

COUNTY DURHAM PLAN PRE-SUBMISSION DRAFT - Consultation January 2019

For Office Use Only
Consultee ID:
Received:
Acknowledged:
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Please use a separate form for each representation.

NAME & ADDRESS (Block Capitals) THE CITY OF DURHAM TRUST c/o BHP LAW, AIRE HOUSE, MANDALE BUSINESS PARK, BELMONT, DURHAM DH1 1TH Email Address trust@DurhamCity.org	NAME & ADDRESS (AGENT)(IF APPLICABLE) Email Address
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Preferred method of contact (please tick): Email Letter

To which part of the County Durham Plan does your representation relate?

Site Name Paragraph Policy no Policies Map

Q1 - Do you consider that this policy/proposal of the Pre-Submission Draft Local Plan is to be Legally and Procedurally Compliant and Sound?

(Please note the considerations in relation to the Local Plan being 'Legally and Procedurally Compliant' (Please see guidance notes).
(Please select one answer for each question)

	Yes (Go to Q2)	No (Go to Q3)
Legally and Procedurally Compliant	<input type="radio"/>	<input checked="" type="radio"/>
Sound	<input type="radio"/>	<input checked="" type="radio"/>

Q2 - If you consider that this policy/proposal of the Pre-Submission Draft Local Plan is Legally and Procedurally Compliant and Sound please use this box to explain why?

Please note your representation should cover all the information, evidence and supporting information necessary to support/justify the representation and the suggested change, as there is no opportunity to submit further representations unless requested to do so by the Inspector, based on the matters he/she identifies for examination.

(Go to Q6)

Q3 - Why do you consider that this Policy/Proposal of the Pre-Submission Draft Local Plan is not Legally and Procedurally Compliant or Sound? (Please select all that apply)

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

Q4 - If you do not consider this policy/proposal of the Pre-Submission Draft Local Plan to be Legally and Procedurally Compliant or Sound please use this box to explain why.

Please note your representation should cover all the information, evidence and supporting information necessary to support/justify the representation as there is no opportunity to submit further representations unless requested to do so by the Inspector, based on the matters he/she identifies for examination.

The City of Durham Trust welcomes the inclusion within the Pre-Submission Draft Plan of a policy relating to Durham University's growth aspirations and to the impact of student accommodation needs upon the local housing market in the City. It also agrees that this issue is so significant as to warrant it being one of the County Plan's strategic policies. However, the Trust considers that the relevant section of the Pre-Submission document and the more detailed impact paper included in the supporting evidence do not provide an adequate context for properly assessing the full impact of the University's plans to increase its student numbers in Durham City by 40% over the decade to 2026/27, nor do they offer a sufficient basis for informed policy making that respects the wider public interest. Indeed, the Council's Impact Study itself concludes by acknowledging that the relevant policies and proposals will need to evolve further as the Plan develops.¹ The Trust endorses this statement, and considers in particular that the Pre-Submission draft Policy 16.1 should be strengthened considerably if it is to provide an effective planning framework for managing the scale of these potential impacts.

The Trust acknowledges that Durham University plays a valued role in the economy of the city and the county. However, if the generous assumptions of the University's own consultants, Biggar Economics, are accepted, Durham University's activities represented only 5.1% of the county's total £7.9 billion Gross Value Added in 2014.² The same consultants have also clearly shown in this and their other studies that Durham is proportionately less effective than comparable universities in returning benefits from its activities to its local area, and their report for Durham University specifically drew attention to the relatively low level of what were described as "purposeful impacts" on the Durham economy.³ The Trust is therefore concerned that, through the Memorandum of Understanding between the Council and the University, the latter appears to have been granted favoured status by the local planning authority when in reality the overwhelming bulk of the gross value added within the County and of the resulting employment is generated by other sectors of the local economy.

Evidence base

The Pre-Submission document incorporates references to the University's Strategy and Estate Masterplan for the period 2016/17 to 2026/27. The Trust notes in particular the statement in paragraph 5.10 that the University has consulted on this document, and that the university governing bodies will be considering various options in the light of this consultation. The Trust questions the accuracy of this statement on two grounds. First, the University's public consultation on the Masterplan would not meet any of the accepted standards for such consultation, certainly not the County Durham Statement of Community Involvement⁴. It was cursory in the extreme, and limited to a few public events, at which the only documentation available for inspection was a small array of display material. The Masterplan document itself was not made available as part of the public consultation, and although a very brief summary was subsequently issued the full document referred to in paragraph 5.10 was only released in August 2018 following a Freedom of Information request. Secondly, so far as the role of the outcome of public consultation in the University's future option appraisal and selection is concerned, the Vice Chancellor has repeatedly made it clear that options have already been determined by the University authorities and that it is intended to implement them regardless of public feedback. In view of this, the Trust considers that the Estate Masterplan should be included in its entirety as part of the publicly-available

1 Durham County Council, *Durham University impact study* (2018), paragraph 9.1. (Cited subsequently as Impact Study)

2 Biggar Consulting, *The economic impact of Durham University* (2016), Table 11.4, p 67.

3 *Ibid*, pp 67-70.

4 <http://www.durham.gov.uk/media/4562/Statement-of-Community-Involvement-planing-/pdf/StatementofCommunityInvolvement2019.pdf>

evidence base for the County Plan, together with the associated statement of consultation by the University.

Similarly, the Pre-Submission Plan and the Impact Study repeatedly refer to the University Strategy. But the full text of this document is also not available for public inspection; only a short summary is available, and much of this version appears to consist of nothing more than promotional material, apparently prepared by its consultants, Biggar Economics. The full version of that Strategy should also be included in the evidence base for the Plan and made available for public scrutiny.

The structure of Policy 16

The Trust suggests that Policy 16 should be split into a strategic policy for the University's development and for the six identified PBSAs and then non-strategic policies for development management criteria for PBSAs and for HMOs, so as to accord with NNP definition of Strategic/Non-Strategic..

The scope of Policy 16.1

The current drafting of Policy 16.1 needs to be strengthened considerably if it is to be effective in managing what the Council itself has identified as one of the key strategic issues to be addressed by the Plan. Read in isolation, much of the wording of Policy 16.1 could be regarded as unexceptionable – few could quarrel with the bland preamble in the first indent of the draft policy that the University should continue to “evolve and compete”, subject to the development management conditions that are outlined.

The problem is, however, that this policy wording *cannot* be taken in isolation – it clearly needs to be read in conjunction with the supporting text in of the Pre-Submission document. Paragraph 5.121 and earlier comments in paragraph 5.8 appear to accept without question the University Strategy's aspiration to increase student numbers at the Durham City campus by 6,000 by the start of the 2026/27 academic year. If this is the Plan's definition of the actual planning issue that the Council intends to address through draft Policy 16.1, then both the wording of the preamble and the content of the policy are completely inadequate for the task. Change at that scale and speed – 40% growth in the decade following the 2016/17 academic year – cannot be categorised as evolutionary, especially within a context where Durham is the only host city of a Russell Group university with a population of fewer than 100,000. In 2011 the next smallest host city, Cambridge, had over 120,000 residents – well over twice as many as Durham City.

On the Council's own calculations, at the 2011 census students already represented 28.6% of Durham City's resident population, well before the unprecedented current absolute growth in the size of the Durham campus's student body was kick-started in 2017/18 by the transfer of the first tranche of undergraduates from Stockton.⁵ The highest student density of other major university cities appears to be that at Oxford, where the council estimated that students at the city's two universities constituted about 20% of the total population in 2010.⁶ But not only were there fewer students in Oxford than in Durham proportionate to the resident population, but a significantly higher proportion of Oxford's students lived in university-provided accommodation – about 75% in the 2010/11 academic year.⁷ In the same year the Durham proportion was only 40%.⁸ While Durham University's aspiration of 50% - 55% is certainly an improvement, it lags well behind what both of Oxford's universities were achieving at the end of the last decade.

With Durham City already having the highest proportion of students in its resident population of any English university city, and with the majority of those students living in privately-rented accommodation as recently as 2016/17,⁹ it is not surprising that the adverse impacts of “studentification” are among the main concerns raised by Trust members at its meetings, nor that such vigorous opposition to any further expansion in student numbers was expressed at the University's public meetings last year. The Council's own Impact Study repeatedly identifies areas where the University's impacts on its host community require mitigation, but effective means of delivering such mitigation measures have not been specified. Draft Policy 16 proposes limited measures for containing the effects of student accommodation demand on the city's land and housing markets, but this is too little, too late. Contrary to what seems to be implied in the Impact Study and to the apparent intent of draft Policy 17, an aspiration of 50% - 55% of students accommodated in university-controlled bed spaces would still require an absolute increase in privately-rented accommodation if the University expands student numbers as it wishes. Other adverse social and infrastructural impacts identified in the Impact Study would not be addressed by draft Policy 16.

Strengthening Policy 16

5 *Impact Study*, paragraphs 8.1; 8.9-10.

6 Oxford City Council, *Student numbers in Oxford* (2012), p 4.

7 *Ibid*, p 4; p14.

8 *Impact Study*, pp 21;32.

9 *Impact Study*, pp 21;32.

Policy 16.1

The fundamental problem with Policy 16.1 is that it appears to rest on the uncritical acceptance that the University's growth targets are reasonable and will deliver wider benefit in addition to commercial advantage to the University itself; that Durham City has the capacity to absorb such unprecedented and rapid growth in student numbers; and that the impacts of the growth process can be managed by light-touch development control measures which will require the University to restrict its development to its existing estate and which will belatedly address the issue of private purpose-built student accommodation as well as strengthening controls on HMOs.

None of these propositions has been evidenced adequately by either the University or within the Pre-Submission document and its supporting papers. As stated earlier in this note, work by the University's own consultants demonstrates that Durham University is less effective than comparator universities in retaining benefit from its operations in its own locality, and that Durham University is actually a relatively small component of the county economy. The University asserts rather than demonstrates that expansion will automatically increase the benefit it brings to the city, county and region by increasing its "competitiveness" and research intensity, yet the universities that out-perform Durham in UK league-tables of the attractiveness of their overall offer to intending students – Oxford, Cambridge, St Andrews, and most recently Loughborough – all have *fewer* undergraduates than Durham, while the direct effect of the University's strategy would be to *dilute* Durham's research intensiveness – already only middle-ranking among its Russell Group peers – by increasing undergraduate numbers proportionately more than those of research postgraduates. This is the opposite of the strategy of Durham's two leading competitors, the universities of Oxford and of Cambridge.

Most fundamentally, however, the University's assessment of the wider benefits it confers takes no account of the direct and indirect costs that its activities also impose on the wider economy, costs that inevitably fall most heavily on Durham City and its residents. Though the Impact Study identifies many of these impacts, it provides no score-card to support the statement that the University's planned expansion would be beneficial, nor any explanation of why 6,000 extra students represent the optimal figure.

In most comparable situations, a plan-making body proposing to commit to a development programme of the scale and impact that is envisaged by the University's Estate Masterplan and Strategy would be required to complete sustainability and environmental impact assessments as an integral part of the approval process. While the Council's own Impact Study is a commendable start, it is insufficient for this purpose because of the lack of systematic quantification of positive and negative impacts: moreover, it is difficult to understand why the county's council-tax payers should be expected to fund work of this nature arising from a third party's proposals.

The Trust considers that, regardless of the outcome of these assessments, the existing preamble of draft Policy 16.1 should be revised to incorporate more stringent prior conditions which impose a numerical rather than a proportionate obligation upon the University to meet its student housing demand through the provision of directly-managed accommodation, and this obligation should be based upon a stretch target, phased if necessary by negotiation but with the outcome embodied within the County Plan as eventually adopted.

A highly relevant precedent is provided by Oxford City Council Core Strategy 25, which forms part of that authority's adopted Local Plan and has been applied since 2011. It was approved after Examination in Public by the government-appointed Inspector, so the inclusion of such a provision would reflect established national planning practice. For ease of reference the full text of the Oxford policy is set out below:

Policy CS25

Student accommodation

Planning permission will only be granted for additional academic/administrative accommodation for the University of Oxford and Oxford Brookes University where that University can demonstrate: in the first place that the number of full-time students at that University, who live in Oxford but outside of university-provided accommodation, will, before the particular development is completed, be below the 3,000 level and once that figure is reached, thereafter will not exceed that level. All future increases in student numbers at the two universities as a result of increases in academic/administrative floor-space must be matched by a corresponding increase in purpose-built student accommodation.

Student accommodation will be restricted in occupation to students in full-time education on courses of an academic year or more. Appropriate management controls will be secured, including an undertaking that students do not bring cars to Oxford.

Source: Oxford City Council, *Core Strategy 2026* (2011), page 112.

This wording reflects the fact that there are two universities in Oxford, but it is important to note that exactly the same conditions apply to the relatively new Oxford Brookes University as to the much-better endowed ancient University of Oxford. Durham University could not therefore argue that its lack of comparable endowment makes such a policy inappropriate to its circumstances. Coincidentally, the two universities at Oxford are much

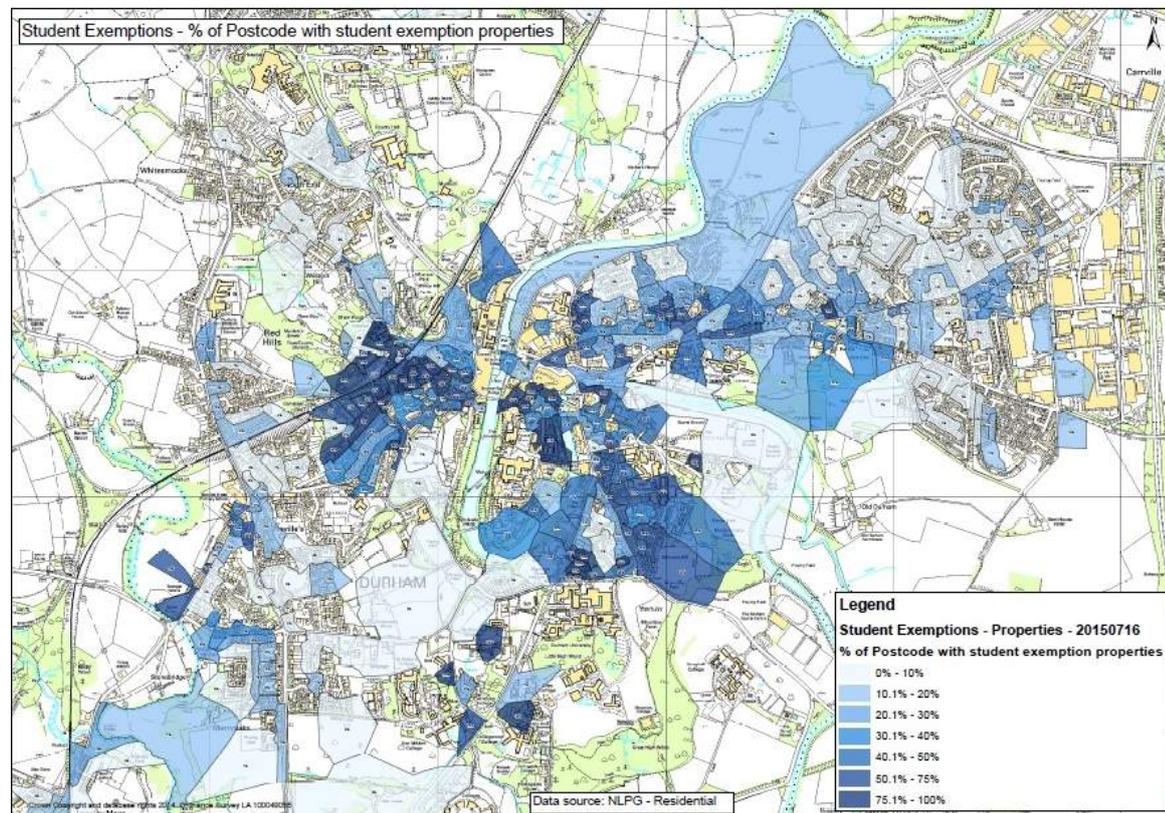
the same size and, although their undergraduate/postgraduate mixes differ, their total student bodies to which Core Strategy 25 applies are each similar in size to Durham University's currently-projected 2026 total. The lack of any real ambition in Durham's target for accepting responsibility for accommodating its own students is demonstrated by the fact that, even at the 55% upper bound of this target, 9,675 students in Durham would be living outside university-provided or managed accommodation at the start of the 2026/27 academic year, 3,675 more than the enforceable limit applied by the local authority in Oxford, a much larger city with around twice the number of students as Durham.

The Trust therefore urges the County Council to embody a similar provision in its revision of Policy 16.1, and in the interim to apply equivalent conditions to all planning applications by Durham University for additional academic or administrative floor space. While, as noted above, the limit on the number of students not provided for by university-managed accommodation may require negotiation and possible phasing, that figure should be determined by the County Council in the wider public interest rather than in terms of the University's business planning priorities.

It should be noted that privately built and managed PBSAs are classed as living out. They need to be controlled formally by a College, with all the on-site pastoral and behavioural support that goes with a College, to count as living in. For example, this year the students at Rushford Court are living out, but next year they will be in John Snow College with University supervision and thus living in. Similarly, New Kepier Court off Mayorswell Close is being used to accommodate students from University College but the University does not have a management or pastoral presence there, and so it should properly be classed as living out.

The Trust would suggest that the starting maximum of the number of students living out of College should be at most 6,000 which, from the data in the Council's Impact Study, would roughly equate to the number of Durham students living in private rented accommodation in the 2011/12 academic year, before the announcement of the Stockton campus closure and the onset of the current expansion of student numbers. It would also be twice the level permitted to each of the two Oxford universities, so could not be regarded as onerous or innovatory for a university such as Durham with its existing collegiate structure. Over the Plan period, the maximum should then be reduced in phases to 3,000 by 2026/27, to encourage the restoration of HMOs to their former use as private housing.

During consultation in 2015 on an Article 4 Direction to control change of use from C3 to C4, the County Council provided a map (displayed below) of percentages of properties exempt from paying Council Tax and thus are the known HMOs in postcode areas. It was clear that at that stage the process of "studentification" had already gone too far in many parts of the city, and so a stronger planning policy is required to restore more balanced communities. Assuming a pessimistic average figure of 5 students per HMO, a reduction of 3,000 students in HMO accommodation would help to meet the general housing need for Durham City by providing at least 600 homes in sustainable city-centre locations, obviating the need for unsustainable green belt releases.



Policy 16.1 sub-clauses

If the preamble of Policy 16.1 is adjusted as proposed above, by requiring full impact statements for the University's Strategy and Estate Masterplan proposals, and by incorporating an absolute limit on the number of students not provided for by university-managed accommodation as an enforceable pre-condition of any University planning application for additional academic and administrative floor space, the Trust would accept the improved detail in the lettered conditions (a)-(h).

Policy 16.2

Policy 16.2 is welcome in allocating specific sites for PBSAs on the University's own estate. There remains concern about the loss of the Elvet Hill car park, in that it needs to be made clear whether this car parking capacity is to be replaced elsewhere and how it relates to a comprehensive Travel Plan for the University Estate.

The Trust endorses the proposal of the City of Durham Parish Council that in order to promote, create and maintain sustainable, inclusive and mixed communities, any development proposal for new, extensions to, or conversions to, Purpose Built Student Accommodation other than on the six allocated sites will not be permitted if more than 10% of the total number of residential units within 100 metres of the application site are already in use as HMOs or student accommodation exempt from council tax charges.

Policy 16.3

The Trust welcomes the improvements put forward in Policy 16.3 for the approach to Houses in Multiple Occupation, and again endorses the City of Durham Parish Council's proposal that part (a) of Policy 16.3 should be slightly modified to replace the word 'properties' with the words 'residential units'. The Trust also endorses the City of Durham Parish Council's proposal that the beginning of the policy should restore the term "extensions that result in additional bed-spaces" that was included in the Interim Policy and in Preferred Options.

The City of Durham Trust does not support the 'exemption' clause to not resist a new HMO where a high proportion of existing properties within the 100 metres radius are already HMOs. The application of this part of the Interim Policy has proved to be perceived as arbitrary. Individual exemptions are best dealt with on the basis of particular hardship circumstances.

The City of Durham Trust's conclusions on Policy 16 are that, whilst welcoming the major improvements being put forward as compared with previous drafts, it does not provide a sustainable strategy for managing the scale and pace of growth of Durham University such as to be in balance with the economic, social or environmental health and qualities of its host - Durham City and it is therefore not **Positively Prepared**. On the same grounds it is not **Justified**, because it is an inadequate strategy. Furthermore, it is not **Effective** because it is not deliverable without causing severe harm to the economic, social or environmental qualities of Durham City.

Q5 - What change(s) do you consider necessary to make this policy/proposal of the Pre-Submission Draft Plan Legally and Procedurally Compliant and Sound?

Dividing Policy 16 into three Policies be helpful. Taking Policy 16 as presently constructed: the Trust considers that **Policy 16.1** should be revised to include an opening statement that any inclusion of the University's Strategy and Estate Masterplan proposals within the County Plan should be conditional upon the University's prior completion of, and public and statutory consultation upon, full Sustainability and Environmental Impact assessments. Further, **Policy 16.1** should incorporate more stringent prior conditions which impose a numerical rather than a proportionate obligation upon the University to meet its student housing demand through the provision of directly-managed accommodation, and this obligation should be based upon a stretch target, phased if necessary by negotiation but with the outcome embodied within the County Plan as eventually adopted. The policy should require full impact statements for the University's Strategy and Estate Masterplan proposals, and incorporate an absolute limit on the number of students not provided for by university-managed accommodation as an enforceable pre-condition of any University planning application for additional academic and administrative floor space.

Policy 16.2 should be a Non-Strategic separate policy. The Trust endorses the proposal of the City of Durham Parish Council that the policy should state: "in order to promote, create and maintain sustainable, inclusive and mixed communities, any development proposal for new, extensions to, or conversions to, Purpose Built Student Accommodation other than on the six allocated sites will not be permitted if more than 10% of the total number of residential units within 100 metres of the application site are already in use as HMOs or student accommodation exempt from council tax charges. Further, in order to mitigate any changes in market demand over the plan period, any such proposal will be required to demonstrate in its design and means

of construction the potential for conversion to other type(s) of residential use.”

Policy 16.3 should be a Non-Strategic separate policy, particularly as not all HMOs are associated with Durham University (for example, an HMO proposed at Framwellgate Moor for students of the further education college called New College Durham). The policy should state : “ **In order to promote the creation of sustainable, inclusive and mixed communities and maintain an appropriate housing mix, applications for new build Houses in Multiple Occupation (both C4 and sui generis), extensions that result in additional bed-spaces, and changes of use from any use to:**

- a Class C4 (House in Multiple Occupation), where planning permission is required; or
- a House in Multiple Occupation in a sui generis use (more than six people sharing)

will not be permitted if:

(a) more than 10% of the total number of residential units within 100 metres of the application site are already in use as HMOs or student accommodation exempt from council tax charges;.....”

The ‘exemption’ clause to not resist a new HMO where a high proportion of existing properties within the 100 metres radius are already HMOs should be deleted.

Q6 - Do you wish to participate in the Examination in Public? (Please note that the Planning Inspector will make the final decision on who will be invited to attend individual sessions at the Examination)

Yes No

Q7 - Do you want to be informed of the following:

- | | | | | |
|---|-----|-------------------------------------|----|--------------------------|
| • Submission of the Local Plan to the Secretary of State? | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> |
| • The publication of the Inspector’s report*? | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> |
| • Consultation on any Main Modifications? | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> |
| • The adoption of the County Durham Plan? | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> |

(*Note an independent Government appointed Planning Inspector will examine the County Durham Plan and produce an Inspector’s report).

Please send the completed question response forms to:

FREEPOST SPATIAL POLICY

Responses can also be sent by email to:

CDPconsultation@durham.gov.uk

However, we would prefer if you made your responses online, via our interactive website:

<http://durhamcc-consult.limehouse.co.uk/portal/planning/>

In order to make responses online, you may need to register. This is quick and easy to do.

Find out how and why we collect information about you, what we collect and who we share it with. More information can be found at:

<http://www.durham.gov.uk/dataprivacy>

**CLOSING DATE FOR RESPONSES –
4:30PM 8 MARCH 2019**