areas or whether they should have regard to the character of the area and market demand.***

3.1.40 (198X 444) The strategy of the Housing Chapter does not include any policy to force developers to build large houses in unsuitable areas. The Introduction to the Housing Chapter makes clear that a range of housing types will be required, suitable for both families and small households to encourage more balanced and sustainable communities. Government guidance points towards higher density rather than large housing units at low density. But, because of the identified shortage of family housing, it will be encouraged on suitable sites. I therefore see no need to modify the Plan in this regard.

***Whether the Structure Plan made sufficient provision [in terms of student housing] for the expansion of the 2 universities.***

3.1.41 The Structure Plan (1996) did not include purpose built student housing when allocating housing provision, so this type of accommodation would be over and above the Structure Plan provision. However, the 2 universities do not predict significant future growth in student numbers and the City Council is working with the universities to ensure that all the projected growth could be accommodated within purpose built accommodation. Any provision of purpose built accommodation above the level of growth anticipated will allow students currently occupying shared housing the choice of occupying managed accommodation, thus freeing up housing currently occupied by students for occupation by other households.

3.1.42 The Structure Plan housing figures accounted for the growth in students in so far as they are accommodated within the overall migration assumptions. However, given the increase in housing envisaged in this Plan, any extra level of student demand on the existing housing stock could be accommodated. The impact of increased student numbers is a matter for the emerging Joint Structure Plan Review.

***Whether the assumptions made in the UCS (which has not been subject to public scrutiny) are open to challenge and whether some of the sites identified are not suitable. Whether discount rates should be applied and whether the UCS is unduly optimistic.***

3.1.43 (182X 388, 338X 986) In my view, an Urban Capacity Study can never be an exact science. In this case, the assumptions used in the UCS are based on past rates of development in Nottingham, with a judgement of the likely situation towards the end of the Plan period, in the light of considerable policy change, and the new sources of capacity identified since the 1996 Structure Plan. These include the City Centre, the Regeneration Zones, and the increased level of windfall development on employment land responding to the Government's concerns set out in PPG3 and its more recent consultation amendments. To some degree, they have been tested through the Local Plan process and I consider them to be robust. In particular, I note that annual monitoring of the UCS since 2001 has demonstrated that the expectations of the 2001 UCS have been exceeded. As a consequence, the dwelling provision in the Revised Deposit has been

increased.

3.1.44 From the evidence, I consider that all the sites identified in the Plan are available and suitable for development over the Plan period. I note that the UCS included a street by street survey of possible future development sites and, where there was reasonable certainty that these would come forward, they have been included as allocations in the Plan. The other sites in the survey were those that might come forward over the period of the Plan and they provide an indication of the scale of potential future brownfield sites. In the event, many of the windfall sites that have emerged since the UCS was published were not identified as potential possibilities at the time of the survey.

3.1.45 (338X 988, 557X 2231) The start date of the March 2001 UCS was April 2000. Therefore, it pre-dated the publication of "Tapping the Potential" (TTP) December 2000. In any event, TTP is advisory rather than prescriptive. Nevertheless, The Housing Background Paper at paragraphs 6.3-6.12 explains how the UCS relates to TTP. Unlike TTP, the City Council applies discount rates to planning permissions, rather than to global potential of particular categories of possible supply which might come forward over the Plan area. The City Council's rates are therefore more targeted to potential development, and justifiably lower than some of those in TTP. They are also based on past knowledge of non-take up, and the rate of development on new sites, and are therefore not arbitrary in the way that TTP rates are, but based on actual development in Nottingham. As such, I find them appropriate.

3.1.46 Objections 338X 986, 557X 2231 and 557X 2242 consider the UCS to be unduly optimistic and criticise the various discounts applied to the identified potential capacity because they do not accord with TTP. However, the UCS is being monitored annually to assess the validity of the assumptions made and the results are published (396X 1116). Unallocated sites which come forward are included in the housing figures as windfalls, and the development of allocated sites is monitored to assess the rate of housing development and the rate of change. A non-take up allowance is incorporated in the UCS. The rate at which sites were considered likely to become available over the Plan period is subject to a discount rate of between 5% and 30% depending on category, and is included to provide for sites not being developed by the end of the Plan period. Monitoring over 2½ years indicates that in all categories the assumptions of the UCS are likely to be met, and in some cases considerably exceeded, well in advance of the end date of the Plan of 2011. The UCS will be reviewed in the light of annual monitoring as part of the preparation for a Local Development Framework for the City. As to sustainability, the great majority of sites in the City are within the urban area; the boundaries of the City are tightly drawn and therefore give limited opportunity for greenfield development.

3.1.47 Objection 557X 2242 considers the emphasis placed on unidentified sites is considered to be unrealistic (about 32%). However, the Housing Background Paper and The Justification for the Housing Figures in the Revised Deposit Draft demonstrate that windfalls and housing on mixed use sites not identified in H1 continue to come forward at a rapid rate. There tend to be many medium sized sites (10 to 50 dwellings) rather than relying on a few very big sites although some very large ones are now coming forward. And, I would agree with the City Council that the rate is likely to be accelerated by changes to Government policy, such as the consultation document changes to PPG3. Furthermore, some elements of the City Council's calculations have been treated conservatively because of the challenging nature of the required level of completions. This adds to the confidence that the resulting dwelling provision is realistic. Consequently, I do not consider that 32% is an unrealistic proportion of completions to have to find over a 9 year period on sites which are not as yet identified.

3.1.48 557X 2241 considers there will be detrimental implications for housing choice and availability in other Districts/Boroughs within the County which will occur as a consequence of the proposed increase in capacity in the City. However, concentration of development within the

urban area is entirely consistent with RPG and PPG3. The phasing of sites in the South Nottinghamshire Sub Area and the implications for other Districts in Greater Nottingham are being addressed through the Deposit Draft Joint Structure Plan which covers distribution of housing across the conurbation, and the planned release of housing sites which is co-ordinated across the Districts in the South Nottinghamshire Sub Area. The new housing provision in Nottingham will not be comprised purely of high density apartments, the City Council has a strong policy of providing for more family housing in order to support local services, particularly schools.

***Whether there should be an additional policy for Lifetime Homes.***

3.1.49 This matter is dealt with under policy H3.

3.1.50 As I conclude at paragraph 9.4.5 it seems to me that whilst Lifetime Homes would benefit a large sector of the community, in the absence of any legislative requirement, it would not be reasonable to require higher standards of design in Nottingham City than is generally required elsewhere in the country. Moreover, for a variety of reasons a number of sites would not be suitable or “appropriate” for persons with long term disability or long term limiting illness.

**RECOMMENDATIONS**

Modify the Local Plan in respect of the table to Policy H1 in terms of brownfield and greenfield sites.

Modify paragraph 2.10 of the Local Plan on page 19 to contain a footnote explaining what is meant by “subsequent Monitoring Notes”.

Modify the Local Plan to provide a clearer explanation of the nature of the identified sites not accounted for in Policy H1 and modify Table 1 to schedule the various elements which make up the ‘Identified sites’.

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**3.2 H1 NEW HOUSING DEVELOPMENT**

**Objections**

<b>60X 75</b>	<b>Mr Pattison Radford Bridge Road Garden Holders Association Ltd.</b>
<b>91X 119</b>	<b>Mr Barr</b>
<b>95X 120</b>	<b>Mrs Barr</b>
<b>198X 438</b>	<b>Mr Phillips Johnson Group Properties plc</b>
<b>198X 447</b>	<b>Mr Phillips Johnson Group Properties plc</b>
<b>304X 903</b>	<b>Mrs Kanigowski</b>
<b>338X 988</b>	<b>Bryant Homes</b>
<b>396X 1116</b>	<b>FPDSavills</b>
<b>398X 1118</b>	<b>Siemens Real Estate</b>

**Objections to Proposed Changes**

<b>288X 2232</b>	<b>Mr Marshall Rushcliffe Borough Council</b>
<b>154X 2392</b>	<b>Mr Jorysz Spawforth Associates</b>

## Issues

- a) The UCS is a snapshot, and should be reviewed periodically.
- b) Four of the sites in H1 have greenfield land. Other brownfield sites may be a better alternative.
- c) Object to the Radford Bridge allotments not being included in the Plan for residential use, as they are derelict.
- d) Object to designation of site as part of the Open Space Network. Considers land to be underused as allotments and that it has become an eyesore because it is becoming overgrown, is vermin infested and attract vandalism
- e) There is only a small demand for allotments with only just over a quarter of those available on this site being cultivated despite efforts of the owner's association to rent them. The condition of the allotments and lack of public access means that the site no longer makes a valuable contribution to the Open Space Network and that partial development could have a beneficial effect on the area whilst leaving sufficient allotment land to meet demand.
- f) The Gardenholders Association has not been notified about Archaeological Constraints Area on part of the allotments.
- g) Johnson's works is surplus to requirements. Together with adjoining Dye Works and council depot it should be allocated for housing .
- h) Property is currently used as B1 office use; this site should be allocated partially for housing, and public open land.

## Inspector's Reasoning and Conclusions

- 3.2.1 (338X988) All of the sites originally included in H1 are included in the UCS and have therefore been assessed as available and suitable for development.
- 3.2.2 (396X 1116) The UCS is reviewed annually to verify assumptions made. Unallocated sites which come forward are included in the housing figures as windfalls, and the development of allocated sites is monitored to assess the rate of housing development and the rate of change. A non take-up allowance is incorporated in the UCS. The City Council agrees that monitoring and review are an important aspect of planning for housing, and the UCS will be reviewed in the light of the annual monitoring as part of the preparation of a Local Development Framework for the City. Accordingly, I see no need to modify the Plan.

### *Whether the 16 new housing allocations in H1 are sustainable or genuinely available.*

- 3.2.3 (154X 2392) The Bestwood sites (H1.2, 1.5, and 1.8) are discussed in detail elsewhere. H1.8 is brownfield whilst H1.2 and H1.5 are greenfield but the release of the 3 sites for development is fundamental to the vision and regeneration aims of the Masterplan for Bestwood and Bestwood Park. Further proposed change FPCH\01 proposes a footnote to Policy H1 to explain the link between the 3 sites.
- 3.2.4 H1.13 and H1.16 were allocated in the First Deposit Draft. H1.13 now has planning permission and has therefore been overtaken by events. H1.16 has an expired planning permission for 12 dwellings which establishes the principle of development. It is adjacent to the Bulwell District Centre and has excellent transport links to the City Centre. As such, it is a sustainable site for residential development. H1.15 has come forward as a windfall site following closure of an industrial user.
- 3.2.5 Sites H1.17 to H1.26 have all been included in the Revised Deposit Draft as large

windfall sites that have come forward since the First Deposit Draft and which have been granted planning permission for residential development. They are all brownfield sites that are suitable and available for development. Construction of H1.21 has begun since the publication of the Revised Deposit Draft and therefore it will be deleted and included as a completion as part of the updating of the Local Plan for its Proposed Modifications stage.

- 3.2.6 I do not consider it necessary or appropriate to include a commentary for each site as this would add to the length and complexity of the Local Plan. Further information is available from the City Council in the form of Nottingham Local Plan Review Revised Deposit Draft, Schedule of Sites, Nottingham City Council, January 2003.

***H 1.2, 1.5, 1.8; H1.13 and H1.16; H1.15; H1.17 to H1.26***

- 3.2.7 (154X 2392) Sites H1.2, 1.5 and 1.8 have come forward as part of a review of land requirements by the City Council as education authority, following a community based master-planning exercise and consultation with local people in Bestwood and Bestwood Park. H1.2 and H1.5 are currently part of existing or former education playing fields, H1.8 was occupied partly by school buildings and is therefore previously developed land. As I conclude at Section 3.6 the release of these areas for new housing will help to diversify the range and type and tenure of housing in an area currently dominated by City Council housing of a similar age and type, and facilitates the urgently required regeneration and further investment in the area. Whilst the sites' greenfield status is a material consideration, this is outweighed by the regeneration benefits (not solely educational improvements for the area) which will flow from the implementation of the Masterplan. FPCH\01 proposes a footnote to Policy H1 to explain the link between the 3 sites now allocated in the Bestwood area. I am satisfied that the open space/sport implications of these allocations has been fully addressed in the Bestwood and Bestwood Park Urban Design Masterplan with appropriate new provision elsewhere being made. Furthermore, Sport England has agreed the City Council's strategy in respect of the Bestwood sites.
- 3.2.8 The H1.9 allocation at Hine Hall represents the area which is considered appropriate as the remaining part of the development of the site following the conversion of the Hall to flats. In the light of the Urban Capacity Study figures, the status of the area as a Conservation Area and the presence of substantial areas subject to Tree Preservation Orders, I do not consider it appropriate to increase the provision of housing on this site.
- 3.2.9 (288X 2232) I note that Rushcliffe Borough Council strongly supported the 'over-provision' of housing in the First Deposit Draft Local Plan. The increase in anticipated capacity in the City has arisen from the monitoring of UCS on an annual basis. The details of the monitoring exercise are further explained in the Housing Background Paper.

***Radford Bridge Allotment Site***

- 3.2.10 The objectors contend that Radford Bridge Allotments site would be ideal for the development of family housing due to its location. I have considered this site in the light of the proposed housing site at Bewick Drive (H1.4).
- 3.2.11 A key aim of the Local Plan in accordance with PPG3 is to create more balanced communities by providing for a wider choice of housing. This Local Plan, in the glossary, defines a balanced community as one which is not dominated by one household type, one tenure, size or type of housing and which also has adequate access to services and jobs. Many of the sites currently being developed or allocated in the Local Plan are unlikely to assist in increasing choice in terms of housing type or size as

they are in the City Centre or the Regeneration Zones. Due to the nature and location of these sites, much of the new housing has been (and will continue to be) smaller dwellings. Citywide the proportion of new dwellings completed between April 2002 and March 2003 which can be classified as 'family housing' (3 or more beds) was around 17%, so although the total stock of housing is increasing, the proportion of larger dwellings is actually falling. It is therefore important that sites suitable for accommodating family housing are also provided, and an appropriate mix is secured through Development Briefs or negotiations with developers.

- 3.2.12 Both the Radford Bridge Allotment site and the Bewick Drive site could potentially be suitable for accommodating family housing. Both are greenfield sites which lie within the urban area. RPG, which sets out a sequential approach to the identification of land for development, states that such sites, where not required for amenity purposes are the most sustainable option after developing appropriate brownfield sites within urban areas.
- 3.2.13 An outline application for planning permission for a residential development on the Radford Bridge Allotment site was refused in 1990. A second application, much reduced in size, was refused and dismissed on appeal in 1992 after the Inspector had weighed up detailed evidence on housing land supply, the loss of allotments and the impact upon the nature conservation value of Martin's Pond. Furthermore, at the last Local Plan inquiry an objection site involving allotments at Martin's Pond was put forward to be allocated for residential development. The Inspector had regard to the number of occupied allotments, the proximity of the site to the Nature Reserve, the protection afforded to the allotments and the Nature Reserve through other policies of the plan, and his conclusions on the wider housing land supply issue. And, at that time, he could find no basis at all for identifying the site for housing purposes. However, there has been a significant change in housing policy since then (1996). The City is providing for significantly more housing than envisaged at that time and it has identified a particular need for sites which are suitable for accommodating family housing. And, this site is no more nor less sustainable than the Bewick Drive site which has been identified by the City Council.
- 3.2.14 The Radford Bridge objection site is currently allotment land. It is in private ownership with a distinct boundary and it is fenced and gated. It is not available for use as public open space. Nevertheless, it is designated as open space and a Site of Importance for Nature Conservation (SINC). In addition, it is considered to be a supporting feature of the Local Nature Reserves (LNRs) of Martin's Pond and Harrison's Plantation (which includes Raleigh Pond). In particular, I note that the allotments drain towards Martin's Pond forming part of its catchment. Martin's Pond and the Allotment Land form a grade 1 biological SINC. This SINC also adjoins the Harrison's Plantation grade 1 biological SINC. The valley location is important in terms of groundwater and surface water run off, and the buffer formed by the allotments could be significant in maintaining the quality of ground water and surface water in the SINC itself.
- 3.2.15 I note that LNRs have the status of national designations while SINC's do not. Although a County-wide review of SINC's is currently underway, it has yet to report and so it is too early to say whether the Radford Bridge Allotments would be either inside the SINC or designated as part of a required SINC buffer.
- 3.2.16 The evaluation of the Nottinghamshire Wildlife Trust was conducted only from the perimeter of the site. As such, it reflects what would remain as the proposed buffer zone rather than the allotments as a whole. An officer visiting the site in preparation of Nottinghamshire Biological and Geological Report is alleged to say that he did not

consider that he had discovered anything over the area of land that the objectors would wish to develop which should in any way prevent its development. Therefore, from the evidence before me, it would seem that the northern part of the allotment site could potentially be developed for housing with a balancing pond in the south-east corner of the site whilst leaving a sufficient buffer around Martin's Pond. The owners of the site would also undertake to enter into a s106 planning obligation to prevent the development of any further land on the site.

- 3.2.17 As with the Bewick Drive site, I consider it is extremely likely that the developer would be required to undertake a full Environmental Impact Assessment prior to the development to look at all aspects of the flora and fauna and the hydrology of the site. This appraisal would include a method statement indicating what the implications of any development would be and how the developer proposed to mitigate the impact on nature conservation interests on the site and on Martin's Pond and Harrison's Plantation.
- 3.2.18 As well as being important for the production of produce, allotment gardens can also serve a number of other functions identified in PPG17. However, of the 221 allotment gardens only about 67 are currently being cultivated. The remainder are in varying stages of neglect, the majority appearing to be overgrown and unsightly. Those around the periphery can either be overlooked by neighbouring properties, or from within the LNR which appears to be little used.
- 3.2.19 The allotments are separated from one another and from the pathways within the site by mature hedges. The majority of these are now overgrown and there are insufficient funds to keep them regularly maintained. As such, walking within the site does not feel a particularly safe experience. Furthermore, there is evidence that the allotments have suffered from criminal damage, vandalism, theft and arson for many years. In addition, it is a potential fire hazard and several incidents of fire have occurred in recent years. Thus, unlike the Bewick Drive site (discussed below) the allotment land is currently under-used and provides poor quality open space of little amenity value from either public or private vantage points. As such, the allotments do not currently make a particularly valuable contribution to the Open Space Network. Nevertheless, the allotments provide a wildlife corridor and a not invaluable habitat for a number of species.
- 3.2.20 The City Council has a policy of ensuring sufficient allotments exist to meet likely demand in line with its legal obligations. However, the evidence suggests that, at present, there is a lack of demand for allotments at Radford Bridge Gardens. Despite various marketing attempts on the part of the owners there is a significant level of vacancies amounting to about 70% (67/221 in use). This compares with a 23% vacancy rate for the City Council owned allotments across the City as a whole. In the Wollaton area, this reduces to 15% but this excludes the Canal Allotments which due to their poor configuration, have been progressively sold off for garden extensions. Thus there would appear to be an overall decline in the demand for allotments across the City and a marked decline at Radford Bridge. Nevertheless, if the general state of the objection site were to be improved, and it appeared more attractive and secure, there might be a greater use of the allotments.
- 3.2.21 The proposal put forward by the objectors would result in about 105 family homes; the retention of about 131 allotments, which would appear to be more than sufficient to meet the current needs of the area; an improvement to the remaining allotments which might by itself increase demand; and a much improved open space from both public and private vantage points. In addition, better use might be made of the allotments by the

use of good design to reduce crime. As such, the proposal would make better use of the land which would accord with the aims of both PPG3 and PPG17 and with the aims and objectives of the Housing Background Paper. Consequently, I consider that the proposal would result in a number of benefits to the community which would outweigh the loss of open space (equivalent to the loss of about 90 allotments) and any limited harm to the nature conservation value of the allotment land. Moreover, with the aid of a development brief, such a scheme would not be in conflict with Policies R1, R6 and NE1.

3.2.22 The archaeological constraint area is a long-standing designation carried forward from the currently adopted Local Plan. Its purpose is not to restrict development, but to alert developers that there may be items of archaeological significance present, which any development should take account of. I understand that it relates to the historic development and use of the ponds.

## RECOMMENDATIONS

Modify the Local Plan in accordance with FPCH\01:-

Insert \* (or similar symbol) after H1.2, H1.5, H1.8 in Table of Policy H1. And insert footnote to Table at Policy H1:

**\*The development of these sites is linked. They have been identified through the Bestwood and Bestwood Park Masterplan and their development is central to the regeneration and improvement of the estate. It is intended that the impact on existing playing fields will be compensated for by upgrading and extending facilities at Southglade Leisure Centre.**

Modify the Local Plan by deleting H1.21 and including as a completion.

Modify the Local Plan to include the Radford Bridge Allotments site as part of the H1 housing allocations and draw up a development brief prior to development taking place which protects the nature conservation interest on the site and of the Local Nature Reserves of Martin's Pond and Harrison's Plantation.

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## 3.3 H1.4 BEWICK DRIVE

### Objections

See Appendix H1.4 at the end of this Chapter for list of objections

### Issues

- a) Development would cause traffic problems and disturbance to elderly people's home
- b) The proposed development would destroy an established wooded and wildlife area. Site has become part of Colwick Woods and should be given status for open space and wildlife with a public pathway.
- c) Development could result in serious landslip and flooding of properties on Greenwood Avenue.

- d) There are enough unoccupied houses in the City without building on Colwick Woods

### **Inspector's Reasoning and Conclusions**

- 3.3.1 The City Council, as Joint Strategic Planning Authority for South Nottinghamshire along with the County Council, has a duty to provide for the housing needs of the City and the wider conurbation. This site could potentially contribute to that need, as well as provide part of a range and choice of housing sites for families as well as smaller households. I note that Nottingham has a lower proportion of empty homes than England as a whole (3.5% compared to 3.9%) and much of this is due to normal operation of the market, rather than long term vacancy.
- 3.3.2 The site received planning permission for a residential development in 1993 but that has now lapsed. It was also allocated for residential development in the 1997 adopted Local Plan and this designation has been carried forward in the First and Revised Deposit Drafts of the Local Plan Review (89 dwellings). The Council intends that a design brief be drawn up prior to development taking place to take account of the concerns of neighbouring residents including the impact of traffic from the site.
- 3.3.3 The site is surrounded on 3 sides by established housing with Colwick Woods directly adjacent to the south-west boundary. Colwick Woods is a biological Site of Importance for Nature Conservation (SINC). It comprises one of the very few ancient woodland sites in the City with mature woodland edged with scrub and with areas of open grassland. A proposal to designate Colwick Woods as a Local Nature Reserve (LNR) has gone out for public consultation. The proposed LNR boundary is enclosed within the area identified as being of Special Importance for Nature Conservation (SINC) quality, and excludes the Bewick Drive site. The process for designating a LNR is not one undertaken through the Local Plan procedures therefore the Local Plan can only reflect the boundaries of sites established through the appropriate procedure.
- 3.3.4 The land comprising the Bewick Drive site was used as allotments during the 2nd World War. The Forestry Commission has said that it forms an important buffer area between Colwick Woods (an area of Ancient and Semi-natural woodland) and the extensive areas of urban development of Bakersfield and beyond. This buffer has allowed the expansion of the woodland and this process is well advanced and continuing to the extent that the area could now be described as new predominantly native open woodland with remnant hedgerows and glades indicative of its former use.
- 3.3.5 Ancient and Semi-natural woodland is a scarce habitat in the East Midlands Region and particularly so in the southern half of Nottinghamshire. It supports an extremely rich fauna and flora and has important cultural and landscape value. The Forestry Commission encourages the expansion of these habitats through the England Forestry Strategy and the Woodland Grant Scheme. It is also particularly supportive of woodlands, such as this, close to where people live where they can provide opportunities for many kinds of recreational access in addition to improvement of local landscapes and habitats. Thus, to my mind, the area now forms an important and attractive area of greenspace, albeit it has not been designated as open space.
- 3.3.6 A colony of pipistrelle bats has been identified as living in the area. So the developer would be required to undertake further investigation (by a licenced bat worker) to identify more details about the bats. If they were found to be roosting and feeding on site then any development would have to take this into account. No rare or specially protected plant or animal species has yet been found on the site but it is of some wildlife interest because it is relatively undisturbed and affords the solitude enjoyed by the birds and mammals occurring on the site for breeding and roosting. The site supports a good
-

- variety of common birds and butterflies but it does not meet the criteria necessary to be formally designated as a SINC.
- 3.3.7 In order to minimise the effect of any development, the City Council would require the developer to take into account the potential that the birds are using the site to nest or feed. Consequently, any development would need to be carried out at such a time as to allow most of the bird species to make use of Colwick Woods as an alternative habitat. Retaining as many of the mature trees as possible within the development would also help to retain as much bird life as possible.
- 3.3.8 The City Council says that it is extremely likely that the developer would be required to undertake a full Environmental Impact Assessment prior to the development to look at all aspects of the flora and fauna and in particular the bats. This appraisal would include a method statement indicating what the implications of any development would be and how the developer proposed to mitigate the impact on nature conservation interests.
- 3.3.9 I acknowledge that the land is poorly drained. However, I have been presented with no good reason why a well-designed scheme, incorporating sustainable drainage methods could not overcome these problems. But, this is a matter to be considered at the detailed design stage.
- 3.3.10 I have had regard to the foregoing factors and I have compared this site to the Radford Bridge Allotments site. Whilst any impact upon wildlife might be capable of mitigation, it seems to me that because this site is a scarce habitat that supports an extremely rich fauna and flora its cultural and landscape value is more important than the Radford Bridge Allotments site. Although both sites are close to where people live, the Bewick Drive site is of considerable amenity value and provides opportunities for many kinds of recreational access whereas the Radford Bridge Allotments site does not. In my conclusion, the Bewick Drive site forms an important and attractive area of greenspace which would be better designated as open space.

## RECOMMENDATIONS

The site be de-allocated for housing (H1.4) and re-allocated for open space.

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## REGENERATION OF BESTWOOD AND BESTWOOD PARK

*Note:* I intend to consider the objections to H1.2, H1.5 and H1.8 together since they form part of the proposals for the regeneration of Bestwood and Bestwood Park.

### 3.4 H1.2 RIDGEWAY

#### Objections to Proposed Changes

See Appendix H1.2 at the end of this Chapter for list of objections

#### Issues

- a) The Local Plan provides no justification for the loss of these playing fields nor any information on replacement facilities. No reference is made to the Bestwood Master Plan.
- b) The area is the only large green space in the area and is used by 6 adult and 4 youth football teams. It is valuable green space with trees for the local community.

- c) The increase in population will put a strain on school places. Excessive pressure likely on medical and educational facilities.
- d) Structural damage to homes could occur from building works and increased traffic, because of the clay sub soil. There are drainage problems in places.
- e) Development will cause major disruption from traffic, noise, rubbish and dirt.
- f) We do not need extra housing. We want better street lighting, roads and pavements, recreational facilities and policing, to make a safer and more pleasant place to live.
- g) Concern about the possible loss of the Community Centre, which is well used. It is a valuable meeting place for many residents, particularly the elderly.
- h) Money should be spent on better transport and community facilities, more opportunities for sports, new classrooms and teachers, and the environment on the estate.

### 3.5 H1.5 PARKVIEW ROAD

#### Objections to Proposed Changes

283X 2188*	Mrs Stowell Sport England
408X 2005	Miss Horton
462X 2070	Mr Hallam
492X 2100	Mr Morris
508X 2119	Mrs Saunders
510X 2122	Miss Shelton
511X 2125	Mrs Capewell
512X 2127	Mrs Foster
518X 2133	Mrs Smith
671X 2456	Mrs Seddon
677X 2485	Mr Wilson

#### Issues

- a) The Local Plan provides no justification for the loss of these playing fields nor any information on replacement facilities. No reference is made to the Bestwood Master Plan
- b) Not enough green areas. More buildings will attract more vandalism.
- c) At Southglade, safety of children must be paramount when building work starts. Where are the children to play sports? Since the closure of Padstow School, the other senior schools are over subscribed.
- d) The land should be for sport activity for the local community.
- e) Former H1.5 now deleted.
- f) Structural damage to homes could occur from building works and increased traffic, because of the clay subsoil and drainage problems.

### 3.6 H1.8 PADSTOW SCHOOL

See Appendix H1.8 at the end of this Chapter for list of objections

#### Objections

56X 30	Mr Thompson
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## Objections to Proposed Changes

283X 2187*	Mrs Stowell Sport England
410X 2007	Ms Chambers Bestwood Tenants and Residents
427X 2030	Mrs Attenborough
428X 2031	Mrs Finch
431X 2033	Mrs Smith
463X 2068	Mrs Hallam
462X 2071	Mr Hallam
510X 2121	Miss Shelton
520X 2136	Mr Bradford
540X 2183	Ms Towers
637X 2385	Mr Chesterfield
638X 2386	Mrs Chesterfield

## Issues

- a) The Local Plan provides no justification for the loss of these playing fields nor any information on replacement facilities. No reference is made to the Bestwood Master Plan
- b) Objects to new road onto Gainsford Crescent and lack of clear plan for the Padstow site.
- c) Local schools will be at capacity because of High Pavement development.
- d) Need more open space and play facilities, community buildings and business premises etc.

## Inspector's Reasoning and Conclusions

### *Iona School*

3.6.1 Objections 56X30 and 217X 494 were to the original H1.8 allocation which formed part of the grounds of Iona school. The site was allocated for housing purposes in the adopted Local Plan. This allocation was carried forward to the First Deposit Draft Local Plan. However, the school has indicated that it requires the area to remain part of its education site to allow for future expansion. The site was therefore allocated for education purposes in the Revised Deposit Draft Local Plan (CE7.2) and so I recommend accordingly.

### *Loss of playing fields*

3.6.2 Sport England (283X 2188) object that the Local Plan provides no justification for the loss of these playing fields nor any information on replacement facilities. No reference is made to the Bestwood Master Plan or to any assessment showing that the playing fields are surplus to requirements. In response, the City Council has agreed to add proposed change FPCH\01 which appears to meet the concerns raised and I recommend accordingly.

### *Clay sub-soil and drainage*

3.6.3 The issues of clay subsoil and drainage are matters for detailed design and building regulations.

### *Bestwood and Bestwood Park Urban Design Masterplan*

3.6.4 I shall consider sites H1.2, H1.5 and H1.8 together.

3.6.5 Bestwood Estate and Bestwood Park consist largely of Local Authority Housing developed respectively in the 1940s and 1970s. Both areas experience significant social need and the closure of Padstow School and High Pavement College (H1.11) provide

unique opportunities to assist in the regeneration of the area. To address the issues, the City Council commissioned the Bestwood and Bestwood Park Urban Design Masterplan. A strategy was drawn up to improve the area, and it was agreed that some of the poorer quality green space should be sold to private developers for housing, and 3 sites have now been proposed H1.2: Ridgeway (which comprises 2 adjacent sites), H1.5 Parkview Road and H1.8 Padstow School. These sites were added to the Local Plan at Revised Deposit Stage, following the production of the Masterplan. The key aim of the masterplan is to regenerate the estate: to provide for increased community safety within the estates; and to diversify the housing stock and tenure of the estate, improving the mix of dwellings and contributing to balanced communities.

- 3.6.6 The aim is to invest the money gained from selling the 3 sites into other facilities to benefit the local area. This could include a new school and campus for the community, and improvements to the remainder of the green space for community use. It would also be possible to improve security, road linkages between sites, and the estate layout. The new residential development would be designed in such a way as to make the existing open spaces more usable, by providing overlooking and surveillance, and diversifying the housing stock in terms of housing size, type and tenure.
- 3.6.7 As to the objectors' concerns about the likely pressure on educational and medical facilities, the Education Department is carrying out a school review for the area. The number of potential new children in the area will be considered as part of this. Other local facilities e.g. doctors and health facilities will also be reviewed to try to ensure they meet local needs.

#### ***Open space and playing fields***

- 3.6.8 At the time of the Local Plan Inquiry, plans were being drawn up by the City Council to identify the extent of the requirement for facilities, for adults and children, to replace the playing fields which would be lost as a result of the proposed housing development. Approximately one third of the present Ridgeway site not proposed for housing is proposed to be retained as open space. This would serve as a sports/play space for the adjacent Southglade School and, in addition, be opened for community use outside school hours.
- 3.6.9 The City Council is keen to see Southglade Park develop further as a district park and recreation space for the area, and would like to see it developed as a sports zone, particularly concentrating on football. Investment would allow an increase in the number of marked out grass pitches, and provide new changing rooms, landscaping, improved access, and drainage works. The recent development of Southglade Leisure Centre, including its new pool and refurbished sports hall complex, could lead to further recreational development of the Park. The City Council has recently secured money for 2 new artificial pitches for the site from the High Pavement College development. This will help to promote it as a football and training base for the many teams in the area.
- 3.6.10 The City Council recognises the need to protect the provision of open space for football, but would not wish to see dispersed sites that would be difficult in the longer term to develop and maintain. By developing the less good quality land for housing, money would be available to ensure that Southglade Park can be developed to create a high quality sporting zone that fulfils the needs of the surrounding community. This approach has been developed with the support of Sport England.
- 3.6.11 Research for the Masterplan found many of the play spaces in Bestwood and Bestwood Park were underused due to lack of equipment or poor location causing children to feel vulnerable. In order to overcome this the City Council will ensure that developers of the

sites provide new well equipped play spaces in locations where children will feel safe. Whilst the overall quantity of space may be reduced, the quality of that provided will actually result in improved play opportunities.

- 3.6.12 Whilst the proposed housing would involve the development of greenfield land, I saw on site that much of the space proposed for housing is exposed passive grassland with very little play or ecological value. The City Council intends to ensure that development of the former school site and playing fields takes place in such a way as to minimize disturbance to neighbouring properties whilst achieving a necessary sense of separation.

#### ***Crime and community safety***

- 3.6.13 The intention is for any new development to be designed to reduce the opportunity for crime. In addition, new development could reduce opportunities for crime in neighbouring areas, e.g. by protecting boundaries and providing opportunities for casual observation of open areas. The proposed community facilities and open spaces would provide diversionary activities to help prevent petty crime arising out of boredom.

#### ***Access***

- 3.6.14 One of the fundamental improvements identified in the Masterplanning process to help the regeneration of Bestwood and Bestwood Park is better access. The allocation of the Padstow School site for housing would enable a new north-south route to be completed, running from Eastglade Road to Arnold Road, via High Pavement. This route would also open up access for existing residents to the new community facilities planned on the Padstow site.

#### ***Community centre and other facilities***

- 3.6.15 No existing community centres would be affected by the proposals. A route has been found for the Eastglade Road-Arnold Road so that it would avoid Bestwood Community Centre. Following public consultation on the Masterplan, access into the Ridgeway site from Beckhampton Road was downgraded to be a footpath only, allowing retention of the Bestwood Park Community Centre.
- 3.6.16 Sites for new community facilities would be made available through the development of the three proposed housing sites. In addition, the extra households would enhance the user base of existing facilities to ensure they remain viable.
- 3.6.17 My overall conclusion is that the allocation of sites H1.2, H1.5, and H1.8 are fundamental to achieving the vision and regeneration aims of the Bestwood and Bestwood Park Masterplan. Whilst the H1.2 site's greenfield status is a material consideration, I am of the view that this is outweighed greatly by the regeneration benefits that would flow from the implementation of the Masterplan.

## **RECOMMENDATIONS**

Modify the Local Plan in accordance with the Proposed Change FPCH\01:

Insert '\*' (or similar symbol) after H1.2, H1.5, H1.8 in Table of Policy H1.

And insert footnote to Table at Policy H1:

**\*The development of these sites is linked. They have been identified through the Bestwood and Bestwood Park Masterplan and their development is central to the regeneration and**

improvement of the state. It is intended that the impact on existing playing fields will be compensated for by upgrading and extending facilities at Southglade Leisure Centre.

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### 3.7 H1.3 ALEXANDRA PARK, SPRINGFIELD

#### Objections

171X 348	Mr Palmer
172X 349	Mrs Palmer
219X 457	Mr Levy
255X 722	Ms White Urban Nature
279X 816	Mrs Holding
303X 902	Ms Masters
307X 906	Mrs Davies
310X 911	Mr White
314X 919	Ms A Holmes
315X 936	Ms Fletcher
322X 939	Miss Halford
337X 984	Schofield STAA
347X 1005	Miss Tyndall
353X 1024	Ms Caves
354X 1044	Mr Balson
356X 1047	Mrs Handson
357X 1048	Mrs McGine
358X 1049*	Mrs Wileman
359X 1051	Ms Stoppelman
363X 1062	Mr Moran
399X 1073	Mr Arkwright
377X 1075	Dr Maniltelow
378X 1077	Mrs Fry
382X 1095	Miss Bamford
383X 1097	Ms Andrew
384X 1101	Mrs Draper
385X 1103	Simpson
386X 1105	Swinburne
387X 1106	Bellamy
388X 1107	Musgrove
389X 1109	Pollard
390X 1110	Codling
391X 1111	Hacking
392X 1112	Phelps
393X 1113	Steele
394X 1114	Thomas
395X 1115	Cooke
399X 1073	Mr R Arkwright

#### Objections to Proposed Changes

651X 2411	Mr Slack
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## **Issues**

- a) Site is an area of exceptional natural beauty and a much needed amenity and it is an important wildlife corridor. Excessive development is out of keeping with the area, with increasing traffic and parking; access to Woodborough Rd is restricted.
- b) The Crescent is free from passing traffic and noise; the proposed development would mean 85 more cars.
- c) Equality is not apparent in this proposed development. Average density is 42.5, this site is considerably below that. It should be higher to go some way towards equality for all citizens.

## **Inspector's Reasoning and Conclusions**

- 3.7.1 The site was allocated in the adopted Local plan 1997. It was carried forward into the First Deposit Local Plan Review. A planning brief for Springfield Pasture (and a linked one for the Enderleigh site, which would share access) were adopted as Supplementary Planning Guidance in October 2002. This allows for a maximum of 15 houses on the remaining land at Springfield, and 25 units on the redevelopment/conversion of the adjoining Enderleigh property.
- 3.7.2 As a result of the objections to the First Deposit Local Plan, a Development Brief was prepared to determine the extent of housing development, and the integration of housing into the site, including the relationship of residential development to the neighbouring site at Enderleigh. The brief proposes that the northern part of the site will be developed for housing at a relatively low density (maximum of 15 dwellings) but that the southern part of the site adjoining the biological SINC will remain undeveloped recognising the nature of the adjoining area. Traffic and access issues are addressed by the Brief, as are nature conservation matters. A Design Statement would be required to accompany any application for development of the site to take account of its sensitive nature. The remaining part of the site would fulfil the sequential approach laid out in Regional Planning Guidance in that it is an urban site not allocated for amenity purposes. The site is also highly accessible, being located close to Woodborough Road, a main arterial route into Nottingham.
- 3.7.3 As a result of the Brief, the Revised Deposit Draft Local Plan significantly reduces the developable area from 2.3 ha to 0.9 ha, reflecting the topography of the site and the value of the southern part of the site to nature conservation. Moreover, the southern part of the site will now be included in the City's Open Space Network and shown accordingly on the Proposals Map. This will secure the future of this part of the site as open space rather than development land as it was previously designated. It seems to me, therefore, that the Revised Deposit Local Plan would appear to address the concerns of the objectors to the First Deposit and so I recommend accordingly.
- 3.7.4 However, given the nature of the site in terms of topography, conservation areas, and the nearby nature conservation interest, the City Council considers that a relatively low density of housing would be the most appropriate form for the site. Whilst it might be appropriate to have a density below the City Council's average of 42.5dph, I do not consider it appropriate to stipulate a maximum of 15 dwellings on a site of 0.9 ha. It seems to me that this would be out of kilter with the advice in PPG3 which encourages housing development that makes more efficient use of land (between 30 and 50 dwellings per hectare net). And, it might preclude a well designed higher density development that would otherwise be acceptable.

- 3.7.5 Given the reduced area of development, access from The Crescent to Woodborough Road would be acceptable. I note the City Council would require the developer to upgrade The Crescent between its junction with Woodborough Road and the site access to an adoptable standard, but this would not necessitate the formal adoption of the road. The rest of The Crescent beyond the site access would not be affected as it would not be reasonable to require the developer to upgrade The Crescent beyond the access to the site. Although there would be an increase in traffic compared to the current level, I consider that this could be accommodated within the proposed arrangements.

## RECOMMENDATIONS

The City Council give further consideration within the planning brief for Springfield Pasture to the amount of housing that could be accommodated having regard to the advice in PPG3.

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## 3.8 H1.6 CLIFTON SOUTH

### Objections

155X 296	Mr Johnson CPRE ( Nottinghamshire)
217X 491	Mr Howat Nottinghamshire Wildlife Trust
327X 957	Ms Allen The Highways Agency

### Issues

- Site is greenfield and should be viewed under PPG3 and redesignated as Green Belt.
- The Highways Agency wish to register an objection to the above site subject to the provision of a Transport Assessment to address potential traffic impacts on the existing trunk road network.

### Inspector's Reasoning and Conclusions

- 3.8.1 My conclusions on this site should be read together with my conclusions on the overall housing strategy for Nottingham City. The site was allocated in the adopted 1997 Local Plan for residential development. Prior to this it was included in the Green Belt. The site extends to 4.8ha, is in agricultural use and is located on the edge of the urban area to the south of the Nobel Road estate. PPG3 states that such sites are the next most sustainable option after developing appropriate sites within urban areas. Moreover, land is reserved in the south-east corner for a proposed NET Phase 2 line. This will ensure the site is highly accessible to the City and to local services by fast and frequent public transport.
- 3.8.2 The imbalance in the housing stock identified above is also reflected in the existing stock of housing in Clifton. Ward data from the 1991 census demonstrates that the old wards of Clifton West and East had a higher proportion of terraced housing (58% and 65% respectively, compared to 39% for the City as a whole and 28% nationally). Both wards had a low proportion of larger houses of 6 or more rooms (18% and 22%, compared to 27% for the City as a whole and 36% nationally). Tenure within the 2 wards is also skewed towards renting from the Council (34% and 42% respectively, compared with 33% for the City as a whole and 20% nationally).
- 3.8.3 To address this imbalance the City Council seeks to provide new housing which would

provide further choice, and to encourage a suitable mix through the Development Brief or negotiation with developers. Since Clifton is largely made up of residential estates constructed as local authority housing in the 1950s and 1960s, it has very few development opportunities. The Nobel Road estate is the most deprived part of Clifton. It has a large number of flats and maisonettes and it has 3 complexes for the elderly. The need to diversify the housing stock to assist balanced communities and to provide choice is therefore very great.

- 3.8.4 The only way to address the imbalance in the housing stock is through new housing provision and to encourage a suitable mix through the Development Brief or negotiation with developers. At the time of the Local Plan Inquiry, a planning application had been made at Clifton Hall for a maximum of 34 apartments and new build houses. But, apart from this, Clifton has very few development opportunities and there is no other immediately available previously developed land. Given the lack of alternatives, the H1.6 site is important in providing more opportunity and choice in Clifton.
- 3.8.5 Following the Last Local Plan Inquiry, a Development Brief was prepared for the site. In September 2003, a Revised Draft Planning Brief was approved. Development at Clifton South proposes to provide residential units in a pedestrian-friendly environment benefiting from access to open space, generous landscaping and high design quality. A design statement to set out the principles of the development and a full traffic impact assessment will be expected to accompany the submission of a planning application. I consider that the latter will satisfy the concerns of the Highways Agency in respect of potential traffic impacts on the existing trunk road network.

## RECOMMENDATIONS

No modification.

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## 3.9 H1.7 CLIFTON WEST

### Objections

67X 92	Miss Cooper
68X 93	Mr Buckley
118X 146	Mrs Culley
132X 159	Mr Nelson
133X 160	Mrs Stuart
134X 167	Mr Murray
135X 168	Mrs Fairley
136X 169	Mr Bond
138X 171	Miss Fairley
139X 172	Mr Young
155X 273	Mr Johnson CPRE ( Nottinghamshire)
202X 314	Mr Hemming
205X 318	Mr Wilson
158X 323	Nottingham Trent University
208X 328	Mrs Goodman
210X 331	Mrs Fennell
211X 332	Miss Wilson
212X 333	Mr Cunliffe

213X 334	Mrs Wilson
214X 335	Mr Bullock
215X 337	Mrs Morton
216X 341	Mr Thomas
193X 415	Mr Hay
203X 450	Mrs Hanson
204X 451	Mr Hanson
206X 453	Mr Norton
207X 455	Mr Culley
218X 456	Mrs Osborne
217X 492	Mr Howat Nottinghamshire Wildlife Trust
235X 689	Mr Parr
241X 695	Miss Limb
247X 708	Mr Judd
248X 709	Mrs Brooks
249X 710	Mrs Holmes
250X 711	Mr Booth
251X 713	Mr Hunt
253X 716	Mr Brooks
256X 723	Mr Clayton
258X 725	Mr Pollard
259X 726	Mrs J M Hunt
261X 728	J Hunt
262X 731	Mrs Birch
263X 732	Mrs Johnson
264X 734	Mrs Hurst
265X 735	Mrs Judd
266X 736	Mr Thatcher
267X 737	Mrs Jaynes
268X 738	Mr Knight
309X 908	Mrs Vickery
311X 914	Mr Pollard
313X 916	Mrs Whitehead
327X 958	Ms Allen The Highways Agency
334X 962	Mr Kenworthy
333X 981	Mr Whitfield
350X 1007	Mr Savage
397X 1117	Mr Charlesworth

## Issues

- a) It is a greenfield site, brownfields should be built on.
- b) Object to the loss of a valuable open space for leisure use; there are not many football fields where children can play. The site provides a break between Barton Green and Clifton Woods.
- c) The site is shown as 6.7ha but is 9.75ha in total. The site is private and does not form an open space function. Land to the north should be used if required.
- d) Too much traffic on A 453 already; development would bring more traffic, spoil the environment and devalue existing homes. Finchley Close is not wide enough for access.
- e) The Highways Agency will require a Transport Assessment.

## Inspector's Reasoning and Conclusions

### *Greenfield site*

- 3.9.1 My conclusions on this site should be read together with my conclusions on the overall housing strategy for Nottingham City. The H1.7 site is a greenfield site but it falls

within the edge of urban area category which PPG3 states is the next most sustainable option after developing sites within the urban areas.

- 3.9.2 As with the H1.6 site the imbalance of the City housing stock is also reflected in the housing stock in Clifton. The need to diversify the housing stock to create a more balanced community and to provide choice is therefore very great. The only way to address the imbalance in the housing stock is through new housing provision and to encourage a suitable mix through the Development Brief or negotiation with developers. But, Clifton has very few development opportunities and no immediately available PDL (an exception being Clifton Hall). Given the lack of alternatives, the H1.7 site is important in providing more opportunity and choice in Clifton.

***Loss of open space***

- 3.9.3 The site extends to 9.6ha, and it is open grassland and farmland. Ownership lies jointly with The Nottingham Trent University and the City Council. The draft Brief envisages between 6.1-7.3ha of housing development with a minimum of 2.3 ha of open space.
- 3.9.4 Although there is no formal access to the land for sport and recreation, it appears that there has been no bar to its informal use by local residents. Indeed the evidence suggests that it is utilised regularly for recreational pastimes by many local people. Accordingly, local residents seek to retain the land as open space. By contrast, Nottingham Trent University argue that the entire site should be allocated for housing because in the absence of an Open Space Needs Assessment, it concludes that no need for open space can be demonstrated.
- 3.9.5 PPG17 advises that open space should not be built upon unless an assessment has been undertaken which shows the land is not necessary for open space purposes. It also advises that open space provision standards should be set locally, based on this assessment. Although the Council has commissioned an Open Space Needs Assessment, it has not yet been published. In addition, at the time of the Local Plan Inquiry, the Council was preparing revised Supplementary Planning Guidance on the provision of Open Space in New Development to be published for consultation in December 2003. The City Council is also developing a strategic approach to open space provision, with a preference for improving the quality of existing open space in the vicinity of new residential development, rather than providing new open space where it duplicates facilities and incurs long term maintenance commitments.
- 3.9.6 Neither the Nottingham Trent University nor any of the other objectors has demonstrated through an independent assessment that the land is surplus to requirements. But, Sport England and the City Council jointly commissioned the Nottingham City Playing Pitch Assessment completed in May 2001. It concluded that there is no need for further sports pitch provision in Clifton based on a local qualitative standard (0.96ha per thousand population). Indeed, a surplus of 3.52ha is identified. Therefore, the assertion by the Nottingham Trent University that there is no need for further sports pitch provision arising as a result of the development is supported by this study.
- 3.9.7 PPG17 further advises that land which is “surplus to requirements” may be capable of providing for other open space needs. To this end, I agree with the Council that there may be some merit in revisiting the open space element of the development through a revision of the draft Development Brief. At present, the draft Brief provides an area of open space of 2.3ha which, being about 24% of the site, would be significant. And, additionally, it will formally establish public access. The City Council says that the function, form and layout of open space provision on the site will be subject to further

consultation when the draft Brief is reviewed, taking into account the views of residents. The draft Brief ensures that the development of the site has due regard to the surrounding land including Clifton woods which is a Site of Importance for Nature Conservation and a Local Nature Reserve. Furthermore, the draft Brief requires the developer to provide a management plan for the woods, together with providing a contribution towards its maintenance and management.

### ***Transportation issues***

- 3.9.8 I have considered very carefully the objectors' concerns about transportation issues. However, it seems to me, that at present, severe delays are experienced, particularly at peak times by drivers approaching the Crusader Island on both Barton Lane and Clifton Lane. This is because vehicular access to the A453 is affected by the current capacity limitations of the transportation corridor that links Nottingham to the M1 motorway at Junction 24. The Highways Agency is proposing to introduce dualling (without a central reservation) and junction capacity improvements through Clifton. It is anticipated that this would remove the congestion on the A453 and substantially improve the access to Hartness Road. Nevertheless, the proposed use of the Crusader roundabout would facilitate right turning vehicles without detriment to safety and with a minimal effect on capacity. By contrast, access to the site via Garrett Grove would intensify vehicle movements at an existing major/minor junction. And, increased numbers of right turning vehicles at this location would be detrimental to both safety and the capacity of the A453.
- 3.9.9 Hartness Road has been designed to the standard of a residential distributor road. It is on a bus route and the evidence suggests that it can accommodate both the existing and the proposed development. The City Council says that the damage caused to the road by residential traffic is minimal when compared to the effect of heavy goods vehicle movements. Since the proposed development would be residential, there would be no significant impact on the integrity of Hartness Road. And, because Hartness Road is part of the adopted Highway Network it is subject to maintenance by the Highway Authority. This places a responsibility on the Highway Authority to address any existing or future requirements for maintenance works.
- 3.9.10 The existing safety record for the A453 between the Crusader roundabout and Farnborough Road indicates that 70% of the casualties are associated with junctions. For this reason the A453 improvements will focus on restricting the proliferation of accesses whilst improving the safety of the existing ones. The proposals for the Crusader roundabout will enhance capacity on the A453 with a major junction improvement. It seems to me, therefore, that the additional vehicles from the development should be routed to this junction. From the evidence there has been only one reported injury accident on the Barton Green Estate in the period 2000-2002. As such, I do not consider that the additional vehicles from the proposed development would be unduly detrimental to safety. However, the developer will be expected to enter a Section 106 agreement with the City Council to provide traffic calming on the existing network of roads. This will improve the safety of all road users, particularly children.
- 3.9.11 The proposed site access would be via Finchley Close and Hawksley Gardens. These roads are respectively 5.5m and 6m wide and flanked by footways. Thus they can accommodate the proposed development without widening. However, land at numbers 7 and 8 Finchley Close prevent entry to the site at this point. Accordingly, land purchase would be required to achieve this link. To facilitate bus access to the proposed development, radii improvements might be needed at the junction of Hawksley Gardens and Hartness Road. The detailed design would be subject to discussions with the bus

operators.

### **Conclusion**

3.9.12 In my conclusion, the site is a necessary and appropriate strategic residential allocation, which helps to meet the housing needs of the City and South Nottinghamshire as a whole. It will support the City Council's approach to diversifying the housing stock and providing greater choice in terms of housing type. It seems to me that the Development Brief would mitigate as far as possible any negative impacts of the development, and I understand that the developer will be required to submit a Transport Assessment with any application.

### **RECOMMENDATIONS**

The Local Plan be modified to include a footnote to Policy H1 to say that the open space needs of the development of H1.7 should be considered in the light of the revised Supplementary Planning Guidance on the Provision of Open Space in New Development, the Open Space Assessment and the revised Development Brief.

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### **3.10 H1.9 RANSOM DRIVE**

#### **Objections**

37X 56	Miss Thackery
154X 253	Mr Jorysz Spawforth Associates
254X 718	Mr McCormick Urban Nature
277X 813	Mr Wilson
353X 1022	Ms Caves
354X 1043	Mr Balson

#### **Objections to Proposed Changes**

154X 2391	Mr Jorysz Spawforth Associates
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#### **Issues**

- Object that only 0.9ha are allocated; previously the whole site was allocated and this should be carried forward, with the exception of the footprint of the hospital, to comply with PPG3.
- Object to classification of Ransom Drive designation as greenfield. Site should be brownfield as it is within the curtilage of the former hospital.
- Should not be developed for housing as it is a valuable undisturbed habitat. It should be protected from development as part of the Open space network.

#### **Inspector's Reasoning and Conclusions**

3.10.1 The whole of the grounds of Hine Hall comprise a Conservation Area and there are a number of Tree Preservation Orders in the grounds. However, the land is not designated as part of a Biological Site of Importance for Nature Conservation (SINC) or as part of the Open Space Network. SINC's are declared only after rigorous criteria are met, and

their designation does not form part of the Local Plan process. The Local Plan simply reflects the boundaries established by that process. As the grounds are private and will be subject to an element of development, I do not consider it appropriate to show the land as part of the Open Space Network.

- 3.10.2 The site lies within the urban area and it has not been identified as land to be protected for amenity purposes. Therefore, in terms of the sequential approach, it forms an appropriate housing allocation which will contribute to the range and choice of sites for housing development including family housing. Any housing development would be expected to meet high standards of design, in accordance with the policies of the Built Environment Chapter, and in particular, the policies relating to Conservation Areas, including the requirement to demonstrate high standards of design appropriate to the historic environment.
- 3.10.3 Following the definition in PPG3 at Annex C, I consider all of the land within the curtilage of Hine Hall to be previously-developed land (PDL) i.e brownfield. The Table to Policy H1 therefore requires amendment. But, following conversion of the Hall to flats and having had regard to the sensitivity of the site, I do not consider it appropriate for the whole area of the curtilage to be re-developed.
- 3.10.4 Within the grounds of Hine Hall there are groups of Tree Preservation Orders (TPOs) to the west, south and east of the Hall, and the grounds fall away to the south and west. Although the allocation at Hine Hall in the adopted Local Plan covered the whole of the grounds, the City Council says the whole site would not have been developed because of the constraints of the Conservation Area status and the extensive TPOs. To give greater clarity and certainty, the Revised Deposit Draft Plan defines the area appropriate for development. This area coincides with that shown on the Design Brief for Hine Hall drawn up in 1993. The allocated site is therefore a continuation of the long-standing area defined by the Brief and comprises an area of 0.9 ha to the east and south of Hine Hall.
- 3.10.5 However, the Brief is now somewhat out of date and does not appear to have been supported by a tree survey. By contrast, the survey carried out by the objectors suggests that the allocated site would result in unacceptable tree loss. But, the objectors point to other areas of the site that would be capable of development that would complement the existing building and ensure retention of all the trees on the site that are visually important in the local landscape.
- 3.10.6 It seems to me, therefore, that a new Development Brief should be prepared for the whole curtilage of Hine Hall that would allow a sensitively designed scheme to be integrated into the grounds of Hine Hall while maintaining the special character of the area. I acknowledge that the dwelling figure for the site included in Policy H1 is indicative only and details of the development would be considered at the planning application stage. Nevertheless, given the characteristics of the site, a lower density scheme is likely to be most appropriate. Furthermore, there are no overriding considerations of need for further housing sites in the City that would require a larger area of development at Hine Hall. I therefore propose no change to the number of dwellings suggested in the Table to Policy H1.

## **RECOMMENDATIONS**

Modify the Table to Policy H1 of the Local Plan to show H1.9 as brownfield and modify the site area to include the whole curtilage of Hine Hall.

Prepare a Development Brief for the site.

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### 3.11 H1.10 HAYDN ROAD (ELLIS + EVERARD)

#### Objections

<b>1X 1</b>	<b>Mrs Withers</b>
<b>79X 105</b>	<b>Ms Nesbit</b>
<b>80X 106</b>	<b>Mr Wood</b>
<b>93X 124</b>	<b>Mr Steel</b>
<b>217X 497</b>	<b>The Nottinghamshire Wildlife Trust</b>

#### Issues

- a) Development would lead to traffic problems
- b) Housing on the site would violate our privacy. Any housing should be for old people, for which there is a need in the area.
- c) Whether form of development is detrimental to adjacent property.

#### Inspector's Reasoning and Conclusions

- 3.11.1 PPG3 obliges the City Council to look first at brownfield sites within the urban area to accommodate housing. In this case, the site was previously developed for industrial use. As such, it is unlikely to have significant conservation value. There are currently warehouses and a scrapyards on the site.
- 3.11.2 In April 1994, outline planning permission was granted for a residential development but this has now expired. However, the site was identified as a site for residential development in the Urban Capacity Study and allocated in the First Deposit Draft of the Local Plan. The site is part of a range and choice of sites proposed for allocation in this Local Plan. Residential development in this location would help to support local services and would help to reduce the amount of greenfield land needed for housing.
- 3.11.3 Issues concerning the impact of traffic generated by the development of the site and the form and design of dwellings in relation to adjoining properties are detailed matters that will be addressed when a design brief is drawn up or when a planning application is considered.

#### RECOMMENDATIONS

No modification.

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### 3.12 H1.11 HIGH PAVEMENT 6TH FORM COLLEGE

#### Objections

142X 177            Mr Turner Portland Branch Labour Party  
373X 1065           New College Nottingham

#### Issues

a) This site is now in course of construction

#### Inspector's Reasoning and Conclusions

3.12.1 The issues raised by the objectors have now been overtaken by events. The H1.11 site now has planning permission for residential development and construction has begun. A contribution to playing space and open space facilities nearby is included in the s106 agreement. In any event, Policy H4 to which the objector refers, is intended to relate to conversion of existing buildings and is not therefore applicable to this site.

3.12.2 Although the status of the site is included in the Revised Deposit Draft of the Local Plan, the footnote indicates that it is “a site with planning permission, or subject to s106 obligation but not yet under construction”. In this case, the site is now under construction and therefore the site needs to be deleted from Policy H1 but I will take account of the numbers in my deliberations on the way in which the housing provision has been met.

#### RECOMMENDATIONS

The Local Plan be amended to reflect the status of the H1.11 site.

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### 3.13 H1.13 LAND OFF CLIFTON LANE

#### Objections

5X 10                Mrs Venters  
7X 12                Mr Jones  
51X 23               Mr Hawkins  
62X 78               Mr Taylor  
65X 90               Mrs Selby  
69X 94               Mr Wade  
77X 101              Mr Motson  
96X 129              Mrs Walker  
111X 136             Ms Hedger  
112X 141             Dr Hedger  
113X 142             Ms Brooks  
120X 148             Mr Brooks  
173X 350             Mr Mason  
174X 351             Mrs Mason  
243X 696             Mr Maguire  
288X 879             Mr Marshall Rushcliffe Borough Council

327X 956 Ms Allen The Highways Agency\_?????  
360X 1058 Mrs Lister  
374X 1068 Mr Thompson Open Spaces Society

**Issues**

- a) The site now has planning permission.
- b) The site should not be developed but retained as existing open space with trees and wildlife.

**Inspector's Reasoning and Conclusions**

- 3.13.1 The site has been previously used as a kitchen garden and grounds for Wilford House and subsequently as a private Sports Ground. At one time it was owned by Nottingham Evening Post. The objectors consider that there is a serious local need for sports facilities particularly with Wilford Youth Club and that the site could be used for public sports and recreation.
- 3.13.2 Although the City Council sought to safeguard the sports ground as open space in preparation of the adopted Nottingham Local Plan, the sports ground element had already been disused for a considerable period of time. Moreover, a playing pitch assessment commissioned by the City Council in May 2001 found that there was a qualitative surplus of formal playing pitches in this area of the City i.e. Clifton and Wilford.
- 3.13.3 An assessment of the importance of the wildlife habitat and nature conservation interest of the area has been undertaken. However, the City Council is required to provide a range and choice of housing sites and this site would contribute to that range and a proportion of family housing is considered appropriate. Following public consultation, a planning brief has already been approved by the City Council. The Brief takes account of the landscape and wildlife value of the site and it seeks to ensure the maintenance of the green setting of the site, which would include a strong communal space element and preservation and management of mature trees.
- 3.13.4 Outline planning permission for housing development on the site has been granted and a section 106 agreement signed. This includes provision for a contribution from the developers for off site improvements to open space in this area of the City. The proposed development would also include provision of open space within the development and the retention of existing mature trees around the site.

**RECOMMENDATIONS**

No modification

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**3.14 H1.14 LAND OFF CASTLE BRIDGE ROAD**

**Objections**

182X 386 Mrs Money Miller Homes

**Issues**

- a) The availability of the site for housing depends on the relocation of the current store to the ROF site.
- b) The replacement store is now open and the former store demolished.

**Inspector's Reasoning and Conclusions**

3.14.1 Planning permission for the site has been granted, and at the time of writing, construction has begun. As with site H1.11 the site needs to be deleted from Policy H1 but I will take account of the numbers in my deliberations on the way in which the housing provision has been met.

**RECOMMENDATIONS**

The Local Plan be amended to reflect the status of the H1.14 site.

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**3.15 H1.15 JOHNSON'S WORKS, VERNON ROAD**

**Objections**

198X 438,	Mr Phillips Johnson Group Properties plc
198X 447	Mr Phillips Johnson Group Properties plc
56X 31	Mr Thompson

**Objections to Proposed Changes**

416X 2013	Mr Knowles
423X 2024	Mr Holmes
432X 2034	Miss Bray
493X 2101	Mr Terry
499X 2107	Mrs Handley
522X 2138	Mr Moon
651X 2412	Mr Slack
198X 2453	Mr Phillips Johnson Group Properties plc

**Issues**

- a) There is no room for any more traffic in the roads around the site. The roads are double parked and are used as a rat run to avoid junctions already.
- b) Loss of employment land is detrimental in economic terms to the City.
- c) Proposal is supported for residential allocation on the site, but additionally the education allocation should also be allocated for housing.

**Inspector's Reasoning and Conclusions**

3.15.1 Objection 56X 31 relates to the former H1.15 site known as Huckleberry's in the First Deposit Draft. The site has planning permission and is under construction and so it has been deleted from the Local Plan allocations for housing sites in the Revised Deposit

Draft.

- 3.15.2 (198X 438, 198X 447, 493X 2101) The City Council accepts that the 'Johnson's factory' site is, in practice, obsolete for employment use because the buildings are considered to be uneconomic for future uses. It is recognised that retaining the site for business use would have a detrimental effect on surrounding residential properties. The site is largely surrounded by existing high density housing, therefore, mainly residential use is considered most appropriate. Accordingly, a Development Brief has been drawn up for the site. The majority of the site is proposed for allocation for residential use with the remainder allocated for educational use. The Dye Works site is not included in the proposed allocation because the area was not available at the time the Revised Deposit Draft Local Plan was drawn up. However, if it is put forward for development the City Council says it will be considered on its merits at the time of the application and this has been accepted by the objector.
- 3.15.3 In respect of objections 438, 447 and 2453 the objector would like the entirety of the objection site to be allocated for residential development. In respect of objection 2451 the objector would like the proposed education use (Policy CE7) to be removed from the Plan. However, pupil numbers at Heathfield Primary and Nursery Schools are already above capacity and accommodation there is not conducive to modern teaching methods. So the schools are planning to relocate and expand and there is no room for expansion on the current site. Moreover, there is insufficient capacity in local schools to cater for children from further residential development in the area without an expansion of capacity. Hence, without a new school there would essentially be a block on residential development.
- 3.15.4 The 'Johnson's site' is conveniently located adjacent to the existing playing field. As such, it would maximise its use without the need for a split site with all of the accompanying safety issues that this might entail. Furthermore, the site would appear to provide the only available opportunity for a site of sufficient size in the catchment area. And, there is no requirement to find additional housing sites in the City that would outweigh the need for this educational use.
- 3.15.5 In preparing the Development Brief and designating the Johnson's site and surrounding land for redevelopment, the City Council recognises that a comprehensive approach to regenerating this part of Nottingham is needed. The site presents opportunities to address an identified local shortage in family housing and bring about regeneration of the urban core. The provision of a new school site with buildings that could offer the opportunity for a much greater range of community uses could be a key to unlocking this wider regeneration. And the release of part of the Johnson's site would achieve this. The buildings will be appropriate to the location and designed to minimise disturbance and positioned to allow their independent use by the community.
- 3.15.6 In my conclusion, the mixed residential/educational allocation of the 'Johnson's site' would:
- Address a recognised shortage in family homes and the need to provide a mix of accommodation types to achieve a balanced and stable community.
  - Deliver the only site possible for a new primary school to meet the projected needs of the Heathfield catchment, which includes the Johnson's site and the wider Basford area.
  - Foster the regenerative effect that new schools can have in bringing about change in areas of decline.

As such, I find the mixed residential/educational allocation as the most appropriate one.

- 3.15.7 (416X 2013, 423X2024, 432X 2034, 493X 2101, 499X 2107, 522X 2138, 651X 2412) The Local Plan process considers only the principle of the allocated uses on the site. The detailed consideration of issues such as open space, access and pedestrian and highway safety will be a matter for scrutiny when a planning application is made. The approach adopted in the Brief seeks to establish a realistic balance between regenerating the site, its interrelationship with surrounding properties and the need to provide local educational facilities. In the residential area it identifies the main access points as Vernon Road and Fox Grove.
- 3.15.8 Developers of the proposed residential and educational zones will be required to submit a full transport assessment in order to establish the implications of development on the highway network and pedestrian and cyclist flows. Prospective developers will be required to liaise with each other and the City Council to achieve a co-ordinated response. The internal highway layout will encourage pedestrian and cyclist use and downplay the dominance of motor vehicles. The residential road layout will need to allow suitable access to the education site. Appropriate traffic management measures in the adjoining residential areas will be required with redesign and improvement where necessary.
- 3.15.9 (493X 2101) The site is likely to be eligible for a contribution to affordable housing and SPG sets out a City-wide requirement for the negotiation of 20% of large sites to be affordable housing. It is generally accepted that management by a Registered Social Landlord would enable dwellings to be retained in the 'affordable' category in perpetuity through maintaining a discounted value for the property.

## RECOMMENDATIONS

No modification.

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## 3.16 H1.16 MAIN ST (REAR 52/54) SPRING RD, BULWELL

### Objections

217X 504\*            Mr Howat Nottinghamshire Wildlife Trust

### Issues

- a) Objection relates to former H1.16 which is now developed.

### Inspector's Reasoning and Conclusions

- 3.16.1 The site is under construction and so the site needs to be deleted from Policy H1 but I will take account of the numbers in my deliberations on the way in which the housing provision has been met.

## RECOMMENDATIONS

The Local Plan be modified to reflect the status of the H1.16 site.

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### 3.17 H1.26 FOREST HALL, GREGORY BOULEVARD

#### Objections to Proposed Changes

35X 2181 Ms Mee

#### Issues

- a) Housing development will add to congestion and detract from visual amenity.
- b) Site has planning permission.

#### Inspector's Reasoning and Conclusions

3.17.1 The objection has been overtaken by events because planning permission for the site has been granted, and construction has begun. The site needs to be deleted from Policy H1 but I will take account of the numbers in my deliberations on the way in which the housing provision has been met.

#### RECOMMENDATIONS

The Local Plan be modified to reflect the status of the H1.26 site.

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### 3.18 H2 DENSITY

#### Objections

182X 375 Mrs Money Miller Homes  
323X 941 Mr Lee Friends of the Earth  
352X 1015 Mr Cronk The House Builders Federation

#### Objections to Proposed Changes

352X 2297 Mr Cronk The House Builders Federation  
651X 2413 Mr Slack

#### Issues

- a) Should exclude reference to sound insulation which is covered under building regulations.
- b) Need higher architectural standard and density no more than 40 dph with 30% landscaping.

**Inspector's Reasoning and Conclusions**

- 3.18.1 (182X 375, 352X 1015, 352X 2297) I understand that the City Council has experienced an increasing number of complaints from residents in the City Centre about the levels of noise and disturbance from A3 uses. And, this can be especially problematic when A3 uses occupy the same buildings as residential units. In these circumstances, to safeguard the living conditions in higher density development, it seems to me, to be appropriate for the level of soundproofing required to be sufficient to avoid nuisance.
- 3.18.2 Furthermore, given the scale of residential development in the City centre which forms part of mixed use developments, often at high densities, I consider it appropriate to make reference to levels of sound insulation in the policy. The supporting text indicates that this will be achieved through negotiation.
- 3.18.3 (323X 941) In order to estimate the number of dwellings coming forward over the Plan period, the Housing Background Paper has assumed a density of 42.5 dwellings per hectare (unless a Development Brief has been prepared giving a different figure). This is the average that has been achieved in the City over the last 10 years. It falls within the range specified in PPG3 of 30–50 dwellings per hectare and is the density range expected to be achieved by supporting paragraph 2.15. Notably in the year prior to the Local Plan Inquiry, on new build developments, densities averaged 62.6 dwellings per hectare. In my view, this demonstrates the City Council’s commitment to appropriate densities, dependent upon the criteria of the policy.
- 3.18.4 Policy H2 is worded in such a way as to avoid applying arbitrary density levels to sites with very different characteristics which could demand very different design solutions. I do not consider that the Policy seeks to encourage lower densities. Nevertheless, there could be instances where low densities would be appropriate such as Conservation Areas and the Policy needs the flexibility to address these situations.
- 3.18.5 I do not consider that it would be appropriate for Policy H2 to suggest that “some development, particularly for households without children should achieve much higher densities” as the planning system cannot control occupation. Hence, I do not find it unreasonable for H2 to suggest that “lower densities will be more appropriate for family housing”.
- 3.18.6 (651X 2413) I do not consider it appropriate to limit the density of new housing development within existing high density areas of affordable housing to 40 dwellings per hectare. To accord with the sustainability criteria set out in PPG3 and RPG, new build sites could be developed satisfactorily at higher densities than this, subject to good quality design to make the most efficient use of land. Indeed, in the City Centre in particular, densities are generally very much higher than this. I am satisfied that the detailed design of housing areas including the consideration of open space and affordable housing provision is covered by policies in the Housing, Built Environment, and Recreation and Leisure Chapters of this Local Plan.

**RECOMMENDATIONS**

No modification.

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### 3.19 H3 APPROPRIATE HOUSING TYPES

#### Objections

182X 374 Mrs Money Miller Homes  
183X 354 Notts Chamber of Commerce and Industry

#### Objections to Proposed Changes

355X 2554 Ms Mossman, Nottingham DIAL  
364X 1064 Mrs S Bilson  
364X 2265 Mrs S Bilson

#### Issues

- a) Should include criteria to demonstrate how 'an appropriate mix' will be assessed.
- b) Ambiguous and open to interpretation. Clarification of 'characteristics of surrounding area' needed.

#### Inspector's Reasoning and Conclusions

*Whether H3 is ambiguous and open to interpretation. Whether clarification of 'characteristics of surrounding area' is needed.*

- 3.19.1 Save for the fact that the Policy wording makes no reference to affordability, Policy H3 generally reflects the guidance in PPG3. In particular, paragraph 10 of PPG3 requires LPAs *to encourage the development of mixed and balanced communities: and to ensure that new housing developments help to secure a better social mix by avoiding the creation of large areas of housing of similar characteristics*. Consequently, I find the term 'characteristics of the surrounding area' to be not inconsistent with PPG3.
- 3.19.2 Some parts of the City already contain a variety of housing types and sizes but there are neighbourhoods where diversification of the stock in terms of house size, type and affordability is needed. Notably there is a shortage of family housing in some areas of the City. Where the opportunity arises through new development, a variety of provision will be sought, with an emphasis on larger housing, suitable for family occupation, where appropriate. I note that Revision Number H.037 to supporting paragraph 2.19 refers to guidance that is available from the City Council on the appropriate mix of dwelling size and type for particular sites.
- 3.19.3 In assessing applications for planning permission, the City Council will give consideration both to the locality and to the City area as a whole. The City has a low proportion of family housing in relation to the surrounding District Council areas and to the national average, and a high proportion of dwellings in the social rented sector. Increasing the amount of family housing will help to retain families within the City, and to support schools and other services. But, I consider this should be made clear in the supporting text at paragraph 2.18.

*Whether the Plan requires a breakdown of the number of each type of dwelling that is required.*

- 3.19.4 (183X 354) This Plan aims to encourage a range and choice of new dwellings overall.

And, it is consistent with PPG3 at paragraph 11 which says that LPAs should take account of assessments of local housing need in determining the type and size of additional housing for which they should plan. They should assess the composition of current and future households in their area and of existing housing stock.

- 3.19.5 Proposals for new housing schemes will be considered against the background of the current housing stock which shows that the City has a low proportion of dwellings suitable for families. Where appropriate, therefore, the City Council requires a mix of type and size of dwellings with particular emphasis on providing new 'family' homes. Furthermore, new provision of housing is monitored annually to determine the level of larger and smaller dwellings being provided. And, Policy H5 Affordable Housing will encourage the provision of housing for those who cannot afford to rent or buy on the open market.
- 3.19.6 I would agree with the City Council that the requirement for a particular size or type of dwelling is difficult to quantify in market terms as it does not necessarily relate to household size (since small households often occupy large houses). Proposals for new housing schemes will therefore be considered against the background of the current housing stock.

### *Lifetime Homes*

- 3.19.7 The objectors want a Policy which requires all new homes to be built to Lifetime Home Standards and for 10% of these to be built to wheelchair standards. Council money will ultimately be saved through the adoption of these standards with a reduction in later costs for adaptations. These standards are designed to meet the existing and changing needs of people over their lifetime. They not only cater for elderly and disabled people but for a variety of family situations including parents with pushchairs. The objectors say that the London Plan now includes such a requirement, as do the Unitary Development Plans for Ealing and Islington. Part M of the Building Regulations provides a minimum requirement, but there is nothing to say that the Council cannot insist on houses to LHS.
- 3.19.8 The Council supports the aim of providing housing to meet the needs of all residents of the City, including those who are less mobile. Its approach is to introduce LHS housing as a proportion (starting at a minimum of 10%) of all new housing on "appropriate sites". However, the objectors do not consider that the proportion of 10% reflects the fact that 36% of households in Nottingham City are inhabited by a person with a disability or a long term limiting illness.
- 3.19.9 Whilst Lifetime Homes would benefit a large sector of the community, in the absence of any legislative requirement, it seems to me first, that it would not be reasonable to require higher standards of design in Nottingham City than is generally required elsewhere in the country. Secondly, although the City Council could serve as a role model to other authorities in the vicinity, if it is to provide about half the new housing in Greater Nottingham up to 2021, it would be inequitable to have a requirement of 100% in the City whilst the remaining provision was not subject to such a requirement. Thirdly, for a variety of reasons a number of sites would not be suitable or "appropriate" for persons with long term disability or long term limiting illness. Therefore, it seems reasonable to me to adopt an approach where a proportion of new housing is provided to Lifetime Homes Standards, with this proportion capable of being increased over time as set out in Pre- Inquiry Change FPCH\04.

## RECOMMENDATIONS

Modify the Local Plan in accordance with FPCH\04 by adding to the end of Policy H3:

**On appropriate sites the City Council will also negotiate with the developer to build a proportion of new dwellings to the 'Lifetime Homes' standard"**

Add new paragraph after paragraph 2.19:

**It is important that the City's housing stock is accessible and suitable for all residents. The City Council is keen to see new housing which is adaptable to people's lifestyle changes as they grow older, and to provide suitable housing for those who are less mobile. The Council will therefore negotiate with developers to provide a minimum of 10% of new homes to "Lifetime Homes Standards", with some of these being fully wheelchair accessible. Supplementary Planning Guidance to be published by the City Council will give further detail on integrating the principles of inclusive design and access into development proposals.**

\*\*\*\*\*

## 3.20 H4 CONVERSION TO RESIDENTIAL USE

### Objections

182X 373            Mrs Money Miller Homes  
352X 1016        Mr Cronk The House Builders Federation

### Objections to Proposed Changes

352X 2298        Mr Cronk The House Builders Federation  
260X 2465\*      Mr Hewitt Government Office for the East Midlands

### Issues

- a) Support but noise insulation etc should not be included as covered elsewhere.
- b) Add proviso to make clear that site is no longer required for existing use and cross refer to Policy E4. Consider protection of Conservation Areas. Define 'high' density.
- c) Character has been included, but not 'appearance'.

### Inspector's Reasoning and Conclusions

- 3.20.1 (182X 373, 352X 1016, 352X 2298) I understand that the City Council has experienced an increasing number of complaints from residents in the City Centre about the levels of noise and disturbance from A3 uses. In the light of this, and the advice in PPG24 and Circular 11/95, I am satisfied that the inclusion of criterion H4b) concerning noise insulation is an appropriate planning matter in order to ensure satisfactory living conditions in high density and mixed use developments.
- 3.20.2 182X 373 Criterion H4f) requires not just a satisfactory fire escape, but also one which respects the character of the building. Again, I am satisfied that it is an appropriate planning matter.
- 3.20.3 Objection 260X 2465 is met by FPCH\03 whereby 'or appearance' is added after 'character' in H4(e).

## RECOMMENDATIONS

Modify Policy H4(e) of the Local Plan in accordance with FPCH\03 by adding 'or appearance' after 'character'.

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### 3.21 H5 AFFORDABLE HOUSING

#### Objections

182X 371	Mrs Money Miller Homes
282X 819	McCarthy & Stone (Dev) Ltd
352X 1018	Mr Cronk The House Builders Federation

#### Objections to Proposed Changes

182X 2175	Mrs Money Miller Homes
182X 2176	Mrs Money Miller Homes
549X 2208	J E Chettle Ltd
352X 2299	Mr Cronk The House Builders Federation
260X 2467*	Mr Hewitt Government Office for the East Midlands

#### Issues

- The amount and type of affordable housing needed on each site should be included.
- Contrary to Circular 6/98 - does not indicate a figure of need for the plan.
- Object to the requirement for 20% of dwellings on a site to be eligible for a contribution to affordable housing.
- Need to put SPG criteria in supporting text.

#### Inspector's Reasoning and Conclusions

- 3.21.1 (182X 371) PPG12 indicates that all Supplementary Planning Guidance (SPG) should be subject to public consultation before adoption. This procedure was carried out and I do not consider it necessary to repeat the statement made in Appendix 3 of this Plan (Revision Number A3.001).
- 3.21.2 The requirement for 20% of an eligible site to be affordable housing is included in paragraph 2.24 (Revised Deposit Draft Revision Number H045) and Policy H5 refers to SPG on affordable housing. The SPG sets out the justification for an affordable housing contribution from developers in the City in accordance with Circular 6/98 and PPG3.
- 3.21.3 The 1998 Housing Needs Study which was carried out jointly by housing and planning officers from all the Districts in the Structure Plan South Nottinghamshire Sub-Area has now been updated for the second time based on 2002 information (The Need for Affordable Housing in Nottinghamshire 1996-2011 Monitoring Report). This confirms that the original conclusion i.e. that 24% of new dwellings would need to be in the affordable category to 2011, is still valid. In addition, the Housing Market Study and Needs Assessment 2002 Final Report demonstrates that there will be a shortfall of about

290 per year in the City Council area to 2011.

- 3.21.4 I consider that objections 260X 2467, 182X 2176, 352X 1018, 352X 2299 would be met if there was a reference to the number of affordable dwellings required over the Plan period in accordance with Further Proposed Change FPCH\02. I note that the 20% level of contribution is not included in the policy to allow flexibility as market conditions change. This enables any changes in levels of affordable housing contribution to be accommodated with a review of Supplementary Planning Guidance rather than a review of the Local Plan. Revision H.007 in the Revised Deposit Draft indicates that all the eligible housing sites identified in H1 are considered to be appropriate for a 20% contribution.
- 3.21.5 (282X 819) The City Council has produced SPG to give more detail on the requirement for affordable housing. The economics of the development of a site would be taken into account as part of the negotiation for an affordable housing contribution, for example costs incurred in the remediation of a previously used site, or the beneficial reuse of a Listed Building.
- 3.21.6 I am satisfied that the Local Plan and the SPG have been prepared in the light of Government Guidance. I do not consider that it is inappropriate to include details in the SPG (352X 1018, 549X 2208) because the SPG can be amended if thresholds etc change during the lifetime of the Plan (as has occurred since the adoption of the last LocalPlan). Nevertheless, the level is set in supporting paragraph 2.24 of the Revised Deposit Draft Local Plan as well as in SPG. I am therefore satisfied that Policy H5 in conjunction with the SPG is an appropriate interpretation of Government Guidance.
- 3.21.7 Revised Deposit Draft Revision Number H046 meets objection 352X 1018 in respect of the wording of supporting paragraph 2.25.
- 3.21.8 Objection 260X 2467 is met by Further Proposed Change FPCH\02

## RECOMMENDATIONS

Modify the Local Plan in accordance with Proposed Change FPCH\02:

Insert at paragraph 2.24, before last sentence (i.e. before 'On eligible sites)...:

**'A Housing Needs Assessment has also been undertaken by the City Council (Housing Market Study and Needs Assessment 2002) as part of its annual Housing Investment Strategy process. This found that 2680 affordable dwellings will be required in the City over the Plan period, equating to 26% of total provision.'**

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## 3.22 H6 STUDENT HOUSING

### Objections

260X 773	Mr Hewitt Government Office for the East Midlands
323X 943	Mr Lee Friends of the Earth
336X 976	Schofield Arboretum Residents Association
352X 1011	House Builders Federation

## Objections to Proposed Changes

550X 2219            Mr Whittle UNITE  
158X 2406           Nottingham Trent University  
705X 2529           Jarvis UPP

### Issues

- a) 'Management arrangements' are not a Local Plan matter.
- b) Accepted that student housing should be readily accessible by a choice of transport, but this does not mean facilities should be 'close' - the geographical relationship is irrelevant.

### Inspector's Reasoning and Conclusions

- 3.22.1 (260X 773) I agree with the City Council that the residential amenity (which would be better worded as living conditions) of residents living in communities which contain purpose built student accommodation should be protected. Indeed this is the object of criterion d). I can also foresee that there could be a danger of environmental nuisance from purpose built student accommodation arising from noise or the appearance or tidiness of the site. However, the negotiation of suitable management arrangements has historically enabled the development of student accommodation, which would otherwise be unacceptable in terms of its local impact, to be successfully integrated into an existing community. Since such measures could be a deciding factor in whether a scheme is acceptable or not, I consider it appropriate for them to be included in the policy itself rather than identified in the supporting text. Similarly, whilst not referred to by the objector, agreements can be used to ensure car parking arrangements do not affect the ability of local residents to park their own cars.
- 3.22.2 The objectors (158X 2406, 323X 943, 705X 2529) believe the reference in supporting paragraph 2.28 to the need for student accommodation to be close to the Universities is an onerous requirement which may prevent suitable schemes coming forward. However, I agree with the City Council that whilst access by a choice of means of transport is essential, students generally have low levels of income and are therefore heavy users of bicycles and walking as modes of transport. Both of these are sustainable means of transport which the City Council is keen to promote. The ability to access the Universities without incurring additional expenditure on other modes of travel would be likely to make purpose built accommodation more attractive to students, thereby helping to free up existing student housing for general housing.
- 3.22.3 Furthermore, given the scale of many proposed schemes (several hundred bedspaces) proximity to the Universities could help to reduce unnecessary travel. It also increases the practicality of car free development and consequent opportunities for increasing dwelling densities.
- 3.22.4 Objection 323X 943 concerning locality planning is met by criterion f) and the revisions to paragraph 2.28 of the Revised Deposit Draft Local Plan.
- 3.22.5 Policy H6 contains criteria for both safeguarding the amenity of neighbouring residents and maintaining balanced communities. Areas, such as the Arboretum Conservation Area, where over concentrations of student accommodation are in danger of leading to existing communities becoming unbalanced or unviable will be subject to particular scrutiny. And, applications for purpose built student accommodation will be informed by the definition of sustainable/balanced communities in the glossary. As such, I do not consider that the Plan needs to be modified to meet the concerns of objection 336X 976.

- 3.22.6 The concerns of objection 550X 2219 are noted. However, planning permission is not required where 6 people or less live together as a household. Local Plan policies are not therefore able to limit student occupation of existing dwellings in this category. As to the application of criterion a), supporting paragraph 2.28 says “*It is recommended that any proposals for student accommodation should be discussed in advance with the City Council*”. From the evidence, the City Council considers that where impact on existing communities is limited there is some scope for concentrating student accommodation into ‘student villages’ particularly in the vicinity of the Jubilee Campus and in the eastside of the City where redevelopment opportunities away from existing communities provide suitable locations which accord with the policy, and can assist the regeneration of the wider area. Disused employment sites have a particular relevance in this regard, as they are often sited away from existing communities, and can accommodate purpose built student housing without detriment.
- 3.22.7 In my conclusion, all the criteria in Policy H6 should be taken together but I see no reason why the application of criterion a) as it stands should obstruct UNITE’s developments in certain parts of the City where the real issue is the uncontrolled loss of older traditional housing stock or the development of student villages close to campuses in areas which might previously have been in employment use. I therefore see no need to modify the Plan.
- 3.22.8 Objection reference 352X 1011 is concerned that the Structure Plan did not make sufficient provision for the expansion of Nottingham’s 2 universities. However, supporting paragraph 2.30 makes it clear that development specifically for students does not count towards the Structure Plan housing provision.

## RECOMMENDATIONS

Modify the wording of the policy:

**H6: Planning permission will be granted for student accommodation where:**

- a) **the development or maintenance of balanced communities is not prejudiced;**
- b) **the location and scale of the development is appropriate;**
- c) **the living conditions of neighbouring residents will be safeguarded;**
- d) **the City Council is satisfied that, where necessary, there will be management arrangements sufficient to integrate the scheme into the existing community;**
- e) **the City Council is satisfied that any car parking arrangements do not affect the ability of local residents to park their own cars; and**
- f) **university facilities are readily accessible to the development by a choice of means of transport.**

Insert a new second sentence into supporting paragraph 2.28 **If the City Council considers that there would be a danger of environmental nuisance from the development, where possible, it will negotiate with the developer for management arrangements sufficient to integrate the scheme into the existing community.**

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### 3.23 H7 INAPPROPRIATE USES IN RESIDENTIAL AREAS

#### Objections

375X 1070          Royal Mail

#### Objections to Proposed Changes

198X 2452          Mr Phillips Johnson Group Properties plc

#### Issues

- a) 'operational requirements of existing businesses , in particular statutory operators will be taken into account in assessing amenity impacts and potential mitigation measures' should be added to the policy.
- b) It is appropriate that the site of Heathfield School should be in the Primarily Residential designation, as it is surrounded by residential uses. The designation should be retained.

#### Inspector's Reasoning and Conclusions

- 3.23.1 I consider that within residential areas the amenity of existing residents should be safeguarded. Whilst the interests of established businesses would be a material factor in considering any planning application, any adverse effects arising from the proposals should be mitigated. Objection 375X 1070 is met by Revision H.055 in the Revised Deposit Draft. Thus paragraph 2.31 now reads “Development in Primarily Residential Areas which would cause problems *that cannot be mitigated* of noise, dust, vibration, smell, disturbance or other nuisance to neighbouring residents will not be granted planning permission”.
- 3.23.2 (198X 2452) The present Heathfield School site is not in residential use. Moreover, it is proposed to re-locate the school as it has outgrown its site, which is bordered on two sides by heavily trafficked roads. The presence of the adjacent ring road means that a variety of uses could be considered in the future. I therefore support Revised Deposit Draft Revision No.H.061 to remove the site from the Primarily Residential Area on the Proposals Map. I acknowledge that the site is surrounded by residential development but, the policies of the Local Plan which protect the environment and living conditions of neighbours will apply to the future redevelopment of the site.

#### RECOMMENDATIONS

No modification.

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**Appendix H1.4**

<b>2X 3</b>	<b>Mr Cooper</b>
<b>4X 9</b>	<b>Mr Jackson</b>
<b>6X 11</b>	<b>Mr Speaight</b>
<b>9X39</b>	<b>Mrs S Robinson</b>
<b>10X40</b>	<b>Mrs A Preira</b>
<b>11X41</b>	<b>Mr A Cole</b>
<b>12X42</b>	<b>Mrs C M Vinerd</b>
<b>13X43</b>	<b>Mrs E Cutts</b>
<b>14X44</b>	<b>Mrs J McNeil</b>
<b>15X45</b>	<b>Mrs M Zedgitt</b>
<b>16X46</b>	<b>Mr B Gettliffe</b>
<b>18X47</b>	<b>Mr S L Taylor Area Committee East Community Rep.</b>
<b>19X48</b>	<b>Mrs P S Taylor Sneinton Environmental Society</b>
<b>21X49</b>	<b>Mr D J Hooper</b>
<b>23X50</b>	<b>Mrs S Wheatley</b>
<b>25X51</b>	<b>Mrs K Scheller</b>
<b>31X52</b>	<b>BF Stratton</b>
<b>32X53</b>	<b>Mr P Robinson</b>
<b>33X54</b>	<b>Mr A O'Dowd</b>
<b>34X55</b>	<b>Mr J Whydall</b>
<b>41X60</b>	<b>Mrs J I Penniston</b>
<b>42X61</b>	<b>Mr A Dench</b>
<b>43X62</b>	<b>Mrs D Knowles</b>
<b>46X64</b>	<b>Mrs E Hooper</b>
<b>47X65</b>	<b>Mrs A E Fowler</b>
<b>49X 21</b>	<b>Mr Williams</b>
<b>50X 22</b>	<b>Mr Hallam</b>
<b>52X 25</b>	<b>Mr Travers</b>
<b>53X 26</b>	<b>Mrs Horrocks</b>
<b>54X 27</b>	<b>Mrs Paulsoz</b>
<b>55X 28</b>	<b>Mrs Sharpe</b>
<b>56X 29</b>	<b>Mr Thompson</b>
<b>58X 38</b>	<b>Mr Shaw</b>
<b>63X87</b>	<b>Mrs M Fedorowyz</b>
<b>64X88</b>	<b>Mrs E M Mosley</b>
<b>66X91</b>	<b>Mrs K Jackson</b>
<b>71X95</b>	<b>Mrs P E Cjoyce</b>
<b>73X96</b>	<b>Mrs M Greensmith</b>
<b>74X97</b>	<b>Mrs K Lawrence</b>
<b>81X73</b>	<b>Mr D Bird</b>
<b>86X72</b>	<b>Mr H Allsopp</b>
<b>87X70</b>	<b>Mr L Littlehales</b>
<b>88X71</b>	<b>Mrs J A Lees</b>
<b>90X118</b>	<b>Mr P A Angrave</b>
<b>92X123</b>	<b>Mr E Woollacott</b>
<b>94X126</b>	<b>Mr S E Smith</b>
<b>103X132</b>	<b>Mr L Smith</b>
<b>104X133</b>	<b>Mr A Douglas</b>
<b>105X134</b>	<b>Mrs J White</b>
<b>109X135</b>	<b>Mr R Rollin</b>
<b>116X144</b>	<b>Mr I Hughes</b>
<b>121X152</b>	<b>Ms G Rogerson Sneinton Environmental Society</b>
<b>123X154</b>	<b>Mrs S Wheatley</b>
<b>125X156</b>	<b>Miss S Thomas</b>
<b>143X181</b>	<b>Mr R Waters</b>
<b>144X183</b>	<b>Mrs M Wallis</b>
<b>146X239</b>	<b>Mr D Handley Bewick Drive Action Committee</b>

147X242	Mrs A Handley Bewick Drive Action Committee
161X326	Mrs G Ranby
176X352	Mrs D Travis
195X419	Ms M Michalak Bakersfield & Neighbourhood Community Association
200X449	Mrs B Foster
227X547	Mrs L Smith
236X693	Mr E Winters 236
239X694	Mr M Easingwood
245X697	Mrs J Glenn
252X715	Mr E V Norton
257X742	Miss M Sykes
269X739	Mr R Brown
292X888	Mr T Waldon
293X890	Mr F R Fletcher
294X894	Mr D Vickery
296X895	Mrs J Vickery
316X937	Mr P Thraves
335X965	Mrs M Sermon
401X1146	Mrs M Hurst
403X1148	Mr G Scheller
9X 39	Mrs Robinson PH12
10X 40	Mrs Pereira
11X 41	Mr Cole
12X 42	Mrs Vinerd
13X 43	Mrs Cutts
14X 44	Mrs McNeil
15X 45	Mrs Zedgitt
16X 46	Mr Gettliffe
18X 47	Mr Taylor Area Committee East Community Rep.
19X 48	Mrs Taylor Sneinton Environmental Society
21X 49	Mr Hooper
23X 50	Mrs Wheatley
25X 51	Mrs Scheller
31X 52	Stratton
32X 53	Mr Robinson
34X 55	Mr Whydall
41X 60	Mrs Penniston
42X 61	Mr Dench
46X 64	Mrs Hooper
47X 65	Mrs Fowler
87X 70	Mr Littlehales
88X 71	Mrs Lees
86X 72	Mr Allsopp
81X 73	Mr Bird
61X 77	Mr Lumb
63X 87	Mrs Fedorowyz
64X 88	Mrs Mosley
66X 91	Mrs Jackson
71X 95	Mrs Joyce
73X 96	Mrs Greensmith
74X 97	Mrs Lawrence
90X 118	Mr Angrave
92X 123	Mr Woollacott
94X 126	Mr Smith
103X 132	Mr Smith
104X 133	Mr Douglas
105X 134	Mrs White
109X 135	Mr Rollin
116X 144	Mr Hughes
121X 152	Ms Rogerson Sneinton Environmental Society
123X 154	Mrs Wheatley

125X 156	Miss Thomas
143X 181	Mr Waters
144X 183	Mrs Wallis
146X 239	Mr Handley Bewick Drive Action Committee
147X 242	Mrs Handley Bewick Drive Action Committee
161X 326	Mrs Ranby
176X 352	Mrs Travis
195X 419	Ms Michalak Bakersfield & Neighbourhood Community Association
200X 449	Mrs Foster
227X 547	Mrs Smith
236X 693	Mr Winters
239X 694	Mr Easingwood
245X 697	Mrs Glenn
252X 715	Mr Norton
269X 739	Mr Brown
257X 742	Miss Sykes
292X 888	Mr Waldon
293X 890	Mr Fletcher
294X 894	Mr Vickery
296X 895	Mrs Vickery
316X 937	Mr Thraves
335X 965	Mrs Semon
401X 1146	Mrs Hurst
403X 1148	Mr Scheller

## **Appendix H1.2**

283X 2189*	Mrs Stowell Sport England CON
405X 2000	Mrs Preston
414X 2011	Mrs Ducker
415X 2012	Mr Gilbert
419X 2016	Mr Fountain
420X 2017	Miss Hodgkinson
422X 2023	Mr Iddenten
425x 2027	Mr W Cole
426X 2028	Mrs Iddenten
430X 2032	Ms Foreman
434X 2037	Mr Ducker
435X 2038	Mr Mullins
436X 2039	Mrs Mullins
438X 2043	Mrs Middleton
439X 2044	Mr Holmes
440X 2045	Mrs Davis
441X 2046	Mr Hough
442X 2047	Mrs Hough
443X 2048	Mrs Oliver
444X 2049	Mrs Woodland
446X 2050	Mrs Henshaw
447X 2051	Mrs Roberts
448X2063	Mrs J Tomlinson
445X 2053	Mrs Jackson
449X 2054	Mrs Hardstaff
450X 2055	Mrs Starbuck
451X 2056	Mrs Sheppard
452X 2057	Mrs Woodhouse
453X 2058	Mrs Clark
454X 2059	Mrs Lane
455X 2060	Mrs Watson
456X 2061	Mrs Butler
457X 2062	K A Dudley

458X 2064	Mrs Woodhead
459X 2065	Mrs Jackson
460X 2066	Mr Shilton
461X 2067	Mrs Houghton
462X 2284	Mr Hallam
465X 2072	Mr Fawsitt
466X 2073	Mr Bateson
468X 2075	Mrs Machin
469X 2076	Mrs Bateson
470X 2077	Mrs Andrews
472X 2079	Mrs McPhail Over 60s Club, Tenants and Residents, Bestwood Park Community Centre.
473X 2080	Mrs Aleksy Bestwood Park Community Centre
474X 2081	Mrs Hackett
475X 2082	Tantum
476X 2083	Mrs Brewer
477X 2084	Mrs Morley Over 60s Club, Tenants and Residents, Bestwood Park Community Centre
478X 2085	Mr Elmhirst Tenants and Residents Bestwood Park Community Centre
479X 2087	Mr White
481X 2089	Mrs White
482X 2090	Mr Storer
483X 2091	Mrs Storer
484X 2092	Miss Mayes Over 60 Club
485X 2093	Mrs Hoy
486X 2094	Mrs Murfet Bestwood Park Community Centre
487X 2095	Mrs Chaplin
488X 2096	Mrs Mee
489X 2097	Mrs Corcoran
490X 2098	Mrs Elliot
491X 2099	Mrs Somerfield Bestwood Park Ladies Club
494X 2102	Mr Gillott
495X 2103	Mr Carnill
496X 2104	Mr Bis
497X 2105	Mrs Bis
500X 2110	Mr Clark Tenants and Residents Assoc
501X 2111	Mrs Anstey
502X 2112	Mrs Anstey
503X 2113	Mr Offiler
504X 2114	Mr Bis
505X 2115	Mr Fawsitt
508X 2118	Mrs Saunders
509X 2120	Mrs Palmer
510X 2123	Miss Shelton
511X 2124	Mrs Capewell
512X 2126	Mrs Foster
513X 2128	Mrs Smith
514X 2129	Mrs Bakajsa
515X 2130	Miss Nowicki
516X 2131	Mrs Shaw
517X 2132	Mrs West
525X 2141	Mr Shardlow
526X 2144	Mrs Byron
527X 2145	Mr Byron
529X 2154	Mrs Clarke
544X 2196	Cllr Grocock Nottingham City Council
560X 2244	Miss Walters
561X 2245	Miss Martin
562X 2246	Mrs Williamson
563X 2247	Mr Valentine
564X 2248	Mrs Pike
565X 2249	Mr Allen
566X 2250	Mrs Kirk

<b>567X 2251</b>	<b>Mr Baggaley</b>
<b>568X 2252</b>	<b>Mrs Baggaley</b>
<b>569X 2253</b>	<b>Mrs Keywood</b>
<b>570X 2254</b>	<b>Mrs Bignell</b>
<b>571X 2255</b>	<b>Bignell</b>
<b>639X 2387</b>	<b>Miss Twells</b>
<b>645X 2395</b>	<b>Mr Gill</b>
<b>646X 2396</b>	<b>Mrs Keep</b>
<b>652X 2414</b>	<b>Clay</b>
<b>653X 2415</b>	<b>Mr Shanahan</b>
<b>653X 2415</b>	<b>Mr J Callaugh</b>
<b>654X 2416</b>	<b>Mr Bailey</b>
<b>655X 2417</b>	<b>Mr Williamson</b>
<b>656X 2418</b>	<b>Mrs Mitchell</b>
<b>670X 2454</b>	<b>Mr Bradford Over 60's Club</b>
<b>671X 2455</b>	<b>Mrs Seddon</b>
<b>672X 2457</b>	<b>Mr Ley</b>
<b>673X 2458</b>	<b>Mr Richards</b>
<b>675X 2482</b>	<b>Mrs Dutton</b>
<b>676X 2483</b>	<b>Mr Dutton</b>
<b>677X 2484</b>	<b>Mr Wilson</b>
<b>678X 2486</b>	<b>Mr Dutton</b>
<b>679X 2487</b>	<b>Mrs Woodward</b>
<b>680X 2488</b>	<b>Mr Fothergill</b>
<b>681X 2489</b>	<b>Mr Wilshaw</b>
<b>682X 2490</b>	<b>Wilshaw</b>
<b>683X 2491</b>	<b>Mrs Marsden</b>
<b>684X 2492</b>	<b>Mrs Wilkinson</b>
<b>698X 2522</b>	<b>Mr Gaskell</b>
<b>699X 2523</b>	<b>Mrs Gaskell</b>
<b>700X 2524</b>	<b>Miss Gaskell</b>
<b>703X 2527</b>	<b>Mrs Hughes</b>
<b>709X 2544</b>	<b>Mrs Wilshaw</b>
<b>710X 2545</b>	<b>Wilshaw</b>
<b>711X 2546</b>	<b>Wilshaw</b>
<b>712X 2547</b>	<b>Wilshaw</b>
<b>713X 2548</b>	
<b>714X 2549</b>	
<b>715X 2550</b>	
<b>716X 2551</b>	
<b>717X 2552</b>	
<b>718X 2553</b>	

## 4. THE ECONOMY AND EMPLOYMENT LAND

### 4.1 OBJECTIONS WHICH DO NOT RELATE TO A SPECIFIC POLICY

#### The Objections

183X 248	Mr Dowson, Nottinghamshire Chamber of Commerce & Industry
189X 416	Capital One
323X 581	Mr Lee, Friends of the Earth

#### Objections to Proposed Changes

272X 2425	Mr Ward, Wilson Bowden Developments
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#### Issues

- Much of the employment land allocation is for high quality businesses. There is a need to identify areas of the City for reasonably priced accommodation for businesses to relocate to.
- The chapter should have an additional policy on employment density similar to that in the housing chapter.
- Object to the reduction of employment land allocations in the Revised Deposit - it is our view that this will result in a shortfall in employment land provision in relation to the SP target. There is concern that the dev of sites within the Regen & Mixed Use Chpt will result in a net loss of employment land. The loss will need to be replaced elsewhere within the City and should be planned for via additional allocations and an 'over provision' of new employment land.

#### Inspector's Reasoning and Conclusions

##### *Employment Land Supply*

4.1.1 (183X 248, 272X 2425) Due to the tightly drawn boundaries of the City, it is difficult to provide for a range and choice of sites for employment purposes. The Structure Plan recognises this, and states that it will be necessary for some of the employment needs of the City to be met in the surrounding districts. Nevertheless, the City Council acknowledges that the City has a current shortfall of employment land against the Structure Plan provision. This shortage has also been recognised by various studies commissioned to report on the employment land situation in and around Nottingham (Quality of Employment Land Study (QELS), Nottingham Employment Land Study). Although the Plan says at paragraph 3.18 that the shortfall is expected to be made up on small sites and sites allocated in the Regeneration and Mixed Use Chapter, I conclude at Section 4.4 that Mixed Use sites will be unlikely to lead to a net increase in employment land. Whilst the shortfall of 6.47ha could potentially be made up at Stanton Tip, I conclude in the Regeneration and Mixed Use Chapter at MU9 that there is doubt as to whether it would be feasible or economically viable to develop the site. Therefore, at the present time, no reliance should be placed upon the potential employment figures at Stanton Tip.

4.1.2 It is therefore extremely difficult to allocate new land for employment purposes, since the only land theoretically available is Green Belt or floodplain/washlands. The City Council acknowledges that this shortage is most severe for more general employment land, with better provision for land for offices. Policies E3 and E4 seek to ensure that where existing employment land becomes available, if it is suitable for continued employment use, it remains in that use.

4.1.3 There are instances where existing employment land is developed for other purposes. In many cases, the land to be re-used no longer suits the needs of modern businesses, and its re-use for non-employment purposes is appropriate. In some cases, and the Waterside Regeneration Zone in particular, existing occupiers may be affected by new development. But, where this happens, the City Council will support the relocation of affected businesses and a relocation strategy is being prepared. Given the shortage of employment land in the City noted above, some of these relocations will have to be to land in the surrounding Districts.

4.1.4 I agree with the City Council that the employment situation in Nottingham needs to be considered within the strategic context of Greater Nottingham. Accordingly, the Deposit Draft Joint Structure Plan is the proper vehicle for conurbation wide issues.

4.1.5 (323X 581) The average employment density of employment development in the City is relatively high at over 100 jobs per hectare, with developments in the Canalside/ Southside being considerably higher. Because of relatively high land values in the City, especially in the City Centre, land uses tend to be fairly intensive. But, I consider that an additional policy on employment density (similar to Policy H2) would be difficult to enforce through the planning system, be too restrictive and probably not lead to an increase in employment. Several of the sites are restricted in Use Class terms, such as site E2.10 which is restricted to B1 only. And, B1 developments tend to have at least twice the employment density of other B Uses especially B8. No sites in the City are likely to be commercially suitable for large scale B8 Uses. Consequently, I do not consider it appropriate to introduce a Policy to control the density of employment uses on land allocated for employment use. However, should an application arise which was at an inappropriately low density, it would be possible to control this through Policy ST1. Criterion d) states '...use of previously developed land and buildings wherever possible, and developing at an appropriate density to help support local services and to ensure the efficient use of land.'

4.1.6 (183X 248, 189X 416) Policies E3 and E4 concern existing employment land. Policy E3 protects those areas of existing employment land which the City Council regards as being of strategic importance. Policy E4 gives criteria against which the release of employment land for other uses outside these strategic areas will be considered. Together I consider that they give an appropriate level of protection to existing employment land, bearing in mind the fact that many sites that come forward for redevelopment are of poor quality and no longer suited to employment purposes, and the government's policy with regard to such land as set out in its consultation on changes to PPG3.

4.1.7 I agree with the City Council that Policy E4 does not apply to employment land allocations in E1 and E2 because they are an employment land designation in the Plan and therefore the presumption is that they should remain available for employment use. Accordingly, FPCE\04 provides this clarification and I recommend accordingly.

*Reasonably priced accommodation*

4.1.8 (183X 248) Apart from its own reasonably extensive provision of nursery start up units and smaller units, the main way the City Council can ensure the availability of reasonably priced employment premises is by allocating a range of sites of various quality. However, sometimes land is held back from the market in the expectation of achieving a higher land value on the site. In these instances, there may be a case for the City Council to pro-actively acquire sites with a developer partner, to ensure they reach the employment market. Policy ST02 concerning compulsory purchase of sites allows for this possibility and there are a number of sites within the City where this approach may be appropriate.

**RECOMMENDATIONS**

Policy E4 of the Local Plan be modified in accordance with FPCE\04 to say:-

**Outside of areas covered by Policies E1 to E3, planning permission will be granted ...**

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**4.2 OBJECTIONS WHICH DO NOT RELATE TO A SPECIFIC POLICY –  
RETAIL WAREHOUSES**

**The Objections**

180X 233                      Costco Wholesale UK Ltd  
180X 237                      Costco Wholesale UK Ltd

**Issues**

- a) Sui Generis (uses such as wholesale warehouse clubs) should be within the definition of Employment Land
- b) There should be a criteria based policy to consider warehouse clubs on Employment Land

**Inspector's Reasoning and Conclusions**

*Sui generis uses*

4.2.1 Sui generis uses have a wide variety of characteristics. Whilst some may generate significant employment, others may not. For this reason, I do not consider it appropriate to include them in the definition of employment land in this Local Plan. Neither do I consider it appropriate for the Plan to make provision for sui generis uses that generate employment within the Employment Chapter. Instead, each planning application (for example an application for a Warehouse Club development) should be considered on its own merits, bearing in mind all the policies in the Plan.

4.2.2 In the case of a Warehouse Club, the level of traffic generation is likely to be significantly different to many employment uses, whilst car showrooms generate fewer trips, and also consist in part of workshops which could fall within B2 Use. They each require a different approach, and will be acceptable in different circumstances. In some instances where car showrooms include a significant B2 element (which can be enforced by way of condition) they may be an appropriate use of employment land. However, it does not follow that such uses are always acceptable on all employment land.

*Warehouse Club Policy*

4.2.3 I have considered very carefully Costco's request to include a criteria based policy within the Economy and Employment Chapter by which an application for a warehouse club could be assessed. However, I do not consider that such a policy is necessary because sufficient guidance is provided by other policies of the Plan. In line with government advice, the Plan has been prepared to be short and focussed, containing policies which are generic and strategic. The government has encouraged Local Plans currently being prepared to adopt the principles of Local Development Frameworks with the aim of achieving shorter and more relevant Plans. There are many uses which could be expected to come forward over the Plan period for which

there is not a specific policy in the Plan. This does not mean that the Plan is ignoring such uses. Neither does it mean that the policies of the Plan are not appropriate for judging such applications. To my mind, this approach is consistent with the advice in draft Planning Policy Statement 12: 'Local Development Frameworks' which encourages a more generic approach, stating at paragraph 2.52 'Local Planning Authorities should avoid producing a compendium of use-related policies which can be repetitive and quickly become out of date'.

## RECOMMENDATIONS

**No modification.**

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### 4.3 OBJECTIONS WHICH DO NOT RELATE TO A SPECIFIC POLICY – THE SECTION ON OUT OF TOWN BUSINESS PARKS

#### The Objections

272X 558                      Mr Ward, Wilson Bowden Developments  
370X 643                      Clients of Fisher Hargreaves Procter

#### Issues

- a) The section on 'threat of out of town business parks' should be deleted, - RPG identifies a need for a range of sites
- b) The section on 'threat of out of town business parks' is contrary to the Nottingham Business Park allocation

#### Inspector's Reasoning and Conclusions

4.3.1 RPG identifies a need for a range of sites, which the Local Plan provides for, but it also identifies key principles contributing to sustainable development such as the sequential approach. It states that major office developments should be directed to locations within or adjoining main urban areas, and that urban areas should be the preferred location for B1 offices. The Strategic High Quality Sites in the Local Plan are allocated in accordance with this sequential approach. Whilst some companies may wish to relocate to business parks in out of centre locations, the Local Plan allocations provide suitable high quality urban alternative locations in line with RPG. My conclusion is that the section on Out of Town Business Parks is entirely appropriate to this Local Plan which seeks to encourage successful but sustainable economic growth.

4.3.2 I acknowledge that the Ancer Spa study is now some 4 years old. However, it identifies out of town business parks as a particular issue with respect to the regeneration of Nottingham and I consider the principles behind its assumptions are valid. Therefore the section is appropriate for inclusion in the Plan.

4.3.3 Revision E.003 in the Revised Deposit Draft deletes the words "The Threat of" to reflect that several such developments already exist or are proposed in development plans. Additionally, a new sentence has been added at the end of paragraph 3.13 to read 'In order to provide a choice for companies who might otherwise wish to locate on out of town business

parks, the Local Plan makes provision for high quality employment sites, providing a high quality business environment in a more sustainable location’.

4.3.4 The Nottingham Business Park is an established allocation with planning permission on the edge of the urban area. I understand that it was a necessary allocation to meet the Structure Plan provision of employment land up to 2011. Whilst it is a greenfield site, it performs better in terms of the RPG’s sequential approach than business parks not associated with the urban area. As such, it does not contradict the section on business parks.

## RECOMMENDATIONS

No modification.

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## 4.4 E1 PRESTIGE EMPLOYMENT SITES

### Objections

155X 192	Mr Johnson, CPRE ( Nottinghamshire)
181X 234	Homebase Ltd
272X 557	Mr Ward, Wilson Bowden Developments

### Issues

- Employment figures should make an allowance for MU sites
- E1 sites should allow ancillary uses and non B1 and B2 uses.
- Concerned that there may be a shortfall of employment land, consider that the plan should over allocate, given that some existing employment sites will be lost to other uses, especially in Regeneration Zones.

### Inspector's Reasoning and Conclusions

4.4.1 (155X 192) The mix of uses and areas on many Mixed Use sites has yet to be determined. Nevertheless, from the information available on planning applications, Development Briefs and Masterplans, it is clear that Mixed Use sites will not lead to a net increase in employment land. Indeed, the development of the Mixed Use sites will be likely to result in a reduction of employment land within the City, making the employment land allocations all the more important. In any event, many of the Mixed Use sites currently include employment uses. Any redevelopment of these sites will simply be replacing existing employment uses with more modern and efficient premises, and cannot be considered as new employment land.

4.4.2 There will be a net loss of employment land at the Waterside Regeneration Zone because the Masterplan envisages a large amount of residential development. The City Council is working with existing occupiers to arrive at satisfactory relocation solutions. The other Mixed Use sites may well have a role to play in providing alternative locations. My overall conclusion, therefore is that the employment figures should not make any allowance for the MU sites, albeit this may appear to conflict with the fact that the housing figures take account of MU sites.

4.4.3 (181X 234) I note that the section on enabling uses in the Revised Deposit Draft Local Plan has been amended (Revision Nos. E.004/6/8). This change explicitly mentions the role of

enabling development in bringing forward brownfield sites for employment uses. To bring the plan up to date and reflect the City Council's discussions with RPS/Miller Birch the City Council now proposes to rewrite supporting paragraph 3.25 and I recommend accordingly.

4.4.4 (272X557) As stated in section 4.1, the City Council acknowledges that the City has a current shortfall of employment land against the Structure Plan provision and that due to the tightly drawn boundaries of the City, it is difficult to provide for a range and choice of sites for employment purposes. Policies E3 and E4 seek to protect existing employment land for employment use. Where occupiers of existing employment land are affected by new development such as the Waterside Regeneration Zone, the City Council is supporting the relocation of affected businesses and a relocation strategy is being prepared. As with employment land more generally, some of these relocations will have to be on land in the surrounding Districts. Nevertheless, the City Council is proactively trying to bring forward suitable sites which have been withheld from the market. It is also actively developing sites and working with partners such as EMDA to bring forward land. I share the City Council's concern over the shortage of employment land. The Deposit Draft Joint Structure Plan is the proper vehicle for exploring conurbation wide issues, and I note the City Council is keen to work with the County Council and Districts to ensure a balanced portfolio of employment land is available across the conurbation.

## RECOMMENDATIONS

Modify supporting paragraph 3.25 of the Local Plan to say:

**The site of the former Royal Ordnance Factory (known as 'ng2') provides a good example of a SHQES. Such an attractive and accessible site will provide a more sustainable alternative location to business park development outside of the built up area, for instance at Junction 24 of the M1 Motorway. The development will provide a minimum of 70,000 square metres of B1 floorspace. Complementary development (including residential, ancillary retail, food and drink, hotel) which demonstrably enhances its role as SHQES, and is of a scale, form and layout that contributes to the vitality, community safety and urban design of the scheme as a whole, will be favourably considered. In the longer term, subject to meeting the needs of existing occupiers, there may be opportunities to enlarge the B1 development into adjacent land in existing employment use including the area of Crossgate Drive and Gateshead Road off Queen's Drive.**

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## 4.5 E1.1 NOTTINGHAM SCIENCE & TECHNOLOGY PARK

### Objections

327X 607            Ms Allen, The Highways Agency PE04  
374X 667            Mr Thompson, Open Spaces Society

### Issues

- a) A Transport Assessment is required
- b) Return E1.1 site back to open space

## Inspector's Reasoning and Conclusions

4.5.1 The E1.1 site was in the adopted Local Plan. Outline planning permission was given in February 1999 and full planning permission was subsequently given for 20,273sqm of B1 use. Marconi was going to implement this permission, but is now unlikely to do so. EMDA has acquired the site with planning permission and is hoping to develop it for a Science and Technology Park shortly. The City Council has informed Development Control/Planning Applications and Advice/Transportation that a Transport Assessment is required for the site.

4.5.2 The site is the sole remaining remnant of a parcel of land bequeathed by Jesse Boot to the people of Nottingham under a covenant that it should be used for their recreation and leisure. The objectors would like to see the land left intact as a lasting and meaningful example of the great man's generosity to the people of Nottingham and to have it re-opened to the public to provide recreational and leisure use.

4.5.3 However, the principle of employment development for science and technology industries on this site is already well established in view of the fact that the site was allocated for these purposes in the 1990 and 1997 adopted Nottingham Local Plans. A previous planning application for development of the site as an extension to the Science Park submitted in 1989 was withdrawn because of a condition in the Deed of Gift in 1923 by Jesse Boot. But, a land exchange has now been agreed by the Charities Commission allowing the site to be released for development. Moreover, planning permission has now been granted and a Transport Assessment was undertaken and a Green Commuter Plan produced as part of this process.

4.5.4 I understand that the proposed developer will not now be pursuing development of this site. Nevertheless, in order to help meet the long term mission of the Economic Development Strategy for Nottingham, and to meet the needs of a specific economic sector experiencing rapid growth, I consider it essential to continue this allocation.

## RECOMMENDATIONS

No modification

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## 4.6 E1.2 NOTTINGHAM BUSINESS PARK

### Objections

39X 8	Mr Walker,
209X 330	Mr Thomas,
327X 609	Ms Allen, The Highways Agency

### Objections to Proposed Changes

272X 2426	Mr Ward, Wilson Bowden Developments
272X 2432*	Mr Ward, Wilson Bowden Developments

## **Issues**

- a) Allowing offices to change to flats in the City Centre and allowing relocation to site E1.2 will unbalance the transport situation and lead to a 'dead' City Centre. Care must be taken over Strelley Hall, the village and public access. It is important to obtain the best from the Green Belt.
- b) There should be an additional policy requiring a higher density of development and incorporate an SPG into the body of the plan. This could still be done sensitively and within a high quality landscaped setting.
- c) A Transport Assessment may be required - if not undertaken already
- d) Object to the alteration to the Nottm Business Park figure in the Revised Deposit - it is recognised that this change reflects development, however, this is unclear and for clarification the original total site area should be shown as well
- e) The Proposals Map in the Revised Deposit incorrectly shows the development that has taken place

## **Inspector's Reasoning and Conclusions**

4.6.1 (39X 8) The City Council acknowledges that it is essential to provide employment opportunities and give a range and choice of sites. However, allowing offices to change to flats in the City Centre will help improve the vitality and viability of the City Centre outside office hours and these people will be able to use sustainable transport to get to work in the City Centre. Nottingham Business Park will also help lessen the impact of other potential business parks further away eg Junction 24 of the M1. The Development Brief aims to take care over Strelley Hall, the village and public access; and to obtain the best from the Green Belt.

4.6.2 (209X 330) Policy E4 of the 1997 adopted Local Plan and the Development Brief required a comprehensively landscaped campus. Given its sensitive location, it was essential that this site was developed sensitively and within a high quality landscaped setting. The Development Brief adequately covers issues surrounding density, and car parking levels have been established which will ensure a more efficient use of land and encourage public transport use. The supporting text to Policy E1 refers to the SPG, as does Appendix 3. As stated elsewhere, it would be inappropriate and unduly lengthen the Plan to embody SPG within the Plan itself.

4.6.3 In response to objection 327X 609 the City Council has informed Development Control/Planning Applications and Advice/Transportation that the developer will be required to undertake a comprehensive transport assessment and transport study. However, it would be helpful if the supporting text made this clear.

4.6.4 As recognised by objection 272X 2426, the Nottingham Business Park hectareage figure was changed to reflect development which has taken place since June 2000. I consider it unnecessary to show the original total site area as well. This approach is consistent with other sites in the Local Plan, and ensures the Plan is kept as up to date and relevant as possible.

4.6.5 Objection 272X 2432 would be addressed by FPCE\03 which amends the Proposals Map to correctly show the development that has taken place since 2000 and I recommend accordingly.

## RECOMMENDATIONS

Modify the Local Plan so that the supporting text to Policy E1 makes it clear which sites will require a Transport Assessment.

Modify the Proposals Map of the Local Plan in accordance with FPCE\03.

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## 4.7 E1.3 QUEENS DRIVE

### Objections

155X 193            Mr Johnson, CPRE ( Nottinghamshire)  
327X 610            Ms Allen, The Highways Agency

### Objections to Proposed Changes

657X 2419\*        Miller Birch Ltd

### Issues

- a) Employment figures should include site E1.3 in line with Policy 2/1 of the Notts Structure Plan
- b) A Transport Assessment is required - if not submitted already
- c) It is suggested that Policy E1 (Revision No. E.006/8) and para 3.21 in the Revised Deposit are modified to recognise the suitability of the site for a mix of ancillary and supporting land uses which will complement the sites PES status. Specific recognition should be included within the Policy and Reasoned Justification of the site for residential and other supporting services and facilities (ie retail, leisure, creche, community etc).

### Inspector's Reasoning and Conclusions

4.7.1 The land at Queens Drive was in employment use when the First Deposit Draft Local Plan was published. It cannot be considered to be 'new' employment land because it is simply replacing one type of employment with another. This is in accordance with the way Structure Plan provision figures are calculated across the geographic County. To use different assumptions for Nottingham would lead to an increase in the under provision of employment land in the City. I do not therefore agree with objection 155X 193.

4.7.2 In response to objection 327X 610, the City Council has informed Development Control/Planning Applications and Advice/Transportation that a Transport Assessment is required. However, it would be helpful if the supporting text made this clear.

4.7.3 To bring the Plan up to date and to reflect discussions with RPS/Miller Birch I endorse the City Council's proposal to rewrite supporting paragraph 3.25.

## RECOMMENDATIONS

Modify the Local Plan so that the supporting text to Policy E1 makes it clear which sites will require a Transport Assessment.

Modify paragraph 3.25 of the Local Plan by rewriting it to say:-

**The site of the former Royal Ordnance Factory (known as ‘ng2’) provides a good example of a SQES. Such an attractive and accessible site will provide a more sustainable alternative location to business park development outside of the built up area, for instance at Junction 24 of the M1 motorway. The development will provide a minimum of 70,000 square metres of B1 floorspace. Complementary development (including residential, ancillary retail, food and drink, hotel) which demonstrably enhances its role as SHQES, and is of a scale, form and layout that contributes to the vitality, community safety and urban design of the scheme as a whole, will be favourably considered. In the longer term, subject to meeting the needs of existing occupiers, there may be opportunities to enlarge the B1 development into adjacent land in existing employment use including the area of Crossgate Drive and Gateside Road off Queens Drive.**

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#### 4.8 GENERAL ISSUES ON E2 INDUSTRIAL DEVELOPMENT/EXPANSION AND RESTRUCTURING + SUPPORTING TEXT

##### Objections

189X 416            Capital One

##### Objections to Proposed Changes

549X 2211            J E Chettle Ltd

##### Issues

- a) Existing employment land is subject to Policy E4. Sites allocated in Policy E2 should also be protected for employment, except for ancillary development, and the Policy should be amended.
- b) The example given in para 3.31 in the Revised Deposit is deemed inappropriate - insert a full stop after the word "uses" and delete the words "for example at site E2.14"

##### Inspector's Reasoning and Conclusions

4.8.1 Objection 189X 416 has been dealt with at section 4.1.

4.8.2 (549X 2211) Radford Goods Yard was allocated in the First Deposit Local Plan and the adjoining Chettles Yard area was added at the Revised Deposit Stage, to ensure a comprehensive regeneration scheme of this complex site which suffers from fragmented ownership and has areas of serious contamination. The range of uses indicated as acceptable by the Development Brief are regarded as enabling uses. The level of enabling uses is relatively high and reflects the problematic nature of this site and the length of time it has remained undeveloped. However, because the Development Brief covers a wider area than the Employment Land hectareage figure in Policy E2.14, it should be possible for a comprehensive scheme to deliver a suitable level of employment land. In order to ensure this, it is important that it remains an employment designation in the Local Plan. If it were allocated as a mixed use site, it would reduce the City Council's ability to ensure employment development occurs, and would

therefore potentially exacerbate the shortage of employment land in the City. I therefore consider the use of Radford Goods Yard/Chettles Yard in paragraph 3.31 as an example of where enabling uses would be permitted to bring forward employment development to be appropriate.

## RECOMMENDATIONS

Modify the Local Plan in accordance with FPCE\04 as recommended at section 4.1 above.

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## 4.9 E2.1 HARRIMANS LANE

### Objections

327X 611 Ms Allen, The Highways Agency

### Issues

a) A Transport Assessment is required.

### Inspector's Reasoning and Conclusions

4.9.1 In response to objection 327X 611 the City Council has informed Development Control/Planning Applications and Advice/Transportation that a Transport Assessment is required for site E2.1. However, it would be helpful if the supporting text to Policy E2 made it clear that this was required to be submitted as part of any planning application.

## RECOMMENDATIONS

Modify the Local Plan so that the supporting text to Policy E2 makes it clear which sites will require a Transport Assessment.

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## 4.10 E2.2 BLENHEIM INDUSTRIAL ESTATE EXPANSION

### Objections

36X 6 Mrs Young,  
155X 194 Mr Johnson, CPRE ( Nottinghamshire)  
323X 577 Mr Lee, Friends of the Earth

## **Issues**

- a) The development of the proposed new Raleigh site will cause too much traffic on an already overloaded road
- b) This site should be taken out because it is on the edge of the Urban Area, and represents an overprovision of employment land as a result of not including mixed use sites in the employment land figures.
- c) Opposed to site E2.2 because it does not comply with the sequential approach

## **Inspector's Reasoning and Conclusions**

4.10.1 (36X 6) The Transport Assessment which accompanied Application 01/00850/PFUL3, identified that the site is readily accessible by means other than the private car, and required a Travel Plan to ensure the occupier will encourage sustainable transport choices. Low Wood Road is not currently at capacity and the development of site E2.2 would not have a significant impact, and the junction improvements would provide satisfactory access and mitigate any impact of development on the highway network. The County Council improved the Nuthall Island/Roundabout in 2002.

4.10.2 Site E2 is a new allocation in this Review of the Local Plan which has been allocated in response to the shortage of good quality large sites within the Nottingham sub-region appropriate to industrial/distribution development, particularly to the west side of Nottingham City. Originally, the site was allocated to accommodate the relocation of Raleigh and a detailed sequential approach was taken to find a new large employment site suitable for B1, B2 or B8 Employment Use. I understand that Raleigh has now relocated outside the City but, the difficulty in finding a suitable site has highlighted the importance of this particular site. It will form an extension to an established employment area in a popular location which is close to industrial areas and is readily accessible to the outer loop road and Junction 26 of the M1 motorway, and located close to Bulwell and other parts of the City experiencing Social Need.

4.10.3 Furthermore, the QELS concluded for Nottingham that:-

- Notwithstanding a contracting market there is an inadequate current supply of large sites within the sub-region appropriate to industrial/distribution development (there is only one site, Harrimans Lane, which is held for expansion).
- All potential good quality provision, which is largely located to the west, is within draft local plans and allocation is therefore not assured (eg Blenheim, Top Wighay and Watnall Road).
- Whilst other potential supply could alleviate current inadequacies a significant proportion it located to the east of Nottingham where it is least needed (eg Calverton – 2 sites, Cotgrove Colliery, Chapel Lane Bingham and Victoria Park).
- In order to ensure a balanced supply within the sub-region, the study considers it is vital that consideration is given to enhancing supply to the west of the City close to the M1. At a minimum, there is strong merit in bringing forward Blenheim extension as quickly as due process will allow.

4.10.4 There are no large employment sites immediately available in Broxtowe (ie no sites above 3 ha). Any user looking for a larger site that is immediately available for general industrial uses on the west side of the conurbation (where demand is strongest) therefore has an extremely restricted choice of sites.

4.10.5 The matter of not including mixed use sites is dealt with at paragraph 4.4.2.

**RECOMMENDATIONS**

No modification.

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**4.11 E2.7 LONDON ROAD/STATION STREET (FORMERLY E2.19)**

**Objections**

**344X 665            Priory Rose Properties**

**Issues**

- a) The allocation E2.7 in the Revised Deposit (Formerly E2.19 in the 1st Deposit) conflicts with the approved planning brief which provides for mixed use development, but with a predominance of B1(a) - it should be redesignated under Policy MU3(7)

**Inspector's Reasoning and Conclusions**

4.11.1 The non-employment uses envisaged by the Brief were those the City Council considered appropriate as 'enabling development' under Policy E2. Allocating it as a mixed use site would reduce the City Council's ability to ensure a suitable level employment development occurs, and will therefore potentially exacerbate the shortage of employment land in the City, as indicated elsewhere in this Report. I note the site now has planning permission for development and so the Local Plan requires amendment.

**RECOMMENDATIONS**

The Local Plan be modified to reflect the status of the E2.7 site.

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**4.12 E2.8 SALISBURY ST/FARADAY RD**

**Objections**

**194X 421            Mr Ulke,**

**Issues**

- a) Until there are plans of the size and type of business involved I will openly object to Site E2.8, the site would be better used as a car park.

**Inspector's Reasoning and Conclusions**

4.12.1 Site E2.8 was allocated in the 1997 adopted Local Plan for B1 Employment Use and has been reallocated in the First Deposit Draft. The B1 restriction purposefully only permits employment uses which can be carried out in any residential area without detriment to the amenity of that area. In addition, Policy T4 actively encourages the redevelopment of car parks for other uses. The land is not in the ownership of the City Council. E2.8 is located in the NG7 postcode area. The Local Plan states that throughout the City, but particularly in locations experiencing high unemployment, such as NG7, encouragement will be given to providing and maintaining premises that provide essential cheap start up accommodation for small seed-bed businesses. There is also a need to provide adequate land and buildings for the expansion of these businesses. The Interim Report of the 'City Growth Property Investment Strategy for Nottingham' prepared by Innes England for Nottingham Development Enterprise confirms the shortage of available employment sites.

4.12.2 In my conclusion, E2.8 is capable of providing employment premises which do not have a negative impact on the adjoining residential environment.

**RECOMMENDATIONS**

No modification.

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**4.13 E2.13 BESTWOOD SIDINGS**

**Objections**

**217X 434            Mr Howat, Nottinghamshire Wildlife Trust**

**Issues**

a) Holding objection and recommend deletion of site, until a detailed survey is undertaken to discover if this site has issues of concern to NWT.

**Inspector's Reasoning and Conclusions**

4.13.1 I note that Site E2.13 was allocated in the 1997 adopted Local Plan and that it has no nature conservation designations in this Local Plan. Any specific wildlife issues should become apparent at the Development Brief/planning application stage and will be addressed at that time.

**RECOMMENDATIONS**

No modification.

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#### 4.14 E2.14 RADFORD GOODS YARD/CHETTLES YARD

##### Objections to Proposed Changes

549X 2210	J E Chettle Ltd
549X 2214	J E Chettle Ltd
575X 2266	Monk Estates
575X 2267	Monk Estates
576X 2269	Opal Property Group
576X 2270	Opal Property Group

##### Issues

- This site should be deleted from Policy E2 and form part of Policy MU8 - for comprehensive mixed use regeneration
- This site on the Proposals Map should be deleted from Policy E2 and form part of Policy MU8 - for comprehensive mixed use regeneration
- Having regard to the recently published SPG The site should be in MU8 not E2. In any event there should be explicit reference in the Policy to the SPG, and the main parameters for development should be in the Policy or the supporting text. If these changes occur there is no need to make explicit reference to the need for 'enabling development' in para 3.31.

##### Inspector's Reasoning and Conclusions

4.14.1 Radford Goods Yard was allocated in the First Deposit Local Plan. The adjoining Chettles Yard Area was added at Revised Deposit stage, to ensure a comprehensive regeneration scheme of this complex site which suffers from fragmented ownership and has areas of serious contamination. It is in the area known as NG7 which is one of the more deprived areas of the City although it is well located with regard to the new University of Nottingham Jubilee Campus.

4.14.2 The Interim Report of the 'City Growth Property Investment Strategy for Nottingham' September 2003, prepared by Innes England for Nottingham Development Enterprise covers the NG7 area and states at paragraphs 5.4, 5.5, & 5.6:- In terms of offices there are virtually no current or potential sites within NG7 which, from a commercial perspective, are relevant to new office development. In terms of Industrial/distribution there is very little current availability of sites appropriate to industrial/distribution development anywhere within City Growth Area. Such current supply as exists comprises very small sites of limited relevance. Potential supply is more extensive but with few exceptions, is severely constrained. Possibilities include Bobbers Mill where constraints include multiplicity of ownerships, contamination and need for substantial investment in new infrastructure; Basford Gas Works which is currently under offer to an end user (although planning support might not be forthcoming) and Albany Works, recently acquired by EMDA to assist with Waterside relocations'. Thus Employment designations are particularly important in this area.

4.14.3 The Development Brief covers a wider area than the employment designation in the Local Plan which extends to 1.18 ha. The range of uses indicated as acceptable by the Development Brief are regarded as enabling uses. The level of enabling uses is relatively high, and reflects the problematic nature of this site and the length of time it has remained undeveloped. However, because the Development Brief covers a wider area than the

Employment Land hectareage figure in Policy E2.14, it should be possible for a comprehensive scheme to deliver a suitable level of employment land. In order to ensure this, it is important that it remains an employment designation in the Local Plan. Allocating it as a mixed use site will reduce the City Council's ability to ensure employment development occurs, and will therefore potentially exacerbate the shortage of employment land in the City.

4.14.4 I consider that a specific reference to SPG for this site to be unnecessary. And, since it would require a similar treatment for other sites with SPG, it would unduly lengthen the Plan. SPG are amplifications of Local Plan policies, which contain material too detailed for inclusion in the Plan itself. Including the details as recommended by objection 575X 2266 would repeat matters better delegated to SPG.

## RECOMMENDATIONS

No modification.

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## 4.15 E2.15 BEESTON SIDINGS

### Objections

217X 436	Mr Howat, Nottinghamshire Wildlife Trust
325X 593	Mr Lamshead, Network Rail Infrastructure Ltd
327X 613	Ms Allen, The Highways Agency

### Issues

- A holding objection and recommend deletion of site, until a detailed survey is undertaken to discover if this site has issues of concern to NWT. The site may be suitable for slow worms and there are slow worms on immediately adjacent land.
- Recommend that the Plan widen the use allocation for the site should the proposed freight rail interchange prove unviable, and refer to the operational needs of the railway.
- A Transport Assessment is required if a planning application proposes to develop this site as an inter-modal freight depot to/from road and rail.

### Inspector's Reasoning and Conclusions

4.15.1 (217X 436) The site abuts, and the part added at Revised Deposit Stage extends into, a Biological Site of Nature Conservation Interest. It is therefore subject to Policy NE3 which seeks to preserve any nature conservation interest. It will also be subject to Policy NE1 (as amended). An open storage/intermodal freight depot is envisaged on the site which I consider would be able to operate without significant detriment to nature conservation interests. In any event, any planning application would be required to be accompanied by an ecological survey detailing nature conservation interest and how the applicant would address any detrimental impact.

4.15.2 In part, the City Council agrees with objection 325X 593. The City Council expects that site E2.15 will provide an inter-modal freight depot (open storage) and may be subject to the operational needs of the railway. Revision No. E.017 of the Revised Deposit Draft Local Plan slightly increases the boundary of the site. The reference to inter-modal freight depot (open storage) is removed from Policy E2. And, in the supporting text it states that 'A new site (E2.15)

has been allocated at Beeston Sidings, it extends an employment area accessed off Bowden Drive in Broxtowe District. The site is expected to provide an inter-modal freight depot (open storage). Site E2.15 and site E2.13 may be subject to the operational needs of the railway.

4.15.3 (327X 613) The City Council has informed Development Control/Planning Applications and Advice/Transportation that a Transport Assessment is required for site E2.15 (Beeston Sidings) if a planning application proposes to develop the site as an inter-modal freight depot to/from road and rail.

## RECOMMENDATIONS

No modification.

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## 4.16 E2.16 MANVERS STREET GOODS YARD

### Objections

325X 595            Mr Lambshead, Network Rail Infrastructure Ltd

### Issues

- a) Recommend that the Plan refers to the operational needs of the railway and that it is consulted on any applications for the development of site E2.16.

### Inspector's Reasoning and Conclusions

4.16.1 The E2.16 site was allocated in the 1997 adopted Local Plan. Although it is possible that there might be operational needs of the railway, these should become apparent at the Development Brief/planning application stage when consultation will take place with 'neighbours'.

## RECOMMENDATIONS

No modification.

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## 4.17 E2.17 BASFORD GAS WORKS

### Objections

180X 238                      Costco Wholesale UK Ltd  
246X 481                      Lattice Property Holdings/ Secondsite Property Holdings

### Issues

- a) E2.17 should allow a range of uses
- b) E2.17 should be a mixed use site - more akin to the development brief

### Inspector's Reasoning and Conclusions

4.17.1 The Basford Gasworks site (4.32 ha) is one of the largest brownfield sites in the City. It has been a contaminated land site but it has been remediated to a suitable standard for commercial and industrial use. It is located close to residential areas suffering from high levels of unemployment and social exclusion.

4.17.2 When the public consultation exercise was carried out in preparation for the Development Brief local residents indicated that they would support a development which included, amongst other things, a site developed predominantly for employment uses (e.g. light industry) to provide high wage jobs suitable for local residents. Accordingly, the adopted Development Brief required the site to provide for predominantly industrial/employment uses such as B1, B2, and B8. But, as I see it, this would not by itself preclude other non-Class B uses that would meet the other aspirations of the local residents such as a small local foodstore and a site for health/public leisure or community use. I do not consider that much turns on the parking standards set out in the brief, (Appendix 3 of the Brief sets out the parking standards by reference to an extract from the Local Plan for B1, B2, B8 and Mixed Use Business Parks). However, given the lack of clarity in the Brief that was demonstrated at the Inquiry, the City Council may wish to revisit it. Furthermore, it would be helpful if the Table in Policy E2 noted that E2.17 was predominantly for B1, B2 and B8 uses.

4.17.3 The identification of Mixed Use sites in the Local Plan seeks to provide opportunities for continuing sustainable development for residential, leisure, transport, retail and office uses rather than sites which are intended primarily for employment uses. Given the aspirations of the local residents within the vicinity of Basford Gasworks, it seems to me that the site is more appropriately allocated as an employment site. Furthermore, I consider it to be an important employment allocation because it is located in the inner City within an area suffering from extreme social need and a readily available workforce. There are few sites available for employment uses which are large enough to be developed in a comprehensive way, particularly on the western side of the conurbation where demand is greatest. It also has excellent accessibility by road being located close to the Ring Road with good links to Junction 26 of the M1, and by public transport, being located on a main bus route and the NET light rail route. Indeed, it appears to be one of the few development sites in the Plan capable of being developed in an integrated way with NET line 1.

4.17.4 The ministerial statement issued by the ODPM on 17 July 2003 addresses the need for residential development on brownfield sites. In this case, I was not presented with any need for residential development on this site. However, from the evidence presented to me there is a realistic prospect of the land being used for E2 employment development and also that such development would be sustainable. In particular, there is clear evidence of market demand for

the type of units which the site could accommodate.

4.17.5 Furthermore, the City Council is pursuing ERDF grant aid to assist the development. EMDA have made an offer to purchase and their commitment to purchase remains. Priority Sites Limited, which has a track record of successfully developing such sites, has become engaged and is co-operating on grant bids. Therefore, there is clear commitment from public agencies to the development of the site for employment use. And, if negotiations are not successful in bringing land forward for development within a reasonable period, Policy ST02 permits the City Council to use Compulsory Purchase Powers.

4.17.6 For the foregoing reasons, I conclude that the Basford Gas Works site should remain as an E2 allocation and should not be moved to MU8.

#### *The Costco Objection*

4.17.7 Costco seek to use the Basford Gas Works site for a Warehouse Club development. To facilitate this, it has suggested 3 possible ways in which it would like to see the Plan amended:

- The Plan should widen the definition of employment uses; and/or
- Include a criteria based policy for warehouse club for employment or mixed use sites and/or
- The allocation of the site should recognise its suitability for a warehouse club development;

#### *The definition of employment land*

4.17.8 In order to ensure consistency for planning purposes across the Country, I agree with the City Council that rather than apply a different definition to a particular area, the definition of employment land should be that of the Use Classes Order. That definition has been used in Regional Planning Guidance (RPG8), the adopted Structure Plan and in all the Local Plans in Nottinghamshire, and it specifically excludes non B1, B2 and B8 uses (see paragraph 3.16 of the Revised Deposit Draft Local Plan). It follows, therefore, that it is not appropriate for the City Council to include non B1, B2, B8 uses in its definition of employment land unless there is some change to the definition in the Use Classes Order.

4.17.9 I note that ODPM recently released a consultation document 'Possible changes to the Use Classes Order and temporary uses provisions' (consultation ended April 2002). However, this document contained no options for introducing new uses into the B Class of the Use Classes Order and none were announced in the News Release on 27 November 2003.

4.17.10 Uses falling within other Classes, and indeed many sui generis uses, involve the employment of people. However, in planning terms, the purpose of defining 'Employment Land' is to make provision for the narrowly defined B1, B2 and B8 Uses where a level of need has been identified and quantified. This quantification of need forms the basis of the RPG, the Structure Plan and the provision made in the draft Local Plan. Extending the definition to encompass other uses in the draft Local Plan would make the Plan inconsistent with the Structure Plan and would also throw out all the calculations of the quantity of employment land needed.

4.17.11 I have already stated in Section 4.2 why sui generis uses should not be included in the definition of employment land and why I did not consider it necessary to have a Warehouse Club policy.

#### *Suitability of Basford Gas Works Site for a Warehouse Club*

4.17.12 I have already explained why the site has been allocated for employment use. It is not a matter for me at this Local Plan Inquiry to consider the specifics of a particular proposal for this particular site; or to determine the suitability of this particular site for a particular type of

development proposal. And, in any event, there could be no guarantee that the Costco proposal would come forward. If the Costco proposal, or indeed any other Warehouse Club development were to provide the number and type of jobs to which the local residents aspire, then as I have already concluded, sufficient guidance is provided by the policies of the Plan to determine such an application on this site, on its own merits. Therefore, I see no reason to change the allocation of the site.

## RECOMMENDATIONS

Modify the Table in Policy E2 of the Local Plan so that it indicates that E2.17 is predominantly for B1, B2 and B8 uses.

Review the parking standards set out in the Development Brief.

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## 4.18 E3 MAJOR BUSINESS PARKS/INDUSTRIAL ESTATES

### Objections

159X 235	Polestar Group Ltd
220X 474	B&Q PLC
272X 500	Mr Ward, Wilson Bowden Developments
326X 598	Barnikel, Calor Group PLC
375X 668	Royal Mail

### Objections to Proposed Changes

341X 2462	The Boots Company PLC
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### Issues

- The Site of Chromo Works, Wigman Road, Nottingham and adjacent land fronting Wigwam Lane should be excluded from Policy E3. This area is appropriate for mixed use developments and should be a site in MU8.
- The Policy should recognise the potential for reuse provided it can be demonstrated that there is sufficient quantity, range and alternative available supply of employment land.
- E3 is overly restrictive and may prevent a mix of uses
- E3 is too restrictive - de-allocate the Calor site as shown on PF1, and the area of the Estate which surrounds the site from E3, so that it is then incorporated into E4.
- E3 should be amended to permit 'sui generis' employment generating uses comparable to B1, 2 & 8 uses such as Royal Mail /Consignia Sorting Offices
- The wording of para 3.31 in the Revised Deposit should be amended to provide more scope for previously developed sites within Policy E3 employment areas to be brought forward for predominantly employment based mixed use schemes where this would help to counter adverse levels of site redundancy or encourage allocated employment land to be brought forward for beneficial use.

### **Inspector's Reasoning and Conclusions**

4.18.1 (159X 235) The Chromo Works site is within a defensible boundary formed by Woodyard Lane and Wigman Road. If this site were excluded from Policy E3 then a precedent might be set for other sites, leading to the erosion and loss of employment uses from Glaisdale Industrial estate and an inadequate supply of employment land. Therefore I recommend no change.

4.18.2 (220X 474, 272X 500, 341X 2462) This Local Plan is about 7.87 ha short of the Structure Plan target for employment land (April 2003 figures). Accordingly, as stated before, there is an insufficient quantity of employment land. I therefore consider it important to protect the major business parks/industrial estates from development for other uses and to keep them in employment use (B1, B2, B8) to ensure they continue to provide a sound basis for economic growth and an adequate supply of employment land.

4.18.3 Paragraph 4.2.9 of the Revised Regional Planning Guidance for the East Midlands to 2021 (April 2003) considers the regional priorities for Employment Land. It states “Three Cities Sub-area office supply is constrained in Derby, Nottingham and Leicester partly due to pressure from other uses such as housing. There is a particular shortage of sites suitable for science and technology users. The availability of good quality industrial land is also constrained, particularly within the city boundaries”.

4.18.4 Given the tightly drawn administrative boundaries of the City Council, finding new land for employment purposes is extremely problematic. The Quality of Employment Land Study (QELS) recommends a 50% mark up on employment take-up since 1991 when providing for future needs up to 2021. However, the City of Nottingham cannot meet the 162 ha that this would require (5.4ha p.a. x 20 x 1.5). Thus the City is more than 65 ha short of what QELS is recommending to 2021. As a result, the Deposit Draft Structure Plan requires only 108 ha of employment land between 2001 and 2021 to be found in the City (5.4 ha p.a. x 20 years). Take up since 2001 plus current allocations account for 97ha, so it will therefore be necessary to find 11 ha of employment land just to meet this figure. Accordingly, this highlights the importance of maintaining the best of the City’s employment land stock in employment use.

4.18.5 (326X 598) The Lenton Lane employment area is located to the south west of the City where demand for employment land and premises is greatest, and has good access to the strategic road network. As such, it is one of the most important employment areas in the City. If this Calor site and the area of the Estate which surrounds the site within Policy E3 were to be excluded from Policy E3, then a precedent may be set, leading to the erosion and loss of employment uses from Lenton Lane Industrial estate and an inadequate supply of employment land.

4.18.6 I acknowledge that uses such as the Royal Mail’s sorting office (Consignia 375X 668) are significant employment generators, though not defined as employment uses by the Use Classes Order. However, other Sui Generis uses may well not be appropriate on employment land. Or they may not generate comparable levels of employment, especially within a major business park or industrial estate. Therefore, as stated elsewhere in this Report, I do not consider it appropriate to include Sui Generis uses within the definition of employment uses.

4.18.7 The adopted and the emerging Local Plans and Structure Plans and RPG all define employment land as B1, B2 and B8 uses. Uses falling within other classes, and many Sui Generis uses involve the employment of people, and could be described as ‘employment uses’. However, in planning terms, the purpose of defining ‘Employment Land’ is to make provision for the narrowly defined B1, B2, and B8 uses where a level of need has been identified and quantified. This quantification of need forms the basis of the RPG, the Structure Plan and the provision made in the draft Local Plan. Extending the definition to encompass other uses in this

Local Plan would make the plan inconsistent with the Structure Plan and would also throw out all the calculations of the quantity of employment land. Furthermore, it would be inappropriate to expand what is a well accepted and long standing definition of Employment Land in the context of one Local Plan without there first being a change at national or regional level.

4.18.8 However, all planning applications are assessed on their merits, with regard to all material considerations, and there are instances where appropriately controlled Sui Generis uses are permitted on employment land (eg car showrooms where they involve significant workshop activity). Any planning application for a Sui Generis Use (eg a sorting office) within land covered by E3 will be determined taking into account all material considerations, including job generating potential.

## RECOMMENDATIONS

No modification.

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## 4.19 E4 REGENERATION OF PREVIOUSLY USED EMPLOYMENT SITES AND EMPLOYMENT PREMISES + SUPPORTING TEXT

### Objections

182X 245	Mrs Money, Miller Homes
197X 276	Merril Lynch Investment
220X 471	B&Q PLC
276X 561	Mr Burnett, Littman & Robeson

### Objections to Proposed Changes

549X 2212	J E Chettle Ltd
558X 2230	Sneinton Market Developments Ltd
558X 2233	Sneinton Market Developments Ltd
558X 2234	Sneinton Market Developments Ltd

### Issues

- Support is given to Policy E4 in the 1st Deposit, however paragraph (b) is unclear - no indication is given to the length of any advertising campaign.
- Replace criteria (b) in the 1st Deposit with 'the proposal gives rise to levels of employment comparable to the previous business or what could reasonably be expected from a business use on the site
- Para (b) in the 1st Deposit has no timescale,- the Policy should recognise the potential for reuse provided it can be demonstrated that there is sufficient quantity, range and alternative available supply of employment land.
- E4 Para (b) in the 1st Deposit should not require marketing. The considerations should be whether the loss of employment sites/premises would undermine the quantity and quality of employment sites/premises. The benefits of other uses should also be considered.
- Objects to E4 b's blanket need for a full market assessment in the 1st Deposit. Recommend E4 (b) be qualified by 'appropriate economic and market assessment - which may include offer for sale....' Where a wider site issue can be proven this should be taken into account.

- f) The intended wording of Policy E4 in the Revised Deposit requires clarification in order to ensure that efficient use is made of PDL in a way which allows for social inclusion and the creation of balanced communities at a time when there is an acknowledged adequacy in the supply of employment land. This does not mean that employment generating development should be excluded when considering the regeneration of PDL, but positive wording is required to indicate that a mixed use scheme incorporating employment generating development is acceptable. We would like to see the words "for a mix of uses including job generating uses" after the word "premises" in line 3 of Policy E4. Also, delete criterion (c) from the same policy.
- g) New criteria (a) in the Revised Deposit is too vague and imprecise and is inconsistent with criteria (c). Delete new criteria (a) and replace with an appropriate cross reference to paras 3.31-3.33
- h) Reference to 'piecemeal development' in para 3.41 in the Revised Deposit is inappropriate - relating to the function and operational integrity of employment sites. It is these that should not be prejudiced. The final sentence should be replaced with more specific and suitable explanatory material as outlined above.
- i) In the Revised Deposit there is insufficient explanation about the circumstances in which a Development Brief is likely to be prepared. What constitutes 'coming forward' as a trigger to initiate the preparation of a development brief? Is such a trigger always necessary? What does 'normally' mean in this context. By whom and when will the brief be prepared? In RPSs opinion, the Local Plan should address these questions, as well as whether development briefs will be adopted as SPG following consultation, in accordance with PPG12.

### **Inspector's Reasoning and Conclusions**

4.19.1 As a result of the representations to the First Deposit Draft, Revision No. E.024 amends and moves the section on enabling uses and amends Policy E4 and supporting text.

4.19.2 During the Inquiry, clarification of the scope of E4 was requested in respect of whether the criteria of E4 apply to employment land allocations in E1 and E2. I agree with the City Council that Policy E4 does not apply to E1 and E2 sites because they are an employment land designation in the Plan, and therefore the presumption is that they should remain available for employment use. Further Proposed Change FPCE\04 deals with the point and I recommend accordingly.

4.19.3 Criteria a) to b) of the First Deposit Draft have been replaced with criteria a) to d) in the Revised Deposit Draft. Objection 197X 276 is met by new criterion c). Objections 182X 245, 220X 471 and 276X 561 are met by new criterion a).

4.19.4 I agree with the City Council that the shortage of employment land (especially industrial land) demonstrated by the Nottingham Employment Land Study makes the inclusion of criterion a) an essential pre-requisite to the release of land in employment use for other uses. Uncontrolled loss of such land would seriously exacerbate the City's employment land supply problems.

4.19.5 (549X 2212) Subject to the FPCE\04, I consider that the wording of Policy E3 and criterion c) to be acceptable. Criterion c) refers to 'a mix of uses where practical, including job generating uses'. There could be examples, for instance on smaller sites, or on sites which would impact on residential areas, where a mix of uses might not be possible or appropriate. As such, the existing wording is more flexible in this regard. I therefore propose no change.

4.19.6 I agree with the City Council that FPCE\02 would meet objection 550X 2220 and to a lesser extent 558X 2230 and I recommend accordingly.

4.19.7 I do not consider that criterion a) contradicts criterion c). Proposals must meet all the criteria of the Policy, so a demonstration that there is sufficient employment land/premises to allow the development of a site in existing employment use for other purposes must be established, and any development must include a mix of uses where appropriate.

4.19.8 I do not consider that a cross reference to paragraph 3.31-3.33 would be appropriate since these paragraphs refer only to sites allocated in E1 and E2. As indicated above, Policy E4 refers to sites already in employment use and not to the E1 and E2 allocated employment sites.

4.19.9 The clarification sought by objection 558X 2230 is met by FPCE\05 and I recommend accordingly.

4.19.10 (558X2233) In order to maximise the regeneration contribution of previously used employment sites, the future use of the entire site needs to be considered in an integrated way. The development of small parts of the site could prejudice this approach and piecemeal development will therefore be resisted. In this context, I consider the final sentence to be appropriate and to link to criteria b) of the policy. Again, I note that FPCE\04 clarifies that the policy does not apply to allocated employment land sites, which are expected to be developed for their stated purpose.

4.19.11 (558X 2234) 'Come forward' means 'become available for development'. All City Council Development Briefs are prepared in accordance with PPG12, are subject to consultation and formally adopted by the City Council as SPG. The site owners or prospective developers can engage in this process as partners. However, SPG are linked to the Development Plan, and whilst an approach which is as inclusive as possible is desirable, it is the Development Plan which is the final determinant of acceptable uses on site. Thus, given sometimes unrealistic expectations of developers or land owners, it is not always possible to accommodate all the wishes of other partners in the final SPG. As sites allocated for development come forward for development over the Plan period the City Council will allocate resources to prepare SPG.

## RECOMMENDATIONS

Modify Policy E4 of the Local Plan in accordance with FPCE\04 by deleting reference to 'Policy E3' and replacing with Policy 'E1 to E3' so that it reads:

### **Outside of areas covered by Policies E1 to E3, planning permission will be granted...**

Modify Policy E4 of the Local Plan in accordance with FPCE\02 to clarify criterion a) by renumbering paragraph 3.42 as paragraph 3.43 and inserting new paragraph 3.42 which will state:

**Where existing employment sites are proposed for other uses, the City Council will require the developer to demonstrate that its loss will not prejudice the supply of alternative sites or premises available for employment use. This exercise should be related in scope to the scale of the existing employment use. Where the use is of local significance (defined as less than 0.4ha), it will only be necessary to assess alternative supply in the locality of the proposal. However, where the existing use is of City or wider significance, then the assessment should reflect that status. Early discussion with the City Council is recommended to establish the appropriate level of assessment required.**

Modify Policy E4 of the Local Plan in accordance with FPCE\05 by replacing a comma with a full stop and some additional text so that it will read:-

**...and employment premises. Where proposals involve a net loss of employment land they will be subject to the...**

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## 5. REGENERATION AND MIXED USE

### 5.1 OBJECTIONS WHICH DO NOT RELATE TO A SPECIFIC POLICY

#### The Objections

142X 162	Mr Turner, Portland Branch Labour Party
298X 698	British Telecommunications Ltd
349X 750	Mrs Grayson,

#### Objections to Proposed Changes

558X 2235	Sneinton Market Developments Ltd
558X 2236	Sneinton Market Developments Ltd
155X 2337	Mr Johnson, CPRE ( Nottinghamshire)
272X 2428	Mr Ward, Wilson Bowden Developments

#### Issues

- a) Designation of Old Basford as a Regeneration Area.
- b) Allocation of BT Arnold Road TEC Site.
- c) Provision of subsidised workshops to encourage artisans quarters in regeneration areas.
- d) Inclusion of a detailed list of environmental objectives in SPG.
- e) The main part of the Plan ought to make it clear that Development Briefs will be adopted as SPG.
- f) Clarification of the references to Compulsory Purchase Orders.
- g) Identification of mixed use sites which would be suitable for predominantly office use.

#### Inspector's Reasoning and Conclusions

5.1.1 The City Council agrees that Old Basford has a range of environmental and other problems which require significant investment so as to regenerate the area. However, as the scale of change likely is less than envisaged in the designated Regeneration Zones, the approach in this area will be more tailored to community needs. I therefore agree with the City Council that an approach based on community planning would be more appropriate to the needs of these areas, rather than the preparation of a master plan and formal designation through the Local Plan. I understand that a model has been provided by the extensive community consultation undertaken by the Partnership Council in the NG7 area, which has involved local residents, businesses and other interested groups in an agreed strategy for that area.

5.1.2 Paragraph 4.10 has been included in the Revised Deposit Draft to explain the approach to regeneration in areas not formally designated as Regeneration Zones. It specifically mentions Old Basford as an area which is in need of regeneration.

5.1.3 The BT Arnold Road TEC site is expected to become surplus to the requirements of BT and could therefore become available for redevelopment within the Plan period. Whilst it would be a brownfield redevelopment opportunity for a mix of uses, I do not consider it appropriate to allocate the site for mixed use development in this Plan because there is no indication of when it

might become available. However, should the site become available, it is likely that a Development Brief would be prepared in partnership with the land owner in order to establish an acceptable range of uses. In the meantime, I am satisfied that the existing policies are sufficient to enable consideration of any proposals which emerge for this site. In this context, retailing is unlikely to be an acceptable use, because it would not accord with the Government advice and the policies of the Plan which seek to enhance the vitality and viability of existing centres.

5.1.4 (349X 750) Artisans quarters are not precluded by the Plan, indeed creative industries are positively encouraged. The area between Eastcroft and the River Trent is part of the Waterside Regeneration Zone. As regeneration schemes progress, there may well be opportunities for the types of development proposed by the objector. However, as the Local Plan can only allocate sites for employment use related to broad use classes, I do not consider that it is the most appropriate Plan to pursue a proposal of this kind. But Master plans or Development Briefs can be more specific.

5.1.5 (558X 2235) The list of issues in paragraph 4.7 is not meant to be an exhaustive or detailed list but to give the Plan users an indication of the sort of issues they can expect to find further details of in approved SPG. I do not consider that a more exhaustive list would add clarity to the Plan.

5.1.6 (558X 2236) I agree with the City Council that a single reference in the Glossary to the status of Development Briefs is more appropriate than several references throughout the Plan. Although the Glossary says that Development Briefs 'provide Supplementary Planning Guidance' it might be clearer from the objector's viewpoint if it specifically stated that 'Development Briefs are always adopted as SPG'.

5.1.7 The Council says that paragraph 4.15 of the Plan refers to 'Development Briefs and \ or guidance for individual sites' because in addition to site specific Development Briefs there may be cases where more detailed guidance is required on a particular aspect of development on a site, which does not warrant the production of a full Development Brief. However, what is not clear to me is whether or not such guidance is deemed to be SPG.

5.1.8 (155X 2337) In respect of compulsory purchase orders, I am satisfied that the wording of paragraph 4.9 in the Revised Deposit Draft of the Local Plan stresses that the City Council will always seek to acquire land by voluntary agreement in the first instance.

5.1.9 (272X 2428) Whilst a good supply of new office floorspace in the City Centre is essential to the future prosperity of the City, it is envisaged that much of this will be delivered through mixed use schemes rather than purely office based schemes. But, as the sites become available for development, Development Briefs will be prepared to ensure that office space is included on appropriate sites.

## **RECOMMENDATIONS**

Modify the reference to Development Briefs in the Glossary of the Local Plan to say:

### **Development Briefs/ Planning Briefs**

**Documents which are not part of a statutory plan but which provide guidance to ensure that sites are developed in such a way as to achieve the planning objectives of the City Council and benefit the general public are always adopted as Supplementary Planning Guidance.**

Modify the Local Plan to make it clear as to whether the 'guidance' referred to in the words of paragraph 4.15 'Development Briefs and \or guidance' has the status of Supplementary Planning Guidance.

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## 5.2 MU1 THE CITY CENTRE

### Objections

157X 174	Mr Poyser, Nottingham City Centre Retailers Association
155X 190	Mr Johnson, CPRE ( Nottinghamshire)188,179 180 182 185 186 192
162X 208	Nottinghamshire County Council (Strategic Property)
298X 699	British Telecommunications Ltd
182X 1151	Mrs Money, Miller Homes

### Objections to Proposed Changes

272X 2428	Wilson Bowden Developments
233X 2471	Mr Stephens, John A Stephens Ltd

### Issues

- a) Loss of City Centre car parks, particularly Trinity Square and Mount Street.
- b) Indication of existing uses on each site and their future, including relocation requirements.
- c) Allocation of BT Upper Parliament Street site.
- d) Provision of Affordable Housing.
- e) Extension of City Centre boundary.
- f) A blanket policy aimed at mixed use of all sites is inappropriate.
- g) Mixed use sites should include employment and housing figures and be included in the relevant table.

### Inspector's Reasoning and Conclusions

5.2.1 (157X 174) Policy T4 of the Draft Local Plan will grant planning permission for the redevelopment of car parks for alternative uses where the proposal would not result in demand for on-street parking nearby. The car parks at Trinity Street and Mount Street are both within the City Centre, and hence will benefit from a range of complementary initiatives to improve accessibility by public transport, cycling and for pedestrians.

5.2.2 The Development Brief for the Trinity Square site requires a full integrated transport assessment to accompany proposals and it sets out the details that would be required. In addition, the Brief requires a replacement public car park to be included in the development proposals with vehicle access from North Church Street. And, parking to be in accordance with the parking standards in the Local Plan Review.

5.2.3 As yet, there are no proposals for the redevelopment of the Mount Street Car Park, which is only a small site (0.12 hectares). But, it is likely that a Development Brief would be prepared to guide development. This would need to consider whether car parking should be

provided as part of the development. However, this site is highly accessible and is well served by other car parks in the vicinity, including the nearby 514 space Mount Street multi-story car park which is not part of the allocated site.

5.2.4 The redevelopment proposals for Trinity Square and Birkbeck House currently envisage an increase in public car parking. There would be 462 spaces whereas at present there are 408 at Trinity Square Public Car park (of which 87 are contract spaces) plus a further 117 private car parking spaces which are included within the site. There would also be a significant increase in the allocation of spaces for disabled persons, 29 as compared with 7. Consequently, there will be no significant loss of car parking as a result of the redevelopment scheme for Trinity Square (MU1.1) and Birkbeck House (MU1.19).

5.2.5 The City Centre major integrated transport scheme, for which funding has been secured, will result in Upper Parliament Street and Milton Street becoming pedestrian priority areas with access for buses and other essential access only. This will radically improve pedestrian links with the City Centre Core and the Victoria Centre. Furthermore, the City Council is undertaking a range of integrated transport measures to improve accessibility into the City Centre. These seek to improve public transport while also recognising that car parking for shoppers has a role to play in the wider transport strategy.

5.2.6 The matter of the site area of all sites has been addressed in the Revised Deposit Draft Local Plan which shows the site area alongside every allocated site.

5.2.7 A significant number of Development Briefs have already been prepared and others are in preparation, or should be prepared within the near future. The Development Briefs will act as Supplementary Planning Guidance for the policies of the Local Plan and they will provide information on the range of suitable land uses and their layout. Additional guidance is contained in the Interim Planning Guidance which has been prepared for the Southside Regeneration Zone. The City Council accepts that there will be instances where relocation of businesses will be necessary. As a result, the Revised Deposit Draft Local Plan contains an additional sentence in the Introduction to the Chapter to emphasise the availability of support measures for business relocation (Change No. MU.006).

5.2.8 (298X 699) I understand that the BT site in Upper Parliament Street is expected to become surplus to the requirements of BT and would therefore become available for redevelopment within the Plan period. Whilst the site would represent a brownfield redevelopment opportunity for a mix of uses, it is not realistic for the Local Plan to include all City Centre sites which may become subject to development proposals. Should the site become available for development, I am satisfied that the existing policies would be sufficient to enable the City Council to consider any proposals that emerge.

5.2.9 Objection 182X 1151 is concerned with the reference to affordable housing because the ability to provide affordable housing is dependent on the overall viability of the project including abnormal development costs. However, this concern is acknowledged by the City Council and SPG makes it clear that abnormal costs of development will be taken into account when negotiating affordable housing contributions in accordance with Government advice.

5.2.10 (233X 2471) One reason for the extension to the City Centre boundary was to rectify an anomaly in the Adopted Local Plan, where 2 'City Centre' boundaries were referred to – the City Centre Boundary and an Extended City Centre Boundary. The latter being an area where more restrictive car parking standards apply than in the rest of the City. In order to simplify matters and counter any ambiguity, it was decided to have a single boundary for the City Centre in the Local Plan Review.

5.2.11 (272X 2428) Whilst a good supply of new office floorspace in the City Centre is essential to the future prosperity of the City, the City Council envisages that much of this will be

delivered through mixed use schemes rather than purely office based schemes. However, as the sites become available for development, Development Briefs will be prepared to ensure that office space is included on appropriate sites. Examples of sites that might be considered suitable for office development include MU1.8 (Rear of Central Library) and MU1.9 (Odeon Cinema, 8-9 Angel Row) but the suitability of a range of uses would need to be considered as part of a Development Brief. In addition, there is considerable scope for further office development in both the Southside (around the Station in particular) and Eastside Regeneration Areas (particularly MU5.2, E10, E16 and E17). Accordingly, I do not consider a blanket policy aimed at mixed use development of all sites to be inappropriate. Neither do I see any need to modify the Plan to reserve some of the sites purely or substantially for office development.

5.2.12 (155X 190) So far as housing figures are concerned, for those mixed use sites in the City Centre and the regeneration zones, an overall assessment is included in the housing figures (City Centre 2631 dwellings, Waterside RZ 1000 dwellings, Eastside RZ 305, Southside RZ 274 dwellings, plus there is an assumption that MU9 will yield 200 dwellings). Given that all the individual sites will involve a mix of uses that in many cases has yet to be determined, and a variety of options of different mixes and proportions that would be acceptable in development terms, it is unrealistic and potentially misleading to allocate specific figures to individual sites.

## RECOMMENDATIONS

No modification.

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## 5.3 MU1.1 TRINITY SQUARE (FORMERLY MU1.6)

### Objections

274X 661            Mr Van der Reijden, Dusco Asset Management

### Issues

- a) Insufficient detail on the kinds of mixed uses.
- b) The site should be designated for a redevelopment comprising retail facilities on the lower floors, with residential high rise above.
- c) The development should leave room for large green boundaries with trees, bushes and seating arrangements.

### Inspector's Reasoning and Conclusions

5.3.1 MU1.1 is a key redevelopment opportunity where the City Council is keen to facilitate redevelopment. The Development Brief for the site was adopted by the City Council in July 2003. Accordingly, the precise mix of uses and detailed design matters (including urban design) would need to have regard to the Brief.

## RECOMMENDATIONS

No modification.

\*\*\*\*\*

## 5.4 MU1.3 PEOPLES COLLEGE (FORMERLY MU1.23)

### Objections

342X 720 Mr Warren, The Peoples College

### Issues

- a) Allocation of site for wholly residential use.

### Inspector's Reasoning and Conclusions

5.4.1 Mixed use development can facilitate the development of sustainable communities, increasing vibrancy and vitality, as well as providing employment opportunities which reduce the need to travel. The MU1.3 site is a key site and its redevelopment would make a big impact in a strategically important area between the heart of the City Centre and the Castle. Whilst a significant amount of residential use would be an important element of its redevelopment, I agree with the City Council that it is important to introduce a mix of uses which could include an educational use. I understand that a Development Brief is currently being prepared which will shortly be published for consultation. This will outline the range of uses acceptable and form of development. I do not therefore consider that the site should be allocated wholly for residential use, albeit the College is intending to invest in new educational buildings from the proceeds of the disposal/redevelopment of the site.

### RECOMMENDATIONS

No modification.

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## 5.5 MU1.4 GILL STREET (FORMERLY MU1.1)

### Objections

158X 229 Nottingham Trent University

### Issues

- a) The site is capable of accommodating educational uses and this possibility should be considered in the supporting text.

### Inspector's Reasoning and Conclusions

5.5.1 The City Council acknowledges that an educational use would be amongst the range of suitable uses for this site in view of its location adjacent to other educational buildings of the Nottingham Trent University. The objection is met by Further Proposed Change FPCMU\04 and I recommend accordingly.

## RECOMMENDATIONS

Modify the Local Plan in accordance with FPCMU\04:

Insert 'education' after 'leisure' in final sentence of paragraph 4.12.

\*\*\*\*\*

### 5.6 MU1.19 BIRKBECK HOUSE (FORMERLY MU1.7)

#### Objections

274X 658 Mr Van der Reijden, Dusco Asset Management

#### Issues

- a) Level of detail on the kinds of mixed use.
- b) The site should be designated for a redevelopment comprising retail facilities on the lower floors, with residential high rise above.
- c) The development should leave room for large green boundaries with trees, bushes and seating arrangements.

#### Inspector's Reasoning and Conclusions

5.6.1 MU1.19 is a key redevelopment opportunity where the City Council is keen to facilitate redevelopment. The Development Brief for the site was adopted by the City Council in July 2003. Accordingly, the precise mix of uses and detailed design matters (including urban design) would need to have regard to the Brief.

## RECOMMENDATIONS

No modification.

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### 5.7 FORMER MU1.24 STEPHENS BRICK YARD

#### Objections

233X 608 Mr Stephens, John A Stephens Ltd

#### Objections to Proposed Changes

233X 2471 Mr Stephens, John A Stephens Ltd

#### Issues

- a) The rationale behind the extension of the City Centre boundary.
- b) The effect of the allocation of the site upon the future operation of the business.

**Inspector's Reasoning and Conclusions**

5.7.1 (233X 2471) One reason for the extension to the City Centre boundary was to rectify an anomaly in the Adopted Local Plan, where 2 'City Centre' boundaries were referred to – the City Centre Boundary and an Extended City Centre Boundary. The latter being an area where more restrictive car parking standards apply than in the rest of the City. In order to simplify matters and counter any ambiguity, it was decided to have a single boundary for the City Centre in the Local Plan Review.

5.7.2 The extension to the City Centre Boundary in this location reflects changes to the boundary elsewhere, to include land south of the Station (Southside Regeneration Area) and in the Eastside Regeneration Zone. This reflects the City Council's long term aspirations to extend City Centre functions into these areas. The process has already begun, with the development of the Inland Revenue Offices to the east of this site.

5.7.3 Different car parking standards apply in the City Centre to elsewhere. But, these apply to new development and would not affect the every day operation of the business by John Stephens.

5.7.4 Access to the John Stephens site is only from the eastern side of Wilford Road, on the City Centre side of the Inland Revenue Development. This access increases the site's functional links to the City Centre, and therefore the western boundary of the site represents an obvious boundary for the City Centre. If redevelopment of the site were to occur at sometime, then the City Council would expect to see the types of City Centre uses detailed in the Plan. But, this would not preclude an extension or intensification of the current use.

5.7.5 (233X 608) The former MU1.24 site has been deleted from the Plan because the City Council does not wish to cause uncertainty to businesses in locations such as this. There are currently no known proposals for redevelopment. However, if redevelopment proposals were brought forward, then they would be considered against relevant Local Plan Policies, in particular Policy ST3, which is not a prescriptive policy. In view of the fact that it is a constrained site, the possibility of future expansion of the John Stephens's business at the present site is limited. Accordingly, relocation would be a likely option.

**RECOMMENDATIONS**

No modification.

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**5.8 MU2 SOUTHSIDE REGENERATION ZONE GENERAL POLICY**

**Objections**

- |          |  |
|----------|--|
| 260X 468 | Mr Hewitt, Government Office for the East Midlands |
| 244X 624 | Saxon Bond Ltd                                     |
| 338X 707 | Bryant Homes                                       |

## Objections to Proposed Changes

578X 2272                      **Stoneystreet Properties Ltd**  
578X 2273                      **Stoneystreet Properties Ltd**

### Issues

- a) Whether “the provision of "appropriate training schemes" in Policy MU2(e) should be considered as an appropriate land use matter.
- b) Identification of hotel use as being appropriate for the area.
- c) Need for existing buildings and uses to be maintained, particularly employment uses, and for alternative employment locations to be made available where regeneration takes place.
- d) Relation of local plan policies to the Southside Masterplan.
- e) Clarity of the wording of the policy, and which criteria need to be met

### Inspector's Reasoning and Conclusions

5.8.1 (260X 468) Emerging government guidance in PPS1 suggests that Planning Authorities should consider how their plans are addressing the four aims of sustainable development. It acknowledges that regeneration of the built environment alone cannot deal with poverty, inequality and social exclusion. And, it goes on to say that these issues can only be addressed through better integration of all strategies and programmes, partnership working and effective community involvement. Planning policies should promote development that builds socially inclusive communities and they should address accessibility for all to jobs.

5.8.2 It seems to me that criterion e) is consistent with this approach. Moreover, I have already recommended that paragraph 1.26 of the Strategy Chapter be modified in accordance with FPCST01. This sets out the justification for the City Council to encourage the provision of training schemes as part of the development process through negotiation with developers.

5.8.3 (244X 624) The City Council does not propose any changes to the criteria of Policy MU2. However, a hotel use is amongst the range of suitable uses that the Council considers is acceptable for the Hicking Site and this is reflected in the planning permission for the site. I therefore see no reason to modify the criteria.

5.8.4 (338X 707) The nature of business is changing and, as a result, the site requirements are changing as well. The City Council is keen to redevelop sites which would be more suitable for alternative uses, and mixed use development represents the most sustainable form of development. For those businesses which are affected by development proposals and wished to relocate, the City Council would seek to provide assistance. Whilst no change has been made to Policy MU2, paragraph 4.9 of the Introduction to the Chapter on page 4.9 has been amended to clarify the fact that the City Council would seek to assist affected businesses. I therefore feel that the concerns of objection 338X 707 have been met.

5.8.5 (578X 2272 and 2273) The approach which has been adopted for the Regeneration Zones has been one which is based on the preparation of a Master Plan followed by the translation of land use aspects into Supplementary Planning Guidance and then the preparation of site specific Development Briefs. Paragraph 4.17 already makes it clear that implementation will be through a mix of improvement and selective redevelopment. The balance between the two is included in the Regeneration Zone policies and will be further clarified in Supplementary Planning Guidance. Therefore, I do not consider that too much emphasis is laid on the redevelopment of the area at the expense of the existing uses. And, I do not consider that a

specific reference to Policy E4 is necessary because as each page of the Plan states 'account will be taken of all relevant policies'.

**RECOMMENDATIONS**

No modification.

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**5.9 MU3 SOUTHSIDE REGENERATION SITE PROPOSALS**

**Objections**

**155X 188                    Mr Johnson, CPRE ( Nottinghamshire)**  
**162X 219                    Nottinghamshire County Council (Strategic Property)**

**Issues**

- a) Lack of reference to site areas.
- b) Extent of guidance on the mix, balance and characteristics of future uses.
- c) Indication of existing uses on each site and their future, including relocation requirements.

**Inspector's Reasoning and Conclusions**

5.9.1 The matter of the site area of all sites has been addressed in the Revised Deposit Draft Local Plan which shows the site area alongside every allocated site.

5.9.2 (155X 188) Given that all the individual sites will involve a mix of uses that in many cases has yet to be determined, and a variety of options of different mixes and proportions would be acceptable in development terms, it is unrealistic and potentially misleading to allocate specific figures to individual sites. But, so far as housing is concerned, for the mixed use sites in the Southside Regeneration Zone an overall assessment of 274 dwellings is included in the housing figures.

5.9.3 A significant number of Development Briefs have already been prepared and others are in preparation, or should be prepared within the near future. The Development Briefs will act as Supplementary Planning Guidance for the policies of the Local Plan and they will provide information on the range of suitable land uses and their layout. Additional guidance is contained in the Interim Planning Guidance which has been prepared for the Southside Regeneration Zone. The City Council accepts that there will be instances where relocation of businesses will be necessary. As a result, the Revised Deposit Draft Local Plan contains an additional sentence in the Introduction to the Chapter to emphasise the availability of support measures for business relocation (Change No. MU.006).

**RECOMMENDATIONS**

No modification.

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## 5.10 MU3.3 SHERIFFS WAY/ARKWRIGHT STREET

### Objections

240X 628            Mr Eftekhari, Queens Hotel

### Issues

a) Need to retain existing buildings in the Conservation Area around the Station.

### Inspector's Reasoning and Conclusions

5.10.1 The area around the Midland Railway Station is part of the Southside Regeneration Zone while the Railway Station is the subject of a Master Plan. It is an area where significant change is likely to occur over this Plan period.

5.10.2 The station is a Grade II listed building situated within the Nottingham Station Conservation Area. Consequently, the City Council acknowledges that a Conservation appraisal will be required to inform the evolution of the overall design concept for the station and to assess the impact of the development proposals. A design statement will also need to be prepared for the station and the individual phases of development.

5.10.3 The Interim Planning Guidance prepared for the Southside Regeneration Zone expresses the vision that the area will be developed as an extension to the City Centre with the Station as the key focus both as a busy transport hub and as a vital and lively destination for a mixture of commercial and other uses. It acknowledges that the bulk of existing employment uses in Southside will be retained with priority given to the development of underused sites and a comprehensive redevelopment around Arkwright Street which forms MU3.3.

5.10.4 In my view, this is a key site within the Southside Regeneration Zone and it is an area characterised by under used land which is capable of accommodating further development without detriment to the Station Conservation Area. The sympathetic development of this site will significantly improve the environment of the area, improve linkages between the Meadows Area and the City Centre, and provide for a mix of uses which could increase vibrancy and community safety in the area.

### RECOMMENDATIONS

No modification.

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## 5.11 MU3.5 MIDLAND RAILWAY STATION

### Objections

325X 702            Mr Lambshead, Network Rail Infrastructure Ltd  
343X 721            Mr Aspbury, Antony Aspbury Associates

### Objections to Proposed Changes

688X 2497\*        Thames Water Pensions Scheme

**Issues**

- a) Redevelopment of the Midland Railway Station site and its operational use.
- b) Geographical coverage of the policy.
- c) Need for flexibility for future alternative land uses such as residential and hotels.

**Inspector's Reasoning and Conclusions**

5.11.1 The City Council agrees with the objectors. A Masterplan for the Midland Railway Station has been prepared which puts forward proposals for the entire railway station site including both the platform area, land fronting Station Street and the air space over, in addition to the Queens Road Car Park Site. Therefore, there is little justification for considering only the car park site without considering the context of the entire site. Accordingly, the Revised Deposit Draft Revision reference MU.045 amends Policy MU3.5 from Midland Railway Station Car Park to Midland Railway Station and it amends the boundaries of the site on the Proposals Map.

5.11.2 In response to the Thames Water Pensions Scheme objection the Council has agreed to add proposed change FPCMU\01 which appears to meet the concerns raised and I recommend accordingly.

**RECOMMENDATIONS**

Replace final sentence of paragraph 4.22 with the following:

**In accordance with the Southside Regeneration Interim Planning guidance, redevelopment should focus on mixed use comprising elements of commercial and business uses, residential, hotel, retail and leisure.**

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**5.12 MU3.7 WATERWAY STREET**

**Objections to Proposed Changes**

**341X 2460            The Boots Company PLC**

**Issues**

- a) Need for reference in policy to support business relocation.

**Inspector's Reasoning and Conclusions**

5.12.1 The Boots Company is concerned that the redevelopment of the MU3.7 site would result in onerous implications to itself in terms of the significant expense and disruption that would result from the need to relocate its product testing and development facility. Moreover, by nature of its laboratory facility and type of equipment involved, it is likely to prove difficult to identify appropriate alternative premises within the City.

5.12.2 The City Council says that whilst the site is identified as a future redevelopment opportunity in the Southside Regeneration Area, there are presently no proposals to develop this site identified in the Plan. And, the Council would not wish to prejudice the operation of

existing occupiers. Nevertheless, the Plan recognises that this site is in an area which is likely to significantly change its character over the period of the Plan to 2011. Interim Planning Guidance has been prepared and adopted for the Southside Regeneration Zone, which provides the framework for future development.

5.12.3 The City Council says that should the site come forward for development, a Development Brief would be prepared within which the City Council would set out what it considered were appropriate measures to ensure the future operation of existing occupiers. At that time, occupiers and all those with an interest in the site would be consulted. However, it seems to me that these intentions should be expressed within the supporting text.

## RECOMMENDATIONS

Modify paragraph 4.22 of the Plan by adding the following to the end of the last sentence:

**...without prejudicing the operation of existing occupiers. To this end, a development brief will be prepared in respect of MU3.7 which sets out what the City Council considers is appropriate measures to ensure the future operation of existing occupiers.**

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## 5.13 MU4 EASTSIDE REGENERATION ZONE GENERAL POLICY

### Objections

70X 66	Ms Kerley,
192X 458	GHP Group Limited
260X 469	Mr Hewitt, Government Office for the East Midlands
274X 662	Mr Van der Reijden, Dusco Asset Management
338X 712	Bryant Homes

### Objections to Proposed Changes

558X 2237      Sneinton Market Developments Ltd

### Issues

- Effect of redevelopment of the Eastside area upon the environment, in particular congestion, and its suitability for families.
- Amendment of policy and supporting text to include reference to restaurant and retail uses, with specific reference to the "pump priming" benefit of a supermarket or department store on either the Sneinton Market or Bus Depot sites.
- Whether the "provision of appropriate training schemes" in Policy MU4(f) should be considered as an appropriate land use matter.
- Allocation of the area bounded by Glasshouse Street, Huntingdon Street and Lower Parliament Street as a mixed use site, and need to have regard to transport aspects in the Glasshouse Street and Huntingdon Street area.
- Need for employment land to be maintained, and alternative employment locations made available where regeneration takes place.
- A reference to Circular 1/97 should be added to criterion c) of Policy MU 4.

## **Inspector's Reasoning and Conclusions**

5.13.1 (70X 66) The area within the Eastside Regeneration Zone presents major opportunities for development which would enhance the environment and reduce (rather than increase) congestion. Moreover, the City Council points to the Nottingham Eastside Masterplan which suggests that residential development would form part of the redevelopment proposals, including family housing on appropriate sites.

5.13.2 (192X 458) The City Council acknowledges that certain types of development may act as 'pump primers' for the wider area. However, the precise mix of uses, including restaurant and retail uses, if appropriate, at any of the individual sites within the Eastside Regeneration Zone will be the subject of Development Briefs which will be prepared for each site. Interim Planning Guidance, which will set the overall framework for the Eastside is currently in preparation.

5.13.3 (260X 469) Emerging government guidance in PPS1 suggests that Planning Authorities should consider how their plans are addressing the four aims of sustainable development. It acknowledges that regeneration of the built environment alone cannot deal with poverty, inequality and social exclusion. And, it goes on to say that these issues can only be addressed through better integration of all strategies and programmes, partnership working and effective community involvement. Planning policies should promote development that builds socially inclusive communities and they should address accessibility for all to jobs.

5.13.4 It seems to me that criterion f) is consistent with this approach. Moreover, I have already recommended that paragraph 1.26 of the Strategy Chapter be modified in accordance with FPCST\01. This sets out the justification for the City Council to encourage the provision of training schemes as part of the development process through negotiation with developers.

5.13.5 (274X 662) The area bounded by Glasshouse Street, Huntingdon Street and Lower Parliament Street is part of the area covered by the Eastside Regeneration Zone, but it is not identified as a priority site for development in the Masterplan. However, the Masterplan acknowledges that parts of the area suffer the effects of excessive car movements. And, its overall aim is to consolidate the strategic traffic into one clearly visible route, reducing the number of barriers that presently exist for pedestrians and other cross area movements while maintaining access to the City Centre for buses, service traffic and cyclists.

5.13.6 The City Council agrees with objection 338X 712 that the nature of business is changing and as a result the site requirements are changing as well. The City Council is keen to redevelop sites which would be more suitable for alternative uses, and mixed use development forms the most sustainable form of development. It would provide assistance to those businesses which are affected by development proposals and wished to relocate. In the first instance, this would involve discussions to clarify relocation requirements. Then the Council would seek to assist the business in finding a site. This is outlined in paragraph 4.9 of the Revised Deposit Draft.

5.13.7 (558X 2237) I accept that Circular 1/97 remains the principle source on Planning Obligations. However, I do not consider it appropriate to make reference to it in Policy MU4 or other similar places throughout the Plan. Instead, some additional text should be inserted in the Glossary entry for Planning Obligations in accordance with Further Proposed Change FPCA\02.

## **RECOMMENDATIONS**

Modify the Glossary entry for Planning Obligations in the Local Plan in accordance with FPCA\02 by the adding before the last sentence:

**Circular 1/97 sets out Government policy for the use of planning obligations. It states that planning obligations should be sought only where they are necessary, relevant to planning, directly related to the proposed development and reasonable in all other respects.**

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## 5.14 MU5 EASTSIDE REGENERATION SITE PROPOSALS

### Objections

155X 186            Mr Johnson, CPRE ( Nottinghamshire)  
162X 222            Nottinghamshire County Council (Strategic Property)

### Issues

- a) Lack of reference to site areas.
- b) Extent of guidance on the mix, balance and characteristics of future uses.
- c) Indication of existing uses on each site and their future, including relocation requirements.

### Inspector's Reasoning and Conclusions

5.14.1 The matter of the site area of all sites has been addressed in the Revised Deposit Draft Local Plan which shows the site area alongside every allocated site.

5.14.2 Given that all the individual sites will involve a mix of uses that in many cases has yet to be determined, and a variety of options of different mixes and proportions that would be acceptable in development terms, it is unrealistic and potentially misleading to allocate specific figures to individual sites. But, so far as housing is concerned, for the mixed use sites in the Eastside Regeneration Zone an overall assessment of 305 dwellings is included in the housing figures.

5.14.3 A significant number of Development Briefs have already been prepared and others are in preparation, or should be prepared within the near future. The Development Briefs will act as Supplementary Planning Guidance for the policies of the Local Plan and they will provide information on the range of suitable land uses and their layout. Additional guidance is currently being prepared in the Interim Planning Guidance for the Eastside Regeneration Zone. The City Council accepts that there will be instances where relocation of businesses will be necessary. As a result, the Revised Deposit Draft Local Plan contains an additional sentence in the Introduction to the Chapter to emphasise the availability of support measures for business relocation (Change No. MU.006).

5.14.4 The City Council is not defending the objection to Policy R10 Development at the Forest Recreation Ground. This is because the City Council is not now pursuing the development of a major new leisure facility at the Forest and is therefore proposing to remove this safeguarding at the Forest Recreation Ground from the Draft Local Plan Review. This will involve deletion of Policy R10 and paragraphs 6.33-6.35 (FPCT\20), and deletion of the indicative reference to Policy R10 shown at the Forest Recreation Ground on the 1st Deposit Draft Proposals Map (FPCT\21). Instead the Council is now considering retention of the older parts of the existing Victoria Centre Building, none of which is a listed building, and the possibility of further improvements to the rest of the building to accommodate an improved leisure facility. Further consideration may however be given as part of regeneration proposals for the Eastside area of the City Centre to whether the existing building could be retained for other uses and

investigation of a new leisure centre development in this part of the City Centre. This site is identified in the Local Plan Review as a mixed use development site under Policy MU5.1. The existing building is identified as a landmark building on the draft Local Plan Review Proposals Map, and the Plan states that new development which impacts on these will require careful consideration.

**RECOMMENDATIONS**

No modification.

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**5.15 MU5.1 VICTORIA LEISURE CENTRE**

**Objections**

<b>29X 16</b>	<b>Miss Marsh</b>
<b>70X 67</b>	<b>Ms Kerley</b>
<b>332X 717</b>	<b>Ms Brignal</b>
<b>371X 751</b>	<b>Ms Perry</b>

**Issues**

- a) Need to retain the building, and improve the facilities at the Victoria Leisure Centre.
- b) Effect of redevelopment in the vicinity of the Leisure Centre upon congestion, and its suitability for families.

**Inspector's Reasoning and Conclusions**

5.15.1 As part of its decision not to pursue the development of a new leisure facility at the Forest Recreation Ground, the City Council is not now planning to close the Victoria Leisure Centre as set out in its Leisure 2000 Strategy. Instead it is identified as a mixed use development site under Policy MU5.1. The existing building is identified as a landmark building on the Proposals Map and the Plan states that new development which impacts on these will require careful consideration.

**RECOMMENDATIONS**

No modification.

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**5.16 MU5.2 BUS DEPOTS**

**Objections**

<b>70X 68</b>	<b>Ms Kerley</b>
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**Issues**

- a) Effect upon the environment of redevelopment of the Bus Depot and surrounding areas, in particular congestion, and suitability for families

**Inspector's Reasoning and Conclusions**

5.16.1 The area within the Eastside Regeneration Zone presents major opportunities for development which would enhance the environment and reduce congestion. In particular, in the area around the Bus Depots (and Sneinton Market) where vehicle movements and congestion currently combine to create an unattractive environment. Residential development could form part of the redevelopment proposals, including family housing, if appropriate. Interim Planning Guidance for the Eastside is currently being prepared, which will set out the planning framework. Individual Development Briefs will then be prepared for the key sites, which will set out the mix of uses and more detailed development principles.

**RECOMMENDATIONS**

No modification.

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**5.17 MU5.3 SNEINTON MARKET**

**Objections**

**70X 69**                      **Ms Kerley**

**Issues**

- a) Effect upon the environment of redevelopment of Sneinton Market, in particular congestion and suitability for families.

**Inspector's Reasoning and Conclusions**

5.17.1 The area within the Eastside Regeneration Zone presents major opportunities for development which would enhance the environment and reduce congestion. This is certainly the case in the area around (the Bus Depots and) Sneinton Market where vehicle movements and congestion combine to create an unattractive environment. Residential development may form part of the redevelopment proposals including family housing, if appropriate. Interim Planning Guidance for the Eastside is currently being prepared, which will set out the planning framework. Individual Development Briefs will then be prepared for the key sites, which will set out the mix of uses and more detailed development principles.

**RECOMMENDATIONS**

No modification.

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## 5.18 MU5.4 HUNTINGDON STREET/BROOK STREET

### Objections

157X 178 Mr Poyser, Nottingham City Centre Retailers Association

### Issues

- a) Need to ensure that development does not prevent use of Huntingdon Street and Lower Parliament Street relieving Milton Street of through traffic.

### Inspector's Reasoning and Conclusions

5.18.1 The City Centre Major Scheme (detailed in Local Plan Policy T14.1) is an integrated transport scheme to achieve public transport, traffic reduction, pedestrian and cycling accessibility benefits on the Inner Ring Road. The scheme will result in Upper Parliament Street and Milton Street becoming pedestrian priority areas with access for buses and other essential vehicles only. This will radically improve pedestrian links within the City Centre Core and will benefit the retail and leisure offer of the City Centre, and facilitate the expansion of such uses in the vicinity of the Victoria Centre.

5.18.2 Transport modelling and design work associated with the major integrated transport scheme for the City Centre 'The Turning Point' has identified that the additional capacity offered by highway improvements to Huntingdon Street would not be required. As a result, appropriate amendments to the Plan have been made to reflect this situation.

### RECOMMENDATIONS

No modification.

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## 5.19 MU5.6 PENNYFOOT STREET

### Objections

158X 682 Nottingham Trent University

### Objections to Proposed Changes

35X 2018 Ms Mee,

### Issues

- a) Allocation of land at Pennyfoot Street as a mixed use site.
- b) Whether the proposed revision should be deleted and a revision added stating that permission will not be granted for a bio medical facility because such a facility would probably incorporate animal vivisection laboratories and this would attract protests of national significance and cause public disorder and congestion.

## Inspector's Reasoning and Conclusions

5.19.1 The City Council agrees with objection 158X 682 and has added the land at Pennyfoot Street to the list of mixed use sites in the Revised Deposit Draft. The former BASF building on this site will form a new international centre for healthcare and bioscience innovation comprising an incubation centre for business start ups. It is a joint venture between the 2 universities and emda. The layout of the development means that the extent of the site shown as MU5.6 requires amendment and I recommend accordingly. But, whether the bio medical facility incorporates animal vivisection is not a matter for the Local Plan as it is not a land use matter.

## RECOMMENDATIONS

Modify the Local Plan in accordance with FPCMU\05 which increases the site area of MU5.6 (Pennyfoot Street) to 1.1 hectares by including an additional area to the east of Thoresby Street.

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## 5.20 MU6 WATERSIDE REGENERATION ZONE GENERAL POLICY

### Objections

155X 185	Mr Johnson, CPRE ( Nottinghamshire)
182X 409	Mrs Money, Miller Homes
182X 411	Mrs Money, Miller Homes
260X 470	Mr Hewitt, Government Office for the East Midlands
260X 493	Mr Hewitt, Government Office for the East Midlands
276X 673	Mr Burnett, Littman & Robeson
338X 714	Bryant Homes
374X 763	Mr Thompson, Open Spaces Society

### Objections to Waterside Regeneration Zone Further Proposed Changes

722X 3001	V Chandley
724X 3003	C Riley

### Issues

- Inclusion of part of of Colwick Park and land currently within the green belt in the Waterside Regeneration Zone.
- Need for employment land in Nottingham to be maintained, particularly the uses that are located within the proposed regeneration areas.
- Difficulty of ensuring comprehensively designed schemes as a result of the nature of the area, in particular those companies which may wish to remain in situ.
- Whether "the provision of appropriate training schemes" should be considered as a land use matter.
- Status of the master plan and its relation to local plan policies.
- Policy should recognise that proposals on sites other than those identified in Policy MU7, but within the Regeneration Zone can make a positive contribution to regeneration and sustainability.
- Strengthening of policy with respect to protection of open space, particularly along the river.

- h) Vehicular and pedestrian access from Racecourse Road to the Waterside Development Area via the Park Yacht Club Site.
- i) The whole scheme has been going on for too long, feel it will never happen
- j) Object because had business on Brand Street for 13 years and the business is coming up to 26 years of trading.

### **Inspector's Reasoning and Conclusions**

5.20.1 The Green Belt issue is dealt with below at paragraph 5.21.1 of this Report.

5.20.2 The Masterplan prepared by consultants on behalf of Nottingham Waterside Ltd (NWL) provided the framework for the development of the specific proposals. The preparation of the Masterplan included consultation workshops with local communities, businesses and other agencies. The land use elements of these aspirations were then translated into Interim Planning Guidance. This guidance expresses the intention to transform the area into a new vibrant urban quarter that will become a major location for inward investment, and new mixed and sustainable residential neighbourhoods.

5.20.3 The City Council acknowledges that the Waterside is home to many businesses and will remain an important employment zone. But, the main proposals are designed to create mixed use neighbourhoods that can be developed in phases, linked with each other and with adjoining areas in a co-ordinated way.

5.20.4 Given that all the individual sites will involve a mix of uses that in many cases has yet to be determined, and a variety of options of different mixes and proportions would be acceptable in development terms, it is unrealistic and potentially misleading to allocate specific figures to individual sites.

5.20.5 The City Council agrees with objection 338X 714 that the nature of business is changing and as a result the site requirements are changing as well. The City Council is keen to re-develop sites which would be more suitable for alternative uses, and mixed use development represents the most sustainable form of development.

5.20.6 Objection 182X 409 questions the deliverability of the Masterplan due to the nature of the ownerships within the locality. However, the Masterplan that has been prepared for the Waterside sets out a vision and framework for the area over the next 20 years. The Masterplan envisages that the overall number of jobs will increase from around 5,000 to over 10,000 in the long term through the provision of a mixture of employment uses which will include the retention of some of the existing industrial areas to the east of Trent Lane.

5.20.7 The Interim Planning Guidance recognises that existing businesses will be affected by the proposals, and makes it clear that the needs of these businesses will be fully addressed and suitable relocation and support measures put in place as appropriate. This is also stated in supporting paragraph 4.9. Nottingham Waterside Ltd (an arm of the Urban Regeneration Company, Nottingham Regeneration Ltd) is preparing a relocation strategy, which will support firms in locating and moving to new premises.

5.20.8 The City Council will support NWL in site acquisition. This will include compulsory purchase if necessary, utilising Policy ST2 of the Revised Deposit Draft Local Plan. NWL has developed a strategy for assisting the relocation of businesses affected by development proposals and this is noted in the supporting text at paragraph 4.29 of the Revised Deposit Draft. Therefore, I do not consider that the existing businesses would jeopardise the ability to fully and successfully implement criterion a) of Policy MU6 or that they would disturb the comprehensive implementation of the Masterplan for the Waterside Area.

5.20.9 (260X 470) Emerging government guidance in PPS1 suggests that Planning Authorities

should consider how their plans are addressing the four aims of sustainable development. It acknowledges that regeneration of the built environment alone cannot deal with poverty, inequality and social exclusion. And, it goes on to say that these issues can only be addressed through better integration of all strategies and programmes, partnership working and effective community involvement. Planning policies should promote development that builds socially inclusive communities and they should address accessibility for all to jobs. It seems to me that criterion g) is consistent with this approach. Moreover, I have already recommended that paragraph 1.26 of the Strategy Chapter be modified in accordance with FPCST\01. This sets out the justification for the City Council to encourage the provision of training schemes as part of the development process through negotiation with developers.

5.20.10 The City Council agrees with objection 260X 493. Accordingly, in the Revised Deposit Draft it has removed the reference to Masterplan from the Policy and it has reworded the reasoned justification to make clear the status of the Masterplan (Revision No. MU.056).

5.20.11 (276X 673) The City Council accepts that sites outside the 4 allocated sites may make a significant contribution to the Waterside Area. However, the allocated sites are expected to be the initial focus for regeneration activity. I note that Pre-Inquiry changes extend sites MU7.1 and MU7.3, and add a new site between MU7.2 and MU7.3, known as Freith Street MU7.5.

5.20.12 (722X 3001, 723X 3002, 724X 3003) The principle of establishing a Regeneration Zone covering the Waterside area has been established through the First and Revised Deposit Draft Local Plans. No objections were received at that time. The inclusion of the new sites and other Pre-Inquiry Proposed changes are the result of an ongoing master planning exercise which has revealed key development opportunities capable of being realised early in the regeneration of the Waterside Regeneration Zone. The allocation of these sites will enable regeneration proposals to be developed in a more holistic and comprehensive way as well as improving connectivity between the Waterside Regeneration Zone, the City Centre and neighbouring areas. They should provide a degree of certainty to developers, and allow the development to proceed more quickly.

5.20.13 Although these sites were not included as specific allocations in the Revised Deposit Local Plan, the Waterside Interim Planning Guidance makes it clear that their development has always been part of the overall planning framework for the area. But, now these elements are capable of implementation within the lifetime of the Plan, ie before 2011.

5.20.14 Objection 706X 2530 is met by proposed pre-inquiry change in relation to Policy MU6 (PIC.01) and T10.4 (PIC.06) – the link road between Trent Lane and Racecourse Road is safeguarded.

#### *Protection of open space along the river*

5.20.15 (374X 763) The Waterside area currently has little open space. Development proposals for the Waterside Regeneration Zone would need to satisfy the criteria in Policy MU6 which include the provision of open space or open space improvements. The Waterside Regeneration Interim Planning Guidance published in November 2001 also establishes the following principles with respect to open space:

- to establish a network of high quality, safe open spaces and routes linked to surrounding areas;
- to ensure that unrestricted access is provided for all, including people with disabilities, to the waterside and open spaces; to maximise the recreational, amenity and wildlife value of the canalside and riverside;
- to ensure that facilities and spaces are managed and maintained to a high standard.

5.20.16 One of the main proposals is to establish a new riverside path/cycle route on the north side of the Trent providing a link between Victoria Embankment and Colwick Park. In addition through the maintenance and enhancement of existing habitats, and creation of new waterside habitats where appropriate, the role of the water as a wildlife resource and as an important conurbation wide green corridor will be improved. The Interim Planning Guidance recognises that regeneration of the Waterside provides an opportunity to enhance wildlife provision. It states that improvements to the Nottingham Beeston Canal Towpath could include a marginal planting shelf which allows a wide range of native aquatic and semi-aquatic plants to establish where the conditions are currently unsuitable. It also states that canalside improvement should include native tree and some shrub planting to increase species diversity. Similarly, and subject to flood plain requirements, parts of the River margins could be re-profiled as part of riverside development so that they accommodate a wider strip of marginal or damp loving vegetation.

5.20.17 However, as there is currently no existing open space along most of the riverside in this part of the Waterside Regeneration Area, and the City Council wishes to maximise the Area's regeneration benefits, the Planning Guidance allows for a riverside open space strip of between 8m and 12m which will link with larger open spaces within the individual development sites identified on the Proposals Map (MU7.2 and MU7.3) and in the City Council's Pre-Inquiry Changes (MU7.5)(PIC.04), as well as existing open space already safeguarded on the Proposals Map. I do not consider it appropriate to safeguard specific areas for this new open space in the Local Plan as these will be brought forward in more specific and detailed guidance contained within Development Briefs prepared for these individual development sites.

5.20.18 At the same time, the Open Space Network shown on the Proposals Map relates to existing open space, but Policy R1 would apply to new open space and areas which it is not feasible to show on the Proposals Map, for example narrow strips along canal towpaths. Policies R4 and NE1 also relate to safeguarding Rivers and Canals as open space and wildlife corridors.

## RECOMMENDATIONS

The Local Plan be modified in accordance with Further Proposed Change FPCMU\03 PIC.01 so that criterion e) says

**Transport measures agreed with the Local Authority which contribute to the provision of an integrated transport network including an east-west public transport link through the area, linked to the City Centre, a link road between Trent Lane and Racecourse Road and the provision of a comprehensive network of cycle routes and footpaths, linked to public transport provision and the surrounding areas, and connecting Colwick Park, Victoria Embankment and the Canal along the north bank of the Trent;**

The Local Plan be modified in accordance with Further Proposed Change FPCMU\03 PIC.04 so that a new site MU7.5 Freeth Street is allocated at the heart of the Waterside Regeneration Zone to act as a focus for new mixed use neighbourhoods.

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## 5.21 MU7 WATERSIDE REGENERATION ZONE SITE PROPOSALS

### Objections

155X 182                    Mr Johnson, CPRE ( Nottinghamshire)  
162X 224                    Nottinghamshire County Council (Strategic Property)

### Issues

- a) Waterside Regeneration Zone should not include Green Belt land.
- b) Lack of reference to site areas.
- c) Extent of guidance on the mix, balance and characteristics of future uses.
- d) Indication of existing uses on each site and their future, including relocation requirements.

### Inspector's Reasoning and Conclusions

5.21.1 The development of a continuous riverside walkway/cycle path incorporating improvements to the recreational, amenity and nature conservation aspects of the Trent Corridor is a fundamental part of the plans for the Waterside Regeneration Area (Policy MU6 criterion h)). This will link Colwick Park to Trent Bridge. In order to ensure that these improvements can be linked to the wider development within the Waterside, to provide a sound basis for the negotiation of planning obligations, and to ensure the relationship of the open space/public realm aspects of the Waterside with the development of the whole, it is necessary to include part of Colwick Park which is also Green Belt land. The Interim Planning Guidance contains no proposals for built development on Green Belt land, albeit provision for an access road linked to Racecourse Road is included in the adopted Local Plan and in the Pre-Inquiry Changes to the draft Local Plan. The Waterside designation does not over-ride the policy to protect the Green Belt from inappropriate development, and should a planning application be submitted for this land, Policy NE7 would apply.

5.21.2 The matter of the site area of all sites has been addressed in the Revised Deposit Draft Local Plan (Revision No. MU.014) which shows the site area alongside every allocated site.

5.21.3 So far as housing figures are concerned, for those mixed use sites in the Waterside Regeneration Zone, an overall assessment is included in the housing figures of 1000 dwellings. Given that all the individual sites will involve a mix of uses that in many cases has yet to be determined, and a variety of options of different mixes and proportions would be acceptable in development terms, it is unrealistic and potentially misleading to allocate specific figures to individual sites.

5.21.4 A significant number of Development Briefs have already been prepared and others are in preparation, or should be prepared within the near future. The Development Briefs will act as Supplementary Planning Guidance for the policies of the Local Plan and they will provide information on the range of suitable land uses and their layout. Additional guidance is contained in the Interim Planning Guidance which has been prepared for the Waterside Regeneration Zone. The City Council accepts that there will be instances where relocation of businesses will be necessary. As a result, the Revised Deposit Draft Local Plan contains an additional sentence in the Introduction to the Chapter to emphasise the availability of support measures for business relocation (Change No. MU.006).

**RECOMMENDATIONS**

No modification.

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5.22 MU7.1 EASTCROFT DEPOT

**Objections**

374X 765            Mr Thompson, Open Spaces Society

**Issues**

- a) Strengthening of policy with respect to the protection of open space.

**Inspector's Reasoning and Conclusions**

5.22.1 See section 5.20 *Protection of open space along the river.*

**RECOMMENDATIONS**

No modification.

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5.23 MU7.2 TRENT LANE BASIN

**Objections**

374X 754            Mr Thompson, Open Spaces Society  
374X 769            Mr Thompson, Open Spaces Society

**Issues**

- a) A green open space wedge should be put down the entire length of the Regeneration Zone parallel to the River Trent.
- b) Strengthening of policy with respect to the protection of open space, particularly along the river.

**Inspector's Reasoning and Conclusions**

5.23.1 Development proposals for the Waterside Regeneration Zone would need to have regard

to the considerations in Policy MU6 which include open space aspects. More specific and detailed guidance would be contained within the Development Brief for individual sites. The Waterside Regeneration Interim Planning Guidance published in November 2001 establishes the following principles with respect to open space:

- To establish a network of high quality, safe open spaces and routes linked to surrounding areas;
- To ensure that unrestricted access is provided for all, including people with disabilities, to the waterside and open spaces;
- To maximise the recreational, amenity and wildlife value of the canalside and riverside;
- To ensure that facilities and spaces are managed and maintained to a high standard.

5.23.2 The Interim Planning Guidance states that one of the main proposals is to establish a new riverside path/cycle route on the north side of the Trent providing a link between Victoria Embankment and Colwick Park. In addition, through the maintenance and enhancement of existing habitats, and creation of new water side habitats where appropriate, the role of the water as a wildlife resource and as an important conurbation wide green corridor will be improved. As such, I am satisfied that the River Trent will retain its green wildlife aspect.

5.23.3 (374X 769) See section 5.20 *Protection of open space along the river.*

## RECOMMENDATIONS

No modification.

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## 5.24 MU7.3 MEADOW LANE SITE

### Objections

374X 755            Mr Thompson, Open Spaces Society  
374X 766            Mr Thompson, Open Spaces Society

### Issues

- a) Identification of a green open space wedge down the entire length of the Regeneration Zone parallel to the River Trent.
- b) Strengthening of policy with respect to the protection of open space, particularly along the river.

### Inspector's Reasoning and Conclusions

5.24.1 As stated above, development proposals for the Waterside Regeneration Zone would need to have regard to the considerations in Policy MU6 which include open space aspects. More specific and detailed guidance would be contained within the Development Brief for individual sites. The Waterside Regeneration Interim Planning Guidance published in November 2001 establishes the following principles with respect to open space:

- To establish a network of high quality, safe open spaces and routes linked to surrounding areas;
- To ensure that unrestricted access is provided for all, including people with disabilities, to the waterside and open spaces;
- To maximise the recreational, amenity and wildlife value of the canalside and riverside;
- To ensure that facilities and spaces are managed and maintained to a high standard.

5.24.2 The Interim Planning Guidance states that one of the main proposals is to establish a new riverside path/cycle route on the north side of the Trent providing a link between Victoria Embankment and Colwick Park. In addition, through the maintenance and enhancement of existing habitats, and creation of new water side habitats where appropriate, the role of the water as a wildlife resource and as an important conurbation wide green corridor will be improved. As such, I am satisfied that the River Trent will retain its green wildlife aspect.

5.24.3 (374X 766) See section 5.20 *Protection of open space along the river.*

### **RECOMMENDATIONS**

No modification.

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## **5.25 MU7.4 IREMONGER ROAD**

### **Objections**

**374X 770**            **Mr Thompson, Open Spaces Society**

### **Issues**

- a) Strengthening of policy with respect to the protection of open space..

### **Inspector's Reasoning and Conclusions**

5.25.1 See section 5.20 *Protection of open space along the river.*

### **RECOMMENDATIONS**

No modification.

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## 5.26 MU8 CITY WIDE SITES

### Objections

155X 180	Mr Johnson, CPRE (Nottinghamshire)
159X 204	Polestar Group Ltd
162X 226	Nottinghamshire County Council (Strategic Property)
270X 644	Maryland Securities

### Objections to Proposed Changes

657X 2420*	Miller Birch Ltd
246X 2421	Lattice Property Holdings/ Secondsite Property Holdings
180X 2459	Costco Wholesale UK Ltd

### Issues

- a) Lack of reference to site areas.
- b) Extent of guidance on the mix, balance and characteristics of future uses.
- c) Indication of existing uses on each site and their future, including relocation requirements.
- d) The paragraphs above MU8 should be amended so that the list of acceptable uses include retail and leisure in addition to those set out.
- e) Inclusion of Chromo Works, Wigman Road as an allocated mixed use site.
- f) Inclusion of Forest Mill on Alfreton Road as an allocated mixed use site.
- g) Inclusion of the former Royal Ordnance Factory on Queens Drive as an allocated mixed use site.
- h) Inclusion of Basford Gas Works Site as an allocated mixed use site.

### Inspector's Reasoning and Conclusions

5.26.1 The matter of the site area of all sites has been addressed in the Revised Deposit Draft Local Plan which shows the site area alongside every allocated site (Revision No. MU.014).

5.26.2 (155X 180) Given that all the individual sites will involve a mix of uses that in many cases has yet to be determined, and a variety of options of different mixes and proportions would be acceptable in development terms, it is unrealistic and potentially misleading to allocate specific figures to individual sites.

5.26.3 A significant number of Development Briefs have already been prepared and others are in preparation, or should be prepared within the near future. The Development Briefs will act as Supplementary Planning Guidance for the policies of the Local Plan and they will provide information on the range of suitable land uses and their layout. Additional guidance is contained in the Interim Planning Guidance which has been prepared for the Southside Regeneration Zone. The City Council accepts that there will be instances where relocation of businesses will be necessary. As a result, the Revised Deposit Draft Local Plan contains an additional sentence in the Introduction to the Chapter to emphasise the availability of support measures for business relocation (Revision No. MU.006).

5.26.4 Objection 159X 204 considers that the site of Chromo Works, Wigman Road should be included in the list of mixed use sites. However, there is an identified shortage of employment

land in the City. Therefore, it is important to protect the major business parks/industrial estates, such as Glaisdale from development for other uses, so they remain available for employment uses. Indeed, the Nottingham Employment Land Study endorses this approach. These business parks/industrial estates should remain in employment use (B1, B2 or B8) so as to ensure that they continue to provide a sound basis for economic growth and an adequate supply of employment land. This site is within a defensible boundary formed by Woodyard Lane and Wigman Road. If it were to be included in the list of mixed use sites then at least part of the site would be lost from employment use, with the possibility that other sites could be lost in the future. Furthermore, retail development is likely to be unacceptable because in accordance with Government policy, the City Council seeks to concentrate new retail development in existing centres. My conclusion therefore is that the site should continue to be subject to Employment Policy E3, as its inclusion in the list of mixed use sites would not accord with the policy to protect strategic employment areas.

5.26.5 The Forest Mill site is discussed in paragraph 5.29.1 of this Report.

5.26.6 (657X 2420) To bring the Plan up to date and to reflect discussions with RPS/Miller Birch I endorse the City Council's proposal to rewrite supporting paragraph 3.25.

5.26.7 The Basford Gas Works site (discussed under Policy E2) is a key part of the City Council's employment land strategy. I do not consider that the Development Brief promotes a 'Mixed Use' scheme, albeit it permits some non employment uses as a result of consultation with the local community and businesses. These are of an ancillary nature, but primarily the Brief seeks to bring forward a predominantly employment based scheme. Development in accordance with the Brief will assist the regeneration of the wider area.

## RECOMMENDATIONS

Modify paragraph 3.25 of the Local Plan by rewriting it to say:-

**The site of the former Royal Ordnance Factory (known as 'ng2') provides a good example of a SHQES. Such an attractive and accessible site will provide a more sustainable alternative location to business park development outside of the built up area, for instance at Junction 24 of the M1 motorway. The development will provide a minimum of 70,000 square metres of B1 floorspace. Complementary development (including residential, ancillary retail, food and drink, hotel) which demonstrably enhances its role as SHQES, and is of a scale, form and layout that contributes to the vitality, community safety and urban design of the scheme as a whole, will be favourably considered. In the longer term, subject to meeting the needs of existing occupiers, there may be opportunities to enlarge the B1 development into adjacent land in existing employment use including the area of Crossgate Drive and Gateside Road off Queens Drive.**

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## 5.27 MU8.2 BEECHDALE ROAD (FORMERLY MU8.3)

### Objections

182X 600 Mrs Money, Miller Homes

**Issues**

- a) A comprehensive scheme fails to recognise the fact that certain sites will already have planning permissions on part or be redeveloped in part as is the case at Beechdale Road.

**Inspector's Reasoning and Conclusions**

5.27.1 Objection 182X 600 is met in the Revised Deposit Draft by amending the wording of the paragraph preceding the list of sites so that the words 'wherever possible' have been included.

**RECOMMENDATIONS**

No modification.

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**5.28 MU8.3 LORTAS ROAD (FORMERLY MU8.4)**

**Objections**

**223X 603 Cllr Mittenshaw Hodge,**

**Issues**

- a) The policy should be amended to specify that the old school building should be demolished, the land kept as open space, the existing hard court play area maintained and there should be a consultation and funding investigation for play facilities.

**Inspector's Reasoning and Conclusions**

5.28.1 The school building has been demolished leaving a substantial vacant space which is suitable for development. A contribution towards open space provision (on site or in the vicinity) would be required as a part of any planning application, and would involve Sport England, because part of the site was once a playing field.

5.28.2 The City Council says that it is likely that a Development Brief will be prepared for the site to provide more detailed guidance on the form and nature of development of the site and the views of residents will be sought and considered as part of this process. Accordingly, I see no need to amend the Plan.

**RECOMMENDATIONS**

No modification.

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## 5.29 MU8.5 FOREST MILL

### Objections to Proposed Changes

506X 2116	Ms Surland,
536X 2169	Miss Sanghera, Temples News
537X 2180	Mr Singh Johal, Indian Workers Association
719X 2281	Cllr Taylor
640X 2388	Mrs McNeil
641X 2389	Mrs Wynn

### Issues

- Scale of development.
- Effect of retailing development on local businesses.
- Concern that car parking entrance will be unsightly and very busy.

### Inspector's Reasoning and Conclusions

5.29.1 Forest Mill has been allocated as a mixed use site in the Revised Deposit Draft Local Plan. It is located within the Alfreton Road Local Shopping Centre and the City Council is keen to improve the vitality of such local shopping centres. As such, any planning application including retailing would need to satisfy the criteria of Policy S4:

- whether it maintains the compactness of the shopping area for the convenience of shoppers;
- whether it is compatible with the scale and nature of the Centre;
- whether it reinforces the range and vitality of retail facilities and attractions of the centre;
- whether it helps to improve the environment of the centre, including appearance and accessibility for people with disabilities.

5.29.2 Government guidance in PPG 6 makes it clear that competition between retailers is not a valid consideration in judging planning applications, and existing centres are the most appropriate location for new retail development. Alfreton Road is a significant local centre, which has suffered from poor environment and a declining role in recent years. A new retail store of up to 2000 sq m would provide for a wider choice of goods for local residents, and reinforce its vitality and long term viability.

5.29.3 The Development Brief, February 2002 also allows for employment and residential uses. An assessment of any planning application coming forward would need to have regard to the extent to which the guidance in the Development Brief is met within the overall context of the policies of the Local Plan.

5.29.4 The Development Brief says that vehicular access to the site should not be from Alfreton Road, and access via Boden Street is likely to be one of the main access points. The City Council is seeking to limit on site car parking for individual uses making up any mixed use proposal, and parking standards will apply to limit car parking. The role of this Local Plan is to establish the principle of land use at a particular site. And, I am satisfied that the policies will protect the living conditions of residential occupiers, but matters such as a compensation package for inconvenience caused by the development of the site would need to be directed to the developers.

## RECOMMENDATIONS

No modification.

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### 5.30 MU8.6 DUNN LINE COACHES, PARK LANE, OLD BASFORD

#### Objections to Proposed Changes

577X 2271          Dunn Line Limited

#### Issues

a) Allocation of site for wholly residential use.

#### Inspector's Reasoning and Conclusions

5.30.1 I am satisfied that the proposal for mixed use development accords with the sustainable development objectives of the Plan, and is also in accordance with the Development Brief published in August 2002. Furthermore, the proposals for mixed use development are in accord with policies which seek to retain employment land and represent a compromise between the retention of employment land and the need to bring forward residential sites. Employment uses can co-exist with residential development, and I am satisfied that the studies undertaken have identified a ready demand for new employment premises in this part of the City. Therefore, an element of employment use will be appropriate as part of the redevelopment of this site.

## RECOMMENDATIONS

No modification.

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### 5.31 MU9 STANTON TIP

#### Objections

22X 15	Mr Beard
115X 113	Mrs Chawner
126X 161	Mrs Bannister
155X 179	Mr Johnson, CPRE ( Nottinghamshire)
319X 685	Mrs Chadwick
306X 688	Mr Neary
327X 700	Ms Allen, The Highways Agency
345X 719	Strawsons Property
374X 771	Mr Thompson, Open Spaces Society

## Objections to Proposed Changes

556X 2227	Mr Allen
345X 2274	Strawsons Property
345X 2275	Strawsons Property
345X 2276	Strawsons Property

## Issues

- a) Effect of development upon residential dwellings.
- b) Effect of development upon nature conservation, including newly planted trees and wildlife.
- c) Need to retain as an open space and for recreational use.
- d) Effect upon congestion caused by development.
- e) Need for more housing and more local facilities.
- f) Lack of guidance on specific development proposals.
- g) Need for a requirement of a transport assessment to address potential traffic impacts on the existing trunk road network to be submitted with the Planning Application.
- h) Range of suitable uses should be extended to include retail, leisure and other appropriate service uses and / or "enabling uses" within the context of a sustainable urban village development. The incorporation of the latter uses is important to achieving a sustainable mix of uses while also serving neighbouring residential areas which are currently underprovided with shopping and other services.

## Inspector's Reasoning and Conclusions

5.31.1 Stanton Tip is a brownfield site located close to junction 26 of the M1. The southern part of the site will be served by the new Nottingham Express Transit Line One, and this should result in less congestion. The City Council acknowledges that parts of Stanton Tip are important for nature conservation and the easternmost part has been designated as a Biological Site of Importance for Nature Conservation (SINC). Wildlife and nature conservation interests will therefore be important considerations when the site is developed. Moreover, objector 556X drew my attention to the value placed on the area as public open space by local residents for walking and quiet recreation. The presence of the SINC and the general topography of the site mean that significant areas of open space would be retained when development takes place. Nevertheless, the site is an important brownfield site in an accessible location which has potential for employment and residential development.

5.31.2 At present there is no Development Brief for the site. But, the site comprises about 43.88ha of land in total, and the Council envisages developing about 5ha for housing (200 dwellings at 40 per ha) and about 6.47ha for employment. It therefore seems to me that, if it were possible to develop the site in a comprehensive way, the most important areas of open space and those of wildlife interest could potentially be retained and enhanced.

5.31.3 The City Council agrees with The Highways Agency (327X 700) that a Transport Assessment would need to be undertaken and submitted with a planning application for development. As such, this should be included in the criteria to Policy MU9.

5.31.4 Supporting paragraph 4.33 says that ground survey investigations are underway and coalfield funding may become available for further reclamation. Objector 345X says that the findings of a feasibility study suggest that the most suitable area for reclamation and built development lies on the south west and south east sides of the tip (adjoining the Phoenix Centre) with the majority of the tip re-profiled, landscaped and laid out as informal open space (community woodland). They point to the fact that public funds are unlikely to be available or

would not make a meaningful contribution to offsetting the very substantial cost of reclamation, development infrastructure and the provision of community benefits such as the creation of a major area of informal open space/community woodland on the majority of the existing tip. And, I cannot disagree with their viewpoint. As such, the objector considers that high value 'enabling uses' such as retail and leisure would be required. In particular, a large convenience superstore.

5.31.5 The City Council intends to include more detailed information on the range and scale of uses appropriate for the site in a Development Brief as the extent of developable area becomes clearer. While this may include an element of enabling uses, these should not be of a scale that would affect the vitality and viability of the nearby Bulwell Centre (in the light of Policy S5). Given the advice in PPG 6 and the Parliamentary Statement of 10 April 2003, a large convenience store is unlikely to be acceptable. Therefore, there is some doubt as to whether the proposals would be financially viable.

5.31.6 I have not been presented with any firm evidence to suggest that it would be feasible to develop the perimeter of Stanton Tip without affecting the stability of the whole tip, or without re-profiling the tip with a batter and hence taking more land for development. I acknowledge that criterion b) of the Policy requires ground investigation works that indicate further restoration is feasible. However, if it is not feasible or economically viable to develop the site, then the proposed housing and employment development figures cannot be relied upon within the Plan. But, it is worth retaining Policy MU9 because of the potential to develop the site.

5.31.7 (155X 179) So far as housing figures are concerned, for those mixed use sites in the City Centre and the regeneration zones, an overall assessment is included in the housing figures (City Centre 2631 dwellings, Waterside RZ 1000 dwellings, Eastside RZ 305, Southside RZ 274 dwellings, plus there is an assumption that MU9 will yield 200 dwellings). Given that all the individual sites will involve a mix of uses that in many cases has yet to be determined, and a variety of options of different mixes and proportions would be acceptable in development terms, it is unrealistic and potentially misleading to allocate specific figures to individual sites. Nevertheless, as I have pointed out, the 200 dwellings proposed for MU9 should not be included in the housing figures assessment.

## RECOMMENDATIONS

Modify the Local Plan so that no reliance is placed upon the potential housing and employment development figures at Stanton Tip.

Modify Policy MU9 of the Local Plan to include a further criterion:

**g) The submission of a Transport Assessment.**

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## 6. SHOPPING AND TOWN CENTRES

### 6.1 OBJECTIONS WHICH DO NOT RELATE TO A SPECIFIC POLICY

#### The Objections

156X 298	Mr Holroyde, Leicester City Council
276X 382	Mr Burnett, Littman & Robeson
342X 627	Mr Warren, The Peoples College
339X 1046	Broadmarsh General Retail Partner Ltd
339X 1057	Broadmarsh General Retail Partner Ltd
346X 1076	Tesco Stores Ltd

#### Objections to Proposed Changes

299X 2287	Mr Scholter, Aldergate Properties Ltd
346X 2300	Tesco Stores Ltd
155X 2342	Mr Johnson, CPRE ( Nottinghamshire)
220X 2343	B&Q PLC

#### Issues

- a) Interpretation of sequential test/approach - City Centre and District Centres.
- b) PPG6 advises Local Authorities to undertake up-to-date assessments for the need for new retail development. Since no such assessment has been undertaken the Plan cannot therefore substantiate comments about the demand for floorspace.
- c) Review and re-designate centres to fit PPG6 definitions of Town Centre
- d) Seek designation for retail use for Peoples College Carlton Road site.
- e) More emphasis on qualitative aspects of short stay parking for shoppers.
- f) Merge the two sites under S2 on Proposals Map
- g) Disagree with Capacity Study conclusions – refer to it as a guide only or delete.
- h) Capacity Study floorspace projection excessive. Likely demand should be included.

#### Inspector's Reasoning and Conclusions

6.1.1 Objection 156X 298 is met by Further Proposed Change FPC\S09 which adds a new paragraph to the supporting text of Policy S5 before paragraph 5.24 to interpret the sequential test/approach.

6.1.2 (276X 382) A Retail Capacity Study (the Greater Nottingham Retail Study) was commissioned and reported before the Revised Deposit Draft. I am satisfied that this informed the Local Plan Retail Capacity section (paragraphs 5.7-5.9) which was re-written in line with the findings of the report (Revision No. S.002). The Greater Nottingham Retail Study gives guidance to policy formulation, and is not intended to be a development control tool.

6.1.3 (346X 1076, 346X 2300) Furthermore, the Study has provided guidance on the role, function and relative importance of centres, and this guidance is reflected in the Local Plan. Whilst these factors can change over time, the Study concludes that the existing hierarchy is appropriate for the Plan but it makes no specific reference to Local Centres. The City Council says that this conclusion has been adopted in the Local Plan on the understanding that no Local

Centres were deemed to merit changing their status to District Centres.

6.1.4 However, it seems to me that confusion has arisen because the terminology used in the Local Plan differs from that in the Glossary of Terms in Annex A of PPG6. In particular, the Local Plan places a different meaning on the terms 'District Centre' and 'Local Centre'.

6.1.5 As stated in paragraph 5.4 of the Plan, the four 'District Centres' (Bulwell, Sherwood, Hyson Green and Clifton) defined in the Local Plan correspond to PPG6 'town centres' which provide a broad range of facilities and services and act as a focus for both the community and for public transport. But, the term *district centres* has a specific and different meaning in PPG6, which places them lower down the hierarchy than *town centres*. Indeed, PPG 6 goes on to say that in large cities outside the central area the principal shopping centres usually perform the role of town centres and these are usually complemented by *district centres*. To avoid confusion, and to be consistent with PPG6, the four 'District Centres' (Bulwell, Sherwood, Hyson Green and Clifton) might be better described as 'town centres' or 'sub-urban centres' and I recommend the latter.

6.1.6 Similarly, paragraph 5.5 of the Plan says that "The Local Centres vary in size but correspond to the definition of district or local centres in PPG6, according to the services and facilities they provide". Thus, the Local Plan groups together the centres described as district or local in PPG6. But, the range of sizes of the Local Plan's 'Local Centres' is accommodated within Policy S4, which I consider to be suitably flexible to allow for the differences between Local Centres of different sizes, and the level of development that would be deemed appropriate. Moreover, the Local Plan's definition of 'Local Centres' would be clearer if the centres at Bulwell, Sherwood, Hyson Green and Clifton were described as something other than 'District Centres'.

6.1.7 The City Council has acknowledged that its 'Local Centres' of Top Valley and Alfreton Road both fit within the 'district centre' definition of PPG6. However, the City Council recognises that centres can change their position in the hierarchy over time. And, rather than consider 2 'Local Centres' in isolation from all the other similarly defined centres in the Plan, the City Council proposes to undertake a re-assessment of all of the centres within Nottingham against PPG 6 criteria following the adoption of this Local Plan, as part of preparing a Local Development Framework. Given the flexibility within Policy S4 and the relatively short Plan period, this seems to me to be a reasonable approach, particularly if the Plan is modified to remove the confusion over what is meant by 'District Centres'. I see no merit in delaying the adoption of this Plan whilst a re-assessment is carried out.

6.1.8 (342X 627) In my view, the site of the People's College is not appropriate for retail development as it does not accord with policies seeking to sustain and enhance vitality and viability of existing centres by focussing retail development within them, in particular Policy S5. Moreover, development in this location would not accord with government guidance set out in PPG6 and subsequent clarifications (parliamentary statement 10 April 2003).

6.1.9 (339X 1046) City Centre car parks are covered by Policy T15. And, I consider that the detailed qualitative aspects of public car parks are a matter of detail which is not appropriate for inclusion in a Local Plan. However, I note that a reference to T15 has been added to supporting paragraph 5.18 of Policy S2 in the Revised Deposit Draft (Revision No. S.011) '*Car parking issues are considered in the context of Policy T15*'.

6.1.10 (339X 1057) The City Council agreed that a change to the Proposals Map was required in response to objections to the First Deposit Draft. As a result, the Revised Deposit Draft shows S2 (Broad Marsh development) sites merged into one site on the Proposals Map (modification S.049). However, due to a drafting error, the site boundary does not quite follow the plans approved by the Council. To ensure accuracy, a Further Proposed Change (FPCS\06) redrafts

the site boundary to accurately reflect the area of the proposed development.

6.1.11 (220X 2343) The Greater Nottingham Retail Study (GNRS) gives guidance to policy formulation, and is not intended to be a development control tool. Its broad conclusion is that there is limited capacity for further Retail Warehouse development in Greater Nottingham and the City. On this basis, it advises that further provision of sites (by way of allocations in the Plan) are unnecessary. It does not rule out further Retail Warehouse development completely, but given the lack of identified capacity, suggests PPG6 criteria (embodied in Policy S5) be used to judge any applications.

6.1.12 The City Council says that as part of any need assessment accompanying a planning application for edge or out-of-centre retailing, it would expect reference to be made to the findings of the Study, and a justification for the individual proposal in relation to the overall findings. I therefore consider that it would be helpful if this was indicated at the end of supporting paragraph 5.7.

6.1.13 Objection 220X 2343 does not accept the findings of GNRS as it does not consider specific sectors within retail business (e.g. the DIY sector). However, given the purposes of the study, outlined above, its broad brush approach to product categories within retail is consistent with PPG6, which refers to bulky goods rather than to DIY stores, which are only one of a number of parts of the Retail Warehouse Sector.

6.1.14 When considering the finding of any sectoral or catchment area based assessments, I accept that the City Council has a duty to take an overview of similar development across the urban area. Moreover, PPG6 at paragraph 4.15 requires LPAs to consider not only the incremental effects of the new development on existing centres, but the likely cumulative effects of recently completed developments and of outstanding planning permissions in the catchment areas of these centres. Therefore, although each proposal would be taken on its own merits, these will need to be assessed in the light of these cumulative effects.

6.1.15 Objection 155X 2342 considers that the GNRS floorspace projection is excessive and that the likely demand should be included. However, Nottingham is one of the top ranked shopping centres in the Country. Further retail development is essential in order to modernise and expand the retail offer of the City, and to ensure it maintains its regional role. This would be in line with the strategic objectives of the Local Plan, especially Policy ST3 and the City Council's strategy of ensuring that Nottingham develops into a City of European importance. Proposals to expand the retail floorspace of the City are therefore proposed at Broadmarsh (66,887 sqm net increase in floorspace with outline planning permission) and at Trinity Square (17,514 sqm as a current application).

6.1.16 Currently, there is very strong demand from retailers seeking additional floorspace. The potential to increase the City centre's capacity was identified in the Greater Nottingham Retail Study. This extra floorspace could be accommodated without detriment to the existing floorspace since it is aimed at increasing Nottingham's share of the regional market following an appropriate high quality type of redevelopment, which will of itself generate more demand. The Study concluded that capacity and demand are balanced by the end of the Plan period.

6.1.17 Much of the demand for new floorspace is not able to be accommodated within the existing stock, because much existing floorspace in the City centre is poorly configured for modern retail needs. New development will address this qualitative deficiency, involving larger format stores designed to enhance the regional attractiveness of Nottingham and extend its catchment. Such development is not of the same nature as that which supports the district [sub-urban] centres which have a more local catchment, and serve a different role within the shopping hierarchy.

## RECOMMENDATIONS

Modify the Local Plan so that Bulwell, Sherwood, Hyson Green and Clifton are defined in accordance with PPG6 as 'sub-urban centres' (or 'town centres' ) rather than 'District Centres'.

Modify paragraph 5.4 of the Local Plan to say:-

**5.4 The boundaries of the City Centre, the four Sub-urban Centres (Bulwell, Sherwood, Hyson Green and Clifton) and the Local Centres, which form the City's hierarchy of traditional shopping centres, are defined on the Proposals Map. The City Centre and the four Sub-urban centres are considered to act as town centres, as defined in PPG6, whereby they are the focus for shopping, services, leisure, community activities and public transport and are locations where mixed use development should be encouraged. Their boundaries therefore cover a wider area than the main shopping areas. The main shopping area is defined by the extent of the Primary Shopping Frontages in the City Centre and by the Sub-urban Centre Shopping Areas [these constitute the 'central area' and 'town centres' for PPG6 retail purposes (PPG6 section 2 – definition of town centres)] and Local Centre Shopping Areas elsewhere.**

Modify paragraph 5.6 of the Local Plan to say:-

**5.6 Within all of these Centres the principle of retail development is acceptable. The location of a range of other services and facilities in these Centres is also very important, extending their function and contributing towards sustainability by facilitating linked trips. The Sub-urban Centres, in particular, are well placed to play a vital role in the realisation of sustainable communities, provided that their attractiveness and convenience for shoppers is enhanced and development opportunities maximised. They are also accessible locations for sports, leisure, entertainment and arts facilities and Policy R7 in the Recreation and Leisure Chapter refers to the development of such facilities in both the City Centre and the Sub-urban Centres.**

Modify the Local Plan by adding a sentence at the end of paragraph 5.7 to say that any need assessment accompanying a planning application for edge or out of centre retailing should make reference to the findings of the Study, and a justification for the individual proposal in relation to the overall findings.

Modify the Proposals Map of the Local Plan in accordance with Further Proposed Change FPCS\06 so that the Broadmarsh Centre boundary is redrawn to reflect the Planning Application Area (see map in Appendix 1)

Modify the Local Plan in accordance with Further Proposed Change FPCS\09 which adds a new paragraph to the supporting text of Policy S5 before paragraph 5.24:

**The sequential approach to site selection does not seek the accommodation of all new development within or on the edge of the City Centre, but seeks to ensure development is guided to the appropriate level in the hierarchy. The City Council does, however, wish to maintain the primacy of the City Centre. For development that serves a City-wide catchment or greater, the first preference is the City Centre followed by edge of City Centre sites. District Centres are also preferred locations for development that would serve their catchment and this should be met within the appropriate District Centre or failing that on its edge. Local Centres are preferred locations for development that would serve a local catchment. Only if, after taking account of flexibility of format, development cannot be accommodated within or adjacent to the appropriate centre, should out of centre sites be considered.**

.Modify the Local Plan by adding a sentence at the end of paragraph 5.7:- **As part of any need assessment accompanying a planning application for edge or out of centre retailing, a**

reference is expected to be made to the findings of the Greater Nottingham Retail Study, and a justification for the individual proposal in relation to the overall findings.

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## 6.2 S1 NEW RETAIL DEVELOPMENT IN THE CITY CENTRE

### Objections

199X 322	WM Morrison Supermarkets plc
299X 917	Mr Scholter, Aldergate Properties Ltd
339X 1050	Broadmarsh General Retail Partner Ltd

### Objections to Proposed Changes

558X 2238	Sneinton Market Developments Ltd
579X 2277*	Sainsbury's Supermarkets Ltd
199X 2409*	WM Morrison Supermarkets plc

### Issues

- Object to revision removing the presumption in favour of devt. in existing centres.
- Unclear if proposals must satisfy all criteria under this policy.
- Criteria of Policy S1 should be deleted and referred to in supporting text.
- Suggest reference to A1, A2 and A3 for retail developments.
- Object to revision - criteria should refer to enabling regeneration.

### Inspector's Reasoning and Conclusions

6.2.1 The Council agrees that the Revised Deposit Draft version of Policy S1 has lost its 'presumption in favour' of retail development in the City Centre when compared to the First Deposit Draft. Objections 199X 2409 and 579X 2277 are met if the first sentence is reworded to reinstate that intention. But, in my view, there needs to be a clearer spatial definition of where that presumption applies. I agree with the City Council that it would not be appropriate to apply that presumption to the whole of the City Centre Inset Boundary which includes areas well outside the retail centre in PPG6 terms of distance and obstacles to free pedestrian flows. Retail development in those areas would not generally provide the benefits to the retail core which the policy criteria require. A policy with 'presumption in favour' and criteria which are all aimed at retail core enhancement would have internal conflicts when applied to an area more appropriate to 'edge or out of centre' retail uses. It could act against the PPG6 aims of enhancing the vitality and viability of the City Centre. Therefore, I endorse the City Council's proposal to define the retail centre using the Primary Shopping Frontages. This will require revision to a sentence in the Introduction to this chapter as well as the change to Policy S1.

6.2.2 I note that the redevelopment of the Broadmarsh Centre and the Trinity Square area for retail are progressing and becoming commitments. Therefore, it is possible to identify where, within those developments, the new Primary Shopping Frontages will be established. I would expect both developments to be complete and well established by 2011, the end date of this Plan. Consequently, it would be appropriate to include those Primary Shopping Frontages on the Proposals Map.

6.2.3 Allied to this, I understand that the Primary Shopping Frontages on Carrington Street between the Railway Station and the Broadmarsh Centre are proposed to be deleted as the

changes to the Broadmarsh Centre and the traffic circulation system on Canal Street will create a new quite definitive edge to the City Centre main shopping area. The Carrington Street frontages has been increasingly marginalised with the type of retail uses occupying them. The City Council expects this to accelerate with the advent of the Broadmarsh redevelopment, providing a firmer edge to the centre. I therefore recommend that the Proposals Map be modified in accordance with FPCS\04.

6.2.4 (299X 917) The criteria set out the considerations that will inform planning decisions. If they were included as supporting text only, they would carry less weight. Nottingham is one of the highest ranked shopping centres in the country, but despite this has not had significant retail investment for some years. It appears that there is a shortage of larger units suitable for 'flagship' stores. Whilst encouraging the development of units which meet this need, there is also a need to ensure that the historic environment of the City Centre is not damaged by new development, since much of the core is retail development. The other criteria are included to ensure the vitality and viability of the City Centre are maintained and enhanced in line with the objectives of PPG6. I consider that the criteria are important in achieving these aims.

6.2.5 Since all criteria need to be satisfied in the policy 'and' should be included at the end of the penultimate criterion i.e. at the end of criterion (d) in accordance with Further Proposed Change FPCS\03. Objections 199X 322 and 199X 2409 would then be met.

6.2.6 Objection 339X 1050 considers that the reference to retail development in supporting paragraph 5.16 should be broadened to include A2 and A3 uses as each is expected to be found in a City Centre and would enhance its vitality and viability. The City Council agrees that A2 and A3 uses are important in maintaining the vitality and viability of the City Centre and this has been reflected in Revised Deposit Draft Modification S.008. However, Policy S1 concerns shopping specifically and therefore I agree with the City Council that Policy S1 should maintain its emphasis on A1 retailing as the major use.

6.2.7 Objection 558X 2238 seeks the inclusion of an additional criterion to Policy S1 referring to enabling development and regeneration. However, I am satisfied that the existing criteria adequately cover regeneration issues in terms of retail development within the primary shopping frontages and improvements to the vitality and attractiveness of the City Centre (subject to Further Proposed Change FPCS\02). I do not consider that the proposed criterion would add clarity to the Policy.

## RECOMMENDATIONS

Reword the first sentence of Policy S1 in accordance with Further Proposed Change FPCS\02:-

**Planning permission for retail development within the Primary Shopping frontages, defined on the Proposals Map, will normally be granted having regard to the following considerations:-**

Modify the Plan in accordance with Further Proposed Change FPCS\03 by adding "and" at end of criterion d).

Modify the Proposals Map of the Local Plan in accordance with FPCS\04 – the addition of frontages within the proposed Broad Marsh and Trinity Square redevelopment areas and removal of frontages on Carrington Street.

### 6.3 S2 BROAD MARSH CENTRE

#### Objections

188X 246                      Ms Sparkes, Redevco Ltd  
339X 1053                    Broadmarsh General Retail Partner Ltd

#### Issues

- a) Policy or text should refer to consulting existing retailers
- b) Suggest reference in Policy S2 to the Proposals Map.

#### Inspector's Reasoning and Conclusions

6.3.1 The Broad Marsh expansion already has outline planning permission, which I understand has been the subject of widespread consultation. Moreover, the publication of the draft Local Plan and the Development Brief provided further opportunities to comment. The submission of the new outline planning application was accompanied by a large scale consultation carried out by the developers and provided opportunity for further comment on the details of the proposals direct to the developers. I note first, that it is not appropriate to make reference in a Local Plan to consultation, as it is a matter of detail. Secondly, in any event, any consultation will be completed before the Plan reaches adoption.

6.3.2 The City Council has agreed that there should be a reference in Policy S2 to the Proposals Map to be consistent with other policies. Therefore, modification No. S.009 of the Revised Deposit Draft added 'as shown on the Proposals Map' to Policy S2.

### RECOMMENDATIONS

No modification.

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### 6.4 S3 THE VICTORIA CENTRE

#### Objections

274X 525                      Mr Van der Reijden, Dusco Asset Management

#### Issues

- a) Proposals Map should show Newcastle Street as part of S3

#### Inspector's Reasoning and Conclusions

6.4.1 The site for S3 shown on the Proposals Map was redrawn and a reference to the existence of a current planning permission was added to the supporting text (Revised Deposit Draft Modification No. S.012)

## RECOMMENDATIONS

No modification.

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## 6.5 S4 NEW RETAIL DEVELOPMENT IN DISTRICT AND LOCAL CENTRES

### Objections

26X 18*	Mr Stathers, The Boots Company
191X 260	McDonalds Restaurants
199X 321	WM Morrison Supermarkets plc
299X 920	Mr Scholter, Aldergate Properties Ltd
346X 1072	Tesco Stores Ltd

### Objections to Proposed Changes

579X 2278*	Sainsbury's Supermarkets Ltd
299X 2288	Mr Scholter, Aldergate Properties Ltd
199X 2410*	WM Morrison Supermarkets plc

### Issues

- Strategy and action plan required to ensure the District Centres are improved.
- Policy should include Springfield Retail Park in Bulwell District Centre or in its own right.
- Policy S4 (b) should reflect the changing role, function and importance of centres over time.
- Planned compactness of centre already marked on Proposals Map. Delete criteria (a) and (b).
- Delete criteria.
- Suggest re-assess the retail hierarchy in policy S4
- Object to revision removing the presumption in favour of devt. in existing centres

### Inspector's Reasoning and Conclusions

6.5.1 The City Council recognises that Springfield is a significant area of retailing but it has not been defined as a Local or District Centre [Sub-urban Centre], and therefore it is not shown on the Proposals Map. No policies directly refer to Retail Warehouse Parks. Therefore it is inappropriate to show them as a designation on the Proposals Map. Since Springfield Retail park does not functionally form part of Bulwell District Centre, I do not consider it appropriate to apply Policy S4 to this area.

6.5.2 (346X 1072, 199X 321) I have already concluded at Section 6.1 first, that Bulwell, Sherwood, Hyson Green and Clifton should be described as something other than 'District Centres' eg 'Town Centres' or 'Sub-urban Centres'. Secondly, that the range of sizes of the Local Plan's 'Local Centres' is accommodated within Policy S4, which I consider to be suitably flexible to allow for the differences between Local Centres of different sizes, and the level of development that would be deemed appropriate. Finally, that it would be reasonable for the City Council to undertake a re-assessment of all of the centres within Nottingham against PPG 6 criteria following the adoption of this Local Plan, as part of preparing a Local Development Framework rather than delay the adoption of this Plan whilst a re-assessment is carried out.

*Criterion a)*

6.5.3 The District Centres [Sub-urban Centres] on the Proposals Map are drawn to reflect other functions of the Centres as well as shopping. The main shopping areas are shown as a blue shade, whilst the wider District [Sub-urban] Centres are shown with a blue boundary. This accords with the definition of town centres in PPG6, which does not prescribe that all areas within town centres are suitable for retail development. There are areas within the District Centres [Sub-urban Centres] as defined by the Plan which would be inappropriate for retail use, but, nonetheless are a valid use to include within a Centre, and add to its vitality and viability, whilst also enabling linked journeys to be made.

6.5.4 The City Council cites an example in Hyson Green where the area to the west of the shopping area is currently occupied by health facilities which are clearly part of the centre. However, it would not wish to see retail development in this location, as the centre is already fragmented and declining in parts. New development would be likely to exacerbate this process. I therefore concur with the Council that maintaining the compactness of the shopping areas of District [Sub-urban] Centres is a valid consideration which will help to meet the objectives set out in PPG6 at paragraph 1.1.

*Criterion b)*

6.5.5 I have already concluded that GNRS has provided guidance on the role, function and relative importance of centres, and this guidance is reflected in the Local Plan. Whilst these factors can change over time, the Study concludes that the existing hierarchy is appropriate for the Plan.

6.5.6 I do not consider it necessary to add text from PPG 6 into the Plan as this will already be taken into account as Government Guidance and would not add clarity to the Plan.

6.5.7 Many Local Centres serve narrow catchments and development which significantly enlarge their role, particularly by increasing car based journeys from further afield, would be inappropriate. Criterion b) ensures that new development reflects the relative role and function of each centre within the overall hierarchy. It is therefore particularly important in the Local Centres, where the potential for inappropriate development is greatest.

*Criteria c) and d)*

6.5.8 Criteria c) and d) relate to the requirement for development in a Centre to enhance its vitality and improve the environment of the Centre. They were added to Policy S4 to reflect the approach taken to S1 for the City Centre and they provide further guidance to applicants as to the qualitative issues which will be considered in determining applications within District [Sub-urban] Centres. They were included in response to GOEM's objection. They add weight to the existing supporting text regarding the Council's commitment to the enhancement and revitalisation of the Centres in line with the guidance in PPG6. I therefore, find no reason to delete any of the criteria to Policy S4.

6.5.9 The Council agrees that in the Revised Deposit Draft, Policy S4 has lost its 'presumption in favour' of retail development in District [Sub-urban] and Local Centres. Objections 579X 2278 and 199X 2410 are met if the first sentence of Policy S4 is reworded to re-instate that intention as proposed by FPCS\05 but in the light of my earlier conclusions 'District Centres' should be referred to as 'Sub-urban Centres'.

## **RECOMMENDATIONS**

Modify the Local Plan so that the first sentence of Policy S4 is reworded to say:

**Planning permission for retail development within the Sub-urban Centres and Local Shopping Centres, defined on the Proposals Map, will normally be granted having regard to the following considerations:**

Modify paragraph 5.21 of the Local Plan to say:-

**5.21 The four Sub-urban Centres – Bulwell, Clifton, Hyson Green and Sherwood – fulfil similar functions although they do differ in scale and character. The City Council has produced a Performance Indicators Report for each Sub-urban Centre in accordance with the recommendations in PPG6. These provide detailed information on each Centre which allows a ‘health check’ to be made on its performance as a retail centre. It is intended that these reports will be updated regularly to help identify progress or problems and the resources needed to address them. The City Council is committed to encouraging the enhancement and revitalisation of these Centres. Strategies to improve the accessibility, environmental quality and safety of the Sub-urban Centres will be produced.**

Modify paragraph 5.22 of the Local Plan to say:-

**5.22 Hyson Green Sub-urban Centre has been in decline for many years but there are some indications that the situation has been improving more recently. The City Council has implemented a policy of encouraging conversion of vacant shop units to residential use towards the northern and southern peripheries of the Centre in order to concentrate the shopping frontages into a compact area more closely related to the major shops and community facilities. The boundaries of the Sub-urban Centre on the Proposals Map have been redefined to reflect this.**

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## 6.6 S5 NEW RETAIL DEVELOPMENT ON THE EDGE OF OR OUTSIDE EXISTING CENTRES

### Objections

156x 298	Leicester City Council
168X 211	Mr Hume, Bride Hall Developments Ltd
192X 267	GHP Group Limited
276X 383	Mr Burnett, Littman & Robeson
299X 918	Mr Scholter, Aldergate Properties Ltd
323X 954	Mr Lee, Friends of the Earth

### Objections to Proposed Changes

549X 2213	J E Chettle Ltd
579X 2279*	Sainsbury's Supermarkets Ltd
299X 2294	Mr Scholter, Aldergate Properties Ltd
299X 2295	Mr Scholter, Aldergate Properties Ltd
346X 2301	Tesco Stores Ltd
220X 2344	B&Q PLC

### Issues

- Unclear how sequential test/approach will be interpreted in terms of the City Centre vis a vis the District Centres and maintaining a shopping hierarchy.
- More Retail Warehousing needed. Proposes Reg Vardy Site on Castle Bridge Road.

- c) Should be stronger commitment to opposing out of centre retailing.
- d) Viability of sites should be a factor in the sequential approach. Sites can be made accessible.
- e) Criterion a) should clarify that proposals will only be unacceptable where they risk undermining the Development Plan Strategy. Cumulative impact should refer to 'commitments' and not 'other proposals'.
- f) Criterion b) should refer to the ability of sites to be more accessible by new public transport provision.
- g) Policy should clarify that existing out of centre retail locations will be preferred over new out of centre locations for new development, in the interests of sustainability.
- h) Criterion c) of policy S5 and text should reflect MU4 on brownfield sites.
- i) Criterion c) is unnecessary. Para 5.27 should be deleted.
- j) S5 d) not in accordance with PPG6. Suggest its deletion or justification.
- k) Policy should clarify that not applicable to small scale convenience, relate sequential approach to Local Centres.
- l) Object to "need" assessment for retail elements of comprehensive regeneration.

### **Inspector's Reasoning and Conclusions**

6.6.1 In the light of my earlier conclusions the wording of the policy needs to be modified in respect of the 'District Centres' to read 'Sub-urban Centres'.

#### *Retail hierarchy*

6.6.2 Policy S5 directs retail development to the defined centres, whilst Policy S4 ensures that development proposed for District [Sub-urban] or Local Centres is of an appropriate scale to those centres. The sequential approach in Policy S5 takes City Centre and District [Sub-urban] Centre as the first preference followed by the edge of those centres, and thirdly within Local Centres. Development would have to be appropriate in scale and type of retail for the particular centre. Some development while appropriate for City Centre or edge of City Centre would not be appropriate for District [Sub-urban] Centres or edge of Districts [Sub-urban Centres]. I consider that this issue would be clarified by Further Proposed Change FPCS\09.

6.6.3 GNRS identifies only limited capacity for further out of centre retail warehouse development. I do not therefore consider it appropriate to allocate further sites for retail warehousing. Planning permission on the Reg Vardy site has been allowed on appeal, so this will further reduce available capacity in Greater Nottingham. Applications for new retail development outside existing centres will be considered against Policy S5 which provides appropriate protection to existing centres.

6.6.4 In my view, the retail policies accord with government guidance in PPG6 and subsequent Ministerial statements which seek to enhance the vitality and viability of existing centres, with a strong preference for retail development in centres, unless a series of tests can be met.

6.6.5 The City Council agrees that viability can be a factor in the sequential approach. But, I am satisfied that the word 'suitable' in the Policy allows for consideration of viability.

#### *Criterion a)*

6.6.6 I do not agree with the City Council that criterion a) adequately expresses the aim of ensuring that proposals 'do not impact' on the strategy and objectives of the Local Plan. It says 'the extent to which the proposal would impact' which suggests that some impact would be acceptable. It therefore needs to be re-worded.

6.6.7 'Commitments' are defined by the Plan as land with extant planning permissions, whereas 'proposals' can include sites awaiting a decision or identified in Development Briefs. I

agree with the Council that when considering cumulative impacts it is important to take into account all potential developments which may come forward in a reasonable timescale and contribute to that impact. Therefore, 'other proposals' should not be replaced with the word 'commitments'.

*Criterion b)*

6.6.8 Criterion b) aims to ensure that new retail development takes place in accessible locations. Objection 276X 383 which concerns the ability of sites to be made accessible by new public transport provision, has been met by Revised Deposit Draft Revision No. S.017. Policy S5 seeks to direct new retail growth to accessible locations. Therefore, it is not always appropriate to develop further retail facilities at existing retail locations – it is the accessibility that is the key issue. This point is met by FPCS\07 (see below).

*Criterion c)*

6.6.9 Objection 192X 267 in respect of further clarification over the development of brownfield sites is met by Revised Deposit Draft Revision No. S.024.

6.6.10 (299X 2295) PPG6 and subsequent clarifications make it clear that regeneration cannot be part of the 'need' for retail development. But, regeneration is one of the key priorities of this Local Plan as set out at paragraph 1.4 of the Strategy Chapter. I therefore consider it to be an important material consideration, in a Nottingham context. Thus it is important to include criterion c) in the text of the policy itself.

6.6.11 The way the policy is worded does not require regeneration to be a pre-requisite of out of centre retail development, since it is only one criterion against which development will be considered. Neither would regeneration benefits supplant the sequential approach because this would have to be undertaken prior to consideration of the criteria.

*Reason for inclusion of criterion d)*

6.6.12 The sequential approach, as advocated by PPG6, requires retail development to be located first within centres. If no suitable sites are available, then edge-of-centre sites can be considered. Only if no suitable sites are available in these locations can out-of-centre locations be considered. However, PPG6 does not then go on to differentiate between sites which fall within the categories of out-of-centre or edge-of-centre. Therefore, when competing sites exist within one or other of these categories, there is a possibility that the less appropriate site could be developed. Criterion d) addresses this problem by stating that, where more than one site is available for retail development, the site which best meets the criteria a) to d) will be preferred. Moreover, it accords with paragraph 1.14 of PPG6 which encourages criteria based policies to enable decisions to be made on sites which become available after a Local Plan has been adopted

6.6.13 It seems to me, therefore, that the inclusion of criteria d) is both appropriate and necessary to meet the retail strategy of the City Council in this Local Plan. Moreover, it is consistent with the objective of PPG6 to encourage retail uses into existing shopping centres.

6.6.14 Objections 346X 2301 and 579X 2279 are met by Further Proposed Change FPCS\07 which clarifies criterion d).

6.6.15 The City Council agrees that Policy S5 should not apply to small scale convenience (ie food etc) shopping provision in areas of deficiency. This issue is already covered by the policy because it says 'where the need has been demonstrated'. And, by paragraph 5.24 of the supporting text which makes reference to 'the need for small-scale convenience shopping provision in areas of deficiency'. Nevertheless, I consider that FPCS\08 would further clarify the policy.

6.6.16 (549X 2213) 'Need' is a requirement of Government policy, as stated in PPG6 and subsequent clarifications, most recently the Parliamentary Statement of April 2003. Need for retail development must be established for all 'edge of centre' or 'out of centre' retail development, regardless of whether such development would also bring regeneration benefits. PPG6 is quite clear that retail uses are not to be used merely to bring about development, and that regeneration is not part of the 'need' for new retail development, although it can be a valid material consideration in coming to a planning decision. For this reason, the City Council has included criterion c) in Policy S5, to indicate that it regards regeneration benefits as a material consideration which carries significant weight in making decisions on retail development.

6.6.17 Retail development which facilitates regeneration (although a material consideration) cannot therefore be exempted from the requirements of PPG6 or Policy S5, even if it is included in a Development Brief. PPG12 which addresses Development Briefs states they should be supplementary to Local Plan policies but they should not embody the criteria of Development Control decisions, which should be included in the Local Plan.

6.6.18 Development Briefs for a site may indicate that a retail element to the development is acceptable, but this would still be subject to a 'need' test. Where Development Briefs set out a size of type of retailing, this indicates the upper level the City Council is likely to find acceptable, in terms of whether it serves a purely local need, the impact of the development and the sequential test of PPG6, but it cannot override the 'need' test.

## RECOMMENDATIONS

Modify the first 2 paragraphs of Policy S5 of the Local Plan to say:-

**Planning permission for new retail development outside existing centres will only be granted where the need for the development has been demonstrated and where no suitable sites are available firstly, within the City Centre or Sub-urban Centres or secondly, on the edge of the City Centre or Sub-urban Centres or within Local Centres.**

**Where the need for the development has been demonstrated and no suitable sites are available within Centres, planning applications for new retail development on the edge of or outside the City Centre or Sub-urban Centres, or outside Local Centres, will be considered against the following criteria:**

Modify the wording of criterion a) of Policy S5 of the Local Plan so that it adequately expresses the aim of ensuring that proposals 'do not impact' on the strategy and objectives of the Local Plan.

Modify the Local Plan in accordance with FPCS\09 by inserting a new paragraph of supporting text before paragraph 5.24:-

**The sequential approach to site selection does not seek the accommodation of all new development within or on the edge of the City Centre, but seeks to ensure development is guided to the appropriate level in the hierarchy. The City Council does, however, wish to maintain the primacy of the City Centre. For development that serves a City-wide catchment or greater, the first preference is the City Centre followed by edge of City Centre sites. Sub-urban Centres are also preferred locations for development that would serve their catchment and this should be met within the appropriate Sub-urban Centre or failing that on its edge. Local Centres are preferred locations for development that would serve a local catchment. Only if, after taking account of flexibility of format, development cannot be accommodated within or adjacent to the appropriate centre, should out of centre sites be considered.**

Modify the first sentence of paragraph 5.25 of the Local Plan to say:-

**Under criterion (a) of Policy S5, the City Council would have to be satisfied that the level of turnover and the pattern of trade from a proposal would not be to the detriment of the vitality and viability of shops in the City, Sub-urban or Local Centres or prejudice proposals for the expansion and improvement of those Centres.**

Add to the end of paragraph 5.27 (FPCS\07):

**The sequential test as promoted by PPG6 and the subsequent Ministerial clarifications deal with comparisons within and on the edge of centres. Although a development site may have been successfully sequentially tested against a centre, it may not be the most appropriate out of centre site. Other sites may be better located, more accessible or less of a threat to an existing centre. Extensions to existing out of centre developments may be preferable to completely new developments.**

Modify the Local Plan in accordance with FPCS\08 by adding to the first line of Policy S5 after 'retail development ':-

**(other than to meet purely local needs).**

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## 6.7 S6 NON-RETAIL USES

### Inspector's Reasoning and Conclusions

6.7.1 Although there are no objections to this policy, in the light of my earlier conclusions the wording of the policy needs to be modified in respect of the 'District Centres'.

### RECOMMENDATIONS

Modify the wording of Policy S6 of the Local Plan to say:-

**Within the primary shopping frontages in the City Centre, the shopping areas in the Sub-urban Centres and within the Local Centres, shown on the Proposals Map, planning permission will be granted for change of use from shops (Class A1) to other uses where the proposed use is not detrimental to the vitality and viability of the City Centre, Sub-urban Centre or Local Centre and the predominantly shopping character of the frontage. The assessment of the proposal will involve consideration of:**

Modify the wording of the second sentence of paragraph 5.33 of the Local Plan to say:-

**Policy S6 aims to retain shopping uses (Use Class A1) in the primary retail frontages in the City Centre and a high proportion of such uses in the shopping areas of the Sub-urban Centres and within Local Centres.**

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## 6.8 S7 FOOD AND DRINK

### Objections

299X 921

Mr Scholter, Aldergate Properties Ltd

## Objections to Proposed Changes

299X 2296      Mr Scholter, Aldergate Properties Ltd

### Issues

- a) S7 does not recognise the special needs of drive-thru restaurants.
- b) Not a planning function to prevent 'anti social behaviour'. Reference should be deleted.

### Inspector's Reasoning and Conclusions

6.8.1 In the light of my earlier conclusions the wording of the paragraph 5.34 needs to be modified in respect of the 'District Centres'.

6.8.2 In my view, the issue of local needs is dealt with adequately by Policy S7. If an A3/leisure use were to serve a local need, it would not be described as a 'key town centre use' ie one that generates a large number of trips

6.8.3 Drive-through restaurants are A3 uses which attract large numbers of users and have the potential to lead to significant additional car journeys. As such, they would be considered to be a key town centre use. If located outside of a designated Centre, they would be subject to the sequential test in Policy S5 to ensure their location is sustainable and accessible. District [Sub-urban] Centres provide opportunities for linked trips and they are all highly accessible by public transport, walking and cycling. One of the objectives of the Plan is to ensure District [Sub-urban] Centres remain at the heart of sustainable communities. They are therefore the most appropriate locations for new A3 uses, including drive-through restaurants.

6.8.4 Late night uses and licensed premises can give rise to anti-social behaviour which goes beyond amenity issues normally covered by land use planning. In particular, larger venues and groups of licensed premises. It appears that this is a problem that has grown significantly over recent years in the City Centre and is increasing in some District [Sub-urban] Centres. I accept that the City Council has a duty under the Crime and Disorder Act to protect the public and that the planning system can have a role in discharging this duty. Therefore, it is not unreasonable to expect A3 developments to address anti-social behaviour issues resulting from their premises. Consequently, I consider it appropriate to use section 106 agreements to ensure good management practice and put in place measures to limit anti-social behaviour e.g. CCTV since they can allow a development, which may otherwise be refused, to be granted planning permission.

6.8.5 Although not raised at the Inquiry, the City Council may need to re-word Policy S7 and the supporting text in the light of any forthcoming changes to the Use Classes Order.

### RECOMMENDATIONS

Modify the last line of paragraph 5.34 of the Local Plan to say:-

**Sub-urban Centres and, for small scale facilities serving a local catchment, Local Centres.**

Modify the Local Plan in respect of any changes to the Use Classes Order.

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## 6.9 S8 HIGH OCCUPANCY LICENSED PREMISES

### Objections to Proposed Changes

299X 2289 Mr Scholter, Aldergate Properties Ltd

#### Issues

- a) Development doesn't cause behaviour patterns. Sufficient to provide that consideration will be given to effect on nearby residents' amenity.

#### Inspector's Reasoning and Conclusions

6.9.1 As I have already concluded, late night uses and licensed premises can give rise to anti-social behaviour which goes beyond amenity issues normally covered by land use planning. This is particularly the case with larger City venues which are the subject of Policy S8. It appears that this is a problem that has grown significantly over recent years. Therefore, it is not unreasonable to refer to anti social behaviour in the wording of Policy S8.

6.9.2 Although not raised at the Inquiry, the City Council may need to re-word Policy S8 and the supporting text in the light of any forthcoming changes to the Use Classes Order.

### RECOMMENDATIONS

No modification.

Modify the Local Plan in respect of any changes to the Use Classes Order.

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## 6.10 S9 FOOD AND DRINK USES

### Objections

299X 922 Mr Scholter, Aldergate Properties Ltd (formerly Policy S8)

#### Issues

- a) Policy is unnecessary. Presumption should be that hours are unrestricted in all centres.

#### Inspector's Reasoning and Conclusions

6.10.1 The City Council says that Policy S9 does not duplicate Policy S7 but it provides guidance for A3 uses which are also subject to Policy S7. However, it seems to me that if the information is guidance only and not policy it should be in the supporting text of Policy S7 or in Supplementary Planning Guidance (SPG).

6.10.2 In the light of my conclusions in respect of 'District Centres' criterion b) of Policy S9 needs to be modified.

6.10.3 Although not raised at the Inquiry, the City Council may need to re-word Policy S9 and the supporting text in the light of any forthcoming changes to the Use Classes Order.

## RECOMMENDATIONS

Modify the Local Plan by deleting Policy S9 and inserting a further paragraph of supporting text after paragraph 5.35:-

**Where planning permission is granted for food and drink uses (Use Class A3), planning conditions to control opening hours will be imposed having regard to the following guidelines:**

- a) **in the City Centre opening hours will not be restricted, with the exception of areas which have a significant residential presence in the vicinity;**
- b) **in Sub-urban Centres and in Local Shopping Centres on main radial route frontages permitted opening hours will normally be between 9.00am and 12.00 midnight.**

If the Council retains Policy S9, then criterion b) of Policy S9 of the Local Plan should be modified to say:-

**in Sub-urban Centres and in Local Shopping Centres on main radial route frontages permitted opening hours will be between 9.00am and 12.00 midnight.**

Modify the Local Plan in respect of any changes to the Use Classes Order.

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## 6.11 S10 USE OF UPPER FLOORS

### Inspector's Reasoning and Conclusions

6.11.1 Although there are no objections to this policy, in the light of my conclusions in respect of 'District Centres' Policy S10 needs to be modified.

## RECOMMENDATIONS

Modify the first line of Policy S10 to say:-

**In the City Centre, Sub-urban Centres and Local Shopping Centres**

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## 6.12 S11 MARKETS

### Inspector's Reasoning and Conclusions

6.12.1 Although there are no objections to this policy, in the light of my conclusions in respect of 'District Centres' Policy S11 and supporting paragraph 5.40 needs to be modified.

### RECOMMENDATIONS

Modify the first sentence of Policy S11 of the Local Plan to say:-

**Planning permission will be given for the establishment of new markets in, or adjacent to, the City Centre, Sub-urban Centres and Local Centres where:**

Modify the third sentence of paragraph 5.40 to say:-

**Appropriate locations for markets may be on car parks, pedestrian areas or other open space available within the Sub-urban or Local Centres subject to satisfactory dual use of the space.**

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## 6.13 S12 PETROL FILLING STATIONS

### Inspector's Reasoning and Conclusions

6.13.1 Although there are no objections to this policy, in the light of my conclusions in respect of 'District Centres' Policy S12 and supporting paragraph 5.41 needs to be modified.

### RECOMMENDATIONS

Modify criterion a) of Policy S12 of the Local Plan to say:-

**The development would not have a detrimental impact on the vitality or viability of any Sub-urban Centre or Local Shopping Centre;**

Modify the second sentence of paragraph 5.41 to say:-

**However this must be subsidiary to the primary use as a petrol filling station and careful consideration will be given to the impact of retail sales on Sub-urban or Local Centres in the vicinity.**

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## 7. RECREATION AND LEISURE

### 7.1 OBJECTIONS WHICH DO NOT RELATE TO A SPECIFIC POLICY

#### The Objections

371X 1034 Ms Perry

#### Objections to Proposed Changes

283X 2190\* Mrs Stowell, Sport England

#### Issues

- a) All the allotted recreation land, in existence now for 156 years as a result of the 1845 Inclosure Act, should be marked on the Proposals Map with a distinguishing colour and given a title that makes clear their joint status. Provides details of sites.
- b) Revised PPG17 'Open Space, Sport and Recreation' was published in July 2002. The reference in the Local Plan should be revised.

#### Inspector's Reasoning and Conclusions

7.1.1 (371X 1034) Policy BE14 of this Plan protects The Arboretum, Church and General Cemeteries, Highfields, Hungerhill Allotments (including Stonepit Coppice and Gorsey Close Gardens), Memorial Gardens at Trent Embankment and Wollaton Park which are Grade II listed in English Heritage's Register of Parks and Gardens of Special Interest'. This Register is a material consideration in the determination of planning applications. Nottingham Castle and Grounds are included within the Schedule of Ancient Monuments and lie within the Castle Conservation Area. Other parks and gardens, although not included in the Register, are locally important and valuable to residents. They are identified in the Open Space Network and defined on the Proposals Map, and they are protected by policies in the Recreation and Leisure Chapter. Accordingly, I agree with the City Council that the Local Plan therefore provides suitable safeguards for the protection of all open spaces within the City area and so I propose no change.

7.1.2 In response to the Sport England objection to PPG 17 reference, the City Council has agreed to add proposed change FPCRL\06 which appears to meet the concerns raised and I recommend accordingly.

#### RECOMMENDATIONS

Modify the Local Plan in accordance with FPCRL\06 to say:-

**6.3 Open space and sports and recreational facilities that are of particular value to a local community should be recognised and given protection by local authorities through appropriate policies in plans (Planning Policy Guidance Note (PPG) 17 'Planning for Open Space, Sport and Recreation' 2002). Revised PPG3 'Housing' states that local planning authorities should have clear policies for the protection of open space and playing fields, and new housing developments should incorporate sufficient provision where such spaces are not already adequately provided within easy access of new housing.**

**6.36 There is a need to locate these types of activities carefully as they are environmentally intrusive, particularly by way of noise generation. They may also require relatively large areas of land. Nottingham is largely built up with tightly constrained boundaries. Strategic housing and employment land requirements need to be accommodated, and suitable sites, such as degraded land, former mineral workings or set-aside farming land are not available. It is more likely that suitable sites will be found outside the conurbation. However, sites for more specialist sports, such as indoor go-karting, may be found during the Plan period and any proposals for this type of development would be assessed against the criteria above.**

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## 7.2 R1 DEVELOPMENT OF OPEN SPACE

**For list of Objections see Appendix R1 at the end of this chapter**

### **Issues**

- a) Amendments made to policy R1 in the Revised Deposit Draft significantly weaken the policy. The changes do not now provide a presumption in favour of retaining open space. The original wording of policy R1 should be reinstated.
- b) Open Space Network designations at Radford Bridge Road Allotments, land within the City Hospital site, land at Beeston Sidings, the playing fields at The People's College, land at The Basford Hall College site on Bagnall Road.
- c) Lack of Open Space Network designations at Robin Hood Chase, Springfield Pasture, Alexandra Park, land at Corporation Oaks and St. Ann's Hill
- d) Proposed development at the Forest Recreation Ground.
- e) Safeguarding of Queens Walk for the future line of the NET.
- f) The District Park Boundary, Green Belt and Open Space Network Designation at Greenwood Dale School should be retained.

### **Inspector's Reasoning and Conclusions**

#### ***Policy wording***

7.2.1 Policy R1 concerns the development of open space. I agree with the objectors that amendments made to policy R1 in the Revised Deposit Draft significantly weaken the policy. However, these objections would be overcome by FPCRL\01 which strengthens the presumption in favour of retaining open space. With a slight variation in wording, it reinstates the substance of the original wording of the first sentence of policy R1. It then helpfully sets out 5 criteria against which planning applications will be considered. The Council can then take a view on which criteria may or may not be relevant in the particular circumstances of the case.

#### ***The criteria***

The representation made on behalf of Friends of the Earth considers that there should be a clear presumption against development of existing open space and therefore only the first sentence of Policy R1 is supported. Another of the objectors thinks that criterion (d) of Policy R1 is adequately covered by criterion (b) and that it has been included to allow development at Forest Recreation Ground.

7.2.2 I note that FPCRL\01 does not propose to remove criterion (d) which allows the City

Council to consider the localised effects of new development proposed on small areas of larger open space. Furthermore, I would agree with the City Council that criterion (b) deals with the potential impact of any development on the Open Space Network as a whole, while criterion (d) primarily deals with the potential impact of any proposed development on the open space within which it is located. And, it seems to me, that there could be circumstances where a proposed development could have a localised impact but would not have a wider adverse impact on the integrity of the network as a whole. Therefore it seems reasonable to retain criterion (d) of Policy R1 as set out in FPCRL\01 to further protect the Open Space Network.

7.2.3 I agree with the City Council that the Local Plan should provide some flexibility to allow for the possibility of limited development of open space where it would be of benefit to the Open Space resource locally and/or in the City as a whole. For example, there may be instances where some open spaces are underused and undervalued and development of part of these spaces can ensure the remaining area is better used. In accordance with PPG17, areas of open space would not be built upon unless an assessment had been undertaken that has clearly shown that they were surplus to requirements. And, the City Council has already begun an assessment of need and an audit of existing open space for the City. This will enable the City Council to identify specific needs and quantitative and qualitative deficits or surpluses of open space, sports and recreational facilities.

7.2.4 In any event, development proposals would not be considered against individual policies in the Local Plan in isolation. It is likely that proposals involving open space designations, due to their nature and wildlife value, would also be subject to policies contained within the Natural Environment Chapter. As such, the Local Plan provides an appropriate level of protection against development of open space.

#### ***Radford Bridge Allotments site***

7.2.5 I agree with the objectors that the Radford Bridge Allotments site is underused as allotments. There appears to be only a small demand for allotments with just over a quarter of those available on this site being cultivated despite efforts of the owner's association to rent them. The site has become an eyesore because the allotments are almost all derelict, the site is becoming overgrown, it is vermin infested and attracts vandalism. The condition of the allotments and lack of public access means that the site no longer makes a valuable contribution to the Open Space Network.

7.2.6 As I note in the Housing Chapter, the proposal put forward by the objectors at Radford Bridge Allotments site would result in about 105 family homes; the retention of about 131 allotments, which would appear to be more than sufficient to meet the current needs of the area; an improvement to the remaining allotments which might by itself increase demand; and a much improved open space from both public and private vantage points. In addition, better use might be made of the allotments by the use of good design to reduce crime. As such, the proposal would make better use of the land which would accord with the aims of both PPG3 and PPG17 and with the aims and objectives of the Housing Background Paper. Consequently, I consider that the proposal would result in a number of benefits to the community which would outweigh the loss of open space (equivalent to the loss of about 90 allotments). Moreover, with the aid of a Development Brief, such a scheme would not be in conflict with Policies R1, R6 and NE1. In these circumstances, I consider that part of the Radford Bridge Allotments site could be deleted from the Open Space Network and could be included for residential use.

#### ***The City Hospital Site***

7.2.7 Objection is raised to the designation of land within the City Hospital as part of the Open Space Network. This was discussed at the previous Local Plan Inquiry. At that time, the health

authorities agreed to the designation. But, this was subject to the recognition that the open spaces within the hospital grounds have development potential provided that development respects the contribution that areas make as links within the Open Space Network.

7.2.8 In response to objection 153X 252 received from NHS Estates to the First Deposit Draft Local Plan, the Council removed some areas of open space from the Open Space Network in the Revised Deposit Draft (Revision No. R050a). In addition, Further Proposed Change FPCRL\02 would remove 2 more areas within the City Hospital Campus (indicated on Revision No. R.050b) from the Open Space Network (see map in Appendix 1).

7.2.9 Policy R1 is intended to be a strategic policy, and one which provides a presumption in favour of protecting open space across the whole of the City. It is not therefore intended to be unduly restrictive. I agree with the City Council that it would be inappropriate to detail the Open Space requirements for individual sites in Policy R1. Instead prominent sites would be best set out in Supplementary Planning Guidance (SPG).

7.2.10 In the case of the City Hospital, however, further details are given in Policy CE6. This policy supports and recognises the importance of the expansion of healthcare and associated facilities at the City Hospital. And, there are further proposed changes to the supporting text of Policy CE6 (FPCCE\01). The supporting text now states that the future development of the City Hospital site should be set out in SPG which will be jointly prepared by the relevant Health Service bodies and the City Council. This will ensure that future development at the City Hospital site will be sensitive to open spaces within the campus and their contribution to the Open Space Network.

7.2.11 My conclusion in response to the NHS Estates objections is that further proposed changes FPCCE\01 and FPCRL\02 appear to meet the concerns raised and I recommend accordingly.

### ***Beeston Sidings***

7.2.12 Network Rail objected to the allocation of Beeston Sidings as Open Space in the First Deposit and now welcome its removal from this designation and its inclusion under designation E2.15. The land is used for operational railway purposes and may be used for freight purposes.

### ***The People's College***

7.2.13 The housing provision figures indicate that the City Council can accommodate considerably more dwellings than the Structure Plan allocation on brownfield sites. On this basis, a residential allocation of major greenfield site within the open space network cannot be justified in policy terms. Any application would therefore be considered on the basis of Policies R1 and R5 of the Revised Deposit Draft. In response to objections from Sport England, the City Council is also proposing a further change to Policy R5 to strengthen the presumption against development (FPCRL\03) and I recommend accordingly.

7.2.14 Whilst these policies do not rule out some development of the land, they set out strict criteria which need to be met before development can be considered. In addition, PPG17 states that playing fields should not be built on unless an assessment of need and audit of existing provision has been undertaken. Although the City Council has commissioned an Open Space assessment in accordance with PPG17, this has not yet been published. In these circumstances, PPG17 places the responsibility of demonstrating a lack of need of facilities on the developer.

### ***Basford Hall College***

7.2.15 Objection 373X 866 is met by Revision No. R.042 in the Revised Deposit Draft which removes 2 sections of the Open Space Network designation at the Basford Hall College Campus. The remaining green areas continue to offer amenity and wildlife value to the local

area and accommodate mature trees. Accordingly, they will continue to be safeguarded as open space on the Proposals Map and will be subject to Policy R1.

***Robin Hood Chase, Springfield Pasture, Alexandra Park, land at Corporation Oaks and St. Ann's Hill***

7.2.16 The full length of Corporation Oaks, Elm Avenue and Robin Hood Chase are shown as part of the Open Space Network on the existing Adopted Nottingham Local Plan.

7.2.17 Revision No. R.043 of the Revised Deposit Draft includes an area of open space at Robin Hood Chase which was safeguarded in the Open Space Network in the adopted Local Plan. In response to an objection by Ms Perry, I endorse the City Council's further proposal to show the footpath as part of the Open Space Network so that Robin Hood Chase is safeguarded completely in line with the adopted Local Plan.

7.2.18 Given the current underuse of the allotments area between Mapperly Road and Elm Avenue at Corporation Oaks, the proximity of alternative allotments at Hungerhill Allotments, the fact that there is no public access to them, and as this land is not considered to make a significant contribution in amenity terms and is not integral to the open space network, I agree with the City Council that it is appropriate for this land to be retained within the Primarily Residential Area designation. However, in the event of any future development proposals, these would be subject to the requirements of Policy R6 of this Local Plan having been met.

7.2.19 The area to the east of Elm Avenue is a hard surfaced school playground and does not form a functional part of the Open Space Network. I do not therefore consider it appropriate to include this in the Open Space Network at this stage.

7.2.20 In terms of the effectiveness of safeguarding the Open Space Network, Revision Nos. R.006 and R.024 in the Revised Deposit Draft amend the wording of Policies R1 and R6 by making it clearer that all the criteria will be applied in assessing whether development proposals on open space could be considered. I therefore recommend no further change.

***Proposed Development at Forest Recreation Ground - Park and Ride***

7.2.21 There has been a long standing Park and Ride facility at the Forest which is an integral part of the City Council's Park and Ride strategy. In turn, this is a key element of integrated approaches to traffic management. In land use planning terms, it has not previously been considered to be an appropriate use within a District Park. As a consequence, it was not included within the Forest Recreation Ground District Park boundary on the existing adopted Local Plan Proposals Map. It follows, therefore, that this approach has been carried through to the Local Plan Review.

7.2.22 However, the NET Park and Ride is smaller than the previous bus Park and Ride. To reflect this, the City Council brought forward a proposed revision (R.049) in the Revised Deposit Draft to amend the District Park boundary by bringing it westwards to run parallel with the eastern boundary of the NET Park and Ride safeguarding as shown on the Proposals Map thereby effectively increasing the size of the District Park.

7.2.23 If in the future consideration were to be given to relocating the park and ride site, the District Park boundary could be reviewed to reflect the new situation at the time. I therefore propose no change.

***Queens Walk***

7.2.24 (371X 864) The relevant parts of Queens Walk were erroneously omitted from the Local Plan Review First Deposit Draft Proposals Map. Therefore, I endorse the City Council's proposal to reinstate the designation on the Proposals Map of this Local Plan.

7.2.25 The continued buoyancy of the local economy of Greater Nottingham and expected continued demographic and employment growth in the City suggest that there will be a significant increase in the demand for travel within the Nottingham area. This will place a heavy demand on the local transport network, and the Greater Nottingham Local Transport Plan identifies NET as the most essential scheme because of the step change in public transport use it is expected to achieve. Routes to Beeston and Clifton are being developed.

7.2.26 The Queens Walk safeguarding forms part of the proposed route to Clifton via Wilford which is now being worked up in preparation for a Transport and Works Act Order (TWAO) application. I understand that this route would have extremely competitive journey times, offering high levels of segregation from road traffic (about 2/3rds of the route) and offer the prospect of very reliable operation whilst alternatives would be slower, attract less patronage, be more expensive, and deliver much lower economic benefits. Queens Walk is a wide boulevard and NET would only take up a small proportion of the space. The current uses and functions of Queens Walk would be continued and new pedestrian cycle routes would be provided. Most of the existing trees would be retained and additional tree planting would enable the retention of the attractive boulevard effect. The subway at Robin Hoods Way would be removed as part of the work, helping to improve safety and security in the area. Nevertheless, I consider it important to demonstrate to all concerned parties that environmental impact would be kept to a minimum by effective mitigation measures.

7.2.27 My conclusion is that it is important to continue to safeguard this route, which includes Queens Walk, in the Local Plan with the future use for NET being determined by the planning process through the Transport and Works Act.

7.2.28 Revision Nos. R.006, R.007, and R.008 in the Revised Deposit Draft clarify and improve the wording of Policy R1 and its supporting text and I recommend accordingly. As it is proposed to reinstate part of Queens Walk in the Open Space Network, this strengthened policy will help to ensure that any detailed NET route proposals will respect its open space contribution.

### ***Greenwood Dale School***

7.2.29 Objection is raised to the amended District Park boundary to incorporate the expansion of Greenwood Dale School. However, the Council is no longer pursuing the extension of Greenwood Dale School (further proposed change FPCCE\02). Further proposed change FPCRL\04 proposes to reinstate the District Park Boundary while FPCRL\05 proposes to reinstate the Open Space Network Designation. I recommend accordingly.

## **RECOMMENDATIONS**

Modify Policy R1 of the Local Plan in accordance with further proposed change FPCRL\01 to read:

**Planning permission will not be granted for development which would adversely affect the parks and open spaces and the green links between them forming the Open Spaces Network as shown on the Proposals Map. Planning applications will therefore be considered against the following criteria:**

- a) **whether the land is underused and undervalued, and is not required for open space use within the network;**
- b) **whether the development would have a detrimental effect on the open space, environmental, landscape character, or wildlife value of the Network as a whole;**
- c) **whether the development will enhance the Network, particularly in areas of open space deficiency, and help to achieve the City Council's aims for the open space resource;**

- d) **whether the land is a small part of a major open space and would not result in the loss of integrity of the open space or be detrimental to its function as part of the Open Space Network;**
- e) **whether the proposal would involve partial development of a smaller open space as an amenity locally or as part of the Overall Space Network.**

Modify the Local Plan so that part of the land at the Radford Bridge Road Allotments site be deleted from the Open Space Network and instead be included for residential use in accordance with the proposal put forward by the objectors.

Modify the Local Plan in accordance with FPCCE\01 by replacing the final three sentences of paragraph 7.18 with:

**It is intended that Supplementary Planning Guidance be prepared with the relevant Health Service bodies to enable future development proposals to be considered in the context of comprehensive plans for the sites. These will take account of the demonstrable foreseeable need for health facilities, including non healthcare uses on land surplus to healthcare requirements. The City Hospital includes land designated under Policy R1. It is accepted that these designations will be affected by the future development of the site, and the proposed SPG will include consideration of what form of development would be appropriate on this land, whilst respecting the contribution which these areas make as links within the Open Space Network.**

Modify the Local Plan in accordance with further proposed change FPCRL\02 which removes areas (indicated in Revision No. R.050b), within the City Hospital campus, from the Open Space Network.

Modify Policy R5 of the Local Plan to strengthen the presumption against development in accordance with FPCRL\03 (see Policy R5 below).

Modify the Local Plan in accordance with FPCCE\02 to reverse Revision No. CE.014 ie Policy CE7.4 will be deleted.

Modify the Local Plan in accordance with further proposed change FPCRL\04 by reversing Revision No. R.041 and reverting to the 1<sup>st</sup> Deposit Draft and reinstating the District Park Boundary around the site.

Modify the Local Plan in accordance with further proposed change FPCRL\05 by reversing Revision No. R.041 and reverting to the 1<sup>st</sup> Deposit Draft and reinstating the Open Space Network designation for land South of Greenwood Road.

Modify the Local Plan so that Robin Hood Chase is safeguarded completely in line with the adopted Local Plan.

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### 7.3 R2 OPEN SPACE IN NEW DEVELOPMENT

#### Objections

182X 270*	Mrs Money, Miller Homes
158X 275	Nottingham Trent University
198X 279	Mr Phillips, Johnson Group Properties plc

**Issues**

- a) Objection to criteria b) and c) of Policy R2 on the grounds that they seek to obtain contributions from developers which are not reasonably related to development proposals.
- b) Criteria a) should be reworded to be more positive. All development proposals should be required to provide open space and it should be essential in areas of open space deficiency.
- c) Provision standards should be contained in the Plan rather than in SPG.

**Inspector's Reasoning and Conclusions**

7.3.1 (158X 275, 198X 279) Paragraph 33 of PPG17 states that local authorities will be justified in seeking planning obligations as a means to remedy local deficiencies in the quantity or quality of open space, sports and recreational provision. It goes on to say that Local Authorities will be justified in seeking planning obligations where the quantity or quality of provision is inadequate or under threat, or where new development increases local needs. In order to justify planning obligations, it is essential that local authorities undertake detailed assessments of needs and audits of existing facilities. Although the City Council has commissioned an Open Space Assessment in accordance with PPG17 requirements, this has not yet been published. In these circumstances, PPG17 places the responsibility of demonstrating lack of need of facilities on to the developer.

7.3.2 (217X 826) In the context of Circular 1/97 and PPG 17, it would not be valid to require every new development to make provision for open space, as some developments will be located in areas where there is no identified need for open space. I consider that the approach taken by the City Council is in accordance with PPG17 and that it will ensure that open space provision is targeted towards locations where it is needed. In this way, provision in areas that are deficient in open space will always be required.

7.3.3 In situations where it is not practical to provide open space on site, the supporting text to Policy R2 states that the City Council will negotiate a financial contribution for provision to enhance existing local open space. This is in line with paragraph 33 of PPG17, which says that planning obligations can be used where improvements are required to meet identified needs in existing open space and facilities.

7.3.4 I consider that the wording of Policy R2 in the Revised Deposit Draft meets the criteria set out in Circular 1/1997 on Planning Obligations and the policy principles set out in PPG17, whereby local authorities will be justified in seeking planning obligations where provision is inadequate or under threat, or where new development increases local needs. I therefore propose no change.

**RECOMMENDATIONS**

No modification.

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## 7.4 R4 RIVERS AND WATERWAYS

### Objections

323X 441            Mr Lee, Friends of the Earth  
217X 827            Mr Howat, Nottinghamshire Wildlife Trust  
300X 859            Mr Daley, Dunkirk & Lenton Partnership Forum

### Issues

- a) Policy R4 does not give adequate commitment to maintain and enhance river corridors for the benefit of preserving and enhancing biodiversity.
- b) Policy R4 should be reworded to ensure nature conservation value of the corridors is protected.
- c) The role of towpaths should be acknowledged as they are important links between areas and should be treated in the same way as roadside footpaths, which are fully lit, so that they can be used at all times.

### Inspector's Reasoning and Conclusions

7.4.1 Policy R4 is primarily concerned with the recreational aspects of rivers and waterways. I consider that Revision No. R.021 of Revised Deposit Draft meets objections 217X 827 and 323X 441 and it brings the Policy into line with PPG9 at paragraph 24. Furthermore, as the Plan says, no policy will be applied in isolation. Any planning application that is received which affects nature conservation will be considered against Policies NE1 on Nature Conservation and NE2 on Conservation of Species which are intended to address biodiversity issues more explicitly. In addition, nature conservation in designated sites will be subject to Policy NE3 on Biological or Geological Sites of Importance for Nature Conservation.

7.4.2 I agree with the City Council that whilst towpaths provide valuable links between areas, matters relating to links and status are too detailed to include in Policy R4. However, Policy BE3 relates to community safety and provides the general framework within which proposals for waterside path lighting can be brought forward through other channels. In addition, Revision No. R.020 clarifies the means by which improvements to rivers and waterways will be sought. Such improvements could include lighting of towpaths.

### RECOMMENDATIONS

No modification.

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## 7.5 R5 PLAYING FIELDS AND SPORTS GROUNDS

### Objections

101X 147            Mr Tribe, English Nature  
342X 800            Mr Warren, The Peoples College  
373X 1041            New College Nottingham

## Issues

- a) Criterion (d) is negatively worded and does nothing to promote the enhancement of wildlife corridors or reserves in relation to new development proposals.
- b) Criteria could be strengthened to offer further protection playing fields and sports grounds.
- c) Designations at the Carlton College campus of The Peoples College and Basford Hall College, Bagnall Road should be removed.

## Inspector's Reasoning and Conclusions

### *Criterion (d)*

7.5.1 Policy R5 is specifically headed "Playing Fields and Sports Grounds". Primarily, it aims to prevent the loss of playing fields and sports grounds rather than focussing on the wildlife interest of the site. I note that development proposals would not be considered against individual policies in the plan in isolation. And, proposals involving playing fields would inevitably be subject to other policies in the Recreation and Leisure Chapter as well as policies in the Natural Environment Chapter relating to nature conservation issues.

7.5.2 The purpose of criterion (d) is to ensure that any development is contained within acceptable limits and to ensure mitigation measures can be negotiated. Should an application fail to satisfy this criterion, then development would not be permitted. It is for this reason that the policy is recorded as having a "significant beneficial effect" for biodiversity in the Sustainability Appraisal of the Local Plan.

7.5.3 I note that the wording of criterion (d) has been carried forward in further proposed change FPCRL\03 as criterion (e). This proposes to strengthen the criteria in R5 to provide further protection for playing fields and sports grounds and meets the concerns raised by Sport England to the First Deposit Draft. In my view, these changes to R5 together with the relevant policies in the Natural Environment Chapter provide an appropriate framework to reach a considered decision on planning applications relating to playing fields and I recommend accordingly.

### *The Carlton College Campus of the People's College*

7.5.4 The housing provision figures indicate that the City can accommodate considerably more dwellings than the Structure Plan allocation on brownfield sites. On this basis, a residential allocation of a major greenfield site within the open space network cannot be justified. Any application for housing on the Carlton College Campus would therefore be considered on the basis of Policies R1 and R5. In response to objections from Sport England, the City Council is also proposing a further change to R5 to strengthen the presumption against development.

7.5.5 Whilst these policies do not rule out some development of the land, they set out strict criteria which need to be met before development can be considered. Furthermore, PPG17 states that playing fields should not be built on unless an assessment of need and audit of existing provision has been undertaken. Although the City Council has commissioned an Open Space Assessment in accordance with PPG17 requirements, at the time of writing, this has not yet been published. In these circumstances, PPG17 places the responsibility of demonstrating lack of need of facilities on the developer.

### *Basford Hall College Campus*

7.5.6 I agree with the City Council that Policy R5 would not relate to the Basford Hall College Campus as the open space on the site is set out as amenity open space, rather than formal playing pitches and sports grounds.

***Whether it would be reasonable to promote the enhancement of wildlife corridors in relation to new development proposals***

7.5.7 In the context of Circular 1/97, it would not be appropriate to require developers to enhance the wildlife contribution as part of a permission on a playing field site, as this would not be a need created by the development. However, it would be reasonable to ask developers to mitigate against any harmful effects caused as a result of development. In accordance with paragraph B.11 of Circular 1/97 any loss of or impact on wildlife corridors or reserves could be offset through substitution, replacement or regeneration.

**RECOMMENDATIONS**

Modify Policy R5 of the Local Plan in accordance with FPCRL\03 to read:-

- a) **there is no existing or future need for the facility and development does not adversely affect the overall quality of provision;**
- b) **equivalent or improved alternative provision can be made in a suitable location;**
- c) **the proposed development only affects land incapable of forming, or forming part of, a playing pitch and does not result in the loss of, or inability to make use of any playing pitch;**
- d) **the site's contribution to the visual amenity of the surrounding area or to the Open Space Network is not unacceptably harmed; and**
- e) **the site's role as part of a wildlife corridor or reserve is not unacceptably diminished.**

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**7.6 R6 ALLOTMENTS**

**Objections**

<b>60X 139</b>	<b>Mr Pattison, Radford Bridge Road Garden Holders Association Ltd.</b>
<b>170X 214</b>	<b>Mr Holland</b>
<b>169X 220</b>	<b>Mrs Revill</b>
<b>323X 442</b>	<b>Mr Lee, Friends of the Earth</b>
<b>337X 671</b>	<b>Schofield, STAA</b>
<b>382X 691</b>	<b>Miss Bamford</b>
<b>166X 810</b>	<b>Mr Pearce</b>
<b>379X 811</b>	<b>Ms Griffin-Pearce,</b>
<b>160X 854</b>	<b>Mr Copley</b>
<b>399X 909</b>	<b>Mr Arkwright</b>

**Objections to Proposed Changes**

<b>60X 2003</b>	<b>Mr Pattison, Radford Bridge Road Garden Holders Association Ltd.</b>
<b>175X 2142</b>	<b>Mrs Bradshaw</b>

**Issues**

- a) Development at Radford Bridge Road Allotments.

- b) Concern that Policy R6 could allow for development if specific criteria could be met. There should be a strong presumption against development which would cause the loss of existing allotments
- c) The wording of policy R6 could encourages the abandonment of allotments.

**Inspector's Reasoning and Conclusions**

7.6.1 I agree with the City Council that it would not be reasonable to protect every allotment in the City from all development whatever the circumstances. Nevertheless, Policy R6 contains a strong presumption against development of allotments because it would allow development only where all of the criteria in the policy can be met.

7.6.2 It follows from this, that if a planning application were to be made on the Radford Bridge Road Allotments site which met all of the criteria of Policy R6, then, subject to other policies in the Development Plan, planning permission should be granted. I note in Chapter 2 that the proposed housing allocations within the Local Plan (the majority of which would be on previously developed land) would provide significantly more housing than that required by the adopted Structure Plan. However, this site could meet other objectives of the Plan by providing family housing.

7.6.3 It seems to me that there could be circumstances in which development of part or all of an allotment area may be appropriate. For example, if there were allotments which were either underused or disused, and development would result in benefits to the allotment resource generally, in amenity terms, and their contribution to the open space network. Therefore, I do not consider that criteria (b) significantly undermines the overall aim of the policy to protect allotments.

7.6.4 In any event, the fact that allotments are not used does not mean that they will automatically be released for development. Under legislation introduced on 25 March 1998, Local Authorities must demonstrate the steps they have taken to promote allotments in their area before they can obtain the Secretary of State's consent to dispose of them. Furthermore, PPG17 now requires Local Authorities to prepare assessments of open space needs and audits of existing facilities in their area. The Guidance states that existing open space, sports and recreational buildings and land should not be built on unless an assessment has been undertaken which has clearly shown the open space to be surplus to requirements. Once completed, this will lead to increased protection for allotments in areas of deficiency. To reflect this Guidance, Revision No. R.024 in the Revised Deposit Draft Local Plan replaces the word 'demand' in the policy with the word 'need'.

7.6.5 Furthermore, development proposals will not be considered against individual policies in isolation. There are other policies in the Local Plan that seek to protect allotments in terms of their contribution to the Open Space Network and their amenity and wildlife value. Policy R1 contains a presumption in favour of protecting open space. In my view, this together with Policy R6 and the forthcoming assessment and audit of open space in the City, and policies in the Natural Environment Chapter provide an appropriate framework to inform any decision on a planning application submitted on allotment land.

**RECOMMENDATIONS**

No modification.

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## 7.7 R8 LEISURE USES OUTSIDE CENTRES

### Objections

272X 408 Mr Ward, Wilson Bowden Developments

### Issues

- a) Policy R8 should be reworded to recognise that in certain circumstances leisure uses should be encouraged in locations outside the City Centre and District Centres.
- b) Reference should be made in either policy or reasoned justification to local centres to fully reflect the guidance in PPG 6.

### Inspector's Reasoning and Conclusions

7.7.1 Objection 272X 408 is met by Revision Nos. R.028, R.033 and R.034 of the Revised Deposit Draft. Revision No. R.028 amended the text to Policy R8 so that it would apply to Local Centres as well as the City Centre and District Centres. Revision Nos. R.033 adds a sentence of explanatory text to the supporting text to explain the types of leisure use that are considered to be appropriate in Local Centres. The types of uses listed in the test are bingo, restaurants and pubs and are in accordance with PPG6. Revision No. R.034 highlights, however, that the preferred location for major leisure uses are existing centres, as these are locations where access by a choice of means of transport is easy and convenient. This is in accordance with the advice contained within paragraph 2.22 of PPG6 and paragraph 23 of PPG17.

7.7.2 Additionally, it will be necessary for developers to demonstrate the need for additional facilities where leisure development is proposed in a Local Centre. Similarly, the City Council will still take into account the extent to which the proposal would undermine the strategy and objectives of the Local Plan, accessibility to the facility by a choice of means of transport, the likely effect of the proposals on overall travel patterns, and the likely impact on the vitality and viability of existing centres. The scale of such proposals should also be appropriately related to the centre, whether town, district or local, the development seeks to serve.

7.7.3 In my view Policy R8 and its reasoned justification as amended in the Revised Deposit Draft fully reflects PPG6 at paragraph 2.22 in that some leisure uses are best located in local centres. I therefore propose no further change.

### RECOMMENDATIONS

No modification.

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## 7.8 R9 LEISURE DEVELOPMENT IN MAJOR PARKS AND DISTRICT PARKS

### Objections

20X 79                      Miss Mason  
300X 860                  Mr Daley, Dunkirk & Lenton Partnership Forum

### Objections to Proposed Changes

636X 2383                Mr Corbett

### Issues

- a) Development, including leisure development, should not be permitted on open space. Objects to policy allowing leisure development in major parks and district parks – specifically mentions Wollaton Park.
- b) Policy R9 takes no account of the environmental impact of development (such as extra parking, traffic congestion and pollution) and offers no evidence to support how the City would benefit from development in these parks.
- c) The District Park Boundary, Green Belt and Open Space Network Designation should be retained at Greenwood Dale School.

### Inspector's Reasoning and Conclusions

7.8.1 As stated in Policy R9, appropriate leisure or sports developments in existing parks would only be considered in specific circumstances where they would enhance the contribution of the Park to the City. Wollaton Park is subject to a management plan and the management plan contains no proposals for leisure or sports facility development. However, there may be circumstances where development of this kind may be appropriate, particularly in the District Parks, provided that they take a relatively small area of open space and will result in positive benefits in terms of the rest of the park, and compensatory community provision within the local area. Examples of this are where the City Council has provided hard surface playing areas in parks which are complementary to the sports and leisure functions of the parks involved. I therefore propose no change.

7.8.2 Policy R9 (Leisure Development in Major Parks and District Parks) relates only to types of leisure development, which because of their scale and nature, would not be appropriately located in existing centres. Revision No. R.036 in the Revised Deposit Draft amended Policy R9 into a criteria based policy. This ensures that all leisure development in Major Parks and District Parks would only be considered in specific circumstances where they would enhance the park or the contribution of the park to the City. Furthermore, development of this kind will only be appropriate where it would take a relatively small area of open space and make available compensatory community provision within the local area.

7.8.3 The sequential test criteria set out in PPG6 and PPG17 states that planning permission for leisure development should only be granted where it is located in a highly accessible location that is served by a choice of means of transport. This is in order to reduce the environmental impact of development. Revision No. R.037 of the Revised Deposit Draft makes clear that any leisure development in the Major and District Parks would also need to satisfy the sequential test

criteria. Furthermore, no policy will be applied in isolation; car parking, traffic congestion and pollution are all covered in the Transport Chapter. Any application for leisure development would need to accord with these policies, as well as Policy R9 before planning permission could be granted.

7.8.4 Objection is raised to the amended District Park boundary to incorporate the expansion of Greenwood Dale School. However, the Council is no longer pursuing the extension of Greenwood Dale School (further proposed change FPCCE\02). Further proposed change FPCRL\04 proposes to reinstate the District Park Boundary while FPCRL\05 proposes to reinstate the Open Space Network Designation.

## RECOMMENDATIONS

Modify the Local Plan in accordance with further proposed changes FPCCE\02, FPCRL\04 and FPCRL\05 as detailed under Policy R1 of this Report.

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## 7.9 R10 DEVELOPMENT AT THE FOREST RECREATION GROUND

### Objections

8X 76*	Mrs Ramsell
20X 79	Miss Mason
20X 80	Miss Mason
28X 81*	Cllr Hutchinson, Nottingham City Council
35X 82	Ms Mee
89X 191	Mrs Tomlinson
155X 205	Mr Johnson, CPRE ( Nottinghamshire)
150X 212	Miss Liebeshuetz
149X 230	Mr Brand, Nottingham Civic Society
201X 336	Mrs Gledhill
187X 339	Ms Squires, Forest Fields Independent Residents Group
225X 367	Mrs Musson,
283X 394*	Mrs Stowell, Sport England
328X 686	Mr Everett
383X 690	Ms Andrew
382X 692	Miss Bamford
361X 724	Mr Moreton, Nottingham City Unison
290X 727	Prof. Liebeschuetz
291X 812	Mrs Liebeschuetz
217X 831	Mr Howat, Nottinghamshire Wildlife Trust
381X 841	Miss Waller
332X 842	Ms Brignal
329X 843	Mr Zadik
312X 844	Mrs Hashim
369X 852	Mr Bescoby
336X 853	Mr Schofield, Arboretum Residents Association
318X 862	Ms Townsend
348X 863	Mrs Hamilton Knight
366X 870	Ms Dyer
399X 912	Mr Arkwright
222X 1004	Mr Weir
367X 1013	Ms Cooper

371X 1035	Ms Perry
330X 1037	Mr Futcher
330X 1038	Mr Futcher
331X 1039	Mrs Prior
371X 1040	Ms Perry
374X 1042	Mr Thompson, Open Spaces Society

## **Objections to Proposed Changes**

**8X 2029**            **Mrs Ramsell**

### **Issues**

- a) The proposed leisure development at the Forest Recreation Ground.
- b) Concern that a precedent may be set if development takes place.
- c) Development should not be located at eastern end of the Forest as this would result in the loss of a pavillion, bowling green and putting area and possible loss of habitat.
- d) The proposed leisure development would also involve the closure of local amenities (Noel Street Baths and Victoria Baths). Existing facilities should be upgraded or an alternative site found.
- e) Provision of a new facility could result in lack of investment in more local leisure amenities. which act as focal points for their communities and can meet local needs. loss of community based facilities would have a detrimental impact on swimming provision for schools, sports clubs and local health initiatives.
- f) The original plan of providing a swimming pool and sports hall (outlined in the Leisure 2000 Strategy) seems to have changed into a much larger project and does not appear to meet previous objectives.
- g) A replacement facility at the Forest would be largely inaccessible to local communities since many people rely on public transport.
- h) The new facilities would be socially exclusive as local people would not be able to afford to pay to use the facilities
- i) The leisure proposal which will result in the loss of meadow saxifrage, a rare and declining species, from the site.
- j) Additional traffic will be created in an already congested area
- k) Development of the scale being proposed is not lawful as the Forest is allotted recreation ground under the terms of the 1845 Inclosure Act
- l) Cycle paths at the Forest should be kept to the perimeter to avoid conflict with pedestrians.
- m) The boundary of the Forest shown on the Proposals Map excludes the Park and Ride site.

## **Inspector's Reasoning and Conclusions**

7.10.1 The City Council is not defending the objection to Policy R10 Development at the Forest Recreation Ground because it is not now pursuing the development of a major new leisure facility at the Forest and is therefore proposing to remove this safeguarding at the Forest Recreation Ground from this Plan. This will involve deletion of Policy R10 and paragraphs 6.33-6.35 (FPCT\20), and deletion of the indicative reference to Policy R10 shown at the Forest Recreation Ground on the 1st Deposit Draft Proposals Map (FPCT\21). Proposed change FPCT\21 appears to meet the concerns raised by Sport England and I recommend accordingly.

7.10.2 Instead the City Council is now considering retention of the older parts of the existing Victoria Centre Building, none of which is a listed building, and the possibility of further

improvements to the rest of the building to accommodate an improved leisure facility. Further consideration may however be given as part of regeneration proposals for the Eastside area of the City Centre to whether the existing building could be retained for other uses and investigation of a new leisure centre development in this part of the City Centre. This site is identified in the Local Plan Review as a mixed use development site under Policy MU5.1. The existing building is identified as a landmark building on the draft Local Plan Review Proposals Map, and the Plan states that new development which impacts on these will require careful consideration. I agree with the reasons stated.

## RECOMMENDATIONS

Modify the Local Plan in accordance with the further proposed change FPCT\20:

**Delete Policy R10 and paragraphs 6.33-6.35 from the Local Plan Review.**

Modify the Local Plan in accordance with the further proposed change FPCT\21:

**Remove Policy Number R10 Notation shown on the Forest Recreation Ground from the Proposals Map, and remove Policy Number R10 listed against the District Parks boundary symbol on the Proposals Map Key.**

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## APPENDIX R1

### Objections to Policy R1

84X 59	Mr Chapman
89X 83	Mrs Tomlinson
85X 84	Mr Atkinson
83X 85	Mr Scrimshaw
82X 86	Mr Norman
75X 99	Mrs Camm _
76X 100	Mr Johnson
97X 104	Mrs Smith
98X 108	Mr Tiik
99X 109	Mr Clayton
100X 110	Mrs Clayton
108X 111	Mr Taylor
110X 112	Mr Hanby, Radford Bridge Road Garden Holders Association Ltd.
117X 114	Mr Adams-Hill
119X 117	Mr Bryant
122X 121	Mrs Dickinson
124X 122	Mr Jarvis
127X 125	Mrs Ashdown
128X 127	Mrs Plumb
129X 128	Mrs Fyson
60X 138	Mr Pattison, Radford Bridge Road Garden Holders Association Ltd.
151X 153	Mr Allcock
130X 155	Mr Swain
91X 200	Mr Barr
95X 203	Mrs Barr
106X 207	Mr Rawson
107X 209	Mrs Knowles
163X 217	Mrs Wright
177X 225	Mr Perry
178X 227	Mr Rayment
179X 231	Mrs Taylor
175X 243	Mrs Bradshaw

153X 252	NHS Estates
196X 274	Mr Whyley
228X 368	Mrs Badder
295X 384	Mrs Benson
287X 385	Mr Hanby, Radford Bridge Road Garden Holders Association Ltd.
317X 412	Mrs Rogers, Radford Bridge Road Garden Holders Association Ltd.
320X 414	Mr Travis, Radford Bridge Road Garden Holders Association Ltd.
321X 417	Mr Moss, Radford Bridge Road Garden Holders Association Ltd.
302X 418	Mr Travis
323X 440	Mr Lee, Friends of the Earth
229X 575	Whitley
337X 670	Schofield, STAA
291X 729	Mrs Liebeschuetz
342X 799	Mr Warren, The Peoples College
374X 850	Mr Thompson, Open Spaces Society
160X 855	Mr Copley
371X 864	Ms Perry
371X 865	Ms Perry
373X 866	New College Nottingham
371X 868	Ms Perry
399X 930	Mr Arkwright
399X 931	Mr Arkwright
365X 933	Mr Scrivins
221X 997	Chesterton on behalf of Radford Bridge Road Garden Holders Association Ltd.
402X 1147	Mr Richards

### **Objections to Proposed Changes**

60X 2002	Mr Pattison, Radford Bridge Road Garden Holders Association Ltd.
429X 2035*	Miss Dadge, Nottingham City Hospital NHS Trust
224X 2199*	Mrs Devonport, Countryside Agency
155X 2341	Mr Johnson, CPRE ( Nottinghamshire)
636X 2382*	Mr Corbett
153X 2500*	NHS Estates
153X 2501*	NHS Estates
153X 2502*	NHS Estates
153X 2503*	NHS Estates

## 8. COMMUNITY, HEALTH AND EDUCATION

### 8.1 OBJECTIONS WHICH DO NOT RELATE TO A SPECIFIC POLICY

#### The Objections

237X 477            HMP Prison Service

#### Issues

a) The Plan should have an allocation/Policy for a new Prison

#### Inspector's Reasoning and Conclusions

8.1.1 Policy CE.1 provides a framework for the development of new or improved community services (including prisons). Nevertheless, in the light of PPG12 and Circular 03/98, the City Council acknowledges the urgent need to identify new prison sites in the Midlands, and would support, in principle, the intensification of services within the grounds of the existing prison in Nottingham. However, the HM Prison Service requires sites of at least 8 hectares and it has not put forward a proposed location.

8.1.2 Nottingham has tight local authority boundaries and there is a shortage of developable land in the City, and a great deal of development pressure for other uses in the City already exists. It is also important to maintain the City Council's open space network. Consequently, there are only 4 sites of at least 8 hectares without planning permission for other uses in the Local Plan: 2 are allocated for mixed uses, 1 for employment use, and 1 for housing.

8.1.3 Taking these in turn, MU7.2 Trent Basin is allocated for a mix of uses and to help regeneration. An outline planning application has already been submitted. Given the land assembly and infrastructure costs, and an existing masterplan and development brief for the site, I would agree with the City Council that a prison would not be appropriate. Furthermore, the site would not satisfy the criteria of Policy CE1.

8.1.4 MU9 Stanton Tip is allocated for housing, employment and open space purposes. In order to subsidise the retention and improvement of large areas of open space and extraordinary development costs this site is likely to require high value 'enabling uses'. The site is a key strategic 'gateway' site with excellent access to the M1 motorway, in an area where demand for employment uses is strong. As I have concluded in the Economy and Employment Land Chapter of this Report Nottingham is under provided with employment land and potentially this site could help to make up the shortfall. It is not therefore an appropriate site for a prison.

8.1.5 Site E2.1 Harrimans Lane: this is an employment site held by Boots for their expansion. Furthermore, it would not satisfy the criteria of Policy CE1, in particular, due to its location.

8.1.6 Site H1.7 Clifton West (if the full extent of the site were to be developed). I have concluded in the Housing Chapter of this Report that this is a strategic housing site that contributes to the housing need of the conurbation and which would help to provide a mix and choice of housing. Furthermore, it would not satisfy the criteria of Policy CE1, in particular, due to its location.

From the foregoing, it seems to me that unfortunately there are currently no suitable sites available of sufficient size either adjacent to the existing prison or in the rest of the City. But,

Policy CE.1 gives sufficient guidance should a site be proposed.

**RECOMMENDATIONS**

No modification.

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**8.2 CE1 COMMUNITY ISSUES**

**Objections to Proposed Changes**

**155X 2340            Mr Johnson, CPRE ( Nottinghamshire)**

**Issues**

- a) In the Revised Deposit Draft the revision (CE.005) represents a significant watering down of policy and the original wording ought to be reinstated

**Inspector's Reasoning and Conclusions**

8.2.1 As a result of an objection from the Government Office for the East Midlands, Revision No. CE.005 deleted the words 'such development will be required to make' and inserted the words 'the City Council will seek to negotiate'. However, objection 155X 2340 would be met by further proposed change FPCCE\04 which proposes to delete the words 'seek to' from supporting paragraph 7.12.

**RECOMMENDATIONS**

Modify the Local Plan in accordance with FPCCE\04 by deleting the words 'seek to' from supporting paragraph 7.12.

\*\*\*\*\*

**8.3 CE2 JOINT PROVISION**

**Objections**

**300X 572            Mr Daley, Dunkirk & Lenton Partnership Forum**

**Issues**

- a) Although support joint use - CE2. The Forum would like to see a specific ref to supporting a 'community plan' for the Church Sq area, which incorporates the Edna G Old School Playing Ground into a jt community facility with Lenton Community Centre - recognition of the fact that children and young adults already use the playground by climbing over fences.

### Inspector's Reasoning and Conclusions

8.3.1 I agree with the City Council that Policy CE2 provides sufficient general guidance and support for the 'community plan' without the need for a specific reference. The matter is too detailed for inclusion in a Local Plan. However, the City Council's local area 'Community Plans' based on the Area Committee boundary would be a more appropriate document for the detailed issues such as joint use of facilities.

### RECOMMENDATIONS

No modification.

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## 8.4 CE6 HEALTH FACILITIES

### Objections

153X 157\*          NHS Estates  
153X 175\*          NHS Estates

### Objections to Proposed Changes

153X 2498\*        NHS Estates  
153X 2499\*        NHS Estates

### Issues

- a) The Policy in the 1<sup>st</sup> Deposit is unduly restrictive. This was discussed at the previous LPI - para 5.3. - land in the South-East corner should be removed.
- b) The Policy in the 1<sup>st</sup> Deposit is unduly restrictive. This was discussed at the previous LPI - para 5.4. The reasoned justification should follow paras 6.26 & 6.27 in the Adopted Local Plan.
- c) Generally support rewording of para 7.18 in the Revised Deposit. However, the revisions fail to recognise that parts of the site may become surplus in the plan period, particularly some of the land identified under Policy R1. I would like to see Policy CE6 state: "Planning permission will be granted for healthcare uses together with ancillary/support services, as shown on the Proposals Map:-" With a list of sites and "The development of surplus land for other appropriate uses will also be granted planning permission, provided it would not prejudice the provision of health facilities (including directly related infrastructure and support services such as nursing accommodation and training facilities) on the site over the Plan period."
- d) The reasoned justification to Policy CE6 should specifically state that the Council will support the release of surplus land for other forms of appropriate development and that some of the land on the City Hospital site identified under Policy R1 has development potential.

### Inspector's Reasoning and Conclusions

8.4.1 Policy CE6 supports and recognises the importance of the expansion of healthcare and associated facilities at the City Hospital. There are further proposed changes to the supporting text of Policy CE6 (FPCCE\01) so that it now states that the future development of the City Hospital site should be set out in SPG which will be jointly prepared by the relevant Health Service bodies and the City Council. This will ensure that future development at the City Hospital site will be sensitive to open spaces within the campus and their contribution to the Open Space Network. Nevertheless, the meaning of the second sentence of the text is somewhat opaque and requires clarification.

8.4.2 In response to the NHS Estates objections (157,175,840, 2498-2503) the Council has agreed to add further proposed changes FPCCE\01 and FPCRL\02 which appear to meet the concerns raised and I recommend accordingly.

### RECOMMENDATIONS

Modify the Local Plan broadly in accordance with FPCCE\01 but clarify second sentence.

Modify the Local Plan in accordance with FPCRL\02 so that Revision No. CE.014 is reversed i.e. Policy CE7.4 is deleted.

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### 8.5 CE7.1 ALLOTMENT LAND OFF BULWELL LANE FOR THE REPLACEMENT OF SOUTHWARK JUNIOR SCHOOL

#### Objections

217X 437            Mr Howat, Nottinghamshire Wildlife Trust

#### Issues

- a) Holding objection and recommend deletion of site, until a detailed survey is undertaken to discover if this site has issues of concern to NWT.

### Inspector's Reasoning and Conclusions

8.5.1 The site was allocated in the 1997 adopted Local Plan for the replacement/expansion of Southwark Street Junior School and has been carried forward into this Local Plan Review. No change was made between First and Revised Deposit Drafts and it is not a designated site of nature conservation interest.

8.5.2 The provision of education has been the subject of a major review and re-organisation to address the issues of poor educational achievement. The land use implications of this review are now clear and this site will be required in the future, and therefore will continue to be safeguarded for Educational purposes. It seems to me that any wildlife issues would become apparent at the development brief/planning application stage and I am satisfied that these could be considered through an ecological survey, appropriate conditions etc.

**RECOMMENDATIONS**

No modification.

\*\*\*\*\*

**8.6 THE SITE IN MELBOURNE PARK (FORMERLY CE7.2)**

**Objections**

**238X 478 Cllr Long, Liberal Democrat Focus Team (Formerly CE7.2)**

**Issues**

- a) CE7.2 in the 1<sup>st</sup> Deposit is contrary to R1 and there has been a significant drop in pupil numbers in recent years. Recommend deletion of CE7.2

**Inspector's Reasoning and Conclusions**

8.6.1 Revision No. CE.015 of the Revised Deposit Draft meets objection 238X 478 by deleting the site from Policy CE7.2 and reallocating it as part of the Open Space Network.

**RECOMMENDATIONS**

No modification.

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**8.7 CE7.2 LAND OFF GREENWOOD ROAD FOR THE EXPANSION OF IONA SCHOOL**

**Objections to Proposed Changes**

**406X 2001 Miss Galati**

- a) The allocation in the Revised Deposit would spoil the nature land and wood that have been there for years. The building works would cause disruption. The wood currently offers privacy at the back, and this would be replaced with a building of noisy school children.

**Inspector's Reasoning and Conclusions**

8.7.1 This allocation was made to reflect the wishes of the school in the Revised Deposit Draft. There are no detailed plans as yet, and the school may indeed wish to retain the nature area to the south of the site. The majority of the site was allocated as a housing site (0.6ha as site H1.8 in the First Deposit Draft Local Plan). I agree with the City Council that any specific design issues should become apparent at the Development Brief/planning application stage and I am satisfied that these could be dealt with by way of condition.

**RECOMMENDATIONS**

No modification.

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**8.8 CE7.3 LAND OFF VALLEY ROAD, BASFORD FOR THE RELOCATION OF HEATHFIELD SCHOOL**

**Objections to Proposed Changes**

**198X 2451            Mr Phillips, Johnson Group Properties plc**

**Issues**

- a) The site should be more appropriately used for residential development. The site should not be allocated for education purposes. It should be deleted from Policy CE7, and the proposals map and the site should be shown for residential purposes.

**Inspector's Reasoning and Conclusions**

8.8.1 (198X 2451) As I have already concluded at Section 3.15 of the Housing Chapter of this Report, pupil numbers at Heathfield Primary and Nursery Schools are already above capacity and accommodation there is not conducive to modern teaching methods. So the schools are planning to relocate and expand and there is no room for expansion on the current site. Moreover, there is insufficient capacity in local schools to cater for children from further residential development in the area without an expansion of capacity. Hence, without a new school there would essentially be a block on residential development.

8.8.2 The 'Johnson's site' is conveniently located adjacent to the existing playing field. As such, it would maximise its use without the need for a split site with all of the accompanying safety issues that this might entail. Furthermore, the site would appear to provide the only available opportunity for a site of sufficient size in the catchment area. And, there is no requirement to find additional housing sites in the City that would outweigh the need for this educational use. As such, I find no reason to modify the Plan.

**RECOMMENDATIONS**

No modification.

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## 8.9 CE7.4 LAND SOUTH OF GREENWOOD ROAD FOR THE EXPANSION OF GREENWOOD DALE SCHOOL

**See Appendix CE7.4 at the end of this Chapter for list of objections**

### Issues

- a) The majority of people suggested alternative locations, particularly the existing school grounds or the adjoining allotments.
- b) The vast majority of people objected to the impact on flora and fauna.
- c) Many stated that there are insufficient areas like this in Nottingham - offering open space in walking distance of high urban density living.
- d) Many people stated the area is used year round for a variety of recreational uses.
- e) Many people consider that the proposed greenbelt is ad hoc and indefensible and if the proposed area is built on it could open the flood gates to future development.
- f) Several people consider that the proposal would damage views and the ridgelines - contravening NE6.
- g) Many people thought it was important to take a long-term view.
- h) There were many other comments objecting to the proposed site.
- i) An objection included a 808 name petition. The petition states that 'the petitioners object strongly to the land being used for anything other than recreational open space. There are very few places like this within the city. Once this land goes it is gone forever. We need to protect our environment and all its wildlife. We would like to propose the allotments adjoining the school and the cricket pitch as alternatives. - The allotments are only being used for tipping rubbish. Greenwood Dale and Iona School could share this land and it could be contained within the school drive. The response also objected to any building being built on this Open Space. Colwick Woods is a beautiful place and should be protected from any kind of building. The Council have not maintained the wood properly for many years. People come from all over to walk in the woods and take in the views. We need to protect our environment and all the wildlife for future generations. We need open space for our wellbeing. If you build on this open space you will destroy what is left of the old grassland and the bats will have no where to feed. Colwick Woods is also a place of remembrance not just for the cot death baby's but for people whose ashes are scattered. I would like Colwick Woods to be put on the plans as a Nature Reserve'. Mrs J Bedward 583X and Miss P Fedoriwskjy 585X made further written representations, in particular they considered that the area should be declared a Local Nature Reserve.
- j) An objection included a 33 name petition. The petition states that 'Why should beautiful green land be spoilt by a school or any other building? Is there not enough land elsewhere - I have no objection to it being put on the old allotments.
- k) Representations from organisations included an organisation stating that they travel frequently to this area of unique landscape. The proposal contradicts Gvnt guidance, particularly 'a better quality of life through effective protection of the environment' (1999). The proposal contradicts the City Councils Nature Conservation Strategy(1992) and Local Plan Policy especially NE1, NE20 and para 9.16. The proposal contradicts the City Councils and Gvnts own forecasts of falling numbers of children at school. – There are spare spaces at the other 20 secondary schools in the City. I want to see the withdrawal of development proposals, and for it to become a Nature Reserve.
- l) There were also objections from a local Residents Association. The Association made further written representations, in particular they considered that the area should be declared a Local Nature Reserve.
- m) In addition to the objections to the proposed school proposal many people considered the area should be declared a Local Nature Reserve, better maintained, have more amenities and activities.
- n) In addition, there were objections to the Natural Environment and Recreation Chapters.

## Inspector's Reasoning and Conclusions

8.9.1 The City Council is no longer pursuing an extension of Greenwood Dale School (site CE7.4 ie land south of Greenwood Road). Further proposed modifications: FPCCE/02 proposes to reverse Revision No. CE.014 ie delete Policy CE7.4 and revert to the 1<sup>st</sup> Deposit Draft.

8.9.2 In respect of the area being declared a Local Nature Reserve the City Council is now proposing to designate a Local Nature Reserve to include this area. See also the Natural Environment and Recreation Chapters. Moreover, I have not been presented with a proposed change to the Green Belt boundary.

## RECOMMENDATIONS

Modify the Local Plan in accordance with further proposed change FPCCE/02 which will reverse Revision No. CE.014 ie delete Policy CE7.4 and revert to First Deposit Draft.

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## 8.10 CE8 EDUCATION SITE PROPOSALS

### Objections

158X 199	Nottingham Trent University
158X 213	Nottingham Trent University
158X 410	Nottingham Trent University
327X 614	Ms Allen, The Highways Agency
373X 666	New College Nottingham

### Objections to Proposed Changes

373X 2533	New College Nottingham
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### Issues

- The boundary of TNTU City Quarter on the Proposals Map in the 1<sup>st</sup> Deposit should be changed to include Hampden St/Peel St & the Belgrave Centre, Chaucer St.
- The text in the 1<sup>st</sup> Deposit incorrectly refers to the Clifton Campus SPG as 'Draft', it has been approved - delete the word 'Draft' and refer to the SPG in Appendix 3. Further, replace the words 'in order to protect the special characteristics of these areas' with 'in order to confirm that significant new development is acceptable'.
- Land which forms part of Clifton Campus has been excluded from the defined campus in the 1<sup>st</sup> Deposit and should be redrawn as per map attached.
- Qualified support - the boundary of the Jubilee Campus in the 1<sup>st</sup> Deposit is tight and the boundary should be up to and including Triumph Rd
- A Transport Assessment is required re- Jubilee Campus expansion.
- New College Nottingham are reviewing their sites, Basford Hall College may not be needed, therefore the site shown in the 1<sup>st</sup> Deposit should not be allocated as CE8.
- In response to the Revised Deposit, New College Nottingham have further reviewed their sites, part of Basford Hall College will now be needed, therefore part of the site should be allocated as CE8.

## Inspector's Reasoning and Conclusions

8.10.1 Objection 158X 199 is met by Revision No. CE.021 which changes the boundary of TNTU City Quarter on the Proposals Map to include Hampden St/Peel St and the Belgrave Centre, Chaucer St.

8.10.2 Objection 158X 213 is met in part. Revision No. A3.003 in the Revised Deposit Draft includes the Clifton Development Plan in the list of adopted briefs in Appendix 3. Revision No. CE.018 deletes the words 'and draft' and refers to the SPG [in Appendix 3]. The word 'protect' has been deleted and a new sentence formed which reads 'The Supplementary Planning Guidance is in order to allow for new development whilst protecting the special characteristics of these areas.'

8.10.3 Objection 158X 410 is met by Revision No. CE.020 of the Revised Deposit Draft which enlarges the boundary of the Clifton Campus on the Proposals Map.

8.10.4 In response to objection 327X 614 from the Highways Agency, the City Council has informed its Development Control/Transportation sections that a Transport Assessment is required for the Jubilee Campus extension. I note that a Transport Assessment was undertaken for the initial phases but as a result of representation 278X 562 the boundary of the site has been enlarged and a further assessment will be required to accompany any planning application. It seems to me, therefore, that it would be helpful if the supporting text made this clear.

8.10.5 In response to objection 373X 666 from New College Nottingham to the First Deposit Draft, Revision No. CE.022 deleted the Basford Hall College site from the Proposals Map because the site was no longer needed for Basford Hall college. However, in response to objection 373X 2533 from New College Nottingham to the Revised Deposit Draft, the City Council agree that if New College Nottingham have further reviewed their sites, and that part of Basford Hall College is now required, then part of the site should be allocated as CE8. I consider that the objection is met by FPCCE\03.

## RECOMMENDATIONS

Modify the supporting text to Policy CE8 to make it clear that a Transport Assessment will be required to accompany any planning application for the Jubilee Campus.

Modify the Local Plan in accordance with FPCCE\03 which reallocates part of Basford Hall College as a site for Further and Higher Education Use under Policy CE8.

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## Appendix CE7.4

### Objections to Proposed Changes to Policy CE7.4

418X 2015	Mrs McWhinney
437X 2040	Miss Farrell
480X 2088	Mr Boorman
507X 2117	Mr Joyce, Bakersfields' Residents Association
519X 2134	Mrs Furr, Bakersfields' Residents Association
521X 2137	Ms Spencer
523X 2139	Mr Mantle
530X 2155	Miss Morgan
531X 2156	Mrs Beddoes
532X 2157	Mr Hunt
533X 2158	Miss Wrench
541X 2184	Mrs Wren

542X 2185	Mr Longley
545X 2197	Ms Rootham
547X 2202	Mrs Hooton
554X 2224	Mr Scavetta
572X 2256	Mr Lipman, Growing Places
573X 2258	Ms O'Donnell
574X 2263	Miss Shephard
582X 2286	Miss Coldwell
583X 2304	Mrs Bedward
584X 2305	Mrs Platts
585X 2306	Miss Fedoriwskjy
586X 2313	Ms Key
587X 2315	Mr Dowding
594X 2319	Mrs Fenton
589X 2320	Mr Key
590X 2321	Mrs Key
596X 2323	Miss Preston
597X 2324	Mrs Halpin
599X 2327	Miss Rhodes
600X 2328	Mrs Rhodes
608X 2352	Mr Burbidge
612X 2356	Miss Eley
614X 2358	Rivis
615X 2359	Mrs Collins
617X 2361	Mrs Jones
618X 2362	Mrs Garner
620X 2364	Mr Bryan
621X 2365	Garner
622X 2366	Ms Allen
626X 2370	Mr Simpson
627X 2371	Miss Gee
628X 2372	Mr Garner
636X 2381	Mr Corbett
647X 2397	Miss Vickers
648X 2398	Mr Paling
649X 2407	Mrs O'Dowd
650X 2408	Mr W Tansey
660X 2433	Ms Lucie
662X 2435	Mr Gibson
664X 2437	Mr Richmond
665X 2439	Mrs Davies
666X 2440	Mr Lansdale
667X 2448	Mr Harlow
668X 2449	Mrs Harlow
674X 2481	Mr Rhodes
685X 2493	Mrs Joyce
693X 2516	Mrs Bonser
694X 2517	Mrs Nock

**Objections to Revised Deposit:** There were 112 individual representations to Policy CE7.4 (Revision No. CE.014) - there were also 2 petitions - from 808 people and 33 people, who all objected to the proposed site.

## 9. BUILT ENVIRONMENT

### 9.1 INTRODUCTORY TEXT

#### The Objections

183X 355	Mr Dowson, Nottinghamshire Chamber of Commerce & Industry
158X 871	Nottingham Trent University
340X 1094	Mr Woods, Nottinghamshire Fire and Rescue Service

#### Objections to Proposed Changes

182X 2179	Mrs Money, Miller Homes
364X 2265	Mrs Bilson, N.D.P.M.

#### Issues

- a) Plan omits any policy for dealing with LBs which are left to deteriorate.
- b) The shading used for conservation areas on the Map is difficult to distinguish
- c) Arson in empty buildings and demolition sites is an increasing risk.
- d) Request clarification of 'large blocks'
- e) The policy should read- that all newbuild properties shall be built to Lifetime Home standards unless there are exceptional circumstances. 10% of new homes should be built to wheelchair standards.

#### Inspector's Reasoning and Conclusions

9.1.1 (183X 355) The introduction to the Listed Building section of this Chapter states that where a Listed Building has been deliberately neglected, less weight will be given to the costs of repair when a planning application is considered. The matter of the neglect of listed buildings is dealt with under specific legislation which it would not be appropriate to reproduce in this Local Plan.

9.1.2 The City Council has agreed that the shading used for conservation areas on the Proposals Map is difficult to distinguish. When reprinted it will be amended to clearly distinguish City Centre Conservation Areas.

9.1.3 (340X 1094) Whilst I acknowledge the seriousness of fire risk in empty buildings, this is a legislative matter outside the scope of this Local Plan. However, I note that the City Council forwarded the comments of the objector to its Building Control section for their consideration.

9.1.4 (182X 2179) Revision No. BE.013 to supporting paragraph 8.9 refers to the layout and design of buildings avoiding 'large single blocks of development'. This is intended to avoid the monolithic scale of re-development which has taken place in the past. I agree with the City Council that this has resulted e.g. at the Broadmarsh shopping centre, in a 'block' of built development which by its form and nature prevents partial renewal or redevelopment, obstructs the established patterns of movement and visibility, and presents a mass, uniform visual block. This amended wording is likely to be relevant to major commercial and mixed use development particularly in the City Centre and so I recommend accordingly. But I note that any application for planning permission will be considered on its merits having regard to all the policies of the Local Plan.

9.1.5 The matter of Lifetime Home Standards is dealt with at section 9.4 of this Report.

**RECOMMENDATIONS**

Amend the Local Plan so that the shading on the Proposals Map clearly distinguishes City Centre Conservation Areas.

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**9.2 BE1 DESIGN CONTEXT IN THE PUBLIC REALM**

**Objections**

**182X 365 Mrs Money, Miller Homes**  
**352X 1019 Mr Cronk, The House Builders Federation**

**Issues**

- a) Policy relies on subjective assessment.
- b) Delete 'is safeguarded' insert 'taken into account'

**Inspector's Reasoning and Conclusions**

9.2.1 (182X 365) I acknowledge that the City Council has a general aim of ensuring that development in the City contributes to the improvement of community safety. This can be achieved by limiting the opportunity for crime and nuisance where possible. The City Council has produced a number of publications which are available to developers setting out advice on design principles in different types of development and how safety issues can be incorporated into the design of schemes. I am satisfied that the principles for the design context of development, which is outlined in Policy BE1 (and also BE2 and BE3) is amply illustrated in these, and that there is more site specific guidance available to developers in the City.

9.2.2 It seems to me that the policies of the Built Environment Chapter indicate the City Council's expectations and concerns on the design of development and that they will ensure that applicants give early consideration to the matters covered. In order to cover all eventualities, in development proposals, a degree of flexibility is needed. While the criteria in Policy BE1 may be more relevant to detailed than outline applications, this applies to many of the policies in the Plan. I therefore see no merit in labelling every criteria in a policy in this way. Whilst the Plan makes clear that no policy will be applied in isolation, it is also clear that not all policies apply to every application. Accordingly, I propose no change.

9.2.3 (352X 1019) I agree with the City Council that safety in new development is an important issue and that 'taking into account' is not as strong a concept as 'safeguarded. Given the importance of community safety in the City, I propose no change.

**RECOMMENDATIONS**

No modification.

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### 9.3 BE2 LAYOUT AND COMMUNITY SAFETY

#### Objections

182X 363 Mrs Money, Miller Homes

#### Issues

a) Can only apply to full or reserved matters applications.

#### Inspector's Reasoning and Conclusions

9.3.1 The purpose of Policy BE2 is to give an indication of the City Council's expectations and concerns in terms of the effect of development schemes on community safety. The Policy sets out broad principles to guide prospective developers on the factors which should be considered at an early stage of design. Setting out such principles includes a degree of flexibility to cover all eventualities in development proposals.

9.3.2 Since Policy BE2 relates to the issues of layout of accesses and streets, traffic, pedestrian and cycle circulation, aspect and security, I consider it is relevant to both outline and full planning applications. The detailed interpretation of the policy would be a matter for negotiation as part of the development control process on the merits of each case.

9.3.3 The City Council has published a number of documents to illustrate to potential developers how their applications for planning permission can fulfil opportunities for meeting design criteria and maintaining security and safety in developments. In addition, design briefs may be prepared for sites where local factors are considered to necessitate more specific guidance to prospective developers. I therefore propose no change.

#### RECOMMENDATIONS

No modification.

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### 9.4 BE3 BUILDING DESIGN

#### Objections

182X 361 Mrs Money, Miller Homes  
272X 802 Mr Ward, Wilson Bowden Developments

#### Objections to Proposed Changes

355X 2554 Ms Mossman, Nottingham DIAL

364X 1064 Mrs S Bilson  
364X 2265 Mrs S Bilson

## Issues

- a) Components of Policy are subjective.
- b) Concern at architectural competitions.
- c) Lifetime homes can be built at high densities; a percentage should be to wheelchair standards

## Inspector's Reasoning and Conclusions

9.4.1 (182X 361) Policy BE3 sets out the City Council's expectations and concerns on the design of building development and ensures that applicants give early consideration to the matters it covers. A degree of flexibility is required in the Policy to cover all eventualities in development proposals. The detailed interpretation of the Policy will be a matter for negotiation as part of the development control process on the merits of each case. Since Policy BE3 relates to the issues of the scale of the development in the street scene, impact, safety and access, and opportunities for the wider regeneration of the area to take place I consider that it is relevant to both outline and full planning applications. These matters would be included in an outline application as required to illustrate the concept of the scheme, and would need early consideration in assessing the feasibility of any development.

9.4.2 The City Council has published a number of documents to illustrate to potential developers how their applications for planning permission can fulfil opportunities for meeting design criteria and meet the needs of users without prejudicing the amenity of adjacent occupiers and the wider environment. In addition, Design Briefs may be prepared by the City Council for sites where local factors are considered to necessitate more specific guidance to prospective developers. I therefore propose no change.

9.4.3 (272X 802) I consider that reference to architectural competitions is relevant because they can have a valid role in ensuring high quality and imaginative design. Their use is restricted to important sites, where design issues can be highly sensitive. For example, their use in major regeneration schemes for public areas, allows for proposals for new and innovative design ideas which can contribute to unique solutions and enhance a sense of place. This is intended to enable the improvement of the public realm and ensure the best possible outcome for the City.

9.4.4 Paragraph 8.9 and Revision Number BE.013 says: *Design should have regard to the need for accessibility to wheelchairs and where possible the provision of 'lifetime' homes which are adaptable to changing needs.* The objectors consider this re-wording to be woolly and together with the misconceptions about Lifetime Home Standards (LHS) will lead to very few such new homes.

9.4.5 The objectors want a Policy which requires all new homes to be built to Lifetime Home Standards and for 10% of these to be built to wheelchair standards. Council money will ultimately be saved through the adoption of these standards with a reduction in later costs for adaptations. These standards are designed to meet the existing and changing needs of people over their lifetime. They not only cater for elderly and disabled people but for a variety of family situations including parents with pushchairs. The objectors say that the London Plan now includes such a requirement, as do the Unitary Development Plans for Ealing and Islington. Part M of the Building Regulations provides a minimum requirement but there is nothing to say that the Council cannot insist on houses to LHS.

9.4.6 The Council supports the aim of providing housing to meet the needs of all residents of the City, including those who are less mobile. Its approach is to introduce LHS housing as a proportion (starting at a minimum of 10%) of all new housing on "appropriate sites". However, the objectors do not consider that the proportion of 10% reflects the fact that 36% of households

in Nottingham City are inhabited by a person with a disability or a long term limiting illness.

9.4.7 In view of this I support the City Council's further proposed change (FPCH\04) to the Housing Chapter of the Plan to build a proportion of new dwellings to the Lifetime Homes Standard.

9.4.8 It seems to me that whilst Lifetime Homes would benefit a large sector of the community, in the absence of any legislative requirement, it would not be reasonable to require higher standards of design in Nottingham City than is generally required elsewhere in the country. Moreover, for a variety of reasons a number of sites would not be suitable or "appropriate" for persons with long term disability or long term limiting illness.

## RECOMMENDATIONS

Modify the Local Plan in accordance with the Proposed Change FPCH\04.

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## 9.5 BE4 SUSTAINABILITY IN DESIGN

### Objections

182X 360            Mrs Money, Miller Homes  
323X 944            Mr Lee, Friends of the Earth

### Issues

- a) Policy too wide.
- b) Policy is not strong enough, should say development will NOT be granted which 'does not accord with' sustainability

### Inspector's Reasoning and Conclusions

9.5.1 (182X 360) The principle of sustainable development is important and so it should be taken into account by all applicants. The purpose of Policy BE4 is to encourage developers to adopt the principles of sustainability in new developments at an early stage. It is widely accepted that conservation of resources and the environment is needed, and that new development should play a part in reducing the wasteful use of energy wherever possible. In my view, the broad principles set out in the Policy are valid as guidelines to the elements which should be considered from the outset by prospective applicants. The detailed interpretation of the Policy will be a matter for negotiation as part of the development control process on the merits of each case.

9.5.2 The City Council has produced an advisory 'Sustainability Checklist' to provide more detailed guidance which would be inappropriate to include in full in this Local Plan. The Checklist will give developers a guide to the range of criteria which they should consider to ensure an efficient development. It covers the conservation of energy, water and materials, layout and transport, recycling and adaptability. The City Council will seek to achieve development which demonstrates that consideration has been given to these principles.

9.5.3 (323X 944) However, it would be difficult to enforce a 'prohibitive' policy because a

yardstick of 'acceptable' sustainable features would be needed in each case and this would be impractical.

**RECOMMENDATIONS**

No modification.

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**9.6 BE5 LANDSCAPE DESIGN**

**Objections**

182X 357            Mrs Money, Miller Homes

**Issues**

a) Leftover spaces- when they do arise, will applications be refused.

**Inspector's Reasoning and Conclusions**

9.6.1 The purpose of Policy BE5 is to prevent unsuitable forms of development including the creation of open space which is difficult to maintain and may give rise to future problems. This should be taken into account in the design of development at an early stage. Accordingly, the Policy should prevent the need to refuse applications because it provides clarity on the requirements of the City Council.

**RECOMMENDATIONS**

No modification.

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**9.7 BE8 CITY SKYLINE AND TALL BUILDINGS**

**Objections**

189X 390            Capital One  
272X 803            Mr Ward, Wilson Bowden Developments

**Objections to Proposed Changes**

190X 2164            Miss Plackett, English Heritage (East Midlands)  
272X 2429            Mr Ward, Wilson Bowden Developments

## Issues

- a) Suggest that further criteria are added to policy to cover impact on surrounding area.
- b) Policy should include reference to character of conservation areas, views of listed buildings etc
- c) Proposed changes act to reinforce the negative wording of the policy.
- d) The Castle should be designated as a Landmark Building, and a policy included to safeguard views of the Castle. The Lace Market and Castle Rock should be recognised specifically in the Policy.

## Inspector's Reasoning and Conclusions

9.7.1 (189X 390) I am satisfied that the 'impact of the building on the character of the area' and 'relationship with surrounding buildings' is covered in criterion b) of Policy BE8 as 'appropriate for its location'. Revision Nos. BE.023 and BE.024 in the Revised Deposit Draft include impact on conservation areas and listed buildings in criteria b) and c) respectively. The impact 'on the amenity of occupiers in the surrounding area' and 'on sunlighting and daylighting for neighbouring buildings' is covered by Policy BE3 b) 'impact on the amenity of occupiers or neighbours by affecting privacy, daylight, sunlight, immediate outlook or by its dominating impact'.

9.7.2 I do not consider it necessary to modify the supporting text to include a definition of a tall building because the Policy wording itself refers to 'a tall building which rises above the predominant height of surrounding buildings'.

9.7.3 (272X 803) I am satisfied that Policy BE8 sets out criteria which would encourage good design of tall buildings that are sensitive to the location. I do not agree that criterion c) would unreasonably restrict the development of tall buildings. The use of the words 'does not detract from' rather than the word 'affect' would allow for the evolution of the skyline in a positive way.

9.7.4 (272X 2429) I accept the changes to criterion c) in the Revised Deposit Draft following representations from English Heritage. And, I consider them to be in line with Government advice. However, I do not accept that they will restrict development unreasonably, or that they are negative in terms of safeguarding the important elements of the City Centre.

9.7.5 (190X 2164) The Lace Market cliff and the Castle Rock are shown as 'landmark features' on the City Centre Proposals Map and they are mentioned specifically in paragraph 8.19 as being of outstanding townscape quality. This recognises the importance of these features in the City skyline. Furthermore, I understand that Supplementary Planning Guidance is currently being prepared by the City Council on Tall Buildings and the City Skyline. As such, this will reinforce the status of these features and give further guidance for future development.

9.7.6 Criteria (b) of Policy BE8 has been amended in the Revised Deposit Draft of the Local Plan. It requires the scale of the proposed tall building to be appropriate to its location and to respect the character of Conservation Areas. A detailed assessment will be required of the impact of the development where this could affect the City skyline.

9.7.7 In my view, the additions to the criteria based policy BE8, together with the comprehensive safeguards set out in BE12 would be adequate to protect Conservation Areas, and is a better approach than an arbitrary limit on the number of storeys, wherever the proposal is located.

9.7.8 I have had regard to the 10 criteria suggested by the Nottingham Civic Society (NCS), and to the Council's emerging Supplementary Planning Guidance *Strategy for Tall Buildings*

and Landmark Views in Nottingham City Centre which it wishes to publish following adoption of this Local Plan and, I note the following:

- 1. *Is sympathetic to the character of the area on which it will have an impact and will contribute to the street scene rather than dominate or overwhelm.* This criteria is essentially embraced by the wording of BE8.
- 2. *Is part of an existing cluster of tall buildings, unless the Council has clear policies to reduce the height of buildings (as is the case with proposals to visually link Old Market Square and the Castle and the Castle to St Mary's) or exceptionally part of a planned new cluster.* The place for a specific reference such as this would be in Supplementary Planning Guidance. Moreover, the suggested wording is too restrictive because there could be cases where a lone building might be appropriate. As supporting paragraph 8.19 says, *tall buildings can improve the legibility of the City, and contribute to its identity and character when well designed and located.*
- 3. *Would not spoil the views to and from important landmarks and open spaces.* BE8 essentially includes very similar wording.
- 4. *Will not create adverse microclimate problems, nor overshadowing of existing buildings and open spaces.* This criteria is fulfilled by BE8 (d) and BE3 (b).
- 5. *Is well served by public transport.* This essentially duplicates BE2 (a) which will grant planning permission for development where: *new streets within developments are direct and integrated to ensure easy access to neighbourhood centres and public transport.*
- 6. *Will have invested in community assets, a substantial part of any increase in land value created by the development.* I see no reason for such a requirement. However, it would be open to a developer to offer a s106 obligation to mitigate any negative impacts created by a proposal.
- 7. *Incorporate a mixture of uses.* The objector agreed to omit this criteria as mixed uses are covered elsewhere in the Local Plan.
- 8. *Is energy efficient, preferably energy neutral.* Whilst it might be beneficial to encourage developers to go as far as they can with the use of wind and solar power, energy efficiency is a matter for Building Regulations.
- 9. *High quality architecture is a prerequisite with base and top carefully considered avoiding the mistakes of the 60s and 70s Competitions should be held wherever possible.* The Local Plan is not the appropriate place to express these sentiments, neither would they assist in gauging the quality of a development proposal. The circumstances in which an architectural competition would be appropriate should be specified elsewhere.
- 10. *Tall buildings should be located where they act as real landmarks to help citizens and visitors to find their way around the City, eg to identify bridges over the Trent or new or improved district centres on the line of the NET or major bus or train routes.* The objective of this criteria is for tall buildings to improve the legibility of the City. As such, it is embodied within the supporting text at paragraph 8.19.

9.7.9 Accordingly, I propose no change

## RECOMMENDATIONS

No modification.

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## 9.8 BE9 DEMOLITION OF LISTED BUILDINGS

### Objections

183X 355 Nottinghamshire Chamber of Commerce and Industry

### Issues

- a) Plan omits policy for dealing with listed buildings that are left to deteriorate.

### Inspector's Reasoning and Conclusions

9.8.1 (183X 355) The matter of the neglect of Listed Buildings is dealt with under specific legislation which it would not be appropriate to reproduce in this Local Plan. Therefore, whilst I consider that leaving Listed Buildings to deteriorate is an important issue, it is not a matter which should be addressed through the policies of the Local Plan. Nevertheless, the introduction to the Listed Buildings section of the Built Environment Chapter at paragraph 8.21 states that 'where a building has been deliberately neglected, less weight will be given to the costs of repair.'

## RECOMMENDATIONS

No modification.

\*\*\*\*\*

## 9.9 BE12 DEVELOPMENT IN CONSERVATION AREAS

### Objections

131X 158 Mrs Silvester, Nottingham Civic Society  
158X 871 Nottingham Trent University  
272X 804 Mr Ward, Wilson Bowden Developments

### Issues

- a) Specific reference to building heights included in the main body of the text rather than in Supplementary Guidance, with a limit of 5 storeys.
- b) The shading used for Conservation Areas on the Proposals Map is difficult to distinguish.
- c) Suggested change to remove 'only'.

### Inspector's Reasoning and Conclusions

9.9.1 (131X 158) Reference to respecting the character of Conservation Areas has been added to Policy BE8 in the Revised Deposit Draft Local Plan, with reference to the City skyline and tall buildings. This requires the consideration of the scale of the proposed building in relation to the character of Conservation Areas. A detailed assessment of the impact of development, in particular how it affects the City skyline will be required.

9.9.2 In my view, the criteria based policies BE8 and BE12 taken together will be adequate to protect Conservation Areas. And, this is a better approach than placing an arbitrary limit on the number of storeys wherever the proposal is located. Furthermore, Supplementary Planning Guidance is currently being prepared for tall buildings which will examine the complex matter of the inter-relationships of topography and building heights, viewpoints, important existing buildings and other features. I agree with the City Council that it is more appropriate to include such detail in SPG rather than the Local Plan.

9.9.3 The City Council agrees with objection 158X 871. Accordingly, the Proposals Map will be amended to clearly distinguish the City Centre Conservation Areas.

9.9.4 Objection 272X 804 is met by Revision No. BE.029 of the Revised Deposit Draft Local Plan which omits the word 'only' from the introduction to the Policy.

### RECOMMENDATIONS

Modify the Proposals Map of the Local Plan to clearly distinguish City Centre Conservation Areas.

\*\*\*\*\*

## 9.10 BE13 DEMOLITION IN CONSERVATION AREAS

### Objections

**260X 781**                    **Mr Hewitt, Government Office for the East Midlands**

### Issues

- a) Include 'positive' contribution in first sentence of policy. PPG15 para 2.4 should be followed about demolition in Conservation areas.

### Inspector's Reasoning and Conclusions

9.10.1 Objection 260X 781 is met by Revision No. BE.031 to the Revised Deposit Draft Local Plan which first, says **positive** contribution to the special character of Conservation Areas. Secondly, it now links the demolition of buildings in Conservation Areas to proposals for development in the introduction to Policy BE13 by saying **'Planning permission for development involving'**.

### RECOMMENDATIONS

No modification.

\*\*\*\*\*

## 9.11 BE14 HISTORIC PARKS AND GARDENS

### Objections

291X 887 Mrs Liebeschuetz,

### Issues

- a) Forest recreation ground should be classified as an historic site and protected from development .

### Inspector's Reasoning and Conclusions

9.11.1 The Forest already has protection as part of the Open Space Network. But, in nay event, responsibility for the designation of Historic Parks and Gardens lies with English Heritage, not with Local Authorities.

## RECOMMENDATIONS

No modification.

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## 9.12 BE16 ARCHAEOLOGICAL CONSTRAINTS AREAS

### Objections

78X 103 Mr Bowley, Radford Bridge Road Garden Holder

### Issues

- a) The Gardenholders Association has not been notified about the Archaeological Constraints Area.

### Inspector's Reasoning and Conclusions

9.12.1 The archaeological constraint area is a long standing designation carried forward from the currently adopted Local Plan. Its purpose is not to prevent the development of the Radford Bridge allotments site, but to alert developers that there may be items of archaeological significance present. Any development should take account of archaeological remains so that they are preserved or recorded. In general, this would involve the imposition of appropriate conditions on any planning permission granted. On the Radford Bridge Road allotments site, it is understood that the designation relates to the use of Martin's Pond over centuries as a Fish Breeding Pond.

## RECOMMENDATIONS

No modification.

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### 9.13 BE18 LENTON PRIORY

#### Objections

300X 899            Mr Daley, Dunkirk & Lenton Partnership Forum

#### Issues

- a) Forum considers that the existing wording should be reinstated to safeguard the Priory from any development and state the City Council will acquire land to lay out the site as open space etc. It should be a tourist venue.

#### Inspector's Reasoning and Conclusions

9.13.1 English Heritage has now designated Lenton Priory as an Ancient Monument. Further Proposed Change FPCBE\01 incorporates Lenton Priory into Policy BE15, together with the other Ancient Monuments in the City. I recommend accordingly.

## RECOMMENDATIONS

Modify the Local Plan in accordance with FPCBE\01 by inserting a new paragraph after Policy BE15 numbered paragraph 8.34 to say:

**There are currently 9 Scheduled Ancient Monuments in the City, which are: cellar under 8 Castle Gate, rock cut houses north of Castle Boulevard and south of Nottingham Castle, caves at Drury Hill and under 3-7 Middle Pavement, medieval City wall, Nottingham Castle, St John Baptist's Church and graveyard, Colwick, and Lenton Priory, which was designated in 2002. The Priory was a pre-reformation monastic foundation of national significance. The area of remains may extend beneath adjacent properties, particularly along Priory Street on the site of the monastic church.**

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### 9.14 BE19 TELECOMMUNICATIONS EQUIPMENT

#### Objections

40X 5                Vodafone Ltd  
271X 740\*          Orange PCS Ltd  
298X 897            British Telecommunications Ltd

**Issues**

- a) PPG8 was revised in 8/01 and provides guidance on safety guidelines. Amend to reflect advice.
- b) Para e) is not in accordance with PPG8 and should be removed. Health and Safety is a matter for HSE.
- c) No objection to spirit and purpose of policy, but it should reflect revised PPG8, in particular paragraph 99 of the appendix which safeguards public safety by the requirement for self certification of compliance with ICNIRP. Criterion e) of the policy should therefore be replaced by the following wording:- e) a certificate of compliance with ICNIRP accompanies the application.

**Inspector's Reasoning and Conclusions**

9.14.1 The objections are met by Revision Nos. BE.035 and BE.036 of the Revised Deposit Draft Local Plan.

**RECOMMENDATIONS**

No modification.

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**9.15 BE20 ADVERTISEMENTS AND SHOPFRONTS**

**Objections**

38X 57            Mr Abbott,

**Issues**

- a) Policy does not contain sufficient direction to prevent light pollution.

**Inspector's Reasoning and Conclusions**

9.15.1 Since no policy will be applied in isolation, I am satisfied that Policy BE20 is sufficient in conjunction with Policy NE7 which refers to light pollution.

**RECOMMENDATIONS**

No modification.

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9.16 BE22 SHOPFRONTS

**Objections**

**38X 58**            **Mr Abbott,**

**Issues**

- a) Policy does not contain sufficient direction to prevent light pollution.

**Inspector's Reasoning and Conclusions**

9.16.1 Light pollution is not usually a factor associated with shopfronts; however, any problem can be dealt with under Policy NE7.

**RECOMMENDATIONS**

No modification.

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## 10. NATURAL ENVIRONMENT

### 10.1 OBJECTIONS WHICH DO NOT RELATE TO A SPECIFIC POLICY

#### The Objections

254X 369	Mr McCormick, Urban Nature
254X 370	Mr McCormick, Urban Nature
254X 372	Mr McCormick, Urban Nature
337X 669	Mr Schofield, STAA
399X 904	Mr Arkwright
399X 905	Mr Arkwright

#### Objections to Proposed Changes

325X 2542	Mr Lambshead, Network Rail Infrastructure Ltd
325X 2543	Mr Lambshead, Network Rail Infrastructure Ltd

#### Issues

- Objects to exclusion of Gorseyclose Gardens from the Bio SINC.
- Objects to exclusion of land at Springwood from Open Space Network and Bio SINC.
- Objects to exclusion of Enderleigh site from Open Space Network and Bio SINC.
- Springfield housing site ( H1.3) should be a SINC and part of the open space network.
- Suggests deletion of the SSSI and SINC designation on rail land at Colwick Woods

#### Inspector's Reasoning and Conclusions

10.1.1 The common theme in all of these objections is the lack of the sites' status as a Site of Importance for Nature Conservation (SINC). However, the allocation of SINC status is not a matter for the Local Plan albeit it provides for the protection of the designation. The location and extent of SINC's is derived from the Nature Conservation Strategy (1992). SINC's are selected and periodically reviewed on the basis of criteria specified in the Nature Conservation Strategy and undertaken by the Nottinghamshire Biological and Geological Records Centre.

##### *Gorseyclose Gardens*

10.1.2 (254X 369, 337X 669, 399X 905) The land was not allocated as part of the Biological SINC in the Nature Conservation Strategy. However, in this Local Plan, the site is identified as part of the Open Space Network and as part of a listed Historic Park or Garden (with Hungerhill Gardens). In my view, this provides a significant level of policy protection in order to keep the site in its current use and therefore I propose no change.

##### *Springwood*

10.1.3 (254X 370) In the adopted Local Plan the site has not been part of the Open Space Network. Instead it has been included within the Primarily Residential notation. Any issues regarding retention or management of the woodland would be addressed through a development brief or planning application should a development come forward in this location. I therefore recommend no change.

*Enderleigh*

10.1.4 The Enderleigh site was not allocated for anything other than primarily residential in the adopted plans of 1988 and 1997. I understand that the house has since come forward for development and a Development Brief for Enderleigh and its grounds has been produced to guide the sympathetic development of the house and its grounds. The Brief notes the significance of the tree cover on the southern part of the grounds and suggests a potential consideration of management of the natural features in conjunction with the adjacent 'Springfiled' site. I therefore propose no change.

*Springfield Pasture*

10.1.5 (337X 669, 399X 904) Springfiled Pasture was not allocated as part of the Biological SINC in the Nature Conservation Strategy. In the Revised Deposit Draft, the Housing Allocation H1.3 has been reduced to exclude the southern half of the site which is re-allocated as part of the Open Space Network (Revision H.009) The Planning Brief for the whole Springfield Site indicates that a management plan is required to maintain and enhance the southern half of the site as a nature conservation area. I therefore recommend no change.

10.1.6 (325X 2542) SSSIs are a national designation by English Nature outside of the Local Plan process. The SSSI at Colwick Woods was shown in the 1997 adopted Local Plan. Since that time, the only change which has been put forward was Revision No. NE.001a(02) to the Revised Deposit Draft Local Plan which removed the notational symbol from this site on the Proposals Map and replaced it with a boundary. As no change has been made to the SSSI at Colwick Woods since the last Local Plan that would affect the operational needs of Network Rail, I do not recommend any further changes.

10.1.7 (325X 2543) Similarly, SINC's are a national designation made by the City Council and English Nature outside of the Local Plan process. The SINC at Colwick Woods was also shown in the 1997 adopted Local Plan. Since that time, the only change which has been put forward was Revision No. NE.001d(10) to the Revised Deposit Draft Local Plan which removed the notational symbol from this site on the Proposals Map and replaced it with a boundary. As no change has been made to the SSSI at Colwick Woods since the last Local Plan that would affect the operational needs of Network Rail, I do not recommend any further changes.

**RECOMMENDATIONS**

No modification.

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**10.2 NE1 NATURE CONSERVATION**

**Objections**

101X 232	Mr Tribe, English Nature
101X 236	Mr Tribe, English Nature
101X 730	Mr Tribe, English Nature
234X 578	Mr Wharmby, Lafarge Aggregates
217X 832*	Mr Howat, Nottinghamshire Wildlife Trust
217X 838	Mr Howat, Nottinghamshire Wildlife Trust
78X 102	Mr Bowley, Radford Bridge Road Garden Holder
60X 140	Mr Pattison, Radford Bridge Road Garden Holders Association Ltd.
91X 201	Mr Barr
95X 202	Mrs Barr

163X 218	Mrs Wright
175X 264	Mrs Bradshaw
160X 856	Mr Copley
365X 935	Mr Scrivins
221X 1001	Chesterton on behalf of R.B.R.G.H.A ltd

### **Objections to Proposed Changes**

101X 2148*	Mr Tribe, English Nature
101X 2150*	Mr Tribe, English Nature
217X 2335*	Mr Howat, Nottinghamshire Wildlife Trust
217X 2336*	Mr Howat, Nottinghamshire Wildlife Trust
155X 2339	Mr Johnson, CPRE ( Nottinghamshire)
158X 2404	Nottingham Trent University
273X 2473*	Mr Foster, Nottinghamshire County Council (Planning Team)
78X 2022	Mr Bowley, Radford Bridge Road Garden Holder
78X 2021	Mr Bowley, Radford Bridge Road Garden Holder

### **Issues**

- a) Lack of policy on management of landscape features important for wildlife.
- b) Policy NE1 covers too much. Suggests separate policies for national or local designations.
- c) Change symbols to boundaries for nature conservation sites on Prop. Map.
- d) Protected species are an issue which warrants a separate policy.
- e) Separate policy to fully recognise the Nottinghamshire Biodiversity Action Plan.
- f) Objects to the word 'significant'. Presumption should be no devt. in first instant.
- g) No statement re enhancement.
- h) EIA for avoidance, mitigation and compensation.
- i) No comprehensive list of habitats.
- j) Separate policy for SSSIs. Duty to consult English Nature.
- k) Policy NE1 not now in accordance with Policy 3/7 of the Structure Plan
- l) Policy should state permission should not be granted where criteria cannot be met.
- m) Clifton Grove LNR - no ecological potential to merit designation under NE1.
- n) Partial development for housing on RBR Allotments would be acceptable within NE1 – providing barrier to Nature Reserve.
- o) Symbol identifying Nature Reserve should be replaced by boundary.
- p) Allotments land should be allocated for housing despite their nature conservation value.
- q) Queries extent of designations of nature reserve and archaeological constraints on Prop. Map
- r) Agree with development provided the boundary with Martin's Pond is made secure.
- s) Argues a housing land need in city. Demand for allotments decreased. Archeological sites not definitive.
- t) Argues that a housing devt. on allotments would not detract from Nature Reserve.

### **Inspector's Reasoning and Conclusions**

10.2.1 A number of objections (101X 232, 101X 236, 101X 2150, 101X 2148, 234X 578, 217X 832, 217X 2335, 217X 2336, 273X 2473, 155X 2339) are met by Further Proposed Changes FPCNE\01, FPCNE\02, FPCNE\03, FPCNE\04, FPCNE\05, FPCNE\06, and FPCNE\07 and I recommend accordingly.

10.2.2 Objection 101X 232 concerning lack of policy on management of landscape features important for wildlife, is met in part by the re-wording of Policy NE1 and in part by Policy NE3.

10.2.3 Commitment to enhancement of Biodiversity is added to the preamble in the supporting

text which meets objections 101X 2148, 217X 2335, and 273X 2473. The word 'significant' has been removed which meets objections 101X 2148, 217X 2335, 273X 2473, 217X 832 (FPCNE\01). A reference to 'negative impacts' has been added which meets objection 101X 2148 (FPCNE\07). The need to consult with English Nature has been added to the text which meets objections 101X 2148 and 217X 2335 (FPCNE\04). The requirement of environmental assessments has been added to the text which meets objections 101X 2148 and 217X 2335. Separate policies for SSSIs and for LNRs / SINC (and for Species) have been created which meet objections 101X 2148, 101X 236, 217X 2335, 234X 578 (FPCNE\02 and FPCNE\05). The protection of natural heritage is now commensurate with that afforded to built heritage in Built Environment Chapter (217X 2335). References to tests of 'no alternative' and 'overriding public interest' are now covered by new policy (FPCNE\02) on SSSIs and there is recognition of the higher status of some SINC covered in various parts of the text (217X 2335). The matter of development having an adverse effect on a SINC or LNR only being permitted 'in exceptional circumstances' is covered by the new wording of Policy NE1 (FPCNE\05). The policies rather than the supporting text now state that 'permission will not be granted' where the relevant criteria cannot be met.

10.2.4 In response to objection 101X 2150, I agree with the City Council that it is not appropriate to have a list of habitats in the Local Plan.

10.2.5 The Further Proposed Changes FPCNE\01, FPCNE\02, FPCNE\03, FPCNE\04, FPCNE\05, FPCNE\06, and FPCNE\07 would re-cast Policy NE1. I consider that these changes would meet the requirements of PPG9 'Nature Conservation' and that Policy NE1 and the proposed new policy would both be in accordance with Structure Plan Policy 3/7 and Draft Joint Structure Plan policies 2/3, 2/4, and 2/5. Consequently, objection 155X 2339 would be met.

10.2.6 (217X 838) I am satisfied that the need to recognise the Nottinghamshire Biodiversity Action Plan has been acknowledged by the references to it within the supporting text of Policy NE1 in the Revised Deposit Draft together with the City Council's Conservation Strategy which provides a more local level to the biodiversity framework. In my view, the references give significant weighting to the Nottinghamshire Biodiversity Action Plan and obviate a need for a separate policy.

#### *Clifton Grove Local Nature Reserve*

10.2.7 (158X 2402) The Clifton Grove Local Nature Reserve has been designated by the City Council outside of the Local Plan process in accordance with a process which reflects its amenity value to the local community and conservation status. It is shown on the Proposals Map of the Revised Deposit Draft as a factual update since the First Deposit Draft as its designation occurred between the 2 drafts.

10.2.8 Clifton Grove Local Nature Reserve is part of the Clifton Grove designated Grade 1 Site of Importance for Nature Conservation (SINC) which represents those of highest value. The SINC has been shown on the Proposals Maps since 1990, its main habitat types are recorded as Broadleaved Woodland and Riverside Marsh. In addition, Clifton Grove is part of Clifton Village Conservation Area, part of the River Trent Wildlife Corridor and part of the Clifton Wildlife Reservoir. I do not therefore propose to recommend that it be deleted from the Proposals Map.

#### *Radford Bridge Allotments Site*

10.2.9 Save for Martin's Pond LNR, the allotments are surrounded by residential development. They are privately owned, securely fenced, and there is no public access to them. At present they are under-used and the majority are derelict and overgrown. Accordingly, the allotment site has little or no public amenity value.

10.2.10 The Report prepared by Nottinghamshire Wildlife Trust (NWT) in June 1989 concluded that the cultivation of the allotments had prevented an unusual floral community from developing but that the interest lay in the wide range of commoner plants and animals it supported, in particular the mammals and birds. However, that report is now somewhat outdated. Although NWT have carried out a more recent appraisal of that report dated August 2003, it is not clear how the numbers of cultivated allotments has varied in the intervening 14 years and how that might have affected the nature conservation value of the site.

10.2.11 The Council considers that the Radford Bridge allotments site has nature conservation value in its own right as a designated Site of Importance for Nature Conservation, and also supports the Martin's Pond Local Nature Reserve. However, I have considered this site in detail in the Housing Chapter at paragraphs 3.2.10-3.2.22. In summary, I have concluded that the northern part of the allotment site could potentially be developed for housing with a balancing pond in the south-east corner of the site whilst leaving a sufficient buffer around Martin's Pond. I anticipate that the developer would be required to undertake a full EIA prior to the development to look at all aspects of the flora and fauna and hydrology of the site. This appraisal would include a method statement indicating what the implications of any development would be and how the developer proposed to mitigate the impact on nature conservation interests on the site and on Martin's Pond and Harrison's Plantation. My overall conclusion is that such a development would result in a number of benefits to the community that would outweigh any limited harm to the nature conservation value of the allotments. As such, their development for housing would not, in my view, be contrary to Policy NE1 as amended by FPCNE\05 and so the land should be allocated for housing.

10.2.12 The boundary of the combined SINC's of Martin's Pond and the Allotment Land and Harrison's Plantation is shown on the First Deposit Draft Proposals Map, whilst the boundaries of the LNRs are included in the schedule of revisions to the Proposals Map in the Revised Deposit Draft Local Plan. A county-wide review of SINC's is currently underway, but has yet to report. I therefore propose no change. The archaeological constraint area is a long-standing designation carried forward from the currently adopted Local Plan. Its purpose is not to restrict development, but to alert developers that there might be items of archaeological significance present, which any development should take account of. In this case, I understand that it relates to the historic development and use of the ponds. I therefore propose no change.

10.2.13 Objection 101X 2148 is met by Further Proposed Changes FPCNE\01, FPCNE\02, FPCNE\04, FPCNE\05, FPCNE\06, and FPCNE\07; and objection 101X 2150 is met by FPCNE\01 and FPCNE\04. I recommend accordingly.

## **RECOMMENDATIONS**

Modify the Local Plan in accordance with Further Proposed Change FPCNE\01: \_

Paragraph 9.3 – Add to the beginning of paragraph:

**The City Council seeks to protect and enhance its limited areas of nature conservation significance.**

After 'This plan has an ...' replace 'significant' by **important**.

Modify the Local Plan in accordance with Further Proposed Change FPCNE\02:-

Add new policy after title of Nature Conservation:-

**Development in or likely to affect sites of Special Scientific Interest will be subject to special scrutiny.**

**Where such development may have an adverse effect, directly or indirectly, on the special interest of the site, planning permission will not be granted unless the reasons for the development clearly outweigh the nature conservation value of the site itself and the national policy to safeguard such sites.**

**Where planning permission is granted, conditions and/or planning obligations will be sought to provide appropriate mitigation and compensation measures.**

Modify the Local Plan in accordance with Further Proposed Change FPCNE\04:-

Add a new paragraph after the new policy set out in FPCNE\02 above:-

**Development in or reasonably assumed to be affecting SSSIs will be required to demonstrate reasons which clearly outweigh the nature conservation of the site and the national policy to protect such sites. As Nottingham has only 3 SSSIs (the boundaries of which are marked on the Proposals Map), and a commitment to maintaining and enhancing its protected sites, any such proposal is extremely unlikely. English Nature will be consulted over any development in or around SSSIs.**

Modify the Local Plan in accordance with Further Proposed Change FPCNE\05:-

Policy NE1 – change the policy to read:-

**Development likely to have an adverse impact on the flora, fauna, landscape or geological features of a Local Nature Reserve (LNR), a Site of Importance for Nature Conservation (SINC) or other locally important sites will not be permitted unless it can be clearly demonstrated that there are reasons for the proposal which outweigh the need to safeguard the nature conservation value of the site.**

**Where planning permission is granted, conditions and/or planning obligations will be sought to provide appropriate mitigation and compensation measures.**

Modify the Local Plan in accordance with Further Proposed Change FPCNE\06:-

Paragraph 9.4:-

**Delete Local Authorities...planning system.**

Add **and** before 'if conditions'

Before 'will reflect' replace 'criteria' by **consideration**.

Add at end of the paragraph:-

**Where development is permitted which may damage the nature conservation value of the site or feature, such damage will be avoided, mitigated or compensated for (in that order).**

Modify the Local Plan in accordance with Further Proposed Change FPCNE\07:-

Add at the end of paragraph 9.5:-

**...and provide details of how the development will avoid, mitigate and compensate for any damage to the protected site.**

**It should be noted that negative impacts on protected sites may not be immediately obvious and potential longer term effects should be referred to.**

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## 10.3 NE2 CONSERVATION OF SPECIES

### Objections to Proposed Changes

101X 2149\*      Mr Tribe, English Nature  
273X 2280\*      Mr Foster, Nottinghamshire County Council (Planning Team)

#### Issues

- a) Objects to the word 'significant' - weakens the protection.
- b) Presumption should be that harm is unacceptable until proven otherwise.
- c) Reference to the changes to Habitats Regulations - LPAs to have statutory duty to consult
- d) No mention of enhancement of biodiversity resource

#### Inspector's Reasoning and Conclusions

10.3.1 The objections are met by Further Proposed Changes FPCNE\08, FPCNE\09, FPCNE\10, and FPCNE\11 and so I recommend accordingly.

### RECOMMENDATIONS

Modify the Local Plan in accordance with Further Proposed Change FPCNE\08:-

Re-write Policy NE2 to read:-

**Planning permission will not be granted for development which would have an adverse impact on species protected in law or their habitats or of special importance to Nottingham and Nottinghamshire, unless it is demonstrated that there is an overriding need for the development. Where planning permission is granted, planning conditions and/or obligations will be negotiated to ensure the favourable conservation status of the species.**

Modify the Local Plan in accordance with Further Proposed Change FPCNE\09:-

Paragraph 9.8 – Add after ‘statutorily protected...’ **through the protection of Badgers Act 1992, the Habitats Regulations 1994, or the Wildlife and Countryside Act 1981 (as amended),...**

Modify the Local Plan in accordance with Further Proposed Change FPCNE\10:-

Paragraph 9.9:-

After ‘considerations...’ replace ‘or’ by **and**

Insert new sentence after ‘species’ **Ecological assessments and full surveys of the affected species may be required.**

Replace ‘For species...conservation status.’ By **‘Additionally for species protected by the Habitats Regulations 1994 (European Protected Species), it must be demonstrated that: there is no alternative;**

**it is required for reasons of overriding public interest of sufficient significance to outweigh the national level of protection;**

**it will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status.'**

Modify the Local Plan in accordance with Further Proposed Change FPCNE\11:-

Add to end of paragraph 9.9:-

**Changes to the Habitats Regulations are likely to give the City Council a statutory duty for licensing works to habitats supporting European Protected Species in conjunction with granting planning permissions. This will involve English Nature as a statutory consultee in all protected species matters.**

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## 10.4 NE3 BIOLOGICAL OR GEOLOGICAL SITES OF IMPORTANCE FOR NATURE CONSERVATION

### Objections

101X 240	Mr Tribe, English Nature (formerly Policy NE2)
325X 680	Mr Lamshead, Network Rail Infrastructure Ltd (formerly Policy NE2)
217X 833*	Mr Howat, Nottinghamshire Wildlife Trust (formerly Policy NE2)

### Objections to Proposed Changes

101X 2153	Mr Tribe, English Nature
217X 2203*	Mr Howat, Nottinghamshire Wildlife Trust
217X 2205	Mr Howat, Nottinghamshire Wildlife Trust
269X 2262	Mr Brown

### Issues

- Policy should ensure that nature conservation of devt. sites is retained and enhanced.
- SINC north of Beeston Sidings employment site (E2.15) is operational rail land.
- Objects to re-allocation of part of Beeston Sidings SINC to E2.15. This is the only known site of Slow Worms in Nottm.
- Object to any allocation of sites for development where it affects SINC.
- Add City Council Ecologists to list of consultees
- Policy should be reworded to reflect accepted ecological practice.
- Policy should require an EIA produced by a competent ecologist.
- Suggests restore presumption against devt. where nature conservation features occur.

### Inspector's Reasoning and Conclusions

10.4.1 (101X 240, 217X 833) I agree with the City Council that development need not harm allocated SINC. Sympathetic development can protect and enhance nature conservation and provide for long term safeguarding and maintenance. As a means of maintaining suitable levels of nature conservation on development sites, the addition of greater consultation with appropriate bodies should strengthen the need for adequate planning conditions. Revised Deposit Draft Revision No. NE.011 added to the supporting text at the end of the second

paragraph of Policy NE3:- “Consideration of the above measures will take account of the views of English Nature, Nottinghamshire Wildlife Trust, the Environment Agency and other consultees as appropriate.

10.4.2 The designation of the Biological SINC at Beeston Sidings was shown in the 1997 Adopted Local Plan with the same boundaries as shown on this Review’s Proposals Map. The majority of the SINC site has subsequently been designated as a Local Nature Reserve (LNR) although the part of the site referred to in objection 325X 680 has not been included in the LNR. Since the land was used for informal storage of railway equipment and it was in the ownership of Railtrack and its successors it was felt to be appropriate to restrict the LNR to the fence line between the Council owned playing fields and the railway land. As such, I agree with the City Council that it was appropriate to include the land with the remainder of the site as part of Employment site E2.15. I therefore recommend no change.

10.4.3 (217X 2205) The Beeston Sidings site remained as part of the Grade 1 SINC although allocated for Employment uses. It was therefore added to the list of sites under Policy NE3 for the natural environment interests to be safeguarded (Revised Deposit Draft Revision No. NE.008). Subsequently, it became known that the Slow Worms had colonised the site from the adjoining LNR where they had been translocated from a City Centre site. As a protected species and as the only known location of Slow Worms in Nottingham, the habitat now comes under Policy NE2 (Species Protection).

10.4.4 Although it is allocated as part of Employment site E2.15, the levels of protection will require environmental assessment and appropriate action to preserve the habitat. I consider that the form of development proposed, as an open storage/intermodal freight depot to be a use which can co-exist with the nature conservation value present on the site.

10.4.5 Objections 217X 2203 and 269X 2262 would be met by FPCNE\12 to add to criterion b) of Policy NE3 to clarify that translocation is a last resort and by FPCNE\13 which proposes to make references in supporting text to mitigation, compensation and translocation as a last resort, to clarify what is required of a prospective developer to maintain the nature conservation interest of the site. I recommend accordingly.

10.4.6 (101X 2153) Since the City Council Ecologist is an internal consultee, I do not consider it necessary to make a specific reference in the Local Plan.

10.4.7 (269X 2262) The word ‘nearby’ indicates a receptor site as close as possible to the site, taking account of suitability of site balanced with location. Preferably the site should be within the immediate vicinity or within Greater Nottingham.

10.4.8 (269X 2262) The presumption against development is not necessarily appropriate in Policy NE3 as the purpose of the Policy is twofold. First, to achieve an acceptable development whilst preserving the nature conservation value of the site. Secondly, to relate to sites which have a lower level of conservation interest where there is an impact from development. No policy will be applied in isolation and Policies NE1, NE2 and the proposed new SSSI Policy restrict development on established and proposed sites and habitats of most importance.

## **RECOMMENDATIONS**

The Local Plan be modified in accordance with FPCNE\12:

**By adding to Policy NE3 criterion b): “where that is impossible”;**

The Local Plan be modified in accordance with FPCNE\13:

**By adding to paragraph 9.13: before 'Where planning' add "The proposed allocations will require the applicant to submit an environmental impact assessment, containing mitigation proposals and compensatory works and identifying residual impacts"; and**

**by adding to paragraph 9.13: before 'If appropriate':-**

**"Where this is not possible, suitable compensatory works will be required. As a last resort..."**

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## 10.5 NE4 PROTECTION OF EXISTING TREES

### Objections

154X 206            Mr Jorysz, Spawforth Associates (formerly Policy NE3)  
102X 241            Mr Pomfret, Woodland Trust (formerly Policy NE3)

### Objections to Proposed Changes

35X 2019           Ms Mee,

### Issues

- a) Policy should include paragraph relating to good arboricultural practice
- b) Policy does not provide absolute protection for Ancient semi-natural woodland (ASNW)
- c) Para b) of Policy NE4 reinstated to give stronger commitment to preservation of trees.

### Inspector's Reasoning and Conclusions

10.5.1 Policy NE4 (formerly Policy NE3 in the First Deposit Draft) seeks to protect existing trees while Policy NE5 relates to trees protected by TPOs. The supporting text at paragraph 9.15 which follows Policy NE5 advises developers 'to carry out arboricultural surveys...at an early stage'. Accordingly, it would seem only to relate to TPO trees. I therefore consider that it would be helpful to include a similar paragraph of supporting text after Policy NE4.

10.5.2 I consider that the other matters suggested by objection 154X 206 are too detailed for a Local Plan but I am satisfied that they have already been addressed in other non-statutory planning documents.

10.5.3 (102X 241) All of the Ancient Woodlands in Nottingham are part of Biological SINCs and are afforded protection through Policy NE1. They are specifically mentioned in supporting paragraph 9.6. As such, I consider this approach gives an appropriately high level of protection to Ancient Woodlands and so it is not appropriate to include their protection in Policy NE4.

10.5.4 I note that whilst Sellars Wood ASNW is designated as an SSSI, all the other ASNWs and PAWS are included as Biological SINCs (Colwick Wood is also proposed as a Local Nature Reserve) partly because of their broadleaf Woodland habitats.

10.5.5 (35X 2019) The original criterion b) in the First Deposit Local Plan was deleted following an objection from the Government Office for the East Midlands because TPOs are provided for by a specific Act of Parliament. As such, they should not be delegated to the policies in the Local Plan. The renumbered Policy NE5 still gives protection for trees covered by TPOs which are likely to be affected by development. I am satisfied that Policies NE4 and NE5 indicate the measures that the City Council will take when dealing with applications to develop land, to protect trees and provide for new tree planting.

## RECOMMENDATIONS

Modify the Local Plan by inserting a paragraph of supporting text after Policy NE4 to say:

**Developers are advised to carry out tree surveys of development sites at an early stage to ensure that existing trees are identified and taken into account in the layout and design of the proposal.**

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## 10.6 NE5 WORKS TO TREES

### Objections

217X 835\*            Mr Howat, Nottinghamshire Wildlife Trust (formerly Policy NE4)

### Issues

a) Policy to make explicit reference to possible presence of bats in trees

### Inspector's Reasoning and Conclusions

10.6.1 Objection 217X 835 is met by Revised Deposit Draft Revision No. NE.019 which makes specific reference to bat surveys in supporting paragraph 9.15.

## RECOMMENDATIONS

No modification.

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## 10.7 NE7 GREEN BELT

### Objections

352X 761            Mr Cronk, The House Builders Federation (formerly Policy NE6)

## Objections to Proposed Changes

524X 2140*	Mrs Travis
545X 2198	Ms Rootham
554X 2225	Mr Scavetta
572X 2257	Mr Lipman, Growing Places
573X 2259	Ms O'Donnell
269X 2261	Mr Brown
574X 2264	Miss Shephard
581X 2285	Mr Davis
583X 2307	Mrs Bedward,
586X 2308	Ms Key
587X 2309	Mr Dowding
588X 2310	Mr Westgate
589X 2311	Mr Key
590X 2312	Mrs Key
498X 2326*	Mrs Humber
626X 2373	Mr Simpson
636X 2384	Mr Corbett
642X 2390*	Mrs Pegg
644X 2394*	Mr Hurst
648X 2399	Mr Paling
647X 2400	Miss Vickers
664X 2438*	Mr Richmond
687X 2495*	Dr Clark
695X 2518	Mrs Raybould
696X 2519*	Miss Heaps
697X 2521	Mr Godfrey
701X 2525	Miss Rivers-Black
702X 2526	Miss Young

## Issues

- a) Policy should safeguard land for longer term development needs.
- b) Colwick Park - Object to loss of Green Belt and valued Open Space.
- c) Colwick Park - Designate as Nature Reserve or Country Park and maintain.

## Inspector's Reasoning and Conclusions

10.7.1 352X 761 The Green Belt was reviewed by the 1997 Adopted Local Plan, which has the same end date as the current review. Policy 1/5 of the Structure Plan has therefore already been implemented in a Nottingham context. Accordingly, a further review is not necessary to accommodate the development needs of the City within this Local Plan review. In any event, the City has a limited area of Green Belt which continues to serve the purposes set out in PPG2.

10.7.2 Objections are raised to Revision NE060 regarding the proposed change to the Green Belt boundary to accommodate the school expansion. However, the City Council is no longer pursuing an extension of Greenwood Dale School (site CE7.4 i.e. land south of Greenwood Road). Further proposed modifications: FPCNE\14 proposes to first, reverse Revision No. NE.009 (delete reference from list of sites under Policy NE3). Secondly, it proposes to reverse Revision No. NE.060 (reinstate the line of the Green Belt boundary). This proposed change is linked to FPCCE/02 (which proposes to reverse Revision No. CE.014 i.e. delete Policy CE7.4 and revert to the 1<sup>st</sup> Deposit Draft); and Proposed Changes FPCR\04 and FPCR\05.

10.7.3 In respect of the area being declared a Local Nature Reserve, the City Council is now proposing to designate Colwick Woods as a Local Nature Reserve (proposed change FPNE\19

to the Proposals Map). At the time of the Local Plan Inquiry, it was going through a consultation and approval process, and the proposed LNR includes the land south of Greenwood Road. See also the Community, Health and Education and Recreation and Leisure chapters.

**RECOMMENDATIONS**

The Local Plan be amended in accordance with FPCNE\14:

**Paragraph 9.12 – Remove ‘Greenwood Dale School expansion’ from the list of sites.**

**Proposals Map – Reinstate the Green Belt Boundary at Greenwood Road to 1<sup>st</sup> Deposit Draft line.**

The Local Plan be amended in accordance with FPCNE\19:

**Proposals Map – Add two new sites to the Local Nature Reserves notation:-**

**Colwick Woods**

**Sunrise Hill.**

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10.8 NE8 POLLUTION

**Objections**

38X 20                    Mr Abbott (formerly Policy NE7)

**Issues**

- a) Objects to non inclusion of light pollution policy.

**Inspector's Reasoning and Conclusions**

10.8.1 Policy NE8 includes all forms of pollution including light pollution and paragraph 9.25 of the supporting text deals particularly with light pollution in more detail, stating that ‘Applicants may be required to submit supporting information to demonstrate that these issues have been adequately addressed.’

**RECOMMENDATIONS**

No modification.

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## 10.9 NE9 WATER QUALITY AND FLOOD PROTECTION

### Objections

57X 33	Ms Marshall, Environment Agency, Lower Trent Region (formerly Policy NE8)
324X 780	Mr Marsh, Environment Agency (formerly Policy NE8)
324X 1036	Mr Marsh, Environment Agency (formerly Policy NE8)

### Issues

- Reference should be made to the Day Brook after 'River Trent' in supporting text.
- PPG25 requires sequential test to the issue of flood risk in considering plan allocations.
- Suggests consideration of management of surface water on all development sites is needed.

### Inspector's Reasoning and Conclusions

10.9.1 On the Proposals Map of the First Deposit Draft there were no wash lands identified on the Day Brook. Accordingly, there was no need to mention the Day Brook in the supporting text. Subsequently, additional information has been provided by the Environment Agency which shows the existence and extent of the washlands on the Day Brook. The matter would be addressed by FPCNE\15 and I recommend accordingly.

10.9.2 Objection 324X 780 identifies the sites in the Local Plan which are in the Flood Zone High Risk category and therefore require a Flood Risk Assessment with any development proposals. However, Revision No. NE.034 of the Revised Deposit Draft lists these sites in paragraph 9.29 of the supporting text to Policy NE9 with reference being made to the Environment Agency as a source of advice. Additionally, Revision No. NE.033 of the Revised Deposit Draft revises paragraph 9.28 to include advice that 'Applicants for development in undefended areas should be accompanied by a Flood Risk Assessment' and to refer to the Environment Agency.

10.9.3 I consider this approach to be appropriate since it highlights at an early stage which development sites require flooding to be considered in a more rigorous way. If further guidance is required by developers, this can best be achieved on an individual case by case basis.

10.9.4 Objection 324X 1036 is met by Revision Nos. NE0.33 and NE.034 of the Revised Deposit Draft which include new paragraphs of supporting text (9.28 and 9.29) to better reflect PPG25.

### RECOMMENDATIONS

Modify the Local Plan in accordance with FPCNE\15:

Paragraph 9.30 – Add after 'River Trent' - '**Day Brook**'.

Proposals Map – Add the Day Brook washlands to the Washlands notation.

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## 10.10 NE11 DERELICT AND CONTAMINATED LAND

### Objections

323X 446 Mr Lee, Friends of the Earth (formerley Policy NE10)

### Issues

a) Emphasis of policy should be to encourage decontamination and appropriate reuse of land.

### Inspector's Reasoning and Conclusions

10.10.1 The City Council is heavily reliant on brownfield land to meet its development needs. Policy NE9 is not intended to be negative in restricting re-use of contaminated land but provides guidance to developers on the measures required to ensure development can occur without detriment to health and safety. Nevertheless, Revision No. NE.040 of the Revised Deposit Draft has re-worded the policy to give it more positive emphasis.

## RECOMMENDATIONS

No modification.

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## 10.11 NE13 ENERGY

### Objections

27X 137 FES for DTI  
224X 366 Mrs Devonport, Countryside Agency (formerly Policy NE12)  
323X 439 Mr Lee, Friends of the Earth (formerly Policy NE12)  
297X 858 British Wind Energy Association (formerly Policy NE12)

### Objections to Proposed Changes

273X 2479\* Mr Foster, Nottinghamshire County Council (Planning Team)  
273X2480 Mr Foster, Nottinghamshire County Council (Planning Team)

### Issues

- a) Criteria based policy based on good practice approach to sustainable development
- b) Not support policy if intended to promote incineration of waste - not a renewable resource.
- c) Guidance for developers to comply with these criteria would be welcomed in the Plan itself.
- d) Policy should clarify that schemes would need to be grid connected or embedded.
- e) Rewrite para. with emphasis on land use activities coupled with certain technologies.
- f) Refer to Govt.'s target for renewable energy generation by 2010. Balance with amenity.

### Inspector's Reasoning and Conclusions

10.11.1 (224X 366 and 297X 858) The City is constrained within the urban area and so renewable energy schemes are likely to be small in scale. In particular, wind energy schemes, apart from those of a domestic scale, are unlikely to be appropriate. However, Revision No. NE.047 of the Revised Deposit Draft changes the format of the policy, and criteria relevant to the urban area have been added. One criterion deals with 'neighbours amenity'. In addition, the proposed Supplementary Planning Guidance will provide more detailed guidance.

10.11.2 Revision No. NE.048 of the Revised Deposit Draft adds new supporting text to paragraph 9.46 regarding 'use of derelict sites' and 'enabling sustainable development'.

10.11.3 (323X 439) Policy NE13 covers all renewable energy but incineration of waste is covered in the Nottinghamshire and Nottingham Waste Local Plan.

10.11.4 Objection 273X 2479 is addressed by FPCNE\17 and I recommend accordingly.

10.11.5 In response to objection 273X 2480, I consider that the second sentence of paragraph 9.46 will give general encouragement to the use of renewable energy as an aid to re-use sites rather than detailed information about sustainability which is dealt with in Policy BE4.

10.11.6 Objection 27X 137 is met by Revision Nos. NE.045, NE.047, NE.048 to the Revised Deposit Draft Local Plan. A reference to 'The Government's target is for 10% of national electricity requirements being met from renewable sources by 2010' has been added to paragraph 9.44 of the supporting text (Revision No. NE.045). Paragraph 9.46 makes the reference to 'balancing encouragement of renewable energy with mitigation of effects' (Revision No. NE.048). Policy NE13 is strengthened in a criteria based format (Revision No. NE.047) with an expanded criterion dealing with 'neighbours amenity'. The proposed Supplementary Planning Guidance will refer to national targets, regional assessments and a balance with local amenity

### RECOMMENDATIONS

Modify the Local Plan in accordance with FPCNE\17:

Paragraph 9.45 – add to end of paragraph – '(whether grid connected or stand alone)'.

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### 10.12 NE15 MINERALS

#### Objections

260X 797                    Mr Hewitt, Government Office for the East Midlands (formerly Policy NE14)

#### Objections to Proposed Changes

260X 2466\*                Mr Hewitt, Government Office for the East Midlands

#### Issues

- a) Objects to part 'b' of policy - opposite to Government guidance (MPG1 and MPG6
- b) Criterion (c) should include reference to 'aftercare'.

c) Suggest a new criterion d) was proposed. Omitted from Revised Deposit Draft

**Inspector's Reasoning and Conclusions**

10.12.1 Objection 260X 797 is met by Revision Nos. NE.058 and NE.059 in the Revised Deposit Draft Local Plan. Revision No. NE.058 deletes the former criterion b) and replaces it with 'Prior extraction of minerals would unreasonably delay other development. Revision No. NE.059 adds 'and aftercare' to criterion c).

10.12.2 The omission regarding 're-workings' was an oversight as it was agreed in the written response to 260X 797. But, this is addressed by FPCNE\18 and I recommend accordingly.

**RECOMMENDATIONS**

The Local Plan be modified in accordance with FPCNE\18: \_

Policy NE15 – Add new criterion **d) any reworking of existing minerals are clearly shown to have no detrimental effect on local communities.**

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## 11. TRANSPORT

### 11.1 OBJECTIONS WHICH DO NOT RELATE TO A SPECIFIC POLICY

#### The Objections

157X 659	Mr Poyser, Nottingham City Centre Retailers Association
162X 873	Nottinghamshire County Council (Strategic Property)
346X 1099	Tesco Stores Ltd

#### Objections to Proposed Changes

299X 2291	Scholter, Aldergate Properties Ltd
299X 2292	Scholter, Aldergate Properties Ltd
346X 2303	Tesco Stores Ltd
341X 2463	The Boots Company PLC
273X 2472	Mr Foster, Nottinghamshire County Council (Planning Team)
273X 2475*	Mr Foster, Nottinghamshire County Council (Planning Team)
272X 2563	Mr Ward, Wilson Bowden Developments

#### Issues

- a) Policy T10.2 and paragraph 10.31 fail to include reference to the A453 multi modal study recommendations of December 2002 and the Secretary of States subsequent support for the widening of the urban section through Clifton to a 4 lane carriageway. It should also be noted that the County Council also supports this option and does not favour a Clifton Bypass as detailed in Policy T10.
- b) General concern that the Plan is too anti-car, does not fully accord with PPG13 in this respect, and detailed criteria in the Local Transport Plan should not be used for the assessment of land use development proposals because it is not a statutory land-use planning document.
- c) Object to application of 1 space per 40m<sup>2</sup> maximum level for B1 offices to office developments such as Nottingham Business Park, particularly in edge of city locations. Evidence suggests provision should be much higher.
- d) Disabled parking should not be additional to maximum parking levels, but included within maximum parking levels, to accord with PPG advice.
- e) Want a policy encouraging more on street car parking spaces to be included in the Plan Unnecessary repetition of reference to the workplace parking levy.
- f) It is inappropriate for reference to the operation of the Work Place Parking Levy (WPPL) to be included in the Plan as this is a fiscal rather than land use/transport planning matter. Furthermore, the wording of the proposed revision, specifically seeking a more efficient management of car parking provision by employers within the City in order to potentially release land for development, should not be the primary aim of such a charging scheme.
- g) Additional text should be added to the first sentence of Policy T2 to reaffirm that planning obligations and conditions will be used where appropriate and directly related to the proposed development by adding the words :- '...and directly related to the proposed development..' after the words '..where appropriate..'.
- h) A policy on the requirements of an Interim Transport Planning Statement should be included.

- i) The statement in this proposed revision that the ITPS will need to be reconsidered in the light of Government consultation on the scope of planning obligations undermines the credibility of the ITPS and implies a major query over legitimacy.

### **Inspector's Reasoning and Conclusions**

11.1.1 Objection 273X 2475 would be met if the references to the A453 improvements were updated. But, as the Highways Agency has not yet published its proposals for the Clifton Lane alignment, I do not consider that the safeguarded alternative route to the east of Clifton can be removed from the Proposals Map. Neither do I consider it appropriate to refer specifically in the Plan to the fact that the County Council supports the Clifton Lane option.

11.1.2 In terms of references to the Local Transport Plan (LTP), PPG13 paragraph 20 states that Local Authorities should ensure that strategies in the Development Plan and the LTP are complementary. Therefore I consider it appropriate to have cross referencing between the 2 documents.

11.1.3 In response to Tesco Stores Ltd (346X 1099), this Plan and the Local Transport Plan both recognise, in the context of PPG13, the continued importance of the private car, in particular for shoppers and visitors, and the role this mode of transport plays in the economy of town centres. I agree with the City Council that the emphasis should still be twofold:-

- On seeking restraint in the use of the private car, and on seeking to reduce the use of the car for journeys to work, which is a major contributor to congestion, particularly at peak periods;
- Providing for first class alternatives to car journeys through measures such as NET, Bus Quality Partnerships, bus priority etc.

11.1.4 I am satisfied that in response to the concerns of objection 157X 659, the City Council recognises the importance of car borne shoppers to the City Centre economy in paragraph 10.42 of the Revised Deposit Draft Local Plan, which supports Policy T15. The City Council's general approach is to manage the existing stock of off-street car parking spaces by encouraging short stay use and limiting provision of long stay parking. However, opportunities to create additional Pay and Display bays for short stay parking will be considered where such provision would be safe and unlikely to cause traffic congestion. I do not consider that a specific policy needs to be included in the Plan as sufficient reference is made to the City Council's parking strategy in the Local Transport Plan. Any surplus revenue generated from charging for on-street parking is being ring fenced for transport purposes. The issue of whether it would be appropriate to provide additional charged on-street car parking spaces would need to be considered in the context of whether it would increase congestion. Therefore, I agree with the City Council that it would not be appropriate to include a specific policy in the Local Plan. I note that, related to this, Revision T.023 sets out the criteria to be considered if any new car parks not associated with other development are proposed.

11.1.5 (272X 2563) The maximum level of 1 space per 40sqm set out in the Local Plan for B1 developments outside the City Centre was included in the adopted Local Plan and has been applied to development proposals as an appropriate standard which reflects the accessibility profiles of the City by alternative modes of transport for some time. Although PPG13 sets out a national maximum of 1 space per 30sqm, it says more restrictive maximum levels than those specified in the guidance can be applied by local planning authorities. I therefore propose no change.

11.1.6 (299X 2292) PPG13 clearly states in Annex D that disabled parking should be additional to the maximum parking standards. Therefore, I recommend no change.

11.1.7 (299X 2291 and 341X 2463) In response to an objection from GOEM, revision T.009 of

the Revised Deposit Draft provides clarification in relation to the implementation of City Centre Car Parking Policies in this Local Plan. In my view the WPPL scheme is a parking management strategy with land use implications which would contribute to the Government's strategy for sustainable development.

11.1.8 (346X 2302 and 2303) I agree with the City Council that the words 'and directly related to the proposed development' should not be included as this is only one of the tests in Circular 1/97 and so it would not be appropriate to list this in isolation. As such, the words 'where appropriate' adequately cover what can be regarded as a reasonable requirement from any planning obligation.

11.1.9 Following THE First Deposit Draft Local Plan, in response to objection 162X 873 the City Council's view was that, as the contents of the Interim Transport Planning System (ITPS) will be incorporated into the next Structure Plan Review, and as the Government had just published a consultation paper putting forward proposals for reform and improvement of the planning obligations system, it would not be appropriate to include the contents of the ITPS in their entirety in the Local Plan, at that stage. Pending the outcome of Government consultation on reform, Policy T2 in the Plan already sets out the City Council's criteria in relation to planning obligations and conditions on planning permissions and what they would be required for. Since there has been no change to this situation, I recommend no change. However, elsewhere I recommend changes to Policy T2 and its supporting text in response to other representations.

11.1.10 Objection 273X 2472 is met by FPCT\01, FPCT\02 and FPCT\18 and I recommend accordingly.

## RECOMMENDATIONS

Modify the Local Plan so that paragraph 10.31 is replaced with the following:-

**The Secretary of State has now confirmed his support for the recommendations of the Multi-Modal studies into the M1 and A453 corridors. The recommended package of measures include:-**

**A programme for the M1 in the East Midlands of junction improvements, provision of climbing lanes and widening, generally to dual-4 lanes, between Junctions 21 and 30, together with safety and traffic management measures.**

**Dualling of the rural section of the A453 from the M1 to Clifton and widening of the urban section through Clifton to a 4 lane carriageway, as recommended by the A453 study.**

**In both cases, draft schemes are being worked up by the Highways Agency and will be subject to the relevant statutory procedures. All the safeguarded options shown on the Proposals Map will be retained pending the outcome of these statutory procedures.**

Modify the Local Plan by rewording Appendix 2 (T10.2) A453 Improvements/Clifton Bypass to read:-

**The Secretary of State has now confirmed his support for the recommendations of the Multi-Modal study into the A453. These include dualling of the rural section of the A453 from the M1 to Clifton and widening of the urban section through Clifton to a 4 lane carriageway, as recommended by the A453 study. A draft scheme is being worked up by the Highways Agency and will be subject to the relevant statutory procedures. The 2 safeguarded options shown on the Proposals Map will be retained pending the outcome of these statutory procedures.**

**Timescale/status:- Ongoing safeguarding pending publication of the Highways Agency's proposals for the Clifton Lane option.**

Modify the Local Plan by rewording Appendix 2 (T10.3) M1 Widening to read:-

**The Secretary of State has now confirmed his support for the recommendations of the Multi-Modal study into the A453. These include a programme for the M1 in the East Midlands of junction improvements, provision of climbing lanes and widening, generally to dual-4 lanes, between Junctions 21 and 30, together with safety and traffic management measures.**

**Again a draft scheme is being worked up by the Highways Agency and will be subject to the relevant statutory procedures. The safeguarded route shown on the Proposals Map will be retained pending the outcome of these statutory procedures.**

**Timescale/status:- Ongoing safeguarding pending publication of the Highways Agency's proposals for the M1 improvements.**

Modify the Local Plan in accordance with FPCT\01 so that the reference to LTP and PTP targets in the Policy is removed and a paragraph is included immediately after Policy T2 to read:-

**The application of Planning Obligations and Conditions with planning permission for major new development is essential to ensure that new development provides social, economic and environmental benefits to the community as a whole and does not undermine progress towards targets and objectives set out in the Local Transport Plan and Public Transport Plan.**

Modify the Local Plan in accordance with FPCT\02 and the subsequent change in FPCT\18 so that the words in paragraph 10.13 from 'The City Council has...' to 'scope and format of planning obligations' with the words:-

**Nottingham City Council and Nottinghamshire County Council are implementing an Interim Transport Planning Statement (ITPS) which provides information for developers on the scale of contributions for appropriate integrated transport measures required as a result of significant development proposals. This will be integrated into the next Structure Plan Review.**

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## 11.2 T1 LOCATION OF DEVELOPMENT AND THE SEQUENTIAL APPROACH

### Objections

182X 874	Mrs Money, Miller Homes
276X 977	Mr Burnett, Littman & Robeson
346X 1119	Tesco Stores Ltd
346X 1120	Tesco Stores Ltd

### Issues

- The Policy is ambiguous and it should clarify that large residential developments do not fall within its ambit.

- b) The Policy should clarify that existing out of centre retail locations will be preferred for development before new out of centre sites.
- c) The Policy is in conflict with the retailing policies of the Plan as it omits local centres from its sequential approach. Recommend that the words '..and local centres...' are added to the policy.
- d) Recommend that the supporting text to the Policy is changed to state that retail, offices, entertainment and leisure uses will be encouraged to locate within Local Centres as well as District Centres and the City Centre.

### Inspector's Reasoning and Conclusions

11.2.1 (182X 874) I am satisfied that Policy T1 refers to development which would generate significant travel demand, and that the supporting text states the types of use to which the policy would apply. Furthermore, Revision No. T.001 of the Revised Deposit Draft aids clarity by replacing the words 'in particular' with the words 'for example' to make it clear that the uses specified are not exclusive. However, such development would be inconsistent with the scale and nature of local centres. Therefore, I see no need to amend the Policy wording as suggested by objections 346X 1119 and 1120. But, Revision No. T.002 in part meets objections 346X 1119 and 1120 by amending the supporting text to state that smaller scale retail, leisure, office and entertainment uses will be encouraged in local centres.

11.2.2 I consider it appropriate for the Local Plan to refer to 'small scale' as this is the only size of development which could appropriately be located in Local Centres. In any event, Policy S4 sets out criteria related to the appropriate scale of retail development in local centres.

11.2.3 (276X 977) PPG6 says that, where there is a clearly defined need for major travel generating uses which cannot be accommodated in or on the edge of existing centres, it may be appropriate to combine them with existing out of centre developments. However, this will be taken into account within the framework of Policy S5, in particular criterion b) which relates to whether edge of centre or out of centre sites for proposed retail development are accessible by a choice of means of transport and whether the proposal would add to the overall number and length of car trips.

11.2.4 In the light of my earlier conclusions in respect of 'District Centres' the wording of Policy T1 and its supporting text needs to be modified.

### RECOMMENDATIONS

Modify the Local Plan so that the wording of Policy T1 and its supporting text says '**Sub-urban Centres**' not '**District Centres**'.

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### 11.3 T2 PLANNING OBLIGATIONS AND CONDITIONS

#### Objections

260X 745	Mr Hewitt, Government Office for the East Midlands
182X 875	Mrs Money, Miller Homes
276X 974	Mr Burnett, Littman & Robeson
299X 1028	Scholter, Aldergate Properties Ltd
346X 1121	Tesco Stores Ltd

## Objections to Proposed Changes

346X 2302, 2303	Tesco Stores Ltd
273X 2472	Nottinghamshire County Council
260X 2468*	Mr Hewitt, Government Office for the East Midlands
260X 2469*	Mr Hewitt, Government Office for the East Midlands

## Issues

- a) Policy is unduly prescriptive and the words 'where appropriate..' should be added.
- b) The difference between 'green travel plans' and 'green transport plans' if any should be elucidated in the Policy and its supporting text bearing in mind the contents of PPG13. The supporting text should also clarify the nature/size of developments to which 'Integrated Travel Assessments' apply in the context of PPG13.
- c) The Policy does not comply with Circular 1/97. It should acknowledge that planning obligations can only be requested where they are directly related to the proposed development and are fairly and reasonably related in scale and kind to the proposed development.
- d) Planning obligations should only seek to secure highway or other accessibility approvals necessary to meet the travel generation requirements of the development proposed.
- e) The use of the words 'major development' is vague. Any development is likely to generate additional journeys. Define 'major development' or alternatively delete 'major development which is likely to generate additional journeys' and replace with 'development which is likely to generate significant additional journeys'.
- f) Concerned that too much weight is being put on the Interim Transport Planning Statement. This does not yet have the status of formally adopted policy, so it should be given no weight in assessing development proposals and this section of the text should be deleted. In addition, in order to bring the Policy into line with PPG13 and Circular 1/97, the words 'and directly related to the proposed development, should be added into the Policy after '...where necessary....'.
- g) Policy and supporting text are ambiguous and would allow planning obligations and conditions to be sought that may not be directly related to a development proposal, contrary to PPG13 and Circular 1/97. Proposed revisions do not go far enough to clarify 'appropriate' so propose adding words '..and directly related to the proposed development..' after '..appropriate..' in the Policy and supporting text. References to the LTP and PTP and their targets should be deleted.
- h) Appendix 1 should be clearly linked to Policy T2, the reference to 'Annex D of PPG13' should be changed to 'Appendix 1', there should be reference to the need for an Integrated Transport Assessment in the Policy, and reference should be made to PPG3 Paragraph 62 in relation to parking levels for residential development.
- i) Appendix 1 should be clearly linked to Policy T2, the reference to 'Annex D of PPG13' should be changed to 'Appendix 1', there should be reference to the need for an Integrated Transport Assessment in the Policy, and reference should be made to PPG3 Paragraph 62 in relation to parking levels for residential development.
- j) The statement proposed to be included in the Plan, that ITPS will need to be considered in the light of Government consultation on the scope of Planning Obligations, undermines the ITPS and its legitimacy.

## Inspector's Reasoning and Conclusions

11.3.1 Objection 154X 649 is met because the word 'necessary' is replaced in the Policy wording in the Revised Deposit Draft with the word 'appropriate' (Revision No. T.003). This change, in response to objection 276X 974, allowed for the correct application of planning obligations.

11.3.2 (260X 745) The Revised Deposit Draft replaces all references to 'Green Travel Plans' and 'Green Transport Plans' with 'Travel Plans' (Revision No. T.004).

11.3.3 Policy T2 sets out the City Council's criteria in relation to planning obligations and conditions. Subject to the outcome of the Government's consultation on reform of the planning obligations system, in principle, I see no reason to amend the policy.

11.3.4 I am satisfied that objections 182X 875 and 154X 649 to the First Deposit Draft are met by Revision Nos. T.003, T.005, T.007, T.008 in the Revised Deposit Draft.

11.3.5 I am also satisfied that objection 299X 1028 is met by Revision Nos. T.006 and T.007 in the Revised Deposit Draft.

11.3.6 The Interim Transport Planning System has been the subject of public consultation and will already be a material consideration in determining any planning application. It is also being incorporated into the draft Joint Structure Plan Review.

11.3.7 Elsewhere I recommend that the Glossary entry for Planning Obligations in the Local Plan be modified in accordance with Further Proposed Change FPCA4\02. Since this includes the words 'directly related to the proposed development' I see no need to amend paragraph 10.10.

11.3.8 As to objections 346X 2302 and 2303, I do not consider it appropriate to include the words 'and directly related to the proposed development' in the Policy since it is only one of the 4 tests in Circular 1/97. Therefore, it would not be appropriate to list it in isolation. I agree with the City Council that the words 'where appropriate' adequately cover what can be regarded as a reasonable requirement from any planning obligation.

11.3.9 The City Council has agreed to remove reference to LTP and PTP targets in the Policy but to include a paragraph immediately after Policy T2 which refers to these targets (FPCT\01).

11.3.10 Objections 260X 2468 and 260X 2469 are met by the City Council's proposed changes FPCT\03, FPCT\04, FPCT\05, FPCT\06, FPCT\07 and so I recommend accordingly.

11.3.11 I understand that objection 273X 2472 has been conditionally withdrawn subject to FPCT\02 and FPCT\18 and so I recommend accordingly.

## RECOMMENDATIONS

Modify the Local Plan by replacing the word 'necessary' in Policy T2 with the word 'appropriate'.

Modify the Local Plan in accordance with FPCT\01 by removing the reference to LTP and PTP targets in the Policy and include a paragraph immediately after Policy T2 to read:-

**The application of Planning Obligations and Conditions with planning permission for major new development is essential to ensure that new development provides social, economic, and environmental benefits to the community as a whole and does not undermine progress towards targets and objectives set out in the Local Transport Plan and Public Transport Plan.'**

Modify the Local Plan in accordance with FPCT\02 and the subsequent change in FPCT\18 by replacing the words from 'The City Council has' to 'scope and format of Planning Obligations' with the words:-

**Nottingham City Council and Nottinghamshire County Council are implementing an Interim Transport Planning Statement (ITPS) which provides information for developers on the scale of contributions for appropriate integrated transport measures required as a result of significant development proposals. This will be integrated into the next Structure Plan Review.**

Modify the Local Plan in accordance with FPCT\03 by adding the following words after the proposed new paragraph on the LTP and PTP set out above:-

**Implementation of this Policy is directly related to the application of maximum parking levels and the other criteria set out in Appendix 1 of this Plan.**

Modify the wording of Revision T.006 to the Local Plan in accordance with FPCT\04 by removing the words 'Annex D of PPG13' and replacing with the words 'Appendix 1 of this Plan'.

Modify the Local Plan in accordance with FPCT\05 by adding the following words immediately after the Policy:-

**Implementation of this Policy is directly related to the application of maximum parking levels and the other criteria set out in Appendix 1 of this Plan.**

Modify the wording of Revision T.007 to the Local Plan in accordance with FPCT\06 by removing the words 'although no maximum levels for this use are set out in PPG13'.

Modify the Local Plan in accordance with FPCT\07 by adding the following words at the end of the Policy:-

**e) a satisfactory Integrated Transport Assessment has been submitted with the planning application.**

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## 11.4 T3 CAR, CYCLE AND SERVICING PARKING

### Objections

157X 663	Mr Poyser, Nottingham City Centre Retailers Association
182X 876	Mrs Money, Miller Homes
198X 896	Mr Phillips, Johnson Group Properties plc
272X 927	Mr Ward, Wilson Bowden Developments
276X 940	Mr Burnett, Littman & Robeson
278X 980	Mr Jagger, The University of Nottingham
158X 1027	Nottingham Trent University
299X 1029	Scholter, Aldergate Properties Ltd
346X 1122	Tesco Stores Ltd
352X 1124	Mr Cronk, The House Builders Federation
370X 1127	Clients of Fisher Hargreaves Procter

## Objections to Proposed Changes

299X 2292

Scholter, Aldergate Properties Ltd

### Issues

- a) The cycle parking standard of 1 space per 5 students is very high and is not supported by evidence of usage. It should be restricted to 1 space per 20 students.
- b) A number of the maximum parking levels quoted in Appendix 1 are from the draft PPG13, and should be revised to accord with the approved PPG13, March 2001. Policy T3 and Appendix 1 should be reviewed to conform with PPG13.
- c) The level for A1, A2, and A3 uses in the City Centre should be 1space per 20m2 minimum instead of 1 space per 25m2 maximum. Also taking either the City Council's existing maximum level, or PPG13 level, whichever is more restrictive, as the maximum level, is too restrictive.
- d) The maximum parking levels for food retail development and town centres in Appendix 1 of the Plan should be amended to reflect PPG13 advice.
- e) The one space per dwelling maximum level for residential development is more onerous than PPG3 and PPG13, and clarification between the maximum levels for residential and retail development is required.
- f) The maximum parking levels for housing development should be average of 1.5 spaces per dwelling for 1-2 bedroom dwellings, and 2 spaces per dwelling for 3-4 bedroom dwellings, to encourage families.
- g) The maximum level for B1 Office Development on the edge of the urban area should be 1 space per 30m2, in accordance with PPG13.
- h) Efforts to reduce car dependency welcomed, but this should not be to the detriment of existing properties outside the City Centre where suitable car parking provision exists. Objects to the workplace parking levy, particularly in the case of edge of city locations, and should consider alternatives that improve the quality of any development provision without adversely impacting on likely users.
- i) The Policy is unnecessarily burdened with design considerations which can adequately be addressed in the development control process and on the merits of each proposal. Delete all the criteria in the Policy and replace with '...where appropriate.' Amend the explanatory text to include the criteria as circumstances which may justify lower provision of car parking.
- j) The parking standard for retail uses does not accord with PPG13 and should be amended to 1 space per 14m2 to do this. The parking standards for retail and leisure developments in town centre or edge of centre locations, and in regeneration zones, should also be made less restrictive to reflect Paragraph 56 of PPG13.
- k) Building new development with reduced parking spaces will encourage more on street parking. It is not clear whether the figure for housing development refers to individual developments or all developments occurring in the area, and this should be clarified in the Policy.
- l) There are large inconsistencies and conflict in the policies relating to car parking, and in relation to the maximum levels in Appendix 1 of the Plan, the City Council must consider; the location and physical characteristics of each individual site; the needs of modern businesses and the different travel to work patterns in centre, fringe and out of town locations; and that car parking is a critical factor for office occupiers.
- m) Disabled parking should not be additional to maximum parking levels but be included in those levels in accordance with PPG advice.

## **Inspector's Reasoning and Conclusions**

11.4.1 Objection 158X 1027 in respect of cycle parking at educational establishments is addressed in Revision No. A1.008 of the Revised Deposit Draft.

11.4.2 Objection 276X 940 in respect of conformity with PPG13 was met in Revised Deposit Draft by Revision A1.005, A1.006. These changes included a change to the maximum level for food retail uses in response to objection 346X 1122.

11.4.3 Objection 157X 663 in respect of retail uses in the City Centre, was met by Revision No. A1.001 in the Revised Deposit Draft.

11.4.4 (182X 876, 198X 896) The maximum parking level for residential development in the City Centre forms part of a coherent strategy which seeks to reduce reliance on the car and encourages use of public transport. Residential development in the city Centre is normally high density and there have been a number of conversions to residential, particularly in the Lace Market area. In these circumstances, it would not be appropriate to apply the 1.5 spaces per dwelling figure set out in PPG3. Furthermore, I understand that one space per dwelling has been applied successfully in the City Centre for some time. However, the City Council agreed at the Revised Deposit stage to change the typeface of footnotes (1) and (2) on Page iii of Appendix 1 to make it clear that they do not relate to the maximum level for residential development above them, and footnote 1 on Page iv.

11.4.5 The 1.5 spaces per dwelling is an average over the whole development and would allow for more generous parking levels for larger housing with more restrictive approaches for high density development. I therefore recommend no change in response to objection 272X 927.

11.4.6 The maximum level of 1 space per 40sqm set out in the Local Plan for B1 developments outside the City Centre has been applied to development proposals as an appropriate standard which reflects the accessibility profiles of the City by alternative means of transport for some time. It is recognised that PPG13 sets out a national maximum of 1 space per 30sqm, and approved RPG8 sets out this figure for out of town developments, which on PPG6 definitions includes 'land not clearly within the current urban boundary'. However, PPG13 says that more restrictive maximum levels than those specified in the Guidance can be applied by local planning authorities. And, any developments on the edge of the urban area would form part of the urban area.

11.4.7 In response to objection 278X 980, I do not consider that the City Council's efforts to reduce car dependency will be to the detriment of existing properties outside the City Centre. The City Council has recognised that a co-ordinated approach to controlling parking provision and its use in the context of land use planning and transport planning is essential. It has adopted an integrated demand management approach to parking which seeks to balance the demands for parking in a way which maintains the economic viability and attractiveness of the City and District Centres, but seeks to reduce congestion and promote sustainable travel patterns. The WPPL scheme is an integral part of a comprehensive range of measures to help contain congestion which include, amongst other things, encouraging use of alternative modes to the private car.

11.4.8 (299X 1029) The criteria in the policy are intended to clarify the factors which will need to be taken into account in determining whether reduced parking on site with new development can be achieved, and will help to provide certainty for developers. Therefore, I do not recommend any change.

11.4.9 (370X 1127) In respect of the standard for out of centre retail uses, the maximum levels set out in the Plan are based on those set out in PPG13, RPG8 and on the maximum levels that have been implemented in the adopted Local Plan. The City Council will examine the individual

characteristics of the site when considering individual planning applications, but I consider that the Plan is clear in identifying 2 broad areas within which specific maximum levels will apply ie City Centre and rest of City. Adopting maximum parking levels is a critical part of an integrated approach to containing congestion which is recognised in PPG13. The influence of location on parking levels for employment uses is also recognised in RPG. Revision No. A1.002 of Revised Deposit Draft clarifies parking requirements in the Regeneration Zones.

11.4.10 (352X 1124) The City Council accepts that reduced off-street parking could result in more demand for on-street parking. Therefore, when the 1.5 maximum for residential developments is applied it will have to be accompanied by appropriate on street-parking controls. However, I consider that in general terms, the Plan accords with PPG3. As to application, I am satisfied that the Plan is clear that the maximum level applies to development on individual sites. Therefore, I do not recommend any change.

11.4.11 I note that Revision No. A1.001 of the Revised Deposit Draft reflects the contents of PPG13. Also, that where an applicant has submitted an acceptable travel plan which demonstrates that a package of green transport measures will be implemented as part of any proposals in these locations, a higher level of parking provision can be considered. In the case of Nottingham Business Park, a maximum parking level of 1 space per 35sqm was permitted alongside green travel measures. In these circumstances, I agree with the City Council that it is appropriate to continue to apply the 1 space per 40sqm maximum level to proposed edge of urban area developments, but that this can be varied depending on the circumstances relating to any individual development proposal such as employee density, employee travel patterns, appropriate modal shift targets, likely effect on surrounding roads in terms of overspill parking, and the need for the development. Therefore, I do not recommend any change in response to this objection.

11.4.12 (299X 2292) PPG13 clearly states in Annex D that disabled parking should be additional to the maximum parking standards I therefore do not recommend any change.

## **RECOMMENDATIONS**

No modification.

## **11.5 T4 REDEVELOPMENT OF CAR PARKS**

### **Objections**

**157X 660**                      **Mr Poyser, Nottingham City Centre Retail Association**  
**183X 878**                      **Mr Dowson, Nottinghamshire Chamber of Commerce & Industry**

### **Objections to Proposed Changes**

**299X 2293**                      **Scholter, Aldergate Properties Ltd**

### **Issues**

- a) Reservations about the Workplace Parking Levy. Would not want to see spaces being lost for an untested policy which might not work in practice.
- b) The workplace parking levy is presented as a fait accompli, when it is in fact a pilot scheme. Business does not support it and there are alternatives.

- c) It is not appropriate to detail a scheme which is not yet certain. Remove references to the details of the scheme and instead clarify the status of the Workplace Parking Levy proposals.

### **Inspector's Reasoning and Conclusions**

11.5.1 The authorities responsible for the land use/transport policy in the Greater Nottingham area have been pursuing a fully integrated Transport and land use planning framework for the conurbation in the Local Transport Plan, the Nottingham Structure Plan, and District Local Plans since the late 1980s. This has involved 4 inter-related activities:-

- Better linking the use of land with transport planning ie reducing the need to travel, minimising the use of green field land, ensuring new development is well linked to public transport and that good transport links are provided for all sections of the community;
- Managing travel demand ie tackling the growth in traffic through a parking strategy including introduction of a workplace parking levy, re-allocating road space to favour buses, pedestrians and cyclists, traffic regulation, encouraging organisations to implement travel plans, and reducing rail freight traffic impact;
- Better transport facilities and services, ie investing in better public transport, better facilities for pedestrians and cyclists, better road maintenance, and improved road safety;
- Promoting travel education and awareness of the above.
- In this context, the City Council has recognised that a co-ordinated approach to controlling parking provision and its use in the context of land use and transport planning is essential. An integrated demand management approach to parking has been adopted which seeks to balance demands for parking in a way which maintains the economic viability and attractiveness of the City and District [Sub-urban] centres, but seeks to reduce congestion and promote sustainable travel patterns. The following elements are at the core of this strategy:
  - Control and management of on-street provision
  - Management of the supply of off-street provision
  - Control of the pricing of off-street provision
  - Restraint based development control policies
  - Workplace parking levy (City of Nottingham only)
  - Complementary Park and Ride networks

11.5.2 The Workplace Parking Levy (WPL) scheme is an integral part of a comprehensive range of measures to help contain congestion, including travel plans, maximum parking levels for new development, restricting long stay commuter parking, encouraging use of alternative modes to the private car, and encouraging development of sustainable locations. The scheme targets car-based commuters as opposed to visitors and shoppers to the City. By contrast, a road user charging scheme, if applied at all times, could be indiscriminate in terms of who was charged. Accordingly, I agree with the City Council that a WPL scheme would be most appropriate for Nottingham.

11.5.3 As to whether the WPL would place additional pressure on public car parking spaces currently used by shoppers, the City Council does not envisage such a scenario occurring due to the higher cost of commuter parking in such car parks, than the likely levy charge.

**RECOMMENDATIONS**

No modification.

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**11.6 T5 CAR PARKING DESIGN CONSIDERATIONS**

**Objections**

<b>38X 13</b>	<b>Mr Abbott,</b>
<b>299X 1031</b>	<b>Scholter, Aldergate Properties Ltd</b>
<b>324X 1074*</b>	<b>Mr Marsh, Environment Agency</b>

**Issues**

- a) The policy does not contain any direction to prevent light pollution. The illumination of car parks should be in accordance with the City Council's policy on light pollution.
- b) This policy should be deleted as the matters referred to may all be development control issues and there is no need for prescription in a policy. It should be replaced with a new policy to read :- 'Where car parking is considered appropriate the design should take into account highway and pedestrian safety and the impact of them upon the street scene'.
- c) Considerations should be enlarged to include environmental impact incorporating sustainable design considerations in order to safeguard against pollution of the water environment ie f) the use of oil/petrol interceptors to safeguard against contaminating site drainage'.

**Inspector's Reasoning and Conclusions**

11.6.1 (38X 13) Policy NE7 of the Local Plan relates to all forms of pollution including light pollution, and would be considered in the determination of any planning application for new car park development.

11.6.2 (299X 1031) I consider that Policy T5 is an essential part of the overall approach to improving the pedestrian environment in the City Centre, particularly as there is a large amount of development activity which includes car parking.

11.6.3 Objection 324X 1074 is met in Revision No. NE.032 of the Revised Deposit Draft which refers in the supporting text to Policy NE9 to the use of oil/petrol interceptors to safeguard against contaminating site drainage.

**RECOMMENDATIONS**

No modification.

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## 11.7 T6 NOTTINGHAM EXPRESS TRANSIT

### Objections

157X 664	Mr Poyser, Nottingham City Centre Retailers Association
186X 886	Cllr Cobb, Nottingham City Council
274X 934	Mr Van der Reijden, Dusco Asset Management
278X 983	Mr Jagger, The University of Nottingham
327X 1032	Ms Allen, The Highways Agency
341X 1078*	The Boots Company PLC
339X 1086	Broadmarsh General Retail Partner Ltd
374X 1132*	Mr Thompson, Open Spaces Society

### Objections to Proposed Changes

278X 2086	Mr Jagger, The University of Nottingham
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### Issues

- a) The access arrangements for the Victoria Centre to NET Line 1 do not appear to have been referred to in the Plan and should be explicitly included.
- b) Should be a NET stop at Clumber Street/Bridlesmith Gate to redress balance for retailers in the northern parts of the City.
- c) The NET safeguarding along Middleton Boulevard erroneously cuts through housing and the Nottingham University Jubilee Campus instead of following the road alignment.
- d) Objection to non inclusion of a safeguarded branch line into the Victoria Centre and an end station at the northern end of the Victoria Centre, and tram stops should be safeguarded including one at Clumber Street/Bridlesmith Gate.
- e) The safeguarded route to Phoenix Park on the north sheet of the Proposals Map should be extended westwards, to join up a potential extension into Broxtowe shown in the Broxtowe Local Plan Review.
- f) Welcome the principle of NET, but objection to the safeguarding of a potential NET route across the centre of University Park, which would bisect it and detract from the environment.
- g) There is a need to liaise with the Highways Agency about NET route safeguarding and safeguarded NET routes should have acceptable impacts on trunk roads.
- h) The NET safeguarding route to the east of the Broad Marsh centre shown on the Proposals Map appears to extend too far to the east.
- i) Concern about the large number of safeguarded routes on the Proposals Map, particularly where they cross open spaces, in particular University Park, off Clifton Boulevard and over Fairham Brook, and along Queens Walk.
- j) Removal of Beeston Corridor Route is accepted but remains concerned over the reserved route through the University campus in addition to the University Boulevard Route.
- k) Objection to safeguarded route through Boots Campus for operational reasons.

### Inspector's Reasoning and Conclusions

11.7.1 (157X 664) Pedestrian access from City Centre NET line 1 stations to the Victoria Centre is being improved through various City Centre proposals included in the City Centre Major Scheme and through redevelopment proposals in the Trinity Square Area. These include

pedestrian improvements on Foreman Street and Upper Parliament Street. I do not consider it appropriate to include specific details of these proposals in the Local Plan because they will be dealt with through the above mechanisms and the Local Transport Plan.

11.7.2 (274X 934, 186X 866) There are no proposals within the lifetime of the Plan to implement a spur in the existing tunnel from Broad Marsh End to the Victoria Centre. Therefore, I do not consider it appropriate to safeguard this route. Similarly, potential for a route northwards from the Victoria Centre in the existing tunnel has also been reviewed and it is now unlikely that any proposals would be brought forward in the timescale of the Plan. However, the Victoria Centre will be well served by buses, the Bridlesmith Gate area is served by the Lace Market NET stop (Fletcher Gate), and Clumber Street is within a short walk of the Lace Market and Old Market Square Stops. I do not therefore recommend any change.

11.7.3 Objection 186X 886 was met by Revision T.032 of the Revised Deposit Draft because the indicative safeguarded NET route following the Middleton Boulevard ring road alignment is deleted.

11.7.4 Objection 275X 938 is met by Revision No. T.036 and I recommend accordingly.

11.7.5 Objections 278X 983 and 2086 are met because it is now proposed to remove the safeguarded route through University Park from the Proposals Map (FPCT/15).

11.7.6 (327X 1032) The detailed design of the NET routes would be subject to a full Transport Assessment and detailed consultation with the Highways Agency. However, I do not consider that it would be appropriate to refer specifically to consultation with the Highways Agency in the supporting text, as consultation on these proposals would involve a large number of statutory bodies and other organisations.

11.7.7 Objection 339X 1086 is met by Revision T.037 of the Revised Deposit Draft which amends the safeguarded area shown on the Proposals Map.

11.7.8 Objection 374X 1132 is met because the City Council and the County Council have reduced the number of safeguarded routes on the Proposals Map following public consultation and further technical evaluation of the best routes to Beeston and Clifton. All route options which are taken forward to detailed design will be the subject of a full Environmental Impact Assessment (EIA) and this will identify appropriate mitigation measures to minimise the impact on open spaces such as those at Fairham Brook and Queens Walk.

11.7.9 Objection 274X 934 is met by Revision Nos. T.034, T.035 and T.010 and I recommend accordingly.

11.7.10 Although not in response to an objection, the City Council proposes a further change (FPCT\23) to the Proposals Map to amend the NET safeguarding at Farnborough Road/Clifton Lane to reflect the contents of the approved Revised Planning Brief for the Clifton South residential site (H1.6). I recommend accordingly.

11.7.11 Objection 341X 1078 is met by Revision No. T.010 and I recommend accordingly.

11.7.12 The City Council also proposes to safeguard an alternative NET alignment through the Waterside Regeneration Zone (PIC.05) and I recommend accordingly.

## **RECOMMENDATIONS**

Modify the Local Plan in accordance with FPCT\15 by removing the safeguarded NET route through University Park from the Proposals Map.

Modify the Local Plan in accordance with FPCT\23 to amend the NET safeguarded route at Farnborough Road/Clifton Lane to reflect the contents of the City Council's approved Revised Planning Brief for Clifton South (H1.6).

Modify the Local Plan in accordance with FPCT\PIC.05 to safeguard an alternative NET alignment through the Waterside Regeneration Zone.

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## 11.8 T7 MAJOR DEVELOPMENT AND PUBLIC TRANSPORT

### Objections

182X 877            Mrs Money, Miller Homes  
299X 1030         Scholter, Aldergate Properties Ltd

### Objections to Proposed Changes

260X 2470\*        Mr Hewitt, Government Office for the East Midlands

### Issues

- a) The policy is not in accord with Circular 1/97 and is ambiguous. It does not define 'major development' and does not make it clear that the provision of public transport is directly related to the development proposed.
- b) Delete the Policy as 'major development' is too vague. It may be unnecessary for even 'major'schemes to make physical provision for public transport.
- c) The Policy should be clearly linked to Appendix 1, the reference to 'Annex D of PPG13' should be changed to 'Appendix 1', and reference should be made to PPG3 Paragraph 62 in relation to parking levels for residential development.

### Inspector's Reasoning and Conclusions

11.8.1 Objections 182X 877 and 299X 1030 were met by Revisions T.011 and T.012 of the Revised Deposit Draft.

11.8.2 Objection 260X 2470 is met if the reference to Annex D of PPG13 is changed to Appendix 1.

### RECOMMENDATIONS

Revision T.012 of the Local Plan be modified by deleting the words 'Annex D of PPG13' and replacing them with the words '**Appendix 1**'.

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## 11.9 T8 PARK AND RIDE

### Objections

325X 1056            Mr Lambshead, Network Rail Infrastructure Ltd  
330X 1123            Mr Futcher

### Issues

- a) The policy does not indicate which of the park and ride categories identified in PPG13 that the park and ride sites safeguarded on the Proposals Map fall into e.g to serve railway stations on main radial routes serving major urban centres and used largely by commuters; or on the fringes of urban areas or city centres to encourage transfer to buses for travelling to the town centre. Railtrack wish rail based park and ride to be promoted.
- b) The Park and Ride site in the Forest Recreation Ground should be removed as it is absurdly close to the City Centre

### Inspector's Reasoning and Conclusions

11.9.1 (330X 1123) Park and Ride is an integral part of the Greater Nottingham car parking strategy. Park and Ride facilities are being promoted as an attractive alternative to complement increased City Centre off-street parking tariffs and constrained availability targeted at favouring shorter stay shoppers and visitors over long stay users. The strategy is based on an inner ring of sites within 3km of the City Centre which includes the Forest site and an outer ring beyond. The inner ring of sites have successfully established the concept of Park and Ride, and the outer ring is now proposed to achieve greater congestion and pollution reduction benefits. The Forest site is the oldest, largest and most heavily used of the sites, and has been operated commercially by Nottingham City Transport. It will also link with NET Line 1. As such, I consider it to be an essential element of the Park and Ride strategy. Moreover, it has been in operation for some time and there is no evidence to suggest to me that its impact on the Forest Recreation Ground has been significantly detrimental. And, its size has been reduced as a result of the construction of NET Line 1.

11.9.2 (325X 1056) Some of the sites safeguarded in the Policy are already functioning and so their modus operandi is already known. The location of the proposed sites in relation to road and NET Line 1 routes will determine the nature of their operation, and consultation with the relevant operators will be likely to be ongoing. Details on all the existing and proposed sites are set out in the Local Transport Plan. I do not therefore consider it necessary to refer to details of how individual sites are operating or will operate.

### RECOMMENDATIONS

No modification.

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## 11.10 T8.1 FOREST RECREATION GROUND

### Objections

291X 987            Mrs Liebeschuetz  
369X 1126        Mr Bescoby  
371X 1131        Ms Perry

### Issues

- a) The park and ride site safeguarded on the Proposals Map is too close to the City Centre for this purpose and detrimental to the green space amenity of the Forest Recreation Ground, and should be removed from the Plan.
- b) Objection to the Plan safeguarding the Forest Recreation Ground park and ride site in the context of potential increased traffic generated by the proposed Forest Leisure Centre development.
- c) Opposed to safeguarding of park and ride sites, but specifically the Forest Recreation Ground Site on the grounds that there would be a big increase in the number of parked vehicles resulting from implementation of NET Line 1 proposals.

### Inspector's Reasoning and Conclusions

11.10.1 (291X 987, 369X 1126, 371X 1131) As I have already stated, Park and Ride is an integral part of the Greater Nottingham car parking strategy. The strategy is based on an inner ring of sites within 3km of the City Centre which includes the Forest site and an outer ring beyond. The Forest site is the oldest, largest and most heavily used of the sites, and has been operated commercially by Nottingham City Transport. It will also link with NET Line 1. As such, I consider it to be an essential element of the Park and Ride strategy. Moreover, it has been in operation for some time (since about 1972) and there is no evidence to suggest to me that its impact on the Forest Recreation Ground has been significantly detrimental. And, its size has been reduced as a result of the construction of NET Line 1.

11.10.2 (371X 1131) The City Council is no longer proposing to pursue the leisure centre proposal.

### RECOMMENDATIONS

No modification.

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## 11.11 T9 PUBLIC TRANSPORT INTERCHANGES

### Objections

**339X 1089            Broadmarsh General Retail Partner Ltd**

### Issues

- a) The public transport interchange identified on the Proposals Map to the east of the Broad Marsh Centre appears to be in the wrong position and should be moved further to the west.

### Inspector's Reasoning and Conclusions

11.11.1 Objection 339X 1089 was met by Revision No. T.038 I the Revised Deposit Draft.

## RECOMMENDATIONS

No modification.

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## 11.12 T10 MANAGEMENT OF THE HIGHWAY NETWORK

### Objections

**273X 932            Mr Foster, Nottinghamshire County Council (Planning Team)**  
**288X 985            Mr Marshall, Rushcliffe Borough Council**  
**340X 1079          Mr Woods, Nottinghamshire Fire and Rescue Service**

### Objections to Proposed Changes

**273X 2474\*          Mr Foster, Nottinghamshire County Council (Planning Team)**

### Issues

- a) Objection to the non-inclusion of the Fourth Trent Crossing scheme at Colwick in the Plan, which raises conformity issues as it is identified in the Structure Plan.
- b) Identification of a bypass option in the Plan is premature in advance of the multi-modal study findings. No proposals have been identified in the Rushcliffe Borough Local Plan for this reason.
- c) All traffic management measures in the Plan should take into account the need for rapid and safe direct routes for emergency vehicles across the City.
- d) Policy T10.2 and paragraph 10.31 fail to include reference to the A453 multi modal study recommendations of December 2002 and the Secretary of State's subsequent support for the widening of the urban section through Clifton to a 4 lane carriageway. Additionally, it should also be noted that the County Council also supports this option and does not favour a Clifton Bypass as detailed in Policy T10.

### **Inspector's Reasoning and Conclusions**

11.12.1 Policy T10 does not safeguard land for a Fourth Trent Crossing Road Bridge at Colwick because the City Council anticipates that such a bridge would have negative environmental and community impacts and that it would have inconsistencies with its adopted planning and transportation objectives. However, this lack of safeguarding would not conform with Policy 5/10 of the Nottinghamshire Structure Plan Review (1996). Whilst the Council has re-affirmed its opposition to the scheme in the emerging Draft Nottinghamshire and Nottingham Joint Structure Plan, this is at an early stage of preparation.

11.12.2 Furthermore, the proposed pre-inquiry modifications to Policies MU6 and T10.4 now include the safeguarding of a new road between Trent Lane and Racecourse Road, Colwick through the Waterside Regeneration Zone. This proposed road link straddles the line of the safeguarded Fourth Trent Crossing at Colwick. However, I have not been presented with sufficient evidence to suggest to me that it would not be possible to locate the proposed link road where it would permit the bridge to be built as well.

11.12.3 The proposal for a further river crossing in Nottingham was considered in the M1 Multi Modal Study which recommended in April 2002 that it required more detailed consideration. The need for, and the detailed location of, a New River Crossing to the east of Lady Bay Bridge is therefore currently the subject of further investigation as part of the Multi Modal Study (MMS) for the A52 between Nottingham and Bingham.

11.12.4 The Council considers that if provision of a bridge is proven to be required, a river crossing further east in the vicinity of Radcliffe on Trent would provide a better alternative location and with more strategic land use planning, economic development and transportation benefits with lesser negative impacts on the City. The MMS is currently evaluating such provision and so the City Council and County Councils have made appropriate provision for such investigation to be taken further in the Draft Joint Structure Plan recently placed on Deposit.

11.12.5 The MMS consultants are scheduled to report their findings in late 2003/early 2004. That will be followed by a consultation undertaken by the East Midlands Regional Assembly to form a 'regional view'. In turn, this will be reported to the Secretary of State who will then announce his recommendations, currently expected in Summer 2004. Therefore, there remains a lack of detailed information at the present time.

11.12.6 Should the A52 MMS recommend that a new river crossing is required, the City Council has said that it will maintain its opposition to the Gamston/Lady Bay to Colwick Racecourse option and recommend that the Radcliffe to Netherfield option be investigated further by the County Council within the Area of Search identified in the Draft Joint Structure Plan.

11.12.7 Thus, at the present time, until the outcome of the MMS is known, the need for the bridge has not been established. But, I note that the City Council has not objected to a bridge per se. It is unfortunate that the City Council and County Councils cannot agree on the strategic location for the proposed bridge. Whilst the City Council would prefer any such bridge to be located further to the east, I have not been presented with sufficient evidence to suggest that the alternative site is preferable.

11.12.8 In my conclusion, until there is a consensus of opinion on the need for a bridge and its location, the Local Plan needs to reflect the adopted Structure Plan which safeguards the land for a Fourth Trent Crossing Road Bridge at Colwick.

11.12.9 Objections 273X 2474 and 273X 2475 would be met if the references to the A453 improvements were updated. But, as the Highways Agency has not yet published its proposals for the Clifton Lane alignment, I do not consider that the safeguarded alternative route to the east of Clifton can be removed from the Proposals Map. Neither do I consider it appropriate to refer specifically in the Plan to the fact that the County Council supports the Clifton Lane option.

11.12.10 (288X 985) Since the potential routes are already identified in the existing Local Plan, I consider their continued safeguarding to be appropriate until the outcome of the multi modal study is known. I therefore recommend no change although I recommend that the timescale/status of the schemes set out in Appendix 2 of this Plan are updated.

11.12.11 The objection from Nottinghamshire Fire and Rescue Service (340X 1079) is met by Revisions T.017 and T.021 in the Revised Deposit Draft.

## RECOMMENDATIONS

**Modify the Local Plan to reflect the adopted Structure Plan which safeguards the land for a Fourth Trent Crossing Road Bridge at Colwick.**

Modify the Local Plan so that paragraph 10.31 is replaced with the following:-

**The Secretary of State has now confirmed his support for the recommendations of the Multi-Modal studies into the M1 and A453 corridors. The recommended package of measures include:-**

**A programme for the M1 in the East Midlands of junction improvements, provision of climbing lanes and widening, generally to dual-4 lanes, between Junctions 21 and 30, together with safety and traffic management measures.**

**Dualling of the rural section of the A453 from the M1 to Clifton and widening of the urban section through Clifton to a 4 lane carriageway, as recommended by the A453 study.**

**In both cases, draft schemes are being worked up by the Highways Agency and will be subject to the relevant statutory procedures. All the safeguarded options shown on the Proposals Map will be retained pending the outcome of these statutory procedures.**

Modify the Local Plan by rewording Appendix 2 (T10.2) A453 Improvements/Clifton Bypass to read:-

**The Secretary of State has now confirmed his support for the recommendations of the Multi-Modal study into the A453. These include dualling of the rural section of the A453 from the M1 to Clifton and widening of the urban section through Clifton to a 4 lane carriageway, as recommended by the A453 study. A draft scheme is being worked up by the Highways Agency and will be subject to the relevant statutory procedures. The 2 safeguarded options shown on the Proposals Map will be retained pending the outcome of these statutory procedures.**

**Timescale/status:- Ongoing safeguarding pending publication of the Highways Agency's proposals for the Clifton Lane option.**

Modify the Local Plan by rewording Appendix 2 (T10.3) M1 Widening to read:-

**The Secretary of State has now confirmed his support for the recommendations of the Multi-Modal study into the A453. These include a programme for the M1 in the East Midlands of junction improvements, provision of climbing lanes and widening, generally**

to dual-4 lanes, between Junctions 21 and 30, together with safety and traffic management measures.

Again a draft scheme is being worked up by the Highways Agency and will be subject to the relevant statutory procedures. The safeguarded route shown on the Proposals Map will be retained pending the outcome of these statutory procedures.

**Timescale/status:- Ongoing safeguarding pending publication of the Highways Agency's proposals for the M1 improvements.**

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## 11.13 T10.2 A453 IMPROVEMENTS/CLIFTON BYPASS

### Objections

273X 928                      Mr Foster, Nottinghamshire County Council (Planning Team)

### Issues

- a) The Plan should acknowledge the County Council's formal view to support the on line improvement option for the A453 on the grounds that none of the alternatives put forward would offer a better solution. Also, until the outcome of the multi-modal study is known, the views set out in the Plan are premature.

### Inspector's Reasoning and Conclusions

11.13.1 Since the potential routes are already identified in the existing Local Plan, I consider their continued safeguarding to be appropriate until the outcome of the multi modal study is known. I therefore recommend no change although, as stated above, I recommend that the timescale/status of the schemes set out in Appendix 2 of this Plan are updated.

## RECOMMENDATIONS

No modification.

## 11.14 T10.6 ABBEY STREET/GREGORY STREET

### Objections

118X 573	Mrs Culley
140X 576	Mr Fairley
139X 594	Mr Young
138X 596	Miss Fairley
132X 599	Mr Nelson
133X 601	Mrs Stuart
134X 602	Mr Murray,
135X 604	Mrs Fairley
136X 605	Mr Bond

158X 872            Nottingham Trent University  
193X 893            Mr Hay  
235X 900            Mr Parr

### **Issues**

- a) Questions need for two access roads, when there is only one main access to Barton Green via Hartness Road.
- b) Hawksley and Finchley Close, which are currently safeguarded for access to this development site alongside Hartness Road, are not adequate to support the amount and type of traffic which would be generated by the proposed development, and there would be safety and environmental implications. Additional housing at Clifton West would make very limited access to the A453 worse.
- c) The Proposals Map should also safeguard an access option to the site adjoining Gypsy Lane.
- d) The proposed housing development site at Clifton West does not have adequate transport access points and how will the A453, particularly at Crusader Island, and Barton Green roads cope with the increased traffic which would be generated. The A453 should be dualled.

### **Inspector's Reasoning and Conclusions**

11.14.1 (118X 573, 134X 602, 139X 594, 132X 599, 135X 604, 136X 605, 235X 900, 140X 576, 138X 596, 193X 893) The principle of accessing the site through the Barton Green Estate is already established in the adopted Local Plan and I have not been presented with any circumstances which would necessitate the consideration of any alternatives at this stage.

11.14.2 (158X 872) As stated before (under H1.7), I have considered very carefully the objector's concerns about transportation issues. However, it seems to me, that at present, severe delays are experienced, particularly at peak times by drivers approaching the Crusader Island on both Barton Lane and Clifton Lane. This is because vehicular access to the A453 is affected by the current capacity limitations of the transportation corridor that links Nottingham to the M1 motorway at Junction 24. The Highways Agency is proposing to introduce dualling (without a central reservation) and junction capacity improvements through Clifton. It is anticipated that this would remove the congestion on the A453 and substantially improve the access to Hartness Road. Additionally, the proposed use of the Crusader roundabout would facilitate right turning vehicles without detriment to safety and with a minimal effect on capacity. By contrast, access to the site via Garrett Grove would intensify vehicle movements at an existing major/minor junction. And, increased numbers of right turning vehicles at this location would be detrimental to both safety and the capacity of the A453.

11.14.3 Hartness Road has been designed to the standard of a residential distributor road. It is on a bus route and the evidence suggests that it can accommodate both the existing and the proposed development. The Council says that the damage caused to the road by residential traffic is minimal when compared to the effect of heavy goods vehicle movements. Since the proposed development would be residential, there would be no significant impact on the integrity of Hartness Road. And, because Hartness Road is part of the adopted Highway Network it is subject to maintenance by the Highway Authority. This places a responsibility on the Highway Authority to address any existing or future requirements for maintenance works.

11.14.4 The existing safety record for the A453 between the Crusader roundabout and Farnborough Road indicates that 70% of the casualties are associated with junctions. For this reason the A453 improvements will focus on restricting the proliferation of accesses whilst improving the safety of the existing ones. The proposals for the Crusader roundabout will

enhance capacity on the A453 with a major junction improvement. It seems to me, therefore, that the additional vehicles from the development should be routed to this junction. From the evidence there has been only one reported injury accident on the Barton Green Estate in the period 2000-2002. As such, I do not consider that the additional vehicles from the proposed development would be unduly detrimental to safety.

11.14.5 The proposed site access would be via Finchley Close and Hawksley Gardens. These roads are respectively 5.5m and 6m wide and flanked by footways. Thus they can accommodate the proposed development without widening. However, land at numbers 7 and 8 Finchley Close prevent entry to the site at this point. Accordingly, land purchase would be required to achieve this link. To facilitate bus access to the proposed development, radii improvements might be needed at the junction of Hawksley Gardens and Hartness Road. The detailed design would be subject to discussions with the bus operators.

11.14.6 In the existing Local Plan previously safeguarded routes were removed because the environmental, landscape, amenity and economic impact were acceptable to the local authority. These considerations still apply. In addition, the proposed improvements to the A453 are not compatible with the suggested alternatives. The Transport White Paper and the Roads Review document set out the policy framework for development control near trunk roads. There is a presumption that accesses will be severely restricted in the case of high standard roads of key strategic importance on the core network.

11.14.7 In my conclusion, an alternative access to the site to the north of Gypsy Lane is not acceptable because it will exacerbate congestion and have safety implications. Neither does it accord with the Highway Agency's policy of restricting accesses to roads such as the A453.

## RECOMMENDATIONS

No modification.

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## 11.15 T11 CYCLING

### Objections

141X 606	Mr McClintock, P.E.D.A.L.S
351X 1125*	Mr Hackett, Nottingham City Council
371X 1128	Ms Perry
371X 1129	Ms Perry
371X 1130	Ms Perry
380X 1139	Mr Thompson, Ramblers Association

### Issues

- a) Existing cycle routes should be upgraded where necessary, and object to omission of following cycle routes from the Plan:- Cycle/pedestrian bridge over the Trent between Clifton Grove and Beeston Lock; cycle link between the Riverside Industrial Estate and the Longwall Avenue/Birdcage Walk cycle route; a cycle route alongside the Fairham Brook

- from the Trent near Clifton Bridge, east of Clifton towards the Rushcliffe Country Park; cycle path extension by the A453T in Clifton, to the City Boundary.
- b) The cycle routes identified in Wollaton Park would only be accessible when the Park is open, and could set precedents for public rights of way that do not currently exist on the site. The routes should be removed from the Plan or designated as partial or only accessible when the park is open.
  - c) Waterloo Promenade is a public walk following the Inclosure Act of 1845, and is not part of the highway, therefore the proposed cycle route safeguarded on the Proposals Map should be removed from the Plan.
  - d) Cycle tracks should be on road, but if on pavement should be clearly identified paths to avoid conflict with pedestrians, in conjunction with progressive speed reductions.
  - e) All the proposed cycle routes across the Forest Recreation Ground should be removed from the Proposals Map, as all the paths are public walks.
  - f) Concern that some of the proposed cycle routes would compromise pedestrian safety, and greater use should be made of traffic calming measures and improved bus routes to maximise the segregation of vehicles, cyclists and pedestrians. A statement should be included in the Plan footpaths/footways will only be converted into cycle tracks following the making and confirmation of the appropriate Cycle Track Act / Highway Act Order.

### **Inspector's Reasoning and Conclusions**

11.15.1 The Policy is concerned with safeguarding cycle routes. The safeguarded routes on the Proposals Map are indicative to show routes where cycle paths or other improvements are proposed. I would agree with the City Council that it is impractical to show detailed alignments at the Proposals Map scale.

11.15.2 The City Council agrees with the Ramblers Association that implementation of any proposed detailed cycle route alignments must not compromise pedestrian safety. However, consultation on arrangements for preventing cycle/pedestrian conflict would take place with cycling and pedestrian organisations when detailed proposals for shared paths were brought forward. Any proposals would need to accord with the provisions of existing legislation where this was relevant. Cycle route alignments could be on street or off street depending on local conditions in order to maximise cyclist and pedestrian safety. I therefore propose no change.

11.15.3 (351X 1125) The cycle routes identified in Wollaton Park were safeguarded on the existing Local Plan Proposals Map. The revisions in the Revised Deposit Draft Local Plan retain the existing safeguarded routes on the Proposals Map and safeguard additional routes to link up the network through the Park. I am satisfied that issues relating to the management of pedestrian and cycle use of paths in the Park can be dealt with through the City Council's management Plan for the Park. But, I accept that it would not be possible to use the proposed routes when the Park is closed.

11.15.4 Objection 141X 606 considered that existing cycle routes should be upgraded where necessary, and objected to omission of the following cycle routes from the Proposals Map:-

1. Cycle/pedestrian bridge over the Trent between Clifton Grove and Beeston Lock;
2. Cycle link between the Riverside Industrial Estate and the Longwall Avenue/Birdcage Walk cycle route;
3. Cycle route alongside the Fairham Brook from the Trent near Clifton Bridge, east of Clifton towards the Rushcliffe Country Park;
4. Cycle path extension by the A453 in Clifton to the City Boundary

11.15.5 At the Revised Deposit Draft stage, the City Council considered that the upgrading of existing routes could be dealt with through other mechanisms of the City Council. Therefore, it is not necessary to make reference to it in this Local Plan. However, in relation to the proposed cycle routes above, I note the following:-

1. The Plan already states that the City Council wishes to pursue the provision of bridges across the Trent, but that the best location has still not been established. Work on this issue is not yet at a stage where firm locations can be identified on the Proposals Map.
2. There are no proposals for a cycle link between the Riverside Industrial Estate and the Longwall Avenue/Birdcage Walk cycle route in the current LTP and the City Council considers that there are physical constraints which would make implementation of a link unfeasible. I therefore recommend no change.
3. Revision T.027 of the Revised Deposit Draft shows a proposed cycle route running alongside the western side of Fairham Brook.
4. A proposed route is already shown along part of the A453 to the east of Barton Green and Clifton Village. And, Revision No. T.026 of Revised Deposit Draft extends this proposed route along Barton Lane to the City Boundary.

## RECOMMENDATIONS

No modification.

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## 11.16 T12 PUBLIC RIGHTS OF WAY

### Objections

131X 648            Mrs Silvester, Nottingham Civic Society  
380X 1137        Mr Thompson, Ramblers Association

### Issues

- a) On the Proposals Map, pedestrian routes should be shown as continuing across traffic thoroughfares.
- b) Support for the Policy, but want strengthening of opening sentence of the supporting text, a new policy that rights of way will not be diverted onto estate roads where planning permission has been granted for development , in compliance with Circular 2/1993 (sic), and object to final sentence of the supporting text in relation to the stopping up or diversion of public rights of way for crime and nuisance reasons.

### Inspector's Reasoning and Conclusions

11.16.1 (131X 648) Existing and proposed pedestrian streets are shown only on the City Centre Inset of the Proposals Map. In that case, where roads are shown as intersecting pedestrian routes, the roads themselves are generally subject to pedestrian environment and priority improvements which would enable improved pedestrian crossing facilities, particularly at surface level, to be implemented. Accordingly, I recommend no change.

11.16.2 The Council has prepared this policy and its supporting text in the context of Circular 2/93. The policy only relates to new development and attempts to cover issues related to the effects of new development on footpaths under the Town and Country Planning Acts. The supporting text to the policy states that the City Council will seek to ensure that suitable alternative routes are provided where loss is inevitable as a result of development. I do not consider it appropriate to include a separate policy in the Plan setting out the provisions of Annex D of Circular 2/93 as this would provide an unnecessary level of detail in the Plan when the Council has attempted to produce a more focussed and usable document.

11.16.3 However, in this case, I consider it necessary to make a brief reference in the supporting text, to exceptions covered by other legislation where persistent crime and nuisance problems cannot be designed out of existing rights of way. Further Proposed Change FPCT\19 to amend the wording of the final sentence of paragraph 10.36 reflects the contents of recent Government guidance on this issue in the form of DEFRA Circular 1/2003 and meets the point.

## RECOMMENDATIONS

Modify the Local Plan in accordance with the Further Proposed Change FPCT\19 so that the wording of the final sentence of paragraph 10.36 says:

**An exception may be in designated areas where statistical evidence proves beyond all reasonable doubt that the public right of way is facilitating high levels of crime and anti-social behaviour in the localised area and where alternatives to closure have first been tried, tested and have failed.**

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## 11.17 T13 FREIGHT

### Objections

325X 1061            Mr Lambshead, Network Rail Infrastructure Ltd  
325X 2539\*        Mr Lambshead, Network Rail Infrastructure Ltd

### Issues

- a) In line with PPG13, it is recommended that any specific designations for storage and distribution uses (particularly for bulky goods) are in locations readily available to the trunk road network and served, or with potential to be served, from railway sidings.
- b) The Beeston Sidings have been reallocated as an employment site in the Employment Chapter, with the supporting text stating that the site is expected to provide an intermodal freight depot. This should be reflected correctly in the Transport Chapter.

### Inspector's Reasoning and Conclusions

11.17.1 Objection 325X 1061 was met by Revision Nos. T.018 and T.019 in the Revised Deposit Draft. Objection 325X 2539 would be met if the wording of Revision No. T.019 were amended to be consistent with the proposed wording in Revisions E.017 and E.021 (FPCT\17).

**RECOMMENDATIONS**

Modify the Local Plan in accordance with FPCT\17 so that the wording of Revision No. T.019 is consistent with the proposed wording in Revisions E.017 and E.021, to read:-

**As set out in Policy E2.15 and Paragraph 3.29, a new site has been allocated at Beeston Sidings for Industrial development/expansion and restructuring for B1, B2 or B8 uses. The site is expected to provide an inter-modal freight depot (open storage), but may be subject to the operational needs of the railway.**

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**11.18 T14 TRAFFIC MANAGEMENT**

**Objections**

**188X 889 Ms Sparkes, Redevco Ltd**

**Issues**

- a) Support reference in Criterion (G) to maintain accessibility for shops, other businesses and homes, but request that the Policy or supporting text are amended to indicate that any review or reconsideration of traffic management measures will be the subject of full consultation with existing city centre retailers.
- b) Cross referencing between this Policy, Policy T10, Appendix 2, and the Proposals Map is inconsistent. The schemes listed in Appendix 2 should be included in these Policies instead and cross referencing to the Proposals Map improved. Status and timescales should be set out where appropriate and reference made to current multi modal studies for specific roads.
- c) Concern about the effects of traffic management proposals on Consignia's statutory duties and need for access to property to perform these . Request the addition of text to refer to the need for early consultation to ensure maintained access for essential service vehicles and public transport.

**Inspector's Reasoning and Conclusions**

11.18.1 The City Council is attempting to produce a more focussed Local Plan document. Therefore, I do not consider it appropriate to refer in the Plan to the need for consultation with specific groups or organisations as full consultation is carried out when detailed Traffic Regulation Order proposals are brought forward. Accordingly, I recommend no change in response to objection 188X 889.

**RECOMMENDATIONS**

No modification.

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## 11.19 T14.3 EAST SIDE REGENERATION AREA

### Objections

375X 1136*	Royal Mail
157X 2025	Mr Poyser, Nottingham City Centre Retailers Association
157X 2041	Mr Poyser, Nottingham City Centre Retailers Association

### Issues

- Concern about the effects of the proposal on access to Royal Mail's Albion House activity on Canal Street. Request the addition of text to refer to the need for early consultation to ensure maintained access for essential service vehicles and public transport.
- Highway Planning line proposed to be deleted in Proposed Revision T.031(a) is still required to ensure that Huntingdon Street, in the longer term, is better able to relieve Mansfield Road of traffic. Revision T.031(b) then becomes unnecessary. This ties in with the City Centre Major scheme which inter alia does not improve the route for traffic from Mansfield Road to the south to avoid the City Centre as much as possible.

### Inspector's Reasoning and Conclusions

11.19.1 Objection 375X 1136 is met by Revision Nos. T.017 and T.021 of the Revised Deposit Draft.

11.19.2 Part of the highway planning line shown in the First Deposit Local Plan was retained in Revision No. T.031(a) and a new length of planning line safeguarded in Proposed Revision T.031(b). Those parts of the planning lines which were proposed to be removed in Revision No. T.031(a) were being removed to respond to changes in the City Centre Major traffic proposals and to enable development proposals which will improve the environment of this part of the City Centre. Therefore, I do not recommend any further change in response to objections 157X 2025 and 2041.

11.19.3 However, the City Council is now proposing to remove the highway planning line shown in Proposed Revision T.031(b) as this is no longer required to enable traffic management solutions in this part of the City Centre and as the Government have now approved the City Centre Major traffic proposals which do not include the land in question. This point is met by FPCT\09 and I recommend accordingly.

### RECOMMENDATIONS

Modify the Local Plan in accordance with FPCT\09 to remove all of the highway planning lines on Huntingdon Street, including the highway planning line shown in proposed Revision T.031(b), as they are no longer required to enable traffic management solutions in this part of the City Centre.

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## 11.20 T15 CITY CENTRE CAR PARKING

### Objections

558X 2239	Sneinton Market Developments Ltd
299X 2290	Scholter, Aldergate Properties Ltd
155X 2338	Mr Johnson, CPRE ( Nottinghamshire)
158X 2405	Nottingham Trent University

### Issues

- The word 'public' should be reinstated in the Policy, as car parks are needed with new residential development particularly in regeneration zones close to the City Centre, in order to encourage take up of the residential development.
- New reference to Workplace Parking Levy details should be deleted.
- Policy should apply to private car parks as well. Original wording of policy should be reinstated. The word 'public' should be reinstated in the Policy as private parking on a long stay basis, may be required to support development that is otherwise considered desirable or which would be provided to replace existing car parking proposed to be lost as a result of redevelopment proposals.

### Inspector's Reasoning and Conclusions

11.20.1 The word 'public' was removed from Policy T15 in the Revised Deposit Draft because the policy as set out in the First Deposit Draft did not fulfil the City Council's intention to restrict all long stay commuter parking in the City Centre as part of integrated transport measures to contain or reduce traffic congestion at peak periods.

11.20.2 The objectors now consider that the word 'public' should be reinstated because private long stay car parking may be needed to support development or to replace existing private car parks which would be lost in redevelopment proposals, particularly for residential development. It seems to me that these objections would be met by Further Proposed Change FPCT\08 which would clarify the application of the policy.

11.20.3 For the reasons set out under Policy T4, I consider that the WPL is appropriate for Nottingham. Therefore, I consider that reference to it in Policy T15 should be retained.

### RECOMMENDATIONS

Modify the Local Plan in accordance with FPCT\08 by inserting the following words in Paragraph 10.42 after the words 'congestion and circulating traffic':-

**This policy will not normally apply to proposed developments which include primarily residential uses, but will be applied to mixed use development proposals and proposals involving primarily employment uses.**

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## 12. APPENDICES

### 12.1 APPENDIX 3 – SUPPLEMENTARY PLANNING GUIDANCE

#### The Objections

158X 324 Nottingham Trent University

#### Issues

a) Uncertainty over whether SPG for Clifton West was formally adopted.

#### Inspector's Reasoning and Conclusions

12.1.1 The City Council agrees with objection 158X 324 that the planning brief for Clifton West has not been fully adopted. This matter would be addressed by FPCA\01 and I recommend accordingly.

#### RECOMMENDATIONS

Modify the Local Plan in accordance with FPCA\01:

**Delete Clifton West from the list of adopted Site/Area Specific Guidance.**

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### 12.2 APPENDIX 4 - GLOSSARY

#### Objections to Proposed Changes

558X 2240 Sneinton Market Developments Ltd

#### Issues

a) The glossary needs to make explicit reference to circular 1/97.

#### Inspector's Reasoning and Conclusions

12.2.1 Objection 558X 2240 would be met by FPCA4\02 and I recommend accordingly.

#### RECOMMENDATIONS

Modify Local Plan in accordance with FPCA4\02:

**Circular 1/97 sets out Government policy for the use of planning obligations. It states that planning obligations should be sought only where they are necessary, relevant to planning, directly related to the proposed development and reasonable in all other respects.**

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## 12.3 APPENDIX 5 – LOCAL PLAN INDICATORS

### Objections to Proposed Changes

101X 166            Mr Tribe, English Nature  
101X 2147           Mr Tribe, English Nature

### Issues

- a) Suggest inclusion of commitment to monitor and comprehensive suite of monitoring targets and indicators.
- b) There should be a target to increase in the amount or areas of SINCS in the City.
- c) The target for area of LNR per 1,000 population should be an increase.

### Inspector's Reasoning and Conclusions

12.3.1 Objection 101X 266 is met because the Revised Deposit Draft now includes a comprehensive list of monitoring indicators at Appendix 5.

12.3.2 The City Council has an ongoing thorough review of SINCS. The City Council hopes to include any amendments in the Local Plan upon adoption. However, the Review will be unlikely to be repeated in the lifetime of the Plan, and therefore it is unlikely that the area of the SINC in the City will increase over this period. It is also possible that this rigorous review of SINCS against strict criteria, may result in a reduction of a SINC area overall since the selection criteria in the current review are more rigorous than the criteria used for the original designations. Given the wholesale review of SINC status currently ongoing on the basis of new criteria, an indicator to monitor change in SINC area would not give a true indication of biodiversity.

12.3.3 In any event, an indicator for every aspect of biodiversity would unnecessarily complicate the monitoring process, so a representative number have been selected ie Local Nature Reserves (LNRs) and the area of SSSI. Since many of the nature conservation designations overlap, it would also increase the probability of 'double counting'. There is a danger that there will be pressure for more indicators to measure other aspects of the Local Plan, making the Plan and the monitoring process more unwieldy.

12.3.4 However, as the City Council has the powers to designate LNRs and is happy to consider suggestions as to where new LNRs could be designated, it is considered reasonable that the target should be to increase, rather than to maintain current levels. FPCA5\01 would address this and so I recommend accordingly.

### RECOMMENDATIONS

Modify the Local Plan in accordance with FPCA5\01:

**Target for Area (ha) of Local Nature Reserve per 1000 population change to 'Increase'.**

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