

Executive Board – 18 July 2023

Subject:	Adoption of the Eastside Supplementary Planning Document
Corporate Director(s)/Director(s):	Sajeeda Rose, Corporate Director of Growth and City Development Paul Seddon, Director of Planning and Transport
Portfolio Holder(s):	Councillor Angela Kandola, Portfolio Holder for Highways, Transport and Planning
Report author and contact details:	Karen Shaw, Local Plans Manager 0115 876 3969 karen.shaw@nottinghamcity.gov.uk
Other colleagues who have provided input:	Sukjinder Johal, Martin Poole, Jim Rae
Subject to call-in: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Key Decision: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Criteria for Key Decision:	
(a) <input type="checkbox"/> Expenditure <input type="checkbox"/> Income <input type="checkbox"/> Savings of £750,000 or more taking account of the overall impact of the decision	
and/or	
(b) Significant impact on communities living or working in two or more wards in the City <input type="checkbox"/> Yes <input type="checkbox"/> No	
Type of expenditure: <input type="checkbox"/> Revenue <input type="checkbox"/> Capital If Capital, provide the date considered by Capital Board Date:	
Total value of the decision: Nil	
Wards affected: Castle, Dales, St. Ann's	
Date of consultation with Portfolio Holder(s):	
Relevant Council Plan Key Outcome:	
Green, Clean and Connected Communities	<input checked="" type="checkbox"/>
Keeping Nottingham Working	<input type="checkbox"/>
Carbon Neutral by 2028	<input type="checkbox"/>
Safer Nottingham	<input type="checkbox"/>
Child-Friendly Nottingham	<input type="checkbox"/>
Living Well in our Communities	<input checked="" type="checkbox"/>
Keeping Nottingham Moving	<input type="checkbox"/>
Improve the City Centre	<input checked="" type="checkbox"/>
Better Housing	<input checked="" type="checkbox"/>
Serving People Well	<input type="checkbox"/>
Summary of issues (including benefits to citizens/service users):	
<p>The Eastside Supplementary Planning Document (SPD) provides planning guidance for the development of the Eastside area of the City. It is supplementary to the adopted Local Plan, which comprises the following two documents: Part 1: The Greater Nottingham Aligned Core Strategy (adopted September 2014) and Part 2: The Land and Planning Policies Document (adopted January 2020).</p> <p>A public consultation has been undertaken on the draft SPD, these comments have been analysed and the document amended accordingly. Subsequently, in line with Planning Regulations (and the City Council's Constitution), the SPD is now presented to Executive Board to be considered for adoption. Once adopted, the SPD will be a material consideration in planning decisions relating to the Eastside area.</p>	

Does this report contain any information that is exempt from publication?

Appendix D to the report is exempt from publication under paragraph 5 of Schedule 12A to the Local Government Act 1972 because it contains information in respect of which a claim to legal professional privilege could be maintained in legal proceedings, having regard to all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information. It is not in the public interest to disclose this information because the advice given is confidential between the legal advisor and the Council as their client and therefore benefits from Legal Advice Privilege

Recommendation(s):

- 1 To adopt the Eastside Supplementary Planning Document (attached in Appendix A).

1. Reasons for recommendations

- 1.1 The preparation of the SPD will help to ensure that development meets the City Council's aspirations for the Eastside area. SPDs contain planning guidance that is supplementary to the Local Plan and SPDs should be considered for adoption by Executive Board, after taking into account the outcomes of a statutory consultation period, on a draft version of the document.

2. Background (including outcomes of consultation)

- 2.1 The Eastside Supplementary Planning Document (SPD) has been prepared to guide development proposals for an area of substantial development activity that lies to the east side of the City Centre. The SPD sets out a vision for the area, identifies constraints and opportunities and provides guidance on the type and form of development expected in the area.
- 2.2 This SPD seeks to expand on Local Plan policy in particular Local Plan Part 2 housing policies HO1 (Housing Mix), HO5 (Locations for Purpose Built Student Accommodation), HO6 (Houses in Multiple Occupation and Purpose Built Student Accommodation) and regeneration policies RE1 (Facilitating Regeneration) and RE3 (Creative Quarter), with the express aim of encouraging a range of good quality homes in the Eastside Area with good connections to jobs, services and leisure opportunities.
- 2.3 In summary, the SPD seeks to promote the following principles:
 - An appropriate balance in the type of housing in the Eastside area.
 - A good balance in the type of development in the Eastside area to support local area, adjacent communities and Creative Quarter objectives.
 - Ensuring that all new development achieves a high standard of environmental sustainability.
 - Improvements to the environment of the Eastside area, and adjacent areas, including open space and public realm enhancements and the protection and enhancement of heritage assets.
 - Ensuring safer connections into the area, to surrounding communities and within the Eastside area.
 - Development in line with the 20-minute neighbourhood principles, where people can meet their everyday needs within a short walk or cycle.
- 2.4 A consultation period was undertaken on the draft SPD for a 10-week plus period from Wednesday 14 July to Friday 24 September 2021. The

consultation period was then extended to 29 October 2021, followed by a further extension until 3 December 2021. In both cases, the extension of time was to allow for two public meetings to take place and to give people enough time to make comments following these.

2.5 Appendix B contains the Report of Consultation. This document shows that around 170 individual consultation comments were submitted during the course of the consultation periods and many more comments made during the public meetings that were held. The comments submitted throughout the consultation period, together with those from the meetings, have been analysed and changes made to the SPD, the key ones being as follows:

- The SPD has been updated in terms of development that has occurred to date.
- Maps within the SPD have been updated as requested.
- The vision has been widened in response to comments received.
- The transport sections of the SPD have been updated.
- The document has been strengthened in terms of sustainability. The SPD now references the City Council's Carbon Reduction in New Development Interim Planning Guidance Document and requests that a Carbon Reduction Energy Statement be completed for all new developments of 10 or more homes (or commercial development above 10,000m²) to ensure that all new development is as sustainable as possible. The Statement should cover energy efficiency, renewable energy and sustainable design and construction.
- Components of a 20-minute Neighbourhood for the Eastside have been set out.
- Issues around building height are less site specific.
- Reference to Green Infrastructure has been strengthened, particularly with regards to trees.
- The housing guidance section in the Development Guidance section of the SPD has been redrafted so as to focus on the application of the relevant Local Plan policies and factors which might be afforded weight in considering them.

2.6 The SPD is now recommended for adoption. Once adopted, the SPD will form a material consideration in future planning decisions relating to development proposals in the Eastside area.

3. Other options considered in making recommendations

3.1 Not producing the Eastside SPD. This would however result in a lack of comprehensive planning guidance for the Eastside area and failure to ensure that the City Council's development ambitions are met for this area.

4. Consideration of Risk

4.1 There is a risk of Judicial Review following the adoption of any SPD. It is considered that this risk is mitigated by the revisions that have been made to the SPD.

5. Best Value Considerations, including consideration of Make or Buy where appropriate

- 5.1 The Eastside SPD provides further detail on planning policies in the Local Plan. It is intended that this will provide further clarity for developers who submit planning applications in the Eastside area, resulting in less officer time spent negotiating requirements and quicker decisions on applications.

6. Finance colleague comments (including implications and value for money/VAT)

- 6.1 There are no direct financial implications arising from the recommendations in this report.
- 6.2 Subject to approval of the Eastside Supplementary Planning Document, the policies involving section 106 will be adhered to and generate a section 106 contribution in accordance with a standard formula mechanism to reflect actual costs. Section S106 contributions must be spent in line with the section 106 agreement and will require appropriate monitoring to ensure that the contribution is expended as agreed.

Paul Rogers Commercial Business Partner, Growth and City Development
05/05/2023

7. Legal colleague comments

- 7.1 The Council as Planning Authority has a power to adopt Supplementary Planning Documents (SPDs) which add more detail and guidance in relation to Local Plan policies and which then become material planning considerations when planning applications are determined. The adoption of SPDs is an executive function and therefore within the powers of the Board.
- 7.2 As with most decisions the adoption of the SPD will be open to legal challenge. Further legal advice is to be found in Appendix D.

Ann Barrett, Team Leader Legal Services 15 May 2023

8. Other relevant comments

8.1 Strategic Assets & Property

- 8.2 The proposed Eastside SPD will have a positive impact on the marketing and sale of Council owned development sites in the area providing developers and investors with a clear insight into the Council's vision for the area to which any proposed development will be expected to conform.
- 8.3 The adoption of the Eastside SPD is supported by Strategic Assets and Property.

Beverley Gouveia, Disposals & Development Manager, Strategic Assets and Property 16 May 2023

9. Crime and Disorder Implications (If Applicable)

- 9.1 Not applicable

10. Social value considerations (If Applicable)

10.1 The SPD aims to widen the mix of housing available in the Eastside area and this will enhance social value.

11. **Regard to the NHS Constitution (If Applicable)**

11.1 Not applicable.

12. **Equality Impact Assessment (EIA)**

12.1 Has the equality impact of the proposals in this report been assessed?

No

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An EIA is not required because:

(Please explain why an EIA is not necessary)

Yes

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The Eastside SPD amplifies policies in the Part 2 Local Plan (The Land and Planning Policies document); the EqIA for the Local Plan Part 2 can be viewed at:

<https://www.nottinghamcity.gov.uk/information-for-business/planning-and-building-control/planning-policy/the-local-plan-and-planning-policy/lapp-local-plan-part-2-examination/examination-library/core-documents/>

Please see documents with references LAPP-CD-REG-11, LAPP-CD-REG-12, LAPP-CD-REG-13).

The planning guidance in the Eastside SPD particularly enhances the EqIA conclusions for Policies HO1 (Housing Mix), RE3 (Creative Quarter) and also the transport and design policies in the Local Plan Part 2. The guidance will promote a more appropriate mix of housing, improve connections across the area and will encourage accessible open space and linkages. These measures will be of benefit to all citizens and some (e.g. improved pedestrian connections and access to open space) will be of particular benefit to older and disabled citizens.

13. **Data Protection Impact Assessment (DPIA)**

13.1 Has the data protection impact of the proposals in this report been assessed?

No

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A DPIA is not required because no special category data has been collected during the preparation of the SPD and all personal data has been collected in accordance with a Privacy Notice.

14. **Carbon Impact Assessment (CIA)**

14.1 Has the carbon impact of the proposals in this report been assessed?

No

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A CIA is not required because:

(Please explain why a DPIA is not necessary)

Yes



Attached as Appendix C, and due regard has been given to any implications identified in it.

15. List of background papers relied upon in writing this report (not including published documents or confidential or exempt information)

15.1 None.

16. Published documents referred to in this report

16.1 The Greater Nottingham Aligned Core Strategy (Local Plan Part 1), Adopted September 2014.

16.2 Nottingham City Land and Planning Policies Development Plan Document (Local Plan Part 2), Adopted January 2020.