

DURHAM COUNTY COUNCIL

At a Meeting of **County Planning Committee** held in Council Chamber, County Hall, Durham on **Tuesday 2 May 2023 at 9.30 am**

Present:

Councillor A Bell (Chair)

Members of the Committee:

Councillors J Higgins, C Hunt, P Jopling, C Marshall, C Martin, M McGaun (Substitute) (substitute for G Richardson), M McKeon, P Molloy, I Roberts, K Robson (Substitute), K Shaw and A Simpson

Apologies:

Apologies for absence were received from Councillors G Richardson, D Boyes, B Moist, S Wilson and S Zair

1 Apologies

Apologies for absence were received from Councillors G Richardson and S Zair.

2 Substitute Members

Councillor M McGaun as substitute for Councillor G Richardson and Councillor K Roberts as substitute for Councillor S Zair.

3 Declarations of Interest

There were no declarations of interest.

4 Minutes of the meeting held on 4 April 2023

The minutes of the meeting held on 4 April 2023 were agreed as a correct record and signed by the Chair.

5 Applications to be determined

a DM/23/00291/FPA - Land West Of West End Farm, Front Street, Ingleton, DL2 3HS

The Committee considered a report of the Senior Planning Officer regarding an application for the installation of a below ground pipeline and associated works on land west of West End Farm, Front Street, Ingleton (for copy see file of Minutes).

C Shields, Senior Planning Officer gave a detailed presentation of the application which included a site location plan, aerial photograph, site layout and photographs of the site.

The Chair informed the Committee there were no registered speakers for the item.

Councillor C Marshall informed the Committee that he considered this to be a straightforward application and **moved** that it be approved. **Seconded** by Councillor C Hunt.

Upon a vote being taken it was

Resolved:

That the application be approved subject to the Conditions contained in the report.

b DM/23/00341/FPA - A167 - B6443 Central Avenue, Newton Aycliffe, Durham, DL5 6JA

The Committee considered a report of the Planning Officer regarding an application for the creation of a new junction and associated highway improvements on A167-B6433 junction, Central Avenue, Newton Aycliffe (for copy see file of Minutes).

S France, Planning Officer gave a detailed presentation of the application which included a site location plan, site photographs, aerial photograph and site layout.

The Chair informed the Committee that two officers from Highways were in attendance to answer any questions Members may have.

Councillor C Martin was pleased that a scheme for improving the highway infrastructure was being carried out before future possible housing development. Councillor Martin **moved** approval of the application.

Councillor C Hunt agreed with Councillor Martin that it was good to see highway improvement works before possible housing development and **seconded** approval of the application.

Upon a vote being taken it was

Resolved:

That the application be approved subject to the Conditions contained in the report.

c DM/20/03238/OUT - Land to the North of Mount Oswald, South Road, Durham, DH1 3TQ

The Committee considered a report of the Planning Officer regarding an outline application for Purpose Built Student Accommodation comprising up to 850 bedrooms, with all matters reserved on land to the north of Mount Oswald, South Road, Durham (for copy see file of Minutes).

S France, Planning Officer gave a detailed presentation of the application which included a site location plan, aerial photograph, site photographs and indicative layout.

The Planning Officer informed the Committee that a late objection had been received after the production of the Committee report which contended that Durham City had become the campus of Durham University with local residents increasingly marginalised. In response to this the Planning Officer informed the Committee that Policies of the Neighbourhood Plan were to try and centralise student accommodation in areas such as this to potentially free up housing in the City centre.

In reply to a question from the Chair the Planning Officer confirmed that the reserved matters application could be brought to Committee if requested.

Mr Kalorkoti addressed the Committee to object to the application. Mr Kalorkoti informed the Committee that he was a local resident who lived in Mount Oswald.

Durham was a university city and needed to provide student accommodation but this needed to be done in a way which considered other residents. Appropriate and up to date evidence needed to be provided before new student accommodation was approved. Having reviewed the application and relevant supporting documents it was clear that this was not the case in this application and Mr Kalorkoti raised the following concerns.

Overall, given how long this application had been under consideration, it was clear a lot of the supporting evidence was out of date. Firstly, the lack of evidence for the need for the development. Notably Durham University had not supported the application but merely raised no objection. The University strategy to 2027 predicted a drop in student numbers from the amount currently enrolled. Significant numbers of Purpose Built Student Accommodation were already provided on the Mount Oswald site and there was a fundamental lack of evidence why the proposed expansion was needed.

The Council's Local Plan already addressed the need for Purpose Built Student Accommodation up to 2035 with six other sites already allocated to meet this need. Mr Kalorkoti could understand in principle the Council's desire to support Purpose Built Student Accommodation as a way to protect family housing through change of use to student HMOs but family housing in Mount Oswald and other key areas of Durham City were already protected by Article 4 directions.

While this site had already received approval, this was back in 2018 before the Local Plan was adopted and other sites were allocated.

All applications should be supported by up to date information so that a fully considered decision could be made. Much of the submitted information for this application had not been updated since the original submission. A lot of the evidence was more than 5 years old which pre-dated the adopted Local Plan and

many of the homes closest to the site. This failed to provide a full picture of the area the Committee was being asked to make a decision on.

The ecology evidence to support the application was out of date and produced before the introduction of The Environment Act 2021. The biodiversity and net gain metric had been superseded three times since the version used in this application. Any biodiversity gains should be demonstrated using the up to date tools so the Committee could have confidence that nature and wildlife could be protected. Avoidance, mitigation and on site compensation needed to be addressed first as set out in The Environment Act, the NPPF and Policy 41 of the County Durham Plan. Developers could not simply look off-site first for compensation or financial contribution as the first port of call as was proposed in this application with off-site at Tow Law.

There were gaps in the transport evidence provided. All the transport evidence to support the application dated from 2016. It appeared the applicant had avoided providing significant transport evidence on the basis of proposing car-free development. Despite these claims, residents of Mount Oswald were already experiencing ongoing and significant issues with students parking on narrow estate roads, which was reflected in the objections submitted. This problem caused distress and safety concerns and this application would exacerbate the problem. Claims of car-free development were not a reality and students and their families would bring more cars to the site. This would result in more cars with nowhere provided for them to park safely.

It was clear from prior submitted objections that local residents had deep and valid concerns about the expansion of student accommodation so close to their homes. There were clear issues with the evidence submitted to support this application and this all needed to be addressed before a decision was made. On this basis Mr Kalorkoti asked the Committee to defer the application.

Mr J Hancock, Principal Planner at the Banks Group, addressed the Committee in support of the application.

Mr Hancock informed the Committee that he had been working on planning matters at Mount Oswald for over a decade which was in itself a measure of the Banks Group long term commitment to development with care on a site near to the company's head office.

Mount Oswald had been planned and designed with considerable care to the quality of living conditions for all of its inhabitants, house owners and students. The landscape setting and master planning approach were key to this.

The development as a whole made a very significant contribution to Durham City, economically and socially, as a new opportunity for house purchasers and students alike. At the outset it was agreed that the Mount Oswald site provided a unique opportunity for Purpose Built Student Accommodation to relieve some of the pressure that was building up in the city with student lets and houses of multiple occupation. Durham University supported this concept and developed a first phase of student accommodation with two colleges and 986 students. This had been a

huge success and a benefit to the City because without it the students would have needed to find accommodation elsewhere.

In 2018 planning permission was gained for a second phase of student accommodation which was in line with master plan expectations. This development would have been started but for the impact of the Covid pandemic which created uncertainty in the student accommodation market for a critical period during the life of that permission. The position was now much clearer and the Banks Group was confident that if permission was granted the development could be brought forward.

Durham was a highly constrained environment with green belt, flood risk and World Heritage status all of which impacted on opportunities to site development of this scale. This was why the site represented such a unique and unmissable opportunity for the City. The application was in outline with up to 850 student bed spaces likely to be in cluster flats. If successful, the Banks Group would work with the delivery partner to firm up all of the design issues and the management plan to ensure the impact of students on the residential population was negligible. The two existing colleges had demonstrated how this was possible.

The development would have facilities and would be located near to other University facilities. If approved there would be a financial contribution to local doctor's surgeries and public open spaces to the benefit of all residents. Biodiversity net gain would also be provided in the County in line with the County Policy. This would be on top of all of the open space and biodiversity already committed and delivered at Mount Oswald.

Mr Hancock hoped the Committee would agree that Mount Oswald was an ideal place to provide this kind of managed student accommodation and would support the application.

The Planning Officer in response informed the Committee that the application had been with the Council for a long time and because of this a full tranche of re-consultation had been undertaken in early 2023 to allow statutory consultees and internal consultees the ability to reconsider their comments and to ensure their advice was up to date. Ecology had been considered in terms of the up to date legal requirements and the evolving offer of this site. A recent application for nine units on the site which effectively used the last element of available on site land for Biodiversity Net Gain hence the off site proposal. The report reflected an up to date Policy and legal response to the application.

Councillor Jopling considered that Purpose Built Student Accommodation was needed in Durham which was a small city. Some current student accommodation was not fit for purpose and a lot of houses converted to houses of multiple occupation looked neglected. Purpose Built Student Accommodation would release housing for use by families and Councillor Jopling supported the recommendations in the report. However, referring to ecology, Councillor Jopling asked how the Committee would know that the off-site ecology proposals had been completed. The Planning Officer replied that the Section 39 element of the recommendation was for a monitoring plan to ensure the ecology was implemented properly and this extended over a period of 30 years.

Councillor McKeon referred to the biodiversity issue and asked why a site at Tow Law was being proposed opposed to a site within the Durham City area such as Houghall Woods, Old Durham, the riverbanks or Gilesgate which had green open spaces. Secondly, Councillor McKeon informed the Committee that she was familiar with the area having gone to school here and there were problems with parking in residential areas. Councillor McKeon questioned how many of the cars parked in the area were university students as opposed to students at the High School and asked what work was being done with the University to ensure students did not bring cars onto the site.

Referring to biodiversity the Planning Officer informed the Committee that the preference was always for this to be on site or as near to the site as possible but there needed to be land available for this and there were trading rules to try and get as close a typology of ecology lost on site to that being proposed. The land at Tow Law was available and the County Ecologist had identified this as a site.

This was not a University development and a management plan would be in place to try and control parking as far as possible.

Councillor Martin considered there was a student accommodation problem in Durham with a lack of accommodation and high rental charges due to the expansion of the University and the lack of new student stock being added to the market. Residents did not like HMOs and the only alternative to HMOs was purpose-built accommodation. Referring to ecology Councillor Martin had concerns at the breach of the Neighbourhood Plan which he considered to be an important document created by the local community, however, the Parish Council had raised no objections to the application. Councillor Martin **seconded** approval of the application which was in outline, and he looked forward to the reserved matters application being brought to the Committee for further detailed discussion.

N Carter, Planning and Development Solicitor advised the Committee that any request for the reserved matters application to be brought to Committee would need to be done at the time of the application.

Councillor McKeon **moved** that the recommendations in the report be approved with a condition that the biodiversity net gain money was spent within the Durham City area.

Councillor Molloy informed the Committee he was minded to agree with the views of local residents on this application. Increasingly towns and cities were becoming campuses with the local population moving out because they did not favour living alongside students. While agreeing that Purpose Built Student Accommodation was needed Councillor Molloy did not agree that this would free up housing in the city centre for families, as many city centre properties were not considered to be suitable as family homes. Councillor Molloy did not consider the mixture of student and residential accommodation on this site would work and he was against the application.

The Planning Officer advised the Committee that the master plan for the Mount Oswald site and the County Durham Plan this had always been an area targeted for student concentration to try and pull students towards the main university campus potentially with the aspirations set out in the Neighbourhood Plan to free up family housing in the city.

Councillor McGaun **seconded** Councillor McKeon's proposal that the application be approved subject to the biodiversity net gain money being spent within the Durham City area.

The Planning and Development Solicitor advised the Committee that two motions had been moved, one to approve the application subject to the Conditions contained in the report and one to approve the application subject to the biodiversity net gain money being spent within the Durham City area. As such the Committee should take the first motion first.

Upon a vote being taken it was

Resolved:

That the application be approved subject to the Conditions contained in the report.