

**DPP Planning**  
Barnett House  
53 Fountain Street  
Manchester, M2 2AN  
t +44 (0)161 247 8555  
info@dppukltd.com  
www.dppukltd.com



Nottingham City Council  
LH BOX 52  
Planning Policy Team  
Loxley House  
Station Street  
Nottingham  
NG2 3NG

11 March 2016

Our ref: Tesco\Top Valley\L001m

Dear Sir or Madam

**Local Plan Part 2: Land and Planning Policies Document Publication Consultation  
Representations on behalf of Tesco Stores Ltd**

We write on behalf of our client Tesco Stores Ltd ('Tesco') in response to the above consultation.

These representations are made in relation to the Top Valley Way centre that is occupied by a Tesco Extra Store, Tesco Petrol Station, Community Centre, Subway store (restaurant/take-away), in-store pharmacy, in-store photo shop, cafe and in-store optician, with a vacant development site to the northeast of the site. With regards to this site it is our understanding that Marston's Inns and Taverns has now entered pre-application discussions with the Council for development of a public house/ restaurant and will be making a planning application in the near future.

Overall, whilst Tesco support the Council's broad aspirations they feel it is necessary to make a few of comments in support and objection. This letter has been structured to follow the response form attached to Local Plan Part 2: Land and Planning Policies Document Publication and has made reference to the relevant questions.

**To which part of the Local Plan does this representation relate?**

- Draft Proposals Map
- Draft Policy SH7: Centres of Neighbourhood Importance (CONI)
- Draft Policy EN1: Open Space Network

**Do you consider that Local Plan Part 2: Land and Planning Policies Document is legally compliant and sound?**

- No - we consider that the document is unsound.

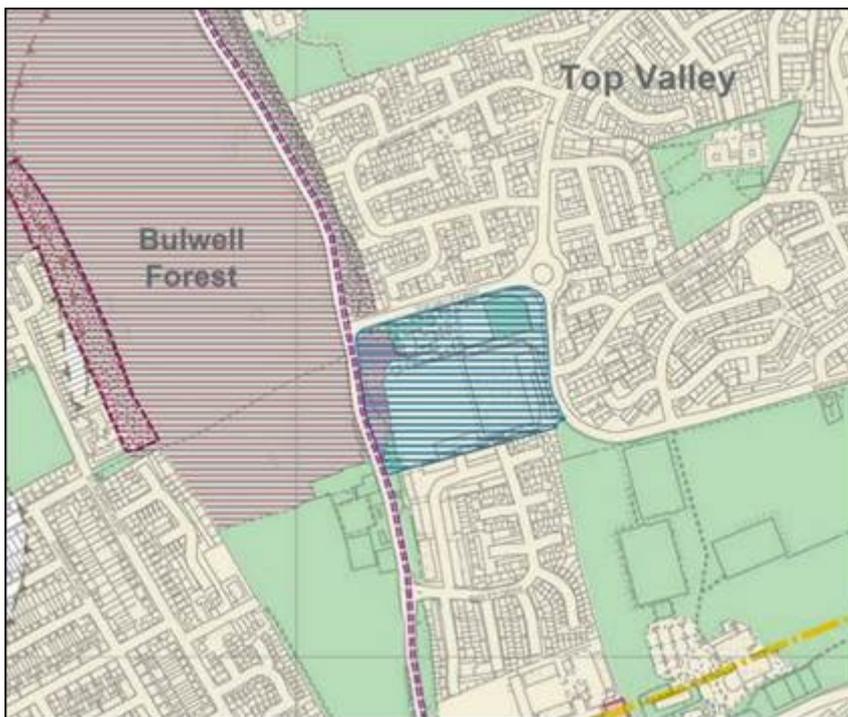
Please explain why you 'support' or 'do not support' the Local Plan Part 2 (i.e. why you think the Plan is/is not legally compliant/sound)?

**SUPPORT**

4210

- Draft Policy SH7 – Centres of Neighbourhood Importance

We broadly support the wording of draft policy SH7 and continued identification of the centre as a “Centre of Neighbourhood Importance”, including the extents as shown in the extract below.



[Extract from proposed amended Proposals Map]

**DO NOT SUPPORT**

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- Draft Policy EN1 – Development of Open Space

The north-eastern proportion of the Top Valley Way CONI is proposed as land falling within an Open Space Network covered in draft policy EN1, as shown on the above extract, in addition to being part of the designated CONI.

Extension of this policy to this area of land is considered unsound as the Local Plan evidence base fails to identify a site appraisal section which has considered each site in detail and outlines the reason why land should be included within such a designation.

The site is currently a vacant redevelopment site (former pub ‘The Royal Hunt’ since demolished) which has been marketed for development. We understand that Marston’s Inns and Taverns are now in advanced pre-application discussions with the Council for a public house/ family restaurant and will be making a planning application in the near future.

The Marston’s proposal is in line with adopted local planning policy and designation of the site within the CONI. It is also in line with national planning policy, specifically Annex 2 to NPPF that states that main town centres will be acceptable in designated centres, such as this site, for;

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*'Main town centre uses: Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment facilities the more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, night-clubs, casinos, health and fitness centres, indoor bowling centres, and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).'*

[our emphasis]

Furthermore, half of the proposed open space designation is a laid out as car park, the other half is simply grassed scrubland which is not in use of either formal or informal open space. There are no footpaths across the site and it holds no evidenced ecological value. As such it is considered that there is no evidential reason that the site should be designated as part of an Open Space network (draft policy EN1). Indeed the proposed open space designation runs counter to the designation of as a Centres of Neighbourhood Importance in the adopted and emerging Local Plan and removes an ability to provide improved services to the local community in a suitable location that accords with national planning policy.

To conclude there is no evidential basis for designation of the site for open space for protection through draft policy EN1, and with potential for redevelopment in line with adopted planning policy, i.e. no adopted open space designation, and national planning policy support, it is our view the designation is also unwarranted.

**Please set out what change(s) you consider necessary to make the Plan legally compliant or sound, having regard to the reasons you identified?**

4441 & 4442  
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- The proposed open space designated (EN1) at the north-eastern part of the Centres of Neighbourhood Importance allocation should be removed.

**If your response is seeking a change, do you consider it necessary to participate at the examination in person?**

- Yes, DPP wish to be given the opportunity to participate in the oral examination.

**If you wish to participate in person at the examination, please outline why you consider this to be necessary?**

- The points we have outlined above may benefit from further clarification, and as such we would welcome the opportunity to participate in the oral examination to ensure that my client is best represented, through round-table discussion of and around the points raised in this letter.

### Summary

We trust you will find our comments useful and look forward to receiving acknowledgement of receipt of the representations being made in due course.

Our client welcomes the opportunity to discuss any of the points raised above and any related issues in the further development of the Local Plan with relevant officers.

Yours faithfully

Rachel Wilbraham  
Principal Planner

DPP

D: [REDACTED]

E: [REDACTED]