

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/22/03247/FPA
FULL APPLICATION DESCRIPTION:	Erection of new ancillary student accommodation facilities building built within grass embankment; minor external changes to existing Harding building including re-instatement of historical entrance location and implementation of associated landscaping scheme.
NAME OF APPLICANT:	Unite Group Plc
ADDRESS:	Rushford Court, North Road, Durham, DH1 4RY
ELECTORAL DIVISION:	Neville's Cross
CASE OFFICER:	Louisa Ollivere Senior Planning Officer Telephone: 03000 264878 louisa.ollivere@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. Rushford Court provides student accommodation within the grounds of the former County Hospital site both within an unlisted Victorian building dating from 1850 and within two new purpose built accommodation wings and a small student hub building. The buildings have been in this new use since September 2018. The older Victorian building stands on land within the north western corner of the Durham (City Centre) Conservation Area. In its original form the hospital was typical of much mid - 19th century institutional and country house architecture, reflecting the fashion of the time for "Jacobethan" building forms. The original building comprised an H plan, with prominent ornate gables, tall chimneys and a central bell tower, its setting enhanced by an open field position with terrace to front.
2. Planning permission was granted upon appeal in 2016 to demolish the late 19th and 20th Century main hospital building extensions and the Rushford Wing to reveal the historic building's original 1850 Jacobethan facade. A new extension to the existing internal courtyard to the north side of the main hospital building was approved to provide purpose built student accommodation which, combined with the conversion of the main building, was to create 82 student studios. The construction of a second new building accommodating purpose built student accommodation providing 281 bed spaces, with independent student hub was also approved. At the same time there was extensive re-landscaping of the site and arboricultural management to retain mature boundary trees, and the creation of a landscaped terraced forecourt between the former hospital building's southern frontage and the rear of the new block, with an improved vehicular access at the south east corner of the site at the junction between North Road and Sutton Street.

3. One of the student accommodation blocks (Block A) runs along the south east edge of the site fronting Sutton Street and is five stories in height, the uppermost being inset from the lower elevations. Blocks B and C run along the south west edge of the site facing Waddington Street, splayed at the upper north west extremity towards the historic hospital building, and stepping up the slope. Block B is also of five storey with the uppermost inset, while block C is of six storeys with the uppermost inset, and seven storey with the uppermost inset.
4. The architecture of the newer accommodation blocks incorporates flat roofs throughout. Modulation would be complimented by a mix of materials, with shadow lines adding to the depth of the façades. A mix of brickwork, cladding and glazing has been used in the design.
5. This distinctive and highly visible corner of the Conservation Area, particularly for those passing by train over the viaduct immediately to the south, is characterised by rows of two and three storey terraced housing against a backdrop of mature trees, with regular changes of roofline following the topography by stepping down slopes.
6. To the north of the application site terraced housing rises steeply up Western Hill. To the north east larger detached houses climb North Road with the elevated Victorian Wharton Park opposite. To the north west lies the open wooded area of Flass Vale, which includes a Local Wildlife Site, with the Kingslodge Hotel and modern housing development, standing at the Vale's entrance. To the south east runs Sutton Street with the 1855 Grade II* Listed railway viaduct beyond, beneath which stand terraced properties. To the south west runs Waddington Street, containing the United Reform Church and further terraced housing. The site is within the Coalfield Development Low Risk Area and a Mineral Safeguarding Area. The site is not within any Landscape designation.

The Proposal

7. Permission is sought for the erection of a new 2 storey ancillary student accommodation facilities building built within the grass embankment between the southernmost accommodation building and the former Hospital building. Minor external changes are also proposed to the existing Harding building, including the reinstatement of the historical entrance location and the implementation of an associated landscaping scheme. The new building would incorporate a bar, communal space, staff and management offices with further communal space proposed on the terrace and roof.
8. The building would be set over two floors with both floors set into the bankside. Level 00 is the roofscape which is designed to be fully accessible and allows access to the proposed lift and external stairway. In addition to access routes the roofscape would have landscaped surfacing and planting. Level B1 beneath the roofscape would accommodate a main entrance hall and communal facilities and security offices and there would be an external terrace on this level to link up with existing and proposed steps. Level B2 the lower ground floor would have another entrance hall, more communal facilities and a café/bar. In front of this would be areas of hard and soft landscaping.
9. The new Hub building would have a rough cut stone finish with cast stone coping above. All window units would be bronze brown aluminium. Stair guards and balustrades would be flat plate metal in a dark grey colour. The proposed lift shaft on the roof terrace would be translucent with bronze brown aluminium capping.

10. The changes to the Harding building would involve conversion of a gym to the main entrance hall and to facilitate this the external steps are proposed to be extended and a window will be replaced with a glazed aluminium framed door.
11. The changes to the current hub /facilities management building involve converting this a to a fitness suite and altering the façade to provide further openings.
12. In respect of sustainability, air source heat pumps are proposed to be incorporated, and Photo voltaics are proposed on the roof of the existing student residential block on the west side of the new building. These features alongside other measures to use less energy would ensure an improvement of 2.13% beyond the requirements of the Building Regulations.
13. The scheme incorporates areas of soft landscaping to the roofscape of the new hub, enhancements to the existing grass slope with new trees, shrubs and flora, new shade tolerant planting and hedge to front of the facade of student accommodation, ornamental planting along the Terrace balustrade, structural panting to the corner of the student accommodation, climbing plants to the central staircase and native hedgerow to the boundary of the existing woodland. In terms of hard landscaping this includes a new retaining wall on the eastern boundary adjacent the entrance road, a sheltered seating area on the mid terrace, a decking area on the roofscape and new benches along the existing footpaths adjacent the roofscape.
14. The proposal does not impact on current parking spaces or the access and as the proposal does not increase bedroom numbers it would not involve an increased number of students or staff and therefore no significant additional traffic is envisaged.
15. This application is reported to Committee as this is major development site being more than 1 hectare in area.

PLANNING HISTORY

16. In 2015 Planning permissions was refused for the conversion of former hospital, extension to accommodate 82 student studio; demolition of associated buildings; erection of two student accommodation blocks containing 281 student flats with associated communal living spaces; new student hub building; and landscaping, cycle storage, parking and access alterations (DM/14/03694) however this was later allowed at appeal.
17. In 2018 planning permission was granted for the variation of condition 2 pursuant to DM/14/03694/FPA to permit removal of 5 no studio units within retained former hospital building and replacement with student amenity facilities, use of previously identified "student hub" as management offices, removal of chimney stack, amendment to roofing materials and fenestration alterations to retained building, provision of additional plant store and relocation of bin stores (amended description) (DM/17/00974/VOC).
18. Various conditions were discharged in relation to DM/14/03694 in 2016 and 2018 (DRC/16/00205, DRC/16/00417, DRC/18/00052).

PLANNING POLICY

NATIONAL POLICY

19. A revised National Planning Policy Framework (NPPF) was published in July 2021 (with updates since). The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
20. In accordance with Paragraph 219 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
21. *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.
22. *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.
23. *NPPF Part 6 - Building a strong, competitive economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future
24. *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.
25. *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.

26. *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.
27. *NPPF Part 14 - Meeting the challenge of climate change, flooding and coastal change.* The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
28. *NPPF Part 15 - 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. Amongst other aims decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site to impacts that could arise from the development. Noise should be mitigated and reduced to a minimum potential adverse impact to avoid noise giving rise to significant adverse impacts on health and quality of life. Decisions should ensure that new development can be integrated effectively with existing businesses. Existing businesses should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business could have a significant adverse effect on new development the applicant should be required to provide suitable mitigation.
29. *NPPF Part 16 - Conserving and enhancing the historic environment.* Heritage assets range from site 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 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.
30. *NPPF Part 17 - Facilitating the sustainable use of minerals.* It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

NATIONAL PLANNING PRACTICE GUIDANCE:

31. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; climate change; design: process and tools; healthy and safe communities, historic environment; land affected by contamination; land stability; natural environment; neighbourhood planning; noise; and use of planning conditions.

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

LOCAL PLAN POLICY:

The County Durham Plan (2020) (CDP)

32. *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.
33. *Policy 16 – Durham University Development, Purpose Built Student Accommodation and Houses in Multiple Occupation* – supports new University facilities where proposals respect character of the area, have no unacceptable impacts on the WHS or its setting and if possible enhance both, sustain the significance of designated heritage assets , have no harm on ecology or biodiversity, are designed with staff and student movement in mind, provide parking spaces and ev charging points and create well designed spaces, exploit sustainable energy opportunities. For sport and recreation facilities a community access agreement will be required. In respect of student accommodation the policy seeks to provides a means to consider student accommodation and proposals for houses in multiple occupation in ensure they create inclusive places in line with the objective of creating mixed and balanced communities.
34. *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 the Parking and Accessibility Supplementary Planning Document and Strategic Cycling and Walking Delivery Plan.
35. *Policy 22 – Durham City Sustainable Transport* – seeks to reduce the dominance of car traffic, address air quality and improve the historic environment within the Durham City area
36. *Policy 29 – Sustainable Design* – requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out 18 elements for development to be considered acceptable, including: making positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals. Provision for all new residential development to comply with Nationally Described Space Standards, 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'.

37. *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.
38. *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.
39. *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.
40. *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.
41. *Policy 41 – Biodiversity and Geodiversity* – restricts development that would result in significant harm to biodiversity or geodiversity and cannot be mitigated or compensated. The retention and enhancement of existing biodiversity assets and features is required as are biodiversity net gains. Proposals must protect geological features, have regard to Geodiversity Action Plans and the Durham Geodiversity Audit and where appropriate promote public access, appreciation and interpretation of geodiversity. Development proposals where the primary objective is to conserve or enhance biodiversity or geodiversity will be permitted if they comply with other local plan policy. Development proposals which are likely to result in the loss of deterioration of irreplaceable habitats will not be permitted unless there are wholly exceptional reasons and a suitable compensation strategy exists.
42. *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.

43. *Policy 45 – Durham Castle and Cathedral World Heritage Site* – seeks to ensure that developments within the world heritage site sustain and enhance the significance of the designated asset, are based on an understanding of, and will protect and enhance the outstanding universal values (OUVs) of the site in relation to the immediate and wider setting and important views into, and out of the site. Any harm to the OUVs will not be permitted other than in wholly exceptional circumstances.
44. *Policy 56 – Safeguarding Mineral Resources* – Sets out that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within a Mineral Safeguarding Area unless certain exception criteria apply.

NEIGHBOURHOOD PLAN:

The Durham City Neighbourhood Plan (2021) (DCNP)

45. *Policy S1: Sustainable Development Requirements of all Development and Redevelopment Sites Including all New Building, Renovations and Extensions* – sets out the economic, social and environmental criteria that development proposals will be required to meet.
46. *Policy H1: Protection and Enhancement of the World Heritage Site* – requires development within the Durham Cathedral and Castle World Heritage Site to sustain, conserve and enhance its outstanding universal value and support the current adopted management plan. Development within the WHS must take account of the historical and present uses of the site, propose high quality design, use appropriate materials and seek balance in respect of scale, density, massing, form, layout, landscaping and open spaces. Development proposals within Our Neighbourhood will need to sustain, conserve, and enhance the setting of the WHS where appropriate, by carrying out an assessment on how the development will affect the setting, including views to and from the WHS, protect important views and take opportunities to open up lost views and create new views and vistas.
47. *Policy H2: The Conservation Areas* – expects development within the City Centre Conservation Area to sustain and enhance its special interest and significance identified within the conservation area character appraisal taking account of sustaining and enhancing the historic and architectural qualities of buildings, continuous street frontages, patterns, boundary treatments, floorscape and roofscapes, avoiding loss or harm of an element that makes a positive contribution to its individual significance and surrounding area, using appropriate scale, density, massing, form, layout and materials, using high quality design sympathetic to the character and context, its significance and distinctiveness
48. *Policy G1: Protecting and Enhancing Green and Blue Infrastructure* – seeks to support developments that retain existing green or blue assets with significant recreational, heritage, cultural, ecological, landscape or townscape value and developments that provide additional green or blue assets, particularly if there is an identified deficiency. Any new or replacement assets must be appropriate to the context and setting. The policy requires developments to protect and enhance public rights of way and footpaths and green corridors. It offers support to proposals that provide net gains for biodiversity. The policy requires features of geological value to

be protected. The policy seeks to protect and enhance the banks of the River Wear by supporting proposals with desirable access that do not have significant impacts on current assets. The policy also seeks to protect dark corridors by ensuring developments minimise lighting in such areas.

49. *Policy T1: Sustainable Transport Accessibility and Design* – seeks to ensure that development proposals will be required to demonstrate best practice in respect of sustainable transport accessibility and design

The above represents a summary of those policies considered relevant. The full text, criteria, and justifications can be accessed at: <http://www.durham.gov.uk/article/3266/Development-Plan-for-County-Durham> (Adopted County Durham Plan and The Durham City Neighbourhood Plan)

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

50. *Highway Authority* – No objections.
51. *Northumbrian Water* – Request a condition that the development accords with the submitted drainage scheme.
52. *Drainage & Coastal Protection (Lead Local Flood Authority)* – Are satisfied with the surface water management plan and hydraulic calculations.

NON -STATUTORY RESPONSES:

53. *Durham University* – Support the application as it will enable the temporary relocation of St Hild and St Bede College and allow its refurbishment, and in the longer term as it will provide a new college supporting their commitment to the Council and local community to bring a greater number of students into college owned or managed accommodation. They detail that the development will avoid the need to redevelop another area in the city and the high spec accommodation and historic setting would set this college apart from others but allow it to develop further positive links with the community. The close proximity of the Hub building to accommodation is seen as a positive in terms of mixing and achieving optimum use of the facilities. The open door policy with local residents at St Hild and Bede will be reflected in this case as will community use of facilities. Lastly the University point out that the proposal would place the stewardship of the Harding building under a team of experts who already manage the culture and heritage of numerous historic and significant buildings in the city.
54. *County Durham and Darlington Fire and Rescue Services* – No objections.
55. *Durham Constabulary* – No objection but recommend the principles of Secured by Design are adopted on the site.

INTERNAL CONSULTEE RESPONSES:

56. *Spatial Planning* – Advise that the site is unallocated and Policy 6 is therefore relevant. The Officer notes the proposal would intensify the existing use on previously developed land and the proposal has been designed to minimise the visual impact of the new building as far as possible, as well as recreating existing outdoor amenity space (which would otherwise be lost) through terraced landscaping. That being said it is pointed out that there are a number of sensitive

receptors in the vicinity of the proposed development. These are detailed as the existing student accommodation located on the south-east edge of the site, existing residential and student properties in the surrounding streets and the designated and non-designated heritage assets in the vicinity of the proposed new building.

57. The Officer advises that the proposal would need to accord with Policy 6 criteria and that comments from specialist colleagues, including Conservation, Environmental Health and Landscape Teams, will be key in determining whether the intensification of use in this location is acceptable.
58. It is also advised that Policy 16 (Durham University Development, Purpose Built Student Accommodation and Houses in Multiple Occupation) would be relevant however which parts are relevant are subject to there being confidence that the University intend to affiliate this site within their estate.
59. If the University intends to affiliate the college then the Officer advises that Parts 1 and 2 of Policy 16 should be applied. The Officer advises that Part 1 of the policy relates specifically to Durham University Development, it acknowledges that the University will continue to evolve and supports new university facilities, including academic, residential, sport and cultural floor space and the refurbishment of existing buildings where it meets criteria a-h. This includes respecting the character and setting of the area, having regard to the needs and requirements of the local community, impact on the Durham Castle and Cathedral World Heritage Site, sustaining and enhancing the significance of designated heritage assets, impact on the conservation area and creating well-designed spaces and exploiting sustainable energy opportunities where possible.
60. The Officer advises that Part 2 of Policy 16 relates specifically to all proposals for new or extensions to purpose-built student accommodation (PBSA). As this site is already PBSA and the proposal is for additional amenity space, rather than additional bedspaces, the Officer considers that not all of the criteria will be relevant but that all relevant criteria must be met particularly in relation to criteria e to g.
61. It is noted that the proposal will include a bar and as such it is advised that amendments to the existing PBSA management plan may be required to ensure that the potential for noise and amenity impacts are appropriately managed and impacts minimised.
62. Given the proximity of the proposed building to the existing student block at the south-east of the site, it is advised that consideration be given to the amenity and privacy of the occupants of this accommodation.
63. Policy 44 (Historic Assets), Policy 45 (Durham Castle and Cathedral World Heritage Site) and DCNP Policy H1 (Protection and Enhancement of the World Heritage Site) DCNP Policy H2 (The Conservation Areas) are also considered relevant.
64. Whilst it is noted that the new building has been designed to try and maintain important views in and out of the site, it is advised that account be taken of the cumulative impact of development and that comments from specialist colleagues should determine whether the information submitted, and the design put forward meets the heritage criteria of the policies within the CDP and DCNP and other relevant policies of both plans.
65. Whilst it is acknowledged that the proposal does not appear to be increasing the number of students or vehicles within the site, until the final uses of the proposed building have been clarified the Officer advises that it is unclear whether there would

be any additional traffic movements generated from the development. It is pointed out that although the site itself is not within the Air Quality Management Area (AQMA), it is adjacent to the AQMA and as such any impact on the area should be considered by the case officer. Whilst consideration of walking and cycling infrastructure is likely to have formed part of the original application for this site, the Officer advises that it should be confirmed that there will be no loss of infrastructure and/or enhancement required as a result of the development.

66. *Design and Conservation* – Advise that the application site is highly sensitive in heritage terms. It is pointed out that The former County Hospital building today called “Rushford Court” is identified as a non-designated heritage asset (NDHA). Furthermore, the Officer notes it is located within Durham (City Centre) Conservation Area (CA) and The CA encompasses the medieval core of the city that includes the Cathedral and Castle World Heritage Site (WHS). It is advised that the site is within the setting of the WHS and numerous other designated heritage assets in the form of listed buildings.
67. It is advised that the site occupies a prominent position on a highly visible corner at the north end of the commercial part of North Road. To the north of the site it is noted are late C19 and some early C20 terraced houses rising steeply up Western Hill. To the northeast the Officer points out the elevated Victorian public part of Wharton Park on the opposite side of North Road. To the northwest it is noted there is the local nature reserve of Flass Vale, with Kingsgate Lodge and new housing on the site of the former bus depot at the Vale’s entrance. To the south the Officer notes Sutton Street with the 1855 grade II* listed Viaduct beyond and Victorian housing beneath and to the southwest is Waddington Street containing the United Reform Church and further Victorian terraced housing.
68. The Officer advises that site was recently developed (2018) following the granting of planning permission in 2014 at appeal for converting the former hospital to accommodate 82no student studios, demolition of associated buildings, and the erection of new student accommodation blocks etc. Prior to this the Officer advises that the site was disused and derelict. It is noted that this development regenerated the site by restoring and conserving the original hospital building whilst also proposing new contemporary accommodation blocks designed to be intentionally different to the original hospital building.
69. In respect of significance it is advised that the original hospital building is a high value NDHA. The Officer notes that its origins can be traced back to the C18 when an infirmary was opened in Allergate. The Officer details that by the middle of the C19 the infirmary was found to be too small with a larger building constructed, funded by public contributions, on the current site in North Road to take advantage of the views towards the southeast. The building was completed by 1850 and the Officer advises it is historically significant in representing one of the first developments along this key route out of the town as well as illustrating a key phase of development of health care provisions within the city.
70. The site is also considered to have aesthetic qualities resulting from the architectural style of the original hospital building and the mature landscaping of its grounds. The historic stone walls around the perimeter of the site and the stone retaining and terraced walls within the site are also considered of significance. It is considered that the siting and orientation of the original hospital building was seemingly designed to create a domestic villa character on the edge of the expanding town both for the well being of patients and to increase the profile of the hospital which was at the time reliant on fundraising.

71. It is noted that the adopted conservation area character appraisal divides the CA into sub areas, and the site is within the Crossgate Sub-Area. The significance described as being the drama of the Viaduct, the railway line and the two and three storied historic terraced built form which due to the topography of the area produces a stepped roofline. In contrast it is considered the County Hospital site is of a distinct different character, set back from the roadside and elevated fronting onto North Road and Sutton Street where its Elizabethan frontage is identified in the appraisal as a key historic landmark and focal point of high architectural value. Furthermore, it is pointed out that the appraisal recognises the aesthetic qualities and importance of the landscaped grounds which link to the adjacent green spaces at Flass Vale and Wharton Park. It is considered that the buildings significance has been enhanced by the previous permission by removing the later incongruous additions that have better revealed the significance of the original hospital building in its plot and secured its full restoration. It is advised that the combination of the above contribute very positively to the character and appearance of the surrounding CA.
72. The Officer notes that the site falls within the 200-500m of many listed buildings, including The Battery at Wharton Park (grade II), Durham Railway Station North and South Platforms (separately listed at grade II), the Premises Occupied By Messrs J and M Luke Sutton Street (grade II), Redhills Miners Hall (grade II), and North Road Methodist Church (grade II). That said, the Officer considers that the only listed heritage asset requiring detailed assessment in the context of the development proposal is the grade II* listed Durham Viaduct c. 146m to the south.
73. In terms of the impact on Heritage Significance & Design Related Matters, it is considered that there would be no impact on the significance (physical fabric) of the NDHA, but there would be an impact upon its setting that contributes to its significance. It is noted that the heritage statement summarises that the effect of the development proposal on setting would result in some harm and that this would be caused by the building's intrusion and formalising of the terraced area that is presently landscaped and the associated raised elements above. However, the Officer considers that the heritage statement fails to recognise other harmful factors.
74. It is considered that the architectural response to the sites constrains as part of the original permission left this land intentionally undeveloped following the clearing of intrusive built interventions. It is advised that this was to enhance the spaces around the original hospital building, allowing it to breath, and to create a courtyard landscape foreground setting. It is considered that the proposal would compromise the original architectural design intent in this regard and would draw the contemporary and historic built form closer together.
75. Furthermore, part of the aesthetic qualities of the site relates to the retained mature and informal landscaping of the main buildings grounds that link to adjacent green spaces. It is considered that the proposal would result in the loss on one such area to the detriment of the sites aesthetic quality.
76. It is noted that the heritage statement identifies that the level of harm arising overall to significance of the NDHA by the development proposal within its setting will be "less than substantial" and the Officer considers that an accurate summary.
77. It is noted that the heritage statement identifies that the impact on the Conservation Area (Defined in the NPPF and HE guidance as a designated Heritage Asset) is likely to sustain significance because there is no perceptible change that would be great enough to affect its character and appearance. However, it is considered that this purely places the emphasis on views. By virtue of harm being identified to the immediate foreground setting of a high value NDHA (A component part of the

Conservation Area) that contributes very positively to the significance of the CA, by default that significance would be neither sustained or enhanced if it is subjected to harm.

78. It is noted that Policy 44 of the CDP states that “Development is expected to sustain the significance of designated and non-designated heritage assets, including any contribution made by their setting”. It is considered that the development proposal would not result in harm to the setting of the WHS. Whilst there is intervisibility between the site and the WHS there would be no harm on account of the proposals position set back into the site behind the more substantial contemporary accommodation block in the south, the intervening topography, boundary walls, tree coverage, and built development outside the site. The Officer considers that it would not be anticipated to directly affect the significant views towards the WHS attainable from the surrounding public realm. Due to the same intervening factors, it is considered that it would not impact upon any of the WHS Outstanding Universal Values.
79. It is considered that the proposal would relate to new built development within the visual envelope of the grade II* listed Durham Viaduct. It is advised that the Viaduct is a landmark designated heritage asset within the city that affords significant views across the townscape towards the WHS from the east coast mainline. Due to the development proposal being contained within the former county hospital site situated behind the south accommodation block of greater scale, and due to being two storied sunk into the embankment, the Officer considers it is unlikely to form such a prominent or noticeable feature within local, medium and long distance views towards the Viaduct.
80. In views from the Viaduct, the Officer anticipates that the development proposal would be assimilated into the site without harming views out across the townscape as it would be low scaled and glimpsed in relation to the existing contemporary accommodation blocks. Due to being sunk into the ground it is considered that it would be unlikely to detract visually from the experience of the original hospital building in views from the railway.
81. It is considered that the above neutral impact within the setting of the WHS and Viaduct is demonstrated within the landscape and visual impact assessment document submitted
82. In conclusion, as the overall assessment is one of “less than substantial harm” when considered in the context of the NPPF Section 16 it is advise that this harm needs to be weighed against the public benefits of the proposal.
83. *Ecology* – Have no objection. It is advised that the BNG report and management plan are fine. It is noted that Monitoring is proposed with reporting to DCC and it is recommended that this be made subject of condition. The BNG of +1.13 habitat units and +0.02 units proposed is considered acceptable.
84. *Archaeology* – Note that the property is situated in an area which has the potential to contain archaeological remains. However, given the extent of previous development in the immediate vicinity, monitoring of the groundworks by means of a Watching Brief arrangement with provision for stoppage to record any archaeological remains would be sufficient and conditions are recommended in relation to both of these works.
85. *Landscape Officer* – Agrees with the findings of the Landscape and Visual Statement. While there would be some change to the character of the internal

landscape spaces - notably a change from an open informal grassed slope to a more formal terrace - the Officer considers that the proposals would be well integrated with, and in keeping with the character of, the wider Rushford Court development. The change in character would not generally be appreciated in views from outside of the site and the effect on the wider townscape would not be significant. The Officer advises that the landscape proposals are well considered, and it is considered that the reconfigured open space would have greater value for active use as amenity open space.

86. *Environmental Health and Consumer Protection (Air Quality)* – No objection but request conditions in relation to the development and implementation of a Dust Management Plan (DMP) within a Construction Management, which may include measures to control other emissions prior to commencement of any works and agreement of dust deposition, dust flux, or real-time PM10 continuous monitoring locations with baseline monitoring at least three months before work commences on site.
87. *Environmental Health and Consumer Protection (Contaminated Land)* – Note that the Phase 1 has identified the need for further site investigation. Given this, it is advised that standard conditions in relation to further site investigations, and if necessary, a remediation strategy and remediation works and verification to be undertaken should apply as should an informative in relation to unforeseen contamination.
88. *Environmental Health and Consumer Protection (Nuisance)* – Officers advise that as the proposed development is located on an halls of residence site it is envisaged relevant impacts will be within reasonable parameters given the character of the area. The Officer is not aware of any matters concerning the premises. It is advised that this would indicate that the development will not lead to an adverse impact providing relevant good practice and guidance is complied with.
89. It is considered that the information submitted demonstrates that the application complies with the thresholds stated within the TANS and that this would indicate that the development will not lead to an adverse impact. The Officer is satisfied, based on the information submitted with the application, that the development is unlikely to cause a statutory nuisance.

PUBLIC RESPONSES:

90. A total of 108 letters of consultation were sent out to surrounding residents and a site notice posted and the application was advertised in the Northern Echo. This has resulted in 1 letter of objection from a local resident. The concerns of the local resident are summarised as follows:
 - This is a change of use as it involves changing the site into a full college for the university which has wider impacts that stated as it is not limited to in-house residents.
 - There will be damage to the green space within the site.
 - There will be an increase in noise and disturbance to the adjacent residential area.
 - The previous planning permission was granted on the basis that it included green areas like this.
 - There will be more foot traffic over wider hours from the new uses on site.
 - The expansion of the University into the core of the city is causing damage to the city.

- There were significant objections to the initial development and this development should be assessed alongside this new development.

91. *The City of Durham Trust* – Have no comments to make on the proposed additions but advise that they welcome the conversion to a full college to help the University retain its reputation as a collegiate university and as it provides affordable and attractive accommodation to students that would help relieve the pressure on the city's stock of family homes.

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

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

APPLICANTS STATEMENT

92. This application will enhance the existing student residential accommodation in order to create an integrated and high-quality communal college facility, serving as Durham University's 18th College. The proposal meets the appropriate criteria set out within policy 16 of the County Durham Plan and will create a new, high-quality amenity hub that will complement the existing site, known in other Colleges as the 'Heart' building, with no additional student bedspaces proposed. Existing amenity space on the Site does not provide the facilities required by the University in order to operate the Site as a College, and thus the proposals are essential in delivering a new College. Notably, the proposal will reduce the need for other land in the city to be developed for such a new College, thus making efficient use of the land and reducing pressure on land and housing supply. Being a conversion, the proposal will also facilitate the early delivery of a new College and, as detailed within the letter of support from the University, will in turn allow the regeneration of existing Colleges via 'decanting'.
93. In accordance with policy 29, 31 and 39 of the County Durham Plan, as well as part 2.F and 2.G of policy 16, the proposal has been designed to sit within the existing levels so as to minimise the visibility of the new building from outside the Site itself and avoid adverse landscape or visual impacts. Roof landscaping and various proposed planting will further screen the development whilst also introducing outdoor amenity space with improved usability. The new building is 'tiered' so as to mimic the existing outlook, will have no adverse daylight or sunlight impact against the existing situation and incorporates measures to preserve privacy and amenity of residents. Durham University, the end users of the development, have confirmed their support for the proposals and specifically their support for the proposed layout. They have confirmed that this is in keeping with other Colleges and that the College 'Heart' is required to be at the centre of the site, close to College residents.
94. In terms of heritage, the Applicant has identified a very low level of harm to the existing Harding building, a non-designated Heritage Asset. In accordance with policy 44 and paragraph 203 of the NPPF, this harm is required to be considered in the context of a 'balanced judgement' having regard to the scale of harm and the significance of the asset. Whilst not the Applicant's position, it is noted that were any level of harm to be identified to the Conservation Area, a designated Heritage Asset, then this harm would need to be weighed against the public benefits of the proposal in accordance with paragraph 202 of the NPPF.
95. In line with other Colleges, the development will open up the Site to the public and the front entrance gates will be removed. As per other Colleges, this will facilitate members of the local community playing an active role in College life through

involvement with Senior Common Rooms (SCR), mentoring, entrepreneurship, and community support. Outside of term time the College will work with its resident neighbours to enable use of the facilities for non-University members. Other public benefits include the wide economic benefits associated with supporting the University and some enhancement of the existing heritage assets by way of reinstatement of the original Harding Building entrance and removal of the entrance gates. The Applicant considers that the planning and public benefits arising as a result of the development would outweigh any harm identified to either the non-designated or designated heritage asset.

96. The proposal is considered to comply with relevant policies in respect of amenity, sustainability, transport and biodiversity and considered compliant with local and national planning policy as a whole. The proposed development is vital in enabling the University to deliver on their goal of housing students within University accommodation and will provide numerous benefits. Your support for the application is respectfully requested on this basis.

PLANNING CONSIDERATIONS AND ASSESSMENT

97. 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, heritage impacts, design considerations, amenity considerations, ecology, sustainable transport and highways design, planning for climate change, need, regeneration objectives and impacts on retail, employment, leisure, tourism and housing, accessibility, security, landscaping and green infrastructure, land stability, contamination and mineral safeguarding, flood risk and drainage, brownfield land, other issues and public sector equality duty.

The Principle of the Development

98. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP) and the Durham City Neighbourhood Plan (DCNP) are the statutory development plan relevant to this proposal and are the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035. The DCNP was adopted in 2021.
99. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means:
- c) approving development proposals that accord with an up-to-date development plan without delay; or
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or,
- ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

100. The Council has an up-to-date development plan. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up-to-date development plan without delay (Paragraph 11 c). Accordingly, Paragraph 11(d) of the NPPF is not engaged.

101. The site is not allocated under the CDP and as a result CDP Policy 6 is one of the main determining policies. Policy 6 states proposals will be permitted within or adjacent to the built-up area provided that they are well related to the settlement and accord with all relevant development plan policies and:

- a. is compatible with, and is not prejudicial to, any existing, allocated or permitted use of adjacent land;
- b. does not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development;
- c. does not result in the loss of open land that has recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigated or compensated for;
- d. is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of, the settlement;
- e. will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity;
- f. has good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement;
- g. does not result in the loss of a settlement's or neighbourhood's valued facilities services unless it has been demonstrated that they are no longer viable; or
- h. minimises vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding;
- i. where relevant, makes as much use as possible of previously developed (brownfield)land; and
- j. where appropriate, it reflects priorities for urban regeneration

102. Criteria b) and g) are not considered relevant to this application. The development of the application site for the proposed use would gain some support in respect of criteria f), i) and j) and would be neutral in terms of criteria e) and h) but there would be some minor conflict with criteria a), c) and d) of Policy 6 and would therefore not gain full support in principle from this Policy. Detailed consideration of the scheme against the relevant criterion (a – j) of the Policy will occur in later sections of this report.

103. Whilst the proposal is not led by the University, they have confirmed their support for the proposal as it would enable the creation of an 18th College to add to the current family of existing colleges and have confirmed that the University has developed the proposals in partnership with Unite who will remain the operator of the building once established as a University College. This being the case it is considered that both parts 1 (Durham University Development) and 2 (Purpose Built Student

Accommodation) of Policy 16 of the CDP are applicable to this proposal. This Policy sets out criteria that new facilities will need to meet a-h and a-i respectively. In respect of this Policy the amended proposed development would generally accord with most criteria with some minor conflict in terms of failure to enhance the conservation area, part 1 criteria c.

104. In summary it is considered that the development of the application site would generally accord with CDP Policy 6 and 16 as the proposal has economic, social and environmental benefits, is compatible with neighbouring development, is sustainably located and acceptable in terms of highway safety and other technical matters which on balance outweighs the limited heritage harm and negative impact to the design and visual amenity of the overall site. The reasoning behind this judgement is set out in the consideration of the scheme against the relevant criterion of the Policy in later sections of this report and other principle policies relevant to determination of this application and other development management policies and sections of the NPPF that are also relevant.

Heritage impacts

105. The proposed development site is highly sensitive in heritage terms. The former County Hospital building today called "Rushford Court" is identified as a non-designated heritage asset (NDHA) and it is located within Durham (City Centre) Conservation Area (CA) and The CA encompasses the medieval core of the city that includes the Cathedral and Castle World Heritage Site (WHS). The site is within the setting of the WHS and numerous other designated heritage assets in the form of listed buildings.
106. The site occupies a prominent position on a highly visible corner at the north end of the commercial part of North Road. To the north of the site, it is noted are late C19 and some early C20 terraced houses rising steeply up Western Hill. To the northeast there is the elevated Victorian public part of Wharton Park on the opposite side of North Road. To the northwest there is the local nature reserve of Flass Vale, with Kingsgate Lodge and new housing on the site of the former bus depot at the Vale's entrance. To the south is Sutton Street with the 1855 Grade II* Listed Viaduct beyond and Victorian housing beneath and to the southwest is Waddington Street containing the United Reform Church and further Victorian terraced housing.
107. The impacts upon all of the above will be a primary consideration.
108. Criteria c) of CDP Policy 6 requires development to not result in the loss of open land that has heritage value or contributes to the character of the locality and criteria d) requires development to be appropriate in terms of scale, design, layout and location to the character, function, form and setting of the settlement. In respect of policy 16 Criteria a) requires new University facilities to respect the character and setting of the area, criteria b) requires there to be no unacceptable impacts on the Durham Castle and Cathedral World Heritage Site or its setting and requires opportunities to be taken to enhance and better reveal its significance. Criteria c) requires development to sustain and enhance the significance of designated heritage assets, including the conservation area, including their setting and where appropriate and to better reveal their significance. This criteria also states that any harm to the setting and/or significance of designated or non-designated heritage assets will not be supported unless the harm is outweighed by the public benefit.
109. Policy 45 of the CDP requires proposals to sustain and enhance the significance of the Durham Castle and Cathedral World Heritage Site, be based on an understanding of the outstanding universal value of the WHS with regard to the

adopted World Heritage Site Management Plan (WHSMP) and Statement of Outstanding Universal Value and protect and enhance the Outstanding Universal Value, the immediate and wider setting, and important views across, out of and into the site. It advises that development that would result in harm to the WHS or its setting will not be permitted other than in wholly exceptional circumstances.

110. Policy H1 of the City of Durham Neighbourhood Plan follows the thrust of the above policy but also requires opportunities to be taken to open up lost views and create new views and vistas of the WHS.
111. Policy 44 of the CDP expects development to sustain the significance of designated and non-designated heritage assets, including any contribution made by their setting. It requires development proposals to contribute positively to the built and historic environment and should seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets whilst improving access where appropriate. It also advises that great weight will be given to the conservation of all designated assets and their settings and advises that such assets should be conserved in a manner appropriate to their significance, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Development which leads to less than substantial harm to a designated heritage asset will be weighed against the public benefits of the proposal. Development which leads to substantial harm to, or total loss of, the significance of a designated heritage asset will only be acceptable where it can be demonstrated that it is necessary to achieve substantial public benefits that outweigh that harm or loss, or where number of criteria set out in the policy all apply.
112. In respect of listed buildings Policy 44 advises that development should respect the historic form, setting, fabric, materials, detailing, and, any other aspects including curtilage, which contribute to the significance of the building or structure and should retain the character and special interests of buildings when considering alternative viable uses.
113. In respect of conservation areas Policy 44 requires the demonstration of understanding of the significance, character, appearance and setting of the conservation area and how this has informed proposals to achieve high quality sustainable development, which is respectful of historic interest, local distinctiveness and the conservation or enhancement of the asset; and that regard is given to the manner in which the proposal responds positively to the findings and recommendations of conservation area character appraisals and management proposals; and respects and reinforces the established, positive characteristics of the area in terms of appropriate design (including pattern, layout, density, massing, features, height, form, materials and detailing).
114. Policy H2 of the City of Durham Neighbourhood Plan follows the general thrust of the above policy albeit with some more details and specific design criteria a-l.
115. The above policies are in conformity with and reflect Paragraphs 199-207 of the NPPF which covers how to consider potential impacts on heritage assets.
116. Policy G1 of the City of Durham Neighbourhood Plan seeks to avoid the loss of existing green assets with significant heritage value.
117. In addition to the above policies, in assessing the proposed development regard must be had to the statutory duty imposed on the Local Planning Authority under the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character and appearance of a

conservation area. In addition, the Planning (Listed Buildings and Conservation Areas) Act 1990 also imposes a statutory duty that, when considering whether to grant planning permission for a development which affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. If harm is found any such harm must be given considerable importance and weight by the decision-maker.

118. In respect of impacts to the World Heritage Site It is considered that the development proposal would not result in harm to the setting of the WHS. Whilst there is intervisibility between the site and the WHS there would be no harm on account of the proposals position set back into the site behind the more substantial contemporary accommodation block in the south, the intervening topography, boundary walls, tree coverage, and built development outside the site. The proposed building would not be anticipated to directly affect the significant views towards the WHS attainable from the surrounding public realm. Due to the same intervening factors, it is considered that it would not impact upon any of the WHS Outstanding Universal Values.
119. With regards to Listed Buildings, it is considered that the proposal would relate to new built development within the visual envelope of the Grade II* Listed Durham Viaduct. The Viaduct is a landmark designated heritage asset within the city that affords significant views across the townscape towards the WHS from the east coast mainline. Due to the development proposal being contained within the former county hospital site situated behind the south accommodation block of greater scale, and due to being two storied sunk into the embankment, it is considered unlikely to form such a prominent or noticeable feature within local, medium and long distance views towards the Viaduct.
120. In views from the Viaduct, it is anticipated that that the development proposal would be assimilated into the site without harming views out across the townscape as it would be low scaled and glimpsed in relation to the existing contemporary accommodation blocks. Due to being sunk into the ground it is considered that it would be unlikely to detract visually from the experience of the original hospital building in views from the railway. Whilst the site falls within the 200-500m of many listed buildings, it is not considered that they require detailed assessment.
121. As the non-designated heritage of Rushford Court is within the setting of the conservation area it is necessary to assess the impacts upon the significance of this asset first to enable an assessment on the wider designated asset. The site is historically significant in representing one of the first developments along this key route out of the town as well as illustrating a key phase of development of health care provisions within the city.
122. The site is also considered to have aesthetic qualities resulting from the architectural style of the original hospital building and the mature landscaping of its grounds. The historic stone walls around the perimeter of the site and the stone retaining and terraced walls within the site are also considered of significance. It is considered that the siting and orientation of the original hospital building was seemingly designed to create a domestic villa character on the edge of the expanding town both for the well being of patients and to increase the profile of the hospital which was at the time reliant on fundraising.
123. In terms of the impact of the Hub building on Heritage Significance & Design Related Matters, it is considered that there would be no impact on the significance (physical fabric) of the NDHA, but there would be an impact upon its setting that contributes to

its significance. It is noted that the heritage statement summarises that the effect of the development proposal on setting would result in some harm and that this would be caused by the building's intrusion and formalising of the terraced area that is presently landscaped, and the associated raised elements above. However, Conservation Officers consider that there are additional harmful factors.

124. It is considered that the architectural response to the sites constrains as part of the original permission left this land intentionally undeveloped following the clearing of intrusive built interventions. It is advised that this was to enhance the spaces around the original hospital building, allowing it to breath, and to create a courtyard landscape foreground setting. It is considered that the proposal would compromise the original architectural design intent in this regard and would draw the contemporary and historic built form closer together.
125. Furthermore, part of the aesthetic qualities of the site relates to the retained mature and informal landscaping of the main buildings grounds that link to adjacent green spaces. It is considered that the proposal would result in the loss on one such area to the detriment of the sites aesthetic quality.
126. The applicant has proposed the reinstatement of the original Harding Building entrance which would enhance this element. The applicants also propose the installation of interpretation panels around the site to detail the history of the site, the Harding building, the site's historical context and the former function of the Harding Building. Whilst this would allow for a better understanding of the heritage asset, Officers do not consider such a measure necessary in the digital age. These measures must be considered against the fact that the Hub building development itself presents some harm to the setting of the NDHA.
127. The site is of some archaeological interest, however given the previous development at the site there is limited potential for archaeological remains, nonetheless should planning permission be granted conditions can ensure pre-development evaluation of areas where the new build would take place, and mitigation measures put in place should they be necessary.
128. It is noted that the heritage statement identifies that the level of harm arising overall to significance of the NDHA by the development proposal within its setting will be "less than substantial" and Officers consider that an accurate summary.
129. Turning to the designated asset of the Conservation area, the significance is described as being the drama of the Viaduct, the railway line and the two and three storied historic terraced built form which due to the topography of the area produces a stepped roofline. In contrast the Conservation Area appraisal notes that it is considered the County Hospital site is of a distinct different character, set back from the roadside and elevated fronting onto North Road and Sutton Street where its Elizabethan frontage is identified in the appraisal as a key historic landmark and focal point of high architectural value. Furthermore, it is pointed out that the appraisal recognises the aesthetic qualities and importance of the landscaped grounds which link to the adjacent green spaces at Flass Vale and Wharton Park. It is considered that the buildings significance has been enhanced by the previous permission by removing the later incongruous additions that have better revealed the significance of the original hospital building in its plot and secured its full restoration. It is advised that the combination of the above contribute very positively to the character and appearance of the surrounding CA.
130. It is noted that the heritage statement identifies that the impact on the Conservation Area (Defined in the NPPF and HE guidance as a designated Heritage Asset) is

likely to sustain significance because there is no perceptible change that would be great enough to affect its character and appearance. However, it is considered that this purely places the emphasis on views. By virtue of harm being identified to the immediate foreground setting of a high value NDHA (A component part of the Conservation Area) that contributes very positively to the significance of the CA, by default that significance would be neither sustained or enhanced if it is subjected to harm, albeit very minor harm.

131. In conclusion, there is some conflict with Policy 44 of the CDP, Policy 16 part 1 criteria c) and Part 16 of the NPPF as the proposal fails to sustain or enhance the significance of the conservation area and the setting of a non-designated heritage asset or better reveal the significance. As the overall assessment is one of “less than substantial harm” when considered in the context of paragraph 202 of Part 16 of the NPPF and Policy 44 of the CDP it is advised that this harm needs to be weighed against the public benefits of the proposal.
132. National Planning Practice Guidance describes public benefits as being anything that delivers economic, social or environmental objectives of the NPPF. Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit.
133. In terms of public economic benefits, the CDP recognises that Durham University is a major asset to the city, shaping the built environment, contributing to the cultural and heritage offer, developing highly skilled individuals as well being a major employer and a purchaser of local goods and services. The University is also renowned for its research departments and facilitates business and industrial research, including at NETPark, the North East’s only science park. In this context, there are clear positive economic benefits in supporting University related development.
134. There would be some limited public benefits from the reinstatement of the original entrance to the Harding building as these would enhance the significance of this non designated heritage asset. As the development would enable the site to become part of the University College this will establish a stronger sense of place for this area of Durham which is another positive environmental benefit. Following further discussions around improving the heritage aspects of the scheme the applicants have now also agreed to remove the security gates at the front of the site and visible from the public realm of the conservation area, this is also now an added benefit.
135. The applicant originally made the case that there would be social public benefits as the proposal would maintain modern student life and social activities which would help to support well being and health among the students. However, the NPPF advises that public benefits should be of a nature or scale to be of benefit to the public at large and not just a private benefit. To address concerns over the lack of public benefits the applicant also now propose to open the grounds to the public and detail that the college would have a Senior Common Room community which includes members of the local community who can mentor students and use the college for events and functions. It is also now detailed that the facilities would be available for booking by non-residents for meetings, conferences etc outside of term times. It is also detailed that the University colleges often invite the wider public for events and support mentoring, entrepreneurship and community support opportunities which would bring wider social public benefits.
136. It is also detailed that the proposal would allow the temporary re-location of the existing college of St Hild and Bede, which in turn would allow this existing college to be re-furnished and re-developed in line with the Durham University Strategy. This is

part of the wider plan to increase student numbers and to better consolidate academic disciplines in distinct geographical ones to ease pedestrian congestion and reduce travel distances and frequency of transit. This is an environmental benefit.

137. Whilst the applicant make the case that the proposal will allow for the 'decanting' of students from the College of St Hild and Bede so that essential works can take place to improve facilities and bed provision at these historic colleges as proposals are not under consideration formally this can carry neither positive or negative weight in terms of public benefits assessment.
138. The applicant also advises that another public benefit of the proposal would be that it would reduce the need for other land in the city to be developed for this purpose. However, this carries little weight as without knowing other potential sites and schemes as Officers cannot be sure that these would be less preferable in policy terms that the scheme under consideration.
139. Another public benefit detailed by the applicant is that the conversion would allow the university to stay ahead of its growth forecast and avoid family housing being lost to use as HMO's however the Local Authority has control over such changes of use by way of Article 4 Directions which have removed permitted development rights for change of use from C3 to C4 for Durham City, Framwellgate Moor, Newton Hall and Pity Me and such applications would need to meet the criteria of Policy 16 of the CDP. This stated public benefit therefore carries little positive weight.
140. In this instance, Officers accept that there are economic, environmental and social benefits associated with the development and whilst it is considered that the proposal is finely balanced in this respect it is considered that these benefits just tip the balance positively to outweigh the less than substantial harm to the setting of the NDHA and the designated asset of the conservation area the proposal is therefore acceptable in accordance with Policy 44 of the CDP and Part 16 of the NPPF and the balancing exercise provides justification for overriding the presumption in favour of preservation contained within this local and national policy and DCNP Policy H2. There would be some conflict with CDP Policy 6 and 16 and DCNP Policy G1 as the proposal results in the loss of open land that has heritage value which contributes to the character of the locality this conflict is accepted when weighed in the overall planning balance.
141. The above balancing exercise and regard to material planning considerations satisfies the statutory duties under the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character and appearance of a conservation area and to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest that they possess.

Design Considerations

142. In more general design terms, CDP Policy 16 requires the design and layout of uses within developments such as this to be appropriate to the location and of an appropriate standard. Policy 29 of the CDP requires all development proposals to achieve well designed buildings having regard to supplementary planning documents and other local guidance documents where relevant, and contribute positively to an area's character, identity and landscape features, helping to create and reinforce locally distinctive communities. Similar sustainable design guidance is provided through DCNP Policy S1.

143. Section 12, Paragraph 130 of the NPPF requires developments to add to the overall quality of an area, be visually attractive, be sympathetic to the local character and history, establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming, and distinctive places to live, work and visit.
144. There are no concerns in respect of the standard of the facilities proposed within the hub building or the materials being proposed which can be controlled by condition. The development would facilitate the site to become a college which will establish a stronger sense of place. In respect of scale, mass and form it is appreciated that this is difficult and tightly constrained site to develop. The design has evolved positively from its initial concept but will nonetheless result in substantial changes to the overall site reducing spaces around the original hospital building and altering the courtyard landscape foreground setting. It is considered that the proposal would compromise the original architectural design intent in this regard and would draw the contemporary and historic built form closer together.
145. Furthermore, part of the aesthetic qualities of the site relates to the retained mature and informal landscaping of the main buildings grounds that link to adjacent green spaces. It is considered that the proposal would result in the loss on one such area to the detriment of the sites aesthetic quality to the main landscape feature on the site. Whilst the new building is well screened from outside of the site, from within the site the proposal has a negative cumulative impact on the overall visual amenity of site and presents as overdevelopment which fails to be sympathetic to the site and character of the area. There is therefore considered to be some conflict with CDP Policies 16 and 29, DCNP Policies S1, H2 and Part 12 of the NPPF in more general design terms.

Amenity Considerations

146. Policy 16 of the CDP requires the activities of the occupiers of the development to not have an unacceptable impact upon the amenity of surrounding residents in itself or when considered alongside existing student housing. Policy 29 of the CDP requires proposals to provide high standards of amenity and privacy and minimise the impact of development upon the occupants of existing adjacent and nearby properties. Policy 31 of the CDP requires development to have no unacceptable impact on living conditions. It advises that proposals which will have an unacceptable impact, such as through noise, will not be permitted unless satisfactory mitigation measures can be demonstrated.
147. Policy S1 of the DCNP provides similar advice to ensure that any impacts upon neighbouring occupiers or impacts of pollution are acceptable.
148. Paragraph 130 (f) of the NPPF requires developments to have a high standard of amenity. Paragraph 185 of the NPPF requires new development to be appropriate to its location taking into account the likely effect of pollution on health, living conditions and the sensitivity of the area. The framework requires development to mitigate and reduce to a minimum potential adverse impact resulting from noise from new development and to avoid noise giving rise to significant adverse impacts on health and quality of life.
149. The proposed hub building which would include a café/bar is very close to Student accommodation on site and the site itself is close to residential properties. Concerns have been raised by a local resident in relation to noise and disturbance particularly at later hours. It is noted that the current small Hub Building on site is restricted to

0900-2200 and originally the applicant proposed the new Hub to be open similar times to other college bars which close between 11pm and midnight.

150. The submitted noise assessment has considered the potential for noise from the bar and recommends limits at which levels amplified music can be played subject to which glazing specification is installed and that a Noise Management Plan be produced to outline how the noise levels will be controlled and what steps will be taken to address any complaints from any nearby residents. In relation to fixed plant and machinery the report recommends threshold values for any fixed plant. The applicants are agreeable to conditions in relation to these matters and the Environmental Health and Consumer Protection (Nuisance) Officer is satisfied with the recommendations given the character of the site. Given the part of the building which houses the bar is further away from private residences than the current Hub an extension of hours is accepted, however given the close proximity to student accommodation it is considered that opening hours for the new building should cease at 11pm Mon-Sat and 10.30pm on Sundays. Issues such as Anti-Social Behaviour can be controlled with an updated Management Plan. Given the location of the new facilities building set within the site and surrounded by existing buildings it is not considered that there would be other impacts to existing residential amenity from the proposed development.
151. With respect to air pollution, due to the proximity of sensitive receptors it is considered that dust control and monitoring measures would be required during the construction phase to be set out within a Construction Management Plan, this can be ensured by way of planning condition. The Environmental Health and Consumer Protection (Air quality) Officer raises no objection subject to this condition.
152. In terms of privacy, the development is close to and has public areas which would allow views across and downwards into student accommodation within which students reside. Whilst purpose built student accommodation does not fall within the residential planning use class it is nonetheless a place where people reside and therefore Policies 16 and 29 of the CDP requires the activities of the occupiers of the development to not have an unacceptable impact upon amenity when considered alongside existing student housing. The development incorporates two terraces, one at roof level 11m distant from bedroom windows, one at first floor level at 6.5m distance from bedroom windows. The hub has windows from communal facilities and security offices that would look across and down into bedrooms from 10.4m distant. At ground floor there are further windows from the café/bar and communal areas that look across to the student accommodation bedrooms opposite at only 6.2m distant.
153. These design aspects raised serious concerns over privacy to students with secondary concerns in terms of the light and outlook afforded the student bedrooms. Whilst the pathway in front of the student accommodation block and the grassed slope both already allow for views into the bedrooms currently the proposal would see an intensification of people and time spent congregating in the area with consequential greater privacy impacts.
154. To address the privacy aspect the applicants have amended the proposal and are now proposing to install full-height reflective vinyls to all of the courtyard facing windows of Block A and all the western and eastern facing windows of Block A and to the ground, first, second and third floor east facing windows of Block B. These vinyls would allow students to see out of their bedroom windows but prevents any views into the bedrooms. Whilst this would resolve the privacy issue and can be ensured via condition in design terms this is a retrograde step for these two buildings as it moves away from the original design concept.

155. In terms of light and outlook, the Hubsite is located to the rear of the 2 storey student accommodation property which at a lower level than the former Hospital Building. The student accommodation is accessed at ground level using stairwells on the west side. To the east of the student accommodation block there is a high retaining wall and to the west there is the second student accommodation building (block B/C). The change in levels in conjunction with the proximity of large structures at each side already gives the rear of the student accommodation block A an enclosed and somewhat subterranean character.
156. As detailed above, the proposed two storey Hub building would be built in close proximity to the student accommodation block and therefore concerns were raised with the applicants that the proposal would significantly worsen the light and outlook for ground, first and second residents on the rear of Student block A.
157. It is noted that the grassed slope currently raises up from a point closer to the bedrooms than that the proposed two storey building however the proposed building increases in height less gradually than the sloping land and therefore would have a greater impact on light than the current slope. Residents outlook would change from that of a gabion wall and grassed slope to an active urban frontage and roofscape. To address these issues the applicants have undertaken a daylight and sunlight assessment which details that acceptable levels of daylight would be achieved in 98% of the rooms within the student blocks and where they are not achieved there would be a low level impact only. Furthermore, the BRE guidelines for both annual and winter sun levels would be achieved. In terms of outlook the applicants have supplied visuals to detail the relationship between the two properties and Officers are satisfied that the new Hub building would not have a significantly greater overbearing impact on the student population on the rear ground floor than that currently experienced and would be more visually appealing in some respects. The first floor rear bedroom occupiers would lose an outlook to a green landscaped area however this would be replaced with an active terrace with some landscaping and an interesting building form. Those at second floor level would experience a change to a more urban view with roof paraphernalia, but the impacts are not significant given that this roof area is to be landscaped.
158. Bearing the above information in mind, it is considered that whilst the proposal is of a lesser standard of privacy than what we would accept for residential properties a lesser standard can be accepted in this instance given transient nature of the accommodation, the mitigation proposed in the form of vinyl screening, given the minimal differences in terms of daylight and sunlight and given the proposed building would not be an overbearing inactive urban form. It is therefore considered that there would not be unacceptable impacts on the living conditions of the student residents. On this basis it is considered that the proposed development complies with CDP Policies 16, 29 and 31, Policy S1 of the DCNP and Paragraph 130 of the NPPF in that respect.

Ecology

159. CDP Policy 16 and Policy 41 both requires development to not significantly harm ecology and biodiversity and policy 41 seeks to minimise impacts to biodiversity and provide net gains for biodiversity. Similarly, DCNP Policy S1 seeks to protect and enhance the biodiversity and geodiversity of the neighbourhood plan area. Section 15 of the NPPF similarly seeks to minimise impacts and provide net gains for biodiversity.
160. The proposal would result in the loss of 0.052ha of modified grassland. To compensate for this the application proposes landscaping including new native

hedgerow and the enhancement of woodland habitat on the site. The application is supported by a Biodiversity Net Gain report and a Biodiversity Management and Monitoring Plan which details a positive 21.6% total net increase in Habitat Units and a positive 14.47% increase in Hedgerow Units. The Ecologist is satisfied that subject to these measures being conditioned appropriate BNG would be achieved for the site. As a result, the proposals are considered to accord with Policy 41 of the CDP, Policy S1 of the DCNP and Section 15 of the NPPF.

Sustainable Transport and Highways design

161. Policy 16 of the CDP requires that when considering University development consideration be given to the movement of staff and students around the city and that measures be provided to mitigate impacts where necessary. This policy also requires cycle and parking spaces and electric vehicles charging points to be provided in accordance with the County Durham Parking and Accessibility Supplementary Planning Document (SPD). Policy 21 of the CDP requires all development to deliver sustainable transport by amongst other less relevant criteria ensuring that any vehicular traffic generated by new development can be safely accommodated and ensuring development has regard to Parking and Accessibility Supplementary Planning Documents. Policy 22 of the CDP addresses Durham City Sustainable Transport and seeks to manage demand and transport improvements so as to reduce the dominance and impact of vehicles.
162. Paragraph 110 of the NPPF advises that development has opportunities to promote sustainable transport modes, that a safe and suitable access to the site can be achieved for all users, that the design and parking meet national guidance and that that any impact upon the network can be mitigated. Paragraph 112 requires developments to incorporate pedestrian and cycle priority, address the needs of people with disabilities and reduce mobility, create places that are safe, secure and attractive, all for service and emergency vehicles access and to enable charging of plug in and other ultra-low emission vehicles.
163. Policy T1 of the DCNP requires development proposals to be supported by evidence of how they contribute to sustainable transport accessibility and design where appropriate. It requires approach routes and access within the site to be accessible. It requires adverse transport impacts to be avoided where practicable or mitigated. It requires alterations to existing roads to have good permeability and connections, traffic calming measures and a high-quality public realm.
164. The application is supported by a Transport Statement which concludes that the proposed development accords with highway access design recommendations and sustainable values. The proposal would better consolidate academic disciplines in distinct geographical ones to ease pedestrian congestion and reduce travel distances and frequency of transit which is a positive. Given that the proposed new Hub is an ancillary use and would not involve an increase in bedrooms the Highways Officer is satisfied that the proposal would not result in an increase in traffic or a need for additional or new types of parking such as ELV chargepoints on the site.
165. The site has a secure vehicle and pedestrian access currently along with parking areas, footways and a cycle store none of which are proposed to be altered. The site is in an accessible location and is well located to make use of the existing public transport links and pedestrian /cycle routes in Durham City. The proposed Hub building would still allow pedestrian access through the site and would not impact on cycle accessibility. The proposed Hub building includes a lift to address the needs of people with disabilities and reduced mobility.

166. Bearing the above in mind it is considered that the proposal would accord with Policies 16, 21 and 22 of the CDP, Policy T1 of the DCNP and Part 9 of the NPPF and Policy T1 of the DCNP.

Planning For climate change

167. Policy 16 requires proposals to exploit sustainable energy opportunities, including the delivery of district heating where possible. Policy 29 of the CDP requires all development proposals to minimise greenhouse gas emissions, by seeking to achieve zero carbon buildings, minimise the use of non-renewable and unsustainable resources. Similarly, amongst its advice, DCNP Policy S1 seeks to ensure that development utilises energy efficiently, minimising consumption and carbon emissions. The policy also requires all major non-residential development to achieve Building Research Establishment Environmental Assessment Method (BREEAM) minimum rating of 'very good'. Paragraph 157 of the NPPF requires development to take account of landform, layout, building orientation, massing, and landscaping to minimise energy consumption.
168. Although not a zero-carbon building or a building targeting a BREEAM rating this is a low carbon building under 1000sq m with air source heat pumps for cooling and heating and energy to be generated for new solar panels on the surrounding accommodation buildings. The submitted Sustainability and Energy Assessment details that the site will achieve a 2.13% CO₂ saving beyond the building regulation requirements. It forms part of a wider site of larger buildings that achieve 'very good' and 'excellent' BREEAM ratings. The proposal is therefore considered to perform acceptably in relation to the aforementioned policy guidance.

Need

169. Policy 16 of the CDP requires extensions to PBSA to evidence that there is a need for additional student accommodation of this type in this location and to provide evidence from the education provider in this respect.
170. This application details that further colleges within the Durham City Centre are required to enable to expansion of the University and to consolidate colleges in particular areas. Currently Rushford Court is lacking in modern amenity facilities expected by students on site and available at current colleges therefore it is accepted that there is a need for the Hub extension on site to create an integrated and high-quality communal college facility.
171. It is noted that the developer has had engagement with Durham University officials throughout the development of this application. The University operated a community consultation event in conjunction with Unite and the University has developed the application proposals in partnership with Unite. A letter of support from the University supports this application evidencing the university support for the proposed development. The need for the development is therefore accepted in accordance with CDP Policy 16.

Regeneration objectives and impacts on retail, employment, leisure, tourism and housing

172. Policy 16 of the CDP requires development to not result in a significant negative impact on retail, employment, leisure, tourism, housing or the council's regeneration objectives
173. The proposal will enable the early delivery of a new college ensuring the university can stay ahead of their growth forecast and reduce pressure for conversion of family

housing. In respect of regeneration there are positives in respect of ensuring a thriving Durham City, competitive and successful people and ensuring that Durham is a top location for Business, with positive knock on effects to retail, leisure and tourism for the University expansion. The proposal gains support from CDP Policy in this respect.

Accessibility

174. Policy 16 requires new PBSA facilities to be readily accessible to an existing university academic site which this is being approximately 1km on foot to the closest academic buildings in the centre of Durham City Centre and close to a main bus station with routes to the wider university buildings around the city. The proposal therefore accords with Policy 16 in this respect.

Security

175. Policy 16 of the CDP require consideration to be given to security of the building and its occupants along with that of other local residents and legitimate users. It is noted that the upper storey of the proposed amenity hub will comprise of Facilities Management and security offices to the east, overlooking the main site entrance thus providing passive security. This will allow students, deliveries and unscheduled guests to be greeted and monitored as they enter the site. On this basis, the development improves the security of the site and thus the safety of the students living in and passing through the area. The removal of the security gates to improve upon the heritage aspects is accepted in security terms given the surveillance detailed above and as other colleges are similarly open. The proposal therefore meets the security requirements of CDP Policy 16.

Landscaping and Green Infrastructure

176. CDP Policy 29 requires landscaping proposals to respond to topography, existing features, and wildlife habitats. It requires consideration of views of and from the site and that the design reflects any features characteristic of the locality such as boundaries, paving materials, and plant species. It welcomes opportunities for wildlife and in the case of edge of settlement development requires an appropriate level of structural landscaping to screen or assimilate the development into its surroundings and provide an attractive new settlement boundary.

177. The applicant has submitted a landscaping strategy to include structural planting adjacent to the current student block A with ornamental planting in front of the student block and the ground floor of the Hub with ornamental planting on the terrace above and large areas of ornamental and naturalistic planting on the planting on the Hub Roofscape. The details are considered satisfactory, and a condition can ensure their delivery and compliance with Policy 29 of the CDP.

Land Stability, Contamination and Mineral Safeguarding

178. Policy 32 of the CDP restricts development on despoiled, degraded, derelict, contaminated or unstable land unless it can be demonstrated that such issues can be addressed by mitigation measures, the risks are not unacceptable, and all investigations and risk assessments have been undertaken. Section 15 of the NPPF requires Local Planning Authorities to enable the remediation of contaminated land where appropriate. In terms of contamination further site investigations are required however this detail and any identified remediation works required can be ensured via condition. With such a condition the development accords with Policy 32 of the CDP.

179. The site lies within a Coalfield Development Low Risk Area. A Coal Mining Risk Assessment is therefore not required. Should planning permission be granted then it would be necessary to include its Standing Advice within the decision notice as an informative note to the applicant in the interests of public health and safety.
180. As the land is within the curtilage of developed land it is considered previously developed land. Environmental Health and Consumer Protection (Contaminated Land) Officers raise no objection subject to conditions requiring further site investigations.
181. With such conditions and informatives the development would accord with Policy 32 of the CDP.
182. The application site is located within a Mineral Safeguarding Area to which CDP Policy 56 relates. This Policy advises that planning permission will not be granted for non-mineral development that would lead to a sterilisation of mineral resources unless certain criteria apply, or the development is deemed exempt. The applicants have submitted a Minerals Assessment which concludes that there will be no increase in sterilisation of the sand and gravel deposits above what is already present. In addition, it is also considered that the future development will not result in the sterilisation of coal resources beneath the site as the resource remains viable for exploitation from external underground extraction methods. It is also considered it would not be possible to extract and process any of the sand and gravel or sandstone deposits on the site without causing unacceptable levels of noise, dust and traffic to existing residents of the property on the site and within the surrounding areas of the site. Therefore, it is considered the proposed development is compatible with the mineral safeguarding policies.

Flood Risk and Drainage

183. Policy 35 of the CDP requires that all development consider the effect of development on flood risk and ensure there to be no net increase in surface water run-off for the lifetime of the development. Similarly, amongst its advice Part 14 of the NPPF requires Local Planning Authorities to ensure that developments do not result in an increase in flood risk off site.
184. The application site is located within Flood Risk Zone 1 and therefore on land least prone to any river flooding. The surface water drainage details are to drain to a mains sewer. The applicant has submitted a surface water management plan and hydraulic calculations which are acceptable to the Council's Drainage and Coastal Protection officers therefore a condition could ensure compliance with these documents. Northumbrian Water has no objection subject to the development according with the submitted drainage scheme.
185. Policy 36 of the CDP requires foul water to drain to a hierarchy with connection to the public sewer being the most suitable option. The drainage is proposed to a main sewer which is appropriate provided it is to a specified manhole and this can be ensured via condition.
186. With the conditions detailed above it is considered that the proposal would accord with CDP Policies 35 and 36 and Part 14 of the NPPF.

Brownfield land

187. Policy 6 of the CDP requires development to make as much use as possible of previously developed (brownfield) land and this is reflective of Part 11 of the NPPF, the development would be considered to accord with these policies.

Other Issues

188. A local resident has raised concerns that this is a change of use as it involves changing the site into a full college for the university which has wider impacts than stated as it is not limited to in-house residents. The proposed Hub Building is considered ancillary to the wider sui generis student accommodation use and whilst it may become a college in the collegiate University sense this would not change the use to a college for educational purposes.
189. The resident is concerned that the expansion of the University into the core of the city in terms of student numbers and presence and that the impacts of this is causing damage to the city. Whilst these concerns are acknowledged there are now tighter planning controls and policies in place in relation to HMO conversions. These alongside accommodation strategies to improve current facilities and attract students to stay in current Halls of Residence such as this proposal should improve upon rather than exacerbate the further studentification of areas of Durham City.
190. It is noted that the objector points out that there were significant objections to the initial PBSA development, and that the retention of the space was considered as part of the acceptability of that development. Whilst there is not a similar level of objection to this expansion and whilst each application is determined on its own merits, the cumulative impacts of both developments have been considered as part of the assessment.

Public Sector Equality Duty

191. Section 149 of the Equality Act 2010 requires public authorities when exercising their functions to have due regard to the need to i) the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct, ii) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and iii) foster good relations between persons who share a relevant protected characteristic and persons who do not share that characteristic.
192. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

CONCLUSION

193. Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.
194. The acceptability of this application rests upon a very fine judgement based on balance. On the one hand, development of the application site would generally accord with CDP Policy 6 and 16 as the proposal has economic, social and environmental benefits, is compatible with neighbouring development, is sustainably located and acceptable in terms of highway safety and other technical matters. On the other hand, it has been held by the Council's Design and Conservation Officer

that harm, albeit less than substantial, would result from the proposal to the significance of both a non designated heritage asset (the historic hospital) and the designated heritage asset (the conservation area) due to the impacts on the setting of the NDHA within the conservation area. On balance the public benefits are considered to outweigh the harm

195. Concerns in respect of amenity impacts have been addressed and can be appropriately managed by condition in accordance with Policies 26, 29 and 31 of the CDP, Policy S1 of the DCNP and Paragraph 130 of the NPPF.
196. Acceptable levels of Biodiversity Net Gain are proposed and can be ensured via condition. As a result, the proposals are considered to accord with Policy 41 of the CDP, Policy S1 of the DCNP and Section 15 of the NPPF.
197. The proposal is considered to perform acceptably in relation to sustainable design in accordance with Policy 16, 21 and 22 of the CDP and Paragraph 110 and 112 of the NPPF and Policy T1 of the DCNP.
198. The proposal has demonstrated that there is a need for the development, that the proposal would not result in a significant negative impact on retail, employment, leisure, tourism, housing or the Council's regeneration objectives that it is accessible and safe in accordance with CDP Policy 16.
199. An acceptable landscaping scheme has been proposed in accordance with Policy 29 of the CDP and Part 15 of the NPPF.
200. Conditions can ensure that the site is suitably remediated in accordance with Policy 32 of the CDP and Section 15 of the NPPF.
201. It is considered the proposed development is compatible with the mineral safeguarding CDP Policy 56 and Part 17 of the NPPF.
202. Conditions can ensure that the site is suitably drained and avoids flooding issues in accordance with Policies 35 and 36 of the CDP and Part 14 of the NPPF.
203. The proposal makes appropriate use of brownfield land in accordance with Paragraph 11 of the NPPF.
204. It is considered that the amended application has just tipped the balance of harm versus benefits in favour of the revised scheme. Other material considerations raised are not considered to alter the above assessment.
205. Therefore, on most careful balance, the benefits of this proposal are now considered to outweigh the harm and therefore the application can be supported in line with relevant policies of the County Durham Plan, the City of Durham Neighbourhood Plan and relevant sections of the NPPF.
206. The proposed development has generated some public interest, with one letter of objection having been received. Concerns expressed regarding the proposal have been taken into account, and carefully balanced against the benefits of the scheme.

RECOMMENDATION

207. That the application be **APPROVED** 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 following approved plans:

Heritage Building- Plan Level 00 HB-00DR-A-0824 Rev P02 2/11/22
Heritage Building Existing & Proposed Elevations RCA-CL-HB-XX-DR-A-0843 P01 2/11/22
Management Building – Plan Level 00 MB00-dr-a-0826 Rev P02
Management Building – Existing and Proposed RCA-CL-MB-XX-DR-A-0842 P01 2/11/22
New Build - Plan Level 00 RCA-CL-NB-00-DR-A-0820 P05 19/12/22
New Build- Plan Level B1 RCA-CL-NB-B1-DR-A-0821 P05 19/12/22
New Build - Plan Level B2 RCA-CL-NB-B2-DR-A-0822 P05 19/12/22
New Build – Building Sections AA to DD RCA-CL-NB-XX-DR-A-0833 P03 19/12/22
New Build - Building Elevations EE to HH RCA-CL-NB-XX-DR-A-0841 P03 19/12/22
Electrical Services Levels B1 XX-B1-DR-E-6001 Rev PO1 2/11/22
Mechanical Services – Heating/Cooling XX-B1-DR-M-6001 Rev P03 2/11/22
Mechanical Services Heating/Cooling XX-B2-DR-M-6002 Rev P05 2/11/22
Electrical Services Level B2 XX-BE-DR-E-6002 REV P01 2/11/22
Electrical Services Proposed External XX-XX-DR-E-9600 Rev P01 2/11/22
Mechanical & Electrical Services XX-XX-DR-ME-9601 Rev P01 2/11/22
Mechanical & Electrical Services XX-XX-DR-ME-9602 Rev P01 2/11/22
Existing and Proposed Site Section K ZZ-XX-DR-A-0830 Rev P02 2/11/22
Existing and Proposed Site Section L ZZ-XX-DR-A-0831 Rev P02 2/11/22
Existing and Proposed Site Section M ZZ-XX-DR-A-0832 Rev P02 2/11/22
Existing and Proposed Site Elevation ZZ-XX-DR-A-0840 Rev P02 2/11/22
OS/Site Location Plan ZZ-00-DR-A-0801 Rev P01 2/11/22
Flood Risk and Drainage Impact Assessment P22-275-ZZ-XX-HYD-RP-C-9000 21/10/22
Proposed Site Layout RCA-CL-ZZ-00-DR-A-0811 P02 16/03/23
Planting Strategy 00-D-L-000040 Rev P02 09/3/22
Proposed Site Layout Block Plan RCA-CL-ZZ-00-DR-A-085 PO1 16/03/2023

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 6, 16 and 29 of the County Durham Plan and Policy S1 of the City of Durham Neighbourhood Plan and Parts 12 and 16 of the National Planning Policy Framework.

3. No development above damp proof course level shall commence until samples of materials to be used in the construction of the main walls of the building 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 visual amenity of the surrounding areas in accordance with Policies 29 and 44 of the County Durham Plan and Policy S1 of the City of Durham Neighbourhood Plan and Parts 12 and 16 of the National Planning Policy Framework.

4. Prior to the use of the Hub building commencing full-height reflective opaque vinyls shall be installed to all of the courtyard facing windows of Block A and all the western

and eastern facing windows of Block A and to the ground, first, second and third floor east facing windows of Block B as detailed on plan Proposed Site Layout Block Plan RCA-CL-ZZ-00-DR-A-085 PO1 16/03/2023. These vinyls shall be retained on site in perpetuity.

Reason: In the interests of the residential amenity of surrounding properties in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

5. The approved Hub facility building shall not be open to students or visitors outside the hours of 7.30am to 11pm Monday to Saturday and 07.30am to 10.30pm Sundays and Bank Holidays.

Reason: In the interests of the residential amenity of surrounding properties in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

6. Prior to the commencement of the use of the development hereby permitted, a Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall take place in accordance with the approved details and the approved details shall be adhered to.

Reason: In the interests of the residential amenity of surrounding properties in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

7. The development shall take place in accordance with the maximum noise levels detailed within the Noise Impact Assessment dated 12/10/2022.

Reason: In the interests of the residential amenity of surrounding properties in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

8. Prior to the commencement of the use of the development hereby permitted, an updated Accommodation Management Plan and Waste Management Strategy shall be submitted to and approved in writing by the local planning authority, and thereafter shall be implemented and adhered to at all times.

Reason: In the interests of the residential amenity of surrounding properties in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

9. No development shall commence until a written scheme of investigation setting out a programme of archaeological work in accordance with 'Standards for All Archaeological Work in County Durham and Darlington' has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work will then be carried out in accordance with the approved scheme of works.

Reason: To safeguard any Archaeological Interest in the site, and to comply with part 16 of the National Planning Policy Framework. Required to be a pre-commencement condition as the archaeological investigation/mitigation must be devised prior to the development being implemented.

10. The development shall not be occupied until the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation.

The provision made for analysis, publication and dissemination of results, and archive deposition, should be confirmed in writing to, and approved by, the Local Planning Authority.

Reason: To comply with Paragraph 205 of the NPPF, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure information gathered becomes publicly accessible.

11. Development shall be carried out in line with the drainage scheme contained within the submitted document entitled "Existing Drainage Abandonment Plan" dated "22nd September 2022" within the Flood Risk and Drainage Impact Assessment P22-275-ZZ-XX-HYD-RP-C-9000 21/10/22. The drainage scheme shall ensure that foul flows discharge to the combined sewer at manhole 7615 and ensure that surface water discharges to the existing watercourse.

Reason: To prevent the increased risk of flooding from any sources in accordance with CDP policies 35 and 35 and Part 14 of the NPPF.

12. 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 is suitable for use, in accordance with Part 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure that the development can be carried out safely.

13. 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 Part 15 of the National Planning Policy Framework.

14. Prior to their installation details of any fume extraction and/or ventilation equipment shall be submitted to and approved in writing by the Local Planning Authority. All equipment detailed as part of the approved scheme shall thereafter be retained, operated and maintained in accordance with the approved details so long as the use continues.

Reason: In the interest of the amenities of neighbouring properties in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

15. 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:

A Dust Action Plan including measures to control the emission of dust and dirt during construction. This shall agree dust deposition, dust flux, or real-time PM10 continuous monitoring locations with the Local Authority. Baseline monitoring shall

be undertaken at least three months before work commences on site. The DMP shall include details on how the developer intends to plan to monitor the effectiveness of the dust control measures.

Details of methods and means of noise reduction/suppression.

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

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

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

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

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

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

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

Routing agreements for construction traffic.

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

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

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

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 and public safety 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.

16. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in the first available planting season following the practical completion of the development.

No tree shall be felled or hedge removed until the removal/felling is shown to comply with legislation protecting nesting birds and roosting bats.

Any approved replacement tree or hedge planting shall be carried out within 12 months of felling and removals of existing trees and hedges.

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.

Replacements will be subject to the same conditions.

Reason: In the interests of the visual amenity of the area and to comply with Policy 29 of the County Durham Plan and Policy S1 of the City of Durham Neighbourhood Plan and Part 12 of the National Planning Policy Framework.

17. The development shall be carried out in accordance with the BNG Results and Biodiversity Management and Monitoring Plan dated 28/10/2022.

Reason: In the interests of ecology and ensuring no protected species are affected by the development in accordance with Policies 41 and 44 of the County Durham Plan and Policy S1 of the City of Durham Neighbourhood Plan and Part 15 of the National Planning Policy Framework.

18. Prior to the occupation of the new Hub Building the entrance gates to the site shall be removed, and, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order), no erection of gates shall take place without the grant of further specific planning permission from the Local Planning Authority.

Reason: In the interests of the amenity of the surrounding area in accordance of Policies 29 and 31 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

County Durham Plan 2020

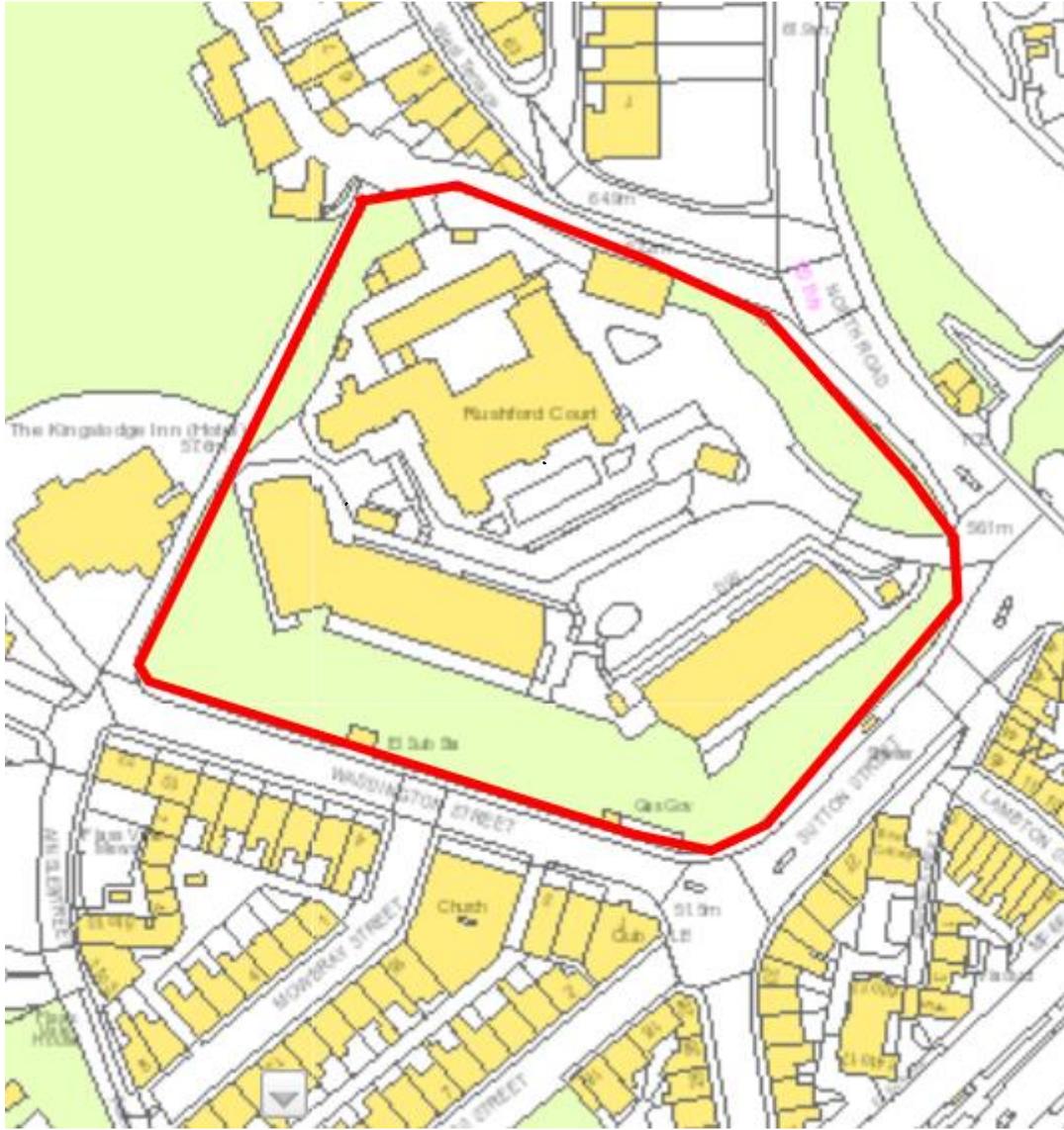
City of Durham Parish Council Durham City Neighbourhood Plan 2020 to 2035 (2021)

County Durham Parking and Accessibility Standards 2019

The National Planning Policy Framework (2021)

Internal and public consultation responses

Submitted forms, plans and supporting documents



Planning Services

DM/22/03247/FPA

Erection of new ancillary student accommodation facilities building built within grass embankment; minor external changes to existing Harding building including re-instatement of historical entrance location and implementation of associated landscaping scheme –
Rushford Court, North Road, Durham, DH1 4RY

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Comments

Date 30.03.2023

Scale NTS