

Durham County Local Plan Preferred Options report Submission by City of Durham City Trust

Policy 1 - General Development Principles

Question 4 – This is our preferred Policy. Do you have any comments?

The City of Durham City Trust agrees with these Principles, but would welcome the addition of a further point to address the needs of people with disabilities and dementia, in line with paragraphs 61 and 110(b) of the NPPF (2018).

Policy 2 - Quantity of New Development

Question 6 - This is our preferred option for the number of houses we need. Do you have any comments?

The County Council has accepted the standardised national method for calculating housing need and the most up-to-date Sub-National Household Projections (2014). The Trust welcomes and endorses this approach. Population projections from a 2016 base were published in May, and these show a further reduction in the projected County population in 2035 from 560,200 (2014) to 546,900 (2016). The Sub-National Household Projections (2016) will be published in September and may well reduce the County Durham Objectively Assessed Housing Need and therefore the estimated need in the City of Durham. Due to the very high number of PBSAs that opened in 2017 (1,027 bed-spaces), and due to open in 2018 (1,115 bed-spaces) and 2019 (473 bed-spaces), some HMOs may be released onto the general market and the position as set out in paragraph 4.23 needs to be kept under review.

Policy 4 - Aykley Heads

Question 8 - This is our preferred policy. Do you have any comments?

The Trust notes that the target is for completion of 47,500 square metres of floorspace and that, if the Parking and Accessibility Guidelines are applied, a total of 1,900 car parking spaces associated with the development would be allowed. This would be a more than negligible addition to the peak traffic flow.

The Trust would like to see stronger wording to give assurance that the design and development of the site will contribute to rebalancing the city's dependence on car travel for accessing employment. The policy includes point n: "while providing sufficient parking to major investors and prestige businesses". There is an unwelcome hint in this policy that, in order to attract prestige businesses, the Council might forego the opportunity to effect a real transformation in access to the site, and permit car parking in excess of the guidelines. Many businesses now recognise health and productivity benefits that flow from enabling active travel to workplaces. The text in the Policy, and in paragraph 4.55, should be strengthened to require ambitious travel plans for the site, and to make the most of the site's proximity to the railway station and to areas of housing. The proportion of people driving to work in the site

should be much closer to that achieved by city centre businesses and public sector employers like the Passport Office, rather than a highly car-dependent business park.

The Council should consider retaining the freehold of any car parking areas, and thereby maintain control over the motor traffic generated by the site. Ultimately this would be good for employers, as a co-ordinated permit system would be a useful tool to reduce congestion and encourage sustainable travel. If, over the life of the plan, the Durham City Sustainable Transport Delivery Plan delivers a strong modal shift away from the private car, such that less car parking is required at Aykley Heads, retention of the freehold would allow the Council to realise the value of the land by constructing additional offices or other facilities.

The Trust also notes in relation to point n of Policy 4 that Park and Ride is included as a form of “sustainable transport”. Park and Ride obviously encourages car journeys, albeit slightly truncated ones.

Policy 6: Durham City’s Sustainable Urban Extensions

Question 12 – This is our preferred Policy. Do you have any comments?

We reject the arguments set out for Policy 6. Our reasons are:

- Viability (which is not defined in the Glossary) means that Durham City is the area where House Builders can make the highest profit by selling their houses for the highest prices. The Spatial Vision is for “an accessible, well designed range and choice of good quality housing”. While there will be 25% affordable housing, this is at 80% of market prices. According to the website Rightmove, average house prices in Bowburn were 64% of those in Durham (£114,966 v £181,776), so people looking for houses within their budget are more likely to be able to find them in the villages surrounding Durham than in Durham itself. “Affordable” is a technical term and should not be confused with houses that people can actually afford.
- Paragraph 4.96 unfavourably compares the number of houses with planning permission in Durham with the number in the surrounding area. However, construction starts quickly in Durham once permission is granted whereas elsewhere it is more likely that sites will remain undeveloped though permission has been granted. When comparing areas, recent completions and sites being built out need to be taken into consideration. In Durham City these will include Mount Oswald, Durham Johnson School (Whinney Hill), Potters bank, Former Dairy land at Stonebridge, Aykley Woods (Former Police HQ), and Willowtree Avenue with a total of around 750 houses.
- The argument for sustainability assumes that the residents of the proposed new houses at Sniperley Park and Sherburn Road will work nearby. No evidence is offered for this.
- Different standards are being applied in the Exceptional Circumstances document to the rejected sites when compared to the sites that are put forward. For example, site 1 North of Sacriston would “Result in strain at ... the Blackie Boy roundabout in Durham.” This is due to an estimated 350 trips into Durham. However the Sniperley site is bisected by the road from Sacriston to Durham, the B6532, but no adverse impact on the Blackie Boy roundabout is recorded.

- The Objectively Assessed need will have to be revised when the Household Projections are updated to a 2016 baseline (expected publication in September 2018). Since the population projections have already been published, and the 2016 figures are lower than the 2014 ones, the indication is that the number of households and consequently the OAN will fall, though this will depend on estimated household sizes.
- The 2016 population projections show that the working age population will fall over the Plan period. All the growth is in those over 65, and these have a different demographic and in particular, the link between home and workplace is not important.

Policy 10 - Retail Hierarchy and Town Centre Development

Question 16 - this is our preferred policy, do you have any comments?

The City of Durham City Trust agrees with the approach expressed in paragraph 5.27 of 'town centres first', and shares the concerns in paragraph 5.28 about the challenges facing traditional retailing. As well as the important benefits to shoppers of having a variety of shops to choose between in a central location, retailing provides invaluable economic support for the fabric of the town centre which, in the case of Durham City, consists of very many buildings of historic and architectural importance.

The Trust therefore supports the principles set out in Policy 10. However, there are at present a worrying number of empty shops in the city centre. Given the adverse factors described in paragraph 5.28, it is essential that the Durham city centre 'offer' and the quantum of year-round residents are both improved. The 'offer' involves ensuring that the city centre is an attractive destination with events and venues for the arts in all forms and at the same tackling the deterrent consequences of the 'evening economy'. Approving residential development schemes in and around the city centre is a positive approach to maintaining and increasing the local population. In addition, paragraph 5.57 recognises the value of allowing residential use of upper floors but rules this out in Primary Retail Frontages. With the above points in mind, the Trust suggests that more flexibility should be allowed so that residential uses can be accepted in upper floors, provided this would not have an adverse impact on retail, commercial and tourism activities and the general amenity of neighbouring properties.

Policy 16 - Addressing housing need

Question 22

About 87% of the extra households in County Durham between 2018 and 2035 are aged 75 years and over. Preferred Options requires only 10% of the 6,295 proposed new dwellings in County Durham, i.e. about 630, should be provided for the elderly. The Trust urges that the percentage should be much higher.

Policy 17 - Durham University development, Purpose Built Student Accommodation and Houses in Multiple Occupation

Question 23 - this is our preferred policy, do you have any comments?

The City of Durham Trust strongly welcomes the inclusion within the Council's Preferred Options 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 its identification as one of the County Plan's strategic policies. However, the Trust considers that the relevant section of the Preferred Options 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 43% 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 draft Policy 17.1 set out on pages 104-105 of the Preferred Options consultation needs to 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 recent 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 Preferred Options drafting incorporates references to the University's Estate Masterplan, at paragraphs 4.70, 5.10, and at various points in paragraphs 5.110-121. 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

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.

this consultation. The use of the future tense in this section of paragraph 5.10 presumably reflects the Council's understanding of the University's position.

The Trust questions the accuracy of this understanding on two grounds. First, the University's public consultation on the Masterplan would not meet any of the accepted standards for such consultation – 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 is still treated by the University as confidential. 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 over recent months 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 if the Estate Masterplan and any existing and future decisions based upon claimed public consultation on it are to be founded upon within subsequent versions of the Council's Policy 17, then the Masterplan should be included in its entirety as part of the publicly-available evidence base for the County Plan, together with the associated statement of consultation by the University.

Similarly, the Preferred Options document and the Impact Study repeatedly refer to the University Strategy. But the full text of this document is also not available for public inspection – again, only a short summary is accessible on the University's website, and much of this version appears to consist of nothing more than promotional material, apparently prepared by its consultants, Biggar Economics. If the Council seeks to rely on the University's own strategy document as an input to the County Plan, then the full version of that Strategy should also be included in the evidence base for the Plan and made available for public scrutiny.

The scope of Policy 17.1

The Trust has a number of comments on the detail of sub-clauses a-i of draft policy 17.1 and these will be detailed in later paragraphs. However, the main purpose of this section of the response is to set out why the current drafting of Policy 17.1 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 17.1 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 develop”, 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 Preferred Options document. Paragraph 5.120 and earlier comments in paragraph 5.10 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 17.1, 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 – 43% 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 less than 100,000. In 2011 the next smallest, 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.⁴ 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 2010.⁵ 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.⁶ In the same year the Durham proportion was only 40%;⁷ while Durham University's current target 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 2016/17,⁸ 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 earlier this 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 17 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, a target of 50%-55% of students accommodated in university-controlled bed spaces would still require an absolute increase in privately-rented accommodation if the

⁴ *Impact Study*, paragraphs 8.1; 8.9-10.

⁵ Oxford City Council, *Student numbers in Oxford* (2012), p 4.

⁶ *Ibid*, p 4; p14.

⁷ *Impact Study*, pp 21;32.

⁸ *Impact Study*, pp 21;32.

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 17.

Strengthening Policy 17

Policy 17.1

The fundamental problem with Policy 17.1 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 by either the University or within the Preferred Options document and its supporting papers. As stated earlier in this note, work by the University's own consultants demonstrates that Durham 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 represents 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 therefore considers that Policy 17.1 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.

The Trust also considers that, regardless of the outcome of these assessments, the existing preamble of draft Policy 17.1 should be revised to incorporate more stringent prior conditions which impose a numerical rather than a proportional 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 17.1, 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. The Trust would suggest that the starting maximum 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, and appears to represent an equilibrium figure for the period before student numbers in Durham began to increase significantly. 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.

Policy 17.1 sub-clauses

If the preamble of Policy 17.1 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 as supplemental much of the detail in the lettered conditions (a)-(i) in the existing draft. Some changes are however sought, as noted below. (To avoid repetition, comments on sub-clause g are made first, out of alphabetical sequence of the draft conditions.)

(g) The Trust welcomes the wording of the first sentence in the clause dealing with ecology and bio-diversity, and in particular the reference to taking account of cumulative effects. It considers that this last proviso is particularly important in view of the University's recent practice of making sequential applications. Either the scope of clause (g) should be extended to all potentially harmful impacts, or equivalent wording should be incorporated within clauses d, e, f, and h.

However, the Trust has concerns about the implications of the second sentence of draft Clause g, which appears to restrict the obligation to carry out sequential testing to other sites within the University's control. While acknowledging the planning objective of confining University-related development to the University's estate, there are two problems with this drafting. Firstly, unless some form of "reference Estate" is defined as the locations actually within the University's control when the Plan is adopted, the definition of the totality of such locations will be fluid, as in a free market the University will always be in a position to acquire or dispose of sites. Secondly, there might be situations where the best planning outcome for the wider community as well as for the University as applicant would be for the development to take place on a less harmful site which was not actually in University control at the time the sequential test was carried out. The Trust therefore suggests that the words "within the University's control" should be deleted.

(b) The purpose of this sub-clause is unclear. The wording appears to prioritise the characteristics of the University as a separate area over the “needs and requirements” of the local community. Besides the tautology of the last phrase, this formulation could bias the outcome of applications: the Trust considers that a more balanced condition would be achieved amending it as follows:

It enhances the University as a vibrant, distinctive and diverse area while also respecting the requirements of the local community.

(c) The Trust considers that the words “it will be considered as a major developed site” will either potentially give the University an advantage over other applicants seeking development of existing sites within the Green Belt or create a precedent which other applicants will seek to follow, to the detriment of the integrity of the Green Belt. There is no wording on the face of the NPPF which distinguishes major sites, and surely the words “as a major developed site” are unnecessary if the application is to be determined in accordance with NPPF. It is sufficient to say that any University application for developing an existing site within the Green Belt will be determined against the National Planning Policy Framework (NPPF).

Policy 17.2

The Trust considers that Policy 17.2 on Purpose Built Student Accommodation would benefit from being a stand-alone Policy in its own right. It is welcome in allocating specific sites for PBSAs on the University’s own estate. There is a 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 Neighbourhood Planning Forum 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 17.3

The Trust considers that Policy 17.3 on Houses in Multiple Occupation would benefit from being a stand-alone Policy in its own right. The Trust welcomes the improvements put forward in Policy 17.3 for the approach to Houses in Multiple Occupation, and again endorses the Neighbourhood Planning Forum’s proposal that part (a) of Policy 17.3 should be slightly modified to replace the word ‘properties’ with the words ‘residential units’

In response to Question 24 the Trust supports the preferred site allocations for PBSA with the proviso mentioned above in relation to the loss of the Elvet Hill Car Park for PBSA4.