

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

Mike Rowson
Durham County Council Planning Development
PO BOX 274
Stanley Co Durham
DH8 1HG

Dear Mr Rowson,

Planning application DM/24/02972/FPA: conversion of Hallgarth Care Home to purpose built student accommodation

The City of Durham Trust objects to this planning application and asks you to refuse it because it does not meet the requirements of policies 16, 29 and 31 of the County Durham Plan.

Policy 16

The aim of parts 2 and 3 of this policy, as set out in paragraph 5.125 of the County Durham Plan, is “to deliver student accommodation to create inclusive places in line with the objective of creating mixed and balanced communities.” The addition of a further 48 students to Hallgarth Street where there are already over 150 students will further exacerbate this imbalance.

The second draft of the Housing Needs Supplementary Planning Document was consulted on between 26 February to 7 April 2024. It was stated then that "Feedback will be considered as part of the drafting of the final version of the document which will be adopted later this year." In anticipation of that adoption we have used the template in Chapter 5 *Purpose Built Student Accommodation* to assess this application. If the text of the SPD when approved differs from the second draft we will revise this submission.

Policy 16.2(a) says that the applicant must demonstrate “that there is a need for additional student accommodation of this type in this location”. The SPD sets out a number of headings which we consider in turn. The applicant’s case is set out in the *PBSA Needs Assessment* prepared by Savills, and the *Planning Statement* prepared by ELG Planning.

Step A: Quantitative need

Applicants should

- **set out number of bedrooms as well as the number of students to be housed (bed spaces).** The *Planning Statement* at paragraph 3.1 gives this figure as 48.
- **reference the current University Masterplan.** Both documents reference the Durham University Strategy 2017-2027.

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- **attach original correspondence from the education provider.** Appendix 1 of the Planning Statement consists of an email from the developer's planning consultant to the relevant officer at the University. There is no response from the University.
- **provide some narrative text to set out:**
 - **how need reflects existing supply.** The *Planning Statement* relies on the *PBSA Needs Assessment* for this information. The figures given therein are misleading because it assumes every full-time student is seeking accommodation in Durham City, and the number of full-time students has fallen from 21,341 in 2022/23 to 20,814 in 2023/24. In fact the number of students assumed resident in Durham City (defined as the DH1 postcode area) in 2023/24 is 18,448. This is 1,002 fewer than the number calculated by Savills. The main reasons for this discrepancy appears to be that the number of students on placement or studying abroad (663) has been overlooked, and the number living outside the DH1 postcode area has been underestimated.

The figures on page 23 of the *PBSA Needs Assessment* overestimate the number of students, and underestimate the number of PBSA places (which here include college places). The University college bed spaces include Keenan House (132 places), Brackenbury (48) and Teikyo (90). None of these are mentioned in the *PBSA Needs Assessment*, which gives the total as 9,890. In 2023/24 there were 10,357 places in PBSA (2,502) and college (7,855). There are 467 more places available than given in the *PBSA Needs Assessment*.

Paragraph 5.14 of the *Planning Statement* quotes the officer's report to Committee regarding application DM/24/00705/FPA. However, this was written before Durham University clarified current student figures. The minutes of the County Planning Committee held on 3 July 2024 include

The Senior Planning Officer confirmed that a response from Durham University had been received following publication of the committee report and they had clarified current student figures and their intention for student numbers to revert to target levels once pandemic intakes have graduated. In response to this the Senior Planning Officer confirmed that the Councils position was now that the need had been accepted, not based on the figures provided by the Applicant, but to broaden the choice of accommodation in this location, particularly with regards to International Students.

Paragraph 5.14 of the *Planning Statement* should therefore be disregarded.

- **why range and choice etc. in market are important and how that fits with the qualitative elements set out below.** Pages 28 and 29 of the *PBSA Needs Assessment* address this issue.
- **the context of need, i.e. that it is possible that purpose built student accommodation schemes will also be proposed on non-allocated sites during the plan period and parts (a) to (i) set out criteria to manage such developments.** The

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list of developments in the pipeline (see page 34 of the *PBSA Needs Assessment*) omits the 850 beds at Mount Oswald promoted by Banks, whose planning application DM/20/03238/OUT was approved in July 2023. There is a further application, reference DM/24/00149/FPA, for a PBSA at Melbury Court. If its current iteration is successful this would provide a further 232 bed spaces.

In addition, it should be remembered that table 9 in Policy 16.2 of the County Durham Plan sets out six sites that are allocated for purpose-built student accommodation. One of these (James Barber House) is not being progressed, but the other five would have the capacity for between 2,000 and 3,000 bed spaces.

Therefore, in terms of quantitative need, the applicant has calculated a need that is more than 1,400 over that actually available, and has understated the capacity in the pipeline by 850. To be absolutely clear, this pipeline does not include the 2,000 to 3,000 bed spaces mentioned in the preceding paragraph.

Step B: Qualitative elements

Applicants should consider

- **whose 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 implications of meeting specific needs in the context of the location and the configuration of scheme.* Had the applicant addressed this matter we would have expected to find it in part 3 *Development Proposals* of the *Planning Statement*. It is not there.
- **why this is an appropriate location for the development.** The applicant is arguing that the site's proximity to the University makes it an appropriate location. The Executive Summary of the *PBSA Needs Assessment* states "Hallgarth Care Home is situated near Durham University buildings and colleges and Durham City Centre. The immediate area currently has no provision of purpose-built student accommodation so this site would offer a new accommodation option outside of HMOs" The site is indeed closer to the Palatine Centre and so the Law Department than any other college or PBSA. But St Mary's College, Shoichi Hall, Grey College and James Barber House are all about 200 metres closer to the Bill Bryson University Library and the Teaching and Learning Centre on South Road.
- **how the development will meet different types of need**
 - **Form of accommodation:** The proposal is for 48 studio flats of three different sizes with none of the alternatives listed in the SPD being offered. The applicant says there is a shortage of this type of accommodation which their proposal will meet. They say that rents for studios have grown by 67% since March 2020. However no

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source is given and we wonder what date this figure is from, since recent reports in the student newspaper *Palatinate* are that there is an over-supply and rents have fallen from their peak.

- **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.* The table on page 28 of the *PBSA Needs Assessment* addresses this issue. However, no price bands are quoted for this development, though we note that the three room types start at Deluxe and progress via Superior Deluxe to Grande Deluxe.
- **Amenities** – *consideration of the provision proposed, this should be reasonably aligned with other qualitative elements and type of student.* There is a gym, a games room, and a cinema room and a number of other social spaces, which seem appropriate.
- **Consideration of how the Management Plan of the PBSA reflects the specific needs of the target market.** The applicant is proposing that the management plan will be provided prior to occupation. This is a requirement of Policy 16.2(f). At this stage this issue has not been addressed.
- **Whilst additional amenities are not mandatory, they may flow from other considerations.** *(some examples follow)* Most of these are provided.

Consultation with the relevant education provider

The relevant education provider is Durham University. Policy 16.2(b) of the County Durham Plan requires consultation with the relevant education provider pursuant to the identified need. Paragraph 5.16 of the draft SPD sets out the requirements. The applicant should:

- **have received a response from the relevant education body before an application is submitted.** This has not been done. Appendix 1 of the *Planning Statement* consists of an email from the developer's planning consultant to the relevant officer at the University. There is no response from the University.
- **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.** Appendix 1 of the *Planning Statement* gave details of the site and the number of students to be housed. However there is nothing from the University to indicate what information they actually need.
 - **Indication of the following where possible:**
 - **Layout Plans** have been provided.
 - **Form of accommodation** Studio flats, as shown on the plans.
 - **Intended occupants (undergrad, postgrad etc.)** No information provided.

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- **demonstrate consideration of the University or educational establishment's response.**
As no response has been received it cannot be considered.

Policy 29 – Sustainable Design

Paragraph 4.4 of the *Planning* Statement recognises that CDP Policy 29 is relevant but there is no mention of how its requirements are to be met. We would particularly draw your attention to part c of that Policy:

All development proposals will be required to achieve well designed buildings and places having regard to supplementary planning documents and other local guidance documents where relevant, and: [...] minimise greenhouse gas emissions, by seeking to achieve zero carbon buildings and providing renewable and low carbon energy generation, and include connections to an existing or approved district energy scheme where viable opportunities exist. Where connection to the gas network is not viable, development should utilise renewable and low carbon technologies as the main heating source;

The plans show a plant room in the basement, but there is no indication what form of plant there will be. Given the welcome move away from gas boilers we consider that heat pumps should be used. There are no plans of the roof, so we have not been able to determine whether solar photovoltaics (PV) are proposed. The planning application should make both of these measures explicit and, should permission be granted, there should be conditions to that effect. These measures would also be supported by Policy 33 Renewable and Low Carbon Energy.

We consider that the requirement of the Senior EHO¹ that *All habitable rooms shall be adequately insulated and heated by a fixed space heating appliance of either gas or electricity* is outdated given that other environmentally friendly forms of heating are available which would ensure the rooms could be heated to 18°C.

Policy 31 – Amenity and Pollution

Policy 16 of the County Durham Plan includes in its supporting text paragraph 5.146, the relevant part of which includes

Developers should 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. The impacts of a large number of students living in an area maybe more easily mitigated when they are living in purpose built accommodation which has a management plan, rather than a number of HMOs.

While a management plan should mitigate disturbance arising from the site itself, experience shows that these have little if any effect on the surrounding streets. There is already considerable disturbance in Hallgarth Street and the areas immediately adjacent. We have looked at the police crime data for the past two years (the data for the preceding year were not

¹See the Planning Portal consultee comment dated 13 November 2024, description HMO.

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typical due to the Covid pandemic). These are detailed in the Appendix but in summary there were 103 crimes in total, which included 30 instances of anti-social behaviour, 28 violence and sexual offences, 14 public order offences and 8 of criminal damage and arson. These 80 crimes are ones that are usually committed in the public realm, as opposed to others such as burglary (5) and shoplifting (7).

We know from local residents, several of whom are members of the Trust, that the perpetrators of anti-social behaviour and other more serious offences that occur when ASB escalates tend to be students, and the problems often occur in the small hours after the clubs have closed. All of the pubs and clubs, and the student union at Dunelm House, are down Hallgarth Street towards the City Centre, and this is the route that future residents of the proposed new PBSA would take too.

There are 103 domestic properties in Hallgarth Street and from the published HMO percentages we know that 46 of these are student lets. We understand that between 150 and 160 students live in Hallgarth Street. The addition of 48 more students from the proposed PBSA would increase this number by about 30%.

The key parts of Policy 31 state that

... Proposals which will have an unacceptable impact such as through overlooking, visual intrusion, visual dominance or loss of light, noise or privacy will not be permitted unless satisfactory mitigation measures can be demonstrated whilst ensuring that any existing business and/or community facilities do not have any unreasonable restrictions placed upon them as a result.

Development which has the potential to lead to, or be affected by, unacceptable levels of air quality, inappropriate odours, noise and vibration or other sources of pollution, either individually or cumulatively, will not be permitted including where any identified mitigation cannot reduce the impact on the environment, amenity of people or human health to an acceptable level.

The supporting text at paragraph 5.328 says

Development proposals will be unacceptable where any resulting noise from new development would constitute a Statutory Nuisance under Part III of the Environmental Protection Act 1990 or where the noise impacts, although not sufficient to constitute a Statutory Nuisance, would nonetheless have an unreasonable adverse effect on amenity.

We consider that the additional late night foot traffic that a further 48 students would add to the existing situation in Hallgarth Street would have an unreasonable adverse effect on existing residents, one that cannot be mitigated. Consequently the application should also be refused because it fails the requirements of County Durham Plan Policy 31.

The Inspector considering application DM/23/01975/FPA did “not doubt that there have been instances of noise, disturbance, or antisocial behaviour, as stated in the correspondence from

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interested parties.” However, he said that “there is little substantiated evidence as to the frequency or nature of such behaviours” and “there is insufficient evidence for me to conclude that this would be of such a magnitude as to cause harm to the living conditions of local residents either in isolation, or cumulatively with other student accommodation in the area”. We hope that the information of the police crime data presented in this objection constitutes evidence that was not before the Inspector and that therefore a different conclusion can be reached.

Conclusion

This application should be refused because it does not meet the requirements of County Durham Plan Policies 16.2, 29 and 31, and it does not advance the objective of creating mixed and balanced communities.

Yours sincerely,

JOHN LOWE

Chair, the City of Durham Trust

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Appendix – crime reports

Sorted by crime type, then location, then date.

Month	Location	Crime type
2023-05	On or near Elvet Crescent	Anti-social behaviour
2023-05	On or near Elvet Crescent	Anti-social behaviour
2023-07	On or near Elvet Crescent	Anti-social behaviour
2023-07	On or near Elvet Crescent	Anti-social behaviour
2023-11	On or near Elvet Crescent	Anti-social behaviour
2024-02	On or near Elvet Crescent	Anti-social behaviour
2024-07	On or near Elvet Crescent	Anti-social behaviour
2024-08	On or near Elvet Crescent	Anti-social behaviour
2022-12	On or near Hallgarth Street	Anti-social behaviour
2023-01	On or near Hallgarth Street	Anti-social behaviour
2023-06	On or near Hallgarth Street	Anti-social behaviour
2023-06	On or near Hallgarth Street	Anti-social behaviour
2023-09	On or near Hallgarth Street	Anti-social behaviour
2023-11	On or near Hallgarth Street	Anti-social behaviour
2023-04	On or near High Yard	Anti-social behaviour
2023-04	On or near High Yard	Anti-social behaviour
2023-05	On or near High Yard	Anti-social behaviour
2023-07	On or near High Yard	Anti-social behaviour
2023-11	On or near High Yard	Anti-social behaviour
2023-11	On or near High Yard	Anti-social behaviour
2024-05	On or near High Yard	Anti-social behaviour
2024-05	On or near High Yard	Anti-social behaviour
2022-11	On or near Mavin Street	Anti-social behaviour
2023-02	On or near Mavin Street	Anti-social behaviour
2023-06	On or near Mavin Street	Anti-social behaviour
2023-11	On or near Mavin Street	Anti-social behaviour
2023-11	On or near Mavin Street	Anti-social behaviour
2024-03	On or near Mavin Street	Anti-social behaviour
2024-04	On or near Mavin Street	Anti-social behaviour
2024-06	On or near Mavin Street	Anti-social behaviour
2024-01	On or near Elvet Crescent	Bicycle theft
2023-11	On or near High Yard	Bicycle theft
2023-02	On or near Hallgarth Street	Burglary
2023-10	On or near Hallgarth Street	Burglary
2023-03	On or near High Yard	Burglary
2023-07	On or near High Yard	Burglary
2024-09	On or near High Yard	Burglary
2023-05	On or near Elvet Crescent	Criminal damage and arson
2024-02	On or near Elvet Crescent	Criminal damage and arson
2024-07	On or near Elvet Crescent	Criminal damage and arson
2023-05	On or near High Yard	Criminal damage and arson
2023-07	On or near High Yard	Criminal damage and arson
2024-03	On or near High Yard	Criminal damage and arson
2023-02	On or near Palmers Garth	Criminal damage and arson
2023-08	On or near Palmers Garth	Criminal damage and arson
2024-02	On or near Elvet Crescent	Other crime
2023-06	On or near High Yard	Other crime
2024-07	On or near Elvet Crescent	Other theft
2023-07	On or near High Yard	Other theft
2023-11	On or near High Yard	Other theft
2024-09	On or near High Yard	Other theft

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Month	Location	Crime type
2023-01	On or near Elvet Crescent	Public order
2023-05	On or near Elvet Crescent	Public order
2023-08	On or near Elvet Crescent	Public order
2023-11	On or near Elvet Crescent	Public order
2023-11	On or near Hallgarth Street	Public order
2022-10	On or near High Yard	Public order
2023-05	On or near High Yard	Public order
2023-05	On or near High Yard	Public order
2023-05	On or near High Yard	Public order
2023-07	On or near High Yard	Public order
2023-07	On or near High Yard	Public order
2022-11	On or near Palmers Garth	Public order
2023-03	On or near Palmers Garth	Public order
2023-05	On or near Palmers Garth	Public order
2023-08	On or near High Yard	Robbery
2023-05	On or near Elvet Crescent	Shoplifting
2023-08	On or near Elvet Crescent	Shoplifting
2023-08	On or near Elvet Crescent	Shoplifting
2023-08	On or near Elvet Crescent	Shoplifting
2024-02	On or near Elvet Crescent	Shoplifting
2024-03	On or near Elvet Crescent	Shoplifting
2024-08	On or near Elvet Crescent	Shoplifting
2023-05	On or near Hallgarth Street	Vehicle crime
2023-05	On or near Mavin Street	Vehicle crime
2023-02	On or near Elvet Crescent	Violence and sexual offences
2023-04	On or near Elvet Crescent	Violence and sexual offences
2023-09	On or near Elvet Crescent	Violence and sexual offences
2024-07	On or near Elvet Crescent	Violence and sexual offences
2024-03	On or near Hallgarth Street	Violence and sexual offences
2024-06	On or near Hallgarth Street	Violence and sexual offences
2022-10	On or near High Yard	Violence and sexual offences
2023-02	On or near High Yard	Violence and sexual offences
2023-04	On or near High Yard	Violence and sexual offences
2023-05	On or near High Yard	Violence and sexual offences
2023-06	On or near High Yard	Violence and sexual offences
2023-06	On or near High Yard	Violence and sexual offences
2023-06	On or near High Yard	Violence and sexual offences
2023-06	On or near High Yard	Violence and sexual offences
2023-06	On or near High Yard	Violence and sexual offences
2023-07	On or near High Yard	Violence and sexual offences
2023-07	On or near High Yard	Violence and sexual offences
2023-07	On or near High Yard	Violence and sexual offences
2023-07	On or near High Yard	Violence and sexual offences
2023-07	On or near High Yard	Violence and sexual offences
2023-08	On or near High Yard	Violence and sexual offences
2023-08	On or near High Yard	Violence and sexual offences
2023-08	On or near High Yard	Violence and sexual offences
2023-08	On or near High Yard	Violence and sexual offences
2023-10	On or near High Yard	Violence and sexual offences
2023-12	On or near High Yard	Violence and sexual offences
2023-12	On or near High Yard	Violence and sexual offences
2023-12	On or near High Yard	Violence and sexual offences
2024-04	On or near High Yard	Violence and sexual offences
2024-06	On or near Palmers Garth	Violence and sexual offences

Source: <https://data.police.uk/data/>