

DURHAM COUNTY COUNCIL CONSULTATION ON AN INTERIM POLICY ON STUDENT ACCOMMODATION AND ARTICLE 4 DIRECTION IN DURHAM CITY, OCTOBER 2015

Response by the Durham City Neighbourhood Planning Forum
and amenity and community groups in Durham City

The Durham City Neighbourhood Planning Forum and local amenity and community groups (see list below) welcome the County Council's response to their suggestion for an Interim Policy on Student Accommodation, accompanied by an Article 4 Direction.

We present our views below, first on the draft interim policy itself, then on background text, thirdly on the Article 4 Direction and finally on some related matters.

We would be glad to be involved in finalising the policy following the period of public consultation, particularly in providing clarification on the choice and precise wording of criteria by which development proposals will be assessed.

Durham City Neighbourhood Planning Forum
Crossgate Community Partnership
Elvet Residents' Association
Sidegate Residents Association
Whinney Hill Community Group
St Nicholas Community Forum
Nevilles Cross Community Association
Sheraton Park Residents' Association
City of Durham Trust
Friends of the Durham Green Belt
Durham Bicycle Users' Group

PROPOSED INTERIM POLICY

The County Council has adopted nearly all of our proposed interim policy and background text, and this is most welcome, but there are important omissions and additions. In the amendments we propose below, **green** text is our previously suggested insertions (updated where appropriate); **red** text is text we suggested should be deleted (again, updated where appropriate). Each amendment is numbered and explained after the policy and background texts. Reference is made to the relevant saved policies of the City of Durham Local Plan 2004; these will remain in force until replaced by the adopted County Durham Local Plan, and are set out for ease of reference in full as Annex 1.

Policy 32: Houses in Multiple Occupation, Student Accommodation and Purpose Built Student Accommodation

In order to promote sustainable, mixed and balanced communities and maintain an appropriate housing mix in accordance with Paragraph 50 of the National Planning Policy Framework and Paragraph 21 of the Planning Practice Guidance, the following policies will apply.(1)

PART A: HMOs

Applications for new build and extensions to Houses in Multiple Occupation (both C4 and sui generis) 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 more than 10% of the total number of properties within 100 metres of the application site are already in use as licensed HMOs or student accommodation exempt from Council Tax charges, **or the population exceeds 20% of the total population in that area.(2)**

In all cases proposals will only be permitted where:

- a) the quantity of cycle and car parking provided is in line with **the County Council's adopted Car Parking and Accessibility Standards relevant saved policies from the City of Durham Local Plan, the Council's Parking and Accessibility Guidelines** and the relevant institution's restrictions on students' cars **(3): and**
- b) they provide acceptable arrangements for bin storage and other shared facilities and consider other amenity issues in line with relevant saved policies **E22 and H9** from the City of Durham Local Plan **(4)**; and
- c) the design of the building or any extension would be appropriate in terms of the property itself and the character of the area in accordance with relevant saved policies **H2, H7, H8, H9, H13, Q1-Q17, E3, E6, E14, E16-18, E21-24 and E26** of the City of Durham Local Plan.**(5)**

However, such changes would not be resisted in the following circumstances:

- d) **Where an area already has such a high concentration of HMOs that the conversion of remaining C3 dwellings will not cause further detrimental harm; or**
- e) **Where the remaining C3 dwellings would be unappealing and effectively unsuitable for family occupation. (6)**

Changes of use from an HMO to C3 will be supported, including policies and initiatives outside of the Plan that can bring funding and other measures to assist the re-balancing of neighbourhoods.

PART B: PURPOSE BUILT STUDENT ACCOMMODATION

When considering proposals for new, extensions to, or conversions to, Purpose Built Student Accommodation (PBSA) the Council will consult with key stakeholders in accordance with Appendix A of the Statement of Community Involvement.

Any proposal will be required to demonstrate:

- (a) that there is a need for additional student accommodation. Developers should demonstrate what specific need the proposal is aimed at and why this need is currently unmet ;
- (b) It would not result in a negative impact on retail, employment, leisure, tourism or housing use or would support the Council's regeneration objectives ; and
- (c) partnership working with the relevant education provider.

Proposals for new development will not be permitted unless:

- 1) The development is **on or adjacent in close proximity (7)** to an existing university or college academic site, or hospital and research site; **and**
- 2) the design and layout of the student accommodation and siting of individual uses within the overall development are appropriate to its location in relation to adjacent neighbouring uses **in accordance with relevant saved policies Q1-**

Q17, E3, E6, E14, E16-18, E21-24 and E26 of the City of Durham Local Plan(5).

The aim is to ensure that there is no unacceptable effect on residential amenity in the surrounding area through increased noise, disturbance or impact on the street-scene either from the proposed development itself or when combined with existing accommodation; and

- 3) **the design meets the appropriate criteria for student living accommodation as set out in the Building Regulations (5); and**
- 4) **the internal design, layout and standard of accommodation and facilities is of a high specification in accordance with relevant saved policies Q1-Q17, E3, E6, E14, E16-18, E21-24 and E26 of the City of Durham Local Plan(5); and**
- 5) **the impacts from occupants of the development will not have an unacceptable impact upon the amenity of surrounding residents in itself or when considered alongside existing and approved student housing provision. A management plan appropriate to the scale of the development shall be provided. Implementation of the management plan will be controlled through the use of planning conditions or an appropriate legal agreement; and**
- 6) **the quantity of cycle and car parking provided is in line with the County Council's adopted Car Parking and Accessibility Standards relevant saved policies from the City of Durham Local Plan, the Council's Parking and Accessibility Guidelines and the relevant institution's restrictions on students' cars; and**
- 7) **it has been demonstrated to the local planning authority that the proposals are deliverable. To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that PBSA will be delivered on the site within five years. Sites with planning permission will be considered deliverable until permission expires.**

Where appropriate, proposals in accordance with the above requirements should contribute to the re-use of listed buildings, heritage assets and other buildings with a particular heritage value.

(1) The movement of this phrase from Part A to the beginning of the policy ensures that it applies to Part B on PBSAs as well.

(2) The criterion of a 20% population tipping point is, quite rightly, in the Council's background text (paragraph 10) but has been missed out of the policy.

*(3) This is an interim policy and so, in the absence of an adopted County Durham Local Plan, it contains references to the Saved Policies of the City of Durham Local Plan 2004. When the County Durham Local Plan is finally adopted it will, we anticipate, include a final version of this strategic policy in which references to the saved policies are replaced by references to its equivalent development management policies. However, in respect of car parking and accessibility, the County Council in 2014 adopted revised Car Parking and Accessibility Standards and therefore it is those standards rather than Saved Policies T10, T11 and T20 of the City of Durham Local Plan 2004 that will be applied. It should be noted that the policies for a minimum requirement of cycle parking at residential properties were omitted in 2014. **A minimum cycle parking requirement (of one space per 2 students) at HMOs would be a worthwhile addition to the above policy.***

(4) Saved Policy E22 states

The Council will seek to preserve or enhance the character or appearance of the conservation areas within the City of Durham by:

1. *Not permitting development proposals which would detract from the character or appearance of the conservation area or its setting. All development proposals*

should be sensitive in terms of siting, scale, design and materials, reflecting, where appropriate, existing architectural details;

2. *[not relevant]*

3. *[not relevant]*

4. *Requiring a sufficient level of detail to accompany applications for development to enable an assessment to be made of its impact on the conservation area.*

Arrangements for bin storage etc will need to be set out in order to comply with point 4, and point 1 requires them to be acceptable.

(5) Again important to specify the relevant Saved Policies, such as Q1 and Q2 that deal with the access needs of people with disabilities. Compliance with Building Regulations regarding disabled access is vital and deserves inclusion somewhere, notably on PBSAs (see Annex 2).

(6) We asked for these words to be deleted from the background text, which they have been, but they have now been introduced into the policy. They MUST be removed altogether; they represent a policy of abandonment of whole streets, whereas in future the balance could change for the better, for example as a higher percentage of students live in Colleges which is the University's aim. We recognise that the market value of a dwelling within a street almost entirely given over to HMOs/PBSAs will be higher if allowed to be converted to an HMO but we consider that the NPPF policy of creating balanced and sustainable communities should take precedence and be upheld.

(7) The phrase "in close proximity" is open to very wide interpretation. Our phrase is much clearer and much more effective in resisting PBSAs that, by their very nature, have an overwhelming impact on residential areas.

BACKGROUND

We have only three comments on the text that provides the background and reasoning for the policy, as follows.

(1) Paragraph 2: we propose the following green addition and red deletion.

The University set out in the Residential Accommodation Strategy (2012) its ambition to increase student numbers in the City from 13,500 to 15,300 by 2020 (a 13% increase over 6 years) but it also intends to increase the percentage residing in purpose built student accommodation (controlled by the University) from 43% to 50% and has an aspiration eventually to achieve 70%. *These figures were revised in early 2015 as part of an annual planning process. The number of students based in Durham (as opposed to Queen's Campus, Stockton), in 2014/15 was 13,482 and is projected to rise to 13,841 in 2019/20, an increase of 359. The University does not have a figure for planned student numbers beyond 2019/20, but rolling the growth figures forward gives an indicative figure of about 18,000 in the year 2030. From September 2015 there will no longer be a financial penalty if a university exceeds its planned undergraduate student numbers. The actual extent of growth of Durham University will be dependent upon the capacity of research and teaching facilities that develop. These figures were revised in early 2015 as part of an annual planning process. The number of students based in Durham (as opposed to Queen's Campus, Stockton), in 2014/15 was 13,482 projected to rise to 13,841 in 2019/20. As part of this process it was noted that of the 13,482 students in 2014/15, 6,392 were accommodated by the University leaving 7,090 to be housed elsewhere. The Council's Council Tax data, relating to the academic year 2013/14, indicates that there were approximately 6,300 students living in student exempt properties within the DH1 postcode area. The Council Tax data identifies properties where the only occupants are students. Whilst this data reflects different reporting periods, it suggests that some students are living outside of University*

accommodation or HMOs. It may be that these students are living at home, in mixed households (student and non-student) or outside the DH1 postcode area.

(2) Paragraph 23: We greatly welcome the proposed Article 4 Direction. It would be useful to extend the wording to control extensions to and internal subdivisions of existing HMOs. The area to be covered will need to be reviewed in the course of time. If the boundary is too small there will be the boundary-jumping problems identified in the Council's evidence paper accompanying this consultation. We have previously argued that the proposed Article 4 Direction should cover the whole of the un-parished area of Durham City. In fact, it might need to cover the whole of the built-up area, as in the exemplar case of Manchester. We would be happy to discuss this with the Council.

(3) The evidence paper: the evidence paper is in our opinion burdened with misrepresentations too numerous to be all corrected here. We offer three examples that display chronic ignorance about the situation in Durham City on issues that cause much stress:

- Pages 15/16 on noise nuisance: the paper relies on data from the Council's Environment Protection Team showing only 38 noise complaints directly related to HMOs in Durham City over the 55 month period 1st April 2011 to 31st December 2014. For those who live in the historic part of Durham city the notion that there is on average less than one noise problem per month is surreal. We and the Police know that on any given Wednesday night in term-time there are severe noise incidents. Good evidence is readily available: at the city centre Police and Community Together meeting on Wednesday 21st October 2015 the Police reported that there had been 27 harassment-by-noise recorded incidents at specified addresses (which are almost all HMOs) in the Claypath/Viaduct/Elvet area just in the four weeks 21st September to 20th October 2015. It is unhelpful for the Council's evidence paper to play down the problem by ignoring the primary source of recorded noise nuisance by which residents' lives are blighted to the point of desperation.
- Page 18 states that students are encouraged not to bring their cars with them, and goes on to say that Durham University requires that students who live within the designated area of Durham City must obtain a University Motor Licence. Both statements are entirely out-of-date and wrong.
- Page 20 - paragraph 3.21: the evidence paper asserts that the University has a range of powers to deal with student bad behaviour. This is not correct. The University has only the most limited powers of control over non-academic issues; incidents have to be reported to the Police, and it is for the Police to act upon them.

There is so much that is weak, equivocal, unconvincing and just plain wrong in the evidence paper that it might have been written deliberately to invite a successful legal challenge. We would be more than willing to assist in a re-draft.

REGULATION 7 DIRECTION

The failure to proceed with a Regulation 7 Direction is unacceptable. It is evident right now across the city that the voluntary code is not preventing student to-let boards appearing in early October. Despite being notified with photographic proof, the Council cannot take enforcement action because, under a voluntary scheme, putting up these boards is not illegal.

The parallel with Article 4 Direction is telling - until this July's very welcome change of heart, the Council had always resisted the case for introducing an Article 4 Direction. Similarly,

the former City Council always said that there was nothing it could do about the conversion of family houses to student HMOs and, again, the County Council's welcome decision to introduce an effective policy on student accommodation shows that it can be done. A Regulation 7 Direction can and should now be made to tackle the degrading adverse impact of streets full of to-let boards on the environment and amenity of the heart of Durham city.

Alongside the making of a Regulation 7 Direction there will need to be an appropriate investment in the enforcement resources of the Council. We fully recognize the appalling pressures caused by budget cuts but without adequate enforcement capacity much of the care taken over policy wording and over conditions on approved developments will be wasted.

ADDITIONAL LICENSING SCHEME

The evidence paper provides a disturbing picture from surveys of the extent to which existing HMOs are damp, too small, electrically unsafe, etc. For example, 41% were assessed as having significant problems with respect to evidence of smoke alarm checks, and over half (55%) of surveyed dwellings required a fire door to be fitted to the kitchen. The external appearance of HMOs, satisfactory arrangements for waste disposal and controlling noise nuisance, i.e. management issues, are significant concerns for permanent residents of the city but unsurprisingly only 2% of landlords thought this was the case.

The measures being taken by the County Council under the Landlord Accreditation Scheme are welcome so far as they can have effect. It is noteworthy that landlords who have not volunteered to join the scheme will find that some of their properties will be inspected. This pro-active approach is to be applauded. We propose that the existing Scheme should be extended to include requirements that the external appearance and garden of the property is maintained to an acceptable standard, and that satisfactory arrangements for waste disposal are provided (again, the Council's positive interventions on problems such as wheelie-bin overflows attracting vermin are welcome). However, an Additional Licensing Scheme to augment the Mandatory Scheme so that all private HMOs are required to obtain a license would not just help neighbourly harmony and the appearance of the city but also and even more importantly help to prevent another predictable tragedy.

RELEVANT SAVED POLICIES OF THE CITY OF DURHAM LOCAL PLAN 2004**E3 World Heritage Site - Protection**

Durham Cathedral and Castle World Heritage Site and its setting will be protected by:

1. Restricting development to safeguard local and long distance views to and from the cathedral and castle and Peninsula in accordance with policies E1, E5, E6, E10, E23 and E24; and
2. Applying policies E1, E5, E6, E10, E21, E22, E23 AND E24 relating to green belt, landscape setting, conservation areas, listed buildings, and archaeological remains; and
3. Seeking the conservation and management of buildings, archaeological remains, woodland and open spaces which make up the world heritage site and its setting.

E6 Durham City Centre Conservation Area

The special character, appearance and setting of the Durham (city centre) conservation area will be preserved or enhanced by:

1. Encouraging all proposals for new building to:
 - (a) exhibit simple, robust shapes, have a clear predominance of wall surface over openings and be restricted to a limited range of external materials; and
 - (b) have simple traditional roofs which do not create long or continuous ridge or eaves lines and which do not include reflective surfaces such as glass; and
 - (c) reflect a quality of design appropriate to the historic city centre; and
 - (d) use external building materials which are the same as, or are sympathetic to the traditional materials of the historic city or an individual street; and
 - (e) fragment proposals for large buildings into blocks of visually smaller elements in a way which is sympathetic to the historic city centre.
2. Not granting planning permission for development or demolition which would damage the historic profile of buildings running from the South Bailey, Through North Bailey, Saddler Street, The Market Place And Claypath.
3. Applying conservation area policy E22, and shop front policies Q11 and Q12.

E14 Existing Trees and Hedgerows

In considering proposals affecting trees and hedgerows the council will:

1. Not permit development which would result in the loss of ancient woodland; and
2. Designate tree preservation orders as necessary; and
3. Require development proposals to retain areas of woodland, important groups of trees, copses and individual trees and hedgerows wherever possible, and to replace trees and hedgerows of value which are lost; and
4. Require a full tree survey to accompany planning applications when development may affect trees inside or outside the application site.

E16 Nature Conservation – the natural environment

The council will protect and enhance the nature conservation assets of the district by:

1. Requiring development proposals where appropriate, outside sites specifically protected for their nature conservation importance to:
 - (a) identify any significant nature conservation interest that may exist on or adjacent to the site by submitting surveys of wildlife habitats, protected species and features of ecological, geological and geomorphological interest; and
 - (b) as far as possible avoid any unacceptable harm to nature conservation interests as a result of the development; and
 - (c) provide mitigation measures to minimize unacceptable adverse effects on identified nature conservation interests that cannot be avoided.
2. Including compensation measures to offset any harm to identified nature conservation interests which cannot be completely avoided or mitigated; and
3. Seeking to enhance the nature conservation value of the district through the creation and management of new wildlife habitats and nature conservation features in development schemes and in the management of existing areas of open space.

E17 Sites of Special Scientific Interest

Development that is likely to adversely affect a designated or notified site of special scientific interest or national nature reserve either directly or indirectly will only be permitted if it can be demonstrated that:

1. The proposal is of over-riding national importance; and
2. The development cannot be located elsewhere; and
3. Remedial measures are taken to minimize the adverse effects associated with the scheme and

commensurate efforts are made to compensate for any unavoidable damage by appropriate habitat creation.

E18 Sites of Nature Conservation Importance

The council will seek to safeguard sites of nature conservation importance including regionally important geological and geo-morphological sites (rigs). Development which would be detrimental to their nature conservation interest will not be permitted unless it is demonstrated that:

1. The benefits from the development outweigh the nature conservation interest of the site; and
2. There are no alternative suitable sites for development elsewhere in the county or region as appropriate; and
3. Commensurate measures are taken to minimize the adverse effects associated with the scheme and reasonable effort is made by appropriate habitat creation or enhancement in the vicinity to compensate for any unavoidable damage.

E21 Historic Environment

The council will preserve and enhance the historic environment of the district by:

1. Requiring development proposals to minimize adverse impacts on significant features of historic interest within or adjacent to the site; and
2. Encouraging the retention, repair and re-use of buildings and structures which are not listed, but are of visual or local interest.

E22 Conservation Areas

The council will seek to preserve or enhance the character or appearance of the conservation areas within the City of Durham by:

1. Not permitting development proposals which would detract from the character or appearance of the conservation area or its setting. All development proposals should be sensitive in terms of siting, scale, design and materials, reflecting, where appropriate, existing architectural details;
2. Not permitting the demolition of buildings which contribute to the area's character. Permission for the demolition of any significant building will not be granted until a detailed scheme for appropriate redevelopment of the site has been approved;
3. Protecting trees, hedgerows, landscape features, views and undeveloped areas which contribute to the character or appearance of the area and its setting;
4. Requiring a sufficient level of detail to accompany applications for development to enable an assessment to be made of its impact on the conservation area.

In addition the council will also implement schemes for the enhancement of conservation areas where appropriate and as resources permit.

E23 Listed Buildings

The council will seek to safeguard listed buildings and their settings by:

Only permitting alterations and extensions to listed buildings which are sympathetic in design, scale, and materials;

Not permitting alterations to architectural or historic features which adversely affect the special interest of a listed building, including internal features and those within the curtilage of the building;

Not permitting total or substantial demolition of a listed building;

Not permitting development which detracts from the setting of a listed building.

E24 Ancient Monuments and Archaeological Remains

The council will preserve scheduled ancient monuments and other nationally significant archaeological remains and their setting in situ. Development likely to damage these monuments will not be permitted. Archaeological remains of regional and local importance, which may be adversely affected by development proposals, will be protected by seeking preservation in situ, and where preservation in situ is not justified by:

1. Ensuring that in areas where there is evidence that significant archaeological remains exist, or reasons to pre-suppose such remains exist whose extent and importance is not known, pre-application evaluation or archaeological assessment will be required; and
2. Requiring, as a condition of planning permission, that prior to development an appropriate programme of archaeological investigation, recording and publication has been made, in cases where the preservation in situ of archaeological remains is not justified.

In the event of archaeological remains being discovered once development has commenced, the council will seek to ensure that adequate opportunity is made available to investigate and record such discovery.

E26 Historic Parks and Gardens

Planning permission for development at the following parks and gardens of historic or landscape value will only be granted provided the proposal:

1. Would not otherwise detract from the enjoyment, layout, design, character, appearance or setting

- of the park or garden; and;
2. Would not involve the loss of features considered to form an integral part of the special character or appearance of the park or garden.

Brancepeth/Holywell
 Old Durham Gardens
 Elemore –
 Pittington Hill
 Eshwood
 Bearpark
 Croxdale
 Coxhoe Hall
 Botanic Gardens
 Sherburn Hospital
 Burn Hall
 Ushaw
 Flass Hall
 Sniperley
 Crook Hall
 Ramside
 Mount Oswald
 Finchale
 Kepier Hospital

H2 New Housing in Durham City

New housing development comprising: windfall development of previously developed land: and conversions will be permitted within the settlement boundary of Durham City. Provided either that the site is included in policy H1, or that:

1. The proposal does not contravene policies E3, E5 and E6, and the site is not allocated or safeguarded for an alternative use; and
2. The development accords with policies Q8, R2, T10, and U8A.

H7 City Centre Housing

The Council will encourage new housing development and conversions to residential use on sites within or conveniently close to the city centre provided:

1. There is no conflict with any other policy or proposal of this plan, particularly those relating to the conservation area or world heritage site, and
2. It is in scale and character with its surroundings.

H8 Residential Use of Upper Floors

The use of upper floors of shops and commercial premises for residential purposes will be permitted provided that:

1. It does not give rise to conflict with existing uses in the area; and
2. It does not adversely affect the character or visual appearance of the surrounding area; and
3. It does not involve significant extensions, alterations or rebuilding which would unacceptably alter the character or scale of the original building.

H9 Multiple Occupation/Student Households

The sub-division or conversion of houses for flats, bedsits or for multiple occupation, or proposals to extend or alter properties already in such use will be permitted provided that:

1. Adequate parking (in accordance with policy T10), privacy and amenity areas are provided or are already in existence; and
2. It will not adversely affect the amenities of nearby residents; and
3. It is in scale and character with its surroundings and with any neighbouring residential property; and
4. It will not result in concentrations of sub-divided dwellings to the detriment of the range and variety of the local housing stock; and
5. It will not involve significant extensions having regard to policy Q9, alterations or rebuilding which would unacceptably alter the character or scale of the original building.

H13 The Character of Residential Areas

Planning permission will not be granted for new development or changes of use which have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them.

Q1 General Principles – Designing for People

The layout and design of all new development should take into account the requirements of users. It will be expected to incorporate the following as appropriate:

1. Personal safety and crime prevention; and
2. The access needs of people with disabilities, the elderly and those with children; and
3. The provision of toilet facilities, public seating, and signing where appropriate.

Q2 General Principles – Designing for Accessibility

The layout and design of all new development should take into account the requirements of users. It will be expected to embody the principle of sustainability and to incorporate the following as appropriate:

1. Measures to minimise conflict between pedestrians, cyclists and motor vehicles; and
2. Measures to meet the requirements of public transport services and users; and
3. Satisfactory means of access and manoeuvring for vehicles servicing the development; and
4. Provision of car and cycle parking in accordance with policy T10; and
5. Provision of parking space for vehicles used by people with disabilities close to entrances of buildings open to the public; and
6. Effective access at all times for emergency vehicles; and
7. Traffic calming measures.

Q3 External Parking Areas

External parking areas provided as part of a new development should be landscaped, adequately surfaced, demarcated, lit and signed. Large surface car parks should be sub-divided into small units. Large exposed areas of surface, street and rooftop parking are not considered appropriate.

Q4 Pedestrian Areas

Pedestrian areas and public spaces should be laid out and designed with good quality materials in a manner which:

1. Reflects the character of the streetscape; and
2. Seeks to achieve a co-ordinated approach to paving, street lighting, signs, street furniture, road crossing points and landscaping; and
3. Has regard to the general principles of design set out in policies Q1 and Q2.

Q5 Landscaping – General Provision

All new development located on the outer edge of settlements or exposed sites will be required to include peripheral structural landscaping within the site in order to minimise any adverse visual impact of the proposal.

Q6 Landscaping – Structural Landscaping

All new development located on the outer edge of settlements or exposed sites will be required to include peripheral structural landscaping within the site in order to minimise any adverse visual impact of the proposal.

Q7 Layout and Design – Industrial and Business Development

The siting, design and external appearance of all new industrial and business development will be required to:

1. Be of a standard appropriate to the designated area within which it is located; and
2. Have regard to policies Q1 and Q2.

Q8 Layout and Design – Residential Development

The layout of new residential development will be required to:

1. Have a clearly defined road hierarchy which should be designed to exclude through traffic, excluding cyclists and public transport, and incorporate appropriate traffic calming measures; and
2. Provide adequate amenity and privacy for each dwelling, and minimise the impact of the proposal upon the occupants of existing nearby and adjacent properties; and
3. Provide adequate areas of safe, accessible and attractive open space in accordance with policy R2; and
4. Provide all services underground; and
5. Have well designed means of enclosure; and
6. Take into account the need to retain existing features of interest within the site including trees and hedgerows; and
7. Be appropriate in scale, form, density and materials to the character of its surroundings; and
8. Have regard to the principles of energy conservation set out in policy U14; and
9. Have regard to policies Q1 and Q2; and
10. Make the most efficient use of the land.

Q9 Alterations and Extensions to Residential Property

Proposals for alterations and extensions to residential property will be permitted provided that:

1. The design, scale and materials are sympathetic to the main dwelling and the character and appearance of the area; and
2. Wherever possible the alteration or extension incorporates a pitched roof; and
3. The alteration or extension respects the privacy of adjoining occupiers of property; and
4. The alteration or extension will not create a level of multiple occupation contrary to policy H9.

Q10 Dormer Windows

Proposals for dormer windows will be permitted provided that:

1. Roof spaces have adequate existing headroom for a habitable room without further extension; and
2. Window design bears a relationship to existing fenestration and materials match the existing property; and
3. It is in proportion with the existing building as a whole and the roof in particular; and
4. The design incorporates a gabled, hipped or 'catslide' roof and is positioned well below the ridgeline; and
5. It does not result in any loss of privacy for surrounding properties.

Q11 Shopfronts – Provision of New

New shopfronts will be permitted provided that they respect the scale, proportion, materials and character of the building and the area in which they are located.

Q12 Shopfronts – Retention of Existing

Existing shopfronts which have a distinctive character and quality and make a contribution to the street scene should be retained.

Q13 Satellite Dishes

Planning permission will be granted for satellite dishes on residential and other buildings, where it is required, provided that:

1. There is no adverse visual impact on the building and existing street scene;
2. There is no adverse visual impact on the character of conservation areas contrary to policies E6 and E22;
3. There is no visual impact on the setting and appearance of a listed building contrary to policy E23;
4. There is no adverse impact on the amenity of neighbouring buildings; shared systems should, wherever possible, be installed on buildings containing more than one dwelling or business.

Q14 Security Shutters

Planning permission for the installation of roller shutters will only be granted if the proposal does not have an adverse impact upon:

1. The appearance of the building to which they are attached or;
2. The character and appearance of the area in which they are located.

Q15 Art in Design

The council will encourage the provision of artistic elements in the design and layout of development. Due regard will be made in determining planning applications to the contribution they make to the appearance of the proposal and the amenities of the area.

Q16 Advertisements – General Criteria

Advertisement consent will be granted for non-illuminated and illuminated signs provided that their size, design, materials, colouring, and in the case of illuminated signs, on commercial premises for appropriate uses and particular opening hours, their form of illumination would not be detrimental to visual amenity or highway safety.

Particular attention will be paid to the impact of advertisements upon the character and setting of listed buildings and the character and appearance of conservation areas in accordance with policies E6, E22 and E23.

Q17 Advertisements – Hoardings and Panels

Advertisement consent will only be granted for hoardings and large advertising panels when they are not located:

1. Within or on the edge of the open countryside;
2. Within conservation areas;
3. In the vicinity of listed buildings;
4. In predominantly residential areas or near housing;
5. On blank walls adjacent to, or sites clearly visible from, the main radial routes into the city and rail corridors;
6. On a site where the advertising would be detrimental to visual amenity or have an adverse effect on highway safety.

Accessibility standards for Purpose Built Student Accommodation

This annex sets out why the Interim Policy on Student Accommodation needs to require that PBSAs meet the accessibility standards set out in the Building Regulations.

Section 7 of the NPPF is headed *Requiring Good Design*. Relevant paragraphs are:

56. The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
57. It is important to plan positively for the achievement of high quality and **inclusive design** [our emphasis] for all development, including individual buildings, public and private spaces and wider area development schemes.

The NPPF's glossary defines **inclusive design as**

Designing the built environment, including buildings and their surrounding spaces, to ensure that they can be accessed and used by everyone.

City of Durham Saved Policy Q1 reads:

The layout and design of all new development should take into account the requirements of users. It will be expected to incorporate the following as appropriate:

1. Personal safety and crime prevention; and
2. The access needs of people with disabilities, the elderly and those with children; and
3. The provision of toilet facilities, public seating, and signing where appropriate.

The Building Regulations set out standards for the design and construction of buildings. While these can and do go into a level of detail that is not required in planning applications, they do set out some high level requirements including those for accessibility in student accommodation.

Paragraph 0.16 of *Approved Document M of the Building Regulations* says

Purpose-built student living accommodation, including that in the form of flats as defined in regulation 2(1), should be treated as hotel/motel accommodation in respect of space requirements and internal facilities (see 4.17 to 4.24).

Regulation 2(1) says

“flat” means separate and self-contained premises constructed or adapted for use for residential purposes and forming part of a building from some other part of which it is divided horizontally;

Paragraphs 4.17 to 4.23 deal with the design considerations to make sleeping accommodation convenient to all, but particularly wheelchair users. In particular paragraph 4.21 says “Wheelchair users should also be able to visit companions in other bedrooms...” This would imply that for a multi-storey building there must be lifts capable of taking wheelchair users.

Paragraph 4.24 at sub-paragraph g requires that **at least one wheelchair-accessible bedroom is provided for every 20 bedrooms, or part thereof.**

The other sub-paragraphs include requirements for minimum widths of doorways and various required clearances.

These are objective standards, and any planning application that falls short of them cannot be said to exhibit good design and should be refused. It makes sense to set out these requirements in the Interim Policy as:

- this should ensure that developers will follow them;
- it will allow planning officers to apply these standards rather than have objectors

- make the case on each application; and
- it will avoid applications being passed only for the plans to be rejected at the building control stage.