

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	4/11/00789/FPA
FULL APPLICATION DESCRIPTION:	Erection of student accommodation building comprising of 112 studio flats
NAME OF APPLICANT:	New Connislow Ltd
ADDRESS:	Former PPA Building Green Lane Durham County Durham
ELECTORAL DIVISION:	Elvet
CASE OFFICER:	Henry Jones Senior Planning Officer 0191 3018739 henry.jones@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site relates to the former Durham Prescription Pricing Agency (PPA) building located on Green Lane, Durham. The site lies within the Durham City Centre Conservation Area and is within close proximity to the settlement boundary of the City where “fingers” of Green Belt land penetrate close to the City’s core. The main shopping and commercial centre of Durham City is within easy walking distance. Equally Green Lane is within close proximity to residential areas notably Whinney Hill located to its south, an area with a high student population.
2. Green Lane contains a mixture of uses, to the east of the site lay offices, to the west a recent development of residential apartments. To the south of the site lies purpose built student accommodation. On the opposite side of Green Lane, to the north is Durham Cricket Club and beyond this the River Wear and the intervening land forms a large open aspect of green space to the north of the application site.
3. The application site itself comprises the two storey PPA building and its associated hardsurface curtilage. The building is understood to have been erected in 1971 and is not considered to exhibit any particular architectural merit. Trees are located on the southern and eastern periphery of the site.

The Proposal

4. This application seeks planning permission for the erection of a building housing 112 studio flats for student occupation, replacing the existing PPA building. The accommodation is set across a total of 4 floors. The ground floor contains reception and office space, staff tearoom, WC and communal facilities in the form of common

room space and laundry room. The submitted design and access statement states that the studios will be marketed for post graduate and foreign students.

5. The proposed studios have two forms with a mixture of 18m² and 23m² spaces within the proposed building. Each flat would contain ¾ sized bed, en-suite, kitchenette and eating space.
6. The building itself is a total of 4 storeys high with a maximum height of 11.55 metres. The fourth storey is recessed from the front building line and the building cascades and varies in height with single, two, three and four storey elements at different points. The design of the building is contemporary incorporating flat roofs projecting and recessed elements and a mixed materials palette is proposed with feature colour elements. However, there is reference to the traditional architecture prevalent in Durham with the use of brick, deeply revealed windows and verticality to fenestration detailing.
7. The proposed building has been designed in a horse shoe shape manner with a courtyard space towards the centre of the site providing 4 no. parking spaces and some landscaping and amenity space. Access is taken from the north-west corner of the site direct to Green Lane with a further parking space to the frontage of the building. Towards the rear of the site a cycle store is proposed.
8. This application is a resubmission of a previously withdrawn scheme. The proposed development has seen a reduction from the previously proposed 132 studio scheme to 112 studios.
9. The application is being presented to Committee due to being a major development.

PLANNING HISTORY

10. In 2005 planning permission was granted for the change of use of the offices (Class B1) to health centre (Class D1) and offices with associated external alterations and erection of single storey rear extension.
11. In August 2011 conditional conservation area consent was granted for the demolition of the existing PPA building though demolition cannot occur unless planning permission is granted for a redevelopment scheme.
12. An application for the erection of a five storey student accommodation building housing 132 studios was withdrawn prior to hearing at Committee in September following an officer recommendation for refusal on the grounds of harm to residential and visual amenity.

PLANNING POLICY

NATIONAL POLICY

13. In July 2011 The Government published the National Planning Policy Framework in its draft form. The draft framework is based on the policy of sustainable development and establishes a presumption in favour of sustainable development. The presumption means that where local plans are not up-to-date, or not a clear basis for decisions, development should be allowed. However, the development should not be allowed if it would undermine the key principles for sustainability in the

Framework. Being in draft format and a consultation document it is subject to potential amendment. It can be considered a material consideration, although the weight to be attributed to it will be a matter for the decision maker in each particular case. The current Planning Policy Statements, Guidance notes and Circulars remain in place until cancelled.

14. *Planning Policy Statement 1 (PPS1): Delivering Sustainable Development* - sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.
15. *Planning Policy Statement 3 (PPS3): Housing* - underpins the delivery of the Government's strategic housing policy objectives and the goal to ensure that everyone has the opportunity to live in a decent home, which they can afford in a community where they want to live.
16. *Planning Policy Statement 5 (PPS5): Planning for the Historic Environment* replaces PPG15 but once again lays out government policies for the identification and protection of historic buildings, conservation areas, and other elements of the historic environment. It explains the role of the planning system in their protection. The PPS introduces the categorising of all features of the historic environment as heritage assets.
17. *Planning Policy Statement 9 (PPS9): Biodiversity and Geological Conservation*, sets out planning policies on protection of biodiversity and geological conservation through the planning system. These policies complement, but do not replace or override, other national planning policies and should be read in conjunction with other relevant statements of national planning policy.
18. *Planning Policy Guidance Note 13 (PPG13): Transport* - seeks to integrate planning and transport at the national, regional, strategic and local level and to promote more sustainable transport choices both for carrying people and for moving freight. It also aims to promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling and to reduce the need to travel, especially by car.
19. To deliver these objectives, the guidance says that local planning authorities should actively manage the pattern of urban growth, locate facilities to improve accessibility on foot and cycle, accommodate housing principally within urban areas and recognise that provision for movement by walking, cycling and public transport are important but may be less achievable in some rural areas.
20. *Planning Policy Statement 23 (PPS23): Planning and Pollution Control* - sets out the planning approach to pollution control, the location of polluting development and where possible ensure new development is not affected by pollution.
21. *Planning Policy Statement (PPS25): Development and Flood Risk* explains how flood risk should be considered at all stages of the planning and development process. It sets out the importance of the management and reduction of flood risk in planning, acting on a precautionary basis and taking account of climate change.
22. Flood risk should be considered on a catchment-wide basis and where necessary across administrative boundaries, assuming the use of flood plains for their natural purpose rather than for inappropriate development.
23. The PPS says that susceptibility of land to flooding is a material planning consideration that the Environment Agency has the lead role in providing advice on

flood issues and that developers should fund flood defences, where they are required because of the development.

REGIONAL PLANNING POLICY

24. *The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008*, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale.
25. In July 2010 the Local Government Secretary signaled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This was successfully challenged in the High Court in November 2010, thus for the moment reinstating the RSS. However, it remains the Government's intention to abolish Regional Spatial Strategies when the forthcoming Local Government Bill becomes law. Both the RSS and the stated intention to abolish are material planning considerations and it is a matter for each Planning Authority to decide how much weight can be attached to this stated intention, having regard to the evidence base which informs the RSS. Policies of particular relevance to this application are as follows:
26. *Policy 1 - North East Renaissance* seeks to achieve and maintain a high quality of life for all, both now and in the future, requiring a major economic, social and environmental renaissance throughout the Region.
27. *Policy 2 - Sustainable Development* planning proposals should seek to promote sustainable development through social, economic and environmental objectives.
28. *Policy 4 - The Sequential Approach to Development* establishes that priority should be given to previously developed land within sustainable locations.
29. *Policy 7 - Connectivity and Accessibility* which requires new development proposals to reduce travel demands, and promote opportunities to use public transport, cycle and walk.
30. *Policy 8 - Protecting and Enhancing the Environment* which requires new development to be of high quality and maintain local distinctiveness.
31. *Policy 14 - Supporting Further and Higher Education* states that the role of universities and colleges in the regional economy should be supported including with regards to infrastructure and campuses.
32. *Policy 24 - Delivering Sustainable Communities* states that planning proposals should seek through design to promote social cohesion, reduce inequalities as well as meeting sustainable development objectives.
33. *Policy 32 - Historic Environment* requires planning proposals to conserve and enhance the historic environment.
34. *Policy 35 - Flood Risk* promotes a proactive approach to reducing flood risk and advises that risk should be managed with regards to tidal effects, fluvial flooding and flooding from surface water runoff. The requirements of PPS25 with regards to the sequential approach and submission of flood risk assessments.

35. *Policy 38 - Sustainable Construction* seeks to promote development which minimises energy consumption and promotes energy efficiency. On major development proposals 10% of their energy supply should come from decentralised and renewable or low-carbon sources.

LOCAL PLAN POLICY: (City of Durham Local Plan 2004)

36. *Policy E3 - World Heritage Site – Protection* seeks to safeguard the site and setting from inappropriate development that could harm its character and appearance.
37. *Policy E6 - Durham City Centre Conservation Area* states that the special character, appearance and setting of the Durham (City Centre) Conservation Area will be preserved or enhanced as required by section 72 of the Planning (Listed Building and Conservation Areas) Act 1990. The policy specifically requires proposals to use high quality design and materials which are sympathetic to the traditional character of the conservation area.
38. *Policy E14 - Trees and Hedgerows* sets out the Council's requirements for considering proposals which would affect trees and hedgerows. Development proposals will be required to retain areas of woodland, important groups of trees, copses and individual trees and hedgerows wherever possible and to replace trees and hedgerows of value which are lost. Full tree surveys are required to accompany applications when development may affect trees inside or outside the application site.
39. *Policy E16 - Protection and Promotion of Nature Conservation* 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.
40. *Policy E22 - Conservation Areas* seeks to preserve or enhance the character or appearance of conservation areas, by not permitting development which would detract from its setting, while ensuring that proposals are sensitive in terms of scale, design and materials reflective of existing architectural details.
41. *Policy E24 – Ancient Monuments and Archaeological Remains* 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.
42. *Policy H13 - Residential Areas – Impact upon Character and Amenity* states that planning permission will not be granted for new development or changes of use which have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them.
43. *Policy H16 - Residential Institutions and Student Halls of Residence* provides for purpose-built accommodation provided that they are well related to local facilities and are not likely to impact adversely on adjacent development or lead to community imbalance.

44. *Policy T1 - Traffic – General* states that the Council will not grant planning permission for development that would generate traffic likely to be detrimental to highway safety and/or have a significant effect on the amenity of occupiers of neighbouring property.
45. *Policy T10 - Parking – 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.
46. *Policy T20 -Cycle Facilities* seeks to encourage appropriately located, secure parking provision for cyclists
47. *Policy Q5 – Landscaping - General Provision* sets out that any development which has an impact on the visual amenity of an area will be required to incorporate a high standard of landscaping.
48. *Policy Q8 - Layout and Design – Residential Development* sets out the Council's standards for the layout of new residential development. Amongst other things, new dwellings must be appropriate in scale, form, density and materials to the character of their surroundings. The impact on the occupants of existing nearby properties should be minimised.
49. *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.
50. *Policy U11 - Development on Contaminated Land* sets out the criteria against which schemes for the redevelopment of sites which are known or suspected to be contaminated. Before development takes place it is important that the nature and extent of contamination should be fully understood.
51. *Policy U14 - Energy Conservation – General* states that the energy efficient materials and construction techniques will be encouraged.

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.durham.gov.uk/Pages/Service.aspx?ServiceId=494>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

52. *The Highway Authority* raise no objections with regards to highway safety, however, it is considered that the proposed 20. No cycle spaces should be increased to 32.
53. *Northumbrian Water* have raised no objections to the development.

INTERNAL CONSULTEE RESPONSES:

54. *The Councils Senior Low Carbon Officer* has stated that the submitted sustainability statement does not incorporate all details and figures to demonstrate that the necessary 10% energy reduction could be produced through the use of an air source heat pump system.

55. *Ecology* have stated that the mitigation measures in the submitted bat report be conditioned including that no works commence until a Natural England license is acquired and all works comply with that license. The proposed roost location and lighting should be as detailed in the bat report and shown on plan.
56. *The Councils Senior Tree Officer* considers that the submitted arboricultural report has been well presented by a competent person. Three trees are understood to be removed, a dead whitebeam, declining whitbeam and a common sycamore suffering from decay and no objections are raised to their loss. The remaining trees on site should be appropriately protected.
57. *Environmental Health* have commented on the application and stated that there is the potential for noise to occur during the development, conditions are therefore recommended for attachment with regards to construction hours and recommendations are made that plant used on site should accord with BS5228 Noise and Vibration Control on Construction and Open Sites. A condition is also recommended that a dust assessment method of control be submitted to the Local Planning Authority.
58. *Design and Conservation* have commented on the application and consider that the proposal has sought to address objections to the previously submitted scheme through a reduction in height and incorporation of an undulating building envelope to reduce massing and scale. Although the use of white render and darker shades provides a clear and crisp elevational treatment it is considered that the white render will be extremely visible and prominent in the street scene and distant views. Reservations are also raised that there is insufficient "breathable space" around the building which is particularly important taking into consideration the fairly green and leafy feeling of the street. The proposed landscaping scheme is also seen as crucial and it would be beneficial if the access road into the site could be narrowed so as to allow additional landscaping.
59. *Landscape* have commented on the submitted landscape plan and some revisions are proposed due to the considered unsuitability of some of the planting proposed, the loss of the large tree to rear boundary is accepted but should be replaced with a semi-mature tree, details are required with regards to root protection and the proposed reinforced grass system for parking area.
60. *Archaeology* raise no objections to the proposed development.

PUBLIC RESPONSES:

61. One letter of support and six letters of objection have been received with regards to the scheme.
62. The letter of support considers that as the site is not within an established residential area the development will potentially revitalise parts of the City Centre attracting families rather than further students. Support is given to the University and its students who bring great advantages to the City, however, it is felt that they should live in halls not family homes.
63. Elvet Residents Association consider that the latest plans are an improvement upon the scheme due to its reduction in size. However, it is considered that the development should incorporate a pitched roof which would be more appropriate in the context of the World Heritage Site. In addition there is considered to be inadequate parking provision.

64. The City of Durham Trust considers the site suitable for students in principle. However, the design, scale and massing is considered inappropriate with the proposal failing to respect its context seeking to make a statement rather than conform to the street scene. Concern is also raised by trustees with regards to the level of parking provision.
65. Objection is raised from the developers/owners of the adjacent residential flats, River Court. The character of the area is considered to be mainly office use. The student halls of residence to the rear of the site is university owned and a gated residence, as a result students do not mix with residents within River Court. This proposed development would result in a direct mix between the students and residents within River Court and this is considered to cause a detrimental impact upon the amenity of residents in River Court through noise and disturbance. The comings and goings, proximity of parking, cycle storage and outdoor seating areas all considered unacceptable. The presence of any management within the building is not considered to remove this harm. The site is therefore considered wholly inappropriate for student occupation.
66. Further detailed points of objection are raised with regards to harm upon residential amenity. In terms of overlooking, the distance between the habitable rooms within the proposed development and those of River Court are considered to be around 18m which is less than the 21m required by Local Plan Policy Q8. In addition it is considered common practice that the distances between properties greater than two storeys are required to be greater. The scale and mass of the proposed building is considered to cause an oppressive outlook from the windows and balconies within the east elevation of River Court. The impact of the proposed building will be greater than the existing building, it being materially larger and bulkier. The proposed layout, scale and massing of the building coupled with its orientation will lead to overshadowing upon River Court at certain times of the day.
67. The building is considered to be of a size, scale and appearance incongruous to the streetscene and wider area.
68. The proposed parking provision of 5 spaces is considered inadequate taking into consideration the number of studios and the proposed mature student and postgraduate occupation.
69. Overdevelopment was considered to be a major factor when the River Court was being considered by the Local Planning Authority and the development had to be reduced in scale. It is considered that the same approach and principles must be applied to this proposal.
70. A copy of the letter of objection to the previously withdrawn application is also attached and the objector states that points raised within this letter apply to this proposal. Within this letter of objection, the demand for the development is questioned and if unsuccessful the property will turn to into private rented bedsits. Light spillage from the development needs to be considered, great effort was made within the River Court development to reduce the impact of light spillage. The development is considered to provide inadequate outdoor amenity space.
71. The MP has objected to the application. The site is considered suitable for student occupation and some improvement is considered to have been made from the previously submitted scheme. However, objection is raised to the design and scale of the development and the parking arrangements are considered inadequate.

72. Whinney Hill Community Group have responded to the consultation exercise and have submitted a detailed and lengthy letter of objection. The main points raised are that the purpose built accommodation will not ease pressure on housing areas with large numbers of students, instead the opposite may occur and exacerbate existing problems, support for such a view can be found within the statements of the National HMO Lobby. The concentration of HMOs and student households has eroded housing supply and led to a loss of community, caused noise and disturbance and a feeling of isolation in the permanent residents. This development would contribute to these problems.
73. Objection is raised with regards to the levels of parking provision and impact upon highway safety. The development will prevent other forms of housing and developments being built on the site which would better attract new people into the City and act as an economic driver. Whinney Hill Community Group also raise objection to the scale and design of the proposed development and its harm upon the landscape.
74. The development is considered to be contrary to fundamental aims of the Local Plan namely sustainable development and creating sustainable communities. It is considered that the site should be utilised for office accommodation, affordable housing or social housing with some limited student accommodation.
75. The remaining letter of objection from a local resident reiterates concerns over parking provision and highway safety and the scale of the development.

APPLICANTS STATEMENT:

76. The application has been accompanied by a design and access statement in support of the proposal. The submitted statement considers that there is demand for purpose built student accommodation in Durham with research finding a shortfall of some 2,000 beds. This proposal seeks to create a “collegiate” style development. The number of studios proposed is linked to the viability of the site and land values within Durham City.
77. The overall height of the building has been reduced from the previously withdrawn scheme and the top storey is recessed from the street frontage to ease impact.
78. The design is contemporary but efforts have been made to assimilate into Durham’s traditional architecture with vertically proportioned windows and use of traditional materials. The development proposes a landscaping scheme with strongly defined frontage and heavy planting. The proposal has been developed with sustainability and energy efficiency in mind and aims to achieve an “excellent” BREEAM rating.
79. The applicant states that students will be discouraged from using cars. Access and parking proposals have been discussed with the Highway Authority. The site has good access to pedestrian and cycle routes.

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:

[HTTP://PUBLICACCESS.DURHAMCITY.GOV.UK/PUBLICACCESS/TDC/DCAPPLICATION/APPLICATION_SEARCHRESULTS.ASP](http://PUBLICACCESS.DURHAMCITY.GOV.UK/PUBLICACCESS/TDC/DCAPPLICATION/APPLICATION_SEARCHRESULTS.ASP)
[X](#)

PLANNING CONSIDERATIONS AND ASSESSMENT

80. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development, the impact upon the character and appearance of the area, impact upon the World Heritage Site, impact upon the amenity of nearby occupiers, highway safety and protected species.

Principle of the Development

81. This application proposes the erection of purpose built student accommodation with some shared, communal spaces constituting a sui generis use. The proposal seeks to redevelop a previously developed parcel of land close to Durham City Centre. The proposal therefore seeks development which accords with the sequential approach to development as sought by Policy 4 of the RSS and demonstrates an efficient use of land with good access to services and public transport in accordance with the principles of PPS1 and the forthcoming National Planning Policy Framework in supporting sustainable economic growth.
82. Some public objection to the proposal relates to the principle of purpose built student accommodation being proposed in this location although other public responses consider the location suitable in principle. The Whinney Hill Community Group consider that the application is contrary to fundamentals of the Local Plan namely sustainable development and creating sustainable communities
83. The Local Plan has a specific policy, H16, which relates to student halls of residence and forms of residential institutions.
84. Policy H16 states that planning permission will be granted for such developments provided that they are situated within close proximity to services and public transport links, satisfactory standards of amenity and open space are provided for occupiers, that the development does not detract from the character or appearance of the area or from the amenities of residents and finally with regards to student halls that they either accord with the provisions of Policy C3 or that the proposal would not lead to a concentration of students to the detriment of the amenity of existing residents.
85. Policy C3 of the Local Plan relates to development by the University of Durham, the University are not the applicant on this proposal and therefore this policy is not strictly relevant to this particular application.
86. Taking into account the location and nature of the site, previously developed land within a central location in Durham City with good access to services and transport links, officers raise no objection to the principle of the land use. The issues surrounding a purpose built development for students and impact on the community and numbers of students in the area are discussed within the “residential amenity” section of this report commencing at paragraph 105.

Impact upon Visual Amenity and the Character and Appearance of the Conservation Area

87. A key consideration in the determination of this application is the suitability of the design, scale and massing of the proposal and in turn its impact upon the character and appearance of this part of the Durham City Centre Conservation Area and more widely the impact on the setting of the World Heritage Site.
88. Much of the content of the public objection to the development lay with the visual impact of the proposal with objections raised to it's proposed design, scale and

massing, impacts upon the Conservation Area, World Heritage Site and the local landscape.

89. The application site is located within a sensitive location being situated within the Durham City Centre Conservation Area. The site is visible from many public vantage points. Aside from Green Lane itself, the site is clearly visible from many locations in a northerly direction. The site is within close proximity to popular recreational sites including the cricket ground to the north and beyond the riverbanks of the Wear which are popular with walkers, cyclists and for informal recreation. Unimpeded views are available from the riverbanks. Located adjacent to the river is a bandstand with a fine view towards the City.
90. The site's location close to the river means that it is located within a valley on low lying land and more distant views are available on the slopes to the north of the river including from St Hilds Lane.
91. The site is therefore located within a prominent location clearly visible from many public vantage points.
92. The Local Planning Authority has a statutory duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to preserve or enhance the character and appearance and setting of a conservation area. Policies E6 and E22 of the Local Plan provide guidance with regards to development proposals within the Durham City Centre Conservation Area and this requirement to preserve or enhance the character of the Conservation Area is reiterated within these policies.
93. Similarly Policy 32 of the RSS requires developments to conserve and enhance the historic environment whilst national guidance within PPS5 also seeks to protect elements of the historic environment of value and states under Policy HE9 that there is a presumption in favour of the conservation of designated heritage assets.
94. Policy E3 of the Local Plan seeks to protect the World Heritage Site of Durham Cathedral and Castle and its setting. Local Plan Policy H16 and Policy 8 of the RSS also applicable to the site, require development proposals to be appropriate to the character and appearance of their surroundings.
95. The previously submitted planning application (withdrawn prior to the Committee) was recommended for refusal by officers, in part on the grounds of harm to visual amenity by reason of the size, scale and massing of the proposed building.
96. The previously proposed building totalling 5 storeys was considered by officers to be monolithic in appearance and unsympathetic to its setting. There was an absence of variations in depth to the frontage of the proposed building. The modestly recessed fifth floor and features such as deeply revealed windows proposed not enough to provide the necessary differentiation and reduction in massing to ensure that the building would be appropriately scaled and successfully assimilate into the locality.
97. Design and Conservation have commented on the proposal and consider that efforts have been made to reduce scale and massing, aided by the undulating building envelope. The use of dark and light materials does create a clear and crisp front elevation. However, there are concerns raised that the proposed white render will be too prominent in both the street scene and the longer distant views of the site. Concern is raised at the width of the frontage, it is considered that there is a lack of breathable space around the building due to its proximity to boundaries which will

impact on the amount of landscaping proposed which is also key to the development.

98. Green Lane itself contains a mixture of uses and vernacular and there is not a uniformity of architectural styles within the street. Existing buildings are, however, relatively modest in scale. With the exception of River Court adjacent to the application site all buildings on the Green Lane frontage are two storey in height. River Court itself incorporates a differing number of floors on different elements as it steps and cascades down from a maximum of 4 storeys. The existing PPA building which the development would replace is two storeys.
99. The revised proposal is a total of 4 storeys in height, the fourth storey being recessed from the front building, elsewhere the building cascades down to three, two and single storeys at different points. The maximum height of the building has been significantly reduced from the previous 14m to 11.55m, indeed the maximum height is lower than that of the adjacent River Court and only 1.85m higher than the highest point of the existing PPA building.
100. In addition to the sheer reduction in storeys and height the design has been significantly altered within this proposal to ensure that there is a greater reduction in massing particularly on the critical front elevation. Policy E6 of the Local Plan relates to development within the Durham City Centre Conservation Area and states that proposals for large buildings should be fragmented into blocks of visually smaller elements in a way which is sympathetic to the historic City Centre. The justification to this policy outlines that the City Centre is generally characterised by its intimate scale aside from the Cathedral and Castle.
101. The design utilises projecting and recessed elements facing Green Lane with a recessed third floor and the second and first floor overhanging sections of the ground floor. The proposal seeks to utilise contrasting light and dark material finishes to create clean lines and differentiation. The western most element of the front elevation incorporates a higher three storey feature, creating a break in the building line and creating greater verticality.
102. Coupled with finer elements of design treatment such as feature colours which also act to emphasise the entrance, officers consider that the proposal constitutes a vast improvement upon the monolithic 5 storey proposal last submitted.
103. Design and Conservation still have reservations over the width of the proposed building, landscaping and the impact of the light coloured render. Officers consider that the distinction of the light and dark materials contributes to the differentiation and reduction in massing of the building, however, the final materials palette can be resolved via a condition on any approval. With regards to the width of the frontage of the development, the proximity to the adjacent boundaries is acknowledged which will limit the amount of landscaping on the western and eastern sides. However, significant landscaping can be provided to the front of the building and it must be taken into account that the front sections of the site at present are very hard with no soft landscaping at all. A full and detailed landscaping scheme can be conditioned.
104. With regards to the impact upon the World Heritage Site, Policy E3 of the Local Plan relates and officers do not consider that the proposed building would obscure a key local or long distance view of the World Heritage Site. When travelling in a westerly direction along Green Lane to the east of the application site there is a glimpsed view of the Cathedral Tower above the existing PPA building and River Court. The greater height of the proposed building on the site could cause a slight obscuring of this view. However, impact will be minimal and the view itself is a fleeting one and

only of a small section of the World Heritage Site. It is not considered to be a view of such merit or need of safeguard that objection should be raised to the development on this specific point.

105. The justification to Policy E3 also emphasises the importance of the setting of the Castle and Cathedral and this includes the surrounding green and wooded hills. Such a wooded hillside provides a backdrop to Green Lane itself. Policy E3 also discusses the importance of ensuring that the height and use of materials in new development is appropriate as this may have an impact on the skyline and thereby the World Heritage Site. On this occasion, it is not considered that harm to the World Heritage Site would occur. The proposed building and the World Heritage Site are within the same views from the north east though there are significant distances between the two sites. The presence of the high student halls Parsons Field House to the rear means that the proposed building would not obscure or intrude upon the wooded hillside to the immediate rear and as a result officers do not consider that it could be demonstrated that there is specific harm to the setting of the World Heritage Site as such.
106. Some public objection is raised on the grounds of light pollution. Given the scale of the building and the number of windows proposed there would be a degree of light spillage and at night the building would have more elements lit up than adjacent buildings. Durham City is in part characterised by being a relatively dark City at night and Durham has a lightness and darkness strategy in place which seeks to maintain this generally dark character yet illuminating and emphasising key sites such as the Castle and Cathedral. With the reduction in the scale of the proposed building from that previously proposed, impacts upon light spillage and the height at which it occurs will similarly have been reduced. Impacts upon the largely dark character of Durham should not be significant and should be commensurate with an urban area. However, a condition could be attached to any planning permission requiring full details of the lighting strategy for the building including one way glass to prominent elevations.
107. On balance, officers consider that the reduction in the scale of the proposed building from that previously proposed, together with the incorporation of features to create greater differentiation and reduction in massing are considered to be successful. The justification to Policy E6 of the Local Plan relating to the City Centre Conservation Area states that the intention of the policy is not to rule out modern architecture with the Conservation Area which can, if sensitively designed and appropriately situated, enhance the quality of the Conservation Area. Officers consider this proposal to be an example of this. The existing PPA building is a 1970s built development of little architectural merit or value. The proposed development subject to the appropriate final material palette and implementation of a quality landscaping scheme is considered to cause no detriment to the visual amenity, enhancing the character and appearance of this particular part of the City Centre Conservation Area.

Impact upon Residential Amenity

108. The proposal would result in the erection of 112 studio units for let to the student market. Public responses to the development contain differing views as to the acceptability of the site for student accommodation. Some respondents consider that the site is suitable in principle for students and may ease pressure on the existing housing stock. However, strong views are exhibited to the contrary of this from The Whinney Hill Community Group supported by evidence and quotations from the National HMO Lobby. The neighbouring residential area of Whinney Hill

and others areas within the Elvet electoral division do contain a high number of student residents. The adjacent owners of the River Court development also object to the use of the site for such a scale of student development and consider alternative sites such as the former school site at Whinney Hill more appropriate.

109. Whinney Hill Community Group state that they are fundamentally opposed to the imposition of further student numbers in the area. Existing problems of a loss of a sense of community, erosion of housing supply, noise and disturbance and a feeling of isolation in the permanent residents are identified. Whinney Hill Community Group consider that the development would not ease pressure on the existing housing market and instead consider that purpose built student developments in areas of existing concentrations can exacerbate problems and generate new problems. Purpose built developments can contribute to imbalances in the community and act as a deterrent to the immigration of long-term residents such as families. The development is considered contrary to planning fundamentals of sustainable communities and sustainable development by Whinney Hill Community Group.
110. Creating mixed and balanced communities is a national aim of sustainable development as outlined within PPS1 and PPS3. This means providing sufficient good quality housing of the right types and mix, in the right places, which will be attractive to and meet the identified needs of different groups in society.
111. Policy H16 of the Local Plan states student hall developments that would result in a concentration of students that would adversely detract from the amenities of existing residents will not be considered acceptable development.
112. Officers do not consider that objection can be raised to the development purely on the grounds of the number of students which would reside in the area as a result of the development. The Development Plan does not prescribe any particular number of students that should live in any one area, ward, parish or electoral division.
113. Green Lane itself is essentially an edge of city centre mixed use area containing some residential properties, offices, recreational facilities and student halls are located to the immediate rear of the site. It is not considered to be an area of an overwhelming residential character. Though located close to Whinney Hill and other residential areas with high numbers of students it is also somewhat detached from them. Comings and goings will predominantly occur via Green Lane itself which is not a wholly residential street.
114. This particular development proposes the redevelopment of an office building with newbuild and does not directly erode existing housing supply through its loss or replacement. The site is on the doorstep of the City Centre and its everyday transient population of workers, students, tourists and permanent residents coming and going from the area. Officers do not consider that this development would cause clear harm to any community or its population simply through the presence of its prospective occupiers.
115. It is acknowledged that the proportions of student households, concentration of students and the impacts of this within parts of the Durham is of significant concern to some members of the public, community groups and communities as a whole. Through the ongoing preparation of the Local Development Framework the issues surrounding the student concentrations in Durham are being considered and researched further. Through this process further clarity and direction on the issues surrounding student concentrations will emerge. However, at this time this application must be determined in accordance with the provisions of the current

Development Plan and material planning considerations. With this in mind and the discussions in the preceding paragraphs no objection to the influx of further students in principle into the area through the development is raised by officers.

116. Objection from the owners of the adjacent River Court development is significant and this includes detailed objection to the suitability of the site for such a number of students, with the impacts of a direct mix of student and non-student residents, significant noise intrusion from comings and goings the proximity of the bin store, vehicular and cycle parking and amenity areas.
117. Although the objector does not agree, officers do consider that some reception and management presence in the building will provide some supervision and surveillance to the occupants reducing concern though it is accepted that this does not mean that comings and goings will not occur at night and the early hours of the morning at times and that there will be some noise emanating from the sheer occupancy level. A condition could be attached to any permission to finalise any outdoor amenity and seating arrangements as part of a wider landscaping scheme which also of concern to the owners of River Court. Within any City Centre development of significance bin stores and cycle racks would be a feature. It is not considered that their presence within the site would be so demonstrably harmful for officers to raise a significant objection, however, the final details regarding the location and size of the bin and cycle store can be conditioned. With regards to vehicular movements on site, the parking provision and vehicular movements on the site itself is lower than if the existing building were occupied.
118. The owners of the adjacent River Court development also consider that the proposed development would cause a significant loss of privacy, outlook and light for the occupiers. The adjacent River Court property contains a flanking elevation with habitable room windows and balcony spaces whilst the top floor is a single "penthouse" flat with roof terrace, amenity area and hot tub.
119. Policy H16 of the Local Plan requires that new developments do not detract from the amenities of residents.
120. The proposed development has sought to take into account the adjacent properties and created recessed elements away from shared boundaries in areas and formed a horse shoe type shape to the development with the purpose of reducing impact.
121. Within the previously submitted scheme officers considered that the impacts upon the occupiers of the adjacent River Court were unacceptably harmful. The then proposed five storey scheme had a maximum height of some 14m which at the nearest point to flanking habitable room windows and balconies in the River Court flats was just 8.4m. In addition flanking windows on the third floor of the previously proposed building were at such a height that the outdoor amenity area containing roof terrace and hot tub within the adjacent River Court penthouse would have been overlooked at a distance of around 11m. Such relationships were considered unacceptable and harmful to amenity.
122. This revised proposal has sought to address these previous objections. The removal of a floor of accommodation in its entirety, reduction in overall height of the building and repositioning of windows now means that there are not flanking windows within close proximity overlooking the hot tub and amenity space of the adjacent top floor flat. Towards the rear of the site the proposed building steps down in height adjacent to the eastern boundary of River Court to two and single storey elements rather than the previously proposed five storeys.

123. Policy H16 relating to student accommodation and residential institutions does not prescribe particular separation distances or specific amenity standards. Although the use of the site would be sui-generis it would be residentially occupied. Policy Q8 of the Local Plan relates to new residential development and provides some distance and amenity standards which can be considered of relevance to the development and aid to provide a context to the impact of the development. Policy Q8 of the local plan considers that in order to provide adequate levels of amenity a 13 metre separation distance between main habitable room windows and a blank two storey gable should be provided and 6m to a single storey gable.
124. Towards the rear of the site windows within the side elevation of River Court flank blank single storey elements of the proposed development at a distance of 6m. The separation to the blank two storey element is approximately 9m from the nearest flanking window. It must be taken into consideration that as the proposed building incorporates a contemporary flat roofed design, the two storey element of the build which is within 9m proximity of windows in River Court is at a height of only 6m. In comparison a blank gable of a regular pitched roof dwellinghouse would be around the 8m mark. As a result of the low height of the two storey element of the building, the 9m separation distance to the adjacent window, though less than that recommended in Policy Q8 is considered to retain adequate levels of outlook and prevent an overbearing impact.
125. As the proposed building has been designed in a horseshoe type shape the highest elements of the build and those elements containing bedroom windows have been sited the farthest from the flanking elevation of River Court. The owners of River Court maintain that the size of building involved and proximity is unacceptable and contrary to Policy Q8 of the Local Plan by reason of a loss of privacy, light and outlook.
126. The proposed building is of a greater overall height and scale than the present PPA building of that there is no doubt. The existing PPA building also incorporates a roof which pitches away from the adjacent River Court. However, the side elevation of the existing PPA building is also sited closer to the majority of the flanking windows within River Court than the proposed building. The maximum height of the proposed building would be a relatively modest 1.85m higher than the ridge of the existing building. Officers therefore consider that additional impacts upon loss of outlook and light would not be so significant so as to warrant strong objection.
127. Policy Q8 of the Local Plan relating to regular residential developments considers that a distance of 21m should remain between main habitable room windows to ensure adequate privacy. Officers consider that the windows within the east facing elevation of the proposed building would be sited between 18.6 and 20.1m from the outer leaf of the adjacent River Court building. It must be taken into account, however, that the lounge windows within the flanking River Court are deeply recessed from the outerleaf of the building set behind a balcony area and therefore the window to window relationships will in some instances exceed the recommended 21m and in others fall just short by approximately 1m. Although the balcony areas on the east elevation of River Court will not always be in use they must be considered as an area of amenity space. It is noted that due to the size of the building the owners of the adjacent River Court development consider that separation distance should exceed that advised within the Local Plan. Overall, however, the relationship between the proposed building and that of River Court is considered a vast improvement upon the previously submitted scheme in terms of impact upon amenity.

128. Within the previously submitted application the relationship to the Parsons Field House student accommodation to rear was also considered to be unacceptable with a five storey build including flanking windows located just 16.6m away from the rear bedroom windows in Parson Field House. Relationships are again considered to have been improved in this scheme with no windows to habitable rooms now flanking Parsons House. The proposal has removed an entire floor from the previous scheme reducing the bulk and mass from the rear elevation of Parson Field House. The highest element of the scheme, the third floor, is located between 14.5m and 16m from the rear of Parson Field House. The significant change in levels where the land steps up from the rear of the application site to Parsons Field House also reduces the impact of the height and bulk of the building. No objections from the owners or occupiers of Parson Field House have been received.
129. Officers are also of the view that the application site lies not within a suburban residential estate but within close proximity to the City Centre where it can be expected that a greater density of development occurs. Within close proximity to a City Centre, apartment buildings and commercial buildings of greater height may also be expected and the relationships between these developments expected to be slightly more intimate than in suburban residential areas.
130. On balance officers consider that the impacts of the development upon residential amenity have been improved upon from the previously submitted and withdrawn scheme to the point that officers do not consider that such demonstrable harm to adjacent occupiers would occur that would warrant refusal of the application on amenity grounds.
131. Some public objection to the proposal considers that inadequate amenity space is provided for the prospective occupier of the development and Policy H16 does consider state that satisfactory standards of amenity and open space for the residents should be provided. Only small areas of open space would remain on the site for amenity purposes with the most useable space being those areas to the front and rear. The provision of outdoor space is certainly not substantial. However, taking into consideration the edge of city centre location of the site coupled with the ease of access to recreational land such as the riverbanks to the north officers do not raise significant objection to the proposal on this point.

Highways Issues

132. Further public objection to the proposal relates to issues of highway safety and parking provision with the proposed 5 no. parking spaces considered inadequate given the occupancy levels proposed, that the development is being marketed towards postgraduate and mature students who are more likely to have car and traffic movements on Green Lane.
133. Within the previously submitted application for 132 studios, the Highway Authority considered that the site benefits from good public transport, pedestrian and cycle links. It is considered that the development has been designed for use for students. The Highway Authority did not raise objection to the proposal on highways grounds.
134. Parking on Green Lane is controlled by pay and display and residents parking permits will not be available to the residents in order to ensure that the on street facilities remain available. No objections are raised to the development by the Highway Authority with regards to the movements on Green Lane or the junction with Old Elvet/Whinney Hill.

135. Within this resubmitted application for a fewer number of studios, the highway Authority have again not objected. However, it is considered that a greater amount of cycle parking be provided onsite than is proposed and this can be conditioned on any approval.
136. It must be noted that Policy T10 of the Local Plan seeks to limit parking provision in new development so as to promote sustainable transport choices.
137. As a result officers do not raise objection to the proposal on the grounds of harm to highway safety in accordance with Policies T1 and T10 of the Local Plan.

Impact upon Protected Species

138. The host building contains a bat roost. Bats are a protected species and the presence of protected species such as bats is a material planning consideration in accordance with Circular 06/05 to PPS9. The requirements of the Habitats Directive were brought into effect by the Conservation (Natural Habitats etc) Regulations 1994 (since amended). These regulations established a regime for dealing with derogations which involved the setting up of a licensing regime administered by Natural England. Under the requirements of the Regulations, it is a criminal offence to kill injure or disturb the nesting or breeding places of protected species unless it is carried out with the benefit of a license from Natural England.
139. The species protection provisions of the Habitats Directive, as implemented by the Conservation (Natural Habitats etc) Regulations 1994 (as amended) contain 3 no. "derogation tests" which must be applied by Natural England when deciding whether to grant a license to a person carrying out an activity which would harm an European Protected Species (EPS). For development activities this license is normally obtained after planning permission has been granted. The three derogation tests are as follows; the activity to be licensed must be for imperative reasons of overriding public interest or for public health and safety; there must be no satisfactory alternative and; favourable conservation status of the species must be maintained
140. Notwithstanding the licensing regime the Local Planning Authority must discharge its duty under Regulation 3(4) and also address its mind these three tests when deciding to grant planning permission for development that could harm an EPS.
141. The application submitted is accompanied by a wildlife survey and both the ecology section and Natural England have been consulted. Natural England have not responded to this consultation exercise though did so on the previously submitted scheme and when assessed against their standing advice concluded that planning permission may be granted subject to appropriate conditions including a detailed mitigation and monitoring strategy for bats.
142. The Council's ecologist considers the proposed mitigation measures are acceptable and should be conditioned on any approval. However, it is considered that the proposed alternative roost provision should be identified on plan to be agreed by the Local Planning Authority. Officers consider that a suitably worded condition can be formulated to cover this requirement together with the mitigation measures outlined in the submitted survey on any approval.
143. Officers consider that despite a bat roost being found within the building that subject to the proposed mitigation measures being implemented the impact of the development upon bats would be acceptable. It is considered that a license would be granted by Natural England.

144. No objections are therefore raised to the development with regards to the impact upon protected species in accordance with Policy E16 of the Local Plan and Policy 33 of the RSS.

Impact Upon Trees

145. The site contains a number of trees on its periphery. Policy E14 of the Local Plan specifically seeks to retain trees of value or where they are to be lost to development seeks to ensure that an adequate landscaping plan compensates. The application has been accompanied by a tree report. The Council's Senior Tree Officer considers that the submitted arboricultural report has been well presented by a competent person. Three trees are understood to be removed, a dead whitebeam, declining whitebeam and a common sycamore suffering from decay and no objections are raised to their loss. The remaining trees on site should be appropriately protected.
146. With the assessment of the Council's Senior Tree Officer in mind, no objections are raised to the loss of the three trees outlined within the submitted report. A landscape plan is submitted within the application. Comments from the Council's Landscape Architect have been received and some queries are raised over the suitability of the submitted landscaping proposal and suggested improvements are made. Officers also consider that revisions will be necessary particularly taking into consideration the need to revise outdoor amenity and cycle parking arrangements. It is therefore proposed that a full landscaping scheme is conditioned on any approval. All trees to be retained must be adequately protected during the development and this again can be conditioned.
147. In addition an ecological survey submitted with the application found that a hedge on site contains two forms of the invasive plant species cotoneaster under the Wildlife and Countryside Act 1981 (as amended 2010) and this states that it is an offence to deliberately encourage the growth or to plant these species. The ecological report recommends the removal of this species in accordance with a method statement which could be ensured by way of condition on any approval.

Other Issues

148. Some public objection to the development questioned the need and demand of the development. Linked to this perceived demand concern it is also raised that the development may not appeal to students and could be rented out to the non-student private rented market. With Policy H16 of the Local Plan establishing that new student halls of residence are acceptable within settlement boundaries in principle it would be difficult to sustain an objection on any perceived lack of need. Indeed this need is driven by market forces. In addition weight should also be attributed to the National Planning Policy Framework, published in draft in July of this year. This establishes a presumption in favour of sustainable development and officers do not raise objection to the sustainability of the proposal. Officers therefore raise no objection to any perceived need or demand of the proposal.
149. With regards to the concern over the occupancy the proposed development is considered a sui generis use and the application description details that the development is purpose built for students. Any deviation from this use to another form of development would therefore require planning permission and would be assessed on its own merits.
150. The Whinney Hill Community Group consider that the proposal would prevent other forms of housing and developments being built on the site which would better attract new people into the City and act as an economic driver. The development put before

the Council is that which must be assessed on its own merits. The land is not specifically designated within the Local Plan for any particular use such as housing, office or industrial development and it is not considered possible to object to the proposal on the grounds that a different development may come along which is potentially more of an economic driver. In addition there would certainly be some economic benefits from the redevelopment of the present site for the accommodation proposed.

151. The application has not been accompanied by a section 106 agreement ensuring the provision of affordable housing or a contribution towards children's play equipment. The proposal constitutes a sui generis use and the requirements for playspace and affordable housing relate only to development proposing dwellinghouses (C3 use class). As a result the relevant Local Plan thresholds and requirements pursuant to this are not considered applicable to the development.
152. PPS23 relates to pollution control in planning and Local Plan Policy U11 relates to contaminated land on development sites. The application has been accompanied by a geo-environmental assessment and this concludes that the overall risk of land contamination is low-medium whilst the potential for ground gas is also considered low to moderate. No comments have been received from Environmental Health with regards to the specific content of the report, however. It is therefore considered appropriate that a condition be attached to any approval requiring that a scheme to deal with potential site contaminants is agreed at a later date.
153. Environmental health do consider that there is the potential for noise disturbance during works and it is recommended that a condition restricting working hours is attached to any permission. The working methods and use of plant and machinery should be in accordance with BS5228 Noise and Vibration Control on Construction and Open Sites. It is also recommended that a condition be attached requiring the submission of a dust assessment and controlling methods. All waste material must be disposed of in the correct and proper manner and the burning of any materials on site shall be prohibited.
154. Officers consider that conditions could be attached to any approval limiting the hours at which works can occur as well as requiring the submission of and agreement to a scheme on working methods and practices and dust suppression during the works.
155. The Council's senior low carbon officer is encouraged by the applicant's efforts to achieve an excellent BREEAM rating. However, some concerns are raised to the practicalities of the use of air source heat pumps. Policy 38 of the RSS seeks to ensure that all major development proposals achieve a 10% energy efficiency reduction. The Local Planning Authority has a standard condition which can be attached to any approval to ensure that such a scheme is devised and this condition is recommended for attachment on any approval.
156. With regards to matters of flood prevention, The Environment Agency were consulted on the previously submitted application and provided a link to their standing advice notes. There was no requirement for a flood risk assessment to be submitted. This standing advice considers that on sites of this size located in flood risk zone one the main risk of flooding will come from surface water runoff and good practice principles and guidance are provided within the standing advice document. No objections are therefore raised with regards to matters of flood risk in accordance with PPS25 and Policy 35 of the RSS.

157. Although no comments have been received with regards to this application, Northumbrian Water raised no objections to the previously withdrawn proposal for 132 studio flats
158. The Council's Archaeologist raises no objections to the proposed development.

CONCLUSION

159. This proposal seeks to erect a purpose built accommodation block for student occupancy containing some 112 studios. Officers consider that in principle the proposal seeks a sustainable form of development in an edge of city centre location somewhat detached from an established residential area and in principle accords with the development plan and does not undermine the national aim of creating mixed and balanced communities.
160. The previously submitted application which was withdrawn prior to being heard at Committee was recommended for refusal by officers on the grounds of harm to visual and residential amenity.
161. Officers consider that this revised proposal has successfully addressed both of these material planning considerations though it is noted that public objection remains with regards to both in addition to the other objections raised.
162. The reduction in scale and height of the building coupled with the incorporation of design features such as projecting and recessed elements and mixed materials palette has successfully achieved the necessary reduction in massing and increase in differentiation whilst adding much interest to the appearance of the building. Impacts on the immediate street scene and more widely the Conservation Area and World Heritage Site are now considered acceptable.
163. With regards to residential amenity, the scale, design and location of windows within the building are such that it is now considered that the proposed development will not cause harm to the amenity of adjacent residents that would be so harmful as to warrant refusal of the application, unlike the previously submitted scheme. The sheer occupancy levels of the development raises some concern over noise and disturbance, however, taking into consideration the central location of the site where greater comings and goings and activities must be expected, these impacts are considered to remain at an acceptable level.
164. No harm to highway safety is considered to occur and matters of ecology, impact on upon trees, land contamination and flood risk have been adequately addressed or could be resolved through the attachment of suitably worded conditions on any approval.
165. As a result approval of the application is recommended.

RECOMMENDATION

That the application be **APPROVED** subject to the following;

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 following approved plans:

2160_02, 2210 01, 2210 03, 2210 04, 2220 01, 2220 02, 2020:01, 2020:02 received 10th October 2011, 2210 02, 2200_04 received 16th October 2011, 2200_01, 2200_02, 2200_03 received 18th October 2011

Reason: To define the consent and ensure a satisfactory form of development having regards to Policies E3, E6, E14, E16, E22, E24, H13, H16, T1, T10, T20, Q5, Q8, U8A, U11 and U14 of the City of Durham Local Plan 2004.

3. Notwithstanding any details of materials submitted with the application no development shall commence until details of the make, colour and texture of all walling, roofing and hardstand 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 visual amenity having regards to Policies E3, E6, E22, H13, H16 and Q8 of the City of Durham Local Plan 2004.

4. Notwithstanding the details shown on the approved plans precise details of all new fenestration, glazing, heads and cills shall be submitted to and approved in writing by the Local planning authority, prior to the commencement of the development. The scheme shall be implemented in accordance with the approved details.

Reason: In the interests of visual amenity having regards to Policies E3, E6, E22, H13, H16 and Q8 of the City of Durham Local Plan 2004.

5. The hereby approved development shall be carried out in accordance with a scheme of landscaping to be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of any development on site. The scheme may provide for the planting of trees and / or shrubs (including species, sizes, numbers and densities), the provision of fences or walls, the movement of earth, the formation of banks or slopes, the seeding of land with grass, or other works for improving the appearance of the development. The landscaping scheme shall also include details of any outdoor amenity areas including seating. The works agreed to shall be carried out within the first planting season following completion of development of the site and shall thereafter be maintained for a period of 5 yrs following planting. Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of the provision of an adequate landscaping scheme in accordance with Policy Q5 of the City of Durham Local Plan 2004.

6. The works to the trees on site shall be restricted to that detailed within appendix 1 of the submitted arboricultural implications assessment dated September 2011 by E3 Ecology Ltd. The remaining trees on site shall be protected with protective

fencing erected in accordance with BS.5837:2005 prior to the commencement of any works on site (including demolition) and prior to the placement of any equipment, plant and materials on site. The trees shall be protected for the entirety of the development works. The details of tree protection including the submission of a tree protection plan shall be first submitted to and then approved in writing by the Local Planning Authority.

Reason: In the interests of the protection of trees and visual amenity having regards to Policy E14 of the City of Durham Local Plan.

7. Prior to the commencement of the development full details of the proposed lighting strategy for the development shall be submitted to and approved in writing by the Local Planning Authority. The lighting strategy shall be designed so as to minimise light spillage and glare outside the development site. Thereafter the development shall be implemented in accordance with the approved details.

Reason: In the interests of minimising light spillage and in the interests of visual amenity having regards to Policies E3, E6 and E22 of the City of Durham Local Plan 2004.

8. Prior to the commencement of development full details of the siting and appearance of the proposed refuse bin storage shall be submitted and agreed in writing by the Local Planning Authority prior to the commencement of development and thereafter implemented in accordance with the approved scheme.

Reason: In the interest of visual and residential amenity having regards to Policies E6, E22, H13 and H16 of the City of Durham Local Plan 2004.

9. No development approved by this permission shall be commenced until:
 - a) the application site has been subjected to a detailed site investigation report for the investigation and recording of contamination and has been submitted to and approved by the LPA;
 - b) should contamination be found, detailed proposals for the removal, containment or otherwise rendering harmless such contamination (the 'contamination proposals') have been submitted to and approved by the LPA;
 - c) for each part of the development, contamination proposals relevant to that part (or any part that would be affected by the development) shall be carried out either before or during such development;
 - d) if during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then revised contamination proposals shall be submitted to the LPA; and
 - e) if during development work, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed contamination proposals.

Reason – To remove the potential harm of contamination in accordance with Policy U11 of the City of Durham Local Plan 2004.

10. No development shall take place unless in accordance with the mitigation detailed within the protected species report "A Wildlife Survey of a Site on Green Lane Durham" received 10th October 2011 including, but not restricted to adherence to timing restrictions, provision of alternative roost sites and the

obtaining of a Natural England Development License before any demolition commences. Prior to the commencement of development full detailed plans indicating the location of the proposed alternative roost sites shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To conserve protected species and their habitat in accordance with Policy E16 of the City of Durham Local Plan 2004.

11. No demolition works shall be undertaken outside the hours of 8am and 6pm Monday to Friday and 8am to 12 noon on a Saturday with no demolition to take place on a Sunday or Bank Holiday.

Reason: In the interests of residential amenity having regards to Policy H13 and H16 of the City of Durham Local Plan 2004.

12. No development works shall occur until a methodology of working practices has been submitted to and approved in writing by the Local Planning Authority. Said methodology must outline the use of plant and machinery during the demolition process which must be in accordance with the requirements of BS5228 Noise and Vibration Control on Construction and Open Sites. The methodology must include the submission of a dust assessment and methods of dust control during demolition. Thereafter, the demolition must be undertaken in full accordance with the agreed scheme.

Reason: In the interests of residential amenity having regards to Policy H13 of the City of Durham Local Plan 2004.

13. Should removal or partial removal of the cotoneaster hedge on site be sought, the removal must be undertaken in accordance with the method statement contained within appendix 2 of the submitted Breeam assessment by E3 Ecology received 10th October 2011.

Reason: To prevent the spread of this invasive species having regards to the Wildlife and Countryside Act 1981 (as amended 2010).

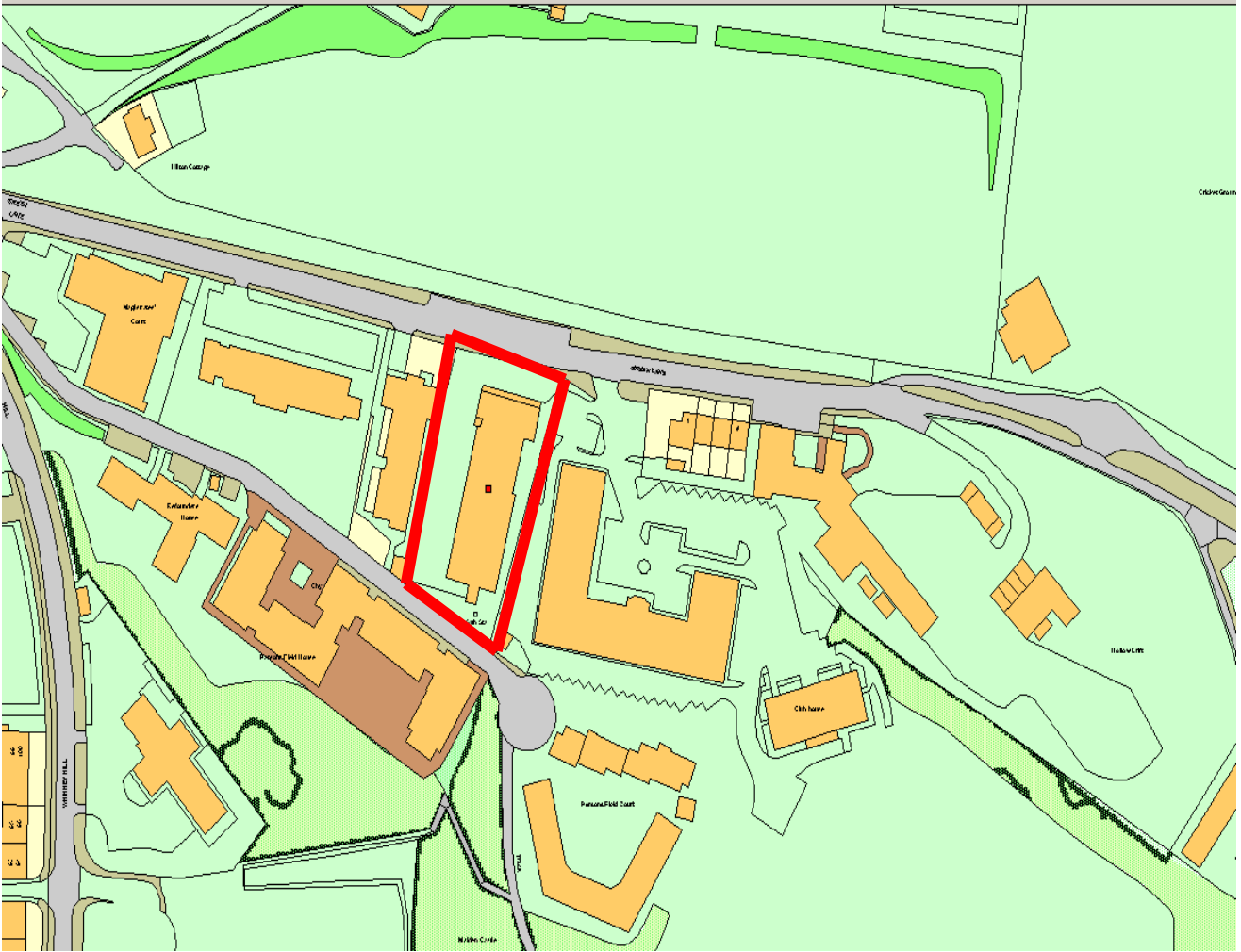
14. Prior to the commencement of development a scheme to minimise energy consumption shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of energy from renewable or low carbon sources provided on-site, to a minimum level of at least 10% of the total energy demand from the development, or an equivalent scheme that minimises carbon emissions to an equal level through energy efficient measures. Thereafter the development shall be carried out in complete accordance with the approved scheme prior to the first occupation and retained so in perpetuity.

Reason: In the interests of sustainable construction and energy generation in accordance with the aims of Policy U14 of the City of Durham Local Plan and Policy 38 of the Regional Spatial Strategy for the North East.

BACKGROUND PAPERS

Submitted Application Forms and Plans and supporting documentation
Submitted Design and Access Statement
City of Durham Local Plan 2004
Regional Spatial Strategy

Planning Policy Statements 1, 3, 5, 9, 23 and 25 and Planning Policy Guidance Note 13
Responses from The Highway Authority
Internal consultee responses
Public responses
Planning Circulars 11/95
Draft National Planning Policy Framework



Planning Services

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

Erection of student accommodation building comprising of 112 studio flats

Date 13th December 2011

Scale 1:1250