

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/19/01084/FPA
FULL APPLICATION DESCRIPTION:	Infrastructure works including provision of new footpath route, highways works including new signalised crossing works at the Hollingside Lane/South Road and Howlands/South Road junctions, and the creation of a car park of up to 215 spaces at Upper Mountjoy
NAME OF APPLICANT:	Durham University
ADDRESS:	Land South Of The New Inn Junction Along South Road To Mount Oswald And Hollingside Lane To Upper Mountjoy
ELECTORAL DIVISION:	Durham South
CASE OFFICER:	Henry Jones, Principal Planning Officer, 03000 263960 henry.jones@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site comprises of irregular shaped parcel of land of approximately 1.7ha in area. The site comprises of land principally owned by Durham University with the northern sections of the site being located within the concentration of University teaching facilities off Stockton Road whilst farther south the site takes in land at the "Hill Colleges", Lower Mountjoy, Upper Mountjoy and Mount Oswald areas. Smaller sections of the site also comprise of DCC adopted highway and land adjacent owned by DCC.
2. The northern extremity of the application site is located just outside of the Durham (City Centre) Conservation Area, the boundary of which is approximately 10m farther north. The more southern sections of the application site are farther from the Conservation Area (CA). Durham Castle and Cathedral World Heritage site (WHS) commences around 330m north of the application boundary. No listed buildings are within the application site with the closest being the Grade II listed Charley's Cross at the corner of Church Street Head approximately 30m to the north.
3. The application site includes a section of Little High Wood and borders Great High Wood in the Lower Mountjoy and Upper Mountjoy areas and both are Local Wildlife Sites (LWS) and each also contain Ancient Woodland. Sections of the Durham City Green Belt and Durham Area of High Landscape Value (AHLV) are within the bounds of the application site at Little High Wood and in the southern most sections of the site

in the vicinity of the South Road/Howlands Junction. In this same area, the site also takes in land which forms part of the boundary of Durham Botanical Gardens which is a designated Park and Garden of local interest. Public Footpath Nos 37 and 38 (Durham City) cross a section of the site in the Little High Wood area.

The Proposal and Background

4. Documentation in support of the planning application explains that the purpose of the proposal is principally to provide new and improved pedestrian and cycle routes to provide alternative, safer and more welcoming means of travel between college accommodation and teaching facilities. Currently the key route for students travelling between the Hill Colleges and teaching accommodation is the South Road footpath which varies between around 1m and 2.5m in width and during peak times is very busy with pedestrians seen to step off the footpath into the carriageway. The aim of the development proposal is therefore to provide improvements and capacity increases and relieve the pressure on South Road. The application would entail a total linear length of approximately 1.4km of footpath/cyclepath improvements.
5. A summary of the key suite of development works is below.
 - Widened areas of footpath/cyclepath west of the Bill Bryson Library
 - A lining scheme to direct users adjacent to the Ogden Centre
 - South of the Ogden Centre a new widened pedestrian footpath and new surfaced path of an existing route through Little High Woods
 - Widening of a footpath towards Grey College and new footpath/cyclepath west of Grey College
 - Removal of raised mound and associated retaining walls at South Road/Hollingside Lane Junction and replacement with new landscaped plaza area where various footpath/cyclepath sections meet with new signaling of the junction and provision of two pedestrian crossings of South Road
 - New footpath alongside Hollingside Lane together with new raised table and zebra crossing points and speed cushion
 - New vehicular access from Hollingside Lane to serve a new 215 space car park located to the south of existing car park at Upper Mountjoy/Durham University Science Park
 - New footpath, lining and zebra crossings in the vicinity of the Department of Biological Sciences
 - New footpath and lining scheme through Elvet Hill Road car park and amendments to parking layout
 - Widening of South Road footpath with associated demolition of wall and rebuilding at back of footpath
 - New cyclepath from Hollingside Lane west of Collingwood College
 - Widened section of footpath and amends to provide pedestrian/cycle crossing at the traffic lights just south of the South Road/Howlands Junction together with footpath/cyclepath link to Mount Oswald
6. The areas of new and improved footpath/cyclepath would comprise of various forms of construction and width, with wider provision where pedestrians and cyclists share the route and narrowing sections where they are separated. The areas of footpath/cyclepath improvements would be served by a number of new and relocated lighting columns. Generally, the areas of new footpath/cyclepath will follow the natural topography of the land and the application states that the proposed routes would have an average gradient of around 6% albeit with some sections of around 10% for lengths of no more than 10m. It is also proposed to serve the development with a series of wayfinding signage features. Indicative details of this are included in the application,

albeit the final detailed scheme would require separate advertisement consent, which is not being sought at this stage.

7. The main footpath/cyclepath works are proposed as part of a first phase. The 215 space carpark proposed at Upper Mountjoy is proposed as part of a second phase and the application explains that the provision of the new car park is linked to the closure of other University car parks as part of an overall rationalization.
8. The various works would entail relatively substantial tree losses and landscape interventions, and this is discussed in greater detail elsewhere in the report. Amendments have been made to the scheme during the course of the application in order to reduce potential losses and in some instances special tree friendly construction methods are proposed so that tree loss/impact is reduced.
9. This planning application is being reported to County Planning Committee as it comprises a major development proposal involving more than 10,000m² of new development.

PLANNING HISTORY

10. The application site covers a substantial portion of land, predominantly owned by Durham University. Although the application site crosses land on which past planning history does exist, none of this is considered of relevance to the planning application.
11. However, a number of approved major redevelopment proposals are located in the vicinity of the application site which the infrastructure improvements proposed under this application would, in part, be proposed to serve. These key developments are listed below, and each are in varying degrees of implementation on site.
12. DM/17/01682/FPA - Construction of a new teaching and learning centre with associated landscaping and access - Durham University Lower Mountjoy Teaching and Learning Centre South Road Durham DH1 3LS.
13. DM/18/01650/FPA - Erection of Mathematical Sciences and Computer Science building with associated works and access - Land to The South of Durham University Mountjoy Research Centre Stockton Road Durham DH1 3UP.
14. DM/17/03433/RM - Reserved matters application for the approval of appearance, landscaping, layout and scale for the erection of two 500 bed colleges with associated student facilities and university hub building, pursuant to outline planning permission CMA/4/83 (as amended by DM/15/03555/VOC).

PLANNING POLICY

NATIONAL POLICY

15. A revised National Planning Policy Framework (NPPF) was published in February 2019. The overriding message continues to be that new development that is sustainable should go ahead without delay. 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.
16. In accordance with Paragraph 213 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or

made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.

17. *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.
18. *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.
19. *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.
20. *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.
21. *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.
22. *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.
23. *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.
24. *Part 13 - Protecting Green Belt Land* - The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their

openness and their permanence. Green Belt land serves 5 purposes; to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

25. *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.
26. *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 pollution and land stability and remediating contaminated or other degraded land where appropriate.
27. *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>

28. 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; air quality; conserving and enhancing the historic environment; determining a planning application; design; health and wellbeing; land stability; light pollution; natural environment; neighbourhood planning; open space, sports and recreation facilities, public rights of way and local green space; planning obligations; travel plans, transport assessments and statements; use of planning conditions and; water supply, wastewater and water quality.

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

LOCAL PLAN POLICY:

City of Durham Local Plan (2004) (CDLP)

29. *Policy E1 – Durham City Green Belt*. Outlines the presumption against inappropriate development in the Green Belt in order to preserve its intrinsic openness.
30. *Policy E5 – Open Spaces Within Durham City*. Sets out that open spaces within the settlement boundary of Durham City which form part of its character and setting, including the Oswald-Elvet Hill parkland will be protected by restricting development to the height of the surrounding trees and is of a low density and sets aside most of the site for landscaping/open space.

31. *Policy E6 – Durham City Centre Conservation Area.* Seeks to preserve the special character, appearance and setting of the conservation area by setting out design criteria that developments should adhere to and not permitting the demolition of historic properties.
32. *Policy E10 - Areas of Landscape Value.* Is aimed at protecting the landscape value of the district's designated Areas of Landscape Value.
33. *Policy E14 – Existing Trees and Hedgerows –* would not permit development that would result in the loss of ancient woodland, and to retain other areas of woodland or important groups of trees and hedgerows wherever possible.
34. *Policy E15 - New Tree and Hedgerows.* States that the council will encourage tree and hedgerow planting.
35. *Policy E16 – Nature Conservation – the Natural Environment.* Is aimed at protecting and enhancing the nature conservation assets of the district. Development proposals outside specifically protected sites will be required to identify any significant nature conservation interests that may exist on or adjacent to the site by submitting surveys of wildlife habitats, protected species and features of ecological, geological and geomorphological interest. Unacceptable harm to nature conservation interests will be avoided, and mitigation measures to minimise adverse impacts upon nature conservation interests should be identified.
36. *Policy E18 – Site of Nature Conservation Importance.* The Council will seek to safeguard sites of nature conservation importance unless the benefits from the development outweigh the nature conservation interests of the site, there are no alternative sites and measures are undertaken to minimise adverse effect associated with the scheme and reasonable effort is made by appropriate habitat creation or enhancement to compensate for damage.
37. *Policy E19 – Wildlife Corridors.* Seeks to protect the value and integrity of landscape features which contribute to existing wildlife corridors and create new wildlife corridors as opportunities arise.
38. *Policy E21 – The Historic Environment.* This requires consideration of buildings, open spaces and the setting of these features of our historic past that are not protected by other legislation to be taken into consideration.
39. *Policy E22 – Conservation Areas.* This policy seeks to preserve or enhance the character or appearance of conservation areas, by not permitting harmful development and protecting features which positively contribute to the conservation area.
40. *Policy E23 – Listed Buildings.* This policy seeks to safeguard Listed Buildings and their settings from unsympathetic development.
41. *Policy E24 – Ancient Monuments and Archaeological Remains.* This policy sets out that the Council will preserve scheduled ancient monuments and other nationally significant archaeological remains and their setting in situ. Development likely to damage these monuments will not be permitted. Archaeological remains of regional and local importance, which may be adversely affected by development proposals, will be protected by seeking preservation in situ or requiring investigation and evaluation where preservation in situ is not necessary.

42. *Policy E26 – Historic Parks and Gardens.* Advises that planning permission affecting parks and gardens of historic interest will only be granted if it does not detract from their special character or appearance.
43. *Policy EMP2 – Durham Science Park.* States that the development of Durham Science Park will continue and be occupied only for research and development, laboratories and high tech uses as set out in the class B1 use class.
44. *Policy T1 – Transport – General.* States that developments that would generate traffic which would be detrimental to highway safety or amenity of adjoining occupiers will be resisted.
45. *Policy T2 – Road Proposals.* States that support will be given for new road proposals and road improvements schemes that facilitate inward investment, remove traffic through residential areas, improve road safety standards, and have the minimum adverse effect upon the local environment.
46. *Policy T4 – Assessing the Route and Design of New Road Proposals.* New roads should avoid severance of communities, harmful impact upon residential amenity, natural and built environments, safely provide for alternative modes of transport, and prevent flooding.
47. *Policy T8 – Traffic Management.* Support should be given to traffic management measures which seek to improve highway safety, amenity and ease congestion.
48. *Policy T10 – General Provision.* States that vehicle parking should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development.
49. *Policy T19 – Cycle Routes.* Encourages the provision of facilities for parking cycles in the city centre and other locations which are secure, protected from the weather and clearly signed.
50. *Policy T21 – Walkers Needs.* States that existing footpaths and public rights of way should be protected.
51. *Policy R11 – Public Rights of Way and other Paths.* Public access to the countryside will be safeguarded by protecting the existing network of PROW's and other paths from development which would result in their destruction.
52. *Policy C3 – Education: University of Durham.* This policy supports proposals by the University which amongst other criteria strengthen its role as a major social, sports and recreational asset and its contribution to the local economy and cultural life.
53. *Policy Q1 – General Principles Designing for People.* Requires the layouts of developments to take into account the requirements of users including: personal safety and security; the access needs of people with disabilities and the elderly; and the provision of toilets and seating where appropriate.
54. *Policy Q2 – General Principles Designing for Accessibility.* The layout and design of all new development should take into account the requirements of users and embody the principle of sustainability.
55. *Policy Q3 – External Parking Areas.* Requires that car parks should be landscaped, adequately surfaced, demarcated, lit and signed. Large exposed areas of surface, street and rooftop parking are not considered appropriate.

56. *Policy Q4 - Pedestrian Areas.* Requires public spaces and such areas to be well designed and constructed with quality materials. Public realm and lighting to ensure community safety are referred to.
57. *Policy Q5 – Landscaping – General.* Requires all new development which has an impact on the visual amenity of the area in which it is located to incorporate a high level of landscaping in its overall design and layout.
58. *Policy U5 – Pollution Prevention.* States that planning permission will not be granted for development that may generate pollution that will have an unacceptably adverse impact upon the local environment, the amenity of nearby and adjoining land and property or that would unnecessarily constrain the development of neighbouring land.
59. *Policy U8a – Disposal of Foul and Surface Water.* Requires developments to provide satisfactory arrangements for disposing foul and surface water discharges. Where satisfactory arrangements are not available, then proposals may be approved subject to the submission of a satisfactory scheme and its implementation before the development is brought into use.
60. *Policy U10 - Development in Flood Risk Areas.* States that proposals for new development shall not be permitted in flood risk areas or where an increased risk of flooding elsewhere would result unless; it can be demonstrated that alternative less vulnerable areas are unavailable; that no unacceptable risk would result; that no unacceptable risk would result elsewhere; or that appropriate mitigation measures can be secured.
61. *Policy U13 – Development on Unstable Land.* States that development on unstable land will only be permitted if it is proved that there is no risk to the development or its intended occupiers or users from such instability or that satisfactory remedial measures can be undertaken.

RELEVANT EMERGING POLICY:

The County Durham Plan

62. Paragraph 48 of the NPPF states that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. Following consultation at 'Issues & Options', 'Preferred Options' and 'Pre Submission Draft' stages, the CDP was approved for submission by the Council on 19 June 2019. The CDP was submitted to the Planning Inspectorate on 27 June 2019. Although the CDP is now at a relatively advanced stage of preparation, it is considered that it is not sufficiently advanced to be afforded any weight in the decision-making process at the present time.

Durham City Neighbourhood Plan

63. The Durham City Neighbourhood Plan is at an early stage of preparation and has not yet reached a stage where weight can be afforded to it.

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/Whats-in-place-to-support-planning-and-development-decision-making-at-the-moment>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

64. *City of Durham Parish Council* – Have revised their comments during the course of the determination of the application and following amendments being made to the proposal. The revised comments consider that the amendments have addressed many concerns originally expressed with the application, however, three main areas of concern still remain. Firstly, it is considered that Durham University Masterplan proposals have very significant economic, social and environmental impacts and should be subject to a comprehensive assessment in its totality rather than being advanced via piecemeal individual applications and assessments. Secondly, it is considered that the proposed 215 space car park would involve greater use of Hollingside Lane and significantly worsen conditions for pedestrians and cyclists and the University should be utilising measures to reduce staff parking space and preventing students bringing cars to the City. Thirdly, it is considered that the applicant submits that the emerging County Durham Plan can be afforded limited weight, which is at odds with the Council's own view that it should be afforded no weight at this time.
65. *Highway Authority* – Raise no objections subject to condition. Originally submitted comments did raise concerns on a number of areas including in relation to the failure to incorporate a step free route south of the Ogden Centre and in relation to the impacts upon South Road traffic due to the signalling and crossing proposals at the Hollingside Lane/South Road and Howlands/South Road junctions. Objections are not raised to the principle of these junction works which are proposed, however, modelling demonstrations have not been submitted which prove the junction design will work acceptably though it is considered resolvable with some further detailed work and analysis. As a result, conditions are recommended that these signalised and crossing elements and the car park cannot come into fruition until the design is fully resolved.
66. *Coal Authority* – Raise no objections subject to the imposition of a condition to ensure that documentation is submitted to demonstrate that a section of the footpath route is proven to be outside of the zone of influence of a nearby mine entry, or should it be within the zone of influence that mitigation measures are deployed.
67. *Environment Agency* – No objections or detailed comments on the application.

INTERNAL CONSULTEE RESPONSES:

68. *Landscape and Arboriculture* – Raise no objections in overall conclusion, but detailed advice is provided in relation to the impacts of the development and it is highlighted that the development would result in a relatively substantial number of trees being lost. A summary of the key impacts upon trees in the various sections of the development site is provided. It is highlighted that the scheme has been revised to reduce the effects on trees, and particularly on those prominent in views from public vantage points along South Road, albeit there remains the significant localised effect of the loss of a mature grouping at the Hollingside Lane/South Road junction.
69. It is highlighted that within the various landscape/arboricultural submissions there remains a degree of ambiguity in the precise impacts upon some trees and the precise number of losses as some further detailed work is needed to understand the precise incursions into root protection areas and if particular construction methods are needed/appropriate. This would need to be supported by site investigations during construction and monitoring. It is highlighted that whilst such ambiguity is not entirely

satisfactory in a scheme so complex in regards to trees, mechanisms to monitor and replace trees should they fail would be preferable to take a very precautionary approach of recommending to fell if there is any doubt on impact.

70. In the event of an approval conditions would be needed to agree final tree works, precise construction methods in certain areas, monitoring regimes and replacement planting/landscaping.
71. *Design and Conservation* – Advise that the key heritage considerations are the impacts upon the setting of Durham (City Centre) Conservation Area and the remaining sections of wall which formed an entrance to Oswald House (now demolished). It is stated that there remains some lack of clarity on final tree loss but that the degree of tree loss would have some less than substantial harm on the green and leafy approach to and thereby setting of the CA. The remnants of the entrance to Oswald House is a non-designated heritage asset which contributes positively to the approach to the CA and its loss must also be considered in the planning balance.
72. *Archaeology* – Raise no objections. An archaeological evaluation within a Written Scheme of Investigation (WSI) is agreed and a condition would therefore be required to ensure its undertaking and subsequent reporting thereafter.
73. *Ecology* – Raise no objections subject to conditioning of mitigation and enhancement measures within the submitted ecological submissions.
74. *Environmental Health and Consumer Protection (Air Quality)* – Raise no objections. In regards to the operational phase of the development the greatest impacts on changes to levels of traffic related air quality pollutants (Nitrogen Dioxide-NO₂ and Particulate Matter-PM₁₀ and PM_{2.5}) can be expected closer to the location of the proposed development (the car park and infrastructure) and for these to decrease further from the source. Although the levels of NO₂ at locations on Church Street are close to or exceeding the annual mean objective the change in air quality as a result of the development based on the outcome of the modelling results, would be no worse than an increase of 0.1 µg/m³ which would be negligible. It is also understood that the proposed car park is linked to a car park rationalisation programme by the applicant which ultimately could result in an overall reduction in car park spaces.
75. In regards to the construction phase of the development a screening exercise will be necessary to be undertaken in relation to the change in HDV movements that will arise and their routing, the outcome of which and the further detailed assessment, if required, to determine the impacts on air quality should be carried out prior to the commencement of the construction phase. It is advised that Dust Action Management Plan should be approved prior to the commencement of the development.
76. *Access and Rights of Way* – Raise no objections. Public Footpath no. 37 Durham City would be affected by the proposals by reason of a surface upgrade. This is acceptable, however, the route cannot be a dedicated cycle route and pedestrians must still be permitted to utilise the route. At the point at which the improved route leaves footpath 37 there must be barriers to prevent public access. A temporary closure of the affected footpath is likely necessary and advice is provided for the applicant in this regard.
77. *Sustainable Transport* – Raise no objections. The principle of the development is supported and the proposals support the wider objectives of the Durham University Sustainable Travel Plan. The assessment of the traffic modelling accompanying the application will inform impacts on bus routes through the affected signalised junctions.

NON-STATUTORY RESPONSES:

78. *Durham Constabulary Architectural Liaison Officer* – No objections or comments.

PUBLIC RESPONSES:

79. The application has been publicised by way of press notice, site notice and individual notification letters to neighbouring residents and occupiers. A total of 4 letters of representation have been received with 3 letters of objection from the groups identified below. The other representation supports the principle of the development but explains that it should go further than at present so as to include;

- A link to Mill Hill Lane and the cycle route from the A167
- The steps at the Lower Mountjoy end should be removed
- Specific access for electric scooters should be incorporated

80. *Trust Pathways* – Welcome the proposals in principle but raise objection to elements of the detail in the scheme. The key concerns with the proposals include the inclusion of steps along the route which would require cyclists to dismount and the potential to utilise the path through Little High Wood as an alternative would need exploration. Either route may infringe on the Equality Act and or the Disability Discrimination Act 1995. It is advised that pedestrian and cycle routes should be separated. Specific design advice is referred to, advising on the need to avoid sharp turns, that areas of lined demarcation proposed under the application are inadequate and should be replaced with a continuation of a foot/cycle path and cycle phases should be incorporated at the junctions involving traffic lights. It is also stated that whilst it may be beyond the scope of the application, proper integration with the rest of the cycle networks should be considered such as a safe cycle route on Church Street, New Elvet and links to Mill Hill Lane and the Great North Cycle Way on the A167.

81. *Durham City Access for All* – Raise Objections. It is stated that the application does not reference the visually, hearing or mobility impaired. Sections of the route have gradients of 10% which is considered unacceptable for the mobility impaired. The section of the route with steps is unacceptable and the alternative route through Little High Wood should be upgraded. Specific advice on the design of the widened set of steps within the proposal is provided. The need for tactile paving, zebra crossings and dropped kerbs is highlighted. Cycle and pedestrian routes should be separated to avoid accidents. It is queried as to whether footpath lighting is being designed for the visually impaired and the safety of vulnerable persons. Way finding proposals must include provision for the visually impaired. Areas proposed for lining demarcation only should be replaced with raised footpaths giving priority to the pedestrian in the interest of safety. It is stated that Durham City Access for All have not been approached by the applicant as part of consultation purposes. The proposals are not considered to meet the Equalities Act.

82. *City of Durham Trust* – Raise objections. The proposed car park would significantly increase traffic on a relatively quiet lane, worsening the environment for pedestrians and cyclists as well as Grey College. The car park is considered to run counter to the Durham City Sustainable Transport Delivery Plan and should be omitted. Alternatively, it is suggested that the University be required to introduce charges for employee parking permits, and then require opening of new car parks and closure of existing to be managed such that total car spaces available across the Estate should not increase at any stage. A traffic free route adjacent to South Road is welcomed. However, areas of concern are raised with the detail of the proposal. The steps on the route requiring cyclists to dismount and not available for use by wheelchair users is not considered high quality – diversion through Little High Wood is advised.

Segregation of the pedestrian and cycle routes is required. The proposals are unclear as to whether dropped kerbs are proposed and where a pedestrian/cyclist route is crossed by an access route for cars, then the crossing should be made obvious by a ramp for vehicles; hatched paintwork is insufficient.

APPLICANTS STATEMENT:

83. Durham University is seeking to improve the existing infrastructure provisions along South Road and Hollingside Lane in response to concerns raised during public consultations on the University Estate Masterplan, which have identified existing pressures on pedestrian and road user movement around Durham University sites. It is recognised that much of the existing pedestrian network in Durham City around the University estate has not changed over the years and consists of many narrow footways. These constraints create pedestrian 'hot spots' and result in pedestrian congestion and associated safety issues. These existing issues combined with the relocation of academic departments and Colleges from Queen's Campus Estate in Stockton-on-Tees to Durham City, and coupled with the planned growth in student numbers and new buildings in Durham as part of the University Strategy 2017-2027, means that infrastructure safety issues are an important component to address within the very near future.
84. The safety of students, visitors and the general public is a top priority for Durham University. The proposals seek to improve the existing infrastructure along South Road, which will incorporate the addition of a new pedestrian footpath and cycle route within the University estate to the east of South Road between the Mount Oswald site and the New Inn Junction, which will reduce the number of pedestrians on South Road and provide a safe off road cycle route from the new student accommodation at Mount Oswald to Lower Mountjoy academic estate. The new paths will therefore provide an alternative safe well-lit route, separated from vehicular traffic, increase the capacity for pedestrians and cyclists, and ease the existing pedestrian congestion along South Road with improved pedestrian road crossings. This overall improvement to the pedestrian link between the Howlands Park and Ride, the University estate and into the city centre, will encourage walking and cycling with benefits to public health, and reduce traffic congestion with positive environmental impact.
85. The University also seeks to incorporate the addition of a new footpath along Hollingside Lane to the east of South Road, so that students, visitors and the general public will benefit from improved pedestrian linkages between South Road, Upper Mountjoy and the Botanic Gardens. This will be facilitated by the development of a new 'hub' at the junction of Hollingside Lane and South Road, which will provide a focal gateway entry to the University Estate and encourage pedestrians and cyclists to use Hollingside Lane to access Upper and Lower Mountjoy instead of via South Road, thus reducing pedestrian congestion. The infrastructure improvements to Hollingside Lane will also incorporate traffic calming measures and new defined crossing points across the existing Hollingside Lane at Grey College.
86. The proposals also include some new staff parking at Upper Mountjoy and an access road connection onto Hollingside Lane. This car parking will only partially compensate for existing car parking spaces that will be lost throughout the University estate during the implementation of new buildings during the University Strategy period.
87. Overall, the proposed infrastructure improvements will contribute to all three dimensions of Sustainable Development, representing a direct investment of £8 million into Durham City which will provide much-needed improvements to pedestrian comfort with the enhanced capacity of the infrastructure network contributing to the health and safety of staff, students and members of the public, which will provide a greater choice

for routes around the University and a more pleasant environment. Environmentally, the improvements encourage the use of sustainable travel modes, predominantly walking and cycling, and incorporate no-dig construction techniques to minimise the impact on existing trees with appropriate and carefully considered mitigation planting.

88. The University has developed the proposals in cooperation with both statutory and public consultees throughout the course of the planning application, and in response to feedback, have made significant amendments to the proposed scheme, including greater cyclist accessibility in the Hollingside Lane/Little High Wood area, and a reduced impact upon trees along South Road, which have all been subject to appropriate ecological survey work with appropriate mitigation and enhancement measures recommended by officers, in order to ensure that impacts are within acceptable levels and result in biodiversity net gains.
89. The scheme falls within the definition of sustainable development, on which the NPPF encourages planning authorities to take a positive approach and should therefore be granted.

The above 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/>

PLANNING CONSIDERATIONS AND ASSESSMENT

90. 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. 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. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to: The principle of the development, visual, landscape and heritage impacts, highway safety and access, ecology and residential amenity and pollution.

Principle of Development

91. CDLP Policy C3 relates to Durham University developments and the policy provides support to such development provided that it is within the overall principle of environmental sustainability. The principle of the development proposed draws support from this policy which is considered consistent with the content of the NPPF and can be attributed its full weight.
92. Whilst the majority of the application site and works are not located within the Durham City Green Belt, two elements are within it. On land within and adjacent to Little High Wood the application proposes within the Green Belt to widen an existing pedestrian footpath from 1.4m to 4m with replacement lighting columns and provision of new surfaced footpath/cyclepath through Little High Woods with three new lighting bollards along its route.
93. Farther south, on South Road an existing footpath in the highway is proposed to be widened with associated partial demolition and rebuild of a wall, together with the provision of a new 2.5m wide cycle path, erection of 1.8m high chain link fence, repositioning of birdsmouth fence and provision of nine 3m high lighting columns.
94. Policy E1 of the CDLP sets out that within the Green Belt, development will be considered inappropriate unless it accords with a number of cited purposes. One such

purpose is for the development of essential facilities for uses of land that preserve the openness of the Green Belt. CDLP E1 is partially consistent with the NPPF as it is more restrictive than the guidance within the NPPF which introduces a wider scope of development that can be considered appropriate in the Green Belt.

95. Part 13 of the NPPF is dedicated to the Green Belt, and Paragraph 145 sets out circumstances where development in the Green Belt would not constitute inappropriate development, and includes the following:
 - the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
 - engineering operations provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it
96. The section of wall proposed for demolition on South Road would be replaced with one of the same appearance but relocated. The majority of the development works within the Green Belt would constitute an engineering operation – the provision and footpath/cyclepaths and associated works such as the lighting bollards. On this basis, the development proposed within the Green Belt would not amount to inappropriate development in the Green Belt.
97. As a result, the principle of those elements of the development within the Green Belt is considered acceptable, compliant with CDLP Policy E1 and Part 13 of the NPPF.
98. A section of the application site is located on land designated under CDLP Policy EMP2 as Durham Science Park. It is on this land at Upper Mountjoy that the 215 space car park is proposed with associated vehicular access and footpath/cyclepath routes around.
99. CDLP Policy EMP2 only permits the development of B1 use research and development, laboratories and high tech uses. Durham Science Park gained planning permission in 1993 and began as a joint venture between Durham University and the private sector. The aspiration of Policy EMP2 was that the science park would develop further in accordance with the United Kingdom Science Park Association (UKSPA) guidance and management. Durham Science Park is not now identified by the UKSPA as a member science park and a large part of the allocation is now occupied by University buildings with construction currently ongoing for the erection of a mathematical and computer science building. An up to date Employment Land Review recommends that undeveloped areas of Durham Science Park are deallocated as it is unlikely to meet the needs of B1 use research and development operators due to the ownership and aspirations of the site. Sufficient other land to meet this need is considered to exist. As this proposal seeks to develop a car park on the allocated land, albeit one which may well be utilised by users of the adjacent buildings, it is considered in some conflict with the policy. However, given the recommendation of the ELR and how the site has evolved since its first development and allocated under the CDLP it is considered that Policy EMP2 is out date and the weight to be attributed to it in the decision making process reduced as a result.
100. CDLP Policies T2, T4 and T8 each relate to new road, road improvement and traffic management proposals which elements of the proposal would comprise of. The principle of the development is considered to draw support from these policies, specific criteria advised upon within those policies relating to matters such as residential amenity and highway safety are covered elsewhere in this report. Each of these policies are considered to be consistent with the content of the NPPF and can be attributed their full weight.

101. In conclusion, policies within the CDLP most important for determining the application are considered out of date. This includes policies referenced above but also further policies discussed elsewhere in this report. As a result, assessment of the application is required against Paragraph 11d of the NPPF which advises that planning permission should be granted unless;
 - i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
102. This assessment can only be considered following an examination of all of the issues within the planning balance.

Visual, Landscape and Heritage Impact

103. Sections of the application site is designated under Policy E5 of the CDLP and forms part of the wider Mount Oswald-Elvet Hill Parkland Landscape Area. Policy E5 advises that development on this designated land should only be permitted where; it would not exceed the height of surrounding trees and is sympathetic to its landscape setting and; is of low density and sets aside most of the site for landscaping/open space. CDLP Policy E5 is considered consistent with the NPPF and can be attributed its full weight.
104. In addition, sections of the Durham Area of High Landscape Value (AHLV) are within the bounds of the application site at Little High Wood and in the southern most sections of the site in the vicinity of the South Road/Howlands Junction.
105. Much of the development proposed under the application in itself is considered to have very limited visual impact. The provision of areas of new surfaced routes for cyclists and pedestrians, the demolition and erection of sections of wall and fencing and provision of lighting columns are in themselves modest development interventions. Furthermore, some elements of the proposals in their own right could be undertaken without the benefit of planning permission and this includes some works within the highway, lining works on existing surfaces and some erection of enclosures proposed.
106. The most significant impacts of the development in visual, landscape and heritage terms relate to the impacts upon trees and landscape features in general, the more significant development proposals of the car park, associated access and lighting at Upper Mountjoy and the landscaped plaza area at the South Road/Hollingside Lane Junction and then in turn any potential impacts upon designated and non-designated heritage assets.
107. The implications of the development upon trees and other landscape features has evolved during the course of the determination of the application with amendments to the proposals made. Landscape highlight that the amendments have reduced tree losses in the most prominent views from public vantage points along South Road but overall tree losses are relatively substantial.
108. Not all these losses would be mature trees or those of particular value and the most significant impacts upon trees and landscape features are considered to be:
 - Loss of one mature tree (Silver Maple) west of the Bill Bryson Library. The remaining trees in this group will be monitored and replaced should they show signs of decline.

- Removal of the raised mound at South Road/Hollingside Lane Junction with associated loss of 10 trees.
- Potential effects on 7 mature Beech trees along the edge of the woodland between Ogden Centre and Grey College. Trees in this group will be monitored and replaced should they show signs of decline.
- Loss of 4 attractive trees including Copper Beech and Weeping Willow close to where Grey College meets Hollingside Lane.
- South of Hollingside Lane and west of Collingwood College the loss of a number of trees including a grouping of mature sycamores and limes in excess of 20m in height.
- Loss of a grouping of sycamore, ash and rowan, sections of hedgerow to provide a footpath on Hollingside Lane and form vehicular access to proposed Upper Mountjoy car park

109. The above is a summary of what are considered the most significant landscape interventions in the round having regards to the degree of loss, maturity and quality of the trees/features involved and degree of public visibility.
110. In order to reduce impact upon trees and landscape features in other areas and where practicable to do, the application includes details of non-standard tree friendly construction methods are proposed.
111. Landscape have highlighted that there is a degree of uncertainty over the precise numbers of trees that would be lost. However, they have advised that in a complex scheme such as this, we do need a mechanism for retaining trees that would otherwise be lost, monitoring their response to the works, and replacing with appropriate trees if they fail. This would be preferred to the alternative which would be to take a precautionary approach and fell trees when in doubt. It is therefore considered that this approach is acceptable in the particular circumstances and complexity of the works proposed, and in the event of an approval conditions will be needed to agree final tree works, precise construction methods in certain areas, monitoring regimes and replacement planting/landscaping.
112. Landscape, therefore, do not object to the development, though it is clear that the development would result in relatively substantial tree losses. The quality of those features being lost varies significantly but would include individual trees and groupings of merit which do contribute positively to the character of the area and landscape setting more widely. CDLP Policy E14 seeks to retain important groups of trees and hedgerows wherever possible and seeks that those lost are replaced. Policy E15 also seeks to encourage new planting. The NPPF does recognise the intrinsic value of trees and these policies are considered consistent with its content. Replacement planting can be secured by planning condition to ensure compliance with Policies E14 and E15.
113. Given the degree tree and hedge loss resulting from the development there is considered to be some conflict with CDLP Policy E5 which seeks in part to protect the landscape setting of Mount Oswald-Elvet Hill Parkland.
114. Sections of the application site are located within a much larger AHLV and whilst trees losses would occur within the AHLV, it is considered that the effects would be localised and would not be of a scale that would have an unacceptable adverse impact upon the landscape quality or appearance of the AHLV. The proposal would not, therefore, conflict with CDLP Policy E10 (consistent with the NPPF) in this regard.
115. The harm caused by the degree of tree loss must be factored into an overall planning balance.

116. No objections are raised by officers to the other development and design interventions proposed including most notably the works to provide the Upper Mountoy car park and the proposed landscaped plaza at the South Road/Hollingside junction.
117. In regards to matters of heritage, the key considerations are considered to be:
- Removal of the raised mound and associated retaining walls at South Road/Hollingside Lane Junction which formed part of the Oswald House entrance and replacement with new landscaped plaza. This area of walling is considered a non-designated heritage asset
 - Impacts upon the non-designated heritage asset of Durham Botanical Gardens
 - Impacts upon the setting of Durham (City Centre) Conservation Area (CA) (designated heritage asset) having regards to the tree and landscape feature loss and impacts upon the green and leafy approaches to the CA
118. Design and Conservation advise that the loss of the remaining section of wall at the former Oswald House entrance would result in the loss of a non-designated heritage asset albeit with Oswald House itself having previously been demolished its significance is considered to have been reduced.
119. The non-designated heritage asset includes a raised mound with mature trees upon it which would be one of the tree loss groupings to occur. Design and Conservation have advised that as the non-designated heritage asset to be lost to the development (inclusive of the mature trees) makes a positive contribution to the CA and in turn that its loss, coupled to some extent by the tree losses in other areas in the vicinity of South Road, would result in some minor harm to the setting of the CA due to the partial erosion of the green and leafy approach into the City. In NPPF terms, this degree of harm to the CA would be less than substantial.
120. The western extremity of the Durham Botanical Gardens stretches to border South Road just north of the Howlands junction and within this area the development would involve the relocation and replacement of a section of stone wall sought for demolition, provision of a cycle path, lighting bollards and some tree loss. The area within the gardens which these works would occur are not the main publicly accessible sections of the gardens. In overall terms, the impacts of the development are considered to not undermine the qualities of the locally designated gardens and the proposals are, therefore, considered to comply with CDLP Policy E26 (partially consistent with the NPPF).
121. Archaeology have raised no objections to the implications of the development in archaeological terms, although a condition would be necessary in the event of an approval to ensure that the agreed archaeological evaluation is implemented and thereafter the necessary reporting undertaken. The proposals are, therefore, considered to comply with CDLP Policy E24 (partially consistent with the NPPF).
122. In assessing the heritage implications of the development, regard must be had not only to the relevant Development Plan Policies and content within the NPPF, but also to the statutory duty imposed on the Local Planning Authority at section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 that, when considering whether to grant planning permission for a development that affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest that it possesses. If harm is found this must be given considerable importance and weight by the decision-maker.

123. The development is considered to result in no impacts upon any listed buildings with no conflict with relevant CDLP Policy E23 (partially consistent with the NPPF) as a result.
124. With some minor harm identified to the setting of the CA there is conflict with CDLP Policies E6 and E22 which require that development proposals do not detract from the setting of a conservation area.
125. The NPPF advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
126. In this instance, some less than substantial harm to a designated heritage asset has been identified and, therefore, paragraph 196 of the NPPF advises that this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
127. Policies E6 and E22 are considered to be more restrictive than the NPPF, in that they do not permit flexibility in decision-making where harm is found to the heritage assets, with no public benefit tests referenced as per the NPPF. As a result, these policies are not fully consistent with the NPPF and this reduces their weight in the decision making process.
128. In respect to the affected non-designated heritage asset, CDLP Policy E21 is relevant and this policy seeks to minimise adverse impacts on features of historic interest. As a result of the loss of the non-designated heritage asset there would be some conflict with this policy. Policy E21 is considered consistent with the advice within the NPPF, which at paragraph 197 states that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
129. Reverting back to the NPPF paragraph 11(d) planning balance, the guidance at paragraph 196 of the NPPF represents a policy which protects assets of particular importance. Therefore, it is necessary to establish whether the public benefits of the proposal outweigh the less than substantial harm to the designated heritage asset. If these public benefits are not established then this suggests that there is clear reason to refuse the development on these heritage grounds. This planning balance exercise is undertaken later in the report.

Highway Safety and Access

130. The most significant vehicular implications of the development comprise of the formation of the 215 space car park at Upper Mountjoy and associated access off Hollingside Lane, signalling of the junction at Hollingside Lane/South Road and associated crossings and amendment to the South Road/Howlands junction to introduce a signalised pedestrian crossing. Key considerations include the acceptability of the access off Hollingside Side in highway safety terms and the functionality of the signalised junction amends in regards to impacts upon traffic queues on South Road including impacts on bus movements, a matter also referenced by Sustainable Transport.
131. The application is supported by a Transport Assessment and during the course of the determination of the application additional junction modelling information has been supplied in response to comments from the Highway Authority.

132. The Highway Authority have raised no objections to the principle of the provision of the 215 space car park nor to the design or location of the associated access point at Hollingside Lane. In relation to the signalling and highway crossing proposals at the Hollingside Lane/South Road and Howlands/South Road junctions objections are not raised to the principle to these junction works. It is acknowledged that the amendments are being proposed in order to seek to give priority to pedestrians and cyclists as far as practicable and this, in principle, is welcomed. However, the modelling demonstrations have not been submitted which prove the current junction design would work acceptably, though this is considered resolvable. As a result, conditions are recommended that the relevant signalised junction and crossing elements and the car park cannot come into fruition until the design is fully resolved.
133. In relation to the footpath/cyclepath works themselves, some concerns were raised in regards to the absence of any step free option north of the Ogden Centre but these matters have been resolved due to the provision of the surfaced route through Little High Wood.
134. No objections are raised from the Highway Authority to any other element of the proposal.
135. Access and Rights of Way have raised no objections to the proposed surfacing of Public Footpath no. 37.
136. Representations received on the planning application include reference to concerns about the suitability of the proposals for all users and that the design of the proposals by reason of gradients of paths, inclusion and design of stepped elements, the type of lighting, wayfinding, paving, junction and lining design may be unsuitable for some users together with areas of shared footpath/cycle routes. The representations, therefore, question whether the proposals accord with the Equality Act 2010 and/or the Disability Discrimination Act 1995.
137. The Council acknowledges that in exercising its functions it has a legal duty under the Equality Act 2010 to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations. This duty applies to all people defined as having protected characteristics under that legislation. The Equality Act 2010 replaced the Disability Discrimination Act. The most relevant protected characteristics to be considered in this instance are considered to be related to age, disability, pregnancy/maternity and potentially, in relation to appropriate lighting levels, sex (gender), race, religion, sexual orientation and transgender. More generally, local and national planning advice also seeks to ensure that developments are accessible with the CDLP advising that the access needs of users should be taken into account under policies Q1, Q2, Q4 and T21 which are considered consistent with the NPPF. Discussions have been held with the Council's Equality and Diversity Team to discuss the application proposals in the context of the Council's Equality Act duties.
138. It should be noted that amendments/further clarity on the proposals have been made during the course of the determination of the application and key elements to this include:
 - South of the Ogden Centre, the omission of the proposal to widen an existing set of steps with an alternative step free surfaced route to be provided through Little High Wood
 - Increased instances of separation between cycle and pedestrian paths (though some shared areas are still proposed with additional justification provided as to why)

- Confirmation of the use of tactile paving and dropped kerbs at all crossings in accordance with Department for Transport's Guidance
 - Confirmation that controlled crossing points will be provided with audible indication of safe crossing times for visually impaired users
 - Handrails have been considered for use on some routes but discounted, in part because where cyclists use routes there is increased risk of handle bars clashing causing a safety issue
 - Lighting columns/bollards installed to meet relevant BS standards
139. Since these amendments have been made, the Parish Council have confirmed that their concerns in this regard have been addressed. No further comments have been received from those other parties who originally made comments in regards to access/usability for all users.
140. The route does involve a relatively significant change in levels, with land in this part of Durham gradually rising from the northern sections near Stockton Road to the south at Upper Mountjoy and Mount Oswald and any new footpath provision will have this topography to encounter. Furthermore, it should be considered that the purpose of the route is to provide additional and alternative pedestrian and cycle facilities for users. Existing routes in the locality of the application site already exist for users. Principally this is in the form of the main South Road footpaths on a north/south axis which involves a gradual slope and contains areas of controlled crossings, dropped kerbs and tactile paving to aid all users. The purpose of this application is so as to increase capacity for the movement of users and should result in positive impacts on existing routes by reducing pressure on them and in turn making them safer for all than they currently are.
141. Overall officers raise no objections to the application on the grounds of the accessibility and usability of the development proposals having regards to the Council's duties under the Equality Act, which Officers consider have been met having regards to relevant CDLP Local Plan Policies Q1, Q2, Q4 and T21
142. More widely and having regards to all matters regarding highway safety and accessibility issues no objections are raised to the development, subject to the necessary conditions being imposed, with the proposals considered to comply with CDLP Policies T1, T2, T4, T8, T19, R11, Q1, Q2 and Q4 all of which are considered consistent with the content of the NPPF and can be afforded their full weight. CDLP Policy T10 seeks to minimise the level of provision within new development including setting maximum parking guidelines for residential development. However, this is considered contrary to the more up to date advice within NPPF Part 9, which advocates a more flexible approach and advises against maximum parking standards unless there are compelling reasons for doing so. As a result, very little weight is attributed to Policy T10.

Ecology

143. The application is accompanied by an Ecological Impact Assessment, Preliminary Ecological Appraisal and bat survey reports.
144. The application site includes a section of Little High Wood and borders Great High Wood in the Lower Mountjoy and Upper Mountjoy areas and both are Local Wildlife Sites (LWS).
145. Ecology have raised no objections to the application considering that the submitted ecological reports are sufficient to inform this application and that no further survey work is required. It is advised that no bat roosts were recorded however measures to

minimise light spill from the new streetlighting columns are recommended within the submissions. The submitted report and its recommendations therein should therefore be conditioned in the event of an approval. Ecology conclude that there is no requirement for biodiversity compensation from this scheme.

146. The development is considered compliant with CDLP Policies E16, E18 and E19 (consistent with the NPPF) and Part 15 of the NPPF.

Residential Amenity and Pollution

147. The application is accompanied by an Air Quality Assessment (AQA). Environmental Health and Consumer Protection have considered the air quality implications of the development and raise no objections. In regards to the operational phase of the development the greatest impacts on changes to levels of traffic related air quality pollutants (Nitrogen Dioxide-NO₂ and Particulate Matter-PM₁₀ and PM_{2.5}) can be expected closer to the location of the proposed development (the car park and infrastructure) and for these to decrease further from the source. Although the levels of NO₂ at locations on Church Street are close to or exceeding the annual mean objective the change in air quality as a result of the development based on the outcome of the modelling results, will be no worse than an increase of 0.1 µg/m³ which would be negligible. The application also explains that the proposed car park is linked to a car park rationalisation programme by the applicant which ultimately could result in an overall reduction in car park spaces. However, no weight can be attributed to the potential for this at this stage as there is no certainty or control that this would occur.
148. In regards to the construction phase of the development, Environment Health and Consumer Protection advise a screening exercise will be necessary to be undertaken in relation to the change in HDV movements that will arise and their routing, the outcome of which and the further detailed assessment, if required, to determine the impacts on air quality should be carried out prior to the commencement of the construction phase. A condition could be imposed to control this in the event of an approval. It is advised that Dust Action Management Plan should be approved prior to the commencement of the development. Impacts on air quality are considered acceptable having regards to CDLP Policy U5 (consistent with the NPPF) and Part 15 of the NPPF.
149. The development would result in the provision of new pedestrian and cycle routes that would be closer to occupied property, with a key example being where the route would run adjacent to the student accommodation at Grey College. In such instances, there would be an increase in passing footfall with associated noise, and this could potentially occur at unsociable hours, which ultimately cannot be controlled. It is, therefore, considered that a change in circumstances for such occupiers would occur and a degree of detrimental impact may result. However, it is considered that this would not be to such a degree to object to the routing in principle or that it would conflict with key CDLP Policy U5 (consistent with the NPPF), but is a further factor to consider in the planning balance.

Other Issues

150. The application is accompanied by a Flood Risk Assessment (FRA). The application site is located within the Flood Risk Zone 1 and, therefore, the land least prone to fluvial flooding. The proposed surface water drainage strategy for the development is proposed to incorporate the permeable surfacing, directing run-off of waters to either permeable surfaces/infiltration trenches or direction via an existing pond at Upper Mountjoy. The final and precise details can be ensured via condition. The Environment Agency have been consulted on the application and raised no objections

to the development. Officers conclude that no objections should be raised having regards to CDLP Policies U8A (consistent with the NPPF) and U10 (partially consistent with the NPPF) and Part 14 of the NPPF.

151. The Coal Authority have advised that a section of the cyclepath/footpath is located within relatively close proximity of a historic mine entry and on the basis of the information submitted so far it cannot be ruled out that proposal would not be within its zone of influence. The Coal Authority have stated that this matter can be resolved via a condition which would either demonstrate that the development is outside of any zone of influence or should this not be the case that mitigation measures can make the development safe and land stable. As a result, no objections are raised having regards to CDLP Policy U13 (consistent with the NPPF).
152. Representations have submitted that the Durham University Masterplan proposals have very significant economic, social and environmental impacts and should be subject to a comprehensive assessment in its totality rather than being advanced via individual applications. However, it is considered that the proposal can be submitted as a standalone planning application and considered on its own merits.

CONCLUSION

153. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions.
154. The NPPF advises that weight to local plan/development plan policies adopted prior to the publication of the NPPF (in its revised form) should be attributed according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given). Existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Equally, however, where evidence which has informed the content of the policy is out of date this can also be a reason to conclude the policy is out of date.
155. So that sustainable development is pursued in a positive way, at the heart of the NPPF is a presumption in favour of sustainable development and this is detailed at paragraph 11.
156. In this instance policies within the CDLP most important for determining the application are out-of-date. As a result paragraph 11(d) of the NPPF applies which states; where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
157. In respects to limb i, NPPF policies which protect assets of particular importance apply in this case in terms of policies relevant to designated heritage assets.
158. It has been identified that the development causes some less than substantial harm to the setting of Durham (City Centre) Conservation Area. As a result, Paragraph 196 of

the NPPF advises that this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

159. Great weight should be given to the asset's conservation and the more important the asset the greater the weight should be and harm must be given considerable importance and weight by the decision-maker. However, in this instance the degree of harm to the CA is considered relatively minor – it is an indirect impact upon setting rather than a direct impact within the CA itself and would occur due to the loss of landscape features which make a positive contribution to the arrival into the CA.
160. The public benefit emerging from the development would principally relate to the provision of new footpath and cycle routes in order to resolve a recognised existing capacity issue and thereby safety issue on existing routes. The development would help in not only resolving current capacity and safety issues but it would also aid in the long term as future developments (both consented or potentially in the pipeline) emerge. These benefits are considered to outweigh the identified less than substantial harm to the designated heritage asset having regards to Paragraph 196 of the NPPF.
161. In terms of limb ii of Paragraph 11(d), there is the requirement to consider whether any adverse impacts overall would significantly and demonstrably outweigh the benefits.
162. Linked to the harm to the CA there would entail the loss of trees and landscape features and loss of a non-designated heritage asset. To an extent, some existing occupiers may have their levels of amenity reduced by some noise and disturbance from passing pedestrians/cyclists. However, and when taken in the round, such degrees of harm are not so significant that they would demonstrably outweigh the benefits of delivering the development proposal when assessed against the NPPF taken as a whole.
163. As a result, and having regard to the content of the CDLP, and on the balance of all material planning considerations, including comments raised in the public consultation exercise, it is considered that the proposals are acceptable.

RECOMMENDATION

That the application is **APPROVED** subject to the following conditions:

Time Limit

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.

Approved Plans

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

Proposed General Arrangement South Road 261000-ARP-Z1-HW-DR-CX-1000 received 4 July 2019

Route Layout South Road Sheet 1 of 15 261000-ARP-Z1-HW-DR-CX-1001 received 4 July 2019

Route Layout South Road Sheet 2 of 15 261000-ARP-Z1-HW-DR-CX-1002 received 4 July 2019

Route Layout South Road Sheet 3 of 15 261000-ARP-Z1-HW-DR-CX-1003 received 4 July 2019

Route Layout South Road Sheet 4 of 15 261000-ARP-Z1-HW-DR-CX-1004 received 4 July 2019

Route Layout South Road Sheet 5 of 15 261000-ARP-Z1-HW-DR-CX-1005 received 4 July 2019

Route Layout South Road Sheet 6 of 15 261000-ARP-Z1-HW-DR-CX-1006 received 4 July 2019

Route Layout South Road Sheet 7 of 15 261000-ARP-Z1-HW-DR-CX-1007 received 4 July 2019

Route Layout South Road Sheet 8 of 15 261000-ARP-Z1-HW-DR-CX-1008 received 4 July 2019

Route Layout South Road Sheet 9 of 15 261000-ARP-Z1-HW-DR-CX-1009 received 4 July 2019

Route Layout South Road Sheet 10 of 15 261000-ARP-Z1-HW-DR-CX-1010 received 4 July 2019

Route Layout South Road Sheet 11 of 15 261000-ARP-Z1-HW-DR-CX-1011 received 4 July 2019

Route Layout South Road Sheet 12 of 15 261000-ARP-Z1-HW-DR-CX-1012 received 4 July 2019

Route Layout South Road Sheet 13 of 15 261000-ARP-Z1-HW-DR-CX-1013 received 4 July 2019

Route Layout South Road Sheet 14 of 15 261000-ARP-Z1-HW-DR-CX-1014 received 4 July 2019

Route Layout South Road Sheet 15 of 15 261000-ARP-Z1-HW-DR-CX-1015 received 4 July 2019

Existing General Arrangement South Road 261000-ARP-Z1-HW-DR-CX-1100 received 4 July 2019

Proposed General Arrangement Path Construction Types 261000-ARP-Z1-HW-DR-CX-2000 received 4 July 2019

Typical Construction Details South Road Sheet 1 of 4 261000-ARP-Z1-HW-DR-CX-7001 received 4 July 2019

Typical Construction Details South Road Sheet 2 of 4 261000-ARP-Z1-HW-DR-CX-7002 received 4 July 2019

Typical Construction Details South Road Sheet 3 of 4 261000-ARP-Z1-HW-DR-CX-7003 received 4 July 2019

Typical Construction Details South Road Sheet 4 of 4 261000-ARP-Z1-HW-DR-CX-7004 received 4 July 2019

Written Scheme of Investigation DS19.395 by Archaeological Services Durham University received 16 July 2019

Bat Survey Report dated 5 June 2019

Durham University Infrastructure Improvements Geotechnical Report dated 27 February 2019

Durham University Infrastructure Improvements Phase 1 Geoenvironmental Desk Study Report dated 26 March 2018

Reason: To define the consent and ensure that a satisfactory form of development is obtained having regards to CDLP Policies E1, E5, E6, E10, E14, E15, E16, E18, E21,

Construction Management Plan

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. 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 residents from the development in accordance with policy U5 of the City of Durham Local 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.

Tree Works/Protection

4. Notwithstanding any details approved under condition 2, no development nor any works to trees or hedges shall take place until an updated arboricultural impact assessment (AIA) and arboricultural method statement (AMS) for the development has been submitted to and approved in writing by the Local Planning Authority.

The AIA and AMS submissions must include the following;

- Tree Protection Plan(s) and schedule of tree works with full details of tree loss, tree retention and tree protection measures
- Full details of the construction detail/method of the footpath/cyclepath and highway provision inclusive of any associated drainage features
- Details of tree and hedge monitoring regimes including duration
- Proposed arboricultural supervision during construction works
- Any further mitigation measures aimed at reducing harm to trees/hedges
- Details of compensatory planting proposals

Thereafter the agreed tree protection measures must remain in situ until the cessation of the development works and the development and measures contained within the AIA and AMS submissions must be completed and complied with in accordance with the agreed details.

Reason: In the interests of the visual amenity of the area and to comply with policies E5, E6, E14, E15, E22 and Q5 of the City of Durham Local Plan and Parts 12 and 15 of the National Planning Policy Framework. Required to be pre-commencement as works that may affect trees cannot be undertaken until precise works and protection measures in their regard have been agreed.

Surface Water Drainage

5. No development shall commence until a final detailed scheme for the provision of surface water drainage works have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be developed in accordance with the Councils Sustainable Drainage Systems (SuDS) Adoption Guide 2016. The scheme must include detailed engineering drawings of drainage features. The development thereafter shall be completed in accordance with the details and timetable agreed.

Reason: to ensure that surface water is adequately disposed of in accordance with policy U8A of the City of Durham Local Plan and Parts 14 and 15 of the National Planning Policy Framework. Required as a pre-commencement condition to ensure that an acceptable drainage scheme is incorporated into the development.

Coal Mining Legacy

6. None of the development works which are located to the south of the South Road/Hollingside Lane Junction shall take place until;
 - i) Further detail/reporting has been submitted which demonstrates that the development is outside of the zone of influence of mine entry 427540-001 and that said further detail/reporting has been approved in writing by the Local Planning Authority in consultation with the Coal Authority; or
 - ii) Should the further detail/reporting pursuant to i) above fail to demonstrate that the development is outside of the zone of influence of any mine entry then a further report submission must be made that must demonstrate what mitigation measures are to be deployed so as to safeguard the stability of the land within the influence of the mine entry. This further detail/reporting must have been approved in writing by the Local Planning Authority in consultation with the Coal Authority before any the development south of the South Road/Hollingside Lane junction commences and the development must be completed in accordance with the approved details thereafter.

Reason: In the interests of safeguarding the development from the risks of coal mining legacy issues having regards to City of Durham Local Plan and Part 15 of the NPPF.

Landscaping

7. Within a period of no later than 3 months from the decision date of this planning permission a detailed landscaping scheme shall be submitted to the Local Planning Authority. The landscape scheme shall include the following.
 - Details of soft landscaping including planting species, sizes, layout, densities, numbers;
 - Details of planting procedures and/or specification.
 - Finished topsoil levels and depths.
 - Details of temporary topsoil and subsoil storage provision.
 - The timeframe for implementation of the landscaping scheme.
 - The establishment maintenance regime including the replacement of vegetation which die, fail to flourish within a period of 5 years from planting.
 - Full details of the management, maintenance and accessibility of all areas of open space in perpetuity.

The approved landscaping scheme shall thereafter be undertaken in accordance with the approved details and timeframes.

Reason: In the interests of the visual amenity of the area and to comply with policies E5, E6, E14, E15, E22 and Q5 of the City of Durham Local Plan and Parts 12 and 15 of the National Planning Policy Framework.

Replacement Wall

8. Prior to the demolition of the 27m section of wall on South Road, full details of the appearance and materials of the replacement wall and a timetable for its construction shall be submitted to and approved in writing by the Local Planning Authority. The wall should be rebuilt with the materials salvaged from the demolished section unless it is demonstrated impractical to do so, for instance by reason of the condition of the materials. Thereafter the scheme shall be implemented in accordance with the agreed details and timetable.

Reason: In the interests of the visual amenity of the area having regards to City of Durham Local Plan Policies E5, E6, E22 and Q5 and Parts 12 and 16 of the NPPF.

Hollingside Lane/South Road Junction Works

9. Notwithstanding any details approved under condition 2 the signalized junction works at Hollingside Lane/South Road involving the provision of the additional crossing of South Road and crossing of Hollingside Lane, referred to as "Phase 2" in the submitted Design and Access Statement Rev B dated 3 July, shall not be undertaken nor the 215 space car park brought into use, until full details of those Phase 2 highway junction works have been submitted to and approved in writing by the Local Planning Authority. The details submitted must include details of any signalization and crossing and be supported by modelling submissions to demonstrate their impact upon the highway

network. Thereafter the Hollingside Lane and South Road junction works must be completed in accordance with the approved details.

Reason: In the interests of highway safety having regards to policies T1, T2, T4 and T8 of the City of Durham Local Plan and Part 9 of the NPPF.

Howlands/South Road Junction Works

10. Notwithstanding any details approved under condition 2 the amendments to the traffic lights to provide pedestrian/cycle crossing provision south of the Howlands/South Road Junction together with the footpath/cyclepath proposed from this point to Mount Oswald, west of South Road, shall not be undertaken until full details of those highway crossing works have been submitted to and approved in writing by the Local Planning Authority. The details submitted must be supported by modelling submissions to demonstrate their impact upon the highway network. Thereafter the highway crossing works and footpath/cyclepath to Mount Oswald must be completed in accordance with the approved details.

Reason: In the interests of highway safety having regards to policies T1, T2, T4 and T8 of the City of Durham Local Plan and Part 9 of the NPPF.

Archaeological Mitigation

11. The development hereby approved shall be carried out in complete accordance with the programme of archaeological works set out in the Written Scheme of Investigation DS19.395 by Archaeological Services Durham University received 16 July 2019.

Reason: To safeguard any archaeological interest in the site, and to comply with Policy E24 of the City of Durham Local Plan and Part 16 of the National Planning Policy Framework.

Archaeological Reporting

12. Within a period of 3 months following completion of the development a copy of any analysis, reporting, publication or archiving required as part of the archaeological mitigation strategy/WSI shall be deposited at the County Durham Historic Environment Record.

Reason: To comply with Paragraph 199 of the NPPF, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure information gathered becomes publicly accessible.

Construction Working Hours

13. 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 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.

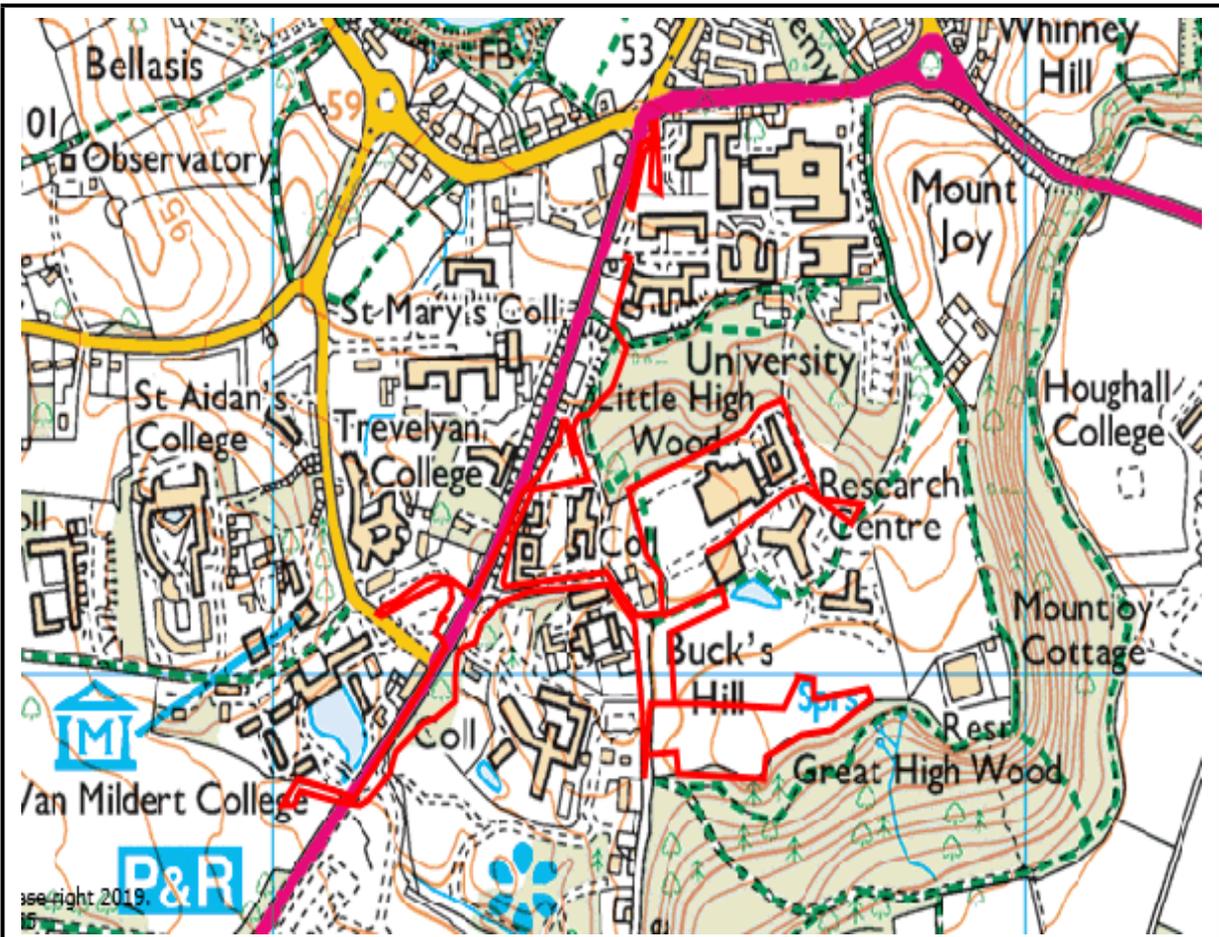
Reason: To protect the residential amenity of existing residents in accordance with policy U5 of the City of Durham Local Plan and Part 15 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its recommendation to support this 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) (CC) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.)*

BACKGROUND PAPERS

- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2019)
- National Planning Practice Guidance notes.
- City of Durham Local Plan
- Statutory, internal and public consultation responses



Planning Services

DM/19/01084/FPA

Infrastructure works including provision of new footpath route, highways works including new signalled crossing at the Hollingside Lane and South Road junction, and the creation of a car park of up to 215 spaces at Upper Mountjoy

This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No 100022202 2005

Comments

Date 30 July 2019

Scale Not to scale