

6 April 2023

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Dear Mr Kelleher

**Draft Supplementary Planning Document on Housing Needs  
and Interim Policy Statement on First Homes, December 2022**

Thank you very much indeed for the opportunity to comment on the above draft document. The City of Durham Trust strongly supports the County Council's initiative in producing a range of SPDs to assist with interpretation and application of particular County Durham Plan policies. We share the desire to secure consistent and focussed planning applications and submissions that address the requirements laid down in policies and to remove the difficulties that have been experienced by Members, officers, applicants and consultees in some cases.

We have posted our answers to the questions using the on-line facility but have also set them out in this letter so that we can express the above contextual paragraph to you.

**Question 1: Do you agree with the proposed scope and content of the SPD?** Yes, the Trust agrees, and also support the usefulness of a housing need template for Neighbourhood Plan areas as mentioned in paragraph 4.5.

**Question 2: Do you have any comments on the Accessible and Adaptable Home Statement and M4(2) Checklist?**

The Trust is strongly supportive of paragraph 2.4: the applicant must demonstrate compliance with Policy 15; the provision of the information is compulsory; and the applicant must answer questions 1-6 or the application will not be validated.

**Question 3: Do you have any comments on the guidance on Multi-Generational Homes section of the SPD?**

The Trust welcomes this text which makes clear what characteristics constitute multi-generational homes and what do not. Paragraph 5.115 of the County Durham Plan explains that the viability assessment has been based on bungalows, and the Trust considers that the SPD should emphasise bungalows as a principal form of housing for meeting the needs of older

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people. The SPD should also highlight the importance of locational issues such as access to public transport and local services and the benefits of being clustered together for mutual social interaction.

## **Question 4: Do you have any comments on the Local Area Housing Needs Assessments template?**

The Trust considers that paragraph 4.3 is important for stating that exceptions must be justified on the basis of a pressing local need for affordable housing. It is noted that this should be demonstrated by appropriate evidence including a local needs study. We propose an equivalent approach for Policy 16.2(a). Consultation on local needs must be truly local and for the particular settlement; consultees have to include the Parish Council where there is one.

Given that Neighbourhood Plans can allocate housing sites beyond those identified in the County Durham Plan there ought to be more mention of Neighbourhood Plans, especially as what is being assessed is all about assessing local housing needs, which is an important feature of Neighbourhood Plans. This could be addressed by an extra bullet point in paragraph 4.8.

## **Question 5: Do you have any comments on the PBSA needs assessment template?**

The Trust welcomes much of what is proposed here but believes that some improvements are necessary in order to achieve the clarity needed, given experience of considerable difficulties for all concerned in agreeing what is required to meet the terms of Policy 16.2 (a) and (b).

Paragraph 5.7 of the draft SPD references the University growth strategy to 2026/27 and states:

*“this accommodation strategy is likely to be updated at regular intervals and it is important that applicants make reference to the most up-to-date accommodation strategy or student numbers published by Durham University or the relevant education provider.”*

The Trust recognises that the University Strategy sets out the quantum of growth to achieve the target total of 21,500 students by the year 2026/27, but the only element that represents an accommodation strategy is:

*“We are committed to housing over 50% of our students in College accommodation by 2027. To meet this objective the University will establish four to six new Colleges in partnership with private sector developers.”*

This aspiration has been overtaken by events, and the Trust urges the County Council and the University together to develop a comprehensive accommodation strategy that covers how all 21,500 students will be accommodated consistent with the County Durham Plan’s intention “ to deliver student accommodation to create inclusive places in line with the objective of creating mixed and balanced communities.” (paragraph 5.125).

This joint County Council/University strategy would recognise the serious community imbalance created through University expansion which has resulted in many streets in the inner city having a proportion of HMOs far exceeding the limit of 10% currently applied via Article 4 direction, and should include measures to deliver a rebalancing of these areas.

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The draft SPD is directed at applying the first two requirements of County Durham Plan Policy 16.2:

**“All proposals for new, extensions to, or conversions to, Purpose-Built Student Accommodation on sites not allocated for student accommodation, will be required to demonstrate:**

- a that there is a need for additional student accommodation of this type in this location;**
- b consultation with the relevant education provider pursuant to the identified need.”**

The proposed assessment to meet Policy 16.2a is in two steps: first quantitative need, then qualitative need.

For Step A quantitative need the text of the draft SPD in paragraph 5.13 says that applicants should:

- set out number of bedrooms as well as the number of students to be housed (bedspaces).
- reference the current University Masterplan.
- provide some narrative text to set out:
  - how need reflects existing supply.
  - why range and choice etc in market are important and how that fits with the qualitative elements set out below.
  - the context of need, i.e. that it is possible that purpose built student accommodation schemes will also be proposed on non-allocated sites during the plan period and parts (a) to (i) set out criteria to manage such developments.”

The Trust is most concerned that this checklist requires less of the applicant than County Durham Plan 5.141 which states:

*“The consideration of ‘need’ for additional student accommodation which developers must undertake shall include, but not be limited to, the potential contribution of schemes with planning consent; and University student growth forecasts. Developers should demonstrate what specific need the proposal is aimed at and why this need is currently unmet, giving consideration to the type of accommodation proposed. In seeking to meet need, the council recognises that PBSA can increase choice for the student population and is an alternative to Houses in Multiple Occupation (HMO).”*

The Trust observes that the checklist proposed in the SPD omits the crucial requirement to show how the proposal meets an identified quantitative need, as set out in Policy 16.2a and paragraph 5.141 of the County Durham Plan.

There has to be a requirement for proper quantitative evidence to be provided by the applicant, as there is for Local Area Housing Need assessments, identifying through survey evidence the segment(s) of the student market for which the proposal claims to meet a quantified need of the particular type in the particular location. Anything less than this not only negates the approved County Durham Plan Policy 16.2a and paragraph 5.141 but also permits the mis-information that has been promulgated around recent applications. This evidence should include genuine consultation with Durham Students Union and Junior Common Rooms.

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To assist in making sure that quantitative need is in the correct context, the Trust considers that there should be an annual joint declaration by the University and the County Council as to the overall quantities of need - how many students in total now, of whom how many are in Durham City/Central Durham, how many more will there be to meet the target for 2026/27 of 21,500; how many bed-spaces there are now in Durham City/Central Durham, and therefore what if any is the shortfall. The accompanying narrative should acknowledge that there has to be choice in the market so some surplus is justifiable and also should set out the additional future capacity 'in the pipeline' from PBSAs with planning permission but not yet constructed.

Published data should include best estimates of the rate of occupancy of PBSA and college accommodation and the spatial distribution and capacity of student HMOs. Gathering and publishing such data annually will provide a sound evidence base for review of the current planning policies, and help to determine if they are delivering.

The second step in assessing 'need' is qualitative need. **The Trust considers that it is only if the application satisfies the evidential requirements on quantitative need does the question of qualitative need arise.**

On Step B qualitative need the text of paragraph 5.14 is extensive. Strictly speaking, the checklist ought to be just about type and location as specified in the approved Policy. Otherwise there is a risk of being disregarded as an attempt to create new policy. There are in addition many other aspects of quality which are to be addressed such as air quality and open space, so it would be worth making clear that relevant County Durham Plan and Neighbourhood Plan policies and various regulations apply beyond the requirements of Policy 16.2a.

Turning to Policy 16.2b, this requires:

**"consultation with the relevant education provider pursuant to the identified need."**

County Durham Plan paragraph 5.142 explains:

*"To ensure that PBSA is designed to meet the needs of the students, it is important that the applicant can demonstrate consultation with the relevant education provider. This will ensure that accommodation reflects the accommodation requirements of the student population."*

The checklist set out in the draft SDP paragraph 5.16 seems to the Trust to be right for establishing whether the education provider considers the proposal to be of the right type for the specific location.

## **Question 6: Do you have any comments on the Application of the Nationally Described Space Standard in C Class Uses section of the SPD?**

The flowchart in paragraph 6.6 is most helpful. With regard to the bullet point labelled *Use Class C4/Sui Generis* in paragraph 6.7 we consider that, where the existing residential unit meets the NDSS, then there should be no backtracking, whether by sub-dividing rooms, moving internal walls, building extensions, or otherwise. The resulting residential unit after the development should also meet the NDSS. Our reason is that a change of use back to a family

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home (C3) is permitted development and, if as we hope the University increases the proportion of its students in College or PBSAs, then there could be a surplus of HMOs at some point within the lifetime of the current County Durham Plan. The objective of having more homes that meet the NDSS should not be undermined.

We hope this can be made mandatory, but if the rules on NDSS do not permit this, then the SPD should specifically state that best practice is not to allow this kind of back-tracking.

**Question 7: Do you have any comments on the First Homes Interim Policy Statement?**

The table below paragraph 7.16 seems to be an excellent tool for applying the First Homes requirement in the context of Policy 15. Clearly, there is a crucial factor to consider, namely the average local income.

The Trust hopes that the above comments are helpful in achieving the welcome purpose of this Supplementary Planning Document. We look forward to the consultation on the final draft.

Yours sincerely

**John Lowe**

Chair, City of Durham Trust