

Planning Committee – 21 August 2024

Title of paper:	Consultation on Supplementary Planning Documents (SPDs); Purpose Built Student Accommodation SPD (PBSA SPD) Reduction of Carbon in New Development SPD (Carbon SPD)	
Director(s)/ Corporate Director(s):	Paul Seddon, Director of Planning & Transport	Wards affected: All
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Other colleagues who have provided input:	Matthew Grant, Local Plans Manager matthew.grant@nottinghamcity.gov.uk	
Date of consultation with Executive Member(s) (if relevant)	10 June 2024	
Does this report contain any information that is exempt from publication? No		
Relevant Council Plan Outcome:		
Green, Clean 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"/>	
<p>Prior to adoption, the draft PBSA SPD and draft Carbon SPD must be subject to consultation. A six-week formal consultation period is now underway. The start of the consultation period differed for each SPD; therefore, the consultation periods end on 30 September (Carbon SPD) and 8 October (PBSA SPD) 2024. The Planning Policy team are seeking comments on the draft SPDs including from the Planning Committee as part of a wider consultation. The results of these consultations will be considered and the draft SPDs will be amended as appropriate before being reported back to Executive Board to be considered for adoption.</p> <p>Summary of issues (including benefits to citizens/service users):</p> <p><u>Purpose Built Student Accommodation Supplementary Planning Document (PBSA SPD)</u></p> <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 complement the 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.

Recommendation(s):

1	That Planning Committee notes the draft SPDs and make comments as it feels appropriate, within the consultation period.
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1. Reasons for recommendations

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.

2. Other options considered in making recommendations

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](#).

3. Consideration of Risk

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. SPs 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.

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.

There is also a risk of legal challenge should the SPDs be judged to further than expanding upon and clarifying the application of Local Plan Policies as SPDs cannot be used to create new or amended policies. However, the SPDs are not considered to go beyond what is permissible and the 6 weeks consultation period should flush out any potential for challenge so that it can be considered before the SPDs are finally put forward for adoption

4. **Background (including outcomes of consultation)**

SPDs are documents which add further detail to the adopted 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)

The SPD has been developed to provide further guidance on the implications of the following 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.](#)

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.

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.

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

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.

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.

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. Our recent PBSA Occupancy survey has indeed found that vacancies have increased (3.5%) but in particular are higher in studios (4.7%).

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.

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 SPD (Carbon SPD)

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.

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.

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.

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.

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](#).

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.

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.

5. Finance colleague comments (including implications and value for money)

PBSA SPD

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. This framework aligns with citizens at the heart objective of Nottingham City Council, therefore this is supported.

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

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.

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)
06/08/2024**

6. Legal colleague comments

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 however Planning Committee's Terms of Reference permit it to be consulted, and provide comments to Executive Board, on such documents.

Comments provided by Ann Barrett, Team Leader, Legal Services, 06/08/2024

7. Other relevant comments

PBSA SPD

Strategic Assets & Property rely on and use planning guidance such as the PBSA SPD when bringing relevant sites to the market. 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.

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

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 Assts & 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 Emma Wilcock, Principal Development Surveyor,
Strategic Assets & Property, 07/08/24**

8. Crime and Disorder Implications (If Applicable)

8.1 N/A

9. Social value considerations (If Applicable)

9.1 N/A

10. Regard to the NHS Constitution (If Applicable)

10.1 N/A

11. Equality Impact Assessment (EIA)

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

No

Yes
See Executive Board report dated 16 July 2024.

12. Data Protection Impact Assessment (DPIA)

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

No

Yes
See Executive Board report dated 16 July 2024.

13. Carbon Impact Assessment (CIA)

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

No

Yes

See Executive Board report dated 16 July 2024.

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

14.1 None

15. 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](#)