
Nottingham City Council

Response to Matter 6



**Nottingham
City Council**

**Development Management policies – Places for
People**

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Issue 1: Housing Size, Mix and Choice

Policy HO1: Housing Mix

Q1. Is policy HO1 positively prepared, justified, effective and consistent with national policy, in the context of the ACS? Is it consistent with the strategic approach to housing size, mix and choice set out in the ACS? Does it provide a sustainable approach to housing provision within the city or is it too narrow in its focus? Does it support an inclusive and accessible approach to housing provision?

- 6.1 Yes. Policy HO1 is **positively prepared**. The ACS process objectively assessed the need for homes in the plan area and the LAPP site allocations ensure that there is enough development land available in the plan period to achieve the number of homes required. Appendix 3 of the Submission Version of the LAPP sets out the quantum of housing to be achieved on each site allocation and these figures take into account whether family housing (and consequent lower densities) are required on sites.
- 6.2 Policy HO1 is **justified**. Policy HO1 is aimed at diversifying the housing stock and meeting strategic priorities. The need for the City to increase its supply of family housing is well evidenced and the Inspector is referred to the Sustainable, Inclusive and Mixed Communities Background Paper ([LAPP-HOU-01](#)). In addition, the Nottingham Plan to 2020 ([LAPP-CROSS-08](#)) and the Housing Nottingham Plan 2013-15 (now superseded by: Nottingham's Housing Strategy 2018-2021, 2018 ([LAPP.NCC10](#))) are key documents which set out the City's basis for increasing the supply of family homes.
- 6.3 In summary, the evidence shows that Nottingham City continues to lose families to the surrounding boroughs due to outmigration, and Nottingham City Council has a particularly low proportion of homes suitable for families when compared to both the Housing Market Area as a whole and the national average. The 2011 Census showed that in 2011, only 55.6% of dwellings in Nottingham City had three or more bedrooms compared with 63.3% in Greater Nottingham and 60.1% nationally. One of the key headline targets of the Nottingham Plan to 2020 is to increase family housing, however only 45.1% of non-student housing completions since 2011 have had three or more bedrooms, so the proportion of family homes in Nottingham is actually declining.
- 6.4 The lack of larger homes means that the quality and choice of housing is not always available in Nottingham City as citizens progress up the housing ladder, causing them to look outside the City Council's administrative area to find a property of choice. This results in less sustainable, inclusive and mixed communities, with consequential impacts across a range of services and facilities, including schools. In order to address this challenge, the City Council is seeking to secure more family housing, and in particular, larger family homes. Consequently, Policy HO1 is aimed at encouraging the development of family housing on suitable sites.
- 6.5 The City Council believes that Policy HO1 will be **effective** in providing a greater proportion of family housing. The Authority Monitoring Report will continue to monitor housing completions with 3 or more bedrooms and this will be kept under review to keep track how effective the policy will be in the future in encouraging more family housing. In addition to Policy HO1, the site allocations development principles clearly state which sites should supply family housing and it is also felt that this will also help to contribute to an increased supply of family housing. In addition, the development

principles also provide for a significant ongoing supply of flats, principally in the City Centre.

- 6.6 Policy HO1 is **consistent** with national policy in the context of the ACS. Due to the existing low proportion of larger homes in the City, Policy H01 is aimed at providing a range of home sizes and types but particularly encouraging family housing. This approach is considered to be in accordance with Para 50 of the 2012 NPPF which requires local authorities to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. In addition, Policy 8 (Housing, Size, Mix and Choice) of the ACS establishes the principle of encouraging family housing in Nottingham City and Policy HO1 is linked to this and referenced in the justification text of Policy HO1. The policy approach in Policy HO1 is consistent with the strategic approach to housing size, mix and choice set out in the ACS.
- 6.7 It is considered that Policy HO1 provides a strategic approach to housing provision in Nottingham City and is not too narrow in its focus. The policy is not aimed at preventing any non-family housing coming forward, but instead highlights that family housing is a key priority for the City and encourages its provision. The policy then sets out a series of criteria that are to be used to determine if a site is suitable for accommodating family housing. This does not preclude a wide range of other housing types being developed.
- 6.8 The City Council recognises the importance and need to support an inclusive and accessible approach to housing. To this end, Policy HO1 is one of a suite of policies aimed at meeting the needs of the area. In particular, Policy HO4 (Specialist and Adaptable Housing) requires that a proportion of new homes on every site over 10 dwellings should be built to be accessible and adaptable. Every page of the LAPP states that policies should not be applied in isolation and account will be taken of all relevant policies. It is intended therefore that Policy HO4 would run across all of the housing policies rather than needing to be repeated in individual policies.
- Q2. *Is section 4 of policy HO1 which relates to self-build/custom build homes positively prepared, justified and effective? In seeking to be flexible is the wording of this part of the policy sufficiently clear, robust and effective for development management purposes having regard to the Framework?***
- 6.9 Yes. Policy HO1 requires consideration for the provision of self-build/custom build serviced plots, or custom homes by other delivery methods, on all sites of over 10 or more dwellings.
- 6.10 The supporting text to Policy H01 states that the most appropriate means of providing for any demand at the present time is considered to be through the development of sites owned by the Council. Initially, this may be by offer of small surplus sites suitable for one or a few dwellings. However, should demand be sufficient, this may be met on larger sites where the Council is progressing the site through the planning application process, and where the level of provision can be tailored to demand as it emerges. An example of this can be seen in relation to PA62 Creative Quarter – Brook Street East where a custom build housing scheme for 43 homes is at the planning application stage.
- 6.11 The Government wishes to enable more people to build their own home and wants to make this form of housing a mainstream housing option. The 2012 NPPF requires local planning authorities to provide a wide choice of high quality homes and to widen

opportunities for home ownership, and to help achieve these aims, the 2012 NPPF states that Local Planning Authorities should plan to meet the needs of different groups within the community, including those who wish to build their own homes. Custom build homes (which include self-build) can improve the mix of housing types, sizes and tenures within a locality, and can be a route to lower cost home ownership.

- 6.12 The 2012 NPPF requires local planning authorities to identify local demand for people who want to build their own homes and the Council have maintained a Register since April 2016 to allow people to register their interest. The City Council's register currently has 71 individuals (as of October 2018) expressing a wish for a self build or custom build home, however it should be noted that there is very significant "double counting", as many of the individuals on the register are also included on the registers of other Councils within the Housing Market Area.
- 6.13 Given that the housing sites allocated in the LAPP cover a range of site sizes and are distributed across the City, it is considered that the Plan makes appropriate provision for the development of self-build/custom build homes.
- 6.14 Should demand exceed that which it is possible to accommodate through either voluntary measures, or through City Council owned sites, a SPD may be prepared, setting out how development sites outside of City Council control can contribute to meeting established demand in line with Government policy.

Policy HO2: Protecting Dwellinghouses (Use Class C3) suitable for Family Occupation

Q1. Is the application of policy HO2 across the whole of the city justified?

- 6.15 Yes. The application of Policy HO2 across the whole of the City is justified. The shortage of family housing is evident across the whole of the City and not confined to certain pockets within the City. Census data shows that 30% of dwellings had 6 or more rooms (equivalent to a larger 3 bedroom dwelling) compared to 42% in Greater Nottingham and 42% in England. The situation is similar for larger family housing (7 or more rooms equivalent to a 4 bedroom house) – Nottingham City 12%, Greater Nottingham 21% and England 23%. This contributes to the loss of families, particularly to other parts of Greater Nottingham. Every year, in net terms, the City loses about 700 children aged under 16 throughout migration to the other Greater Nottingham districts (source: National Health Service Central Register data, Office for National Statistics).
- 6.16 Whilst the trend is for an increase in smaller households, one of the objectives of Nottingham City's Sustainable Community Strategy ([LAPP-CROSS-08](#)) is that a "greater balance will be achieved in the city's housing market with an increased choice of good quality housing meeting the needs of a diverse population and enabling the city to retain more of its aspiring residents". In order to achieve this, there is a headline target, by 2020, to increase family housing to at least 33% of all housing stock outside of the City Centre (Baseline: 2001 Census: 29%, target revised September 2011). In order to do this, there is also a shorter term target to increase the percentage of new dwellings built outside of the City Centre which have 3 or more bedrooms to 60% by 2013/14 (2008/09: 47%).

Q2. Are the requirements of the policy positively prepared, justified, effective and consistent with national policy in the context of the ACS?

- 6.17 Yes. The requirements of the policy are positively prepared in that the need for family housing has already been established through the ACS process (please refer to Policy 8 (Housing, Size, Mix and Choice). The requirements are also justified and the evidence for the need for family housing is robust (please refer to the evidence highlighted in the response to Q1 for Policy HO1 (Housing Mix) above which highlights the shortage of larger homes for families in the City. It is considered that the policy will be effective in seeking to maintain the existing supply of family housing.
- 6.18 Policy HO2 is consistent with national policy set out in the 2012 NPPF. The evidence base (set out in the Sustainable, Inclusive and Mixed Communities Background Paper ([LAPP-HOU-01](#))) points to a low proportion of family housing in the City and by seeking to protect the existing level of family housing in the City, the City Council is contributing to the national aim of delivering a wide choice of high quality homes, widening opportunities for home ownership and creating sustainable, inclusive and mixed communities. As previously stated in the response to HO1 (Housing Mix), Question 1 (above), Policy 8 (Housing, Size, Mix and Choice) of the ACS establishes the need to increase the amount of family housing in the City. Policy HO2 of the LAPP is considered to be consistent with this policy.

Policy HO3: Affordable Housing

Q1. Is the percentage target for affordable housing included in policy HO3 justified? Is the policy effective?

- 6.19 Yes. ACS Policy 8 states that affordable housing will be required in new residential developments on appropriate sites and that the percentage targets sought through negotiation in Nottingham City will be 20%. At para 3.8.12 it explains that housing need monitoring should be based on the Nottingham Core Strategic Housing Market Assessment Needs Update, 2009 ([LAPP-HOU-20](#)) which identified a need of 289 affordable homes per year. This equates to a figure above 20%, however viability considerations have been taken into account in arriving at that figure.
- 6.20 Policy HO3 of the LAPP states that planning permission will be granted for new residential development on sites of 15 dwellings or 0.5 hectares or more subject to the provision of 20% of the dwellings provided for affordable housing.
- 6.21 20% affordable housing contributions were tested in the Nottingham City Council Whole Plan Viability Assessment ([LAPP.NCC16](#)). The study concluded that “the majority of the housing development proposed by the Local Plan is viable and deliverable taking account of the cost impacts of the policies proposed by the plan and the requirements for viability assessment set out in the NPPF.”
- 6.22 The number of affordable homes delivered and the percentage of affordable homes delivered (in relation to total housing completions) is monitored annually in the Authority Monitoring Report ([LAPP-CROSS-10](#)). In 2016/17 141 new affordable dwellings (from all sources) were completed in the City. This represents 20.8% of gross completions excluding purpose-built student dwellings. The policy is therefore considered effective.

Q2. Does policy HO3 make an appropriate response to the Housing and Planning Act 2016 which includes a general duty for local authorities to promote the supply of starter homes?

- 6.23 Yes. Starter homes are an affordable housing product and Policy H03 has been drafted to make provision for government guidance on the promotion of Starter Homes. Section 1 states that “For Starter Homes or other affordable home ownership products, the government may set a different threshold” in recognition that this policy needs to comply with the Planning Act 2016 and adapt to changing government guidance. Section 3, criterion a) states that “The type of affordable housing to be provided on site will be negotiated having regard to the Government’s policy on Starter Homes and other affordable home ownership product requirements.”
- 6.24 This Policy cross references Government Policy and will be considered in conjunction with the 2018 NPPF which carries forward the duty contained in the Act by introducing an expectation that major housing development (housing sites over 10 dwellings) deliver a minimum of 10% affordable home ownership which includes Starter Homes. This 10% is part of the overall 20% requirement for affordable housing. Where viability evidence indicates a lower than 20% (but 10% or more) level of affordable housing is appropriate, the 10% Starter Homes or other affordable homes ownership will still be achieved, at the expense of other affordable housing products.

Policy HO4: Specialist and Adaptable Housing

Q1. Is policy HO4 positively prepared, justified, effective and consistent with national policy? Is the target of at least 10% of new dwellings on residential developments of 10 or more dwellings to meet the Category 2: Accessible and Adaptable standard of the Government’s National Housing standards justified? Is there justification for a similar target in relation to Category 3 Wheelchair User dwellings?

- 6.25 Yes, Policy HO4 is considered positively prepared, justified, effective and consistent with national policy. This policy builds upon strategic housing policy 8 of the ACS, and is intended to contribute towards the 2012 NPPF requirement for a mix of housing based on the needs of different groups in the community (para 50). This includes older people and people with disabilities. The policy has undergone a sustainability appraisal ([LAPP-CD-REG-08](#)) and has been tested for viability in the Nottingham City Council Whole Plan Viability Assessment - August 2018 ([LAPP.NCC16](#)), so it will be effective. Section 2 of the policy also assists in ensuring the effectiveness of the policy by setting out criteria against which applications for specialist housing will be assessed.
- 6.26 A target of at least 10% on residential developments of 10 or more dwellings to meet the Government’s National Housing standards is considered to be justified on the basis of the evidence contained within the Sustainable, Inclusive and Mixed Communities Background Paper, January 2016 ([LAPP-HOU-01](#)). Section 7 of the Background Paper sets out the locally specific evidence of need for this type of accommodation, particularly at para 7.3. The policy is therefore justified.
- 6.27 The target of at least 10% of new dwellings on residential developments of 10 or more dwellings to meet the Accessible and Adaptable standard can include category 3: wheelchair users as well as category 2 homes, as set out in the justification text of the policy at para 4.38. A separate target has not been included to allow for site specific characteristics to be taken into account (for instance steep gradients). In addition to the provisions of this policy, Policy DE1 includes Nationally Described Space Standards, and this standard of accommodation allows for a degree of adaptability.

Policy HO5: Locations for Purpose Built Student Accommodation

Q1. Is policy HO5 positively prepared, justified, effective and consistent with national policy in the context of the ACS?

6.28 Yes. The 2012 NPPF states that local planning authorities should deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. The Spatial Objectives of the ACS include delivery of a mix of high quality new housing in terms of type, size and tenure to the benefit of rebalancing the existing housing mix, most notably in areas where neighbourhoods, such as Lenton for example, are dominated by housing in multiple occupation. Policy 8 of the ACS reaffirms this spatial objective and places emphasis on providing family housing to meet the Sustainable Community Strategy and Housing Strategy objectives. Para 3.8.7 states that the approach to student accommodation is to be set out in the LAPP. The Policy was also subject to Sustainability Appraisal with many positive outcomes anticipated.

6.29 It is acknowledged within the LAPP that Purpose Built Student Accommodation (PBSA) is an important part of the housing mix, and that further provision is needed and encouraged. However, although PBSA can have many positive outcomes, the policy supports the location of new PBSA in the areas of the City that the Council considers appropriate as set out in the policy, which are all areas of demand for this type of accommodation.

6.30 It is noted that there is an error in the policy text as criterion a) should read

PPSC number	Para Ref/Policy	Proposed Post Submission Change
PPSC27	Policy HO5: Location for Purpose Built Student Accommodation	Amend criteria a) of Policy HO5 to read: a) allocated sites where student accommodation use accords with site <u>specific Development Principles</u> With the following criteria renumbered.

6.31 It should also be noted that the response to Matter 1, Issue 6 Question 2 proposes removing reference to SPD from the policy (criterion f).

Q2. Does the use of the word encouraged in this policy accurately express how such proposals will be considered having regard to such proposals needing also to be considered against the criteria in section 2 of HO6?

6.32 Yes, Policy HO5 is specifically about encouraging PBSA in appropriate locations to meet the accommodation needs of students. Whereas Policy HO6 is intended to be used to assess any application for a House in Multiple Occupation (HMO) and PBSA. It sets out in section 2 what factors will be taken into account in the determination of such an application. Policy HO5 is worded so that it is not just the concentration levels that are considered but also a range of issues including the individual characteristics of the building or site and immediate locality, impact of existing HMO and PBSA on the area, whether there would be a management plan and appropriate levels of car and cycle parking, etc. This allows for each application including PBSA to be considered on its own merits having regard to each of the criteria set out within section 2 of Policy HO6.

6.33 To offer further clarity however, three changes are proposed to HO5 and HO6. In the Policy (PPSC28) and justification text (PPSC29) of Policy HO5 it is proposed that a cross reference to HO6 be added to explain that this policy will also be used in the determination of applications for new PBSA schemes. In addition, within Policy HO5 further text (PPSC30) is also proposed to explain that Policy HO5 should be read in conjunction with Policy HO6, which sets out how proposals will be assessed. Hence the following Proposed Post Submission Changes;

PPSC number	Para Ref/Policy	Proposed Post Submission Change
PPSC28	Policy HO6: Houses in Multiple Occupation (HMOs) and Purpose Built Student Accommodation	Addition text added to criteria 2 a) of Policy HO6 to read; a) “the existing proportion of HMOs and / or other Student Households in the area and whether this proportion amounts or will amount to a “Significant Concentration” (calculated using the methodology shown in Appendix 6) <u>apart from PBSA within areas identified in Policy HO5 where new PBSA is encouraged.</u> ”
PPSC29	Para 4.60 of Policy HO6: Houses in Multiple Occupation (HMOs) and Purpose Built Student Accommodation	Addition text added to para 4.60 of Policy HO6 to read; “4.60 Where there is already a ‘Significant Concentration’ of HMOs and/or student households in an area, calculated using the methodology in Appendix 6, planning permission will therefore not usually be granted for further HMOs or Purpose Built Student Accommodation <u>(unless the PBSA complies with Policy HO5).</u> ”
PPSC30	Policy HO5: Location for Purpose Built Student Accommodation	Additional text added to justification text of Policy HO5 at para 4.48 to be read: <u>“This policy sets out the location where PBSA will be encouraged but should be read in conjunction with Policy HO6 which sets out how proposals will be assessed.”</u>

Q3. *Is the requirement in the policy for developers to demonstrate a need for student accommodation or be in receipt of a formal agreement with a university justified particularly in the light of recent evidence regarding vacancy levels in purpose built student accommodation [LAPP.NCC11]?*

6.34 Yes. Both Policy HO5 and HO6 introduce the requirement for a needs argument for new PBSA schemes coming forward as well as encouraging greater quality of schemes and the potential for adaptability to other uses if schemes become no longer viable for student occupation.

- 6.35 The policies will encourage high quality schemes to come forward for specific student markets and further encourage students out of traditional housing stock particularly in areas where there are existing high concentrations. Manchester's Core Strategy (Policy H12 Purpose Built Student Accommodation) ([LAPP.NCC28](#)) adopted July 2012 uses the same need criteria (see criteria 9 on page 129) that is in Policy HO5 and HO6 and has been used in subsequent appeals to refuse schemes where the need argument has not been fully justified ([LAPP.NCC29](#)). This adopted policy therefore sets a precedent for such an approach.
- 6.36 The Council (supported by Nottingham Trent University (please refer to Appendix A of this statement) considers it appropriate to pursue a need requirement for new schemes or a formal agreement with a University or another provider of Higher Education, given the significant level of PBSA development in the City over recent years. Furthermore, the policy is future proofed to adapt to a scenario where monitoring were to show over supply within the PBSA market. In addition, the policy is intended to ensure that developers provide accommodation to meet the needs of students, as opposed to the needs of the market, and provide for a wider range of PBSA types.
- 6.37 Recent monitoring has shown a fall in Student Council Tax Exemptions in traditional housing areas. This can partly be attributed to the growth in PBSA, which has flat lined as student numbers have continued to rise. The Council therefore needs to continue to promote PBSA in appropriate locations where the need is fully justified, and it meets a specific identified accommodation requirement.
- 6.38 The Council (supported by NTU – see Appendix A) considers the need requirement within the policies will encourage developers to work with Universities and other Higher Education providers to ensure greater control over matters such as space standards and overall the quality of PBSA should increase and become more attractive to students. By encouraging developers to have a closer relationship with universities, or other Higher Education providers, this should ensure that schemes are appropriate in terms of location and quality and are successful in attracting students to this form of accommodation. This policy intervention is also required to ensure the Council can continue to make progress against wider housing objectives of housing students in PBSA and returning high concentration areas back to family housing and ultimately help in “re-balancing” communities.
- 6.39 A Statement of Common Ground has been signed between Nottingham Trent University and Nottingham City Council (see Appendix A of this statement).

Q4. *Are the locations identified in policy HO5 where purpose built student accommodation of an appropriate scale and design will be encouraged justified? Are there any other locations where purpose built student accommodation of an appropriate scale and design should be encouraged?*

Are the locations identified in policy HO5 where purpose built student accommodation of an appropriate scale and design will be encouraged justified?

- 6.40 Yes. The locations set out within the Policy for new PBSA have been informed by a range of factors. These include accessibility and convenience for students, regeneration potential, relationship with surrounding neighbourhoods and uses, compatibility with Town Centre policies and any relevant site or area development strategy, suitability/safeguarding of areas or sites for alternative beneficial uses, viability considerations and views generated through consultation processes.

Furthermore, there has been extensive consultation on this approach, regarding locations, through the Building Balanced Communities Supplementary Planning Document ([LAPP-HOU-05](#)) and the 2005 Adopted Local Plan ([LAPP-CROSS-03](#)), which precede the LAPP.

- 6.41 Many parts of the City Centre perform well when assessed against these criteria and high levels of market interest and investment in City Centre student housing schemes, along with buoyant take up of new places (see [LAPP.NCC11](#)), provide good evidence of deliverability. However, in some parts of the City Centre, including the area in the vicinity of the Castle where the local development strategy as set out in Castle Quarter Policy RE4 is focussed on heritage led regeneration and cultural tourism alongside high quality offices and complementary leisure uses, purpose built student accommodation will not be supported.

Are there any other locations where purpose built student accommodation of an appropriate scale and design should be encouraged?

- 6.42 No. It is considered that these are the appropriate locations for new PBSA where schemes will be encouraged. If an application were to be submitted in an area not covered by the policy, the scheme would be determined on its own merits taking into account all relevant policies within the Local Plan, in particular Policy HO6.

Policy HO6: Houses in Multiple Occupation (HMOs) and Purpose Built Student Accommodation

- Q1. Is policy HO6 positively prepared, justified, effective and consistent with national policy? Is the proposed modification to the wording in section 1c) of the policy necessary to ensure that the policy is effective?***

Is policy HO6 positively prepared, justified, effective and consistent with national policy?

- 6.43 Yes. The 2012 NPPF states that local planning authorities should deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. The Spatial Objectives of the ACS include delivery of a mix of high quality new housing in terms of type, size and tenure to the benefit of rebalancing the existing housing mix. This is also covered by ACS Policy 8 (specifically 8.4) which clearly refers to redressing housing mix in areas of student housing concentration such as in Lenton for example, which is a neighbourhood dominated by housing in multiple occupation. Para 3.8.7 states that the approach to student accommodation will be set out in the LAPP. The Policy was also subject to Sustainability Appraisal with many positive outcomes anticipated.
- 6.44 Nottingham City's two universities, the University of Nottingham and Nottingham Trent University, are considered major assets that are vital to the City's economy and make an important contribution to its positive national and international reputation, attracting substantial investment and supporting growth across a range of employment sectors.
- 6.45 The development of the education sector has had a significant impact on the characteristics of Nottingham City's population and its associated housing requirements. Whilst the continued growth and success of the sector is strongly supported, policies in the LAPP provide a suitable framework to address the particular student housing needs that supports the creation of sustainable, inclusive

and mixed communities throughout the City in line with the 2012 NPPF and ACS Policy 8.

- 6.46 This policy is aimed at both restricting the supply of further HMOs where concentration levels are already high as well as encouraging further provision of PBSA in line with the requirements of Policy HO5.

Is the proposed modification to the wording in section 1c) of the policy necessary to ensure that the policy is effective?

- 6.47 Yes. The proposed change SC018 was made in response to a representation submitted by Lenton Drives and Neighbours Residents Association. They considered that the wording could provide developers with the opportunity to create non-exclusive student development that includes a token "3 bed apartment" for non student occupation, to avoid the provisions of the policy. The revised wording is to make the policy clearer in this regard.

- Q2. *Does section 2 of the policy provide effective guidance to applicants and decision makers with regard to how the impact of development proposals on local objectives to create or maintain sustainable, inclusive and mixed use communities will be assessed? Are the specified criteria in section 2 of the policy relevant, justified and effective in this respect? Is the methodology for determining areas with significant concentration of houses in multiple occupation/student households referred to in criterion a) justified? Is criterion c) in section 2 justified as well as criteria a) and d)? Is criterion i) already addressed by the requirements of policy DE1? Is criteria g) justified? If so, is it a duplication of that in policy HO5?***

Does section 2 of the policy provide effective guidance to applicants and decision makers with regard to how the impact of development proposals on local objectives to create or maintain sustainable, inclusive and mixed use communities will be assessed?

- 6.48 Yes. The policy sets out a range of factors that the Council will consider when applications for HMO and PBSA schemes are submitted. In addition to the 10% threshold of HMOs and/or student households that will be considered, there are a range of other issues including the individual characteristics of the building or site and immediate locality, impact of existing HMO and PBSA on the area, whether there would be a management plan and appropriate levels of car and cycle parking, etc.

Are the specified criteria in section 2 of the policy relevant, justified and effective in this respect?

- 6.49 Yes. Section 2 of the Policy sets out a range of issues that the Council will take into account when assessing applications for both HMO and PBSA. All are considered relevant to the consideration of HMO and PBSA applications. Each application will be assessed on its own merits with regard to the criteria in the policy.

Is the methodology for determining areas with significant concentration of houses in multiple occupation/student households referred to in criterion a) justified?

- 6.50 Yes. The detrimental impact of high concentrations of HMOs can include anti-social behaviour, noise and nuisance, imbalanced and unsustainable communities, negative effects on the physical environment and streetscape, pressure upon parking

provision, increased crime rates, growth in the private rented sector at the expense of owner-occupation, pressure upon local facilities and restructuring of retail, commercial services and recreational facilities to suit the lifestyles of the predominant population.

- 6.51 Concerns about the impact of student accommodation on the amenities of the host communities in areas of significant student household concentration have been expressed by Councillors, residents and residents' action groups. Issues include problems of "low level" anti-social behaviour (in particular noise nuisance); problems of litter, waste disposal, fly tipping etc; high levels of car ownership, limited available car parking; a change from a mixed tenure and mixed population to an unusually high percentage of people from one age group and one household type compounding other issues by undermining the "natural forces" of social control that exist in more balanced communities; high levels of residential turnover which result in little long term commitment to the area and a declining community spirit. House prices in these areas tend to be higher than average too, meaning that local housing is less affordable.
- 6.52 Policy ST1 of the adopted Nottingham Local Plan (2005) ([LAPP-CROSS-03](#)) seeks to provide and maintain balanced communities within the City, noting that family housing is particularly important to sustain local communities and support local schools as centres of communities. This is an aim which reflects the aspirations of The Nottingham Plan (Nottingham's Sustainable Communities Strategy – see [LAPP-CROSS-08](#)). In addition, the Building Balanced Communities (BBC – see [LAPP-HOU-05](#)) Supplementary Planning Document (SPD) expands on Policies ST1 and H6 (Student Housing) and indicates that where student housing will prejudice the creation and maintenance of balanced communities (by leading to further over-concentrations of student households or increases in the problems associated with large numbers of students) there will be a presumption to refuse planning permission for further provision of student housing. The BBC SPD references that an area is in danger of becoming imbalanced if the percentage of student households exceeds 25% of the total number of households in that area.
- 6.53 The number of Student Council Exemptions (when PBSA are excluded) has fallen in the recent past whilst at the same time, the level of PBSA has significantly increased. Moving the threshold from 25% down to 10% and including HMOs is seen by the Council as an evolution of the policy to further control supply whilst continuing to promote further PBSA provision.
- 6.54 Policy HO6 seeks to maintain and create mixed and balanced communities in line with 2012 NPPF. It is considered that grouping output areas as set out in Appendix 6 is an appropriate way to look at the local "community". The other criteria within the policy allow for judgement to be made about individual circumstances of any planning application. The map on page 326 (Submission Version) shows that there are large parts of the city where the 10% concentration figure is not currently exceeded and indeed many of the areas that exceed 10% are industrial in character and therefore the map overstates the extent of areas exceeding 10% (e.g. the part of Lenton & Dunkirk wards around Boots and Lenton Lane Industrial Estate).
- 6.55 The 10% threshold is considered appropriate because it strikes an appropriate balance between meeting HMO and student accommodation needs within the City and supporting the objective of creating sustainable, inclusive and mixed communities. This is based on a review of current estimates of HMO concentration and methods recently adopted by other local planning authorities facing similar issues including such as Portsmouth, York, Birmingham, Lincoln, Canterbury,

Brighton & Hove and Southampton, and reflects the National HMO Lobby's view of what constitutes a concentration. (For example, see Southampton's SPD [LAPP.NCC34](#)). A number of approaches are adopted by different Councils to deal with similar issues but it is considered the 10% threshold enables the methodology to capture those areas that are on the brink of materially changing their character. If uncontrolled the Council considers this would lead to changes in character and amenity issues associated with concentrations of HMO and student households. The new threshold is intended to ensure a "tipping point" is not reached.

- 6.56 The 10% threshold also reflects the concentration of people living in resident HMO and students as well as the number of actual households. The HMO Lobby identify the 10% of properties or 20% of the population as the "tipping-point" for HMO-dominance in a neighbourhood ([LAPP.NCC35](#)). In addition, the impact of HMOs can be greater than a traditional family living in the property with a range of amenity impacts (see para 6.6 on page 10), including increased waste creation, increase in crime rates, increased pressure on parking provision and increase in anti-social behaviour, noise and nuisance.
- 6.57 As part of the Sustainability Appraisal Addendum ([LAPP-CD-REG-09](#)) an alternative policy approach using a higher threshold (20-30%) to define significant concentration of HMOs and or student households in an area was appraised as suggested by one consultee (3730 East Mid Property Owners). This appraisal indicated that the general thrust of the policy approach would remain the same and help to restore imbalance of students within certain areas of the City, however the higher threshold approach would be less successful in achieving the desired re-balancing. Overall, it is concluded that the alternative policy approach of a higher threshold would result in a less successful policy and this supports the current proposed 10% threshold.
- 6.58 The policy is worded so that it is not just the 10% threshold that is considered but also a range of issues including the individual characteristics of the building or site and immediate locality, impact of existing HMO and PBSA on the area, whether there would be a management plan and appropriate levels of car and cycle parking, etc.

Is criterion c) in section 2 justified as well as criteria a) and d)?

Criterion a)

- 6.59 Justification for criterion a) and the methodology in Appendix 6 is set out in paras 6.50- 6.58 above in the answer to the previous question.

Criterion c)

- 6.60 The criterion allows consideration of any evidence of existing HMO and PBSA provision within the immediate vicinity of the site that already impacts on local character and amenity. This criterion is therefore justified as it allows for each application to be considered on its own merit taking into account local circumstances. For example, it may be that despite an application meeting the threshold within criteria a) and Appendix 6 that there are known problems within the locality which means that further provision may exacerbate these problems and so the application would not be supported.

Criterion d)

- 6.61 This criterion allows the impact the proposed development would have on the character and amenity of the area or site having particular regard to the criteria set

out in Policies DE1 and DE2. It is considered that this criterion is justified as it allows the impact on the character and amenity of the local area to be considered taking into account the design and layout of the proposed scheme.

Is criterion g) justified? If so, is it a duplication of that in policy HO5?

6.62 Justification of the need is set out in the response to the Inspector's question regarding Policy HO5 (see 6.34-6.39 above).

6.63 Although it is acknowledged that there is an element of duplication between Policy HO5 and HO6 it is considered that the need argument is important to the success of the policies to further encourage the provision of PBSA of the right type. This need argument is strongly supported by both Universities (See Statement of Common Ground at Appendix A) as is the encouragement that developers should be in close discussions with them about future schemes. Removing this criterion would mean that PBSA in locations not specified in Policy HO5 would not be subject to need.

Q3. Are the criteria in section 2 of policy HO6 sufficiently clear and effective for development management purposes having regard to the Framework?

6.64 Yes, it is considered that the criteria set out in section 2 of the policy are sufficiently clear and effective. The criteria set out issues that will be considered in applications for new HMOs and PBSA schemes. These are based on issues that the Council is well versed at considering given the level of student accommodation within the City and the issues associated with this type of accommodation. This also accords with para 50 of 2012 NPPF and the ambition of wanting to create "sustainable, inclusive and mixed communities".

Issue 2: Design and Enhancing Local Identity

Policies DE1, DE2 and DE5 (Building Design and Use, Context and Place Making and Shopfronts)

Q1. Do policies DE1, DE2 and DE5 incorporate appropriate measures to ensure good design in new developments? Are they capable of effective implementation?

6.65 Yes, Policies DE1, DE2 and DE5 detail the criteria against which good design can be assessed. They build on ACS Policy 10: Design and Enhancing Local Identity ([LAPP-CROSS-01](#)) which states under criterion 3 that "all development proposals.....will be expected to perform highly when assessed against best practice guidance and standards for design, sustainability and place making, as set out in Part 2 Local Plans." Policy DE5 specifically covers the design of shopfronts and shutters in recognition of the potential detrimental impact inappropriate design can have on the character, attractiveness and perception of crime in an area. Accordingly, Policy DE5 details key design issues as well as what is considered acceptable in such development proposals.

Policy DE1: Building Design and Use

Q1. Is policy DE1 positively prepared, justified, effective and consistent with national policy in the context of the ACS? Would the proposed modification to criterion c) of policy DE1 and its supporting text satisfactorily address any

shortcomings in respect of the consistency of the Plan with national policy in relation to the need to take account of defence, national security, counter terrorism and resilience?

- 6.66 Yes, 2012 NPPF para 17 ([LAPP-NPG-01](#)) highlights design as one of 12 core principles stating “always seek to secure high quality design and good standard of amenity for all existing and future occupants of land and buildings.” Para 56 states “The government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development....” Para 64 states that “permission should be refused for development of poor design....”
- 6.67 Policy DE1 expands on ACS Policy 10: Design and Enhancing Local Identity ([LAPP-CROSS-01](#)) which states under criterion 3 that “all development proposals.....will be expected to perform highly when assessed against best practice guidance and standards for design, sustainability and place making, as set out in Part 2 Local Plans.”
- 6.68 The proposed modifications to the Policy at criterion c) (SC023) and the Justification Text at para 4.75 (SC024) accord with 2012 NPPF para 164 and make it explicit that community safety, crime prevention and counter-terrorism measures are design criteria that should be taken into consideration in assessing planning applications.

Q2. Is criterion g) of policy DE1 justified having particular regard to need and viability?

- 6.69 Yes. Planning Practice Guidance (Paragraph: 002 Reference ID: 56-002-20160519) states that “Local planning authorities have the option to set additional technical requirements ..., and an optional nationally described space standard. Local planning authorities will need to gather evidence to determine whether there is a need for additional standards in their area, and justify setting appropriate policies in their Local Plans.”
- 6.70 The Nottingham City Council Whole Plan Viability Assessment ([LAPP.NCC16](#)) was undertaken on the basis of this requirement and concluded that “the majority of the housing development proposed by the Local Plan is viable and deliverable taking account of the cost impacts of the policies proposed by the plan and the requirements for viability assessment set out in the 2012 NPPF. The viability of both apartment development and brownfield housing in the lower value sub-market area is challenging under current market circumstances and some relaxation of Affordable Housing and infrastructure contributions may need to be considered at application stage for these forms of development to be delivered”.
- 6.71 Submission LAPP para 4.78 ([LAPP-CD-REG-01](#)) states that in order “to provide a satisfactory environment for occupants, new dwellings should meet the Government’s Nationally Described Space Standards unless there is clear evidence to demonstrate that this would not be viable or technically feasible...”
- 6.72 The City Council has prepared a Housing Space Standards Audit, 2018 ([LAPP.NCC33](#)) to provide evidence on space standards in the City. Para 3.2 explains the objectives as:
- comparing recent build in Nottingham to the Nationally Described Space Standards (NDSS)
 - establishing adequate space standards
 - providing design guidance

- supporting the Housing Design Guide (forthcoming)

- 6.73 The audit found that 58% of the typologies analysed were below the NDSS benchmark, and 42% were above. However, only 22% of typologies differed by more than 10%. Generally larger dwellings exceed the NDSS, whilst smaller dwellings were more likely to fall below NDSS. Equally, commercial developments were more likely to fall below NSDD than social housing.
- 6.74 Para 5.3.4 of the audit states that “The layouts with space standards more than 10% below the NDSS did not support healthy and harmonious lifestyles and could potentially result in increased stress levels on a daily basis. Particular areas that suffered lack of space were kitchens, dining rooms and living rooms. There was also insufficient storage space for long-term accommodation.” It goes on to describe the design consequences of not meeting the NDSS in more detail, which include rooms provided not being fit for purpose and highly inefficient in terms of use of space, and kitchens that were so compact that the occupiers would have had to close the door in order to cook or open the fridge.
- 6.75 The NDSS benchmark largely permits adaptation of Category 2: Accessible and Adaptable standard (as illustrated in the Appendix of the Housing Space Standards Audit, ([LAPP.NCC33](#))) and therefore adherence to the NDSS is completely complementary with HO4 – Specialist and Adaptable Housing. HO4 sets a target of at least 10% on residential developments of 10 or more dwellings to meet the Government’s NDSS Category 2, and is proposed based on the evidence contained within the Sustainable, Inclusive and Mixed Communities Background Paper, January 2016 ([LAPP-HOU-01](#)). Section 7 of the Background Paper sets out the locally specific evidence of need for this type of accommodation, particularly at para 7.3, and this evidence is equally applicable to the wider application of NDSS.
- 6.76 Section 7 of the audit (page 11) sets out its recommendations, which are that adherence to the NDSS is strongly recommended. It also concludes that in design terms, “A deviation of -/+10% from the NDSS is considered to be acceptable as long as architectural layouts demonstrate that a good quality of life for occupiers is being delivered by design.”
- 6.77 The 2012 NPPF (page 39) states that “Policies may also make use of the nationally described space standard, where the need for an internal space standard can be justified.” The policy is considered to be justified in terms of need, good design (especially for long term occupation), and viability.

Q3. *Are the criteria of policy DE1 sufficiently clear and effective for development management purposes having regard to the Framework?*

- 6.78 Yes, 2012 NPPF Para 17 ([LAPP-NPG-01](#)) highlights design as one of 12 core principles stating “always seek to secure high quality design and good standard of amenity for all existing and future occupants of land and buildings.” Para 56 states “The government attached great importance to the design of the built environment. Good design is a key aspect of sustainable development...” Para 64 states that “permission should be refused for development of poor design...”
- 6.79 Yes, policy DE1 clearly details the criteria against which good design can be assessed and is therefore effective for development management purposes.

Policy DE2: Context and Place Making

Q1. Is policy DE2 positively prepared, justified, effective and consistent with national policy in the context of the ACS? Would the proposed modification to the supporting text of the policy satisfactorily address any shortcomings in respect of the consistency of the Plan with national policy in relation to the need to take account of defence, national security, counter terrorism and resilience?

6.80 Yes, Policy DE2 details the criteria against which good design can be assessed. It builds on ACS Policy 10: Design and Enhancing Local Identity ([LAPP-CROSS-01](#)) which states under criterion 3 that “all development proposals.....will be expected to perform highly when assessed against best practice guidance and standards for design, sustainability and place making, as set out in Part 2 Local Plans.”

6.81 The proposed modification SC025 accords with 2012 NPPF para 164 and makes it clear in the policy justification that reducing the risk of terrorist attacks and increasing resilience through sensitive design is an important factor for consideration in places that people gather etc. The issue is covered in criterion g) which expects development proposals to contribute towards attractive and safe environments.

Q2. Are the criteria of policy DE2 sufficiently clear and effective for development management purposes having regard to the Framework?

6.82 Yes, 2012 NPPF para 17 ([LAPP-NPG-01](#)) highlights design as one of 12 core principles stating “always seek to secure high quality design and good standard of amenity for all existing and future occupants of land and buildings.” Para 56 states “The government attached great importance to the design of the built environment. Good design is a key aspect of sustainable development....” Para 64 states that “permission should be refused for development of poor design...”

6.83 Yes, Policy DE2 clearly details the criteria against which good design can be assessed and is therefore effective for development management purposes.

Policy DE4: Creation and Improvement of Public Open Spaces in the City Centre

Q1. Is policy DE4 positively prepared, justified and effective? How were the indicative locations for new public open spaces/public realm improvements identified? How will the operational needs of existing businesses be taken into account?

6.84 Yes, policy DE4 is positively prepared, justified and effective. It expands upon the strategic approach set out in ACS Policy 5 c) which aims to create an inclusive and safe City Centre, with criterion e) seeking to create a network and hierarchy of safe pedestrian routes and good quality civic spaces to connect all parts of the City Centre. The policy was also subject to Sustainability Appraisal ([LAPP-CD-REG-08](#)).

6.85 The indicative locations for new public open spaces were identified through the development of the Nottingham City Centre Time and Place Plan (2014) ([LAPP.NCC20](#)). This document set out the vision for the City Centre quarters, and informed the local plan by identifying development sites and opportunities in the City Centre, and by highlighting other relevant issues that required formal planning policy.

6.86 The City Centre Time and Place Plan was subject to consultation in 2013, when business had the opportunity to make comment and advise on their operational

needs. Further targeted consultation will take place during the design phase as proposals for the public open spaces come forward, to ensure the impacts on businesses are minimised.

Policy DE5: Shopfronts

Q1. Are the criteria of section 1 of policy DE5 sufficiently clear and effective for development management purposes having regard to the Framework?

6.87 Yes, the wording of Policy DE5 section 1 is considered sufficiently clear and effective regarding the design of development affecting the shopfronts. This policy sets out the quality of development that expected in relation to shopfronts, with reference to site, location, existing character, architectural and historic merit, the relationship of design with local shopfront characteristics, and access. Policy DE5 1) is considered to be in accordance with design requirements set out in 2012 NPPF paragraph 58.

Policy DE6: Advertisements

Q1. Is policy DE6 justified, effective and consistent with national policy, in particular is it legally correct having regard to the control of advertisement regulations? If not, would the proposed modifications to the policy and its supporting text ensure it would be so in this respect?

6.88 Yes, Policy 6, as proposed to be amended, is considered to be justified effective and consistent with National legislation. The original wording of the policy was reassessed in light of representations made by the British Sign & Graphics Association, who have notified their support for the now amended policy (See Rep no. 3001, dated 4 May 2018).

6.89 The policy seeks to control advertisements with reference to their effect on amenity and public safety only, in accordance with the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended). The amended policy was also reassessed in the Sustainability Appraisal Addendum 2, Submission Version, March 2018 ([LAPP-CD-REG-10](#)).

Issue 3: Historic Environment

Policy HE1: Proposals Affecting Designated and Non-Designated Heritage Assets

Q1. Has the Plan had regard to the statutory duties in relation to designated heritage assets set out in Sections 66(1) and 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990? Is the wording of policy HE1 clear and justified having regard to these statutory provisions?

6.90 Yes. Policy HE1 is intended to protect and enhance the City's heritage assets and wider historic environment. The test set out in the 1990 Act requires the Council to have "special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses". The Justification explains how different types of heritage asset should be treated, namely Listed Buildings; Conservation Areas; Registered Parks and Gardens; Non-designated heritage assets and Scheduled Monuments and Archaeology.

6.91 Policy HE1 seeks to implement Policy 11 of the ACS, while working in conjunction with relevant parts of Policies DE1 and DE2, by setting out in detail how the City

Council proposes to secure conservation of heritage assets. Policy HE1 provides general criteria for development concerning heritage assets which give direct consideration to issues such as history, architectural style and setting. It is therefore considered that the Plan has had appropriate regards to heritage assets and the test set out in the 1990 Act.

6.92 The allocation of sites in Section 6 of the LAPP has been informed by the Site Assessment Background Paper. The document sets out the methodology for establishing which sites should be allocated, considers the impact of development of the development sites allocated in the LAPP and all reasonable alternative sites on Listed Buildings (and their settings), Conservation Areas, Registered Parks and Gardens, non-designated heritage assets and Scheduled Ancient Monuments and Archaeology.

Q2. *In so far as policy HE1 relates to designated and non-designated heritage assets does the wording of the policy appropriately address heritage assets in the round?*

6.93 Yes, Section 1 of the policy makes it clear that the importance and extent of conservation and enhancement will be dependent on the asset's interest and significance. The Justification Text at para 4.117 this is given further clarity in the statement that "the level of protection afforded to these heritage assets will be proportionate to their historic, architectural, artistic and archaeological importance."

Q3. *Is policy HE1 consistent with national policy in relation to the historic environment in particular is the wording of section 2 of the policy and criteria b) and c) in section 3 of the policy consistent with the Framework?*

6.94 Yes, the 2012 NPPF at para 7 states that the planning system has an environmental role in "contributing to protecting and enhancing our...built and historic environment". At para 9 it states "pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment."

6.95 Sections 2 and 3 specifically accord with 2012 NPPF para 128 which states "In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary." They also accord with para 134 of the 2012 NPPF which states that "where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use."

6.96 Section 3 b) of Policy HE1 highlights the importance of a proposal being sympathetic to the character and appearance of the asset in line with 2012 NPPF para 126 which states that 'local planning authorities should take into account the desirability of new development making a positive contribution to local character and distinctiveness.

6.97 At publication stage Historic England made a suggestion (See Representation Number 4499) that the phrase "character and appearance" was more specific to conservation areas and should be replaced with the more universal term "significance" and that "enhance" should be replaced with "better reveal" in

accordance with 2012 NPPF para 137. Hence the Council propose the following Proposed Post Submission Change (PPSC30).

PPSC number	Para Ref/Policy	Proposed Post Submission Change
PPSC31	HE1: Proposals Affecting Designated and Non-Designated Heritage Assets	Amend Policy HE1 to read: “3 b) whether the proposals would be sympathetic to the character and appearance <u>significance</u> of the asset..... 3 c) whether the proposals would preserve and, where possible enhance <u>better reveal</u> the character or appearance of the heritage asset.....”

- 6.98 Historic England have been consulted on the evolution of the Historic Environment Policy and the policy was amended largely in line with their comments. At Revised Publication stage confirmed that they have no concerns to make. They considered “the amendments update and/or clarify previous text and are supported.” They also welcomed the publication of the Nottingham Heritage Strategy in advance of the LAPP in order to inform the content of the LAPP.

Issue 4: Local Services and Healthy Lifestyles

Policy LS1: Food and Drink Uses and Licensed Entertainment Venues Outside the City Centre

Q1. *Is policy LS1 relating to food and drink uses and licensed entertainment venues outside the City Centre justified, effective and consistent with national policy? In particular is the requirement for such uses to be located within an existing centre or at least 400 metres from a secondary school unless it can be clearly demonstrated that the proposal will not have a negative impact on health and wellbeing justified? Would the proposed modification to the policy and its supporting text address any issues of soundness?*

- 6.99 Yes. The basis for restricting A5 uses within 400 m of a secondary school is set out in the Retail Background Papers ([LAPP-CD-BACK-10](#) and [LAPP-CD-BACK-11](#)). The policy was also subject to Sustainability Appraisal ([LAPP-CD-REG-08](#), [LAPP-CD-REG-09](#), [LAPP-CD-REG-10](#)). It is therefore considered to be justified. The 2012 NPPF and NPPG context for this policy is set out at paras 2.1 to 2.4 of the Retail Background Paper ([LAPP-CD-BACK-11](#)). The 2018 NPPF also sets out how the planning system has a social objective to support strong, vibrant and healthy communities and to support communities’ health and social well-being:

“Planning should enable and support healthy lifestyles, especially where this would address identified local health and well-being needs” (para 91.c).

“Planning policy and decisions to take into account and support the delivery of local strategies for health and wellbeing” (para 92. b).

- 6.100 In addition, under the Health and Wellbeing section, current Planning Practice Guidance ([Planning Practice Guidance](#)) states:

“The range of issues that could be considered through the plan-making and decision making processes in respect of health and health-care infrastructure, include how:

- the local plan promotes health, social and cultural wellbeing and supports the reduction of health inequalities
- the local plan considers the local health and wellbeing strategy and other relevant health and wellbeing strategies in the area;
- Local Plan authorities can consider bringing forward, where supported by an evidence base, local plan policies...which limit the proliferation of certain use classes in identified areas, where planning permission is required. Local planning authorities and planning applicants could have particular regard to the following issues:
 - proximity to locations where children and young people congregate such as schools, community centres and playgrounds
 - evidence indicating high levels of obesity, deprivation and general poor health in specific locations.”

6.101 In June 2018, the Government published its report Childhood obesity: a plan for action, chapter 2 ([LAPP.NCC32](#)) which states that “Local authorities have a range of powers and opportunities to create healthier environments. They have the power to develop planning policies to limit the opening of additional fast food outlets close to schools and in areas of over-concentration” (Section 4, p24).

6.102 The proposed modifications to the Policy (SC033) and Justification Text (SC035) seek to widen such restrictions to include A3 and A4 uses in recognition of their potential negative health impact if they were to locate within 400m of a secondary school. 400m (a 10 minute walk) is a widely accepted distance used in considering acceptability of walking distances to local bus stops therefore it is reasonable to assume that school children may well be reluctant to walk further than this distance. SC034 makes reference to the Health and Wellbeing Board and Strategy in recognition of the context for this policy. SC037 proposes clarification that the distance will be measured as a 400 m distance “by foot” from the nearest pedestrian entrance of a secondary school to the main entrance of a proposed hot food takeaway.

6.103 The Local Clinical Commissioning Group and the Health and Wellbeing Board have both made representations supporting this policy.

Q2. *Is the policy sufficiently capable of assessing food and drink use elements of mixed-use proposals?*

6.104 Yes, each application will be judged on its own merits and local circumstances will allow an informed decision to be made on the potential impact of such a proposal, be it part of a mixed use scheme or not, that takes into consideration any potential harm in the context of other local development strategy or SPD for the area.

6.105 Para 4.158 makes it clear that in the case of the 400m exclusion zone the onus is on the developer to clearly demonstrate that the proposal, and by implication, the amount of floorspace taken up in a mixed use proposal by food and drink, will not have a negative impact on health and wellbeing.

Policy LS2: Supporting the Growth of Further and Higher Education Facilities

Q1. Is policy LS2 which supports the provision of further and higher education facilities at specific sites justified?

6.106 Yes. The Universities and Higher Education Facilities are key drivers for the City's economy, and are also significant local employers in the local economy. LAPP policy LS2 is aimed at providing clarity and certainty for those institutions for their future development and investment decisions on the locations set out in the Policy.

Policy LS3: Safeguarding Land for Health Facilities

Q1. Is policy LS3 which supports the provision and enhancement of health facilities at specific sites justified?

6.107 Yes. Health facilities are critical to serving the need of City residents, and are also significant employers in the local economy. This policy relates to ACS Policy 12 (Local Services and Healthy Lifestyles). Policy LS3 is aimed at providing clarity for those institutions for their future development and investment decisions at the Queens Medical Centre and the City Hospital site in recognition of their sub-regional importance and the significance of proximity to health services as a key sustainability indicator.

Policy LS4: Public Houses outside the City Centre and/or designated as an Asset of Community Value

Q1. Is policy LS4 which relates to proposals for the redevelopment and/or change of use of public houses outside the city centre and/or designated as an asset of community value justified, effective and consistent with national policy? Should the policy also apply to all public houses within the city centre rather than only those designated as an asset of community value?

6.108 Yes, this policy is consistent with NPPF 2012 ([LAPP-NPG-01](#)), para 69 states that "the planning system can play an important role in facilitating social interaction" and para 70 which states that "planning decisions should:

- Plan positively for the provision of ...community facilities (such as...public houses....)
- Guard against the unnecessary loss of valued facilities and services..."

6.109 ACS Policy 12: Local Services and Healthy Lifestyles para 3.12.5 ([LAPP-CROSS-01](#)) states "to protect community facilities it is necessary to put in place a mechanism to control alternative uses to ensure that their continues use as community facilities is fully explored."

6.110 As stated at Submission LAPP para 4.169 ([LAPP-CD-REG-01](#)) public houses are likely to be particularly valued in local communities outside the city centre where there may be a more limited range of local facilities. The policy also recognises that pubs designated as Assets of Community Value should also be protected.

6.111 The City Centre is served by a large and diverse range of public houses, therefore it is not considered necessary to extend this policy beyond those designated as an Asset of Community Value.

Q2. Is policy LS4 sufficiently clear and effective for development management purposes having regard to the Framework?

- 6.112 Yes. The Policy clearly sets out the criteria that will inform a decision to change the use of or demolish a public house outside the City Centre or designated as an Asset of Community Value. Using the policy a judgement can be made on the importance of the particular public house. Also see para 6.77 above.
- 6.113 Para 4.170 of the Justification Text sets out the evidence will be required to demonstrate that the facility is no longer viable, having regard to CAMRAs public house viability test.
- 6.114 As detailed in the Representations in Plan Order document, CAMRA (Consultee 3788) have set out their support for this policy (representation 5170) ([LAPP.NCC13](#)) congratulating the City Council on the policy and stating that they “hope that Policy LS4 will become a leading bench-mark against which similar policies elsewhere may be assessed.”

Policy LS5: Community Facilities

Q1. Is policy LS5 relating to community facilities justified, effective and consistent with national policy? Is it sufficiently clear and effective for development management purposes having regard to the Framework?

- 6.115 Policy LS5 is considered to be justified, effective and consistent with 2012 NPPF. This policy expands upon ACS Policy 12, which supports new, extended or improved community facilities and the protection of existing facilities for the wider benefit of local communities.
- 6.116 Ensuring that sufficient community and cultural facilities and services are provided to meet local needs is a core planning principle of the 2012 NPPF. Para 70 requires planning policies to plan positively for the provision of community facilities, and to guard against the unnecessary loss of such valued facilities. The policy was also subject to Sustainability Appraisal ([LAPP-CD-REG-08](#)).

Q2. Does the wording of section 3 of policy LS5 accord with the Framework?

- 6.117 Yes, it is considered that section 3 of the policy is in accordance with the 2012 NPPF. Contributions towards new and expanded community facilities could satisfactorily meet the tests set out in para 204 of the 2012 NPPF relating to being necessary to make the development work in planning terms, be directly related to the development, and to be fairly and reasonably related to the development.

Issue 5: Managing Travel Demand

Policies TR1, TR2 and TR3 (Parking and Travel Planning, Transport Network and Cycling

Q1. Do policies TR1 to TR3 adequately promote sustainable transport modes and ensure new developments would not have a severe impact upon highway safety in accordance with national policy and in the context of the ACS?

- 6.118 Yes. Policies TR1, TR2, and TR3 follow on from Policies 2, 14, 15, and 18 of the ACS by further promoting a hierarchical approach to Travel Demand Management that places priority on delivering the most sustainable modes of transport first, improving opportunities for journeys to be made by public transport, with major improvements to highway capacity for private cars as a last resort. It is confirmed that the policies will promote sustainable transport modes in accordance with para 35 of the 2012 NPPF.

The policies reflect the transport priorities set out in the Nottingham Local Transport Plan Strategy 2011-2026 ([LAPP-TRANS-01](#)), and these will ensure new developments will not have a severe impact upon highway.

Policy TR1: Parking and Travel Planning

Q1. Are the parking requirements set out in Appendix 1 of the Plan justified having regard to national policy?

6.119 Yes. Appendix A and its relating Policy TR1 are included in order to ensure that new development is supported by the appropriate level of parking provision to accommodate demand. Appendix A provides parking guidance, as opposed to parking requirements, which is to be taken into consideration under Policy TR1. Policy TR1 requires that in considering the guidance, account must also be given to a variety of other factors, including those set out in para 39 of the 2012 NPPF. It is therefore considered that the requirements are justified in the light of the facts that Nottingham City benefits from an excellent public transport network and that a number of its roads operate at capacity at key times. Policy TR1 responds to this by providing guidance, which seeks to avoid unnecessary car ownership, which could encourage car ownership and use.

Q2. Does the reference to S106 agreements in the supporting text to policy TR1 accord with the Framework?

6.120 Yes, it is considered that the reference to Section S106 Agreements in the supporting text with respect to S.106 Agreements relating to Travel Plans is in accordance with the 2012 NPPF. Obligations towards the delivery of the Travel Plans could satisfactorily meet the tests set out in para 204 of the 2012 NPPF.

Policy TR2: The Transport Network

Q1. Is the protection of all the transport network schemes identified in policy TR2 as proposed to be modified by the Council justified?

6.121 Yes, the protection of all transport network schemes in Policy TR2 is justified. ACS Policy 14 sets out a hierarchical approach to ensure the delivery of sustainable transport. Schemes are set out in the Local Transport Plan 3 (2011 to 2026) strategy and Local Transport Plan Implementation Plan 2018-2021.

6.122 Para 35 of the 2012 NPPF states that plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people, giving priority to pedestrian and cycle movements. Additionally, 2012 NPPF para 41 states that Local planning authorities should identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice.

Q2. Will all the transport network schemes identified in policy TR2 as proposed to be modified come forward during the plan period? If not, is the inclusion of these schemes in policy TR2 justified?

6.123 Yes. The schemes listed in Policy TR2 are programmed to be delivered within the LAPP Plan period, with reviews of the programme-taking place via the rolling 3-year implementation Plan process. Although not all are fully funded to date, there is a

reasonable prospect of all the schemes coming forward in the plan period as they are included in a prioritised programme detailed in the Local Transport Plan ([LAPP-TRANS-01](#)).

Q3. Does the reference to planning obligations in section 2 of policy TR2 accord with the Framework?

6.124 Yes, it is considered that section 2 Policy TR2 is in accordance with the 2012 NPPF. Obligations towards the delivery of the listed transport schemes, and the provision of new or improved infrastructure to avoid adverse impacts on the transport network which may otherwise arise from development, could satisfactorily meet the tests set out in para 204 of the 2012 NPPF.

6.125 Obligations relating to listed schemes could be considered necessary to make the development work in planning terms, be directly related to the development, and to be fairly and reasonably related to the development. It is considered the policy accords with 2012 NPPF.

Policy TR3: Cycling

Q1. Is the safeguarding of the identified cycle routes justified? How have they been identified?

6.126 Yes, the safeguarding of the identified cycle routes is justified. The 2012 NPPF, at para 35, requires that Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people, giving priority to pedestrian and cycle movements.

6.127 ACS Policy 14 sets out a hierarchical approach to ensure the delivery of sustainable transport, giving significant priority (Policy 14.3 c) to the optimisation of the existing highway network to prioritise public transport, walking and cycling facilities that are provided early in the build out period of new developments such as improved/ new bus and cycle lanes and measures to prioritise the need of pedestrians above the car.

6.128 The City Council has identified the cycle routes highlighted in the Local Plan in consultation with stakeholders and partner organisations. These routes will assist towards the Council's ambition to provide a coherent network of high standard cycle routes, and to achieve the Governments cycle targets as set out in the DfT's Cycling and Walking Investment Strategy. The proposed routes were also subject to Sustainability Appraisal (Sustainability Appraisal (Submission Version) Addendum 2 March 2018) ([LAPP-CD-REG-10](#)).

6.129 The Council is also working with the DfT to develop a Local Cycling and Walking Investment Plan (LCWIP). This plan will cover the D2N2 Local Economic Partnership area and includes the routes set out in the Local Plan. The LCWIP is due to be completed in December 2018.

Post Submission Changes as a Result of this Statement

6.130 For completeness, listed below are all the Proposed Post Submission Changes as a result of this statement.

PPSC number	Para Ref/Policy	Proposed Post Submission Change
PPSC27	Policy HO5: Location for Purpose Built Student Accommodation	Amend criteria a) of Policy HO5 to read: a) allocated sites where student accommodation use accords with site <u>specific Development Principles</u> ” With the following criteria renumbered.
PPSC28	Policy HO6: Houses in Multiple Occupation (HMOs) and Purpose Built Student Accommodation	Addition text added to criteria 2 a) of Policy HO6 to read; b) “the existing proportion of HMOs and / or other Student Households in the area and whether this proportion amounts or will amount to a “Significant Concentration” (calculated using the methodology shown in Appendix 6) <u>apart from PBSA within areas identified in Policy HO5 where new PBSA is encouraged.</u> ”
PPSC29	Para 4.60 of Policy HO6: Houses in Multiple Occupation (HMOs) and Purpose Built Student Accommodation	Addition text added to para 4.60 of Policy HO6 to read: “4.60 Where there is already a ‘Significant Concentration’ of HMOs and/or student households in an area, calculated using the methodology in Appendix 6, planning permission will therefore not usually be granted for further HMOs or Purpose Built Student Accommodation <u>(unless the PBSA complies with Policy HO5).</u> ”
PPSC30	Policy HO5: Location for Purpose Built Student Accommodation	Additional text added to justification text of Policy HO5 at para 4.48 to be read: “ <u>This policy sets out the location where PBSA will be encouraged but should be read in conjunction with Policy HO6 which sets out how proposals will be assessed.</u> ”
PPSC31	HE1: Proposals Affecting Designated and Non-Designated Heritage Assets	Amend Policy HE1 to read: “3 b) whether the proposals would be sympathetic to the character and appearance <u>significance</u> of the asset..... 3 c) whether the proposals would preserve and, where possible enhance <u>better reveal</u> the character or appearance of the heritage asset.....”

Appendix A: Statement of Common Ground Between Nottingham City Council and Nottingham Trent University (NTU)

Introduction

1.1 This Statement of Common Ground (SofCG) is in response to the Issues raised by the Inspector in her Matters, Issues and Questions in her examination of the Nottingham City Land and Planning Policies Development Plan Document - Local Plan Part 2 (LAPP). Specifically this relates to questions in;

Matter 6: Development Management policies – Places for People,
Issue 1: Housing Size, Mix and Choice,

Policy HO5: Locations for Purpose Built Student Accommodation

Q1. Is policy HO5 positively prepared, justified, effective and consistent with national policy in the context of the ACS?

Q3. Is the requirement in the policy for developers to demonstrate a need for student accommodation or be in receipt of a formal agreement with a university justified particularly in the light of recent evidence regarding vacancy levels in purpose built student accommodation [LAPP.NCC11]?

Policy HO6: Houses in Multiple Occupation (HMOs) and Purpose Built Student Accommodation

Q1. Is policy HO6 positively prepared, justified, effective and consistent with national policy?

Summary of Consultation Comments

1.2 At the Consultation stage of the Publication version LAPP (2016) Nottingham Trent University (3520) raised a number of consultation comments in relation to Policy HO5: Locations for Purpose Built Student Accommodation and Policy HO6: Houses in Multiple Occupation (HMOs) and Purpose Built Student Accommodation. Nottingham City Council positively considered these comments and proposed some changes to both policies as a direct result. At the Revised Publication Consultation stage (2017) NTU subsequently confirmed that these proposed changes were supported.

1.3 A detailed summary of the representations received from NTU and the agreed revisions to both Policy HO5 and HO6 are set out in Appendix 1.

Points of Agreement Between NCC and NTU on Policy HO5 and HO6

Agreement 1

- 1.4 Both policy HO5 and HO6 introduces the requirement for a needs argument for new Purpose Built Student Accommodation (PBSA) schemes coming forward as well as encouraging greater quality of schemes and adaptability to other uses if schemes were no longer viable for student occupation.
- 1.5 The policies will encourage high quality schemes to come forward for specific student markets and further encourage students out of traditional housing stock particularly in areas where there are existing high concentrations. Manchester's Core Strategy (Policy H12 Purpose Built Student Accommodation) adopted July 2012 uses the same need criteria (see criteria 9 on page 129) that is in Policy HO5 and HO6 and has been used in subsequent appeals to refused schemes where the need argument has not been fully justified. This adopted policy therefore sets a precedent for such an approach.

Agreement 2

- 1.6 Both NCC and NTU consider it appropriate to pursue a need requirement for new schemes or a formal agreement with a University or another provider of Higher Education, given the significant level of PBSA development in the City over recent years. Further the policy is future proofed to adapt to a scenario where monitoring were to show over supply within the PBSA market. In addition, the policy will also importantly ensure developers provide accommodation to meet the needs of students as opposed to the needs of the market and provide for a wider range of PBSA types.
- 1.7 Recent monitoring has shown that the fall of Student Council Tax Exemptions in traditional housing areas, which can partly be attributed to the growth in PBSA, has flat lined as student numbers have continued to rise. The Council therefore needs to continue to promote PBSA in appropriate locations where the need is fully justified, and it meets a specific identified accommodation requirement.

Agreement 3


- 1.8 NCC and NTU consider the need requirement within the policies will encourage developers to work with Universities and other Higher Education providers to ensure greater control over matters such as space standards and overall the quality of PBSA should increase and become more attractive to students. By encouraging developers to have a closer relationship with Universities or other Higher Education providers this should ensure that

schemes are appropriate in terms of location and quality and are successful in attracting students to this form of accommodation. This policy intervention is also required to ensure the Council can continue to make progress against wider housing objectives of housing students in PBSA and returning high concentration areas back to family housing and ultimately help in 're-balancing' communities.

Conclusion

- 1.9 This SoCG emphasises the positive working relationship between NCC and NTU and specifically reflects the joint aspirations to promote additional Purpose Built Student Accommodation subject to appropriate location and design, and where the need for the accommodation has been clearly justified.


Signed on behalf of Nottingham City Council





**Nottingham
City Council**

Signed on behalf of Nottingham Trent
University

 (FREETHS LLP)

NOTTINGHAM^{NTU}
TRENT UNIVERSITY

Appendix 1: Summary of Comments from NTU on Purpose Built Student Accommodation Issues on LAPP Consultations

Policy HO5: Locations for Purpose Built Student Accommodation				
NTU's Rep No.	Summary of NTU's Consultation Response to Publication LAPP	NCC Response and any subsequent changes in the Revised Publication Version LAPP	NTU's Rep No.	Subsequent Summary of NTU's Consultation Response to Revised Publication LAPP
4055	Nottingham Trent University suggested amending the Policy to ensure that developments away from University Campuses or allocated sites for student accommodation will be acceptable subject to developers demonstrating there is a need for additional student accommodation or that they have entered into a formal agreement with a University or another provider of Higher Education.	The suggested text incorporated into the Revised Publication LAPP. Proposed Change PC085 Policy HO5 amended with additional text: "Purpose built student accommodation of an appropriate scale and design will be encouraged in the following locations, <u>subject to developers demonstrating that there is a need for additional student accommodation or that they have entered into a formal agreement with a University or another provider of Higher Education for the supply of bedspaces created by the development; ...</u> "	5130	The University supports the proposed change which follows their suggestion made at the Publication Version stage consultation and provides a more 'justified' policy.
4058	Nottingham Trent University suggested additional text explaining how the evidence of 'need' will be considered including capacity of existing stock, waiting lists, pipeline permissions, consultation with Higher Education providers and reference to the Council's Annual Monitoring Report.	The suggested text incorporated into the Revised Publication LAPP. Proposed Change PC088 Additional para inserted to justification text adding following para after 4.50 "... <u>The evidence of 'need' for additional student accommodation should include, but not be limited to, capacity assessment of existing stock (both University and privately-owned stock) including any waiting lists for existing places, an appraisal of schemes in the planning pipeline (under construction, with planning permission and current applications), consultation with Higher Education providers and reference to the Council's latest Annual Monitoring Report which contains information on student numbers and completed bed spaces.</u> "	5131	The University supports the proposed change which follows their suggestion made at the Publication Version stage consultation and provides a more 'justified' policy.

Policy HO6: Houses in Multiple Occupation (HMOs) and Purpose Built Student Accommodation				
NTU's Rep No	Summary of NTU's Consultation Response to Publication LAPP	NCC Response and any subsequent changes in the Revised Publication Version LAPP	NTU's Rep No.	Subsequent Summary of NTU's Consultation Response to Revised Publication LAPP
4888	Nottingham Trent University proposed changes to Policy HO6 on minimal space standards and provides text requiring adequate communal space/facilities and student drop off collection arrangements. They also suggested a SPD on minimum space standards and general layout of new accommodation schemes.	The suggested text was mainly agreed. However Criteria h) of Policy HO6 which deals with adaptability of new schemes will ensure that those coming forward can adequately show that the layout could be altered to general housing stock in the future if required rather than imposing national space standards on new student schemes. In addition, the NPPF requires space standards to be in a local plan rather than an SPD and it is considered there are sufficient policies in the Plan to deal with the matters raised as every new scheme will be dealt with on its merits. See Proposed Change PC089 Policy HO6 has been amended with the additional criteria: "i) <u>Whether the proposal in respect of purpose built accommodation includes appropriate room sizes and provides adequate communal space/ facilities, and student drop off/ collection arrangements</u> "	5132	The University supports the proposed change which follows their suggestion made at the Publication Version stage consultation and provides a more 'justified' policy.
4889	Nottingham Trent University suggest amended the policy to say that the need for the development could be through formal agreement with a University or another provider of Higher Education.	It is considered that this issue is covered by Policy HO5 as amended. Therefore no further change was proposed.	n/a	No further comment received