

Durham County Council

Draft Supplementary Planning Document on Housing Needs and  
Interim Policy Statement on First Homes

December 2022

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## 1. Introduction

### The Purpose and Scope of the Housing Needs Supplementary Planning Document

- 1.1 This Supplementary Planning Document (SPD) relates to housing needs. It will sit alongside the County Durham Plan (CDP)<sup>1</sup> which was adopted on 14th October 2020.
- 1.2 SPDs are documents which add further details to policies contained in a Local Plan but do not have their formal statutory 'Development Plan' status. They are, however, a material consideration when a Local Planning Authority is determining whether to approve or refuse a planning application.
- 1.3 This SPD provides detailed guidance on the application of the following policies in the CDP:
  - Policy 11: Rural Housing and Employment Exception Sites;
  - Policy 15: Addressing Housing Need;
  - Policy 16: Durham University Development, Purpose Built Student Accommodation and Houses in Multiple Occupation;
  - Policy 29: Sustainable Design; and
  - Policy 31: Amenity and Pollution.
- 1.4 This SPD is intended to provide information on how policies will be interpreted and applied. This will assist planning officers, applicants, agents, Councillors and members of the public through the planning application process, ensuring that the process is fair and transparent and is applied consistently.
- 1.5 This SPD covers the following areas:
  - **Implementation of the M4(2) Accessible and Adaptable housing standard** – The SPD provides additional guidance and a checklist to support the implementation of the Policy 15: Addressing Housing Need requirement for 66% of homes on sites of 5 units or more to be to M4(2) standard;
  - **Guidance on Dwellings of a Design and Type for Older People** – Policy 15: Addressing Housing Need requires that, on all sites of 10 or more units, 10% of these homes need to be of a design and type to increase housing options for older people including bungalows, level access flats and multi-generational homes (MGH). The SPD provides further guidance on what does and what does not constitute an MGH;
  - **Local Area Housing Needs Assessments template** - Policy 11: Rural Housing and Employment Exception Sites requires consideration of 'an identified local need for affordable or specialist housing sufficient to justify the scale and nature of the development'. The SPD provides an overview of the factors and evidence that would be expected to be considered as part of a Local Area Housing Need Assessment. This will

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<sup>1</sup> 1 <https://www.durham.gov.uk/article/3266/Development-Plan-for-County-Durham>

provide guidance to applicants, agents and other community groups in preparing such assessments;

- **Purpose Built Student Accommodation (PBSA) needs assessment template** – Policy 16.2 requires applicants to demonstrate that there is a need for PBSA in support of a planning application. The SPD provides further guidance, setting out what a PBSA needs assessment should include, in order to ensure sufficient consideration is given to the need for PBSA from quantitative and qualities perspective;
- **Application of the Nationally Described Space Standard (NDSS) in C Class Uses<sup>2</sup>** – Policy 29: Sustainable Design introduced the NDSS. The SPD provides guidance as to whether NDSS applies to differing forms of accommodation within the Class C Use Classes; and
- **First Homes Interim Policy Statement and Local Eligibility Criteria** - First Homes are a new form of affordable housing tenure, representing one of a range of intermediate housing products to meet the needs of households unable to afford outright home ownership. The SPD introduces Local Eligibility Criteria, in addition to the national criteria, consisting of a lower price cap. This will ensure that a First Home is genuinely affordable in a County Durham housing market context.

1.6 This first draft SPD will be subject to consultation. Following consultation, the SPD will be updated as appropriate and subject to a further round of consultation.

**Question 1: Do you agree with the proposed scope and content of the SPD? Please give reasons for your answers.**

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<sup>2</sup> Town and Country Planning (Use Classes) Order 1987 (as amended): Class C: C1 Hotels; C2 Residential Institutions; C2A Secure Residential Institutions; C3 Dwellinghouses; C4 Houses in Multiple Occupation.

## 2. Implementation of the M4(2) Accessible and Adaptable housing standard

### Introduction

- 2.1 This SPD provides additional guidance and a checklist to support the implementation of the Policy 15: Addressing Housing Need requirement for the M4(2) (accessible and adaptable dwellings) standard.

### Policy Context

- 2.2 Policy 15: Addressing Housing Need of the CDP requires that in order to meet the needs of older people and people with disabilities, on sites of 5 units or more, 66% of dwellings must be built to Building Regulations Requirement M4 (2) (accessible and adaptable dwellings) standard.

- 2.3 Paragraph 5.112 of the CDP sets out:

*The SHMA has considered the needs for accessible and adaptable dwellings in County Durham as defined by the Building Regulation M4(2) (accessible and adaptable dwellings standard). This assessment has considered the proportion of M4(2) dwellings required to meet the needs of occupants with differing needs including some older or disabled people and has considered the need to allow adaptations to properties to meet the changing needs of occupants over time. The assessment concluded that 66% of dwellings should be built to M4(2) accessible and dwellings adaptable standard. In testing the viability of applying the M4(2) standard, a site of 5 units was considered, therefore it is appropriate to apply this standard to sites of 5 or more houses. In all cases the requirement would be rounded up or down to the nearest whole number.*

### Accessible and Adaptable Home Statement and M4(2) Checklist

- 2.4 In order to support the implementation of this element of Policy 15, the Council has prepared a model template for an Accessible and Adaptable Homes Statement. This form is to be completed for applications for 5 or more dwellings and is used to assess a scheme's compliance with Policy 15 Addressing Housing Need of the County Durham Plan. For proposals of 5 or more dwellings Questions 1 to 6 and the declaration are compulsory and must be completed to enable the application to be validated.
- 2.5 This document includes a M4(2) checklist. The use of the M4(2) checklist is recommended to assist applicants in screening their plans, and in understanding the policy requirements, but is not compulsory.
- 2.6 The Accessible and Adaptable Home Statement and M4(2) Checklist is set out at Appendix 1 of this SPD.

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

### 3. Guidance on Dwellings of a Design and Type for Older People

#### Introduction

- 3.1 This SPD provides additional guidance on housing products of a design and type to increase the housing options for older people and in particular, multi generational homes.

#### Policy Context

- 3.2 Policy 15: Addressing Housing Need of the CDP requires that on sites of 10 units or more, a minimum of 10% of the total number of dwellings on the site are to be of a design and type that will increase the housing options of older people. Policy 15 sets out that these properties should be built to M4(2) standard and would contribute to meeting the 66% requirement in the Policy.
- 3.3 To note Policy 15 includes a requirement to deliver homes to meet a specific *standard* and secondly, the policy seeks to deliver homes of a *design and type*. Whilst these are two distinct policy requirements, they are not mutually exclusive. The policy requires that homes brought forward as part of the 10% design and type requirement are built to M4(2) standard and would therefore contribute to meeting the 66% M4(2) standard requirement which is referred to in section 2.
- 3.4 Policy 15 notes that the 10% of homes of a design and type that will increase the housing options of older people should be situated in the most appropriate location within the site for older people.
- 3.5 Policy 15 sets out a non-exhaustive list of appropriate house types which are considered to meet the 10% requirement. This is as follows:
- level access flats;
  - level access bungalows; or
  - housing products that can be shown to meet the specific needs of a multi generational family.
- 3.6 Both level access flats and bungalows are well established housing products. Paragraph 5.114 of the CDP sets out that at the moment the stock of bungalows and flats in the private sector across the county is much too small to meet the interest that has been expressed from older people, particularly as most flats have not been built with their needs in mind. In recent years, very few properties of this type have been built and therefore the proportion of bungalows and flats in the private sector housing stock is declining.
- 3.7 In recognition of this, the council would support proposals to deliver these house types as part of the 10% requirement of policy 15 given the need for such homes identified in the SHMA.

#### Multi Generational Homes

- 3.8 Multi generational homes are referenced within Policy 15: Addressing Housing Need, of the CDP as an option which can also meet the needs of older people. This section of the SPD provides further guidance as to what can be considered to constitute a multi generational home in the context of Policy 15, as paragraph 5.116 of the CDP specifically notes that they are something relatively new to the UK market.
- 3.9 As a relatively new product, where demand is untested, it would be unlikely that multi generational homes would form the dominant older persons house type on a site, rather

they should be utilised as a minority product to supplement bungalows and / or level access flats within the Policy 15: Addressing Housing Need, 10% requirement for homes of a design and type for older people. Furthermore, it is recognised that for some older people, a multi generational home may not be a realistic housing option, if for example, they do not have family nearby or, may not have close family members for which such a living arrangement would be appropriate. In this context, bungalows or level access flats would serve to meet needs. An approach of having multi generational homes on a site amongst other products of a design and type to meet the needs of older people would align with Policy 19: Type and Mix of Housing.

### Characteristics of Multi Generational Homes

- 3.10 There is not a standard type, template or design for multi generational homes. However, to be considered as a multi generational home, in line with Policy 15 Addressing Housing Need, a property would be expected to have certain characteristics. Specifically, it should be a property of a design and type to meet the needs of older people and the design and layout of the dwelling should align with its purpose in supporting multi generational living. In common with bungalows and level access flats, a multi generational home would need to be built as a suitable product from the outset in order to ensure that the housing options of older people are increased by delivering the product at the time of completion.

### A house of a design and type to meet the needs of older people

- 3.11 A multi generational home is a property designed to enable multiple generations of a family to live in one house. For this reason, multi generational homes have been identified in the CDP as a product of a design and type to meet the needs of older people. It is anticipated that owing to the ageing population in County Durham, a multi generational home may accommodate an older age couple or individual, living with their adult child, any partner and potentially, also grandchildren.
- 3.12 A multi generational home as well as providing a housing option to meet needs, may lend itself to intergenerational care and in particular, providing support for elderly residents enabling them to live at home with family and outside of a more formalised care setting.

### Housing design and layout

- 3.13 As noted in paragraph 5.116 of the County Durham Plan, which sets out the supporting text to Policy 15: Addressing Housing Need, multi generational homes should have the potential for a semi-private living space within the house. This is to enable each generation within the house to have their own separate space to maintain independence and privacy. This should be clear in the design and layout of the property.
- 3.14 In creating semi-private living space, there would be an expectation that the layout of the property would enable portions of the house to be the use solely for one or some members of the household. In this context the layout of the house should give consideration to providing a degree of self-containment, with groups of rooms for intended users being grouped together to support privacy and independence. A proposed layout in which identified rooms for different generations were distributed across a property or even a floor would be unlikely to support semi-private living.
- 3.15 In recognition of the intention that a multi generational home in the context of Policy 15 is to meet the needs of older people, like level access flats and bungalows, it would be appropriate for the rooms and facilities provided to meet older persons needs to be located

on the ground floor to support the accessibility requirements of the older occupants. For any provision above ground floor levels to be deemed suitable, it would need to be demonstrated that they are accessible at the point of completion.

- 3.16 In terms of specific rooms provided for within a multi generational home, paragraph 5.116 of the CDP notes that they are built with dedicated semi-private living space, an additional bathroom and separate kitchen facilities.
- 3.17 Living space would be expected to consist of a lounge area, but also could be supplemented by a study, or a garden room for example. A separate and dedicated bathroom should be provided within easy reach of the bedroom space and should be accessible to the living space to support privacy and independence. A separate kitchen or kitchenette, including space to eat would be required to further foster independent living.
- 3.18 Whilst there would be an internal connection between two portions of the house designed for the different generational occupants, separate front doors would be an option to further support independent living and the sense of two or more generations of a family living together but, retaining a degree of separation.

#### What does not constitute multi generational home

- 3.19 For the avoidance of doubt, it can be considered what does not constitute a multi generational home. In particular, it is noted that a multi generational home is not simply a home built to M4(2) standard.
- 3.20 This is clear in that Policy 15 has separate requirements for both the standard and design and type of homes to meet the needs of older people and people with disabilities. Furthermore, Policy 15 paragraph 5.116 specifically notes that multi generational homes are something relatively new to the UK market. This clearly implies that a multi generational home is something distinct to a property built to M4(2) standard.
- 3.21 A multi generation home is not about building standard housing products which can be adapted in future as needs change/evolve over time and instead the council expects a bespoke product to be delivered which clearly meets the needs of older people at the point of completion and increases housing options from the outset.

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

## 4. Local Area Housing Needs Assessments template

### Introduction

- 4.1 This section of the SPD provides an overview of the factors and evidence that would be expected to be considered as part of a Local Area Housing Need Assessment which are also referred to as local needs studies. This will provide guidance to applicants, agents and other community groups in preparing such assessments.

### Policy Context

- 4.2 Local Area Housing Need Assessments or local needs studies are introduced in CDP Policy 11: Rural Housing and Employment Exception Sites criterion b) which sets out:

*...Where housing is proposed it must be shown that: b) there is an identified local need for affordable or specialist housing sufficient to justify the scale and nature of the development;*

- 4.3 Paragraph 5.81 of the CDP notes 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. This is known as a local area housing needs study in the context of this SPD. Paragraph 5.81 of the CDP is set out below for ease of reference:

*Affordable housing which is being proposed should meet local needs, reflect demand for particular sizes, types and tenures of housing and conform with the definition in the National Planning Policy Framework (NPPF). It must be justified on the basis of a pressing local need for affordable housing which is demonstrated by appropriate evidence, including a local needs study relating to the area concerned. Those regarded as being in local need are:*

- people who need to be housed but are unable to compete in either the open market for house purchase or are unable to afford private sector rents; and*
- people who are local to a village or a group of villages by birth, previous or current residence, employment or by virtue of having a close family member living in the area.*

- 4.4 Paragraph 5.83 notes that specialist housing can be considered as an exception where it will serve to meet an identified need. The framework in this SPD can be adapted to consider specialist accommodation such as sheltered and extra care facilities and nursing homes.
- 4.5 In addition to the Policy 11 context, Local Area Housing Need Assessments are utilised to support the development of neighbourhood plans and as part of developing proposals for community led housing. The guidance in this SPD is relevant in this regard.

### Scope and content of Local Area Housing Needs Assessments

- 4.6 This section of the SPD sets factors and evidence to be included within a Local Area Housing Need Assessment. To note, the Council does not expect this structure to be binding, however, the factors as set out in this section to be considered when developing a Local Area Housing Need Assessment.

#### Step A: The Local Area Overview.

- 4.7 A Local Area Housing Need Assessment should be relevant to the area to which the development relates on this basis, a Local Area Housing Need Assessment should:

- Identify the geography at which local needs are being met. This will be the settlement or nearest settlement to which relates to the application site.
- Make use of local data to inform the assessment including, local area house prices, local area income data.
- Identify any relationships with neighbouring or nearby settlements.
- Consider the development history of the settlement or local area (as relevant to understanding local area housing needs).

#### Step B: Identifying the local area need for affordable homes.

4.8 A Local Area Housing Need Assessment should clearly identify the need for affordable homes in a local area. This should include the type of affordable homes required, with reference to affordable housing products. It should also give consideration to quantity of the affordable homes required, in totality and for different types of affordable housing tenures and products. In this context Local Area Housing Need Assessments should:

- Be informed by the Council's Housing Development Team analysis of local demand information, which can be provided for the purpose of an assessment.
- Be informed by community engagement. This could be in the form of a survey or public meeting or other form of suitable engagement mechanism which provides an understanding of local area housing needs.
- Consider any specific groups in the area in need of affordable homes, such as older persons.

#### Step C: Meeting Identified Needs.

4.9 A Local Area Housing Need Assessment should set out how a proposal would serve to meet a local need for affordable housing. A needs assessment should demonstrate how a proposal has been designed to respond to information developed and collated in Step A and Step B of the process. On this basis an Assessment should set out how a proposal has been developed in the context of:

- The nature of the development, specifically, the justification for different types of affordable tenures and affordable housing products within the proposal in line with local needs.
- The scale of the development, specifically why the number of units has been proposed in line with local affordable housing needs, including the quantities of units proposed within different types of affordable tenures and affordable housing products, which make up a proposal.

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

## 5. Purpose Built Student Accommodation needs assessment template

### Introduction

- 5.1 Policy 16: Durham University Development, Purpose Built Student Accommodation and Houses in Multiple Occupation of the CDP considers Durham University development, proposals for purpose-built student accommodation (PBSA) and houses in multiple occupation (HMOs).
- 5.2 Part 2 of Policy 16 relates specifically to PBSA and is used to assess any applications for such proposals from the University or other accommodation providers. Part 2 of Policy 16 includes a number of criteria however this SPD seeks to provide further guidance in respect of criteria (a) and (b) of the policy specifically.

### Policy Context

- 5.3 Policy 16.2 Durham University Development, Purpose Built Student Accommodation and Houses in Multiple Occupation of the CDP states:

*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; ...*

- 5.4 The supporting text for Policy 16 states:

*5.141 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).*

*5.142 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.*

*5.143 Assessing proposals for new purpose-built accommodation against the criteria above will ensure that schemes are progressed in appropriate locations which meet the council's regeneration priorities. It is recognised that PBSA can support the viability of a wider development and support regeneration opportunities. However, where PBSA is proposed on town centre sites that could have been used for other types of more traditional city centre uses such as retail or leisure it is important that PBSA will only be one element of mixed-use schemes (such as was the case with the redevelopment of The Gates) to ensure that the impact on the city centre's vitality and viability is minimised.*

- 5.5 Paragraph 253 of the Inspectors Report from the Examination in Public of the CDP highlights that the Plan does...

*identify sufficient opportunities for residential accommodation to meet the expected increase in student numbers up to 2027. However, 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. Criteria (a) and (b) refer to there being a need for the type of accommodation being proposed and consultation with the relevant education provider. This is justified, as it will ensure that the right type of accommodation is provided and that scarce land in the city is not lost to speculative development that may ultimately be unsustainable. The other criteria should be effective in ensuring that such developments are suitably located, designed and managed such that the character of the area and living conditions of local residents are appropriately taken into account.*

Policy 16.2, criterion a. that there is a need for additional student accommodation of this type in this location

- 5.6 The CDP, whilst recognising the importance of Durham University to the county as a world class university, seeks to ensure that the scale of the student numbers in the city from the University and other higher education establishments does not significantly impact on the city and its residents. The recent growth in the demand for PBSA also has implications for Durham City centre as, whilst students can provide life and vitality to an area, the use of buildings for PBSA will decrease the opportunities for retail space and other town centre uses. However national policy recognises that residential development, including for students, can play an important role in maintaining the health of a centre and there are instances where such development can revive under-performing areas and other uses such as shops, cinemas and restaurants.
- 5.7 Durham University published a new strategy (2017-2027) for its future growth in the City. The Strategy sets out that by 2027, the student population at Durham University and in Durham City is targeted to be 21,500. Whilst the student population reached 22,219 students in 2021, the University has clarified<sup>3</sup> that “the University student intake for 2020 and 2021 was higher than anticipated due to the unexpected shifts in the grading of A-Levels and other Level 3 qualifications. We expect to return to the overall target in the coming years as the larger intakes of 2020 and 2021 progress to graduation”. It should also be noted that this figure was made up of students living in the City, studying away for their course (e.g. a year abroad) and studying online. It is also acknowledged that 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.
- 5.8 Whilst this may give the impression that no further student accommodation is required within the city, consideration of need is more nuanced than simply the number of students registered with the University or other educational establishments, and it is important that applicants address both the quantitative and qualitative need for future developments. In seeking to meet need, the council recognises that PBSA can increase choice for the student population and is an alternative to HMOs
- 5.9 PBSA traditionally takes the form of a large single block of residential accommodation used solely in term time by students in full time education. The accommodation can comprise a

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<sup>3</sup> In their letter dated 03 March 2022 in response to Apollo Bingo Hall application Dm/21/01611/FPA

mix of cluster flats, which normally contain around between 4 and 8 bedrooms, a communal lounge and bathroom or studio flats, a single room of accommodation containing both bedspace, living space and ensuite facilities. The accommodation often includes communal areas, laundry rooms and may have additional facilities such as a cinema or gym.

5.10 That being said, in Durham City there have been a variety of PBSA products brought forward in recent years, ranging from very small blocks of 1-2bed studio flats (more akin to HMOs) to large scale 1000 bed (cluster flat) halls of residence style accommodation.

5.11 In defining PBSA, paragraph 5.136 of the CDP sets out that PBSA is:

*‘...accommodation built, or converted, with the specific intent of being occupied by students, either with individual ensuite units or sharing facilities. PBSA is a building which is not classified as Use Class C4 or anything licensable as an HMO. In Durham City it is recognised that other forms of residential development such as, but not limited to, one bed apartments, may appeal to the student population and may ultimately be occupied by students even though they are not developed specifically as PBSA. For this reason, where it is considered that a proposal may appeal to the student population, based on the type of accommodation proposed, the size of the units and the location of the proposal, then it will be appropriate to assess the proposal against Part 2 of the Policy.’*

5.12 This SPD acts as a guide to what evidence should be provided to meet criteria (a) and (b) of Part 2 of the Policy, however it is acknowledged that this should be proportionate to the size of the development proposed. Furthermore, the Council does not expect this structure to be binding, however, the factors as set out in this section to be considered within a submitted PBSA Need Assessment

#### Step A: Quantitative need

5.13 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.<sup>4</sup>

#### Step B: Qualitative elements

5.14 Applicants should consider:

- who's need is being met by the development. For example, what type of student is being catered for, undergraduate or postgraduate, international, vocational (linked to place of work), families, protected characteristics (disability, female only, religious) or whether there are particular campus considerations which need to be taken into account. Applicants should demonstrate that they have considered impacts or

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<sup>4</sup> As set out in paragraph 253 of the EIP Inspectors final report.

implications of meeting specific needs in the context of the location and the configuration of scheme.

- why this is an appropriate location for the development.
- how the development will meet different types of need -
  - Form of accommodation – this could include consideration of whether single bed units, double occupancy rooms, cluster flats, shared facilities, accessibility etc are most appropriate for the target market, provide justification for model chosen and explain why this model meets an unmet need.
  - Consideration of price band - in the context of target markets. The applicant should show an understanding of current market dynamics as well as relationships with other forms of available accommodation, including university provision, other PBSA and HMO.
  - Amenities – consideration of the provision proposed, this should be reasonably aligned with other qualitative elements and type of student.
  - Consideration of how the Management Plan of the PBSA reflects the specific needs of the target market.
  - Whilst additional amenities are not mandatory, they may flow from other considerations. For example:
    - Need for study facilities and/or access to computers.
    - Leisure facilities – gym / cinema room
    - Pastoral support – office space within the development
    - Amenities associated with protected characteristics such as a prayer room.

#### Policy 16.2, criterion b. consultation with the relevant education provider pursuant to the identified need

5.15 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 the development reflects the accommodation requirements of the student population. This criterion seeks to ensure that the best possible schemes are brought forward, using evidence on need and suitability of products. Whilst it is acknowledged that in the majority of cases development will be aimed at the Durham University student market, there are a number of other educational establishments (such as colleges) and work based training establishments (such as the University Hospital of North Durham) which may require appropriate accommodation.

5.16 The applicant should:

- demonstrate evidence of consultation
  - Liaise with the relevant education provider to identify what information they need to include as a minimum e.g. details of the site and approximate number of students.
  - Indication of the following where possible:
    - Layout
    - Form of accommodation
    - Intended occupants (undergrad, postgrad etc.)
- demonstrate consideration of the University or educational establishment's response. For those schemes intending to be affiliated as part of the university portfolio, a

recognition that these proposals, in particular, would have to respond positively to any requirements set out in the University's response.

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

## 6. Application of the Nationally Described Space Standard in C Class Uses

### Introduction

- 6.1 Policy 29: Sustainable Design has introduced the Nationally Described Space Standard (NDSS). This SPD provides guidance as to whether NDSS applies to differing forms of accommodation within the Class C Use Classes.

### Policy Context

- 6.2 Policy 29: Sustainable Design of the CDP sets out in respect of Buildings:

*All new residential development will be required to comply with the Nationally Described Space Standards (NDSS). In order to allow for an appropriate transition period, the NDSS will only be applied to outline or full applications approved one year after the Plan is adopted.*

- 6.3 The supporting text of Policy 29 at paragraph 5.302 sets out:

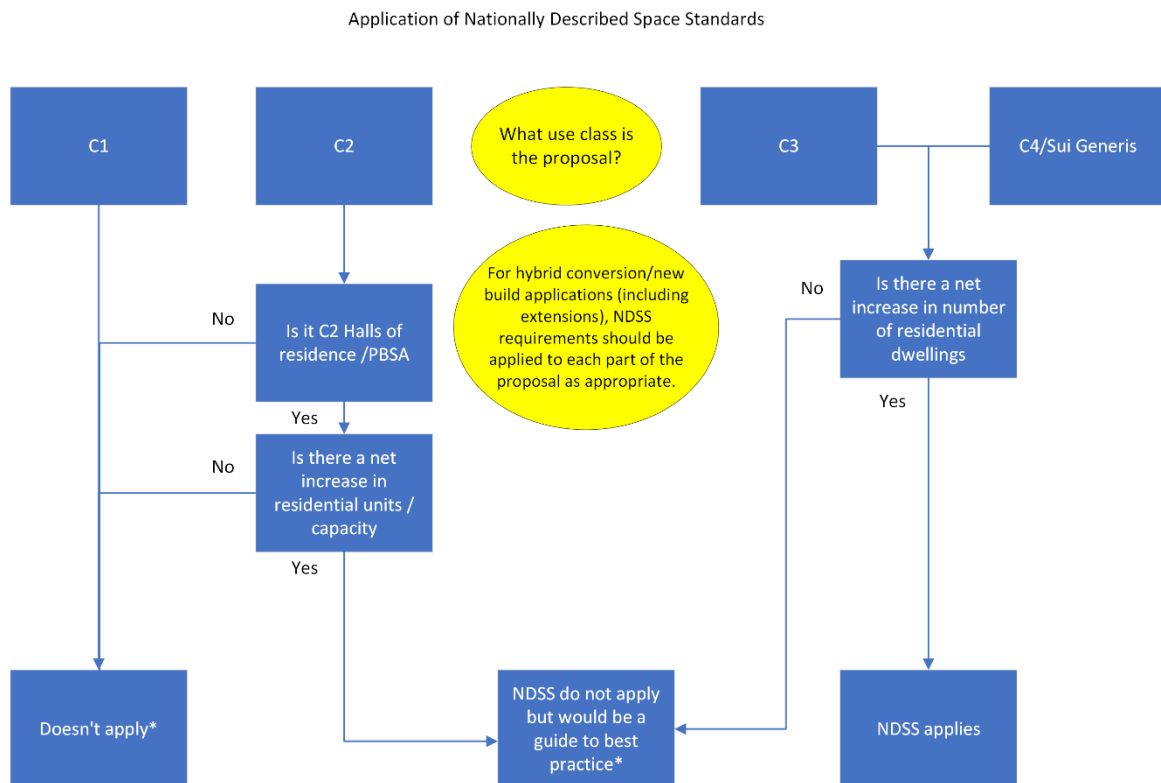
*The amount of space in a home influences how people live, impacting on their health and wellbeing. Providing homes of sufficient size to allow residents 'room to grow' is a critical part of delivering sustainable communities. The Government has set Nationally Described Space Standards (NDSS)(102) which reflect the need for sufficient indoor space to ensure homes meet typical day to day needs at a given level of occupation. These standards address internal space within new dwellings across all tenures, including both market and affordable. They also cover minimum floor areas and room widths for bedrooms, minimum floor to ceiling heights and minimum floor areas for storage. Evidence shows that many new homes across the country are being built below the recommended NDSS minimum size standards. Our own evidence also shows that many new homes in the county are being built below NDSS, having an impact on the quality of life of residents. As a result of this evidence the council has therefore determined that it is necessary to introduce the NDSS in County Durham. All housing schemes will therefore be expected to apply the standards unless they can demonstrate to the council that they would render the scheme unviable. In order to allow for an appropriate transition period, the standards will only be applied to outline or full applications approved one year after the Plan is adopted. This would represent a reasonable transition period during which data for monitoring purposes could also be gathered. The standards will not be applied retrospectively to those applications for reserved matters where the outline permission has been determined or is subject to a resolution to grant permission (including subject to planning obligations) before the policy comes into effect.*

- 6.4 To note, in line with the transition period the NDSS is currently applicable in County Durham in line with Policy 29.
- 6.5 The Council considers the NDSS, as best practice, will ensure that development provides adequate amenity standards in line with Policy 16: Durham University Development, Purpose Built Student Accommodation and Houses in Multiple Occupation, Policy 29: Sustainable Design and Policy 31: Amenity and Pollution.

### Application of the Nationally Described Space Standard in C Class Uses

- 6.6 Figure 1 sets out when the NDSS should be applied to applications which fall under Use Class C.

Figure 1: Application of the Nationally Described Space Standard in C Class Uses



\* Proposals may however need to meet appropriate licensing standards. DCC licensing standards can be found at <https://www.durham.gov.uk/article/2499/Multiple-occupancy-homes>. For specialist uses such as care homes (adult and children) or secure residential institutions additional standards may apply.

6.7 The following summary can be provided of Figure 1:

- **Use Class C1, Hotels.** NDSS do not apply for C1 applications. Proposals may however need to meet appropriate licensing standards.
- **Use Class C2.** This includes Residential institutions (such as hospital, nursing home, residential school, college or training centre) and C2a Secure Residential Institutions (such as prison, young offenders institution, detention centre, custody centre, secure hospital, secure local authority accommodation or use as a military barracks). If the proposal is not a C2 student Halls of Residence (HOR) or Purpose Built Student Accommodation (PBSA) then NDSS would not apply. If it is HOR or PBSA and it will result in a net increase in residential units or will increase the capacity of the building then, whilst NDSS would not apply it would be a guide to best practice and developers will be encouraged to meet the standards where possible. If the proposal does not result in additional units or capacity then the NDSS would not apply. For specialist uses such as care homes (adult and children) or secure residential institutions additional standards may apply.
- **Use Class C3, Dwelling House.** Where there is a net increase in the number of residential dwellings, regardless of dwelling type, then NDSS would apply and developers would need to demonstrate that they are meeting those standards as a minimum. If there is no

increase in the number of residential units, then whilst the NDSS would not apply it would be a guide to best practice. For example the conversion of an office block to a C3 use would create new residential dwellings and as such NDSS would apply, however an extension to an existing C3 dwelling, whilst it would provide additional habitable rooms, NDSS could not be applied but should be used as a guide to best practice. Developers would be expected to meet the standards wherever possible. For new build C3 dwellings houses the NDSS would be applied.

- **Use Class C4/Sui Generis.** C4 House in Multiple Occupation i.e. Use of a dwellinghouse by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom. Houses in Multiple Occupation which are occupied by more than six unrelated individuals would be classified as Sui Generis. Where there is a net increase in the number of residential units then the NDSS would apply and developers would need to demonstrate that they are meeting those standards as a minimum. This includes the conversion of properties which fall into other use classes. If there is no increase in the number of residential units, then whilst the NDSS could not be applied it would be a guide to best practice. For this type of use, properties must also meet DCC HMO licensing standards which can be found at <https://www.durham.gov.uk/article/2499/multiple-occupancy-homes>

For example, if a property is converted from a C3 use to a C4 use (where there are no internal changes) then NDSS could not be applied but would be a guide to best practice and as a minimum rooms must meet licencing standards. An extension to an existing C4 or as part of a conversion from C3 use, whilst it would provide additional habitable rooms, NDSS could not be applied but should be used as a guide to best practice. Developers would be encouraged to meet the standards where possible. For conversion from another use class to C4/Sui generis then NDSS would be applied. For new build C4/Sui generis HMOS the NDSS would be applied.

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

## 7. First Homes Interim Policy Statement and Local Eligibility Criteria

### Introduction

- 7.1 First Homes are a new form of affordable housing tenure, representing one of a range of intermediate housing products to meet the needs of households unable to afford outright home ownership. The national policy approach applies in County Durham, however within this Interim Policy Statement, it is updated with local eligibility criteria in respect of the introduction of a locally determined price cap.

### Policy Context

- 7.2 The Government's Planning Practice Guidance (PPG<sup>5</sup>) defines First Homes as follows:

*First Homes are a specific kind of discounted market sale housing and should be considered to meet the definition of 'affordable housing' for planning purposes. Specifically, First Homes are discounted market sale units which:*

*a) must be discounted by a minimum of 30% against the market value;*

*b) are sold to a person or persons meeting the First Homes eligibility criteria (see below);*

*c) on their first sale, will have a restriction registered on the title at HM Land Registry to ensure this discount (as a percentage of current market value) and certain other restrictions are passed on at each subsequent title transfer; and,*

*d) after the discount has been applied, the first sale must be at a price no higher than £250,000 (or £420,000 in Greater London)...'*

### First Homes Eligibility Criteria

- 7.3 The Government's PPG<sup>6</sup> sets out who is eligible to purchase First Home as follows:

*'A purchaser (or, if a joint purchase, all the purchasers) of a First Home should be a first-time buyer as defined in paragraph 6 of schedule 6ZA of the Finance Act 2003 for the purposes of Stamp Duty Relief for first-time buyers.*

*Purchasers of First Homes, whether individuals, couples or group purchasers, should have a combined annual household income not exceeding £80,000 (or £90,000 in Greater London) in the tax year immediately preceding the year of purchase.*

*A purchaser of a First Home should have a mortgage or home purchase plan (if required to comply with Islamic law) to fund a minimum of 50% of the discounted purchase price.*

*These national standard criteria should also apply at all future sales of a First Home.'*

### Local Criteria

- 7.4 Local authorities have the ability to vary a range of policy considerations associated with First Homes including the minimum discount, the price cap and eligibility criteria. The

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<sup>5</sup> Paragraph: 001 Reference ID: 70-001-20210524

<sup>6</sup> Paragraph: 007 Reference ID: 70-007-20210524

Council has commissioned an evidence base<sup>7</sup> to understand the extent to which local criteria should be implemented in County Durham. In line with the conclusions of this evidence, this Interim Policy Statement introduces a lower price cap for First Homes County Durham.

- 7.5 PPG<sup>8</sup> provides the context for a locally determined price cap as follows:

*In order to qualify as a First Home, the initial sale of the home cannot be at a price greater than £250,000 (or £420,000 in Greater London) after the discount has been applied. Therefore, local authorities cannot set price caps higher than these national caps.*

*However, the [First Homes Written Ministerial Statement of 24 May 2021](#) does give local authorities and neighbourhood planning groups the discretion to set lower price caps if they can demonstrate a need for this. Any local price caps should be determined through the plan-making process with regard to local income levels, related to local house prices and mortgage requirements.*

*Local price caps should not be set arbitrarily and should only be used if evidence demonstrates a need for intermediate housing at particular price points. Whilst the national standard price caps will be high for many local areas across England, homes built as First Homes will need to be of appropriate size and price for first-time buyers in any area. The national price caps should not be used as justification for delivering more expensive properties than are necessary or required in any area.*

- 7.6 The question for a price cap is whether the price of a First Home reflects a genuine discount on market prices. Based on evidence of newbuild house prices in County Durham, a cap below £250,000 is justified. The evidence base makes use of lower quartile house prices in County Durham, which are considered to be the entry level price for home ownership.
- 7.7 In County Durham, 70% of the lower quartile 4 plus bedroom property price is £176,500. A price cap at this value would ensure that First Homes remain a genuinely affordable option. However, almost all of the need for First Homes comes from properties which are 3 bedrooms or lower and a price cap of around £120,000 would ensure that any properties sold represent a genuine discount. A price cap of any properties being sold as First Homes with prices above £176,500 for 4 bedrooms, or 120,000 for 3 bedrooms would not represent a 30% discount on current entry level house prices.
- 7.8 All qualifying proposals must align with this Interim Policy Statement which reflects the conclusions of the evidence base. This is both in respect of the locally determined price cap but also the identified need for First Homes, with almost all of the need being for 3 bedroom properties or lower.
- 7.9 The evidence base recommends that the policy is applied flexibly to reflect prices in the market in the future, with the cap being relative to entry level market prices.

[The application of the requirement for First Homes in the context of County Durham Plan Policy 15: Addressing Housing Need.](#)

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<sup>7</sup> Opinion Research Services, Durham County Council First Homes Assessment 2022.

<sup>8</sup> Paragraph: 005 Reference ID: 70-005-20210524

## County Durham Plan Policy 15: Addressing Housing Need

- 7.10 The CDP was adopted in October 2021. Policy 15 (Addressing Housing Need) of the CDP states that affordable housing will be sought on sites of 10 or more units, for 25% of units in the highest value areas to 10% in the lowest. On sites of 10 or more units, 10% of the homes provided should be for affordable home ownership (starter homes, discount market sale housing and other affordable routes to home ownership).
- 7.11 The policy notes that any contribution above 10% should be provided as affordable housing for rent.

### Policy requirement for First Homes

- 7.12 In line with PPG<sup>9</sup> on First Homes, a minimum of 25% of all affordable housing units secured through developer contributions should be First Homes.

### Consolidation of the Requirement for First Homes in the Context of CDP Policy 15.

- 7.13 The Planning Practice Guidance confirms that First Homes can be considered to be a form of discounted market sale housing. Discount market sale housing, as a form of affordable housing, is considered to be an affordable home ownership product.
- 7.14 Indeed, PPG<sup>10</sup> notes:
- 'The 25% expected First Homes contribution for any affordable product can make up or contribute to the 10% of the overall number of homes expected to be an affordable home ownership product on major developments as set out in the NPPF...'*
- 7.15 On this basis, it is considered that First Homes should be delivered as part of the County Durham Plan Policy 15 requirement for affordable home ownership products.
- 7.16 Table 1 sets out how the requirement for First Homes can be accommodated as part of NPPF paragraph 65 requirement for 10% of the homes on the site being for affordable homes ownership and in the context of Policy 15 approach, which requires that the remainder of any affordable homes above 10% of the total units on the site, is provided as affordable housing for rent.

Table 1: Worked examples 100 unit scheme

Viability Value Area	Proportion of affordable homes required	Total number of AH homes	First Homes requirement at 25% of AH units	NPPF para 65 requirement of homes for affordable home ownership (at 10% of homes on the site)	Policy 15 requirement for any contribution above 10% to be provided as affordable housing for rent.
Highest	25%	25	6* (25% of 25)	10 – 6 = 4	15
High	20%	20	5 (25% of 20)	10 – 5 = 5	10
Medium	15%	15	4* (25% of 15)	10 – 4 = 6	5
Low	10%	10	3* (25% of 10)	10 – 3 = 7	0

\*Figures subject to rounding

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

<sup>9</sup> Paragraph: 013 Reference ID: 70-013-20210524

<sup>10</sup> Paragraph: 023 Reference ID: 70-023-20210524

## Appendix 1.

### Durham County Council Accessible and Adaptable Homes Statement

#### Introduction

This form is to be completed for applications for 5 or more dwellings and is used to assess a scheme's compliance with Policy 15 Addressing Housing Need of the County Durham Plan.

For proposals of 5 or more dwellings Questions 1 to 6 and the declaration are compulsory and must be completed to enable the application to be validated.

The use of the M4(2) checklist is recommended to assist applicants in screening their plans, and in understanding the policy requirements, but is not compulsory.

#### Details of Proposed Development

1. Total number of new dwellings	<input type="text"/>
2. Number of new dwellings that will meet the optional building regulations Accessible and adaptable M4(2) <i>Note: In order to meet the needs of older people and people with disabilities, Policy 15 requires that on sites of 5 units or more, 66% of dwellings must be built to Building Regulations Requirement M4 (2) (accessible and adaptable dwellings) standard.</i>	<input type="text"/>
3. Please confirm you have submitted the following plans (this may not be applicable for some outline applications) Metric scaled site layout, levels and section plans 1:100 or 1:200.  Metric scaled elevation plans 1:50 or 1:100.  Metric scaled floor plans 1:50.  <i>Note: Metric scaled floor plans should demonstrate the internal designs are capable of meeting the required standards. The furniture arrangements should be clearly shown on the floor plans for the bedrooms.</i>	<input type="text"/> <input type="text"/> <input type="text"/>
4. Have you screened your site and house design plans against the checklists provided at Appendix 1 of this form? (Yes/No)	<input type="text"/>
5. Are you satisfied that all plots and house types meet the key requirements in the checklist at Appendix 1 of this form (Yes/No)	<input type="text"/>
6. If any of the proposed dwellings are not likely to meet the requirements of Policy 15, please summarise the reasons why in the space below and note which plots are affected.  If you are seeking an exemption to the requirements of Policy 15 you must submit additional evidence explaining the site specific factors that you consider justify an exemption or viability evidence. This will then be considered by the Council.	
Response to Question 6:	
<b>Declaration</b>	

I understand that it is the responsibility of the applicant to notify building control that a planning condition has been applied requiring compliance with the optional building regulations M4(2).

I understand that this form and checklist are a screening tool to identify any key design issues at the planning stage that would make complying with Policy 15 difficult and that compliance with the full Building Regulations will be assessed by Building Control and does not fall within the planning process.

Name:

Signed:

Date:

## M4(2) Checklist

Please screen your proposals against the following checklist. This is to help you understand the key requirements of the Building Regulations that will be required at Building Control stage and to identify any design changes that may be required.

Requirement	Yes / No
<b>Access</b> At the point or points at which an occupant or visitor would expect to get in and out of a car: <ul style="list-style-type: none"> <li>• Level access to the principal entrance or suitable alternative entrance.</li> <li>• 900mm wide approach route.</li> <li>• Ramps between 1:12 and 1:20.</li> <li>• Landings 1,200mm long at the head, intermediate and base of ramps.</li> </ul>	
<b>Parking</b> <ul style="list-style-type: none"> <li>• Parking bay 2.4m wide x 4.8m long. Must be capable of being increased to 3.3m wide.</li> <li>• Communal parking to flats to have at least one bay (to above dimensions) provided close to the shared entrance. Minimum clear access zone of 900mm to one side and a dropped kerb.</li> <li>• Parking bay must be level or, where unavoidable, gently sloping (1:60 to 1:20).</li> <li>• Surface finishes to be firm and even with no loose laid materials.</li> </ul>	
<b>Entrance</b> <ul style="list-style-type: none"> <li>• Canopy at level entrance 900mm wide and 600mm deep.</li> <li>• Dusk to dawn timer or motion detection lighting adjacent to entrance.</li> <li>• Entrance door minimum 850mm clear opening.</li> <li>• If a porch is included it must allow 1,500mm between the two door swings.</li> </ul>	
<b>Circulation</b> <ul style="list-style-type: none"> <li>• Minimum nib of 300mm to the leading edge of doors (entrance storey only).</li> <li>• Step free to all rooms within entrance storey.</li> <li>• 900mm unobstructed corridor widths.</li> <li>• Living area to be included on entrance storey (living room, dining room or kitchen/dining).</li> <li>• Stairs 850mm clear width.</li> <li>• 1200mm minimum clear space in front of kitchen units and appliances.</li> <li>• 850mm maximum to glazing of principal window in living room.</li> </ul>	
<b>Bedrooms</b> <ul style="list-style-type: none"> <li>• Main double bedroom to have 750mm clear zone to both sides and foot of bed (2m x 1.5m bed).</li> <li>• Other double beds to have 750mm clear zone to one side and foot of bed (1.9m x 1.350m bed).</li> <li>• Single beds and twins to have 750mm clear zone to one side of each bed (1.9m x 0.9m bed).</li> <li>• All bedrooms to have clear access route 750mm from windows and doors.</li> </ul>	
<b>Sanitary facilities</b>	

<ul style="list-style-type: none"> <li>• For 1 or 2 bedroom houses, WC within entrance storey 1600mm x 850mm or 1050mm x 1,500mm.</li> <li>• For 3 bedroom and houses, WC within entrance storey capable of taking a future level access shower, 1,450mm x 1,800mm room size.</li> <li>• WC doors to open outwards.</li> </ul>	
<p><b>Bathrooms</b></p> <ul style="list-style-type: none"> <li>• Every dwelling to have a bathroom including WC, basin and bath on the same floor as the main double bedroom.</li> <li>• 1,100mm x 700mm clear access zones in front of WC and basin and to the side of a bath.</li> <li>• Provision for future level access shower within the bathroom (1 or 2 bed houses).</li> </ul>	