

**Nottingham City Council
Local Plan Part 2: Land and
Planning Policies Document
Revised Publication Version**

Ref:

For office use only

Response Form

A number of changes have been made to the previous 'Publication Version' of the Local Plan. These changes cover Site Allocations and Development Management Policies with additions shown in blue underline and deletions in ~~red strikethrough~~ in the Revised Publication document. A full schedule of changes is also available as are updates/addendums to the supporting documentation and these can be found at www.nottinghamcity.gov.uk/revisedpublication. This consultation is focusing on these changes and comments made in response to the previous 'Publication Version' consultation need not be repeated.

You are advised to read the [guidance note](#) before completing this form, but if you have any questions, please email the Planning Policy and Research Team 0115 876 4594 or localplan@nottinghamcity.gov.uk

Please return this response form to localplan@nottinghamcity.gov.uk

The Council is encouraging electronic responses for ease of processing, however, should you need to submit comments in writing, these should be addressed to:
Local Plan Revised Publication Consultation, Planning Policy and Research Team, Nottingham City Council, LH Box 52, Loxley House, Station Street, Nottingham, NG2 3NG.

Responses must be received by 5.00pm Friday 10th November 2017

Part A – Contact Details and Future Notifications

Please tick the boxes as appropriate.

Q1 Are you responding as?

- An individual
- ✓ A Landowner/Developer
- An organisation
- Other _____

Q2 If you have commented before on the Local Plan and have your consultee ID number (this will have been provided on your consultation letter) please provide it.

- ID No. _____

Q3 Your Details

Title	Mr
First Name	John
Last Name	Fleming
Job Title (if relevant)	Policy Planner
Organisation (if relevant)	Gladman Developments

Q4 Agent's Details (if relevant)

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Address Line 5		
Post Code	CW12 1LB	
Telephone Number		
E-mail Address		

Q5 Do you wish to be notified of any of the following?

(please tick yes or no for each question)

Submission of the Local Plan Part 2 for Examination?

Publication of the Recommendations of the Inspector?

Adoption of the Local Plan Part 2?

- | | |
|---|-----------------------------|
| <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |

Part B – Your Response

If you wish to comment on more than one issue please complete a separate form for each response (although you only need to complete Part A once).

Q6 If you know the Proposed Change reference number provided in the Schedule of Changes to the Nottingham City Land and Planning Policies Development Plan Document (Local Plan Part 2), Publication Version, please provide it and move to Q8.

Proposed Change reference: _____

Q7 Alternatively, if you do not know the Proposed Change reference please answer the following questions:

What does your response relate to? (please select only one from a) to e) below).

a) A site? (if yes, please specify the site and move to Q8)

Which site? (please provide details of the site including ref number and site name).

- Yes
- No
- Please give site details:
Site Ref: _____
Site Name: _____

b) A Policy? (if yes, please give the Policy reference then move to Q8)

Which Policy? (please provide the Policy reference)

Policy text or justification text?

- Yes
- No

Policy Ref: Please see attached response

- Policy text
- Justification text

Which part of the text? (please provide the

related Policy criteria or paragraph number)

c) Another part of the document? (if yes, please state which section then move to **Q8**)

- Yes
- No

If yes, please specify which section below.

Which section?

- Policies Map
- Section 1: Introduction
- Section 2: Background
- Appendix 1: Parking Guidance
- Appendix 2: Schedule of Proposed Transport Network Schemes
- Appendix 3: Housing Delivery
- Appendix 4: Employment Delivery
- Appendix 5: Retail Delivery
- Appendix 6: Methodology for Significant HMOs Concentration
- Appendix 7: Schedule of Caves

d) Supporting documents? (if yes, please specify which document, then move to **Q8**)

- Yes
- No

Which document?

(e.g. Sustainability Appraisal)

e) Another issue?

(please specify then move to **Q8**)

- Yes (please give details)

Q8 and Q9 are required by Planning Regulations. Please refer to the [guidance note](#) for more information.

Q8 Do you consider the Local Plan Part 2 to be legally compliant? (please tick yes or no and explain in the box to Q10. You will also need to answer Q9).

- Yes
- ✓ No

Q9 Do you consider the Local Plan Part 2 to be 'sound'? (please tick yes or no).

- Yes (go to Q10)
- ✓ No (answer a-d below)

a) Do you consider the Plan is unsound because it is not 'positively prepared'?

- ✓ Yes
- No

b) Do you consider the Plan is unsound because it is not 'justified'?

- ✓ Yes
- No

c) Do you consider the Plan is unsound because it is not 'effective'?

- ✓ Yes
- No

d) Do you consider the Plan is unsound because it is not 'consistent with national Policy'?

- ✓ Yes
- No

If you consider that the Plan is unsound, explain why in the box to Q10).

Q10 Please explain why you 'support' or 'do not support' the Proposed Changes set out in the Revised Publication Version of the Local Plan Part 2 (i.e. why you think the Plan is/is not legally compliant/sound). Try and be as precise as possible.

Please see attached response for further details.

(please continue on a separate sheet if necessary)

Q11 Please set out what change(s) you consider necessary to make the Plan legally compliant or sound, having regard to the reasons you identified in Q10. You will need to say why this change will make the Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any Policy or text. Try and be as precise as possible.

(please continue on a separate sheet if necessary)

Please note your response should cover succinctly all the information, evidence and supporting information necessary to support/justify the response and the suggested change, as there may not be a subsequent opportunity to make further responses. After this stage,

further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

Q12 If your response is seeking a change, do you consider it necessary to participate at the Examination in person?

- ✓ Yes, I wish to participate in person at the Examination
- No, I do not wish to participate in person at the Examination

Q13 If you wish to participate in person at the Examination, please outline why you consider this to be necessary.

(please continue on a separate sheet if necessary)

Please note the Inspector will determine who participates at the Examination and the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the Examination.

Responses must be received by 5.00pm on Friday 10 November 2017.

Thank you for taking the time to have your say on the Nottingham City Council Local Plan Part 2: Land and Planning Policies Document. You are kindly requested to complete the Equality Opportunities Monitoring questions on page 6, however this is OPTIONAL.

Data Protection - The response(s) you submit on the Local Plan Part 2 will be used in the plan making process and may be in use for the lifetime of the Local Plan in accordance with the Data Protection Act 1998 although address, telephone and email details will not be published.. The information will be analysed and the Council will consider issues raised. Please note that responses cannot be treated as confidential and will be made available for public inspection. All responses can be viewed at the Council offices. If you provide your email address this will be the method of communication used in the future by default unless you advise us otherwise.

Gladman Developments Ltd

**Representations on Nottingham City Council
Local Plan Part 2
Pre-submission changes**



November 2017

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1 INTRODUCTION

1.1 Background

1.1.1 These representations are made by Gladman Developments Ltd. (hereafter referred to as "Gladman"). Gladman specialise in the promotion of strategic land for residential development with associated community infrastructure.

1.1.2 Gladman has considerable experience in the development industry across a number of sectors, including residential and employment development. From that experience, we understand the need for the planning system to provide local communities with the homes and jobs that are needed to ensure residents have access to the homes and employment opportunities that are required to meet future development needs of the area and contribute towards sustainable economic development.

1.1.3 Gladman has been involved in contributing to the plan preparation process across England through the submission of written representations and participation at local plan public examinations. It is on the basis of that experience that these representations have been prepared.

1.2 Structure of Representations

1.2.1 These representations are structured to follow the consultation document and will cover the following key topic areas:

- Housing White Paper
- Legal Compliance
- Duty to Cooperate
- Sustainability Appraisal
- Objectively Assessed Needs and Housing Target
- Site Allocations
- Development Management Policies

1.3 Plan Making

1.3.1 The Framework sets out four tests that must be met for Local Plans to be considered sound. In this regard we submit that in order to prepare a sound plan it is fundamental that it is:

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

2 FIXING OUR BROKEN HOUSING MARKET – WHITE PAPER FEBRUARY 2017

2.1 Overview

- 2.1.1 The Government is in no doubt that the housing market in Britain is broken which, according to the Prime Minister, is one of the greatest barriers to progress in the country today.
- 2.1.2 Average house prices are almost eight times average earnings which is an all-time record and soaring prices and rising rents caused by a shortage of the right homes in the right places has slammed the door of the housing market in the face of a whole generation.
- 2.1.3 The reason for this crisis is that the country is simply not building enough homes and has not done so for far too long. The consensus is that we need from 225,000 to 275,000 or more homes per year to keep up with population growth and to start to tackle years of under-supply.
- 2.1.4 Everyone involved in politics and the housing industry therefore has a moral duty to tackle this issue head on. The White Paper states quite unequivocally that *'the housing shortage isn't a looming crisis, a distant threat that will become a problem if we fail to act. We are already living in it.'*
- 2.1.5 Tackling the housing shortage is not easy. It will inevitably require some tough decisions. But the alternative, according to the White Paper, is a divided nation, with an unbridgeable and ever-widening gap between the property haves and have-nots.
- 2.1.6 The challenge of increasing supply cannot be met by Government alone. It is vital to have local leadership and commitment from a wide range of stakeholders, including local authorities, private developers, housing associations, lenders and local communities.
- 2.1.7 The starting point is building more homes. This will slow the rise in housing costs so that more ordinary working families can afford to buy a home and it will also bring the cost of renting down. We need more land for homes where people want to live. All areas therefore need a plan to deal with the housing pressures they face.
- 2.1.8 Local planning authorities have a responsibility to do all that they can to meet their housing requirements, and the Local Plan represents an important policy tool to ensure local needs are met in full.
- 2.1.9 Plans should be reviewed regularly, and are likely to require updating in whole or in part at least every five years. An authority will also need to update its plan if its existing housing target can no longer be justified against its objectively assessed housing requirement.
-

- 2.1.10 Policies in Local Plans should also allow a good mix of sites to come forward for development, so that there is choice for consumers, places can grow in ways that are sustainable, and there are opportunities for a diverse construction sector including opportunities for SME housebuilders to deliver much needed housing.
- 2.1.11 Finally, the Government has made it clear through the White Paper that local planning authorities are expected to have clear policies for addressing the housing requirements of groups with particular needs, such as older and disabled people.
- 2.1.12 The White Paper is the cornerstone of future Government policy on fixing the broken housing market. It provides the direction of travel the Government is intending to take and is a clear statement of intent that this Government is serious about the provision of the right number of houses in the right places. Local plans therefore need to consider these policy intentions now in order to ensure that it fulfils the Government's agenda and provides the homes that its local communities need.
-

3 LEGAL COMPLIANCE

3.1 Duty to Cooperate

- 3.1.1 The Duty to Cooperate is a legal requirement established through Section 33(A) of the Planning and Compulsory Purchase Act 2004, as amended by Section 110 of the Localism Act. It requires local authorities to engage constructively, actively and on an ongoing basis with neighbouring authorities on cross-boundary strategic issues throughout the process of Plan preparation. As demonstrated through the outcome of the 2012 Coventry Core Strategy Examination and the 2013 Mid Sussex Core Strategy Examination, if a Council fails to satisfactorily discharge its Duty to Cooperate, this cannot be rectified through modifications and an Inspector must recommend non-adoption of the Plan.
- 3.1.2 Whilst Gladman recognises that the Duty to Cooperate is a process of ongoing engagement and collaboration¹ as set out in the PPG, it is clear that it is intended to produce effective policies on cross-boundary strategic matters. In this regard, the Council must be able to demonstrate that it has engaged and worked with neighbouring authorities, alongside their existing joint working arrangements, to satisfactorily address cross boundary strategic issues. This is not simply an issue of consultation but a question of effective cooperation.
- 3.1.3 The need to positively plan to meet full housing needs across a HMA should not be underestimated. Whilst it is all too easy for the DtC to be seen as an administrative exercise, there is a fundamental social and economic need to ensure a supply of good quality housing to meet the housing and employment requirements across the wider area is a key issue that must be addressed properly through the plan making process.

3.2 Sustainability Appraisal

- 3.2.1 In accordance with Section 19 of the 2004 Planning and Compulsory Purchase Act, policies set out in local plans must be subject to Sustainability Appraisal (SA). Incorporating the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations), SA is a systematic process that should be undertaken at each stage of the Plan's preparation, assessing the effects of the Local Plan's proposals on sustainable development when judged against reasonable alternatives.
- 3.2.2 The Local Plan should ensure that the results of the SA process clearly justify its policy choices, including the proposed site allocations and the approach taken to new growth when judged against 'all reasonable alternatives'. In meeting the development needs of the area, it should be clear from the results of the assessment why some policy options have been progressed

¹PPG Reference ID. 9-011-2014036

and others have been rejected. The Council's decision making and scoring should be robust, justified and transparent and should be undertaken through a comparative and equal assessment of each reasonable alternative. Too often the SA process flags up the negative aspects of development whilst not fully considering the positive aspects which can be brought about through new opportunities for housing development and how these can influence landscape issues, social concerns and the economy.

4 NOTTINGHAM LOCAL PLAN

4.1 Context

4.1.1 This section of the representations are made in response to the policy options currently being promoted by the Council in the revised publication version Local Plan.

4.2 Housing Overview

4.2.1 The Framework expresses the Government's goal to significantly boosting the supply of housing and how this should be reflected through the preparation of local plans.

4.2.2 The revised pre-submission Land and Planning Policies Document (LAPP) aims to support the delivery of the housing targets that were established through the Aligned Core Strategy (ACS). The ACS identifies a minimum of 30,550 new homes to be provided for over the plan period 2011 to 2028. Notwithstanding that the ACS requires a provision for a minimum 30,550 new dwellings across Nottingham City Council, Broxtowe Borough Council and Gedling Borough Council. Nottingham is required to accommodate a minimum of 17,150 dwellings over the plan period and it is important that this is not to be seen as a capped target.

5441 4.2.3 It is important to note that the ACS examining Inspector indicated the need for a review of the ACS if new Government household projections show that they no longer reflect the objective assessment of housing need. It is unclear whether the Council has given any consideration to this issue.

5442 4.2.4 In order to provide flexibility and suitable contingency to meet development needs, the Council should allocate additional sites to ensure that it is able to meet the minimum level of housing that is required. As long as the Council allocates sustainable sites, then there would be no harm should this result in delivering a greater than the minimum requirement of housing. This approach will ensure that any delays that may be experienced in the delivery of more difficult to deliver strategy sites or the identified regeneration areas can be supported by a wide range of smaller sites that have the ability to provide additional housing numbers in the shorter term. Greater flexibility should therefore be provided within the LAPP to ensure that development opportunities in sustainable locations can be brought forward across the settlement hierarchy.

5443 4.2.5 In allocating sites, the Council should be mindful that to maximise the housing supply, the widest possible range of sites, by size and market location are required so that house builders of all types and sizes have access to suitable land in order to offer the widest possible range of products. The key to increased housing supply is the number of sales outlets. The maximum delivery is achieved not just because there are more sales outlets but because the widest possible range of products and locations are available to meet the widest possible range of

demand. In summary a wider variety of sites in the widest possible range of locations ensures all types of house builder have access to suitable land which in turn increases housing delivery.

4.3 Site Allocations

5444 4.3.1 The LAPP identifies a total 7,942 dwellings to be delivered across 79 proposed site allocations. The remainder of which is anticipated to be met through SHLAA sites providing a total 5,870 dwellings and windfall sites providing a further 1,935 dwellings. Given the level of SHLAA/windfall sites it is important that the Council can demonstrate robust evidence that such sites will come forward over the plan period.

5445 4.3.2 Although Gladman does not wish to comment on individual sites identified in the LAPP, it is important that a sufficient buffer of sites is included to act as contingency should sites not come forward as anticipated and that the Council's assumptions on lead-in times and delivery rates provide a realistic assessment in housing land supply.

4.4 Five year housing land supply

5446 4.4.1 The Council must ensure that it is able to demonstrate a rolling five year housing land supply over the plan period in order to be compliant with the Framework and meet fully the needs of the City's communities and support the economic prospects of the wider area. It is important that the Council uses realistic delivery rates in its housing land supply. On average, annual delivery rates should be in the region of around 30 dwellings per annum, per developer acting on site.

4.4.2 The Council should also plan to ensure that any shortfall is made good within the first five years of the plan in line with the PPG².

5 POLICIES

5.1 Policy CC1: Sustainable Design and Construction

5447 5.1.1 The above policy seeks to impose the optional technical standards for new homes as set out in the 2015 Written Ministerial Statement. The Council should ensure that it is able to demonstrate robust evidence on viability and whether this is actually achievable across the plan period and its consideration on viability of the Plan as a whole in terms of delivering the above policy and what effects it may have on other policies of the Plan and development viability.

²PPG Reference ID: 3-035-20140306

5.2 Policy CC3: Water

- 5448 5.2.1 Gladman reiterate the concerns raised in response to policy CC1 and the Council's use of the optional technical standards. Further to this, Gladman do not approve of the exceptional circumstances test contained in policy CC3. The Framework only seeks to prevent development in areas of high national importance i.e. National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. Gladman consider that the exceptional circumstances test is unjustified and should be deleted.
- 5449

5.3 Policy HO1: Housing Mix

- 5450 5.3.1 It is noted that policy HO1 seeks provision for serviced plots for custom builders on sites of 10 or more dwellings subject to viability and site specific circumstances. Gladman recommend that any policy requirement in relation to self-build housing has an element of flexibility built in to allow for negotiation over self-build plots on the basis of viability to ensure that site delivery is not delayed or prevented from coming forward. Any specific requirement to include self-build plots should be tested through the Council's viability assessment of the Local Plan policies to ensure that the cumulative impacts of all proposed local standards and policy requirements do not put the implementation of the Plan as a whole at risk (paragraph 174 of the Framework).
- 5.3.2 Further to this, Gladman urge the Council to ensure the policy has added flexibility as there is no guarantee that these units will be delivered and there may be situations when they are difficult to deliver which may result in the non-delivery of otherwise sustainable land for housing. Therefore Gladman recommend that any policy specific requirement needs to include a mechanism whereby if the self-build plots are not taken up within a given time period then these revert back to market housing to be provided as part of the wider scheme. This would provide flexibility and help to ensure that the required housing is delivered.
- 5451

5.4 Policy HO4: Specialist and Adaptable Housing

- 5452 5.4.1 The above policy seeks to deliver at least 10% of new dwellings above a threshold of 10 or more dwellings to be developed as 'Accessible and Adaptable' dwellings. Gladman reiterate the concerns previously raised in relation to the optional technical standards.

6 CONCLUSIONS

6.1 Assessment against the tests of soundness

- 6.1.1 Having considered the LAPP, Gladman have raised issues regarding a number of matters. When allocating land for new development, local plans must be suitably pragmatic in order to ensure that they become an effective tool in managing development. In order to achieve this, they must provide a suitable level of flexibility and contingency to respond to changes in circumstance over the plan period.
- 6.1.2 The housing requirement contained in the ACS must be treated as a minimum requirement for the purposes of the LAPP and sufficient land should be identified within the Plan to demonstrate that this requirement can be achieved and exceeded whilst maintaining a rolling five year housing land supply. To achieve this, an appropriate strategy for accommodating growth must be selected that responds to the Council's proportionate evidence base. In doing so, development should be directed to all sustainable locations to support their future vitality and viability in terms of the services and facilities they can provide now and in the future to meet the needs of the City's residents.
- 6.1.3 Gladman request to participate at the hearing sessions at the Examination in Public to discuss these issues in more detail.
-