



COMMITTEE REPORT

APPLICATION DETAILS

Application No:	DM/24/02972/FPA
Full Application Description:	Conversion of a former care home to Purpose Built Student Accommodation (PBSA) comprising 48 studio bedspaces, including re-roofing of conservatories; cycle shelter; bin store; EV bays and associated works
Name of Applicant:	Unity Living
Address:	Hallgarth Care Home, Hallgarth Street, Durham, DH1 3AY
Electoral Division:	Elvet, Gilesgate and Shincliffe
Case Officer:	Michael Rowson (Planning Officer) Email: michael.rowson@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

The Site

1. The application site is the former Hallgarth Care Home and the surrounding grounds. The former care home building is three storeys in height when viewed from the north and two storeys when viewed from the south due to the lower ground level of the building and the topography of the site. The building footprint is U-shaped, with a parking area within the central courtyard to the east. The area to the north of the site consists of grassed amenity space.
2. The building is unlisted and does not meet the criteria to be considered as a non-designated heritage asset. It is located within Durham City Conservation Area where its contribution is limited and neutral, on account of its contained and enclosed back land location bounded by the buildings lining Hallgarth Street on the site's eastern side, Back Mount Joy and Mount Joy Crescent in the south, and Oswald Court in the west.

3. The site was undeveloped during the early and mid-19th century with limited built development orientated east-west shown on the late 19th Century mapping up until the late C20, when the proposed built care home was constructed in 1996. As such, it is of no historic interest and is of limited merit architecturally. The site falls within the setting of numerous designated heritage assets including 54-56 Hallgarth Street (Grade II), 58 Hallgarth Street (Grade II) and 59 Hallgarth Street (Grade II). In addition, Mount Joy Crescent is a non-designated heritage asset/building of local interest. The site is also within the inner townscape setting of the World Heritage Site (WHS).

The Proposal

4. The application seeks full planning permission for the conversion of the care home building to Purpose Built Student Accommodation (PBSA) comprising of 48 studio bedspaces. The application also proposes the re-roofing of existing conservatories, erection of a bicycle shelter and bin store, installation of EV vehicle parking bays and associated works. An external amenity area would be retained to the north on which park benches would be located.
5. The application is being reported to the Central and East Area Planning Committee at the request of City of Durham Parish Council who consider that the development is unacceptable in principle as it fails to demonstrate: a qualitative or quantitative need for additional accommodation of this type in the specific location; consultation of the education provider pursuant to the identified need; and that the development would not result in significant impact on care home provision in the locality (CDP Policy 16, Part 2 criteria a, b and c). In addition, they are concerned that the proposal would result in a further imbalance in the community and would have a detrimental impact on surrounding residential amenities through noise and disturbance.

RELEVANT PLANNING HISTORY

6. DM/23/01975/FPA - Conversion of care home (C2) to Student Accommodation comprising 69 bedspace in the form of 9 cluster apartments, re-roofing of conservatories, erection of new cycle shelter and replacement bin store

Decision: Refused by LPA on 27/10/2023

Reasons for refusal: The proposed change of use of the building would, in the context of resulting in 31.3% of properties within 100 metres of and including the application site being registered as exempt from Council Tax as student properties, further unbalance the area and have a detrimental impact upon community cohesion and would further adversely affect the amenity of existing residents within the local area from increased noise and disturbance. Therefore, the proposal is considered contrary to Policies 16 and 31 of the County Durham Plan and Paragraphs 92, 130 and 185 of the NPPF.

Appeal dismissed on 20/08/2024 under reference APP/X1355/W/24/3338834 as the inspector considered the development would be contrary to Part 3 of

Policy 16 of the CDP and be harmful to the objective of creating, or maintaining, a mixed and balanced community.

PLANNING POLICY

National Policy

7. The following elements of the National Planning Policy Framework (NPPF) are considered relevant to this proposal:
8. *NPPF Part 2 Achieving Sustainable Development* - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
9. *NPPF Part 4 Decision-making* - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
10. *NPPF Part 5 Delivering a Sufficient Supply of Homes* - To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
11. *NPPF Part 6 Building a Strong, Competitive Economy* - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
12. *NPPF Part 7 Ensuring the Vitality of Town Centres* - Planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period.
13. *NPPF Part 8 Promoting Healthy and Safe Communities* - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.

14. *NPPF Part 9 Promoting Sustainable Transport* - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
15. *NPPF Part 10 Supporting High Quality Communications* - The development of high speed broadband technology and other communications networks also plays a vital role in enhancing the provision of local community facilities and services. Local planning authorities should support the expansion of electronic communications networks, including telecommunications and high speed broadband.
16. *NPPF Part 11 Making Effective Use of Land* - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
17. *NPPF Part 12 Achieving Well-Designed Places* - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
18. *NPPF Part 14 Meeting the Challenge of Climate Change, Flooding and Coastal Change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
19. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from Page 73 pollution and land stability and remediating contaminated or other degraded land where appropriate.
20. *NPPF Part 16 Conserving and Enhancing the Historic Environment* - Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to

their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

<https://www.gov.uk/guidance/national-planning-policy-framework>

National Planning Practice Guidance:

21. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to: design process and tools; determining a planning application; flood risk; healthy and safe communities; natural environment; noise; and use of planning conditions.

<https://www.gov.uk/government/collections/planning-practice-guidance>

Local Plan Policy:

22. The County Durham Plan (CDP) *Policy 1 (Quantity of Development)* outlines the levels of employment land and housing delivery considered to be required across the plan period.
23. *Policy 6 (Development on Unallocated Sites)* states the development on sites not allocated in the Plan or Neighbourhood Plan, but which are either within the built-up area or outside the built up area but well related to a settlement will be permitted provided it: is compatible with use on adjacent land; does not result in coalescence with neighbouring settlements; does not result in loss of land of recreational, ecological, or heritage value; is appropriate in scale, design etc to character of the settlement; it is not prejudicial to highway safety; provides access to sustainable modes of transport; retains the settlement's valued facilities; considers climate change implications; makes use of previously developed land and reflects priorities for urban regeneration.
24. *Policy 16 (Durham University Development, Purpose Built Student Accommodation and Houses in Multiple Occupation)* seeks to provides a means to consider student accommodation and proposals for houses in multiple occupation in ensure they create inclusive places in line with the objective of creating mixed and balanced communities.
25. *Policy 21 (Delivering Sustainable Transport)* requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development should have regard to Parking and Accessibility Supplementary Planning Document.

26. *Policy 22 (Durham City Sustainable Transport)* aims to manage demand by encouraging modal shift to more sustainable modes of transport by promoting and influencing changes in travel behaviour and delivers sustainable transport improvements to help reduce through-traffic from Durham city centre through the promotion and influencing changes in travel behaviour.
27. *Policy 25 (Developer Contributions)* advises that any mitigation necessary to make the development acceptable in planning terms will be secured through appropriate planning conditions or planning obligations. Planning conditions will be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations must be directly related to the development and fairly and reasonably related in scale and kind to the development.
28. *Policy 26 (Green Infrastructure)* states that development will be expected to maintain and protect, and where appropriate improve, the County's green infrastructure network. Advice is provided on the circumstances in which existing green infrastructure may be lost to development, the requirements of new provision within development proposals and advice in regard to public rights of way.
29. *Policy 27 (Utilities, Telecommunications and Other Broadcast Infrastructure)* requires all residential and commercial development to be served by a high-speed broadband connection, where this is not appropriate, practical or economically viable developers should provide appropriate infrastructure to enable future installation.
30. *Policy 29 (Sustainable Design)* requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out 18 elements for development to be considered acceptable, including: making positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals. Provision for all new residential development to comply with Nationally Described Space Standards.
31. *Policy 31 (Amenity and Pollution)* sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that they can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially polluting development.
32. *Policy 41 (Biodiversity and Geodiversity)* states that proposal for new development will not be permitted if significant harm to biodiversity or

geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or as a last resort, compensated for.

33. *Policy 42 (Internationally Designated Sites)* states that development that has the potential to have an effect on internationally designated sites, either individually or in combination with other plans or projects, will need to be screened in the first instance to determine whether significant effects on the site are likely and, if so, will be subject to an Appropriate Assessment.
34. Development will be refused where it cannot be ascertained, following Appropriate Assessment, that there would be no adverse effects on the integrity of the site, unless the proposal is able to pass the further statutory tests of 'no alternatives' and 'imperative reasons of overriding public interest' as set out in Regulation 64 of the Conservation of Habitats and Species Regulations 2017.
35. Where development proposals would be likely to lead to an increase in recreational pressure upon internationally designated sites, a Habitats Regulations screening assessment and, where necessary, a full Appropriate Assessment will need to be undertaken to demonstrate that a proposal will not adversely affect the integrity of the site. In determining whether a plan or project will have an adverse effect on the integrity of a site, the implementation of identified strategic measures to counteract effects, can be considered. Land identified and/or managed as part of any mitigation or compensation measures should be maintained in perpetuity.
36. *Policy 43 (Protected Species and Nationally and Locally Protected Sites)* development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided or the proposal meets licensing criteria in relation to European protected species.
37. *Policy 44 (Historic Environment)* seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets. The policy advises on when harm or total loss of the significance of heritage assets can be accepted and the circumstances/levels of public benefit which must apply in those instances.
38. *Policy 45 (Durham Castle and Cathedral World Heritage Site)* seeks to ensure that developments within the world heritage site sustain and enhance the significance of the designated asset, are based on an understanding of, and will protect and enhance the outstanding universal value (OUV) of the site in relation to the immediate and wider setting and important views into, and out of

the site. Any harm to the OUVs will not be permitted other than in wholly exceptional circumstances.

Supplementary Planning Documents

39. *Residential Amenity Standards SPD (2023)* – Provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed or existing dwellings are to be extended.
40. *Parking and Accessibility SPD (2023)* – Provides guidance on minimum parking requirements on development sites to ensure sufficient parking is parking, this also includes requirements for Electric Vehicle Charging Points at places of employment, supermarkets and other retail development. The guidelines have been designed to encourage the use of more sustainable modes of travel including walking, cycling and use of public transport.
41. *Trees, Woodland and Hedges SPD (2024)* – Sets out guidance to ensure that trees, woodlands and hedges are fully considered as part of the planning process, so that the multiple benefits they provide can be experienced by the residents of, and visitors to, the county. It provides background information and guidance on protecting features through the development process so that they can be integrated into new development including new planting. It also provides information on Tree Preservation Orders and trees in Conservation Areas.
42. *Development Viability, Affordable Housing and Financial Contributions SPD (2024)* – Sets out the approach to deciding and ensuring developer contributions for new development (such as housing). It recognises that developments that include an increase in new housing can affect the physical, social and environmental surroundings due to the increased demand for services and increased use of facilities as a result of the additional people. By ensuring developers provide financial contributions, the effects can be reduced and, where possible, bring positive benefits for the local area.
43. *Housing Needs SPD (2025)* – Intends to provide information on how CDP policies 11, 15, 16, 29 and 31 will be interpreted and applied.

<https://www.durham.gov.uk/cdp>

Neighbourhood Plan:

44. The application site is located within the Durham City Neighbourhood Plan (DCNP): Neighbourhood Plan area.
45. Policy S1 Sustainable Development Requirements of all Development and Redevelopment Sites Including all New Building, Renovations and Extensions - sets out the economic, social and environmental criteria that development proposals will be required to meet to: Promote economic well-being, to

conserve, preserve and enhance the neighbourhood, to increase resilience to climate change, and secure equity and benefit to the local community.

46. Policy H1: Protection and Enhancement of the World Heritage Site - requires development within the Durham Cathedral and Castle World Heritage Site to sustain, conserve and enhance its outstanding universal value and support the current adopted management plan. Development within the WHS must take account of the historical and present uses of the site, propose high quality design, use appropriate materials and seek balance in respect of scale, density, massing, form, layout, landscaping and open spaces. Development proposals within Our Neighbourhood will need to sustain, conserve, and enhance the setting of the WHS where appropriate, by carrying out an assessment on how the development will affect the setting, including views to and from the WHS, protect important views and take opportunities to open up lost views and create new views and vistas.
47. Policy H3: Our Neighbourhood Outside the Conservation Areas – requires development outside of Conservation areas to, where appropriate, demonstrate an understanding of the area of the proposed development and its relationship to the Neighbourhood area. Such development should sustain and make a positive contribution to the character and distinctiveness of the area and avoid the loss of open space and public realm that contributes to the area, to be appropriate in terms of scale, density, massing, form, layout, landscaping and open spaces and use appropriate materials and finishes.
48. Policy T1: Sustainable Transport Accessibility and Design – requires development proposals to be supported by evidence of how they contribute to sustainable transport accessibility and design where appropriate.

The above represents a summary of those policies considered relevant. The full text, criteria, and justifications can be accessed at:

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

CONSULTATION AND PUBLICITY RESPONSES

Statutory Consultee Responses:

49. *Highways Authority* – Confirms that the proposal would be acceptable from a highway safety perspective noting that the site is within a short walk of the main University campus, and the centre of Durham. Parking should be laid out and be available for use before first occupation. There would also be 20 cycle spaces in a designated shelter, and a bin storage area. These should also be available for use before first occupation. The applicant should submit a plan detailing how the site would work at the start and end of term when dropping off/picking up is occurring, to be secured by condition.
50. *City of Durham Parish Council* – objects to the application and are of the opinion that the development is unacceptable in principle and is not supported by any compelling information to demonstrate qualitative or quantitative need for the PBSA or consultation with the education provider (CDP Policy 16, Part 2 criteria

a and b). As such, they consider that it would fail to comply with criteria c of that policy due to the loss of a care home in a sustainable location. In addition, the proposal would result in a further imbalance in the community and would have a detrimental impact on surrounding residential amenities through noise and disturbance.

51. *The Coal Authority* – No objection. An informative recommended.

Internal Consultee Responses:

52. *Spatial Policy*- Note that the proposal would not require a licence under Part 2 of the Housing Act 2004 and as such, the proposal falls to be considered under CDP Policy 16 part 2. The Needs Assessment submitted by the applicant differs from the figures produced by Durham University.

The council is also due to adopt a Housing Needs SPD which includes detailed guidance on how these criteria should be addressed. The SPD has been subject to two stages of consultation and is likely to be adopted before this application is determined. Officers are recommended to seek confirmation of proposed rental price band.

53. *Environmental Health (Community Protection Service)* - It is assumed that each studio bedspace will be occupied by a single adult. The proposals will not require licensing under Part 2 of the Act. An informative recommended to require compliance with the Council's adopted HMO standards for 'Shared House HMOs'.
54. *HMO Licensing* – Advise that the development would not be subject to licensing legislation but advise that the developer have regard to recommendations with the Council's HMO Fire Safety, Amenity and Space Standards.
55. *DCC Integrated Strategic Commissioning* – Advise that there is an excess of care home beds within the county with some areas looking to reduce capacity. The home was already significantly under occupied before the closure was announced and all residents of Hallgarth were moved quickly and without any issue. The Council's care strategy is geared towards 'care at home' and 'home first'.
56. *HMO Data* – within 100m radius of, and including the application site, 37.9% of properties are Class N exempt student properties as defined by Council Tax records. There are zero relevant applications within the 100m radius pending determination.
57. *Public Rights of Way* - No recorded public rights of way affected.
58. *Design and Conservation* – The site would continue to make a neutral impact upon the significance, character, and appearance of the conservation area, the setting of the WHS, causing no harm to its Outstanding Universal Value, and to the setting of listed buildings in the vicinity. There would be some benefit within the conservation area by the reuse of a large-scale vacant building.

59. *Ecology* – The applicant has declared de-minimis on the application form in relation to BNG and this is considered correct as there appears to be no increase in footprint as a result of the proposed development. No further survey work is required.
60. *Environmental Health (Nuisance Action)* – No objection, subject to conditions regarding a Construction Management Plan and details of external lighting.

External Consultee Responses:

61. *Durham University* – The University has engaged with the developer regarding the scheme. Advice has been provided regarding student need. Regarding need, en-suite bedrooms are popular and demand outstrips supply. A studio is self-contained, which makes direct comparison difficult. There is strong demand among postgraduate international students for studio accommodation and demand exceeds supply, although most students are typically satisfied with an en-suite room. There is limited supply of designated accessible rooms in the student housing market which limits choice for students.
62. The loss of choice for residential care options is noted but the increased provision of accessible and adaptable rooms retains some of the original intent for the building.
63. There are significant differences between the PBSA sector and Durham University owned / managed sites, with the university offering lower overall annual cost of the accommodation.
64. The rental values in the Elvet area are the second highest or highest across three metrics.
65. *Police Liaison Officer* – Recommendations made referring to Secured by Design specifications.
66. *NHS* – No comment to make due to the small impact this would have on health.

Public Responses:

67. The application has been advertised by site notice and individual notification letters sent to 113 neighbouring properties as well as being advertised in The Northern Echo. 14 letters of objection have been received in relation to the application, including from the City of Durham Trust, Elvet Residents' Association and Whinney Hill Community Group.
68. These are summarised under the relevant headings below:
- *Need* – The Needs Assessment submitted is inaccurate, underestimating existing beds, overestimating student numbers and does not include all developments within the development pipeline. There is no need for additional student accommodation. The submission does not state which need the

proposal serves nor state a price band for the accommodation. The University has not been consulted and should provide the proposed accessible units on their existing properties.

- *Road Safety and Car Parking-* Impact on local parking conditions, particularly for elderly and disabled residents and an increase in congestion on local roads. Six parking spaces on the site are allocated to 1-6 Back Mount Joy.
- *Amenity Impacts* – Noise concerns at night, increase in anti-social behaviour and crime levels in the area. Management plans cannot manage the behaviour of students outside the boundary of the site or behaviour of visitors. Refuse collection concerns.
- *Community impacts* – There is a high concentration of HMOs in the area and the proposal would add to the imbalance. An increase in PBSA may not result in HMOs returning to family house use. Student accommodation is resulting in families not being able to afford to live in the area. There is a need for housing for elderly people and the care home should be retained for community use. Local shops and facilities are impacted by students not living in the area permanently.
- *Other concerns* – The scheme should utilise heat pumps and PV panels on the roof. A similar scheme was refused recently. Students do not pay Council tax. The capacity of local broadband is poor during term time.

Neutral

- A local church has initiated contact with the owners of the site regarding discussions to purchase it for community purposes, including as a place of worship.

Elected Members

69. Mary K Foy (Member of Parliament for City of Durham) objected to the proposal. A summary of those points of concern are:

- The applicant has failed to demonstrate need.
- The applicant has failed to demonstrate consultation and discussion with the relevant education establishment.
- The figures used to demonstrate need in the Needs Assessment appear incorrect.
- There is sufficient housing for students.
- The proposal will introduce a significant number of students into an area that is already imbalanced between permanent residents and the student population.
- Given that this area already has issues with numbers of people moving through the streets at 'unsociable hours' it seems that the introduction of a PBSA would only exacerbate this issue and have an impact on their quality of life.

- There is interest in using the property for a place of worship.
- The loss of a care home is a loss to the community and means older people will not have the opportunity to continue to live in the city.

The above is not intended to repeat every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at:

<https://publicaccess.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application>

Applicant's Statement:

70. The current application follows a previous proposal for student accommodation on site, which was dismissed at appeal as it was found that the bedspaces would be classed as HMOs and the proposals would conflict with Part 3 of Policy 16. The current proposals involve an alternative form of accommodation comprising PBSA that falls to be assessed under Part 2 of Policy 16.
71. The application submission clearly demonstrates that there is a clear quantitative and qualitative need for further high quality, well located and affordable PBSA options across the City that adequately cater for the modern day needs of the student body and Officers have not identified any conflict with Part 2(a) of Policy 16 in this regard in recommending approval of the application. It is noted that objections to the application from third parties have questioned the need for further PBSA on the basis of a statement from Durham University that '*there will be enough student housing in Durham City to meet demand.*' However, this position fundamentally fails to consider whether the current provision adequately caters for the needs and demands of the student body. The proportion of PBSA bedspaces within Durham is significantly below that of other university cities and the current accommodation offer is a clear competitive weakness for Durham University that could potentially undermine its stated objective of delivering a world class student experience and attractiveness as a place to study. There is also currently a heavy reliance on HMOs to meet current demand with objections routinely received in relation to the impact of such accommodation on local communities and the delivery of further PBSA will evidently reduce pressure on the local housing stock to meet student accommodation needs.
72. The applicant has also engaged extensively with Durham University during the course of the application process, which has identified that accessible rooms for disabled students are currently oversubscribed, particularly as much of the existing stock comprises older accommodation often contained within historic buildings that does not meet the requirements of disabled students. The proposals have therefore been amended and 25% of the proposed bedspaces will be accessible rooms to help address the current identified shortfall of such spaces. It was also identified that there has been a significant increase in students with autism in recent years and a further 25% of bedspaces will therefore be made available for students with a neurodivergence such as autism with ongoing consultation and engagement to be undertaken with the Disability Officer at Durham University regarding the future allocation and fit out

of such rooms to meet the needs of such students. The application proposals will therefore help address the clearly identified need for further accessible bedspaces to meet the needs of students with disabilities, which should clearly be afforded significant weight in the assessment of the application.

73. The engagement with Durham University has also reaffirmed that there is clear demand for en-suite bedspaces and, accordingly, the proposed studio bedspaces within the current scheme, all accommodating en-suite bathrooms, will help meet the identified needs of students seeking such forms of accommodation. The University also have a stated objective to increase the proportion of non-UK students to a minimum of 35% by 2027 with such students far more likely to live in PBSA given such accommodation can be viewed and booked online and benefits from an on-site management team. It therefore remains clear that there is a need to ensure that there is a sufficient supply of high quality, well located PBSA options to meet the needs of this key demand group.
74. It is therefore wholly evident that there is a clear quantitative and qualitative need for further PBSA bedspaces across the City, particularly to cater for the needs of disabled students identified by Durham University, and the proposals represent an acceptable form of development in principle delivering high quality, modern PBSA to meet identified needs through the re-use of a longstanding vacant building occupying a highly accessible location relative to the university and city centre in line with established policy objectives aimed at supporting the more efficient use of land and the re-use of existing buildings.
75. Moreover, on the basis of the findings of the previous Inspector, there would not be reasonable grounds to refuse planning permission on the basis of the loss of the former care home, highway safety or impact on neighbouring residents subject to the implementation of a Student Management Plan which is to be secured by planning condition.
76. The proposals therefore represent an entirely acceptable form of development that would accord with the relevant policies of the adopted County Durham Plan and we would therefore respectfully request that Members endorse the Officer recommendation and grant planning permission.

PLANNING CONSIDERATION AND ASSESSMENT

77. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise.
78. In accordance with advice within the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision making, along with advice set out in the Planning Practice Guidance notes. Other material considerations include representations received.

79. In this context, it is considered that the main planning issues in this instance relate to the Principle of Development, Impact on Heritage Assets, Residential Amenity, Highway Safety and Parking, Ecology, Carbon Emissions, Other Matters, Financial Contributions, and Public Sector Equality Duty.

Principle of Development

80. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP) and Durham City Neighbourhood Plan is the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at NPPF Paragraph 12. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035 and is therefore considered up to date.
81. NPPF Paragraph 11c requires applications for development proposals that accord with an up-to-date development plan to be approved without delay. As Durham's Development Plan is up to date, Paragraph 11d is not engaged in this instance. NPPF Paragraph 12 states that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
82. The proposal relates to the change of use of a care home (Use Class C2) to Purpose Built Student Accommodation (PBSA) consisting of 48 studio bedspaces and associated shared facilities for the use of the student occupiers.

The Proposed Use

83. Policy 6 (Development on Unallocated Sites) of the County Durham Plan (CDP) supports development on sites not allocated in the Plan or Neighbourhood Plan, but which are either within the built-up area or outside the built-up area but well related to a settlement. Development will be permitted provided it complies with the ten criteria (a-j), that is to say that the development: is compatible with use on adjacent land; would not result in coalescence with neighbouring settlements or ribbon development; would not result in loss of land of recreational, ecological, or heritage value; is appropriate in scale, design etc to character of the settlement; would not be prejudicial to highway safety; would provide access to sustainable modes of transport; would retain the settlement's valued facilities; considers climate change implications; makes use of previously developed land and reflects priorities for urban regeneration.
84. The site is within the built-up area of Durham, therefore assessment against Policy 6 is required. It is considered that the proposal: would not contribute to coalescence, ribbon development or backland development (criteria b), would not result in the loss of land which has recreational, ecological or heritage value,

or contributes to the character of the locality (criteria c), would make use of previously developed land (criterion i), whilst urban regeneration (criterion j) is not considered relevant here. All other criteria will be assessed in the following sections of this report.

85. Policy 16 of the CDP is separated into three sections as referred to in the title of the policy, 'Durham University Development, Purpose Built Student Accommodation and Houses in Multiple Occupation'. Durham University Development is covered in part 1, Purpose-Built Student Accommodation is covered in part 2 and Houses in Multiple Occupation are covered in part 3.
86. In this case, due to their different treatment within the policy, differentiating between PBSA and HMO accommodation is necessary. It is noted that PBSA is not defined in legislation. However, the supporting text to CDP Policy 16 defines PBSA as accommodation built, or converted, with the specific intent of being occupied by students, either with individual en-suite units or sharing facilities. It goes on to set out that PBSA is a building which is not classified as Use Class C4 (Houses in Multiple Occupation) or anything licensable as a House in Multiple Occupation.
87. In dismissing the appeal relating to the previous refusal at the site, the Inspector found that the difference between HMO accommodation and PBSA accommodation was whether the proposed development would be licensable as an HMO, which would therefore exclude it from the definition of PBSA for the purposes of CDP Policy 16. Whilst there was significant discussion regarding whether the development was an HMO or PBSA, ultimately the inspector found that it was not unreasonable to assume that the Council's Licensing team, who regularly deal with such matters, are correct on this point. The Inspector therefore referred to DCC licensing team's judgement that the proposal would be licensable and determining the proposal against Part 3 of Policy 16, dismissed the appeal as it would conflict with the relevant requirements.
88. This submission states that the proposed accommodation would consist of PBSA. As part of the subject application, the Council's Licensing team were consulted and assessed the proposal. They have advised that due to the nature of the resulting development, the proposal would not require a licence under Part 2 of the Housing Act 2004. In line with the Planning Inspectorate's approach, it is therefore reasonable to consider that the proposed accommodation is not an HMO and is therefore PBSA and assessment against part 2 of the policy is required.
89. The site is not allocated for student accommodation. However, Paragraph 253 of the County Durham Plan Inspector's report highlighted 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 the criteria of how part 2 of Policy 16 will manage such developments. It is acknowledged that by providing a range of accommodation including HMOs, university affiliated colleges and privately run PBSA, this allows for individual choice and

variety within the market, which can potentially also alleviate pressure on the residential housing market.

90. Policy 16, part 2 states that all proposals for new, extensions to, conversions to, Purpose-Built Student Accommodation on sites not allocated for student accommodation, will be required to demonstrate compliance with eight criteria (a-i):
- 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*
 - c) It would not result in a significant negative impact on retail employment leisure tourism housing or other of the council's regeneration objectives*
 - d) The development is readily accessible to an existing university or college academic site or hospital and research site*
 - e) The design and layout the student accommodation and siting of individual uses within the overall developments are appropriate to this location and in relation to the adjacent neighbouring uses*
 - f) The internal design layout and size of the accommodation and facilities are appropriate standard*
 - g) Activities of the occupants of the development will not have an unacceptable impact upon the amenity of the surrounding residents in itself or when considered alongside existing approved student housing provision prior to occupation in management plan or draft outline management plan appropriate to the scale of development shall be provided*
 - h) the quantity of cycle and car parking provided has regard to the council's parking and accessibility guidelines: and*
 - i) The applicant has shown that the security of the building and its occupants has been considered along with that of other local residents and legitimate users.*
91. The Council has recently adopted a Housing Needs Supplementary Planning Document SPD which provides additional information on how policies are to be interpreted including Part 2 of CDP Policy 16 criteria a) and b).
92. The above criteria (a-i) shall be discussed in turn. With regard to criterion a) and the need for student accommodation, the applicant has submitted a PBSA Needs Assessment, which analyses the market for this form of accommodation, and subsequent notes to expand on the Needs Assessment document and address comments made by members of the public as well as address the requirements of the recently adopted Housing Needs SPD. The submission states that there is currently sufficient accommodation within the city to accommodate all students across colleges, private PBSA and HMOs. This is also borne out in the data released by the university in their Student Accommodation Annual Market Report.
93. From an overall demand perspective, there is unlikely to be a significant growth in student numbers for the foreseeable future as the Durham University Strategy 2017-2027 states that the student population is targeted to be 21,500

going forward, less than the 22,219 students in 2021, which resulted from an uptick in A-levels grades in that year. The University has stated that it is intending to reduce the number of students to 21,500 once that cohort graduate.

94. As stated above, there are sufficient bedspaces for the current student population which is not likely to increase in the foreseeable future. Supporting text to Policy 16 at 5.141 advises that consideration of the need for additional student accommodation shall include, but not be limited to, the potential contribution of schemes with planning consent and University student growth forecasts and that PBSA can increase choice for the student population. Paragraph 5.146 recognises that PBSA should reflect the needs and aspirations of the student population and states that development should be accessible and appropriate to disabled students.
95. In addition, the Housing Needs SPD addresses this apparently adequate supply of accommodation at paragraph 5.8 where it states that 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.
96. The submitted Needs Assessment states that there is insufficient quantity of PBSA at present, stating an industry recommendation of 1.5 students per PBSA bedspace, which is currently not met. There are currently 2,502 PBSA bedspaces within the city which are privately operated and 7,855 operated by the University, totalling 10,357 bed spaces in operation. This figure would increase to 11,975 bed spaces once all developments under construction are completed and should all consented schemes be built out as approved. It should be noted that the 1.5 students per PBSA bedspace figure is not supported within planning policy and is considered to be somewhat simplistic for analysis of the needs of different markets.
97. The Durham University Strategy 2017-2027 states that the University intends to adjust the mix of students studying at the university to provide 36 per cent international students by 2026-27. The Needs Assessment submitted with the application states that the proposed PBSA will predominantly cater for this international student market. The submission states that international students are far more likely to live in PBSA as it can be viewed and booked online; is professionally managed, usually with an on-site management team; and also requires less knowledge of the UK rental market.
98. The application proposes 48 studio bedrooms, ranging in scale to provide 'deluxe', 'superior deluxe' and 'grande deluxe' rooms. Following consultation with the University, the applicant has amended the plans to ensure 25% of the rooms would be accessible units. The applicant has also confirmed that a further 25% of the bedspaces would be made available for students with neurodivergence such as autism, with consultation and engagement to be undertaken with the University regarding the future allocation and adaptations required.

99. The university have been consulted and confirm that en-suite rooms at the University are popular and demand exceeds supply for those facilities, although note that en-suite rooms provided by the university are different from the studios proposed, making comparison difficult. They also see strong demand among postgraduate international students for studio accommodation and demand currently exceeds supply. This appears to confirm the applicant's assertions that there is a need for the studio units proposed.
100. Appendix 2 of the Housing Need SPD states the factors which should be considered when submitting a PBSA Needs Assessment. In relation to criteria a) this takes the form of a checklist. The majority of the points stated within that checklist are considered to have been complied with in the submitted Needs Assessment and subsequent notes. However, information regarding a price band for the accommodation has not been provided. The applicant states that this will be a market consideration for the final end operator, with pricing determined by wider market dynamics and this is not considered unreasonable considering the applicant would not operate the accommodation themselves. However, considering the size of the units proposed, their annotations as 'deluxe' units, their self-contained layout, the range of facilities provided, as well as the prime location for university and city access, it is likely to be a premium product at the upper end of the rental bands. This view is supported by the University, which states that rental values in the Elvet area are the highest average pricing per week across the 'maximum yearly' rental value.
101. In relation to criterion a) of Policy 16, part 2, it is considered that the proposal would provide additional choice for students in the form of PBSA and meet the specific needs of international students, those with neurodivergence conditions and students who require accessible accommodation. It is therefore considered that this criterion is satisfied.
102. In relation to criterion b) of Policy 16, part 2, the applicant has provided evidence of consultation with Durham University who have formally responded to the application with no objection in principle. This consultation has led to improvements to the scheme through the increased proportion of accessible rooms provided.
103. In relation to criterion c), the proposal would not result in a significant negative impact on retail, employment, leisure, tourism, housing or other of the council's regeneration objectives.
104. With regard to criterion d), the location is within walking distance of the main university campus and the city centre and is considered acceptable in this regard.
105. Criterion e) relates to matters regarding the design and layout of the proposals which are considered in more detail elsewhere in the report.

106. In relation to criterion f), the internal layout of the building and facilities are considered to be of an appropriate standard, with sufficient space provided internally and externally.
107. Criterion g) relates to consideration of the impact of the development upon surrounding residents which is considered in detail elsewhere in the report. However, it is noted that the Council's Environmental Health team have raised no objections to the proposal in this regard subject to conditions, whilst a condition requiring submission of a management plan prior to occupation has been recommended.
108. Regarding criterion h), the Council's Highway Engineers have considered the proposal and confirmed that the development is acceptable in highways safety and parking provision terms.
109. Having regard to criterion i), it is considered that the applicant has adequately considered the security of the building and its occupants along with local residents.
110. The final element of Policy 16, Part 2 for consideration is the impact of the proposal on designated and non-designated assets, which will be addressed in further detail elsewhere in the report.
111. Comments from local residents raise concerns regarding the high concentration of HMOs in the area and the impact of the proposal on creating a mixed and balanced community. The application proposes PBSA, not HMO accommodation and has therefore been assessed against Part 2 of Policy 16. Part 3 of Policy 16 refers to HMO accommodation and requires an assessment of the proportion of the surrounding area which is exempt from council tax charges by virtue of being Class N exempt. However, as the application proposes PBSA, an assessment of the proportion of student HMOs in the area has not been required as part of this assessment.
112. On the basis of the above and subject to consideration of compliance with criteria e) and g) of Policy 16, Part 2 and all other material considerations, the proposed development is considered to comply with policies CDP Policies 6 and 16 in regard to the proposed use, subject to a full assessment of all other material considerations.

Loss of the care home use

113. The proposal would result in the loss of a care home use at the site. Residents have expressed a view that the Hallgarth Care Home is a valued community facility for which there is demonstrable demand and it is noted that a local group have stated that they have been in discussion about using the building as a place of worship.
114. CDP Policy 6 is not permissible to the loss of a settlement's or neighbourhood's valued facilities or services unless it has been demonstrated that they are no longer viable.

115. DCNP Policy C3 states that 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. Paragraphs 24 and 25 of Appendix C suggest there will be demand for additional care home beds in the Parish over the plan period up to 2035, due to an increasingly ageing population. The supporting text to the policy at Paragraph 4.307 defines community facilities as facilities and uses generally available to and used by the local community at large, including children and young people, for the purposes of leisure, social interaction, health and well-being or learning. This will include, but not be confined to, community centres, historic and community public houses, premises for indoor and outdoor sport, leisure and cultural centres, places of worship, doctor's surgeries / health centres, toilets, crèches, playgroups, youth clubs, libraries, schools, museums and art galleries, and other training and educational facilities.
116. Whilst not part of the list above, residents have expressed a view that the Hallgarth Care Home is a valued community facility for which there is demonstrable demand.
117. The County Durham Care Partnership has advised that the Council currently has between 250-300 empty care home beds in the County and that this has been consistent for several years, with a reduction in capacity being explored in some areas as a result. Going forward, demand for care home beds is predicted to remain at similar levels. This is outlined in the Council's Market Sustainability Plan which confirms that the strategy is geared towards 'care at home' and 'home first' due to changes in the way that older people wish to access care and support if and when they need it in the future. In addition, it is noted that Hallgarth Care Home was under occupied before its closure and all the residents have been re-homed without any issues.
118. In summary, from a commissioning and Adult, Health and Social care perspective, there is an adequate supply of care home beds within the county and the loss of the care home would not be objectionable.
119. Whilst the care home may be considered a community facility by the definition set out in the supporting text to DCNP Policy C3 and objections from residents suggest that it is of some value, the comments from the Council's senior commissioning delivery manager suggest that there is not a demonstrable need for the premises to remain in use as a care home. Accordingly, there is no requirement for the applicant to make equivalent or alternative provision within or adjacent to the Neighbourhood Plan area. Furthermore, St Margaret's Care Home comprising of 59 beds is located 2.1km away, therefore the proposals would not result in the loss of the last care home in the settlement and given the comments from The County Durham Care Partnership regarding the under occupancy of the care home and predicted future demand, it is considered that there is no requirement to provide further information to demonstrate that the use of the property as a care home is unviable in this instance.

120. It is noted that alternative potential purchasers of the site have provided comments stating that they would be interested in using the building for a community use. However, as described above, there is no policy requirement to retain the building within a community use nor a sequential approach whereby other possible community uses must be discounted before a non-community use could be considered acceptable.
121. To conclude the Principle of Development section and taking the above into account, it is considered that the principle of development is acceptable, and that the proposal would accord with the requirements CDP Policies 6 and 16, subject to more detailed consideration of other relevant matters below.

Impact upon Heritage Assets

122. CDP Policy 44 sets out development will be expected to sustain the significance of designated and non-designated heritage assets, including any contribution made by their setting. Development proposals should contribute positively to the built and historic environment and should seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets whilst improving access where appropriate. The policy permits flexibility in decision-making where harm is found to the heritage assets, with a public benefit test referenced similar to that within the NPPF.
123. CDP Policy 45 seeks to ensure that developments within the world heritage site sustain and enhance the significance of the designated asset, are based on an understanding of, and will protect and enhance the outstanding universal value of the site in terms in relation to the immediate and wider setting and important view into, and out of the site. NPPF Parts 12 and 16 advocate the importance of achieving good design in new developments, which show sensitivity to heritage assets and the historic environment.
124. In addition, DCNP Policy S1 seeks to conserve, preserve and enhance the neighbourhood by ensuring development harmonises with its context in terms of scale, layout, density, massing, height, materials, colour, and hard and soft landscaping; and conserves the significance of the setting, character, local distinctiveness, important views, tranquillity and the contribution made to the sense of place by designated and non-designated heritage assets.
125. DCNP Policy H1 seeks to protect and enhance the World Heritage Site (WHS) by requiring development proposals to protect important views.
126. DCNP Policy H2 seeks to sustain and enhance the Durham City Conservation Area, in particular by sustaining and enhancing the historic and architectural qualities of buildings; continuous frontages, street patterns, boundary treatments, floorscapes and roofscapes; historic boundaries and curtilages; avoiding demolition of assets of historic and/or architectural interest which contribute to the character and appearance of the area; development being of an appropriate scale, density, massing, form, layout; having materials, detailing and lighting appropriate to the vernacular, context and setting; using high quality design sympathetic to the character and context of the local area and its

significance and distinctiveness; and avoiding adding to the cumulative impact of development schemes which dominate either by their scale, massing or uniform design.

127. DCNP Policy D4 seeks all new housing to be built to the highest standards in terms of the character and appearance of the local area, aesthetic qualities, and external and internal form and layout.
128. Given the location of the site within a conservation area, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.
129. In addition, NPPF Paragraph 135 also advises that planning decisions should ensure developments function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, are sympathetic to local character and the surrounding built environment and landscape setting, and establish or maintain a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit. CDP Policy 6 criterion d) requires that development on unallocated sites is appropriate in terms of scale, design, layout and location to the character, function, form and setting of the settlement.
130. CDP Policy 29 outlines that development proposals should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities.
131. The external alterations proposed are limited to the existing conservatories attached to the north west corner of the building and in the north east corner of the central courtyard. These alterations would enable the rooms to be used as habitable space throughout the year. In addition, a covered cycle store would be positioned within the north west corner of the central courtyard and a bin store would be constructed to the east of the building, in the position of the existing bin store area.
132. The impact of the above in the context of the conservation area and of the setting of the heritage assets in the vicinity of the site would be minor and the effect neutral. Given the site developed in the late twentieth Century with no co-visibility with the World Heritage Site nor any historic connection and it does not contribute positively to its setting, it is considered that the impact on the conservation area and WHS is neutral. Accordingly, it would preserve the character and appearance of the Conservation Area in accordance with Section 72 of the Listed Building Act.
133. No concerns have been raised by the Conservation and Design team regarding the visual impact of the proposals or the impact upon designated heritage assets. The proposals therefore accord with the above referenced planning policies and are acceptable in this regard, subject to a condition regarding the proposed materials used for the conservatory alterations.

Residential Amenity

134. Parts 12 and 15 of the NPPF require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution.
135. NPPF Paragraph 96 advises that planning decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible and do not undermine the quality of life or community cohesion. Paragraph 135 advises that planning decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
136. CDP Policy 31 states that all new development that has the potential to lead to, or be affected by, unacceptable levels of air quality, inappropriate odours 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.
137. Criterion a) of Policy 6 seeks to ensure that the development of unallocated sites is compatible with, and is not prejudicial to, any existing, allocated or permitted use of adjacent land.
138. Criterion e) of Policy 16, part 2, requires proposals demonstrate 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. Criterion f) requires that the internal design, layout and size of accommodation and facilities are of an appropriate standard. Criterion g) requires 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. It goes on to state that prior to occupation, a management plan or draft outline management plan appropriate to the scale of the development shall be provided.
139. DCNP Policy D4 states that alterations to existing housing should be of high-quality design relating to external and internal form and layout, functionality and adaptability.
140. Paragraph 5.13 of the Housing Need SPD states that the provision of a safe and secure social environment for student residents, staff and the respect and protection of the local neighbouring residents is of utmost importance. The management and supervision of both accommodation and residents as a means to discourage and prevent anti-social behaviour will be the responsibility of the residence management team.

Neighbouring amenity

141. The application site is within a residential area and is adjacent to gardens of neighbouring dwellings.
142. The proposal would not extend the existing building therefore there would be no impact on neighbouring residential dwellings in terms of loss of light or outlook whilst the occupation level of the premises is likely similar to that of the previous care home use, therefore harmful loss of privacy is not a concern in this instance.
143. The previous application for planning permission for the change of use of the building to student accommodation, planning reference DM/23/01975/FPA, proposed 69-bedspaces and was refused by the LPA in part because of adverse impacts on existing residents within the local area from increased noise and disturbance. That decision was subsequently appealed by the applicant and dismissed by the Planning Inspectorate.
144. However, in dismissing the appeal, the Inspector assessed the effect of the proposal on the living conditions of nearby residential properties. The Inspector stated that they did not doubt that there had been instances of noise, disturbance, or antisocial behaviour, as stated by correspondence from interested parties. The Inspector also stated that it was undeniable that the proposed development would increase the potential for disturbance or antisocial behaviour, in particular from students traversing the length of Hallgarth Street in the evening. The Inspector went on to state:
145. *'there is little substantiated evidence as to the frequency or nature of such behaviours. Nor would it be reasonable to assume that all students are going to conduct themselves in a less than responsible manner. Whilst there would be an increase in general, low level, noise and disturbance to local residents as a result of the proposed development, 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. I am also satisfied that the building could be managed in such a way that its occupation would not be a direct noise source in itself, and that parking and deliveries could be managed in such a manner as to minimise any disturbance from these sources.'*
146. The Planning Inspectorate's appeal decision is a material consideration and clearly indicates that the previous scheme would have resulted in no unacceptable impacts on the living conditions within the local area. This application is very similar in nature and proposes 48 bedspaces, a reduction of 21 bedspaces since the previous submission. It is considered reasonable to conclude that a reduction in intensity of use of the premises when compared with the previous proposal would result in no more related disturbance. As such it is considered that this proposal would not result in any unacceptable levels of disturbance, subject to conditions ensuring that it was managed correctly.

147. Whilst local residents have objected regarding crime rates in the area, pointing to the student population as the likely cause, this is not suitably substantiated by any credible evidence to justify a departure from the comments made by the inspector in their appeal decision.
148. In terms of management, the applicant has provided a Noise Management Plan which details how noise within and associated with the development, will be managed and controlled. The Council's Environmental Health Officer (Nuisance Action) has been consulted and have commented that provided that that good practice and guidance is adhered to, they do not envisage a significant impact. They have raised no objection to the proposal, subject to a condition requiring submission of a Construction Management Plan to limit impact on residents during construction and adherence to the Noise Management Plan.
149. In addition to the Noise Management Plan the applicant has agreed to imposition of a condition regarding submission and implementation of a detailed Management Plan, which would require submission of measures to be put in place to ensure the best integration of the development with the local community and neighbours. This would include measures for the dropping off and picking up of occupants at the beginning and end of each semester; management procedures for the day to day operation of the building and the use of the external amenity space; details of the managing body; staffing arrangements; tenancy agreements; disciplinary procedures; grounds maintenance; security measures; fire and health and safety and community liaison; car parking enforcement; and opportunities for sustainable waste recycling.
150. Whilst it is recognised that the proposal has the potential to result in disturbance to neighbouring residents, it is considered that in light of the recent appeal decision and the securing of suitable management plans, that this impact could be adequately mitigated through the aforementioned conditions.

Amenity of future occupiers

151. The proposal would provide 48 studio bed spaces, which would vary in floorspace from 18.5sq.m to 43sq.m, which is generous for student studio rooms. Each room would include a bed, a kitchenette, study area and en-suite bathroom and the scale and layout of the individual studio rooms would be suitable for their use. In addition, the layout of the buildings would provide for shared facilities including a cinema room, a games room, a common room, a study room, a gym, and a laundry as well as offices for management and student support officers.
152. The accommodation would be located so as not to be impacted by road noise or be impacted by neighbouring uses and the Environmental Health team has raised no objection in this regard. It is therefore considered that the proposal would provide adequate living conditions for future occupiers of the premises.

153. In conclusion, it is considered that subject to inclusion of a condition requiring adherence to the submitted Noise Management Plan and submission of a Construction Management Plan and Management Plan, that the proposal would have no unacceptable impacts on the living conditions of neighbouring occupiers whilst providing an acceptable level of amenity to future residents, in compliance with the abovementioned policies.

Highways Safety and Parking

154. CDP Policy 21 states that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity, expecting developments to deliver well designed pedestrian routes and sufficient cycle and car parking provision. Similarly, Policy 29 advocates that convenient access is made for all users of the development together with connections to existing cycle and pedestrian routes. Criteria e) of Policy 6 does not permit development where it would be prejudicial to highway safety.
155. The NPPF sets out at Paragraph 115 that safe and suitable access should be achieved for all users. In addition, NPPF Paragraph 116 advises that development should only be refused on transport grounds where the residual cumulative impacts on development are severe.
156. DCNP Policy T1 seeks to ensure that access to developments is accessible to all, including people with mobility impairments. Policy T2 seeks to ensure off-street car parking is designed to minimise vehicle movements on residential streets. Policy T3 seeks to ensure cycle parking at the rates required by the Councils Parking and Accessibility Standards.
157. Criterion h) of Policy 16, part 2, requires that proposals demonstrate the quantity of cycle and car parking provided having regard to the council's Parking and Accessibility Supplementary Planning Document (SPD).
158. The Highways Authority have indicated their satisfaction with the proposals, as the site is within a short walk of the main University campus and Durham city centre, and it is therefore considered to be suitable and sustainable location. The site would be served by a sufficient amount of car parking spaces, including four EV charging points and two accessible spaces, alongside 20 cycle spaces within a designated shelter.
159. The applicant has confirmed that the accommodation will adopt a general no car policy for student occupants and, as such, the car park will provide for staff and visitor parking, as well as providing provision for any students with specific needs that require access to a car as an exemption to the general no-car policy of the accommodation.
160. A condition is recommended to require the car parking spaces and cycle shelter to be laid out / installed and made available for use prior to the first occupation of the building. A condition has also been recommended to secure a detailed management plan to include details of measures to be taken during dropping off/picking up at the beginning and end of term.

161. A resident of Back Mount Joy has made reference to six existing car parking spaces within the application site being allocated for use by the residents of 1-6 Back Mount Joy. This arrangement is an informal one between the applicant and those neighbouring residential properties which dates from the initial construction of the care home. In deciding to allow the care home at appeal, the Inspector did not deem a condition necessary to preserve this arrangement given that it is informal in nature. At that point, the dwellings were in use as family homes, whereas now the majority are HMOs for student accommodation.
162. The applicant is willing to maintain the existing informal agreement that is in place, particularly for the remaining non-student occupants on Back Mount Joy but is reluctant to formalise this arrangement as it may restrict the number of spaces for the PBSA occupiers, for example if there was an increased proportion of blue badge holders in one academic year.
163. The existing informal arrangement is essentially a private law matter between the residential occupiers of Back Mount Joy and the owners of the application site and is therefore not something which can reasonably be controlled by planning. Whilst laudable that the application is prepared to a continuation of that existing informal arrangement, it would not be appropriate to seek to condition such. It is also of note that the previous Inspector did not see fit to secure the spaces in the 1990s when planning permission was originally granted for the care home, there has also been a change in the use of those properties at Back Mount Joy since that time and the Highways Authority have not requested their retention of the parking spaces.
164. Objections have included concerns regarding additional car parking pressure in the area, including the impact that it will have on the elderly and disabled residents. However, the site lies within the Durham City Controlled Parking Zone and the Highways Authority are satisfied that a sufficient amount of car parking spaces would be provided for the future residents of the building to prevent any harmful impact on local parking conditions.
165. In addition, objections have been raised regarding loss of informal parking currently available on the site as well as an increase in congestion on local roads. The Highways Authority have raised no concerns regarding any congestion resulting from the relatively small number of cars on the site, whilst the informal parking which has taken place on the site since the closing of the care home could have been restricted at any point by the landowner as this is not a public car parking area and therefore no weight can be afforded to that issue in the assessment of this application.
166. An objection received raised concerns regarding refuse collection. It is considered that the proposal provides a sufficient refuse storage area whilst the highways authority has raised no concerns regarding the accessibility of the site to refuse collection vehicles, therefore the proposal is considered acceptable in this regard.

167. Overall, subject to conditions, it is considered that the proposal would not adversely affect highway safety or parking conditions, would accord with the above referenced planning policies and is acceptable in this regard.

Ecology

168. Part 15 of the NPPF seeks to ensure that proposals show regard to the protection and enhancement of internationally and nationally important sites and species; contributing and enhancing the natural and local environment by ensuring there is no net loss of biodiversity.
169. Policy 41 restricts development that would result in significant harm to biodiversity or geodiversity and cannot be mitigated or compensated. The retention and enhancement of existing biodiversity assets and features is required as are biodiversity net gains. Policy 43 relates to protected species and nationally and locally protected sites.
170. In addition, DCNP Policy S1 e) seeks to protect and enhance the diversity of the natural environment in terms of biodiversity / geodiversity, designated wildlife sites and protected species, seeking biodiversity net gain wherever possible.
171. Since 12 February 2024, bio diversity net gain (BNG) is mandatory in England under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Developers must deliver a BNG of 10%. This means a development will result in more or better-quality natural habitat than there was before development.
172. In relation to Biodiversity Net Gain, the subject proposal is considered to be exempt development because there would be no loss of on-site habitat therefore no BNG is required in this instance.
173. An updated bat risk assessment has been provided by the applicant during the lifetime of the application and the Council's ecologist has stated that no further survey work is required unless works to the roof are proposed. As no works to the main roof of the building are proposed, the proposal is considered to be acceptable in relation to the impact on protected species.
174. Overall, the proposals are not considered to adversely affect protected species or their habitats, in accordance with the above referenced policies.

Carbon Emissions

175. Criterion c) of Policy 29 requires all development to minimise greenhouse gas emissions, by seeking to achieve zero carbon buildings and providing renewable and low carbon energy generation. Where connection to the gas network is not viable, development should utilise renewable and low carbon technologies as the main heating source.

176. Criterion d) of Policy 29 requires all development to minimise the use of non-renewable and unsustainable resources, including energy, water and materials, during both construction and use by encouraging waste reduction and appropriate reuse and recycling of materials, including appropriate storage space and segregation facilities for recyclable and non-recyclable waste and prioritising the use of local materials.
177. In addition, DCNP Policy S1 at part h) seeks to secure on-site renewable energy generation, minimising energy consumption and carbon emissions. DCNP Policy D4 also seeks to ensure new housing is of high-quality design in terms of functionality, adaptability, resilience, and the improvement of energy efficiency and reduction of carbon dioxide emissions.
178. A comment from a local resident seeks the utilisation of heats pumps and PV panels on the roof.
179. To ensure compliance in terms of carbon omissions, a condition requiring submission of a Sustainability Statement prior to development has been recommended, subject to which it is considered that the proposal complies with the above referenced policies and is acceptable in this regard.

Other Matters

180. CDP Policy 27 states that new residential development should be served by a high-speed broadband connection. This will need to be directly accessed from the nearest exchange and threaded through resistant tubing to enable easy access to the cable for future repair, replacement and upgrading. To ensure a suitable connection is available for the building and the occupants, a suitable condition has been recommended to ensure compliance with Policy 27.
181. An objection has been received which comments that internet speeds in the locality are affected during term time. This is considered to be a matter for the internet provider to overcome and is not considered a planning concern.
182. Comments have been received from members of the public stating that the increased number of HMOs in the area have led to families not being able to afford to live in the area. The impact of proposals on house prices is not a material planning consideration and is therefore not considered within this planning assessment.
183. Comments also raise concerns that students do not pay council tax and that local shops and facilities are impacted by students not living in the area permanently. Whilst it is noted that students do not pay council tax and are somewhat transient, they contribute significantly to the local economy in different ways, therefore this is not considered to be sufficient reason to refuse the application.

Financial Contributions

184. CDP Policy 25 states that new development will be approved where any mitigation necessary to make the development acceptable in planning terms is secured through appropriate planning conditions or planning obligations. Such mitigation will relate to the provision, and/or improvement, of physical, social and environmental infrastructure taking into account the nature of the proposal and identified local or strategic needs. The policy goes on to state that developers will be required to enter into Planning Obligations which are necessary to make the development acceptable, directly related to the development, and fairly and reasonably related in scale and kind to the development, in order to secure the mitigation that is necessary for a development to be acceptable in planning terms. In this regard, CDP Policy 25 reflects NPPF Paragraphs 55 and 57.

Open space / Green Infrastructure

185. Policy 26 (Green Infrastructure) states that development will be expected to maintain and protect, and where appropriate improve, the County's green infrastructure network. Advice is provided on the circumstances in which existing green infrastructure may be lost to development, the requirements of new provision within development proposals and advice in regard to public rights of way.
186. In accordance with Policy 26 and having regards to the methodology in the Council's Development Viability, Affordable Housing and Financial Contribution SPD, it is considered that for 48 people, the development should provide a financial contribution of £37,944, calculated as £790.50 per single occupant studio towards green infrastructure creation or improvement.
187. The developer has agreed to provide this contribution, which would be secured by way of a S106 planning obligation.

Health Contributions

188. Policy 29(f) of the CDP requires that developments should contribute to healthy neighbourhoods and consider the health impacts and needs of the existing and future users.
189. The NHS has been consulted in relation the application and has commented that they do not require financial contributions for this development.

Public Sector Equality Duty

190. Section 149 of the Equality Act 2010 requires public authorities when exercising their functions to have due regard to the need to i) the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct, ii) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and iii) foster good relations between persons who share a relevant protected characteristic and persons who do not share that characteristic.

191. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

CONCLUSION

192. The scheme accords with the criteria in Policy 6 of the CDP that permits development on unallocated sites within built-up areas. The site lies within the built-up area of Durham and would not lead to coalescence with neighbouring settlements or loss of open land that has any recreational, ecological or heritage value whilst it benefits from easy access to sustainable transport and local facilities. The proposal also makes use of an existing unused building.
193. The scheme also accords with CDP Policy 16, Part 2, which specifically refers to PBSA development. The application has demonstrated a quantitative and qualitative need in this location and sought appropriate consultation with the education provider, resulting in no objection from Durham University. The site is also readily accessible to the University, hospital and nearby service and facilities. It is acceptable in terms of design, layout security and indoor and outdoor facilities and amenity space. The scheme would also be operated alongside a Management Plan and Noise Management Plan to ensure the activities of students would not cause an unacceptable impact to surrounding residents.
194. When assessed against other policies within the County Durham Plan, subject to conditions, it is considered that a suitable level of accommodation and amenity space would be provided for future occupants, the development would have an acceptable impact on the character and appearance of the conservation area and there would be no significant impacts on highway safety or parking conditions.
195. Based on the above, the development is considered to accord with Parts 9, 12, 15 and 16 of the National Planning Policy Framework, Policies 6, 16, 21, 29, 31, 41, 42, 43 and 44 of the County Durham Plan, the Parking and Residential Amenity, Financial Contribution, and Housing Need SPDs.
196. While objections to the application are acknowledged, for the reasons discussed within this report they are not considered sufficient to sustain refusal of the application. Considering the above, the planning application is reported to the Committee with a recommendation for approval, subject to conditions and a section 106 obligation.

RECOMMENDATION

That the application be **APPROVED** subject to the completion of a planning obligation under S106 of the Town and county Planning Act 1990 (as amended) to secure the following:

- £37,944 towards the creation of new off-site open space/amenity provision or the improvement of existing provision within the electoral division

And subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in accordance with the following plans:

Plan	Drawing No.	Date Received
Proposed Basement Layout	22058.F010 REV C	13/03/25
Proposed Ground Floor Layout	2058.F011 REV D	13/03/25
Proposed First Floor Layout	22058.F012 REV C	13/03/25
Site Location Plan	P05 REV A	30/10/24
Proposed Site Plan	P06 REV F	30/10/24
Proposed Elevations	P07 REV B	30/10/24
Proposed Ancillary Infrastructure Plans & Elevation	22058.P08 REV B	30/10/24

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 6, 16, 21, 22, 27, 29, 31, 32, 35, 36, 40, 43 and 44 of the County Durham Plan, Policies S1, H1, H2, C3, C4, D4, T1, T2, and T3 of the Durham City Neighbourhood Plan, and Parts 2, 4, 5, 8, 9, 11, 12, 14, 15, and 16 of the National Planning Policy Framework.

3. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:

1. A Dust Action Plan including measures to control the emission of dust and dirt during construction.
2. Details of methods and means of noise reduction/suppression.
3. Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
4. Details of measures to prevent mud and other such material migrating onto the highway from all vehicles entering and leaving the site.
5. Designation, layout and design of construction access and egress points.
6. Details for the provision of directional signage (on and off site).
7. Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure.
8. Details of provision for all site operatives for the loading and unloading of plant, machinery and materials.

9. Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period.
10. Routing agreements for construction traffic.
11. Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
12. Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
13. Management measures for the control of pest species as a result of demolition and/or construction works.
14. Detail of measures for liaison with the local community and procedures to deal with any complaints received. The management strategy shall have regard to BS 5228 "Noise and Vibration Control on Construction and Open Sites" during the planning and implementation of site activities and operations. The approved Construction Management Plan shall also be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

Reason: To protect the residential amenity of existing and future residents from the development in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required to be pre commencement to ensure that the whole construction phase is undertaken in an acceptable way.

4. Prior to the first occupation of the development, a detailed Management Plan and Noise Management Plan for the development that sets out measures to be put in place to ensure the best integration of the development with the local community and neighbours, shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall include, but not be limited to, measures for the dropping off and picking up of occupants at the beginning and end of each semester; management procedures for the day to day operation of the building and the use of the external amenity space to its north; details of the managing body; staffing arrangements; tenancy agreements; disciplinary procedures; grounds maintenance; security measures; fire and health and safety and community liaison; car parking enforcement; and opportunities for sustainable waste recycling. Thereafter, the agreed scheme shall be implemented in accordance with the approved details and maintained for the lifetime of the development.

Reason: To ensure there is no unacceptable effect on residential amenity in the surrounding area in accordance with the requirements of Policy 16 and 31 of the County Durham Plan, Policy S1 of the City of Durham Neighbourhood Plan and Parts 8, 12 and 15 of the National Planning Policy Framework.

5. The re-roofing of the conservatories shall not take place until details of the make, colour and texture of all external materials have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with Policy 29 and 44 of the County Durham Plan, Policy S1, H2 and H3 of the Durham City Neighbourhood Plan and Parts 12 and 16 of the National Planning Policy Framework.

6. No development shall commence until such time as a Sustainability Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall demonstrate how the development has been designed to meet the standards set out in Policy 29 of the County Durham Plan, during both the construction and operational phases of the development, including, but not limited to, details of renewable and low carbon energy measures to be installed, and measures to reduce waste through the reuse and recycling of materials. Thereafter, the development shall take place in accordance with the approved details.

Reason: To ensure the development meets sustainability standards and minimises the generation of carbon emissions, in accordance with Policy 29 of the Durham County Plan.

7. The cycle storage and bin storage shown on drawings P06 Rev F and P08 Rev B shall be sited and made available for use prior to the first occupation of the development and thereafter retained for the lifetime of the development.

Reason: To encourage sustainable transport modes of travel and provide appropriate waste collection facilities, in accordance with Policies 16, 21 and 22 of the County Durham Plan, Policy T1 of the Durham City Neighbourhood Plan, and Part 9 of the NPPF.

8. Details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority prior to the development hereby permitted being brought into use. The detail provided shall demonstrate adherence to the ILP guidance notes for the reduction of intrusive light. The external lighting shall be erected and maintained in accordance with the approved details thereafter.

Reason: In order to minimise light spillage and glare, in accordance with Policy 31 of the County Durham Plan and Local Plan and Part 15 of the National Planning Policy Framework.

9. The external amenity space shall not be used between the hours of 23.00 and 08.00.

Reason: In the interests of the amenity of neighbouring residents and to accord with Policy 29 and 31 of the County Durham Plan and Parts of the National Planning Policy Framework.

10. In undertaking the development that is hereby approved:

No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0730 to 1800 on Monday to Friday and 0730 to 1400 on Saturday.

No internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1700 on Saturday.

No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays.

For the purposes of this condition, construction works are defined as: The carrying out of any building, civil engineering or engineering construction work involving the use of plant and machinery including hand tools.

Reason: To protect the residential amenity of existing and future residents from the development in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

11. The development shall not be brought into use until the car parking area shown on the approved plans has been hard surfaced, sealed and marked out as parking bays in accordance with the approved plans.

Thereafter, the car parking area shall be retained in accordance with the approved plans and shall not be used for any purpose other than the parking of vehicles associated with the development.

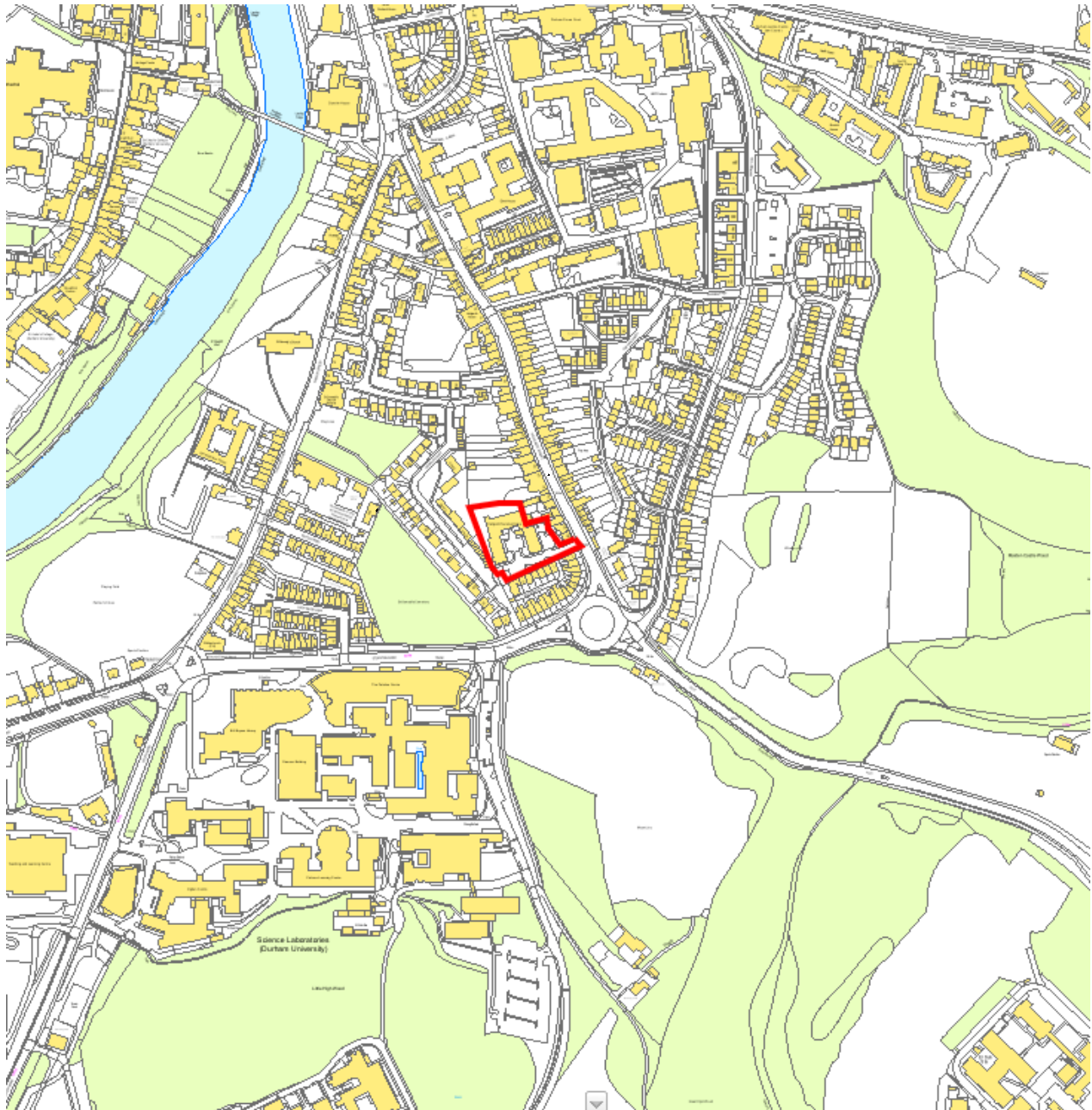
Reason: In the interest of highway safety, in accordance with Policy 21 of the County Durham Plan and the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to approve the application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.)

BACKGROUND PAPERS

County Durham Plan (2020)
County Durham Parking and Accessibility Standards (2023)
Biodiversity SPD (2025)
The National Planning Policy Framework (2024)
Internal and public consultation responses
Submitted forms, plans and supporting documents



Planning Services

**Hallgarth Care Home, Hallgarth Street,
Durham, DH1 3AY**

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Conversion of a former care home to Purpose Built Student Accommodation (PBSA) comprising 48 studio bedspaces, including re-roofing of conservatories; cycle shelter; bin store; EV bays and associated works

Date
16 June 2025

Scale
NTS

