Tobitt Mr and Mrs
1168226 agent
Grace Machin
1143987

Rushcliffe Local Plan Part 2: Land and Planning Policies
Publication Version

Representation Form

Please return by 5pm on Thursday 28 June 2018 to:
Rushcliffe Borough Council
Rushcliffe Arena, Rugby Road
Nottingham
NG2 7YG

This form has two parts:

Part A – Personal details
Part B – Your representation(s). Please fill in a separate part B for each issue/representation you wish to make.

Please read the Representation Guidance Notes (available separately) and the Data Protection Notice (see below) before completing the form.

Part A (Please complete in full; in order for the Inspector to consider your representations you must provide your name and postal address).

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Representations must be received by 5pm Thursday 28 June 2018. Representations received after this time will not be considered duly made.
Part B (please use a separate Part B form for each representation)

Name/Organisation: 

Grace Machin Planning & Property.

3a. To which document does your response relate? (please tick one)

- Local Plan Part 2 Publication Version
- Local Plan Part 2 Policies Map
- Other supporting document please state which:

3b. To which part of the document does this representation relate? (complete all that apply)

Page no. Page 69 Paragraph no. Policy ref. Policy 15

Site ref. d) Platt Lane, Keyworth Policies Map Keyworth & Stanton on the Wolds

4. Do you consider the Local Plan Part 2:

4(1) Legally compliant Yes No
4(2) Sound Yes No
4(3) Complies with the Duty to Co-operate Yes No

→ If you have selected No to Question 4(2), please continue to Question 5.
→ In all other circumstances, please go to Question 6.

What makes a Local Plan “sound”? 

Positively prepared - the plan should be prepared in a way that meets the need for housing and other development, including infrastructure and business development.

Justified – the plan should be based on evidence, and be the most appropriate strategy for the district when considered against other reasonable alternatives.

Effective – the plan should be deliverable; the housing and other development should be capable of being carried out.

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Consistent with national policy – the plan should enable sustainable development and be consistent with the policies in the National Planning Policy Framework (NPPF).

5. If you consider the Development Plan is UNSOUND, do you consider this to be because it is NOT: (please tick all that apply)

- Positively Prepared  
- Justified  
- Effective  
- Consistent with national policy

6. Please give reasons for you answer to Questions 4(1), 4(2), 4(3) and 5, where applicable.
   You may also use this box if you wish to make representations on one of the Local Plan Part 2’s supporting documents (e.g. Sustainability Appraisal, Habitat Regulations Assessment or Equalities Impact Assessment). You can attach additional information but please make sure it is securely attached and clearly referenced.

SEE ATTACHED REPS.

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7. Please set out what change(s) you consider necessary to make the Local Plan Part 2 legally compliant or sound, having regard to your responses to Questions 5 and 6. You will need to say why this change will make the Local Plan Part 2 legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text. Please be as precise as possible.

(If you are suggesting that the Local Plan Part 2 is legally compliant or sound please write “Not applicable”).

SEE ATTACHED REPS.
8. If your representation is seeking a change, do you consider it necessary to participate at the hearing sessions of the Public Examination? (please tick one box only)

No, I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation

Yes, I wish to appear at the examination [ ]

If you have selected No, your representation(s) will still be considered by the independent Planning Inspector by way of written representations.

9. If you wish to participate at the hearing sessions of Public Examination, please outline why you consider this to be necessary:

IT IS ESSENTIAL TO DISCUSS THE APPROACH AND LOGIC OF THE LPA IN ALLOCATING LAND THAT IS NOT AVAILABLE OR DELIVERABLE FOR EMPLOYMENT.

(Please continue on a separate sheet if necessary)

Please note: the Planning Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the hearing session of the examination.

10. Please indicate if you wish to be notified that: (please tick all that apply)

The Local Plan Part 2 has been submitted for independent examination. [ ]

The recommendations of the Planning Inspector appointed to carry out the independent examination have been published. [ ]

The Local Plan Part 2 has been adopted [ ]

Representations must be received by 5pm Thursday 28 June 2018. Representations received after this time will not be considered duly made.
Please return the completed form by no later than 5pm on Thursday 28 June 2018 to:

localdevelopment@rushcliffe.gov.uk; or

Planning Policy
Rushcliffe Borough Council
Rushcliffe Arena
Rugby Road,
Nottingham
NG2 7YG

(Electronic copies of this form are available to download at www.rushcliffe.gov.uk/planningpolicy).

If you have any questions, please contact the Planning Policy team by telephone on 0115 981 9911, or email at localdevelopment@rushcliffe.gov.uk

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**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 Planning Inspectorate 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/

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.

Representations must be received by 5pm Thursday 28 June 2018. Representations received after this time will not be considered duly made.
LOCAL PLAN REPRESENTATIONS

JUNE 2018

PROPOSED EMPLOYMENT SITE ALLOCATION REFERENCE –

POLICY 15 EMPLOYMENT DEVELOPMENT – d) PLATT LANE, KEYWORTH

RUSHCLIFFE LOCAL PLAN PART 2: LAND AND PLANNING POLICIES

PUBLICATION VERSION – MAY 2018

ON BEHALF OF S and N TOBITT

Disturbingly, the Policy identifies a blanket acceptance of all uses (B1, B2 or B8) across all sites a) to f) – d) being relevant in this case – Platt Lane, Keyworth

ON BEHALF OF SIMONE AND NICHOLAS TOBITT (who e-mailed RBC on the 21/5/18 with their immediate concerns after being alerted to the publication of the current Part 2 consultation) we are instructed to formally OBJECT to the allocation for the following reasons:

The plan is ‘unsound’ as it proposes the allocation of employment land on residential properties and adjacent land which has not been promoted for employment (or housing) redevelopment.

This raises very serious concerns that the wider allocation is not based upon sufficient baseline evidence (such as highways access assessment, air quality or acoustic work) to justify the removal of all (or even part of) the land for employment purposes from the Green Belt.

My client has the freehold ownership of two out of the three residential properties which face Platt Lane. They therefore make up a significant part of the proposed allocations commercial road frontage. These properties are:

a) The Cottage
b) Willow Cottage

The third property not within the ownership of my client but physically attached to them is:

c) Shelton Cottage

The properties have been misnamed previously in RBC and Neighbourhood Plan documents and some inconsistency appears in background documents prior to the publication of this stage of the Local Plan process.
However, we wish to draw to the attention of RBC and the appointed Planning Inspector the following:

1 – In the Strategic Housing Land Availability Report 2017 the buildings have been described as being the “attractive farmhouse fronting the site”

And

2 – In the Housing Site Selection Report April 2018 “The cottages fronting Platt Lane are identified as local interest buildings”

Accordingly the properties have been referenced previously but the LPA have not positively engaged with the owner of The Cottage & Willow Cottage (S & N Tobitt) to establish if they either support or object to the proposed allocation of their property for employment land.

The existing proposed employment allocation off Platt Lane measures circa 2.26 hectares (including land not within the ownership of the promoters) and can only be accessed off Platt Lane taking into account that the site is separated from the BGS complex by a protected stream and woodland area in the Neighbourhood Plan.

Currently the site can only be entered by establishing an access IMMEDIATELY adjacent to Shelton Cottage.

Furthermore a parcel of land to the south west of the cottages facing Platt Lane is also proposed for employment allocation. However, we understand that this is also not being promoted by the landowners / promoters of the site and not within their control.

Although it has not been precisely measured, effectively 90% of the site frontage allocated for employment is not owned by the promoters nor has it been promoted for development by the freehold owners.

Accordingly, this raises serious concerns about the deliverability of the site.

To access the site either an access point would either have to be created in the ‘middle’ of a Green Belt field further along Platt Lane or it would have to be formed immediately adjacent to Shelton Cottage. The following photograph identifies the number of principal windows (serving kitchen, bedrooms and
study) on the side elevation which would be located circa 5 metres from the house and even less to the common boundary.

Existing access to Shelton Farm / Hill Top Farm – Currently this access would constitute the only access to the new employment area.

The current policy wording of Policy 15 would allow for B1, B2 and B8 vehicular movements and activity to pass immediately adjacent to a row of three residential properties and their gardens (i.e. their principal amenity areas).
It is considered that the level of noise and air pollution that would be generated by this allocation has not been taken into account as the three cottages facing Platt Lane are at this time effectively part of the employment allocation which would involve the redevelopment of the whole site.

Previous submissions made by the ‘promoters’ of the employment allocation indicated that access would come off a new junction essentially opposite the sports club entrance and serve a community housing scheme.

We cannot object to a mixed use employment / housing scheme as the Part 2 Local Plan process and policies map do not propose it.

However, it does appear that RBC have inaccurately identified the proposed employment allocation off Platt Lane and access has been overlooked by RBC. We would be seeking clarification on such matters at future Inspector led hearing sessions.

At this point no information has been submitted by the site promoters on the level and type of employment space that could be accommodated on the site measuring 2.66 hectares.

However, is reasonable to assume that the site could accommodate a significant level of office space and or / B2 space. This would result in many hundreds of car and vehicle movements a day occurring immediately adjacent to residential properties that currently are impacted by no more than a few tractor / vehicle movements a day.

As we have stated above the Policy actually does not define or restrict the type of uses but a B8 use of the site would be completely inappropriate in the context of nearby residential properties.

It is important to note that no room exists in front of the cottages to provide pavements and currently the properties are not all afforded off street parking which does result in off road verge parking.

In addition to the site access issues which are highlighted above the topography of the site is an important issue at the site. The land essentially rises up from the rear of the cottages fronting Platt Lane.
Although a good level of screening exists currently to protect the residential amenity of those living in the Cottages the Policy does not ultimately restrict the size and scale of buildings on site. Any buildings of more than 2 storey and in some cases even single storey could appear overbearing and overlook the rear gardens of the Cottages. Although currently it is acknowledged that the screening does afford some good privacy to the homes in the summer. This screening however does decrease in winter months and the level of pollution and noise would increase significantly upon my clients’ property if the land were to be removed from the Green Belt for employment purposes.

**Conclusions**

- We object to the allocation at Platt Lane, Keyworth as it allocates land which is neither available, deliverable nor suitable for employment development.

- The release of land at Platt Lane for employment development will have a negative impact on the openness of the Green Belt. If access is to be from within adjacent land (currently not proposed for removal from the Green Belt) this ‘impact’ will be severe.

- It would have a SIGNIFICANTLY detrimental impact on the openness of the Green Belt and justify the omission of this site from the Local Plan.

- The site would deliver significant negative impacts on properties which are currently incorrectly identified as Part of Policy 15 – Employment Development – d) Platt Lane, Keyworth:

  1. Any new access would be set immediately adjacent to existing residential properties.

  2. Significant negative impacts in terms of noise (acoustic impact), fumes (air quality) and general disturbance (ground stability) would result.
3. The impact upon the residential amenity of these properties would be significant and worthy to either result in the allocation being omitted or significantly amended to create a sufficiently large buffer between the houses and the new office / employment park.

- The site is currently not conveniently located in relation to the wide range of services and facilities available in Keyworth and it is considered to be a location that would be primarily accessed by car. It may be argued that the site is conveniently located for access onto the Melton Road (A606) and this would prevent some traffic travelling through the centre of Keyworth but is also acknowledges that the site is a peripheral site and more likely to attract not only service vehicles but commuters who would ‘conveniently’ access the site off the A606.

- Matters of drainage must be addressed so that an unobstructed flow along the adjacent dyke is maintained as this is a key matter of concern to my clients.

- We consider that in broad terms Policy 15 Employment Development requires severe modification to ensure that sites across RBC are not all afforded the potential to deliver B1, B2 and B8 employment uses.

- At the local level we strongly object to ‘site d)’ being allocated for employment development based upon the reasons above and would wish to reserve the right to speak at future hearing sessions.

- As an absolute minimum we anticipate that a modification will be needed to accurately reflect the correct allocation of land for employment off Platt Lane by the LPA if they continue to support it.

- However, we object to the allocation as the proposal would cause significant adverse impacts on the amenity of nearby residents and
occupiers (Point c) of Section 2 of proposed Policy 15 – Employment Development).

Nicholas J.F. Grace BA (Hons) DipTP MRTPI

Partner at GraceMachin Planning & Property