

Executive Board – 16 July 2024

Subject:	Approval to Consult on Supplementary Planning Documents
Corporate Director(s)/Director(s):	Sajeeda Rose, Corporate Director of Growth and City Development Paul Seddon, Director of Planning & Transport
Executive Member(s):	Councillor Jay Hayes, Executive Member for Housing and Planning
Report author and contact details:	Matthew Grant, Local Plan Manager matthew.grant@nottinghamcity.gov.uk
Other colleagues who have provided input:	Matt Gregory, Head of Planning Strategy and Geographic Information matt.gregory@nottinghamcity.gov.uk
Subject to call-in:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Key Decision:	<input checked="" type="checkbox"/> Yes <input 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 checked="" 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: N/a
Total value of the decision:	Nil
Section 151 Officer expenditure approval	Has the spend been approved by the Section 151 Officer? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A Spend Control Board approval reference number: N/A
Commissioner Consideration	Has this report been shared with the Commissioners' Office? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Any comments the Commissioners wish to provide are listed below.
Wards affected:	All Wards
Date of consultation with Executive Member(s):	10 June 2024
Relevant Council Plan Key Outcome:	
Clean, Green and Connected Communities	<input checked="" type="checkbox"/>
Keeping Nottingham Working	<input type="checkbox"/>
Carbon Neutral by 2028	<input checked="" type="checkbox"/>
Safer Nottingham	<input checked="" type="checkbox"/>
Child-Friendly Nottingham	<input type="checkbox"/>
Living Well in Our Communities	<input 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):	
<u>Purpose Build Student Accommodation Supplementary Planning Document (PBSA SPD)</u>	
<p>The PBSA SPD provides guidance on the requirements for new PBSA schemes to ensure that developments meet the evolving needs of students. In particular, it provides guidance on Policy HO5: Locations for Purpose Built Student Accommodation and Policy HO6: Houses in Multiple Occupation (HMOs) and Purpose Built Student Accommodation of the Land and Planning Policies Document - LAPP (2020) (Part 2 Local Plan). The promotion of the PBSA schemes that meet the needs of students should encourage students into PBSA ensuring that there is enough housing stock to meet wider housing needs, aligning with the emerging Housing Strategy objectives. The SPD will also complements actions within the Nottingham Student Living Strategy that was adopted in 2023. See Appendix A for a copy of the PBSA SPD.</p>	

Reduction of Carbon in New Development Supplementary Planning Document (Carbon SPD)

The Carbon SPD is a joint document with Broxtowe Borough Council and Nottingham City Council and provides detailed guidance on reducing carbon emissions in new developments, supporting policies in the Greater Nottingham Aligned Core Strategies Part 1 Local Plan, Nottingham City Council Local Plan Part 2, and Broxtowe Local Plan Part II. This SPD outlines strategies for energy efficiency, use of renewable energy, and sustainable construction, aligning with both councils' climate emergency declarations and carbon reduction goals. In particular, it provides guidance on [Policy 1: Climate Change](#) of the [Nottingham City Aligned Core Strategy - ACS \(2014\)](#) (Part 1 Local Plan) [Policy CC1: Sustainable Design and Construction](#) of the [Land and Planning Policies Document - LAPP \(2020\)](#) (Part 2 Local Plan). See Appendix B for a copy of the Carbon SPD.

Prior to adoption, these draft SPDs must be subject to consultation. A six week formal consultation period will be undertaken in summer 2024, during which notice will be given to interested parties. The results of this consultation will be considered and the draft SPDs will be amended if appropriate, before being reported back to Executive Board to be considered for adoption.

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

No

Recommendation(s):

1. To approve the publication of the draft Supplementary Planning Documents (SPDs) appended to this report for a period of public consultation.
2. To delegate authority to the Director of Planning & Transport to approve any minor changes required to the draft SPDs prior to public consultation commencing.

2. Reasons for recommendations

- 2.1 The production of the above SPDs will help to ensure that development meets the Council's aspirations for new student accommodation and promotes the City's carbon neutral ambitions.

3. Background (including outcomes of consultation)

- 3.1 SPDs are documents which add further detail to the policies in the Local Plan. They can be used to provide further guidance for development on specific sites, or on particular issues. SPDs are capable of being a material consideration in planning decisions but are not part of the statutory development plan.

Purpose Built Student Accommodation Supplementary Planning Document (PBSA SPD)

- 3.2 The SPD has been developed to provide further guidance of the implications of the Local Plan Part 2 policies:

- [Policy HO5: Locations for Purpose Built Student Accommodation \(PBSA\)](#)
- [Policy HO6: Houses in Multiple Occupation \(HMOs\) and Purpose Built Student Accommodation.](#)

- 3.3 The Council has successfully encouraged the PBSA market in Nottingham City centre and other appropriate locations, leading to the completion of a substantial number of new schemes. This increased capacity has been essential to accommodate the growing student population, transforming the

student accommodation market with a rising proportion of students opting for PBSA over on-street private rented housing.

- 3.4 In response to the evolving landscape of higher education and the diversification of the student population, including the change in international students, it is crucial to ensure that student accommodations are sufficient, adaptable, and responsive to changing needs.
- 3.5 This document therefore aims to:
 - Provide guidance for developers embarking on PBSA projects within Nottingham.
 - Ensure that PBSA developments meet the evolving needs of students.
- 3.6 The document sets a framework of minimum standards and requirements that maintain quality while promoting innovation and affordability, rather than imposing rigid formats on PBSA developments.
- 3.7 The Council is committed to promoting PBSA developments that cater to returning students and diverse student household types who may have previously been deterred from choosing PBSA. By enhancing the appeal of PBSA, the Council aims to create a more inclusive and sustainable student housing market in Nottingham and help balance communities by providing a viable alternative to Houses in Multiple Occupation (HMOs). This aligns with the principles within the [Nottingham Student Living Strategy](#) that was adopted in 2023.
- 3.8 The document concludes that based on current evidence, PBSA schemes need to be cluster flat led, comprising at least 80% of the bedspaces provided in the building. As a result, new schemes with studios representing more than 20% of the overall bedspace will in general not be supported unless there are clear justifications for having a higher proportion. The document goes on to note that these proportions are based on current evidence and could be amended in the future in light of further evidence if for example there was a known growing number of voids within studios.
- 3.9 The document also provides guidelines and recommendations to facilitate the creation of PBSA that not only meet minimum standards but also enhance the overall student living experience. This includes proposals for minimum room sizes and social spaces which the developer would need to provide a justification for departing from. A suggested checklist for new PBSA schemes is also provided. This checklist outlines the key details and requirements for the PBSA scheme and may be adapted to meet requirements in the future.
- 3.10 The SPD applies to both conversions and new build PBSA proposals, assisting in the determination of planning applications for these developments alongside Local Plan policies and other relevant planning considerations.

Reduction of Carbon in New Development Supplementary Planning Document (Carbon SPD)

- 3.11 The Carbon SPD has been developed in collaboration with Broxtowe Borough Council and Nottingham City Council as part of the Councils ongoing efforts to reduce energy demand, improve energy efficiency, and enhance the use of renewable energy in new developments. The SPD provides more detailed

guidance to support the existing Local Plan policies of both councils, aiming to lower carbon emissions from new developments.

3.12 In 2019, both Nottingham City Council and Broxtowe Borough Council declared climate emergencies, underscoring their commitment to addressing climate change. NCC has set an ambitious goal to become the UK's first carbon-neutral city by 2028, a target known as Carbon Neutral Nottingham 2028 (CN28). Similarly, Broxtowe Borough has outlined its carbon reduction priorities through the Climate Change and Green Futures Strategy.

3.13 The [Greater Nottingham Aligned Core Strategies Part 1 Local Plan](#) sets out that all development proposals must mitigate against and adapt to climate change, complying with both national and local targets for reducing carbon emissions and energy use.

3.14 The SPD elaborates on how new developments can meet these requirements through:

- **Energy and Carbon Reduction:** Strategies include passive design, passive cooling, incorporation of green and blue infrastructure, enhancing building energy efficiency, utilising low-carbon heat sources and technologies, and integrating renewable energy.
- **Sustainable Construction:** Emphasis is placed on the prudent use of materials, including the reuse and recycling of materials, sustainable material selection, reducing embodied carbon, and promoting building reuse and retrofit.

3.15 The purpose of the SPD is to provide more detailed advice and guidance on implementing the policies within the adopted Local Plans of both Councils. It relates specifically to the [Greater Nottingham Aligned Core Strategies Part 1 Local Plan](#), the [Nottingham City Council Land and Planning Policy Local Plan Part 2](#), and the [Broxtowe Part 2 Local Plan](#).

3.16 When adopted, the SPD will be a material consideration in planning decisions, ensuring that developers consider this guidance in their proposals. The SPD applies to all new developments in Nottingham City and Broxtowe Borough, including refurbishments requiring planning permission, minor applications, and major applications for both residential and non-residential development.

3.17 The SPD will replace the [Nottingham City Council Informal Planning Guidance](#) and will supplement the [Nottingham City Council Design Quality Framework](#) for developments within the Nottingham City area.

4. **Other options considered in making recommendations**

4.1 Not producing or supporting the draft SPDs. This would however result in a lack of comprehensive planning guidance to underpin the Local Plan and jeopardise the City Council's development ambitions. The PBSA SPD is a key action from the adopted [Student Living Strategy](#). The Carbon SPD will promote the City's carbon neutral ambitions and is an action within the [Council Plan 2023-27](#).

5. **Consideration of Risk**

5.1 The [Levelling Up and Regeneration Act \(LURA\) 2023](#) introduces Supplementary Plans (SPs), set to replace Supplementary Planning Documents (SPDs) under the

new planning system expected in late 2024. SPDs will differ from SPDs by covering only specific site-related content, supporting new developments, or enhancing existing policies in the development plan. If SPDs are not adopted before the new system is implemented, they cannot be formally adopted. Clarification has been requested from The Department for Levelling Up, Housing and Communities on timing and any potential transitional arrangements but they have not been able to provide any.

- 5.2 There is an inherent risk to development viability from additional planning requirements and restrictions. However, this risk is mitigated by the fact that SPDs expand on existing adopted policies and provide clarity for developers and decision-makers. This enables greater certainty for development and investment decisions.
 - 5.3 There is also a risk that this SPD goes beyond the remit of the policies within the Local Plan and could be open to legal challenge. However, the SPD has been drafted to provide further details and it is not considered that it is setting new requirements that are not linked directly to the Local Plan policies and uses up to date evidence to justify these requirements. The SPD will however now be subject to 6 weeks consultation which will mitigate the risk of challenge.
6. **Best Value Considerations, including consideration of Make or Buy where appropriate**
 - 6.1 The SPDs provide further detail on planning policies in the Local Plan. This will provide clarity for developers who submit planning applications, resulting in less officer time spent negotiating requirements and quicker decisions on applications.

7. **Commissioner comments**

- 6.1 The Commissioners are content with this report

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

PBSA SPD

- 8.1 The decision to enter a consultation for the Purpose Built Student accommodation SPD does not have any direct financial implications. The document is a framework which aims to create a more inclusive and sustainable housing market for Nottingham's student population, contributing to the rebalancing of our communities. Which aligns with citizens at the heart objective of Nottingham City Council; Therefore this is supported.
- 8.2 The consultation includes, Nottingham city's partners, The University of Nottingham and Nottingham Trent University, and it is planned to adopt the SPD in late 2024, after any required amendments regarding consultation comments.

Carbon SPD

- 8.3 The decision to enter a consultation for the Reduction of Carbon in New Development SPD does not have any direct financial implications, and aligns with Nottingham City Council's Carbon neutral objectives. The SPD is intended to reduce energy demand in new development and by doing so related costs; Therefore this is supported.

- 8.4 The consultation is aimed for summer, and it is planned to adopt the SPD in late 2024, after responding to any consultation comments. Broxtowe Council will also need to adopt the Reduction of Carbon in New Development SPD.

Comments provided by Paul Rogers Finance Business Partner (G&CD) and Geetha Blood Strategic Finance Business Partner (G&CD)
3 June 2024

9. **Legal colleague comments**

- 9.1 The power currently exists to adopt Supplementary Planning Documents to provide more detail and guidance in relation to Local Plan Policies. On adoption these can become material planning considerations. SPDs do not however form part of the “Development Plan Documents” of an authority and their adoption is purely an Executive function. The Board therefore has the power to release these documents for consultation in accordance with the relevant statutory procedure.

Comments provided by Ann Barrett, Team Leader and Tamazin Wilson, Solicitor
3 June 2024

10. **Strategic Assets & Property colleague comments**

- 10.1 Strategic Assets & Property rely on and use planning guidance such as the PBSA SPD when bringing relevant sites to the market. By providing good quality guidance and advice to the market ensures a faster paced disposal process and a development which is more likely to move through the planning process more efficiently.
- 10.2 The PBSA SPD set out in this report provides very good guidance, however feedback from potential purchasers for two significant student sites in the city centre has been that the principle of cluster flat led schemes is not always viable and not a model that developers and operators would follow. The concern is that this approach could impact the market value of any potential student development sites which the Council or private sellers may bring to the market. Providing there is an appropriate mechanism in place for developers/operators to justify/prove that alternative mixes are viable then this risk will be mitigated.

Carbon SPD

- 10.3 Strategic Assets & Property have reviewed the Reduction of Carbon in New Development SPD and are in support. The availability of high quality guidance for developers will improve energy efficiency and the use of renewable energy in new developments, it will also provide clear guidance to developers who are bidding on Council owned sites which will assist in removing uncertainty and resulting price chips during negotiations. Strategic Assets & Property will advise that developers seek the guidance of the Planning Authority as early as possible in the development timetable to ensure high quality and compliant developments.

Comments provided by Beverley Gouveia, Head of Property
4 June 2024

11. Other relevant comments

PBSA SPD

- 11.1 This is a well put together documents that promotes a higher standard for the bedroom minimum for student, this is a great position for NCC to have. Paragraph 4.7 is good as are the suggested room standards.

Comments provided by Julie Liversage, Operations Manager, Housing Licensing & Compliance (HMO)
7 June 2024.

- 11.2 The SPD is clear in its objectives and intended outcomes. It aligns effectively with the council's draft emerging Housing Strategy. It also explicitly mentions objectives that the council have broadly endorsed. This alignment is a notable strength of the document.

Comments provided by Dan Lucas, Housing Strategy and Partnerships Manager
10 June 2024

12. Crime and Disorder Implications (If Applicable)

- 12.1 The PBSA SPD should ensure that new PBSA provision is designed to increase safety of students and reduce the potential of crime and antisocial behaviour.

13. Social value considerations (If Applicable)

- 13.1 The PBSA SPD will ensure that future PBSA schemes are well designed and so will enhance social value. It is also aimed at freeing up on street housing for occupation by other households.

- 13.2 The Carbon SPD should ensure that future development, and in particular residential developments will be more cost effective to run through suitable design guided by the SPD.

14. Regard to the NHS Constitution (If Applicable)

- 14.1 Not applicable.

15. Equality Impact Assessment (EIA)

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

No

Yes

The SPDs amplifies policies in the Part 2 Local Plan (The Land and Planning Policies document); please view the [EqIA for the Local Plan Part 2](#) including documents with references LAPP-CD-REG-11, LAPP-CD-REG12, LAPP-CD-REG-13).

16. Data Protection Impact Assessment (DPIA)

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

No

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

17. Carbon Impact Assessment (CIA)

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

No

Yes

Attached as Appendix C (PBSA SPD) and D (Carbon SPD), and due regard will be given to any implications identified in it.

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

18.1 None.

19. Published documents referred to in this report

- [Greater Nottingham, Broxtowe Borough, Gedling Borough, Nottingham City Aligned Core Strategies \(Part 1 Local Plan\), September 2014.](#)
- [Nottingham City Land and Planning Policies Development Plan Document,\(Local Plan Part 2\) Submission Version, March 2018.](#)
- [Informal Planning Guidance on The Reduction of Carbon, June 2022](#)