

# THE CITY OF DURHAM TRUST

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Web site: <http://www.DurhamCity.org>

c/o Blakett, Hart & Pratt, LLP  
Mandale Business Park  
Belmont  
Durham, DH1 1TH

8 April 2024

Your reference: APP/X1355/W/24/3338834

Mr Nicholas Patch  
The Planning Inspectorate  
3D Temple Quay House  
2 The Square  
Bristol BS1 6PN

Email: north2@planninginspectorate.gov.uk

## **TOWN AND COUNTRY PLANNING ACT 1990 - PLANNING APPEAL**

### **Appeal by Unity Living**

**Site address: Hallgarth Care Centre, Hallgarth Street, DURHAM, DH1 3A**

**Application reference: DM/23/01975/FPA**

**Appeal reference: APP/X1355/W/23/3328022**

**Proposed development: Conversion of care home (C2) to 69 bedspace Purpose Built Student Accommodation (sui generis), re-roofing of conservatories, erection of new cycle shelter and replacement bin store.**

## **STATEMENT BY THE CITY OF DURHAM TRUST**

Dear Mr Patch,

The City of Durham Trust wishes to make these additional written representations to accompany its original objection to the application (attached for convenience as Appendix A).

There are particular reasons for an additional statement in this case: the appellants have taken issue over the classification of the application as being for Houses in Multiple Occupation as opposed to Purpose Built Student Accommodation; the need for Care Home places; and the need for additional student accommodation. The Trust wishes to address these three issues, as follows.

### **Classification of the application as being for Houses in Multiple Occupation as opposed to Purpose Built Student Accommodation**

The Trust does not purport to offer legal advice but considers that, in view of the issue around which part of County Durham Plan Policy 16 should be applied in this case, it is useful to offer input on both the PBSA part (i.e. Policy 16.2) and the HMO part (i.e. Policy 16.3).

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The applicants wish that CDP Policy 16.2 PBSAs should be applied. The Trust's objection dated 27 July 2023 deals with the application on that basis, and is attached here for convenience as Appendix A. Essentially, as a PBSA, the proposal fails key aspects of County Durham Plan policies, City of Durham Neighbourhood Plan policies and the relevant section of the National Planning Policy Framework.

However, the County Council has determined the proposal as a set of Houses in Multiple Occupation and so has judged it under CDP Policy 16.3. The Trust supports Durham Council's assessment as set out in the Officer's Delegated Report, including the fact at the time of writing that Report that the application would see the creation of 9 HMOs and in this case, including the host property, 31.3% of residential units within 100 metres of the application site are student properties as defined by council tax records, well in excess of the 10% figure set out in Policy 16 as the 'tipping' point beyond which the community will not be the balanced, inclusive and mixed community that the County Durham Plan seeks to create and maintain. A current figure for the percentage of Class N student exemptions is not available to the Trust but it is inconceivable that it has dropped from 31.3% to less than 10%.

## **The need for Care Home places in Durham City**

As explained in the Trust's objection of 27 July 2023 there is a need for 50 additional care home places in Durham City, and the needs of the elderly population of Durham City will not be met if Hallgarth Care Home is lost. The Appellants say that the residents of the Care Home have been successfully re-homed, and quote the Officer's Delegated Report that County Durham Care Partnership has advised that the Council currently has between 250-300 empty care home beds in the County. The Trust's response is that County Durham is a huge area of 2,700 square kilometres; surplus beds in distant care homes are not a substitute for insufficient provision in Durham City - people need to be able to visit their loved-ones locally.

Local care home provision is especially important when one of an elderly couple needs care: a location which is convenient enough to call in frequently helps to maintain a decent quality of life for both people, and being able to stay within the neighbourhood means more friends are likely to be able to call as well. The Hallgarth Care Home is also readily accessible by good public transport, with bus stops nearby on the Stockton Road; many potential elderly visitors may not be able to drive and bus services to distant care homes may well be awkward and daunting.

## **The need for additional student accommodation**

Within CDP Policy 16.2 there is the requirement for proposals for PBSAs to demonstrate that there is a need for additional student accommodation of this type in this location. Much disinformation has confused discussions around whether there is a need for additional student accommodation here.

The case that has been put forward for Hallgarth Care Home to be converted into student accommodation repeats the past problems caused by a bulge in student numbers. Durham University planned in 2016/17 to increase student numbers, aiming for a target of 21,500 in 2026/27. However, the 'A' level algorithm adopted in the Covid crisis resulted in Durham University finding itself with 22,219 students in the 2021/2022 Academic Year, some 2,000 more than the preceding Academic Year and well above the target of 21,500 for the year

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2026/27. Extrapolating that bulge as a future growth rate is a demonstrably false premise. Not only has the University publicly declared that it will bring the total number down to the target of 21,500, it is succeeding year on year on lowering the intake. The total number of Durham University students is now 21,588. This is a reduction of 631 over two Academic Years, and it will need a reduction of only 88 in the coming October intake to bring numbers down to the target, and then remain stable thereafter at around 21,500. Furthermore, the Trust's original letter of objection (see Appendix A) details the substantial number of proposed PBSA bedspaces with planning permission, and letting agents for student HMOs are reported to be lowering their rents this year as many HMOs remain unlet for the next academic year.

The Trust therefore is confident that there is no quantitative need for additional student accommodation here.

Turning to the aspects of Policy 16.2(a) regarding “of this type in this location” there are no particular needs that require this type of accommodation in this location. The only argument that might be offered is that there should be choice, so let the market decide. The Policy does not provide an applicant with such an open-ended argument; it requires a demonstration of the need, and this applicant does not meet that requirement.

## **Conclusion**

The City of Durham Trust considers on the grounds set out above and in our original letter of objection that the appeal should be dismissed whether it is judged as a PBSA or as a cluster of HMOs

Yours sincerely,

[John Lowe](#)

Chair, City of Durham Trust

## **Appendix A: The City of Durham Trust's objection letter**

27 July 2023

Mr George Spurgeon  
Planning Development Central/East  
Room 4/86-102  
County Hall  
Durham City  
DH1 5UL

Dear Mr Spurgeon

**DM/23/01975/FPA: Conversion of care home (C2) to 69 bedspace Purpose Built Student Accommodation (sui generis), re-roofing of conservatories, erection of new cycle shelter and replacement bin store, Hallgarth Care Home, Hallgarth Street, Durham DH1 3AY**

The Trustees of the City of Durham Trust considered the above application at our meeting on 18 July 2023 and resolved to object on the following grounds.

We first set out below our key objections in summary form so that you can incorporate them into your report. We hope this will be of assistance and ensure that Committee Members are informed of our major points without the risk that our objection letter has not reached the Council's Planning Portal in time for the Committee meeting. It is to be hoped that this risk is avoided, as it is important that not only Members but also that other objectors and indeed the applicant and supporters can see for themselves the views expressed by objectors such as the Trust as part of compiling their own representations.

### **Summary of key objections**

- Hallgarth Care Home is a valued community facility for which there is demonstrable demand, but no equivalent provision has been made.
- This means that the proposal fails the requirements of NPPF paragraph 93, County Durham Plan Policy 6(g) and Neighbourhood Plan Policy C3.
- The loss of this Care Home would fail the need set out in the NPPF and CDP Policy 15 for sufficient provision for older people and people with disabilities.
- The applicant's assertion that there is a quantitative need for student accommodation is factually wrong - there is already a proven surplus of student bed spaces.
- In the pipeline there are 49 places at The Printworks, 850 places at Mount Oswald (Banks) and 128 places at the Apollo Bingo Hall (total 1,027 places). The reference is <https://info.durhamcity.org.uk/housing/pbsa/> and these will add to the existing surplus.
- The claims of qualitative need are too generic to qualify as a demonstration of need.
- The Planning Statement ignores CDP Policy 29 and paragraph 5.164.

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Our objections in full are as follows.

## **The need for Hallgarth Care Home**

Paragraph 5.111 of the County Durham Plan (CDP) charts the demographic shift in the population of County Durham, with the number of people aged 75 and over expected to increase from 45,700 to 75,700 (a 65.6% increase) from 2016 to 2035. A similar increase was reported in paragraph C.24 of the City of Durham Neighbourhood Plan (NP). That paragraph used 2011 Census data, and the 2021 figures are now available (see appendix). The population of the Parish, including the Census figure for students, was 23,181. The census counted 12,821 students aged 18+, leaving 10,360 permanent residents in the Parish. 1,042 (10.1%) of these were aged 75+. In comparison, 49,582 of the 522,071 residents in the County were aged 75+ (9.5%).

The reasoning in paragraph 4.323 of the Neighbourhood Plan is robust. The figures have changed very little. The number aged 75+ has increased very slightly from 1,020 (NP) to 1,042 (2021 Census). Consequently the conclusion remains that by the end of the Plan period (2035) an extra 50 care home places will be required in the Parish. This proposal is to remove 60 places by closing Hallgarth Care Home.

Contrary to the impression that might be gained from the Planning Statement, Four Seasons Health Care is still trading and on checking their website at [www.fshc.co.uk](http://www.fshc.co.uk) we find over 90 homes listed. The administrators will be required to get the best price for the property, and we infer that the figure for a site with permission to convert to a PBSA will be higher than could be obtained if selling as a nursing home. Although the Planning Statement says at paragraph 2.2 that “the sales process for the group estate, including Hallgarth Care Home, was launched in September 2022”, we see that in the same month Matthew Wright of Durham University had met with James Platts from Knight Frank to discuss the preliminary proposals (email from Gary Swarbrick of ELG Planning, page 49 of the Planning Statement). Clearly, conversion to a PBSA was on the cards from the outset and there is no evidence that a serious attempt was made to obtain a buyer or operator in the care sector.

The Care Quality Commission rated Hallgarth Care Home on 23<sup>rd</sup> August 2022<sup>1</sup> and it scored ‘Good’ on all five measures. The reviews on the Trusted Care website (same link) are all favourable. The comment by Kathryn Gething on the planning portal also praises the Care Home, and more may follow.

Paragraph 93 of the NPPF states:

*“To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:*

- a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;*

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1 <https://www.trustedcare.co.uk/care-homes/hallgarth-care-home-four-seasons>

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- b) *take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;*
- c) *guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;*
- d) *ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and*
- e) *ensure an integrated approach to considering the location of housing, economic uses and community facilities and services."*

This paragraph, and in particular part (c), is implemented by Policy 6(g) of the County Durham Plan:

## ***Development on Unallocated Sites***

*The development of sites which are not allocated in the Plan or in a Neighbourhood Plan which are either (i) within the built-up area; or (ii) outside the built-up area (except where a settlement boundary has been defined in a neighbourhood plan) but well-related to a settlement, will be permitted provided the proposal accords with all relevant development plan policies and:*

*[...]*

*g. does not result in the loss of a settlement's or neighbourhood's valued facilities services unless it has been demonstrated that they are no longer viable;*

and by policy C3 of the Neighbourhood Plan:

## ***Protection of an Existing Community Facility***

*Development proposals which would result in the loss of a valued community facility for which there is demonstrable demand should make equivalent alternative provision within or adjacent to Our Neighbourhood.*

It has not been demonstrated that the care home is no longer viable. It was running well up to the point that its surprise closure was announced. FSHC continues to run homes in other locations. There is no evidence that it was losing money on a day-to-day basis. The motive for the sale seems to have been purely financial gain from realising the potential value of the site as a development opportunity. The demand is demonstrated by the demographic evidence outlined above. The support given by the service users, their families, and comments on the planning portal show that this is a valued community facility.

## **Policy 16.2 (a) Proposals are required to demonstrate that there is a need for additional student accommodation of this type in this location**

The applicant's submitted documents arrive at claimed shortfalls in the number of student beds required of 430 or 536 or 996. All these figures are wrong, according to the University's joint work with the County Council. This work matches the County Council's Council Tax records for all properties that have Class N Student Exemption from Council Tax with the University's extremely accurate data on where each of its students lives in term-time. The conclusion of this work is that there are some 200 more students beds than students and that this surplus will increase as the University manages its intake to bring the total number of students down to the target of 21,500 in 2026/27. Furthermore, there are over 1,000 more bed spaces approved for Banks at Mount Oswald, for the Apollo Bingo site in the Sherburn Road, and for

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The Printworks (William Robson House). Whether or not these approvals are implemented, there is simply no quantitative need for this proposal.

The applicant argues that the supply in the private sector (mainly HMOs) will diminish as private landlords sell up. The University addresses this point by explaining that such properties are bought up by the commercial providers and continue to be available as student lets.

The applicant also refers to the figure produced by a company called StuRents who provide an information service for the student accommodation market. StuRents published figures showing a shortfall of 3,432 for the Academic Year 2023/2024. The applicant also offers newspaper articles about panic queuing outside letting agencies last October. StuRents figures have been comprehensively disproved by the joint University/DCC work, and the unnecessary panic was caused by such erroneous headlines of massive shortfalls.

## **Policy 16.2 (b) Proposals are required to demonstrate consultation with the relevant education provider pursuant to the identified need.**

The correspondence with the University makes clear that the University was consulted on the design and layout of the proposed scheme, not on whether *“there is a need for additional student accommodation of this type of location in this location”*. Furthermore, the University states that it may make further comments when the application is submitted, and so consultation with the University cannot be represented as completed.

## **Policy 16.2 (c) Proposals are required to demonstrate that it would not result in a significant negative impact on retail, employment, leisure, tourism, housing or the Council’s regeneration objectives.**

Hallgarth Street is afflicted by traffic and parking problems. As a strikingly attractive heritage street it is vital that the negative impacts of those problems are addressed. Any such regeneration efforts will be severely offset by the activities of a large number of students returning in the early hours from the night-time economy of the city centre. No student management or noise management plan can deal with this external issue. Paragraph 5.164 of the County Durham Plan states:

*“Student populations returning to and from and accessing PBSA through a predominantly residential area can impact upon residential amenity. Cumulatively, alongside HMOs, this can have an impact upon the character of an area. The policy therefore seeks to acknowledge the impact of student populations in a neighbourhood, for example the impact of comings and goings along primary access routes between PBSA and the town centre or a university campus.”*

This expresses perfectly the problems that a PBSA in Hallgarth Street would cause.

## **Policy 16.2 (e) Proposals are required to demonstrate that the design and layout of the student accommodation and siting of individual uses within the overall development are appropriate to its location and in relation to adjacent neighbouring uses.**

The application shows a row of open-air picnic tables and seats along the northern edge of the site. This is immediately adjacent to the residential properties in Hallgarth Street and Oswald

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Court (the latter mainly occupied by elderly people). It is inevitable that students will have enjoyable afternoons, evenings and nights at and around these open-air picnic tables, with associated loud and shouted conversations and possibly music. Noise management plans and student management plans will set time, volume and behaviour limits but these will need to be enforced and this will occur only after local residents have had to endure the nuisance.

**Policy 16.2 (g) Proposals are required to demonstrate that the activities of the 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. Prior to occupation a management plan or draft outline management plan appropriate to the scale of the development shall be provided.**

As explained in relation to Policy 16.2 (c) and (g) there is an inevitability drawn from experience in Durham city that anti-social behaviour in the streets around a PBSA, particularly those in streets used by students returning from the city centre in the early hours, has an unacceptable impact upon the surrounding residents. Hallgarth Care Home is at the end of Hallgarth Street and next to Oswald Court and therefore a PBSA on the site raises these issues. The applicant is required to demonstrate that the development will not have an unacceptable impact upon the amenity of surrounding residents, and has not done so.

## **County Durham Policy 29 Sustainable Design**

The applicant notes this as a relevant policy but make no assessment of compliance or otherwise with its requirements. There are two sections of this excellent policy that should be considered:

*“(e) provide high standards of amenity and privacy, and minimise the impact of development upon the occupants of existing adjacent and nearby properties; and*

*(f) contribute towards healthy neighbourhoods and consider the health impacts of development and the needs of existing and future users, including those with dementia and other sensory or mobility impairments.”*

As explained above, the proposal fails both of these requirements of CDP Policy 29. Further, it fails to consider the needs of existing and future users, including those with dementia and other sensory or mobility impairments in that it involves the complete closure of the existing care home that specifically provides for these needs.

## **Housing need policies**

The National Planning Policy Framework (paragraph 62) and the County Durham Plan (Objective 3) both lay out very clearly that the development plan for the area should:

*“deliver new, high quality housing, in a range of house types and tenures, that is accessible to, and meets the needs and aspirations of, County Durham’s residents (including affordable, families with children, young people, older persons, multi-generational housing, specialist housing, gypsies and travellers and those people wishing to build their own home) while making effective use of the existing stock.”*



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The needs of the elderly population of Durham city will not be met if Hallgarth Care Home is lost. Projections suggest that an additional fifty beds for those needing elderly care will be required. The planning authority is required to assess such needs and make sure that the development plan provides sufficient. This duty cannot be fulfilled if the capacity of Hallgarth Care Home is eliminated as proposed by the applicant.

On all of the above grounds, the City of Durham Trust considers that the application should be refused.

Yours sincerely

**John Lowe**

Chair of the City of Durham Trust

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## Appendix: census data

Paragraph 5.111 of the County Durham Plan (CDP) charts the demographic shift in the population of County Durham, with the number of people aged 75 and over expected to increase from 45,700 to 75,700 (a 65.6% increase) from 2016 to 2035. Those projections were 2014-based and the Neighbourhood Plan was able to use 2018-based projections<sup>2</sup> published by the Office for National Statistics on 24 March 2020. This table shows selected rows and columns from those projections, with the final row (75+) being the sum of the rows above it.

AGE GROUP	2018	2021	2022	2023	2026	2028	2030	2035	2039
75-79	19,870	22,687	25,037	26,371	27,647	26,060	25,751	28,518	31,579
80-84	14,647	15,175	15,175	15,427	17,717	20,712	21,571	20,527	22,584
85-89	8,173	8,655	9,026	9,331	9,708	9,964	11,049	14,292	13,766
90+	4,138	4,403	4,416	4,467	4,779	5,137	5,385	6,397	8,163
75+	46,828	50,921	53,653	55,595	59,850	61,873	63,756	69,734	76,092

These remain the latest available projections. As may be seen the projected 75+ population of the County in 2035 is now 69,734. This is a 49% increase on the 2018 base figure. There were 522,068 usual residents<sup>3</sup> in the County on Census Day, of whom 49,580 were 75 or older.

The 2021 Census data is now available and may be accessed via [www.nomisweb.co.uk](http://www.nomisweb.co.uk). Ready-made table RM124 shows student accommodation by age. In the City of Durham Parish the figures were:

Student accommodation type	Total	Aged							
		0 to 4	5 to 15	16 to 17	18 to 20	21 to 24	25 to 29	30+	
Total	14,875	0	1,364	261	8,130	4,351	530	239	
Living with parents	1,695	0	1,299	225	114	44	9	4	
Living in a communal establishment	7,006	0	38	29	5,136	1,438	255	110	
Living in an all student household	5,606	0	1	0	2,759	2,678	130	38	
Living alone	277	0	0	0	61	98	83	35	
Living in another household type	291	0	26	7	60	93	53	52	

The shaded cells are assumed to be Durham University students, which gives a total of 12,821. This is lower than the University's own statistics would imply, probably due to the Census date (21 March 2021) being both in the University vacation and in the middle of the Covid pandemic. Nevertheless, it can be used to estimate the number of permanent residents in the Parish. The population of the Parish, including the Census figure for students, was 23,181. By subtracting the 12,821 students aged 18+, we arrive at a figure of 10,360 permanent residents in the Parish. 1,042 (10.5%) of these were aged 75+. In comparison, 49,582 of the 522,071 residents in the County were aged 75+ (9.5%).

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1. <https://www.ons.gov.uk/file?uri=/peoplepopulationandcommunity/populationandmigration/populationprojections/datasets/localauthoritiesinenglandtable2/2018based/table2.xls>

3 2. [https://www.nomisweb.co.uk/sources/census\\_2021/report?compare=E06000047](https://www.nomisweb.co.uk/sources/census_2021/report?compare=E06000047)

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