

## John King

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**From:** Joanne Althorpe  
**Sent:** 04 January 2019 11:00  
**To:** Localdevelopment  
**Subject:** Gotham Neighbourhood Plan - Submission Version Representations  
**Attachments:** 2019 01 04 Davidsons.Gotham NP Response Form.pdf; 2019 01 04 Davidsons.GothamNPRepresentations.pdf

Dear Planning Policy

Please find attached a response form and representations on behalf of our clients, Davidsons Developments Ltd, in respect of their land interests east of Gypsum Way/The Orchards.

If you have any queries please do get in touch.

Kind regards  
Jo

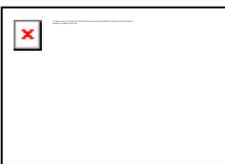
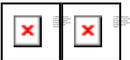
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### **Marrons Planning**

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*Planning Consultancy of the Year and Young Planner of the Year (Jenny Keen) – [find out more](#)*

### **FRAUD PREVENTION**

Please do not reply to or act upon any email you might receive purporting to advise you that our bank account details have changed. Please always speak to the lawyer acting for you to check any changes to payment arrangements. We will also require independent verification of changes to any bank account to which we are asked to send money.

*We have now joined forces with our city centre office and have moved to 2 Colton Square, Leicester, LE1 1QH (DX744174 Leicester 41). Our main telephone number remains as 0116 366 8000 and our direct telephone numbers and email addresses have not changed.*

## Representation Form

Ref:

(For official use  
only)

Please return by **5pm on Friday 4 January 2019** to Planning Policy, Rushcliffe Borough Council, Rushcliffe Arena, Rugby Road, West Bridgford, Nottingham. NG2 7YG, or to:

[localdevelopment@rushcliffe.gov.uk](mailto:localdevelopment@rushcliffe.gov.uk)

This form has two parts –  
Part A – Personal Details  
Part B – Your Comment(s)

### Part A: Personal Details

Consultee Details:

Name:

Organisation: **Davidsons Developments Ltd**

Address: **c/o agent**

Postcode:

E-Mail Address:

If you are an agent acting on behalf of a consultee, please enter your agent details here:

Name: **Joanne Althorpe**

Organisation: **Marrons Planning**

Address: **Waterfront Plaza, Waterfront House, 35 Station St, Nottingham**

Postcode: **NG2 3DQ**

E-Mail Address:

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## **Part B: Comment(s) on Gotham Neighbourhood Plan Submission Version**

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Please enter your comment or comments on the Gotham Neighbourhood Plan Submission Version, together with any suggested amendments below. For each comment made, please indicate to which part of the plan the comment relates (e.g. chapter and/or paragraph number).

Please refer to the accompanying report prepared by Marrons Planning.

Please continue on a separate sheet of paper as necessary

## Data Protection Notice

The personal information you provide will only be used by Rushcliffe Borough Council, the Data Controller, in accordance with General Data Protection Regulation 2016/Data Protection Act 2018 to undertake a statutory function (also known as a 'public task')

Your personal information will be shared with the independent examiner in connection with the above purpose.

Your personal data will be kept in accordance with the Council's retention policy and schedule. Details of which can be found on the Council's website at [http://www.rushcliffe.gov.uk/retention\\_schedule/](http://www.rushcliffe.gov.uk/retention_schedule/)

Your data protection rights are not absolute and in most cases are subject to the Council demonstrating compliance with other statutory legislation, for further information see <http://www.rushcliffe.gov.uk/privacy/>

Representations will be available to view on the Borough Council's website, but any signatures, addresses, email addresses or telephone numbers will not be included. However, as copies of representations must be made available for public inspection, comments cannot be treated as confidential and will be available for inspection in full.

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# GOTHAM NEIGHBOURHOOD PLAN SUBMISSION DRAFT (REGULATION 15)

## REPRESENTATIONS ON BEHALF OF DAVIDSONS DEVELOPMENTS

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### Introduction

1. These representations have been prepared by Marrons Planning on behalf of our client, Davidsons Developments (“Davidsons”). Our client is a five star rated house builder that prides itself on building homes of exceptional quality and commits to engaging with both the community and local planning authority at an early stage in the planning process.
2. The representations relate to Davidsons’ land interests east of Gypsum Way/The Orchards, Gotham. A site location plan is appended to these representations. The site is currently proposed for the allocation of around 70 homes in Policy 9 of the Rushcliffe Local Plan Part 2 (LPP2) (Publication Version) which underwent examination by an independent Planning Inspector in December 2018.
3. The representations provide comments on the extent to which the Submission Draft of the Gotham Neighbourhood Plan (GNP) meets the basic conditions as set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004). It is concluded that certain GNP policies fail to meet the following basic conditions:
  - *having regard to national policies and advice contained in guidance issued by the Secretary of State;*
  - *contributing to the achievement of sustainable development; and*
  - *being in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).*
4. It is Davidsons’ position that the GNP fails to meet one or more of the above basic conditions in relation to two key policies:
  - *Policy GS1: Protective and Enhancement Measures for a Green Network*
  - *Policy H1: [Housing] Sites*

5. For the avoidance of doubt, reference within these representations to the National Planning Policy Framework (NPPF) is made in relation to the previous version, published in 2012. This is because the latest version of the NPPF (published in July 2018) confirms that for the purpose of examining plans, the policies in the previous Framework will apply when Neighbourhood Plans are submitted to the local planning authority on or before 24 January 2019 (as referred to in paragraph 214 and footnote 69).

## Policy GS1: Protective and Enhancement Measures for a Green Network

6. The objectives at Section 4 of the Neighbourhood Plan include “*[identifying] a Green Network of the most valuable footpaths and bridleways, areas of biodiversity particularly the Gotham Hill Pasture SSSI, the Hill Road grassland area, wildlife corridors and open spaces and areas of green belt that serve an important planning function that warrant protection over and above Green Belt designation.*”
7. *Map 2b (Green Space Assessment)* and *Map 3 (Proposed Green Network)* identify Davidsons’ site at Gypsum Way/The Orchards as part of the wider West ‘Designated Local Green Space’ (LGS). Field parcels to the north and south of Davidsons’ site, the Gotham Disused Railway Local Wildlife Space / verges adjoining Gypsum Way to the west are also included in this proposed designation. A Background Paper (*Background Paper 9 – Designated Local Green Spaces and the Green Infrastructure Network*) has been prepared in support of the LGS designations. Davidsons has a number of concerns about the LGS designations which are set out below.
8. The first concern is whether these designations are necessary given that the land in question is currently designated as Green Belt. A LGS designation provides protection that is comparable to that for Green Belt land (paragraph 78 of the NPPF). It is therefore unclear what the GNP is seeking to achieve by designating tracts of land adjoining the built up area as LGS. Of relevance is the government’s Planning Practice Guidance (PPG), which states:

*“If land is already protected by Green Belt policy... ..then consideration should be given to whether any additional local benefit would be gained by designation as Local Green Space”* (Reference ID: 37-010-20140306)

9. *Background Paper 9* does not set out what additional local benefit would be gained by designating Green Belt land as LGS. Policy GS1 c) states that the reason these sites have been designated as Designated LGS is that “*the protective policies set out in Green Belt policies will be given additional weight to the effect that very exceptional circumstances would need to be demonstrated for non-Green Belt uses to be allowed.*” However, a sufficient level of protection to Green Belt land is already provided by the NPPF:
  - “*..inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.*” (paragraph 87)

- *“A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt.”* (paragraph 89)
10. As limited infilling is identified as an exception to the prevention of development in the Green Belt (NPPF, paragraph 89) and Rushcliffe Borough Council (RBC) is proposing to inset Gotham from the Green Belt in the LPP2, it would be appropriate to identify land within the confines of the village as LGS (if it was ‘demonstrably special’). However, there is no additional benefit provided in giving land adjoining the village a LGS designation. The LGS designations on land adjoining the village should be deleted on the basis that they don’t have sufficient regard to national policy and do not contribute to sustainable development (two of the basic conditions).
  11. Policy GS1 c) goes on to state that *“in the case of any form of housing development it would need to be shown that no alternative sites are or will become available within Rushcliffe and /or the Greater Nottingham Housing Market Area and even where this is the case it will need to be shown that the harm from very marginal under provision of land for housing would be a greater harm than the development of the green space concerned.”* This proposed sequential/balancing approach is illogical and unnecessary; land adjoining Gotham is protected from housing development via its Green Belt designation. This wording should be deleted from the GNP for not meeting the basic conditions; it is inconsistent with national policy and does not contribute towards sustainable development.
  12. Notwithstanding the above, it is RBC’s intention to remove Davidson’s site from the Green Belt and allocate it for housing in the LPP2. On this basis, it is necessary for Davidsons to set out their objections to the designation of their site as a LGS.
  13. National policy guidance on LGS is contained at paragraph 77 of the NPPF and must meet the following three tests:
    - *Where the green space is in reasonably close proximity to the community it serves;*
    - *Where the green area is demonstrably special to a local community and holds a particular significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and*
    - *Where the green area concerned is local in character and is not an extensive tract of land.”*
  14. In relation to the first test, our clients do not dispute that their site is within reasonably close proximity to the community it serves (in fact, its proximity to the village and its facilities and services is a sustainability credential which justifies the development of site for housing).
  15. The site forms part of the wider West LGS which includes field parcels to the north and south of the Davidsons site, and the Gotham Disused Railway LWS/verge adjoining Gypsum Way to

the west of the site. There is nothing in *Background Paper 9* which provides adequate justification with regards to the demonstrably special test:

- **Beauty** - it is stated that the West LGS provides “*great views of the West Leake Hills up to the cuckoo Bush Mound...*” There is no right to a view in planning terms, and this reason does not provide any justification as to what makes the Davidsons site demonstrably special in terms of beauty. In landscape and visual impact terms, the Davidsons site has been fully assessed as part of the LPP2 process with RBC concluding that it is “*screened from nearby locations by vegetation, neighbouring developments and the flat topography. This is reflected in the Green Belt Review and landscape analysis which determined that the land was of low Green Belt importance and low landscape and low visual sensitivity*” (*Housing Site Selection Report*, June 2018, p.137). The Davidsons site is not demonstrably special in terms of beauty and is of low landscape and visual importance to the surrounding area;
- **Historic** – The ridge and furrow on the fields at the end of Hall Drive / Pygall Avenue and NCT Depot are identified as important heritage assets in *Background Paper 9*. No heritage assets are identified on the Davidsons site. In fact, RBC has confirmed that whilst ridge and furrow on the Davidsons site is included on the Historic Environment Record (HER) it is in fact “*barely evident on the ground*” (*Housing Site Selection Report*, June 2018, p.137). The Davidsons site is not demonstrably special in historic terms;
- **Recreational** – The Logan Trail adjoins the Davidsons site to the west but does not cross it. There is currently no public access to the Davidsons site, so it cannot be said to be demonstrably special in recreational terms;
- **Tranquillity** – It is stated that the fields within the West LGS are an essential part of the tranquillity of living in a village for residents on Pygall Avenue, Hall Drive, Monks Lane and Leake Road. Fields adjoining villages should not be regarded as being demonstrably special for their tranquillity, this should be reserved for sites that either offer an oasis of calm within a busy area or a space for quiet reflection (the Gotham churchyard and cemetery is a good example of a site that is demonstrably special in tranquillity terms);
- **Richness of Wildlife** – there is nothing in *Background Paper 9* that specifically pinpoints the Davidsons site as being demonstrably special in ecological terms. Furthermore, the site is not the subject of any ecological designations. As such, the site cannot be said to be demonstrably special for its wildlife. A planning application at the site would be supported by an ecological appraisal and would have regard to any identified ecological interest as well as the site’s proximity to the Local Wildlife Site. Development proposals would also seek to retain ecological habitats (trees/hedgerows) as far as possible and would seek to deliver ecological enhancements by creating new habitats.

16. Finally, the West LGS is considered to fail the third test by being an extensive tract of land (approximately 9.5 hectares), particularly when viewed in the context of the land on the northern edge of Gotham which is also proposed as LGS. In relation to this test, the PPG stipulates that *“blanket designation of open countryside adjacent to settlements will not be appropriate. In particular, designation should not be proposed as a ‘back door’ way to try to achieve what would amount to a new area of Green Belt by another name.”*
17. The Davidsons site should not be designated as a LGS because it is not demonstrably special and is part of an extensive tract of land designated to restrict development adjacent to the settlement. Were the site to be removed from the Green Belt and allocated for housing as expected via the LPP2, it would not warrant a LGS designation that is both inconsistent with national policy and contrary to the strategic housing policies of the Rushcliffe Local Plan.

### Housing Policies – H1 Sites

18. Policy H1 of the GNP recommends that a number of sites within the Green Belt are allocated for housing. However, the GNP will be examined in accordance with the 2012 NPPF (for the reasons set out in paragraph 5 above), which makes clear at paragraph 83 that *“Green Belt boundaries should only be altered in exceptional circumstances, **through the preparation or review of the Local Plan**”* (our emphasis).
19. The alteration of Green Belt boundaries and the distribution of housing across the Borough are strategic issues to be determined by RBC as the local planning authority. There is a conflict between the emerging LPP2 and the emerging GNP which should be resolved in favour of the LPP2 as the strategic plan. The PPG makes clear that the role of the neighbourhood plan is to plan positively to support strategic development needs (our emphasis):

*“Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community **where the ambition of the neighbourhood is aligned with the strategic needs and priorities of the wider local area**”* (Reference ID: 41-001-20140306)

20. Marrons Planning has taken part in the LPP2 examination on behalf of Davidsons, and is satisfied that the exceptional circumstances which are necessary to amend Green Belt boundaries (NPPF, paragraph 83) are present in Rushcliffe. They have concluded that the proposal to amend the Green Belt boundaries in Gotham and allocate land at east of Gypsum Way/The Orchards (LPP2, Policy 9) is sound in planning terms, for the following reasons:
- a) there are no identified suitable sites for development in the main urban areas of Nottingham and it is not deemed appropriate to expand the existing SUEs;

- b) all of the key settlements identified in the adopted Core Strategy (Local Plan Part 1) will be accommodating development over and above the minimum identified targets in any event; and
  - c) the 4 'other villages' where housing allocations are proposed (including Gotham) are all sustainable locations and should be required to accommodate housing growth in order to ensure their longer-term vitality.
21. The quantum of development proposed in the LPP2 broadly correlates with that proposed in the GNP. However, the majority of these sites (i.e. those which are not brownfield) are not deliverable if they are located in the Green Belt, and as such the GNP, in its present form, is failing to contribute towards the achievement of sustainable development.
22. Aside from the Green Belt designations, Davidsons has concerns about the deliverability of the proposed housing sites, and these are set out below.

#### *The former Royal British Legion Building*

23. When representations were submitted to the Pre-Submission Draft of the GNP, the site was being sold and was under offer. In the GNP site assessment matrix (Background Paper 7) it is stated that there are 'no known issues' regarding deliverability, and aspirations are detailed regarding redeveloping the building into "one and two person dwellings with a communal area intended for older residents wanting to downsize." However, no evidence is presented on who would develop the site in the manner envisaged and whether there is demand for the type of units proposed.

#### *NCT Bus Depot*

24. This site is titled '*possible brownfield site depending on owners future business plans*' and in *Background Paper 7* it is stated that the site would not be available in the plan period. This indicates issues with the deliverability of the site. It is therefore questionable why the site is a recommended allocation. If the site were to become available in the plan period, as a brownfield site it would be an exception to development in the Green Belt (if it is not removed from the Green Belt via the LPP2 which proposes to inset Gotham from the Green Belt rather than it being 'washed over').

#### *GOT1 – Land behind the Royal British Legion Building*

25. The site is described in RBC's *Housing Site Selection Report* as:
- Being countryside in character rather than settlement fringe and thus of low-medium Green Belt importance;
  - Providing accessible natural greenspace for local residents (this is not identified by the Parish Council in its assessment of green infrastructure in the village);

- Provides a green corridor out of the village north towards Gotham Hills;
  - Access to the site is reliant upon a third party (Royal British Legion);
  - The adjoining public bridleway would need to be incorporate if the site was allocated.
26. There are a number of constraints to development and the site has a higher value in Green Belt terms than the Davidsons site. In addition, the site is being promoted by a landowner, and it is unclear who would deliver the site.

#### **GOT3 Land north of Kegworth Road/Home Farm**

27. The site is described in RBC's *Housing Site Selection* Report as:
- Being of low-medium Green Belt importance;
  - Being of medium landscape value;
  - Only accessible over third party land;
28. In addition, it is not clear if the site is available (it is understood from RBC's Site Selection Paper that the site wasn't promoted through the latter stages of the LPP2) or who would deliver the site.

#### **GOT9 – Gladstone Avenue**

29. This site has extant outline planning permission according to Background Paper 7 "and should be delivered early in the plan". Planning permission was granted ten years ago (18 July 2008) which points to there being deliverability issues with this site.

#### **GOT10 – Part of Glebe Land, Nottingham Road**

30. It is stated at paragraph 6.17 that this is a rural exception site. It is unclear if an affordable housing provider has been identified who would want to develop the site.
31. Whilst the LPP2 has not yet been adopted, it is at a very advanced stage. RBC has gone through a more rigorous site assessment process as part of the LPP2 and their identification of land east of Gypsum Way/The Orchards (Policy 9) has been informed by a detailed evidence base, site appraisals, sustainability appraisal etc. The PPG confirms that "*the reasoning and evidence informing the Local Plan process may be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested*" (Reference ID: 12-013-2070728). As the GNP has not made use of RBC's evidence base, Davidsons is of the view that the GNP does not meet the basic condition of contributing towards the achievement of sustainable development.
32. In order to meet the basic conditions, the GNP should allocate land east of Gypsum Way/The Orchards. The following guidance in the PPG is important to note:

*“A neighbourhood area can include land allocated in a Local Plan as a strategic site. Where a proposed neighbourhood area includes such a site, those wishing to produce a neighbourhood plan or Order should discuss with the local planning authority the particular planning context and circumstances that may inform the local planning authority’s decision on the area it will designate.”*

33. In preparing a site allocation policy for land east of Gypsum Way/The Orchards, the GNP should have regard to the emerging modifications to the Rushcliffe LPP2 (the publication of which is the next stage of the LPP2 process now that the examination in public has concluded). At the Rushcliffe LPP2 examination, it was agreed that RBC would give further consideration to the following broad issues:

- Design/layout of the site;
- Potential provision of resident’s car parking to off-set the loss resulting from the creation of a vehicular access to the site;
- Potential solution to address existing surface water flood issues in the locality.

### **Housing Policies - Policy H3 Affordable Housing**

34. The policy identifies priorities for affordable housing in the form of bungalows and one bedroom flats. Davidsons Developments frequently delivers bungalows and/or one bed maisonettes as part of major housing schemes. However, applications for housing Policy H3 should have regard to Policy 8 of the Rushcliffe Core Strategy which states that as well as local evidence of need, the housing mix sought at a particular site should also be informed by the Strategic Housing Market Assessment, RBC’s Housing Strategy, local demographic context and trends, area character, site specific issues and design considerations and the accessibility of a location by walking, cycling and public transport. The GNP should also have regard to “*up-to-date housing needs evidence [as this] is relevant to the question of whether a housing supply policy in a neighbourhood plan contributes to the achievement of sustainable development*” (PPG, Reference ID: 41-009-20160211).

35. The level of affordable housing and certainty of delivery is greater on a single site being delivered by a house builder, which would benefit local residents seeking this type of housing.

### **Summary**

#### **Policy GS1: Protective and Enhancement Measures for a Green Network**

- The LGS designation is not necessary on land adjoining the village which is protected by the Green Belt;

- The LGS designation at the Davidsons site is contrary to the emerging Rushcliffe LPP2, the reasoning and evidence for which is a relevant consideration for satisfying the basic conditions;
- In any event, the designation of the Davidsons site as a LGS does not meet two of the three tests set out at paragraph 77 of the NPPF
- In this regard, the GNP does not meet the basic conditions of having regard to national policy, contributing to the achievement of sustainable development, or being in general conformity with the strategic policies in the development plan for Rushcliffe Borough Council

### Policy H1: Housing Sites

- The GNP cannot amend the boundaries of the Green Belt in accordance with the 2012 NPPF;
- The alteration of the Green Belt and the distribution of housing across the Borough are strategic issues to be determined by RBC;
- Davidsons are satisfied that the exceptional circumstances required to amend the Green Belt boundary exist in Rushcliffe;
- There is a conflict between the emerging LPP2 and the emerging GNP which should be resolved in favour of the LPP2 as the strategic plan;
- Whilst the quantum of development proposed is broadly similar, the sites proposed for allocation in the GNP have deliverability issues;
- The LPP2 is based upon a more robust evidence base and proposes to release a site from the GB that is of low GB importance and has minimal technical constraints (and is also available and to our knowledge is the only site in Gotham being promoted by a house builder);
- Consequently, the GNP does not meet the basic conditions of having regard to national policy or contributing to the achievement of sustainable development;
- The GNP should allocate land east of Gypsum Way/The Orchards which is due to be released from the Green Belt. This would avoid conflict with the LPP2 and make it easier for decision makers at the Rushcliffe Borough Council to know how to respond to development proposals in Gotham.