



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

Application No:	DM/21/01611/FPA
Full Application Description:	Demolition of Existing Bingo Hall and erections of 1no. 4 Storey Purpose Built Student Accommodation with associated parking, and servicing facilities
Name of Applicant:	Durham Grove Limited & Majestic Bingo
Address:	Apollo Bingo Front Street New Durham Durham DH1 2EP
Electoral Division:	Belmont
Case Officer:	Leigh Dalby (Senior Planning Officer) Tel: 03000 261 959 Email: leigh.dalby@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

The Site

1. The application site is located on the Northern side of the A181 Front Street/Sherburn Road, to the East of Belles Ville/Mill Lane and to the west of Frank Street. The surrounding area is predominantly residential in character although there are commercial units near to the site, to the East, West and South with Dragonville retail, business and industrial park approx. 130m to the East.
2. To the East of the site is a 3-storey flatted development, with bungalows to the immediate north. Two storey housing lies to the west, and south of the site on the opposite sides of Mill Lane/ Belles Ville and Front Street/ Sherburn Road.

3. The current application site area is approximately 2,392m² (0.24 hectare), which comprises of a relatively level site, laid to hardstanding with a 3-storey bingo hall with car park to the west and north. To the immediate east of the site stands the 3-storey residential development known as Lantern Court.

The Proposal

4. The proposal seeks planning permission for the demolition of the existing bingo hall and the erection of 1No. 4 Storey, Purpose Built Student Accommodation facility (PBSA) with associated parking, and servicing facilities that would contain 128no. beds, with ancillary facilities.
5. The proposed building would be approx. 12.0m in height for 4 storeys reducing to approx. 9.0m for the 3-storey element. The building is laid out within a loose U form with 4 storey frontages to the roads to the South and West, and a reduced 3 storey frontage to the North. The proposal would include an internal parking, and servicing area.
6. The application is reported to the Planning Committee at the request of Councillors E and L Mavin and Councillor Fletcher to allow local residents to relay their objections to the proposal direct to the committee.
7. The application was previously presented to Planning Committee in January 2022 at which it was resolved to grant planning permission subject to a section 106 agreement. However, following the committee meeting it transpired that Durham University had submitted a representation which was not reported to the Committee. Consequently, it is considered appropriate to bring the application back to the Committee for consideration in the context of all representations received, having given the applicant an opportunity to address the university's observations.

PLANNING HISTORY

8. Whilst there is no history considered relevant to this proposal, a summary of the recent planning history is as follows:
 - 4/04/01128/FPA, Erection of single storey pitched roof extension to side to provide toilets, and provision of access ramp and balustrade – Approved.
 - 4/07/00257/FPA - Erection of smoking shelter and associated enclosure to west elevation of existing building – Approved
 - 4/12/00761/AD - Various illuminated and non-illuminated signage. Approved.

NATIONAL POLICY

9. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social, and environmental, each mutually dependent.
10. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'. The following elements of the NPPF are considered relevant to this proposal;
11. 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.
12. 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.
13. NPPF Part 8 Promoting Healthy and Safe Communities - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
14. NPPF Part 9 Promoting Sustainable Transport - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.

15. NPPF Part 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.
16. 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.
17. 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.
18. 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.

LOCAL PLAN POLICY:

19. The following policies within the County Durham Local Plan are considered relevant in terms of this proposal:
20. Policy 1 (Quantity of Development) outlines the levels of employment land and housing delivery considered to be required across the plan period.
21. Policy 6 (Development on Unallocated Sites) supports development on sites not allocated in the Plan or Neighbourhood Plan, but which are either within the built-up area or outside the built up area but well related to a settlement will be permitted provided it: is compatible with use on adjacent land; does not result in coalescence with neighbouring settlements; does not result in loss of land of recreational, ecological, or heritage value; is appropriate in scale, design etc to character of the settlement; it is not prejudicial to highway safety; provides access to sustainable modes of transport; retains the settlement's valued facilities; considers climate change implications; makes use of previously developed land and reflects priorities for urban regeneration.

22. Policy 16 (Durham University Development, Purpose Built Student Accommodation and Houses in Multiple Occupation) seeks to provide a means to consider student accommodation and proposals for houses in multiple occupation to ensure they create inclusive places in line with the objective of creating mixed and balanced communities.
23. Policy 21 (Delivering Sustainable Transport) requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development should have regard to Parking and Accessibility Supplementary Planning Document.
24. Policy 25 (Developer Contributions) advises that any mitigation necessary to make the development acceptable in planning terms will be secured through appropriate planning conditions or planning obligations. Planning conditions will be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations must be directly related to the development and fairly and reasonably related in scale and kind to the development.
25. Policy 26 (Green Infrastructure) states that development will be expected to maintain and protect, and where appropriate improve, the County's green infrastructure network. Advice is provided on the circumstances in which existing green infrastructure may be lost to development, the requirements of new provision within development proposals and advice in regard to public rights of way.
26. Policy 27 (Utilities, Telecommunications and Other Broadcast Infrastructure) supports such proposals provided that it can be demonstrated that there will be no significant adverse impacts or that the benefits outweigh the negative effects; it is located at an existing site, where it is technically and operationally feasible and does not result in visual clutter. If at a new site then existing site must be explored and demonstrated as not feasible. Equipment must be sympathetically designed and camouflaged and must not result in visual clutter; and where applicable it proposal must not cause significant or irreparable interference with other electrical equipment, air traffic services or other instrumentation in the national interest.
27. Policy 28 (Safeguarded Areas). Within safeguarded areas development will be subject to consultation with the relevant authority and will be permitted where it can be demonstrated that it would unacceptably adversely affect public safety, air traffic safety, the operation of High Moorsey Meteorological Officer radar.

28. Policy 29 (Sustainable Design) requires all development proposals to achieve well designed buildings and places having regard to SPD and sets out 18 elements for development to be considered acceptable, including: positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals. Provision for all new residential development to comply with Nationally Described Space Standards, subject to transition period.

Provision for alterations and extensions to residential property to be sympathetic to existing building and character and appearance of area

Provision for signage, adverts, street furniture and public art to be appropriate and sympathetic to users and local setting and not detrimental to visual amenity or public highway safety

Provision for major developments to appropriately consider the public realm in terms of roads, paths, open spaces, landscaping, access and connectivity, natural surveillance, suitable private and communal amenity space that is well defined, defensible and designed to the needs of its users.

Provision for new major residential development to be assessed against Building for Life Supplementary Planning Document, to achieve reductions in CO2 emissions, to be built to at least 30 dwellings per hectare subject to exceptions. All new development to achieve BREEAM minimum rating of 'very good'.

29. Policy 31 (Amenity and Pollution) sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for locating of sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.
30. Policy 32 (Despoiled, Degraded, Derelict, Contaminated and Unstable Land) requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.
31. Policy 33 – (Renewable and Low Carbon Energy) – states that renewable and low carbon development energy development in appropriate locations will be supported. In determining planning applications for such projects significant weight will be given to the achievement of wider social, environmental and economic benefits. Proposals should include details of associate developments including access roads, transmission lines, pylons and other ancillary buildings.

Where relevant, planning applications will also need to include a satisfactory scheme to restore the site to a quality of at least its original condition once operations have ceased. Where necessary, this will be secured by bond, legal agreement or condition.

32. Policy 35 (Water Management) requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. All new development must ensure there is no net increase in surface water runoff for the lifetime of the development. Amongst its advice, the policy advocates the use of SuDS and aims to protect the quality of water
33. Policy 44 (Historic Environment) seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets. The policy advises on when harm or total loss of the significance of heritage assets can be accepted and the circumstances/levels of public benefit which must apply in those instances.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.cartoplus.co.uk/durham/text/00cont.htm>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY AND INTERNAL RESPONSES:

34. The following comments were received following consultation with Statutory and Internal consultees.
35. **DCC Highways** – No objection
36. **DCC Design and Conservation** – Raised strong concerns in relation to the loss of the non-designated heritage asset and the public benefit that the proposal will bring; concerns also raised in relation to the scale, design and lack of external amenity space. In conclusion the team consider the proposed development to be contrary to sections 12 and 16 of the NPPF, and Policy 16, 29 and 44 of the County Durham Plan.
37. **DCC Env. Health Statutory Nuisance** – No objections subject to conditions
38. **DCC Environmental Health (Contaminated Land)** – No objection subject to conditions
39. **DCC Drainage and Coastal Protection** – Advise that they approve the treatment of surface water prior to leaving the site; however, further advise that the option of connecting to the highway drain is investigated. They also note that they would approve the connection in principle and the connection would be process through Section 50 of the Highways Act.

40. **DCC Ecology** – No objection subject to conditions securing the recommendations within the submitted Bat Survey.
41. **DCC Education** – No objection to the proposal, and no contribution required.
42. **Met Office Safeguarding** – No objections.
43. **Belmont Parish Council** – Objects to the proposal and consider the development fails to meet the requirements of Policy 16(2) of the County Durham Plan. The Parish Council considers that the application does not identify a genuine need for additional student accommodation of this type, in this location. The applicant has failed to undertake consultation with the relevant education provider in relation to the identified need and that the proposal would result in the loss of a bingo hall which is a much-loved leisure and tourist facility for the local community.

In addition, the proposal would result in a development that does not reflect the layout, character, scale and appearance of the local area in accordance with policy 29 of the CDP. The development would also result in an unacceptable level of impact upon the amenities of surrounding residents with regard to overshadowing and disturbance from future residents.

The updated statement from the applicant does not provide any justification or source information for the figures it presents and makes incorrect and unsubstantiated assertions. The submitted information does not demonstrate need for the development of this type in this location contrary to Policy 16(2)(a).

The proposal fails to meet the educational need set out in Policy 16(2)(b), in that the university have stated that they have concerns over the size and quality of communal facilities for student residents and its remoteness campus to a degree they would not deem it suitable for the university's accommodation offer to students.

NON-STATUTORY RESPONSES

44. The following comments were received following consultation with non-statutory consultees:
45. **NHS** – Confirms that there is no requirement for any financial contribution to improve existing health facilities or to add new provision.
46. **Durham Constabulary (Architectural Liaison Officer)** – No objections to the proposal but recommends that the developer should consider the Secure by Design principles.
47. **DCC Regeneration and Economic Growth** – No objection.

48. **Durham University** – Offered no objection to the principle of the development but raise reservations in relation to the size and quality of the communal facilities, lack of external and location of the proposal, and as such they would not consider the proposal to be suitable to form part of the University’s accommodation offer to students. The University have also confirmed that the 3000-student relocation stated in the housing need statement by the applicant is incorrect as the relocation of the students has already occurred.

MEMBER OF PARLIAMENT AND COUNTY COUNCILLORS

49. Mary K Foy (Member of Parliament for City of Durham) objected to the proposal. A summary of those points of concern are:
- Development will be out of keeping with the surrounding area and would appear incongruous within the streetscene
 - Loss of community facilities
 - No identified need for PBSA in accordance with Policy 16
 - No engagement from the university
 - The site should be used for affordable housing
 - Impact on residential amenity of local residents through disturbance through the movement of students coming to and from the site
 - Design is not sympathetic to local character and scale would be overly dominant in relation to the existing buildings
 - The location of the site is considered to be remote from any university facilities contrary to Policy 16.
50. County Councillor J Elmer (Brandon Division) objects to the proposal, a summary of the points are as follows:
- No identifiable need for the proposal with figures verified by the University
 - PBSA use would lead to noise and disturbance for local residents
 - No consultation with Educational Providers
 - Loss of leisure facilities
 - Design is too prominent for surrounding townscape; monolithic block would be discordant with surroundings
 - No social or economic benefit to local residents

PUBLIC RESPONSES

51. The application has been publicised by way of site notice, press advert and notification letters sent to neighbouring properties, in response 35no. letters of objection, were received (it is noted that 71no. letters of objection were submitted and subsequently withdrawn by Acorn Community Group due to concerns over data protection) and 5no. letters of support, a summary of the points of objection are as follows:

OBJECTION

- Development Offers nothing to the community
- No shortage of student accommodation in Durham
- Site should be used for affordable housing
- There has been no meaningful community engagement
- The proposal is contrary to policies 16, 29 and NPPF 127
- It will create a loss of a much-loved community facility
- No outdoor space and small bedrooms for students offer
- The development will impact on Milhouse court in terms of privacy overlooking and loss of sunlight
- It will create a loss of venue to the local residents and would be a radical change to the area
- The height and mass of the building is out of character with the area
- Insufficient cycle parking
- Concerns over appearance of development against the two storey units adjacent
- The plans are insufficient in detail to allow scheme to be accurately considered
- Room sizes are insufficient and too small

SUPPORT

- Site is an eyesore and needs regenerations
- Development will provide jobs and boost local economy

APPLICANTS STATEMENT:

52. The planning application seeks permission for the erection of Purpose-Built Student Accommodation (PSBA) on the site of the Apollo Bingo Hall. The operator of the Bingo Hall has confirmed that the continued use of the premises for this purpose is not commercially sustainable due to changing customer patterns following the Covid pandemic. The sale of this property will enable the operator to continue investing in securing the future of their 12 remaining clubs which includes the Hippodrome Bingo Club in Bishop Auckland.

53. The proposal would secure the redevelopment of the application site which is in danger of vacancy and dereliction if the proposed redevelopment is not approved. The design of the proposed 3 and 4 storey building has been developed to comply with Council Officer comments outlined during detailed pre-application discussions and further engagement following submission of the application. In response to Officer and public concerns, the positioning of the building on the site has changed and the building has been significantly modified and reduced in scale. The reduction from four to three storeys at the rear of the building and other alterations have resulted in a loss of approximately 10% in the number of units compared to that originally being proposed.

54. The reductions in the proposed height of the building have mitigated any potential impacts on surrounding dwellings in terms of overshadowing and loss of privacy etc. The result is a development that would co-exist with surrounding properties and relate positively given the previously developed (brownfield) nature of the site and scale of the existing building.
55. There is significant demand for PBSA in the Durham area connected to the continued growth of the University. The application seeks planning permission for development that would be modest in scale in the context of anticipated demand and would be representative of approximately only 4% of the shortfall in bedspaces anticipated by 2024. Nonetheless, it has the potential to deliver a meaningful contribution towards providing the required student bed space numbers in the short term through the utilisation of previously developed land in a highly sustainable location.
56. Additional footfall from residents of the proposed development has the potential to support local businesses, public transport and be a catalyst for further regeneration of the Sherburn Road area. Employment would also be provided both directly by the development during the construction and operational phases, and indirectly in support services. The applicant has also offered to provide a multi-purpose community space within the development that could be used by local community groups and would support the integration of the development and its residents into the area.
57. A number of objections have raised issues that the site would be better suited to being redeveloped for affordable housing and/or older persons accommodation. Whilst the applicant recognises that County Durham currently has an acute shortage of both forms of accommodation, it must be made clear that alternative uses for a site are not a material planning consideration and therefore these aspects of the objection letters should be given no weight in the determination of the application. Moreover, and without prejudice to the applicant's firm position that potential alternative uses are not a material planning consideration, engagement with affordable housing providers in the local area including Karbon Homes and Believe has concluded that the site is too small and constrained for it to be a potential affordable housing site.
58. Council Officers have confirmed that the proposal complies with relevant policies in the County Durham Plan and have assessed all material planning considerations in detail. They have recommended approval of the application and on this basis it is respectfully submitted that planning permission should be granted for the proposed development.

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/online-applications/search.do?action=simple&searchType=Application>

PLANNING CONSIDERATIONS AND ASSESSMENT

59. 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 Paragraph 47 of 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, impact on non-designated heritage asset, the impact on residential amenity, the character and appearance of the area and visual amenity and highway safety.

Principle of Development

60. Policy 6 of the County Durham Plan supports development on sites which are not allocated in the Plan or Neighbourhood Plan, but which are either within the built-up area or outside the built up area but well related to a settlement, stating that such development will be permitted provided it is compatible with uses on adjacent land; does not result in coalescence with neighbouring settlements; does not result in loss of land of recreational, ecological, or heritage value; is appropriate in scale, design etc to character of the settlement; it is not prejudicial to highway safety; provides access to sustainable modes of transport; retains the settlement's valued facilities; considers climate change implications; makes use of previously developed land and reflects priorities for urban regeneration.
61. As detailed above, policy 6 of the CDP permits development on unallocated sites within built-up areas provided it meets the criteria set out within the policy. The site lies within the built-up area of Gilesgate and as such policy 6 is relevant. In this regard it is considered that the proposal can draw support in principle from this policy given that the site is located within close proximity to other residential uses and would not be prejudicial to any existing or permitted adjacent uses, subject to the impact on residential amenity, which is considered in greater detail below (criteria a), it is within the existing built framework of Gilesgate / Gilesgate Moor and would not lead to coalescence with neighbouring settlements (criteria b), would not result in a loss of open land that has any recreational, ecological or heritage value (criteria c) and has easy access to sustainable transport and local facilities (criteria f). The site makes best use of previously developed land (criteria i). Consideration of the requirements of criteria d, e, g, h of policy 6 are considered elsewhere within this report. It is not considered that criteria j is appropriate in relation to this proposal.
62. It is therefore considered that the principle of Purpose Built Student Accommodation (PBSA) in this location is acceptable subject to the relevant material considerations as set out below.

63. Given the proposal relates to PBSA, Policy 16 (Durham University Development, Purpose Built Student Accommodation and Houses in Multiple Occupation) of the County Durham Plan is relevant and includes the fundamental aim of ensuring that new PBSA and HMO proposals create/maintain inclusive places in line with the objective of creating mixed and balanced communities.
64. Part 2 of Policy 16 states that new PBSA development on sites not allocated for student accommodation will be required to demonstrate the following:
- a) That there is a need for additional student accommodation of this type in this location
 - b) Consultation with the relevant education provider pursuant to the identified need
 - c) It would not result in a significant negative impact on retail employment leisure tourism housing or other of the council's regeneration objectives
 - d) The development is readily accessible to an existing university or college academic site or hospital and research site
 - e) The design and layout the student accommodation and siting of individual uses within the overall developments are appropriate to this location and in relation to the adjacent neighbouring uses
 - f) The internal design layout and size of the accommodation and facilities are appropriate standard
 - g) Activities of the occupants of the development will not have an unacceptable impact upon the amenity of the surrounding residents in itself or when considered alongside existing approved student housing provision prior to occupation in management plan or draft outline management plan appropriate to the scale of development shall be provided
 - h) the quantity of cycle and car parking provided has regard to the council's parking and accessibility guidelines: and
 - i) The applicant has shown that the security of the building and its occupants has been considered along with that of other local residents and legitimate users.
65. Paragraph 253 of the County Durham Plan Inspectors report highlighted that it is possible that purpose-built student accommodation schemes will also be proposed on non-allocated sites during the plan period, and parts (a) to (i) set out the criteria of part 2 of Policy 16 will manage such developments. It is acknowledged that by providing a range of accommodation including HMOs, university affiliated colleges and privately run PBSA allows for individual choice and variety within the market, which can potentially also alleviate pressure on the residential housing market.
66. In taking each of these criteria in turn; with regard to criteria a) the supporting text for Policy 16 highlights that need can be considered in both quantitative and qualitative terms, with Paragraph 5.139 recognising that the student housing market is not static and that there needs to be choice in the market. The application is supported by an updated Housing Needs Statement, PBSA demand study and additional clarification statement. These documents have assessed the projected number of student bed spaces required within the city and also the aspirations of students housing requirements.

In conclusion they identify a perceived shortfall in student bed numbers which they consider cannot be met by current and planned PBSA schemes based upon their market research.

67. Durham University has been consulted and have provided further information following an initial reply which raised no objection to the principle of development but raised concerns regarding some elements of the adopted design approach. The supplementary information provides some additional information around the number of students living within the city and advises that there are 22,219 active students at Durham University as of 1st December 2021, and that of these 18,276 live within Durham City (DH1), 7,328 of which are residing in College affiliated accommodation (either owned by the University or leased from the private sector), and that for the next academic year they expect the numbers in College affiliated accommodation to rise to 7,528. These figures exceed those stated within the supporting Needs Statement and as such display some level of conflict with the applicant's findings in this regard.
68. However, it should also be noted that the University have confirmed that 1,610 students have taken an option to study online for this academic year, which was an increase of 1351 from 259 students in December 2019 (pre-pandemic), but that the number of students studying online is expected to reduce post-pandemic.
69. The University Strategy 2017-2027 has a target of 21,500 active students by 2027 and the University acknowledges that it has exceeded this target for a short period of time due to the outrun of the last two A-level cycles. However, they do note an expectation for this to return to the overall target in the coming years.
70. Whilst there is some question as to the likely quantitative demand for bedspaces covering the 2017 – 2027 period, supporting text to Policy 16 at 5.141 nevertheless advises that consideration of the need for additional student accommodation shall include, but not be limited to, University student growth forecasts and that PBSA can increase choice for the student population. Para. 5.146 recognises that PBSA should reflect the needs and aspirations of the student population.
71. In this regard the applicant's Needs Statement provides market data from a dedicated student property search engine and tenancy management platform which operates across the UK (including County Durham) and highlights the type of accommodation most popular with students based on the type of unit most commonly searched. This identifies that 4 and 5 bed accommodation is the most sought after within the city, with approx. 43% of all student enquiries relating such units. As such it can be demonstrated that there is a desire for students to live within this type of accommodation and that the proposed development would add to the choice and variety of housing accommodation on offer to the student market generally, providing an alternative to traditional HMO style housing.

72. In light of the above it is considered that whilst the proposal is unlikely to meet a quantitative demand, it would comply with policy 16a) of the CDP in that it would meet an identified need to broaden the choice and variety of student accommodation available within the city.
73. In relation to criteria b) the applicant has provided evidence of consultation with Durham University. Whilst the university did not initially respond to the proposal a response has subsequently been received. The university have confirmed that they do not object to the principle of development, however they do state that they have concerns regarding the accommodation relating to the size and quality of communal facilities for student residents, the lack of an external area and its relative remoteness from campus to a degree that they would not deem the site suitable for their own accommodation portfolio.
74. Whilst the university do not regard the site appropriate for their property portfolio, this does not mean that the site is not a suitable location for students, subject to further consideration as set out below.
75. Given that the applicants have consulted with the University as detailed above, it is considered that requirement of criteria b has been met.
76. With regard to criteria c) the application site currently hosts a Bingo Hall which is considered a leisure use for planning purposes and this represents the existing permitted use. However, the application is supported by representation from the owner and operator of the Hall which confirm that the continued use of the building for this purpose is no longer viable due to the low level of usage, and that irrespective of the outcome of the current application they intend to discontinue the existing business. Given that it would appear highly likely that the current use will cease in the immediate future due to a lack of demand, the proposal would not result in any significant negative impact upon leisure facilities in the area, given the sites already limited use, and the intention to cease operations. The proposed development is therefore considered to have limited impact in terms of the loss of the existing use.
77. With regard to criteria d) the site is located approx. 1200m from St. Hild and St. Bede College (Durham University Site) and is situated on a main bus route into and out of the city providing readily available access to Durham University facilities. It is therefore considered that the proposal is acceptable in this regard.
78. Criteria e) relates to matters regarding the design and layout of the proposals which are considered in more detail elsewhere in the report.
79. In relation to criteria f) the internal layout of the PBSA accommodation and facilities are considered to be satisfactory, with sufficient space provided. It is noted that the Council's Env. Health Team in relation to HMO's has advised that the development is broadly acceptable although the kitchen facilities would require alteration to comply with appropriate licensing requirements. However, this alteration could be completed without need for significant reconfiguration and in any event is subject to legislative control falling outside of the planning system. As such this matter could not be afforded significant weight in determination of the application and could be resolved without any fundamental impact upon the proposal as currently submitted.

80. Criteria g) relates to consideration of the impact of the development upon surrounding residents which is considered in detail elsewhere in the report. However, it is noted that the Council's Env. Health Statutory Nuisance team have raised no objections to the proposal in this regard subject to conditions.
81. In regard to criteria h) the Council's Highway Engineers have considered the proposal and confirmed that the development is acceptable in highways safety terms.
82. Having regard to criteria i) the applicant has stated that the security of the building and its occupants have been a key matter for consideration when formulating the proposed design. However, the submission and agreement of precise details of the security measures are to be secured via planning condition which would also require the implementation of a comprehensive management plan.
83. The final element of Policy 16 for consideration is the impact of the proposal on designated and non-designated assets, this will be addressed in further detail elsewhere in the report.
84. In light of the above it is and subject to consideration of compliance with criteria e and g of policy 16, and all other material considerations, including the impact on heritage assets the development is considered to be acceptable in principle, in accordance with Policy 16 of the CDP.

Developer Contributions

85. Policy 25 (Developer Contributions) of the County Durham Plan advises that any mitigation necessary to make the development acceptable in planning terms will be secured through appropriate planning conditions or planning obligations. Para 5.253 of the supporting text for policy 25 state "There should be no instances where essential site-specific infrastructure and mitigation cannot be secured because of viability concerns. However, in these situations where the infrastructure is an essential prerequisite to enable the site to be developed, a scheme will be deemed unacceptable in planning terms." In view of this the following developer contributions were requested in accordance with the Council's policies

Open space / Green Infrastructure

86. Policy 26 (Green Infrastructure) states that development will be expected to maintain and protect, and where appropriate improve, the County's green infrastructure network. Advice is provided on the circumstances in which existing green infrastructure may be lost to development, the requirements of new provision within development proposals and advice in regard to public rights of way.
87. In accordance with Policy 26 and having regards to the Council's Open Space Needs Assessment (OSNA) it was considered that the development should provide a financial contribution of **£114,622.50** towards off-site facilities such as allotments, parks, sports and recreation grounds and youth play space

88. The developer has agreed to provide this contribution, which can be secured by way of a s106 agreement.

Education provision

89. Paragraph 95 of NPPF confirms that the government places great importance to ensure that sufficient choice of school places is available to meet the needs of existing and new communities and requires LPAs to proactively meet the requirement. The Councils Education team have confirmed that given the nature of the proposal being a student development there will be no impact on existing educational provisions within the area and that no contributions are necessary.

Health Contributions

90. Paragraph 34 of the NPPF required Local Authorities to have regard to setting where contributions are necessary within the Local Plan. In this regard Policy 29(f) of the CDP requires that developments should contribute to healthy neighbourhood and consider the health impacts and needs of the existing and future users. The local NHS Clinical Commissioning Group (CCG) have confirmed that there is sufficient local health service facilities to accommodate future residents of the development and have therefore stated that a financial contribution towards additional healthcare facility space is necessary.

Developer contribution conclusion

91. As detailed above it is considered that the proposal is in accordance with Policy 25 and 26 of the CDP to mitigate the impact on the development subject to the signing of a s106 agreement to secure the obligations.

Impact on Heritage assets

92. As detailed above, Policy 16 states that *'Where appropriate, development will be expected to sustain the significance of designated and non-designated heritage assets, including any contribution made by their setting. Development proposals should contribute positively to the built and historic environment, and should seek opportunities to enhance and better reveal the significance and understanding of heritage assets whilst improving access where appropriate'*.
93. The application site does not sit within a designated conservation area, nor is the building a designated heritage asset. The Council's Design and Conservation Section have stated that the building should be classified as a non-designated heritage asset due to its local historic interest. A desk-based assessment of the building has been undertaken by the Council's Design and Conservation Section which identified that the building has moderate levels of historic, evidential, aesthetic, design and communal value and considers the proposal to be contrary to Policies 16 and 44 of the CDP.

94. Policy 44 of the County Durham Plan states in relation to non-designated heritage assets *'A balanced judgement will be applied where development impacts upon the significance and setting of non-designated heritage assets'*.
95. This displays a broad level of accordance with paragraph 203 of the NPPF states *'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'*
96. Whilst it is acknowledged that the building does have moderate value as a non-designated asset, paragraph 203 of the NPPF requires decision makers to, when weighing applications that directly or indirectly affect non-designated heritage assets, to undertake a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset.
97. In terms of that assessment, it is acknowledged that there is a genuine fall-back position which would allow demolition of the building without planning permission, albeit subject to a prior approval process that would consider only the proposed means of demolition and site remediation. The acceptability of the principle of the demolition being considered to have deemed consent without the need for full planning permission.
98. Given that the building has a genuine fallback position and could be demolished without the need for planning permission, resulting in its total loss, has been significantly altered since its original construction (as identified in the Council's desk based assessment), and given the confirmation from the current operators that the existing business is no longer viable; it is considered that on balance, to refuse the application on the basis that the existing building should be retained due to its status as a non-designated heritage asset would be unjustified, as the significance of the building does not outweigh the loss and re-development of the site.
99. As noted, the existing building is not considered a designated heritage asset and as such the requirement to weigh any (less than substantial) harm resulting from the development against the public benefit of the scheme, (as identified in paragraph 202 of the NPPF), does not apply in this instance.
100. If planning permission is granted it is considered appropriate that a historical building recording assessment is undertaken prior to demolition to document the building for future interest which can be secured through planning condition.

Impact upon Residential Amenity

101. Policy 29 (Sustainable Design) of the CDP requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out 18 elements for development to be considered acceptable, including: making positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals. Provision for all new residential development to comply with Nationally Described Space Standards, subject to transition period. Provision for major developments to appropriately consider the public realm in terms of roads, paths, open spaces, landscaping, access and connectivity, natural surveillance, suitable private and communal amenity space that is well defined, defensible and designed to the needs of its users.
102. The above policies and SPD are in broad accordance with paragraph 130 of the NPPF which requires that planning decisions should ensure that developments will create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
103. Having regard to criteria e) and f) of Policy 29 and the requirements of policy 31 (which supports new development where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that can be integrated effectively with any existing business and community facilities), the development is not considered to have any adverse impact in this regard.
104. The scheme proposes 128no. student bed accommodation, the details of which have been assessed by the Councils Env. Health who the quality of residential accommodation provided to be acceptable, subject to some alteration to kitchen facilities. It is therefore considered that the proposal is acceptable and provides an appropriate quality of residential living accommodation for future residents, noting that the site is considered PBSA and as such the requirements of the NDSS are not to be applied. In addition, the proposal including some onsite facilities in the form of a gym and laundry for occupants to utilise. It is therefore considered that the proposal would accord with Policy 29.
105. Local residents and objectors have raised concerns that the proposal would result in an increase in crime in the area. Crime, and fear of crime are material planning considerations with paragraph 92(b) of the NPPF stating that planning decision should aim to ensure that developments provide healthy, inclusive and safe places that are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. Whilst these concerns are noted, the courts have held that fear of crime is only a material consideration where the use, by its nature, would provide a reasonable basis for concern.

106. In this regard Durham Constabulary have not objected to the proposal and have requested that the developer have regard to use of the Secure by Design principles. Whilst this cannot be conditioned the developer has indicated they will consider those principles although conditions requiring the submission and agreement of all external lighting can be included should planning permission be granted. Therefore, and noting that Durham Constabulary raise no objection to the application, it is not considered that there would be any material increase in crime as a result of the proposals, and with it the fear of crime, and as such these matters should be afforded limited weight in the determination of the application. It is therefore considered that the proposal meets the test of Paragraph 92 of the NPPF and Policy 29(m)(1 and 6) in that it provides a safe and defensible development.
107. Policy 31 (Amenity and Pollution) sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that they can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.
108. The Council's Env. Health officer has assessed the development and offers no objection subject to planning conditions in relation to the submission and agreement of a noise mitigation scheme. Subject to the inclusion of a planning condition in this regard it is considered that the proposal is acceptable and would not result in any unacceptable impact upon surrounding residents or future occupiers.
109. The design and layout of the proposal is such that privacy and separation distances between the direct facing habitable windows of the proposal to the residential units on Lantern Court exceeds the minimum requirements set out by the Council's Residential Design SPD with windows located in the North and North eastern elevation proposed to be opaque glazed and serve circulation spaces. Such measures are considered acceptable and sufficient to protect the privacy and amenity of future occupiers and existing surrounding residents in accordance with policies 16, 29 and 31 of the CDP.
110. In addition, concerns have been raised in relation to the impact of the proposal upon the amenity of those residents occupying properties to the North at Mill House Court resulting from overshadowing and loss of daylight.
111. These concerns were raised with the applicant who has provided detailed sunlight and daylight assessments in response which assess the impact of the development upon those bungalows to the North. This includes assessment of the current situation in terms of overshadowing experienced by these dwellings. These documents detail that throughout the spring, summer and autumn periods the impact on the dwellings would be minimal and restricted to the early morning period.

However, during those winter months spanning December to February, the study shows that a shadow would be cast across those dwellings to the North for the majority of the day.

112. Notwithstanding this, the applicant has provided further evidence which demonstrate that the dwellings currently experience significant overshadowing in December from the existing building and hedgerow, as such it is considered that the proposal would not create a significantly detrimental impact on the residential amenity of residents, over and above that already experienced in terms of loss of daylight and over shadowing.
113. With regard to overbearing, again this has been considered in detail and the application has been designed in a way to ensure that the built structure does not impact on the 45 degree vertical visibility plane of the properties at Mill House Court to the extent that the proposal would maintain an acceptable level of openness and would not have any unacceptable overbearing impact in this regard.
114. Therefore, in conclusion it is considered that the proposal is acceptable and would not have any adverse impact upon existing or future residents in accordance with the requirements of Policies 16, 29 and 31 of the County Durham Plan, the Council's Residential Design SPD, and Sections 8 and 12 of the NPPF.

Economic and Regeneration Benefits

115. The applicant has provided details from the site owners and operators which confirm that the continued use of the building for its purpose as a bingo hall is no longer viable due to the low level of usage, and that irrespective of the outcome of the current application they intend to discontinue the existing business.
116. It is acknowledged from experience that older buildings (especially ones built for a specific purpose such as cinemas) can have specific issues and restraints that can hinder their conversion to other modern uses, and as such these buildings are often unattractive to developers where outside of key city centre locations. Therefore, given that the current use is to cease there is a realistic risk that the building and site could fall into a state of disrepair and dereliction on this key gateway through the city, that would have a detrimental impact on the character and appearance of the area.
117. It is considered that this proposal seeks to deliver a scheme that will regenerate this current failing site with a vibrant use, that could be a catalyst for further investment and regeneration in this immediate area and provide further economic benefits through increased footfall to support the vitality and viability of local businesses. Therefore, it is considered that the scheme would meet the aspirations of objective 13 of the County Durham Plan, and paragraph 5.129 of the supporting text for Policy 16 which recognises that "that PBSA can support the viability of a wider development and support regeneration opportunities".

Sustainability and Carbon Reduction

118. Policy 29 of the County Durham Plan criteria c and d require that developments should seek to minimise greenhouse gas emission by seeking to achieve zero carbon buildings and provide renewable and low carbon energy generation and should minimise the use of non-renewable and unsustainable resources.
119. The applicants have confirmed that at this stage of the proposal they have not fully developed their sustainable strategy. However, they have confirmed that they are proposing to use Green Guide A rated and high-performance thermal elements in the construction materials that will exceed the current building regulation requirements and meet the Councils minimum target of a 10% improvement.
120. In addition, the building would utilise low temperature underfloor heating and renewables technologies consisting of a combination of air and ground source heat pumps and PV solar panels to deliver an energy efficient building. Given the nature of the scheme it is proposed that all heating would be provided at a central source similar to a district heating system.
121. The development would provide full waste segregation facilities within the refuse storage area on the ground floor in order to encourage occupants to recycle waste effectively.
122. In light of the above it is considered that the proposal is acceptable in regard to the provision of Policy 29 c and d, subject to a planning condition requiring a detailed scheme to be submitted and agreed by the LPA in this regard.

Highway and Pedestrian Safety

123. Policy 21 of the CDP requires that all development ensures that any vehicular traffic generated by new development can be safely accommodated and have regard to Parking and Accessibility Supplementary Planning Document
124. The Council's Highway Engineers have assessed the proposal and concluded that the proposal is acceptable.
125. In light of the above it is considered that subject to the conditions requested by the Highway Authority it is considered that the proposal complies with Policy 21 of the County Durham Plan, and Part 9 (Paragraph 112) of the NPPF.

Impact on the character and appearance of the streetscene

126. Policy 29 (Sustainable Design) of the County Durham Plan requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out 18 elements for development to be considered acceptable, including: making positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals.

127. Policy 29 states that all developments should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities.
128. Concerns have been raised in relation to the appearance, scale and design of the proposal in relation to the character of the area by local residents and the Council's Design and Conservation team. Whilst it is acknowledged that the building would have a transformational impact on the immediate streetscene, given it would propose a modern contemporary construction within an area that is characterised by mid-20th Century two storey red brick and render dwellings, the area does include other established buildings of this scale. The existing building is similar scale with the existing bingo hall on site being only 0.6m lower than the highest point of the proposed building and the presence of a 3 storey, flatted development directly adjacent is also noted. Therefore, it is not considered that the addition of a building of this scale within the locality would appear as an incongruent addition, so out of keeping with the character of the area.
129. In addition, the Council's Design and Conservation section have raised concerns regarding the proposed design and the suggested palette of materials. However, as noted it is considered that the scale and mass of the building is acceptable as detailed above, and although the design is somewhat contemporary, it would be read in the context of the differing character of the area, the varied streetscene and the design, scale, and palette of materials within the locality.
130. Whilst the applicant has proposed predominantly red brick with a vertical rhythm to design this references some elements of the local vernacular, the number of additional materials and colour palette could be considered at odds with the overall simple vernacular of the area, and as such it is considered appropriate to require the submission and agreement of the precise detail of materials to be secured through planning condition.
131. In light of the above it is considered that the proposal is acceptable in relation to Policies 16 and 29 of the CDP.

Drainage

132. Policy 35 (Water Management) requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. All new development must ensure there is no net increase in surface water runoff for the lifetime of the development. Amongst its advice, the policy advocates the use of SuDS and aims to protect the quality of water.
133. Whilst Policy 36 (Water Infrastructure) advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and waste water infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.

134. The Council Drainage and Flooding section have assessed the scheme and concluded that the scheme is acceptable subject to a highways licence of which the applicant could be reminded through planning informative.
135. It is therefore considered that the scheme is acceptable in relation to Policy 35 and 36 of the CDP subject to appropriate planning conditions.

Ecology

136. The application was supported by a Bat Survey in order to assess the building for protected species. The assessment concluded that the development presented low residual risk of disturbing bats and loss of roosts in the unlikely event that roosts are present within the building, specifically the external features were inspected from ground level and are considered superficial upon closer inspection due to construction. The details of this survey have been inspected by a County Ecologist who has concluded that the proposal is acceptable subject to a condition in relation to the mitigation enhancement measures recommended within that report.

Connectivity

137. Policy 27 of the CDP requires new residential development to be served by a high-speed broadband connection unless it can be demonstrated that this is not appropriate. The development would be located by surrounding development which includes outline permission for up to 900 dwellings. Similar requirement in terms of broadband connectivity would also apply to that development and broadband connectivity would be delivered in this wider context. As such it does not appear that there are any significant constraints to delivering the connectivity in accordance with the requirements of policy 27 although the submission and agreement of precise detail in this regard could be secured through planning condition noting the outline nature of the application. Subject to the inclusion of a planning condition in this regard the development is considered to accord with the aims of policy 27 of the CDP.

Residual Matters

138. It is noted that a number of the objections state that the site should be used for affordable housing. However, it is noted that the site is not allocated for any specific purpose and it is not the purpose of this development management process to dictate alternative uses beyond that which is the subject of the current application. With this in mind the application should be considered against the requirements of relevant policies of the current local plan. However, the applicants have responded to this point and advised that engagement has been undertaken with registered housing providers but that feedback has been that the site is too small and constrained for it to be likely to be attractive as an affordable housing site.

139. A number of comments have been received in relation to the facility being a valuable asset to the community. However, having consulted the Council's Assets of Community Value Register (last updated October 2021) it would not appear that the building is a registered community asset in this regard and as such the protection afforded to registered community assets are not considered relevant in the determination of this application.

CONCLUSION

140. In summary, it is considered that the principle of the development is acceptable in planning terms and would accord with the broad aims of policies 6 and 16 of the CDP subject to a s106 agreement to secure necessary contributions, and appropriate planning conditions. It is considered that on balance the development is acceptable in terms of the loss of a non-designated heritage asset, provides acceptable levels of amenity space for residents of the proposed development, protects the privacy, and amenity of the existing residents whilst also being acceptable in terms of highways, drainage and ecology in accordance with Policies 1, 6, 16, 21, 25, 26, 27, 28, 29, 31, 32, 33, 35, 36 and 44 of the County Durham Plan and Parts 2, 4, 8, 9, 11, 12 and 16 of the National Planning Policy Framework.

RECOMMENDATION

141. That the application be **APPROVED** subject to a s106 agreement to secure the following;

- The financial contribution of **£114,622.50** for use towards the creation of new off-site open space/amenity provision or the improvement of existing provision within the electoral division.

And subject to the following conditions;

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

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

2. The development hereby approved shall be carried out in strict accordance with the approved plans listed in Part 3 - Approved Plans.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy(ies) 1, 6, 16, 21, 25, 26, 27, 28, 29, 31, 32, 33, 35, 36 and 44 of the County Durham Plan and Parts 2, 4, 8, 9, 11, 12 and 16 of the National Planning Policy Framework.

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

1.A Dust Action Plan including measures to control the emission of dust and dirt during construction.

2. Details of methods and means of noise reduction/suppression.

3.Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.

4.Details of measures to prevent mud and other such material migrating onto the highway from all vehicles entering and leaving the site.

5.Designation, layout and design of construction access and egress points.

6.Details for the provision of directional signage (on and off site).

7.Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure.

8.Details of provision for all site operatives for the loading and unloading of plant, machinery and materials.

9.Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period.

10.Routing agreements for construction traffic.

11.Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.

12.Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.

13.Management measures for the control of pest species as a result of demolition and/or construction works.

14.Detail of measures for liaison with the local community and procedures to deal with any complaints received.

The management strategy shall have regard to BS 5228 "Noise and Vibration Control on Construction and Open Sites" during the planning and implementation of site activities and operations.

The approved Construction Management Plan shall also be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

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

4. No development shall commence until a land contamination scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be compliant with the YALPAG guidance and include a Phase 1 preliminary risk assessment (desk top study).

If the Phase 1 assessment identifies that further investigation is required a Phase 2 site investigation shall be carried out, which shall include a sampling and analysis plan. If the Phase 2 identifies any unacceptable risks, a Phase 3 remediation strategy shall be produced and where necessary include gas protection measures and method of verification.

Reason: To ensure that the presence of contamination is identified, risk assessed and proposed remediation works are agreed in order to ensure the site suitable for use, in accordance with Policy 32 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required to be pre commencement to ensure that the development can be carried out safely.

5. Remediation works shall be carried out in accordance with the approved remediation strategy. The development shall not be brought into use until such time a Phase 4 Verification report related to that part of the development has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the remediation works are fully implemented as agreed and the site is suitable for use, in accordance with Policy 32 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

6. No development other than ground clearance or remediation works shall commence until a scheme for the provision of foul and 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 development thereafter shall be completed in accordance with the details and timetable agreed.

Reason: To ensure that surface and foul water are adequately disposed of, in accordance with Policies 35 and 36 of the County Durham Plan and Parts 14 and 15 of the National Planning Policy Framework.

7. No development shall commence above damp-proof course until such time as a scheme detailing the precise means of broadband connection to the site has been submitted to and agreed in writing by the local planning. Thereafter, the development shall be carried out in accordance with the agreed detail.

Reason: To ensure a high quality of development is achieved and to comply with the requirements of policy 27 of the County Durham Plan.

8. Notwithstanding any details of materials submitted with the application no development shall commence until details of the make, colour and texture of all walling and roofing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with Policy 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

9. Prior to the first occupation the development hereby approved, details of all means of enclosure of the site shall be submitted to and approved in writing by the Local Planning Authority. The enclosures shall be constructed in accordance with the approved details thereafter.

Reason: In the interests of the visual amenity of the area and to comply with Policy 29 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

10. Prior to the occupation of the development hereby approved a scheme detailing the glazing and ventilation specification which details a sound reduction index and ventilation rates as stipulated in Table 1, of the submitted report Apex Acoustics - Apollo Bingo Site, Durham, Noise Impact Assessment 8806-1, 2nd February 2021 rev A. shall be submitted to and agreed by the Local Planning Authority, The agreed scheme shall thereafter be implemented in accordance with those details and maintained as such for the lifetime of the development.

Reason: To ensure a satisfactory form of development and to protect the residential amenity of residents in accordance with Policy 29 and 31 of the County Durham Plan.

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

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

12. Prior to installation of the water proof damp coursing associated with the development hereby approved, details of a scheme to minimise greenhouse gas emissions, with the aim of achieving as close as possible a zero-carbon building, shall be submitted and approved in writing by the Local Planning Authority. The scheme shall include, but not be limited to, provision of renewable and low carbon energy generation and electric car charging points. The renewable and low carbon energy measures shall be installed in accordance with the approved details thereafter.

Reason: To comply with requirements to minimise greenhouse gas emissions in line with details set out in policy 29 of the CDP

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 internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1700 on Saturday.

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

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

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

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 2015 (as amended) (or any revocation and re-enactment of that order), the premises shall be used only for the purposes of student accommodation and for no other use.

Reason: In the interests of the amenity of the area in accordance with Policies 29 and 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

15. Prior to commencement above damp proof course a scheme detailing the enhance ecological mitigation measures recommended within Section G.5 of the submitted Bat Survey dated February 2021 shall be submitted to and approved in writing by the Local Planning. The agreed scheme shall thereafter be implemented prior to the first occupation of any part of the building and maintained in accordance with the agreed details for the lifetime of the development.

Reason: To ensure a satisfactory form of development in accordance with Policies 41 and 42 of the County Durham Plan and Section 15 of the NPPF (2021).

16. Prior to the first occupation of the dwellings hereby permitted, a detailed management strategy scheme for the development (which shall include but not be limited to a parking management strategy (including means of electronic vehicle charging), a residents charter (setting out the expectations of residents), and details of building security measure to ensure occupant safety shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the agreed scheme shall be implemented in accordance and maintained for the lifetime of the development.

Reason: The applicants special circumstances allow this development to be approved in compliance with Policies 1, 6, 16, 21, 25, 26, 27, 28, 29, 31, 32, 33, 35, 36 and 44 of the County Durham Plan and Parts 2, 4, 8, 9, 11, 12 and 16 of the National Planning Policy Framework.

17. No demolition shall commence until a written scheme of investigation setting out a programme of archaeological and historic building recording work has been submitted to and approved in writing by the Local Planning Authority. The programme of building recording work will then be carried out in accordance with the approved scheme of works prior to any demolition.

Reason: To record and preserve any historical interests in the site, and to comply with part 16 of the National Planning Policy Framework. Required to be a pre-commencement condition as the building recording must be devised prior to the demolition being implemented. This is required as a pre commencement condition in order to mitigate potential impact on the significance of the heritage asset which needs to be considered before site works commence.

STATEMENT OF PROACTIVE ENGAGEMENT

In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority 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

BACKGROUND PAPERS

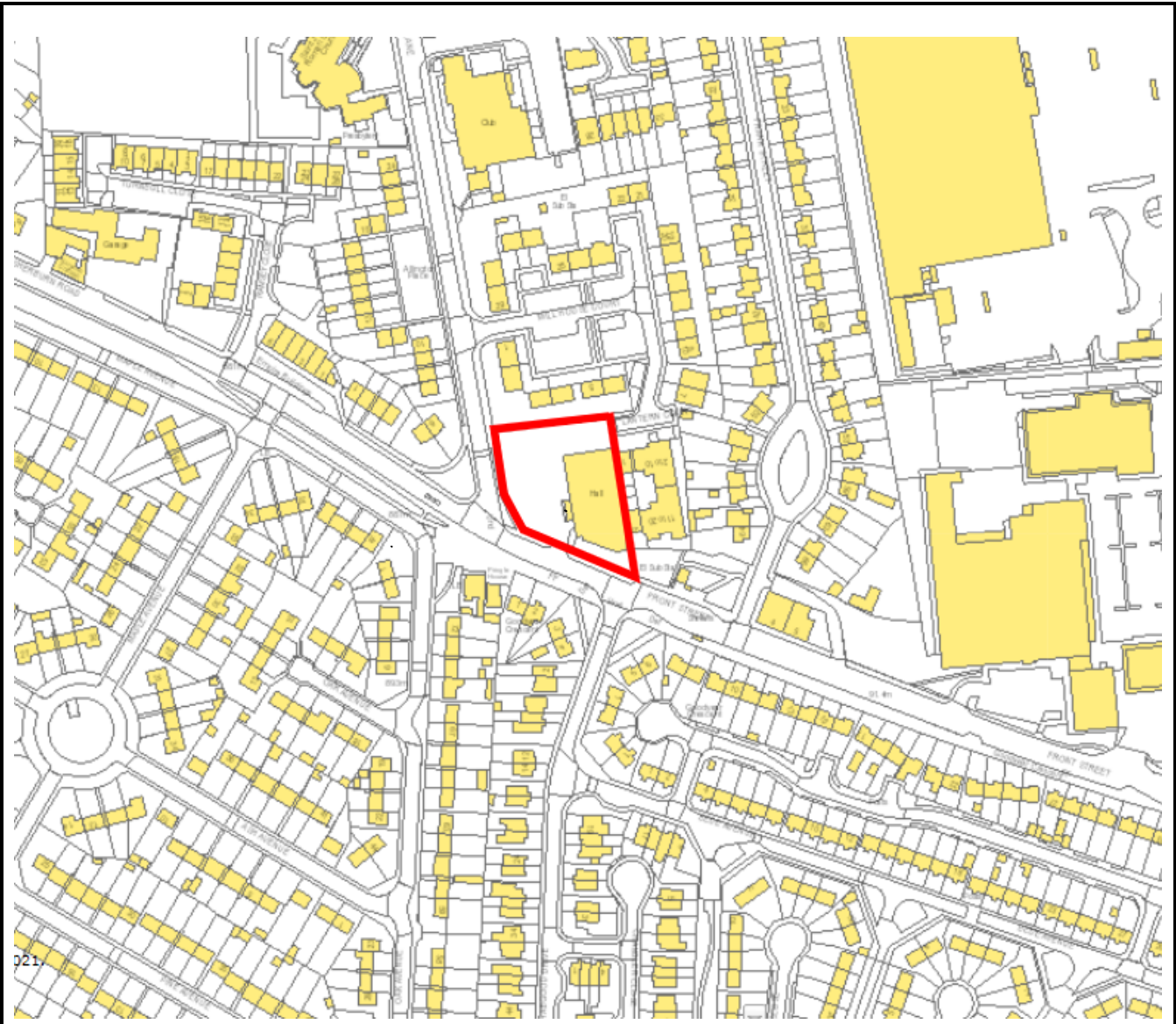
Submitted application form, plans supporting documents and subsequent information provided by the applicant.

The National Planning Policy Framework (2021)

National Planning Practice Guidance Notes

County Durham Plan (2020)

Statutory, internal and public consultation responses



<p>Planning Services</p>	<p>Demolition of Existing Bingo Hall and erections of 1no. 4 Storey Purpose Built Student Accommodation with associated parking, and servicing facilities</p>	
<p>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</p>	<p>Apollo Bingo, Front Street, New Durham, Durham, DH1 2EP</p>	
	<p>Date March 2022</p>	<p>Scale NTS</p>