

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION No:</b>	DM/20/03238/OUT
<b>FULL APPLICATION DESCRIPTION:</b>	Outline application for Purpose Built Student Accommodation comprising up to 850 bedrooms, with all matters reserved.
<b>NAME OF APPLICANT:</b>	Banks Group
<b>ADDRESS:</b>	Land to the North of Mount Oswald South Road Durham DH1 3TQ
<b>ELECTORAL DIVISION:</b>	Neville's Cross
<b>CASE OFFICER:</b>	Steve France Planning Officer Telephone: 03000 264871 <a href="mailto:steve.france@durham.gov.uk">steve.france@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Application

1. This is an Outline Planning application, requesting approval of the principle of a scheme of Purpose-Built Student Accommodation (PBSA), with all detailed matters 'reserved' to be determined through later application.
2. To show that the quantum of development proposed can be achieved on the site the supporting information sets out an indicative scheme indicating how it could be implemented, but if approved the 'reserved matters', therefore: layout, access, scale and appearance of the development would all be subject to further control through applications to agree the scheme in detail.
3. This area of the site was identified as for either University or residential development in the original Masterplan.
4. The description of the application has been recently amended from its description as first advertised to 'Accommodation comprising up to 850 bedrooms' to give potential flexibility to the consideration of reserved matters.

#### The Site

5. The main Mount Oswald site, based around the Grade II listed Manor House – latterly Club House – was granted Outline Planning Permission in 2013 for a mixed-use development 'comprising 291 dwellings, including specialist market housing for the

elderly, student accommodation, office, retail, community uses and associated infrastructure’.

6. The golf course sat bordered by residential and University development to the north, and further residential development to the south. The A177 (South Road) ran along the eastern boundary, with the Howlands Farm Durham University campus and Howlands Park and Ride car park, Durham Crematorium, and Durham High School beyond, the countryside designated as Green Belt and as of High Landscape Value. The A167 ran along the western boundary, with open countryside beyond again designated as Green Belt and part designated as an Area of High Landscape Value. A central band of landscape was included in the Local List of Historic Parks and Gardens.
7. The current application site sits due north of the listed building and is unaffected by any of the landscape designations. Large elements of the approved 2013 Outline consent have now been implemented including a development of 1000 bedrooms of student accommodation, John Snow College to the east and market housing served on the shared boundary by St. Georges Way to the west.
8. The broadly rectangular site is 3.17ha in area and sits centrally on the north boundary of the former Mount Oswald Golf Course, which is defined by Millhill Lane, a public footpath, surfaced and also set out for cycle use. Currently the site is undeveloped and covered in scrub grassland with scattered trees. The formed land slopes down to the north-east, with existing site features restricted to a single protected tree and underground, a covered mine shaft.

## The Proposal

9. In January 2018 the Banks Group was granted consent for outline planning permission for PBSA comprising 850 bedrooms, with all matters reserved on the same site. This consent was not implemented within the prescribed time limit.
10. The applicants describe the format of this new application as to give more time for a detailed scheme to be drawn up and to re-present the information submitted and approved in 2016 with updates where necessary. The indicative layout accompanying the application and design principles are unchanged.
11. The Outline application is for ‘Purpose Built Student Accommodation comprising up to 850 bedrooms, with all matters reserved’. Within the context of this, the applicant has provided an indicative layout showing 11 buildings of varying size and height, the latter reflecting the landform and the relative heights of adjacent buildings on the west and east boundaries.
12. The supporting information states, ‘it is anticipated that the majority of student beds would be provided within “cluster flats” of between five and ten bedrooms’, and that ‘there would be a small number of studio apartments and/or town houses within the scheme’.
13. This application is being considered by Committee as a ‘major’ development scheme.

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## **PLANNING HISTORY**

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14. CMA/4/83 Outline planning application with access details (all other matters reserved) for a mixed-use development comprising 291 dwellings, to include specialist market housing

for the elderly, student accommodation, office, retail, community uses and associated approved in 2013. This outline planning permission lapsed in 2020 in terms of potential for reserved matters applications.

15. DM/14/01268/RM Reserved matters application in regard to northern access road pursuant to planning permission CMA/4/83 approved in September 2014.
16. DM/14/03391/RM Reserved matters application pursuant to outline planning permission CMA/4/83 in respect of internal western shared access road and associated earthworks and drainage approved in December 2014.
17. DM/15/02268/NMA Non-material amendment pursuant to drawing PAD7A as part of Reserved Matter application DM/14/03391/RM approved in August 2015.
18. DM/15/03555/VOC Variation of condition 3 (approved drawings) pursuant to planning permission CMA/4/83 in regard to a revised masterplan that includes landscape and drainage modifications approved in May 2016.
19. DM/16/04067/OUT Outline application for Purpose Built Student Accommodation comprising 850 bedrooms, with all matters reserved. Approved by Committee in May 2017.

This application established the principle of PBSA on the site and set parameters for the reserved matters application, this includes:

- a. Maximum number of student beds (850) as controlled by Condition 2;
- b. Maximum storey height of 4 storeys as controlled by Condition 3; and
- c. Building heights should be a maximum of 2 storeys at the west of the site as controlled by Condition 4, specifically the building heights approved plan (HJB/PA677/387 PA10) and cross section approved plan (HJB/PA677/380 PA08).

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

20. The following elements of the National Planning Policy Framework (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 5 – Delivering a wide choice of high-quality homes.* The Government advises Local Planning Authority's to deliver a wide choice of high-quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. Paragraph 65 exempts developments of specialist accommodation for students from providing an affordable element.
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 11 Making Effective Use of Land.* Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously developed or 'brownfield' land.
27. *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.
28. *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.
29. *NPPF Part 15 - Conserving and enhancing the natural environment.* Planning policies and decisions should contribute to and enhance the natural and local environment.
30. *NPPF Part 16 - Conserving and Enhancing the Historic Environment.* Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

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

#### **NATIONAL PLANNING PRACTICE GUIDANCE:**

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; air quality; historic environment; design process and tools; determining a planning application; flood risk; healthy and safe communities; land affected by contamination; housing and economic development needs assessments; housing and economic land availability assessment; light pollution; natural environment; neighbourhood planning; noise; open space, sports and recreation facilities, public rights of way and local green space; planning obligations; travel plans, transport assessments and statements; use of planning conditions; and; water supply, wastewater and water quality.

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

## LOCAL PLAN POLICY:

### The County Durham Plan

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)* seeks to provide 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* states that all development shall deliver sustainable transport by (in part) ensuring that any vehicular traffic generated by new development, following the implementation of sustainable transport measures, can be safely accommodated on the local and strategic highway network and does not cause an unacceptable increase in congestions or air pollution and that severe congestion can be overcome by appropriate transport improvements.
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 25 Developer Contributions.* Advises that any mitigation necessary to make the development acceptable in planning terms will be secured through appropriate planning conditions or planning obligations. Planning conditions will be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations must be directly related to the development and fairly and reasonably related in scale and kind to the development.
37. *Policy 26 Green Infrastructure.* States that development will be expected to maintain and protect, and where appropriate improve, the County's green infrastructure network. Advice is provided on the circumstances in which existing green infrastructure may be lost to development, the requirements of new provision within development proposals and advice in regard to public rights of way.

38. *Policy 27 (Utilities, Telecommunications and Other Broadcast Infrastructure)* supports such proposals provided that it can be demonstrated that there will be no significant adverse impacts or that the benefits outweigh the negative effects; it is located at an existing site, where it is technically and operationally feasible and does not result in visual clutter. If at a new site, then existing sites must be explored and demonstrated as not feasible. Equipment must be sympathetically designed and camouflaged and must not result in visual clutter; and where applicable the proposal must not cause significant or irreparable interference with other electrical equipment, air traffic services or other instrumentation in the national interest.
39. Any residential and commercial development should be served by a high-speed broadband connection, where this is not appropriate, practical or economically viable developers should provide appropriate infrastructure to enable future installation.
40. *Policy 28 (Safeguarded Areas)*. Within safeguarded areas development will be subject to consultation with the relevant authority and will be permitted where it can be demonstrated that it would unacceptably adversely affect public safety, air traffic safety, the operation of High Moorsley Meteorological Officer radar.
41. *Policy 29 Sustainable Design* Requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out detailed criteria which sets out that where relevant development is required to meet including; making a positive contribution to an areas character and identity; provide adaptable buildings; minimise greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; providing suitable landscape proposals; provide convenient access for all users; adhere to the Nationally Described Space Standards (subject to transition period).
42. *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.
43. *Policy 32 Despoiled, Degraded, Derelict, Contaminated and Unstable Land* states [in part] that development will not be permitted unless the developer can demonstrate that the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact on the environment, human health and the amenity of local communities.
44. *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.
45. *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.

46. *Policy 39 Landscape* states that proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views and that development affecting valued landscapes will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of the development in that location clearly outweigh the harm.
47. *Policy 40 Trees, Woodlands and Hedges* states that proposals will be expected to retain existing trees where they can make a positive contribution to the locality or to the development, maintain adequate standoff distances between them and new land-uses, including root protection areas where necessary, to avoid future conflicts, and integrate them fully into the design having regard to their future management requirements and growth potential.
48. *Policy 41 Biodiversity and Geodiversity* states that proposal for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or as a last resort, compensated for.
49. *Policy 43 Protected Species and Nationally and Locally Protected Sites*. Development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided or the proposal meets licensing criteria in relation to European protected species.
50. *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.
51. *Policy 45 Durham Castle and Cathedral World Heritage Site*. Both are designated heritage assets of the highest significance. New development should sustain and enhance the significance and be based upon Outstanding Universal Value, protecting and enhancing it in the immediate and wider setting and important views across, out of and into the site. Harmful development is only permitted in wholly exception circumstances.
52. *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.
53. *Residential Amenity Standards Supplementary Planning Document (Amended 2023)* sets out guidelines for separation distances and minimum garden lengths on new development.



## Durham City Neighbourhood Plan

54. *Policy S1 Sustainable Development Requirements of all Development and Redevelopment Sites Including all New Building, Renovations and Extensions* - sets out the economic, social and environmental criteria that development proposals will be required to meet to: Promote economic well-being, to Conserve, preserve and enhance the neighbourhood, to increase resilience to climate change, and secure equity and benefit to the local community.
55. *Policy S2: The Requirement for Masterplans or Other Design and Development Frameworks* - supports the preparation of such documents for all major development sites prior to consideration through a planning application. Such Masterplans should consider job creation, design, impacts on views and settings of the WHS, amenities, impacts to conservation areas, reducing the need to travel, permeability and provision of green infrastructure.
56. *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.
57. *Policy H3: Our Neighbourhood Outside the Conservation Areas* – requires development outside of Conservation areas to, where appropriate, demonstrate an understanding of the area of the proposed development and its relationship to the Neighbourhood area. Such development should sustain and make a positive contribution to the character and distinctiveness of the area and avoid the loss of open space and public realm that contributes to the area, to be appropriate in terms of scale, density, massing, form, layout, landscaping and open spaces and use appropriate materials and finishes.
58. *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.
59. *Policy G3: Creation of the Emerald Network* - 17 sites of wildlife interest that are linked are identified by this policy which supports the improvement of biodiversity of the sites, improving the amenity of the sites and the accessibility to and between these sites



provided there is no significant harm to biodiversity. Connections between the sites is relevant.

60. *Policy T1: Sustainable Transport Accessibility and Design* – requires development proposals to be supported by evidence of how they contribute to sustainable transport accessibility and design where appropriate.
61. *Policy C1: Provision for Arts and Culture* – would support proposals for public art where they enhance the area they would be sited within, these to be considered at the detailed design stage and include links to existing public art.

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

<https://www.durham.gov.uk/media/36020/Durham-City-adopted-neighbourhood-plan/pdf/DurhamCityNeighbourhoodPlan.pdf?m=637738120004600000>

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

62. *Highways* – comments were initially provided in January 2021 and updated in March 2023. They note an agreed strategy of mitigation for impacts of the Mount Oswald development was set out in the original outline application for the Mount Oswald site section 106 agreement This includes subsidy of improved public transport services into the site. It is understood payment for improved public transport / park and ride and increased park and ride provision has been met and an additional bus service currently serves the site.
63. The transport assessment produced in 2016 has been submitted in support of the application together with the addendum to that TA, with the methodology used considered robust.
64. The addendum describes a 'no car' development (5.1.3). with limited vehicular access and no parking available for student residents. Given the location and access to sustainable transport routes to the University estate this is considered acceptable.
65. Two primary routes will be used by pedestrians either linking to the footways to Mill Lane or to footways on the Mount Oswald Northern Access Road. Both routes then link to the recently constructed pedestrian/cyclist facility provided by Durham University which runs parallel to South Road linking to University teaching blocks. It is estimated the development will generate an additional 100 pedestrian two-way trips at peak on each of Mill Lane and the Northern Access Road.
66. It is important that, with such increases in pedestrian demand on footways the infrastructure can accommodate the demand without pedestrians stepping into the carriageway. This has not been demonstrated in the assessment. Highways Officers have therefore undertaken a brief pedestrian comfort analysis. Considering demand at a level of 80% pedestrians together with demand from neighbouring development would result in approximately 9.5ppmm at peak. This is considered an acceptable level of demand for the use proposed.
67. Links to Mill Lane Path are shown to be of an adopted standard. i.e. hard paved and street lit. It is essential that Mill Lane path is presented to the same adoptable standard to accommodate safe all year use of the shared route. The path is currently adopted but an upgrade will be required (in accordance with the recently published LTN120 cycle infrastructure design guide) which will include ensuring paths are wide enough for shared

pedestrian/ cycle use and street lighting is suitable to current adoptable standards. The applicant will need to enter in to a S38/S278 Highways Act agreement with this highway Authority to deliver upgrades to the pedestrian/ cycle network to Mill Lane.

68. Whilst referenced in the various documents supporting the application. No direct commitment is made to funding and delivery of No waiting No loading restrictions on the access roads leading from the Northern Access Road to either side of the development. Highways officers wish to secure a contribution from the applicant to deliver restrictions on these parts of the network to ensure no parking takes place alongside the development. It is noted that the University will apply its own parking control within the development.
69. A Construction Management Plan would be required given proximity to residential development and the northern access road paying attention in particular to parking provision for operatives on the site and HGV delivery and servicing facilities.
70. It is noted that a student management plan for arrivals and departures at the ends of terms is proposed. A condition should be secured to ensure the management plan can be delivered without significant impact on the local highway network.
71. Whilst internal layout is not presented for comment Highways Officers wish to advise that at the reserved matters stage the applicant would need to address issues of access to parking, servicing and provision of cycle parking and signage.
72. Updated advice confirms the original advice is still relevant; A detailed Management Plan for arrivals and departures at the beginning and end of term would still be necessary. Such a Management Plan could be secured by condition. Details of access to parking, servicing and provision of cycle parking and signage would be required as part of any reserved matters application and could also be secured via condition.
73. *Northumbrian Water* – confirm they have no issues with the proposals provided they are carried out in full accordance with the submitted Flood Risk Assessment and Surface Water Drainage Strategy and Foul Water Drainage Strategy. A condition is suggested to achieve this along with an informative to ensure no conflict with existing foul drainage apparatus that may be present on site.
74. *The Coal Authority* - have no objection to the application but note the presence of a recorded mine entry on the land for which there are no records of treatment. They advise against building over the entrance, even when capped and suggest conditions to ensure the implications of this feature are fully addressed and incorporated into the detailed proposals.
75. *Environment Agency* – no response.

#### **INTERNAL CONSULTEE RESPONSES:**

76. *Spatial Policy* – confirm that the Durham City Neighbourhood Plan (DCNP) has been adopted on 23rd June 2021 and now forms part of the statutory Development Plan for the Durham City Neighbourhood Area, which includes this application site.
77. They consider the key planning policy considerations outlined in this response therefore relate to: Acceptability of Purpose-Built Student Accommodation in this location,

Environmental considerations, World Heritage Site and other Designated/Non-Designated Heritage Assets, Design and infrastructure requirements.

78. The principle of development sits under Policy 6 which supports development within the built-up area provided the proposal accords with the relevant development plan policies in this case primarily Policy 16 which includes PBSA.
79. As there are no internal layouts detailed as part of this outline application and this is only an indicative layout it is difficult to determine whether all of the criteria of this policy can be met. So, whilst the principle of PBSA in this location would be, in general terms, supported by this policy, it is recommended that issues around the key constraints on the site are resolved prior to a reserved matters application being submitted to ensure an appropriate design is brought forward.
80. PBSA should be designed to meet the accommodation needs and aspirations of the student population. The development should be accessible and appropriate to disabled students. It is considered prudent for the design of PBSA to build in flexibility to ensure that it could potentially appeal to other users. For instance, outdoor areas designed for student amenity areas could be re-purposed for car parking should it be required in line with a future use on the site. Developers should ensure that there is no unacceptable effect on residential amenity in the surrounding area through increased noise, disturbance or impact on the street-scene either from the proposed development itself or when combined with existing accommodation. A management plan will be required at Reserved Matters stage of the application process. The implementation of the management plan will be controlled using planning conditions or an appropriate legal agreement. The management plan should set out what measures will be put in place to ensure the best integration of the development with the local community and neighbours. It will also address issues such as, but not limited to, the tenants moving in and out at the beginning and end of each term, management of the building, tenancy agreements, fire and health and safety and community liaison. The management plan should also address opportunities for waste recycling.
81. Policy 26 (Green Infrastructure) of the CDP expects new development to maintain and protect, and where appropriate, improve the county's green infrastructure (GI) network. Development proposals should provide for new green infrastructure both within and, where appropriate, off-site, having regard to priorities identified in the Strategic GI Framework. New GI will be required to be appropriate to its context and of robust and practical design, with provision for its long-term management and maintenance secured. The council expects the delivery of new green space to make a contribution towards achieving the net gains in biodiversity and coherent ecological networks as required by the NPPF. Proposals for new residential development will be required to make provision for open space to meet the needs of future residents having regard to the standards of open space provision set out in the Open Space Needs Assessment (OSNA). A calculation is set out in the OSNA, listing relevant open space typologies. As the proposal is only outline and the full details of the scale and layout of the buildings are not defined at this stage, a mechanism to calculate the green infrastructure requirements may need to be fixed at outline stage, with the amounts defined at reserved matters stage.
82. Whilst the general principle of PBSA in this location is acceptable in policy terms, there is insufficient information to determine if the scale and design parameters of the proposed development are acceptable. The development proposal has scope to be compliant with the CDP subject to the applicant demonstrating compliance with the relevant policy criteria listed above at reserved matters stage.

83. It is recommended that given the constraints of the site, where appropriate, design parameters required to make future development acceptable are conditioned as part of any planning approval.
84. *Archaeology* - There is no archaeological objection to this scheme
85. *Design and Conservation* - The details within the application remain the same with indicative layouts and massing parameter drawings. The assessment of Heritage impact remains the same. The reserved matters application should pay particular attention to the critical interfaces with the now built adjacent developments and associated infrastructure, with opportunities to review the existing indicative plans. The continued evolution of PBSA to reflect end user expectation and requirements, and the requirements within national and local policy to deliver high quality sustainable design will ultimately determine the layout, scale, form, mass and landscaping of the scheme and the number of student beds within it. Conservation Officers do not consider the development site affects the setting of the World Heritage Site.
86. *Drainage and Coastal Protection* – consider the amended Flood Risk and Drainage Strategy to be satisfactory and therefore confirm they have no objection to the proposal for surface water management. They have provided a detailed pre-commencement condition setting out requirements for detailed plans, Method Statements and a Management Plan.
87. *Ecology* - Confirm that land at Inkerman Road near Tow Law proposed for BNG displacement and compensation is considered suitable for off-site BNG enhancement for the Mount Oswald student accommodation development. If this is taken forward by the applicant an updated BNG assessment together with a Biodiversity Management and Monitoring Plan to cover both sites (and any BNG at Mount Oswald) should be provided. The BMMP should include monitoring and reporting of the monitoring results to DCC planning after every monitoring visit.
88. *Environmental Health (Air Quality)* – consider that areas within their remit can generally be addressed by conditions to be discharged with reserved matters applications when the exact nature of the development is known. No specific Air Quality assessment has been undertaken for the current application – nor the previous approval. The site is within 1km of the Durham City Air Quality Management Area.
89. *Environmental Health (Contamination)* - have examined the submitted reports and information submitted in support of the wider development site, concluding there is no need for a contaminated land condition, suggesting a standard precautionary ‘informative’ to cover the potential for unforeseen contamination being discovered during the course of development works. There is no requirement for a contaminated land condition.
90. *Environmental Health (Nuisance)* - Officers have offered advice for the detail of the required Construction Management Plan that will ensure the implications of the Construction process are fully assessed in the Reserved Matters process. This includes, but is not limited to dust management, noise and vibration, operating hours and days, liaison measures and storage of materials.

91. In *Sustainable Transport the Integrated Passenger Transport Group* – request imposition of a Standard condition requiring a Residential Travel Plan to be submitted and approved prior to occupation.
92. *Sustainable Travel* – have provided headline comments including the need to ensure walking and cycling routes directly and safely connect to existing networks ensure routes adhere to LTN 1/20 standards, ensure cycle storage fulfils BREEAM, share draft design details for routes and parking.
93. *Targeted Recruitment* – no response

#### **EXTERNAL CONSULTEE RESPONSES:**

94. *Durham University* – have confirmed they do not object to the principle of student accommodation at this location and notes that Purpose Built Student Accommodation is popular with some students and its provision supports choice in the market.
95. To assist with the assessment of need for this particular development, the University Strategy 2017-2027 has a target of 21,500 active students by 2027. The University has exceeded this target for a short period of time due to the outrun of the A-level cycles in 2020 and 2021 and the expectation is to return to the overall target in the coming years as the 2020 & 2021 intakes graduate. In terms of registered term time address of students as at 1st December 2022, the official census date, 18,760 lived within DH1 of which 7,563 were in College affiliated accommodation, there are also 1,597 students that resided within daily commuting distance of Durham University. 1,774 students are studying away from Durham or on online courses and who do not reside in Durham City.
96. *NHS Local Healthcare* has used a standard methodology to ascertain if mitigation is required to sure the demands the development could place on local healthcare services are met. Identifying that the University Health Centre is struggling with space requirements to deliver services, they suggest funding secured through a s.106 agreement would assist them in providing the additional floorspace required to provide services to patients. With a patient increase of 850 students, a contribution of £178,000 is requested.
97. *The Met. Office* have confirmed that with their radar at High Moorsley 8.6km from the proposed development, there is no objection to the proposals.
98. *Durham Constabulary* - comments are based on the principles of Crime Prevention through Environmental Design (CPTED) and are intended to help create strong cohesive communities in line with the National Planning Policy Framework by ensuring that safety and security are considered in the design of new housing.
99. The crime risk assessment for this proposed development based on recorded incidents in the surrounding area is low. Secured by Design is the Police preferred specification, we recommend the principles of this initiative are followed to reduce the opportunity for crime and the fear of crime as well as creating a safer, more secure and sustainable environment.

#### **PUBLIC RESPONSES:**

100. A total of 37 responses have been received in response to the consultation exercise involving 60 individual letters, press and site notices. Of these, 33 of them object to the proposals (albeit noting duplication), 1 is in support and there are 3 representations which neither support or object to? the application.
101. The *City of Durham Parish Council* notes the proposal is essentially an update of the 2018 approval. They assess the Policy context noting the application uses the Neighbourhood Plan's assessment of need: effectively that more colleges and PBSAs are needed, in appropriate locations if the University's expansion is to be accommodated without the further loss of family housing through conversion to HMOs. The Neighbourhood Plan endorses the 850 bed PBSA at Mount Oswald. That discussions with the relevant education provider are claimed to have taken place is not evidenced is noted, albeit it is acknowledged the University were supportive of the 2018 approval.
102. In terms of the required compliance with Policy 16 of the CDP, the Parish Council consider that subject to being fully scrutinised at the Reserved Matters stage, there are no grounds for objecting to this Outline application.
103. Approval of this Outline application must require compliance with Neighbourhood Plan Policy S1, reference to which is omitted. For Policy T1, the County Council is urged to ensure pressure on nearby residential streets is managed once the roads are adopted as highways, for example by extension of the Durham City Parking Control Zone.
104. In conclusion, the Parish Council welcomes the application subject to the above provisos.
105. The *City of Durham Trust* does not object in principle to the proposal, which is supported by the Neighbourhood Plan, but shares concerns of the Parish Council that the proposals do not comply fully with Policies S1, G1 and T1. The Outline nature of the application precludes proper assessment of the proposals. For Policy G1 the Parish urge conditions for landscaping be imposed, also protecting and enhancing the site's ecology and bio-diversity.
106. *Public Comment* - Objections from members of the public state that the Outline nature and therefore lack of detail and surety in the application is a concern.
107. Concerns are also raised for a potential for overlooking and loss of Privacy, whether there would be direct overlooking, and questioning whether the proposed screening would sufficiently mitigate this issue.
108. Assurances are sought that there would be no new road access would be taken from the residential development to the west, likewise construction traffic. Existing residents consider existing student parking arrangements are inadequate, leading to overspill into adjacent housing, with the proposals likely to exacerbate this. Further traffic generation will lead to noise and air pollution. The submitted Transport Assessments are requested revisited and an EIA Screening exercise is considered required.
109. The potential for late night disturbance from student's activities, in addition to issues experienced with existing comparable uses is a concern.
110. The retention and use of existing trees and hedges within the new development is recommended. The development will result in the loss of the site as valued open space. The proposal to address Bio-diversity net gain offsite is considered inappropriate.

111. Additional footfall on surrounding footpaths will degrade them.
112. The scale and heights of the buildings proposed as apparent to date is recommended controlled.
113. Durham Bicycle User Group (DBUG) request the detailed design of tracks and cycle storage meet the requirements of guidance in LTN 1/20. The lack of cycling infrastructure needs to be addressed off-site. The area identified for the proposed convenience store should be developed before the accommodation is allowed. A detailed assessment of the wider cycling infrastructure and highway network is offered, with suggested improvements. This group consider the application contrary to the requirements of policies 21 and 22 of the CDP and Policies T1 and T2 of the CDNP.
114. Many residents including the Chair of the Residents Association purport the application is not detailed, and need is not demonstrated, and the application fails the requirements of Policy 16 of the CDP, and that given the extended determination period supporting evidence is out of date. Implementation of other PBSA projects has reduced demand. That the proposal is not Durham University led is a concern to some.

#### **APPLICANT'S STATEMENT:**

115. The Mount Oswald site has provided Durham City with a great number of benefits over the last 10 years of careful build out. There are almost 300 family homes in a park setting. Equally important however has been the provision of purpose-built student accommodation which is directly linked to the wider University Campus. Currently 986 students are based in the excellent set of buildings which comprise South College and John Snow College. Without these buildings that number of students would have been imposed upon residential areas of the city, as well as the city centre, in the form of houses in multiple occupation or smaller ad hoc student developments. The solution of purpose built student accommodation in its own grounds close to the campus is good for the students and good for the residents of Durham City. In 2018 we gained permission for a further 850 student beds on this application site because it was recognised that the need would not be satisfied by the initial development alone. This future provision was recognised and counted upon in the Durham Local Plan. Unfortunately, progress has been slow in finding the right partners to deliver this development, due in large part to the Covid pandemic which caused great uncertainty in the student accommodation market for two years. We have now come to understand that, if anything, the pandemic has increased the need for student accommodation going forward, and Durham witnessed unfortunate scenes last year with students camping out to secure scarce accommodation. Our 2018 permission has lapsed and needs replacement if we are going to use this logical piece of land adjacent to the campus. We believe there are no better alternative sites in Durham for this development because of constraints such as Green Belt, flood risk and the protection of the World Heritage Site. We believe now is the right time to resurrect the scheme to bring forward more carefully designed and managed accommodation for the city's students. We fully appreciate that there is an important boundary to be established between the family housing and students. We will address these residents' concerns through design using a landscape buffer as well as the orientation and scale of buildings. The permission, if granted, will deliver more bio-diversity net gain in County Durham and public open space contributions on top of the major green infrastructure being created at Mount Oswald. We are determined to make Mount Oswald the best example of development in each of its components.

*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*



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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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116. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with advice within the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to: the principle of the development and the detailed nature of the use, highway sustainability, safety and access, layout and design, residential amenity implications, scale and massing, ecology, and drainage, and other matters.

### Principle of the Development

#### *The Development Plan*

117. 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) is one part of the statutory development plan and 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 Durham City Neighbourhood Plan (DCNP) was adopted on 23rd June 2021 and now forms part of the statutory Development Plan for the Durham City Neighbourhood Area, which includes this application site. The relevant policies must be given full weight in determining the application.
118. Policy 6 (Development on Unallocated Sites) of the CDP recognises that in addition to the development of specifically allocated sites, there will be situations where future opportunities arise for additional new development over and above that identified in the development plan for the area, including specialist living accommodation. It supports development within the built-up area provided the proposal accords with the relevant development plan policies, in this case primarily Policy 16 of the CDP, and meets a number of criteria which include addressing compatibility with existing uses in the area, protection of open land of value, scale, design, layout, character, highway safety, access to sustainable modes of transport and provides resilience to impacts arising from climate change.
119. The site is well contained within the built environment, close to services and facilities and with good pedestrian, cycling and bus links into the city and university. Further detail at full application stage would be required in relation to scale and design, including the incorporation of green space within the development, highways and drainage design, to determine whether the development would be in keeping with the character of the area and to fully consider the impact of the development on adjacent uses. The proposals accord with the requirements of Policy 6 in so far as they are detailed in this 'outline' application.
120. In this context, the proposals are considered compliant with the requirements of Policy 6 of the County Durham Plan, noting that elements will need further assessment at the Reserved Matters stage.

## Layout and Design

121. Policy 29 of the CDP outlines that development proposals should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities. In a similar vein, Policy S1 of the Neighbourhood Plan requires development to harmonise with its context in terms of scale, layout, density, massing, height, materials, colour, and hard and soft landscaping. Parts 12 and 15 of the NPPF also seek to promote good design, while protecting and enhancing local environments. Paragraph 130 of the NPPF also states that planning decisions should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.
122. The 'outline' nature of the application defers how the site will be developed in detail. This would be considered under a 'reserved matters' application which would be subject to the full planning process, including public consultation. The submission sets out an indication of how the site could be developed in the Design and Access Statement (D&AS). This document serves to show that the developers are aware of the context and limitations of the site. These indicative plans include both layout and sections showing how a scheme could be undertaken. The D&AS notes that the potential impacts on neighbouring properties should be considered in the detailed design, suggesting the introduction of a strong landscape barrier would reduce impact on residential amenity. The topography of the site also allows opportunities to mitigate this relationship – the site falls away from the housing development at St. George's Way, with this giving the opportunity for higher buildings at the lower level where adjacent the new student development to the east. Indicative cross-sections show an intention to have buildings adjacent the residential development to the west in scale with the heights of those dwellings. The indicative plans show the potential for appropriate separations between the two developments and the opportunity for separating planting. The layout of the blocks implies that they could present their gable ends to the existing dwellings. This approach could benefit residential amenity but would need to have high quality design and materials.
123. The extent of information presented to date indicates that the developer is aware of the site constraints for this topic in so far as it is assessed at this stage. A planning condition is suggested below to ensure the detailed proposals in the Reserved Matters application are supported by clear information on proposed levels and heights across the scheme and in relation to surrounding development to allow clear assessment by Officers and the public.
124. In so far as it is detailed at this stage and in identifying design opportunities and constraints in advance of a detailed scheme, the proposals are considered in accordance with the requirements of Policies 29 and 31 of the CDP, Policy S1 of the CDNP and parts 12 and 15 of the NPPF.

## Residential Amenity

125. Policies 29 and 31 of the CDP outline that developments should provide high standards of amenity and privacy, minimise the impact of development upon the occupants of existing adjacent and nearby properties and not lead to unacceptable levels of pollution. Policy 32 seeks to ensure that historic mining legacy and general ground conditions are suitably addressed by new development. A Residential Amenity Standards Supplementary Planning Document (SPD) has also been adopted by the Council. The aforementioned policies and SPD can be afforded significant weight. Parts 12 and 15 of

the NPPF, which require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution.

126. Guidance within the SPD advocates separation distances of 21m between facing principal elevations and 18m between bungalows, 13m between principal and two storey gable elevations and 10m to a single storey. It is advised that additional separation may be required where there are changes in levels across a site. The site indicative layout shows that generally separation distances between dwellings in the development meet or are in excess of that advocated by the SPD, however this will be scrutinised in detail at the reserved matters stage to ensure compliance. Conditions are however proposed to set basic height and levels parameters to protect against concerns for this topic.
127. There are also residential amenity implications from the proposed student use and reasonable expectations of residential amenity in the adjacent housing development. This is another area where the actuality of the relationships will not be known until the detailed scheme is submitted. That the physical layout of the scheme and its landscaping can contribute to mitigating these relationships is discussed above.
128. Spatial Policy Officers advise that developers should ensure that there is no unacceptable effect on residential amenity in the surrounding area through increased noise, disturbance or impact on the street-scene either from the proposed development itself or when combined with existing accommodation. A management plan will be required at Reserved Matters stage of the application process. The implementation of the management plan will be controlled through the use of planning conditions or an appropriate legal agreement. The management plan should set out what measures will be put in place to ensure the best integration of the development with the local community and neighbours. It will also address issues such as, but not limited to, the tenants moving in and out at the beginning and end of each term, management of the building, tenancy agreements, fire and health and safety and community liaison. The management plan should also address opportunities for waste recycling. To give surety for residents' concerns for these matters, this Policy requirement has been framed into a suggested condition.
129. Environmental Health (EH) Officers have assessed the proposals for noise, light and construction impacts potential.
130. Noting the application includes the construction of new student accommodation in an area where there are existing and proposed residential and commercial uses. The area is close to college buildings as well as close to South Road. In addition, there is a proposed convenience store nearby to the application site. In order to ensure that the accommodation is suitably designed to ensure that the recommended internal noise levels are met (in line with BS8233:2014) EH recommend that a condition is attached to any approval granted requiring a noise assessment to be undertaken within the area of the development in order to ascertain the required noise mitigation measures for the development.
131. For issues of potential light pollution, the development is within a larger development that includes housing, commercial premises and retail uses. EH Officers recommend that a condition is attached to any approval granted to request a lighting impact assessment to ensure that light from the varying uses on the land does not impact on the future residents of the development.
132. In terms of the potential for disruption during the construction process, the development is a large-scale and will involve a significant period of building works. EH Officers recommend that conditions are attached to any approval granted requiring controls on noise, vibration and dust during the construction phases. They have also within their remit

assessed the environmental impacts which are relevant to the development in relation to their potential to cause a statutory nuisance, as defined by the Environmental Protection Act 1990 and comment that there are several aspects of the development that if not appropriately controlled may potentially result in a statutory nuisance being created. However, the suggested conditions are sufficient to mitigate the potential of a statutory nuisance and if affixed will remove EH objection to the development.

133. Residents have raised concerns at the potential impacts of some of these issues, however adherence to the conditions suggested by EH Officers should mitigate them to an acceptable degree.
134. Again, in so far as it is detailed at this stage and in identifying design opportunities and constraints in advance of a detailed scheme, the proposals are considered in accordance with the requirements of Policies 29 and 31 of the CDP, Policy S1 of the CDNP and parts 12 and 15 of the NPPF.

### Purpose Built Student Accommodation

135. The Neighbourhood Plan notes that, 'Durham University's expansion from about 3,000 students in the early 1960s to over 16,000 within Our Neighbourhood out of a total of over 18,000 registered by the University in 2018/19 has added much economic benefit as well as prestige to the City. However, a commensurate increase in University accommodation has not been provided and many family homes have been converted into student accommodation, to the extent that in several areas permanent residents are a minority and in some a rarity'. 'The University has published a Strategy and Estates Masterplan (Durham University, 2016, 2017a) setting out its intention to grow in student numbers to a total of 21,500 in Durham City by the year 2026/27'.
136. Putting pressure on 'the capability of the City – socially, economically and environmentally – to accommodate significant additional pressures on the housing stock, local services, the retail offer, pedestrian congestion, and community balance' (CDNP), the preference must then be for planned, purpose-built developments of student accommodation, sited in appropriate locations.
137. Policy 16 of the County Plan sets out the requirements for proposals for new, Purpose-Built Student Accommodation on identified allocated and non-allocated sites, which will be required to demonstrate compliance with a range of criteria described below, noting that in this instance, the information available for such will be proportionate to the nature of an 'outline' application. The criteria and brief assessment of each is set out below:
  - a. that there is a need for additional student accommodation of this type in this location: for this criteria the applicant notes that with the existing consent, the 'need' has already been established: - Durham University write that Purpose Built Student Accommodation is popular with some students and its provision supports choice in the market.
  - b. consultation with the relevant education provider pursuant to the identified need: - Durham University has no objection to the application.
  - c. it would not result in a significant negative impact on retail, employment, leisure, tourism, housing or the council's regeneration objectives: - the site has been identified and previously approved for PBSA and would not undermine these interests.
  - d. the development is readily accessible to an existing university or college academic site, or hospital and research site: - the development is in close proximity to other colleges and the main University campus.

- e. the design and layout of the student accommodation and siting of individual uses within the overall development are appropriate to its location and in relation to adjacent neighbouring uses: - neighbouring uses include other PBSA and colleges and residential accommodation. The implications for the latter relationships are set out at criteria g.
  - f. the internal design, layout and size of accommodation and facilities are of an appropriate standard: - This is a detailed matter that can be deferred judgement for consideration under 'reserved matters'.
  - g. the activities of the occupants of the development will not have an unacceptable impact upon the amenity of surrounding residents in itself or when considered alongside existing and approved student housing provision. Prior to occupation a management plan or draft outline management plan appropriate to the scale of the development shall be provided: - this Policy requirement can be reinforced by the imposition of an appropriate condition as below, to address the particular concerns of existing residents.
  - h. the quantity of cycle and car parking provided has regard to the council's Parking and Accessibility Supplementary Planning Document (SPD):- This is a detailed matter that can be deferred judgement for consideration under 'reserved matters'.
  - i. the applicant has shown that the security of the building and its occupants has been considered along with that of other local residents and legitimate users: - this will be a matter for the reserved matters application to ensure the developer has incorporated the principles of 'Designing out Crime' in line with the advice of the Police Architectural Liaison Officer.
138. Some elements of the above assessment must be considered in the context of the nature of the application, submitted in Outline form. There are elements of the required assessment that cannot be undertaken until the detail of a proposed matters scheme is known. This is a standard planning procedure and does not undermine the Local Authorities, consultees, nor neighbours and other interested parties abilities to object to a scheme with unacceptable elements. This Outline application must try and anticipate where particular conditions and agreements are required, but further conditions may also be applied at the Reserved Matters Stage. Some elements are also flagged through the use of 'informatives' to lead the developer, including one proposed for the last criteria of the above list – directing the developer to the Designing Out Crime initiative, which goes beyond planning control, but would lead to a better and more considered development.
139. Residents have objected to the principle of PBSA in this location. It is relevant that the potential for this use has been included in masterplanning documents. It is also material that consent has been granted for a directly comparable scheme on the land in the past as noted in the Planning History section of this report.
140. Consistent with the views of the Parish Council, Officers conclude for this headline Policy that subject to being fully scrutinised at the Reserved Matters stage, that for the requirements of Policy 16, there are no grounds for objecting to this Outline application.

#### Highways Safety and Access

141. Policy 21 of the CDP outlines that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity. It also expects developments to deliver well designed pedestrian routes and sufficient cycle and car parking provision. Similarly, Policy 29 advocates that convenient access is made for all users of the development together with connections to existing cycle and pedestrian routes. Specifically, the NPPF sets out at Paragraph 110 that safe and suitable access should be achieved for all people. In addition, Paragraph 111 of the NPPF states that development

should only be refused on transport grounds where the residual cumulative impacts on development are severe. Policy 22 compliments these Policies, targeting Durham City for Sustainable Transport Improvements. Policy T1 of the Neighbourhood Plan requires development proposals to be supported by evidence of how they contribute to sustainable transport accessibility and design. Adverse transport impacts should be avoided where practicable. To mitigate adverse impacts, proposals should improve access by walking, cycling and public transport in the area around the development, and thereby contribute to modal shift towards sustainable transport. CDPN Policy T3 requires cycle parking to County standards and the design and location of storage should accord with the style and context of the development.

142. The location can be considered highly sustainable in relation to the teaching and social functions of Durham University, with excellent sustainable walking and cycle routes to the university and the facilities in the City and local facilities. The development is intended to connect directly to these routes. With the wider Mount Oswald site bracketed by two main roads – the A167 and A177 there are regular bus access to Darlington to the south and the Tyneside conurbation to the north. Durham City centre includes a main line railway station for long distance sustainable travel.
143. Highways Development Management Officers have reconfirmed that the scheme is acceptable to date, in terms of their vehicular, cycle and pedestrian safety implications, and conditions are required providing for upgrades to the adjacent shared pedestrian/cycle route at Mill Lane to bring it to adoptable standards (notwithstanding the fact that it is already adopted). A double yellow scheme has been implemented on the access road between the site and recently erected new college to the east by the same developer, but a condition is proposed so that any requirement to extend these restrictions once the implications of the detailed scheme are understood is proposed. In addition to requirements for standard Construction Management Plan conditions, it is identified that a student management plan for arrivals and departures at the ends of terms is proposed. Highways Officers note that it is intended that the operator would apply its own parking controls within the development, but officers consider it judicious to condition to ensure that a plan for such is in operation at all times so that parking generated by the scheme should not overspill into the surrounding road network and residential developments.
144. Other consultees in Sustainable Travel and Public Transport request a standard condition to secure a Residential Travel Plan to be submitted and approved prior to occupation. This will reduce reliance on private cars and add to the sustainability of the scheme. The requested condition is considered reasonable and proportionate and would directly address the requirement of Policy T1 of the Neighbourhood Plan.
145. Further comments including the need to ensure walking and cycling routes directly and safely connect to existing networks, ensure routes adhere to LTN 1/20, standards, ensure cycle storage fulfils BREEAM, and to share draft design details for routes and parking. These details again can reasonably be secured by condition. These would directly address the requirements of Policy T3 of the Neighbourhood Plan and go some way to addressing the concerns set out in the letter from Durham Bicycle Users Group.
146. Both the nature of the location and the intentions of the development proposed, with specific elements to be secured by condition, lead to the conclusion that the proposals are consistent with the requirements of Policies 21, 22 and 29 of the County Plan, Policies T1 and T3 of the Neighbourhood Plan, and relevant elements of parts 11 and 12 of the NPPF.

147. Policy 39 of the County Durham Plan states proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals would be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. Policy 26 outlines developments are expected to provide new green infrastructure and ensure provision for its long-term management and maintenance. Similar requirements are outlined in Policy 29. Policy 40 seeks to avoid the loss of existing trees and hedgerows unless suitable replacement planting is provided. Parts 12 and 15 of the NPPF promotes good design and sets out that the planning system should contribute to and enhance the natural and local environment by (amongst other things) recognising the intrinsic character and beauty of the countryside. Policy H3 of the CDNP includes criteria which require development proposals within the neighbourhood outside the Conservation Areas to: avoid the loss of open space and public realm that contributes to the character and appearance of the surrounding area, to use high quality design which contributes to the quality and character of the area; and to have scale, density, massing, form, layout, landscaping and open spaces appropriate to the context and setting of the area. Both reflect the design quality and landscape advice set out in parts 12 and 15 of the Framework.
148. The submitted Planning Factors Plan shows that the site is sufficiently separated from the Green Belt, the Area of High Landscape Value, Ancient Woodland and Sites of Nature Conservation Importance for these designations to be not material to the consideration of the application. Relevant landscape features around the site include a single protected tree on it, landscaping associated with the two footpaths north and south of the site, identified as 'green corridors' in the submitted documentation, and the locally designated parkland to the south associated with the Listed Building.
149. The proposals are for a high-density development that will fill most of the site and whilst submitted in isolation, can be viewed in the context of the wider development site and the landscape features within it. Any reserved matters application will need to submit a detailed landscape scheme to show how the development will fit into the green infrastructure around the site in accordance with the requirements of both parts of the Development Plan.
150. The protected tree sits in the south-east corner of the site and is acknowledged as a positive feature, contributing to the site setting. The potential effect on this tree is not known at this stage, but the clear preference would be for its retention. Conflicts within the submitted documentation has caused some confusion for the developer's intent for this important site feature.
151. Conditions are proposed to ensure proper protection of existing landscape features and require the submission of landscaping proposals. Given the extent of the applicant's control over extensive adjacent land, the scheme could spread, if required, beyond the red-lined site boundary.
152. The proposals in outline form show sufficient indicative approach to allow deferral of this element to the Reserved Matters stage. It is therefore, to date proportionately compliant with the requirements of Policy 39 of the CDP and Policy H3 of the CDNP.

#### Heritage and Archaeology

153. Policy 44 of the CDP sets out development will be expected to sustain the significance of designated and non-designated heritage assets, including any contribution made by their setting. Development proposals should contribute positively to the built and historic environment and should seek opportunities to enhance and, where appropriate, better



reveal the significance and understanding of heritage assets whilst improving access where appropriate.

154. The NPPF advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
155. The Planning (Listed Buildings and Conservation Areas) Act 1990 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. Any such harm must be given considerable importance and weight by the decision-maker. Under the Act also, special attention to the desirability of preserving or enhancing the character and appearance of a conservation area must be equally considered.
156. Whilst the site lies within the plan-defined setting of the World Heritage Site, the actuality of the application site is that topography, existing trees and existing built structures ensure there is no physical or visual relationship. No conflict with the requirements of Policy 45 has been identified. The same assessment leads to the same conclusion for the potential to affect the City Centre Conservation Area and the general duty of the Planning Authority as respects conservation areas in exercise of planning functions contained in s.72 of the aforementioned Act.
157. Closer to hand, the grade II Mount Oswald manor house, currently subject to restoration and extension for use as a History Centre, sits 100m south of the application site. This building is surrounded by trees – all subject to formal Tree Protection Orders, with the main estate road that serves the northern part of the approved Mount Oswald development and another public footpath, that traverses east/west between the A177 and the A167 also intervening features. The remaining parkland that provides the setting of the listed building and screening for it is included in a Local List of Historic Parks, Gardens and Designed Landscape. The relationship between these heritage assets and the new development has been previously assessed and accepted with the 2018 approval. Reassessment has led to a consistent conclusion. The Manor House is well screened to the north by mature trees, and that although filtered views of any new development may be visible through the woodland planting, there will not be a harmful impact upon the significance of the listed building, or the character of the parkland. The relationships are acceptable in respect of the General duty of the Local Authority as respects listed buildings in exercise of planning functions to 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.
158. The County Archaeologist has confirmed that there no archaeological implications from the development.
159. The application is considered compliant with the requirements of Policy 44 of the CDP in so far as it is presented to date.

## Ecology

160. Policies 26, 35, 41 and 43 of the CDP seek to secure net gains for biodiversity and coherent ecological networks. Policy 41 states that proposals for new development will

not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or, as a last resort, compensated for. Policy 43 relates to protected species and nationally and locally protected sites. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them. Increasing biodiversity is included within the environmental element of the three objectives of achieving sustainable development set out in the Neighbourhood Plan, and then reflected within the criteria of Policy S1.e.

161. The preference is always for on-site provision of bio-diversity mitigation and gain for that displaced by a development. This application is set in the wider development site and parkland of the Mount Oswald development, and the recent Committee approval for 9 dwellings at Mount Oswald used up the remaining capacity for biodiversity mitigation and gain in this wider area. The developer has therefore identified and proposed an area of land at Inkerman Road near Tow Law, 4.5 miles due west of the development site.
162. The County Ecologist advises that this site is suitable to provide off-site biodiversity net gain to mitigate the Mount Oswald student accommodation development. They request that if this is taken forward by the applicant an updated BNG assessment together with a Biodiversity Management and Monitoring Plan to cover both sites, therefore including any BNG at Mount Oswald, should be provided. The BMMP should include monitoring and reporting of the monitoring results to DCC planning after every monitoring visit.
163. This County-wide approach is accepted practice in terms of addressing the requirements of CDP Policy 41, subject to the implementation, monitoring and long-term maintenance being appropriately secured by condition and legal agreement. The distance to the proposed land does however mean that the proposed mitigation will be significantly outside the Neighbourhood Plan area and therefore the proposals fail the requirements of CDNP Policy S1.e.
164. This will have to be weighted in the planning balance exercise. If found acceptable, a s.39 agreement and management plan to secure the long-term management, maintenance and monitoring of the biodiversity areas will need to be delivered through the required s.106 agreement to bring the required compliance with Policy 41 of the County Plan.

#### Flooding and Drainage

165. Policies 35 and 36 of the emerging CDP relate to flood water management and infrastructure. Policy 35 requires development proposals to consider the effects of the scheme on flood risk and ensure that it incorporates a Sustainable Drainage System (SuDs) to manage surface water drainage. Development should not have an adverse impact on water quality. Policy 36 seeks to ensure that suitable arrangements are made for the disposal of foul water. As part of the Sustainable Development requirements of Policy S1 of the City of Durham Neighbourhood Plan criteria k) requires all developments to demonstrate incorporation of sustainable urban drainage system (SUDS) to achieve improvements in water quality, aquatic ecosystems, and habitats in order to increase resilience to climate change. National advice within the NPPF and PPG with regard to flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to flood zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where a sequential test and some instances exception tests are passed, informed by a site-specific flood risk assessment.

166. The submitted Design and Access Statement sets out a drainage approach that makes extensive use of ground level attenuation such as permeable paving, soft landscaping, filter trenches and swales.
167. For this surface water control, Council Drainage Officers have confirmed the information provided to date is acceptable, and the imposition of a condition for the detailed drainage scheme to be provided at the Reserved Matters stage will ensure Policy compliance. The suggested condition is set out below the recommendation.
168. For foul drainage, Northumbrian Water have confirmed no objection again subject to ensuring the scheme presented complies with the submitted documentation, and then being connected to identified elements of the existing drainage network. Again, the suggested condition is set out below.
169. For the foul and surface water drainage requirements of CDP Policies 35 and 36 and CDNP Policy S1.k) the imposition of the suggested conditions will ensure that the scheme meets compliance.

### Infrastructure and Open Space

170. Policy 26 (Green Infrastructure) of the CDP expects new development to maintain and protect, and where appropriate, improve the county's green infrastructure (GI) network. Development proposals should provide for new green infrastructure both within and, where appropriate, off-site, having regard to priorities identified in the Strategic GI Framework. New GI will be required to be appropriate to its context and of robust and practical design, with provision for its long term management and maintenance secured. The council expects the delivery of new green space to make a contribution towards achieving the net gains in biodiversity and coherent ecological networks as required by the NPPF.
171. Proposals for new residential development will be required to make provision for open space to meet the needs of future residents having regard to the standards of open space provision set out in the Open Space Needs Assessment (OSNA). Where it is determined that on-site provision is not appropriate, the council will require financial contributions secured through planning obligations towards the provision of new open space, or the improvement of existing open space elsewhere in the locality. The site sits within a wider masterplan area for Mount Oswald with strong GI links and spaces. As the design and layout of the proposal is purely indicative at this stage there is insufficient information to determine whether the criteria of this policy would be met.
172. As the site would result in the creation of 850 bedrooms, this would constitute major development and as such Policy 25 (Developer contributions) would be applicable. In relation to open space requirements the scheme would result in 850 occupants (assuming single bedrooms). Table 16 of the Open Space Needs Assessment provides appropriate costings. Where possible green space should be provided on site, however off-site contributions will be sought where this cannot be provided in full. Spatial Policy have advised that where no on-site provision can be accommodated, this would necessitate a full off-site contribution of £671,925 (850 x £790.50) applying further the 50% reduction, and as the proposal is only outline and the full details of the scale and layout of the buildings are not defined at this stage, a mechanism to calculate the green infrastructure requirements will need to be fixed at outline stage through the S106 agreement, with the amounts defined at reserved matters stage.
173. As any contribution must be directly related to the needs of the occupants of the development it has previously been agreed that elements of the calculation relating to

small children's' play areas and allotments are not justified in this instance. This reduces the figure per bedroom to £613.00 and a total of £512,050 including the 50% reduction that takes into account the presence of other facilities nearby. Wording the legal agreement to pro-rata the payment to reflect the specifics of the required Reserved Matters application would ensure this obligation would bring compliance with the requirements of Policies 25 and 26 of the CDP and G1 of the CDNP.

## Other Considerations

174. Policy 25 requires that new development will be approved where any mitigation necessary to make the development acceptable in planning terms is secured through appropriate planning conditions or planning obligations. Such mitigation will relate to the provision, and/or improvement, of physical, social and environmental infrastructure taking into account the nature of the proposal and identified local or strategic needs.
175. NHS Local Healthcare has used a standard methodology to ascertain if mitigation is required to sure the demands the development could place on local healthcare services are met. Identifying that the University Health Centre is struggling with space requirements to deliver services, they suggest funding secured through a s.106 agreement would assist them in providing the additional floorspace required to provide services to patients. With a patient increase of 850 students, a contribution of £178,000 is requested. This would bring compliance with Policy 25.
176. Policy 29 (Sustainable Design) of the CDP sets out the requirements to achieve well designed buildings and places. As this application is for outline permission only, there is insufficient information to determine if the proposal would meet the criteria of this policy. Any forthcoming Reserved Matters application will need to demonstrate that the proposal will meet all relevant criteria within this policy including but not restricted to energy efficiencies both for the fabric of buildings and their operational demands. It should also be noted that the Nationally Described Space Standards would not be applicable if this development was classed as a purpose-built student accommodation (C2 use). However, the development would still be expected to provide a high standard of amenity in accordance with criteria e of the policy.
177. Policy 29 also requires all new residential development to, 'achieve reductions in CO2 emissions of 10% below the Dwelling Emission Rate (DER) against the Target Emission Rate (TER) based on current Building Regulations. The policy would not apply in the event that the relevant Building Regulations were enhanced'. The relevant Building Regulations have been enhanced and as such the requirements of the policy would be exceeded.
178. Policy 32 seeks to ensure that the potential for contamination or unstable land is assessed, considered and mitigated on any development site.
179. For land contamination potential, Environmental Health Officers advise that the site sits within the larger site that have been investigated as part of the whole site. On the basis of the ground investigation report from 2017, no adverse comments are made, and it is confirmed that there is no requirement for a contaminated land condition. A requested 'informative' to cover the eventuality of unforeseen contamination being discovered, suggested by the Officer will be appended to any consent. Compliance with the requirements of Policy 32 in so far as it relates to contaminated land is concluded.
180. In terms of land stability, the Coal Authority have advised that conditions are capable of mitigating the presence of the mine entry on the land to ensure a process that will include the necessary Coal Authority Permit. Imposition of the suggested conditions will ensure compliance with the requirements of Policy 32 in so far as they relate to land stability.

181. The site lies within a Mineral Safeguarding Area. Policy 56 of the CDP states that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within such areas unless specific criteria apply. The application site is underlain by deposits of coal, forming part of a larger deposit to surrounding area east of Durham City. Whilst some sterilisation could occur, it is considered the proposed development would have minimal impact on the future working of the more extensive deposit. In addition, given the site's proximity to the built edge of Durham City and sensitive receptors, the prior extraction of minerals may not be feasible as it could lead to an adverse impact on the environment and/or local communities. This outweighs the need to safeguard the mineral thereby satisfying Policy 56 criteria d and Paragraph 204 c) of the NPPF. Due to the close proximity to the settlement the Spatial Policy team do not object to the proposed development on mineral safeguarding grounds.
182. Policy 31 of the CDP states 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, aligning with similar requirements in part 15 of the Framework. Suggestions for assessments and conditions from the Air Quality Officer have been discussed with the applicants and a framework of conditions, to allow assessment of detailed proposals at the reserved matters stage has been agreed. The suggested conditions, set out in the list below, will ensure that the necessary assessments and mitigations are delivered to bring compliance with Policy 31 through the reserved matters process.
183. Policy 28 (Safeguarded Areas) includes for protection of the Met. Office radar at High Moorsley. The height of the buildings proposed necessitated consultation. The Met Office have confirmed that for the height and a separation of 8.6km there will be no impact on the data or the forecasts and warnings derived from it. They raise no objection. The Policy requirements are met providing the height of development proposed remains the same.
184. Policy 27 requires any new residential development to be served by a high-speed broadband connection, where this is not appropriate, practical or economically viable developers should provide appropriate infrastructure to enable future installation. The Reserved Matters application must address this Policy requirement. A condition is attached below.
185. Policy 28 of the County Plan sets out areas subject to safeguarding for a range of topics included at criteria c., protection of the High Moorsley Meteorological Office radar. The Met. Office have confirmed that at 8.6km from the proposed development the likely height of the development brings no conflict with their apparatus; they raise no objection to the proposals. There is no conflict with Policy 28.c.
186. Durham Constabulary have recommended that the developer uses the principles of Designing out Crime in their detailed scheme. This advice will be included as an 'informative' in any approval, appropriate in raising design quality in line with the requirements of CDP Policies 29 and 31 and CDNP Policy S1, following parts 8 and 12 of the NPPF.

187. The Targeted Recruitment team have not responded to their consultation. The creation of jobs and ensuring benefits to the local economy is considered an important and material element in the assessment of the application, justifying imposition of a condition to require the developer to demonstrate they are providing this.
188. There is a drainage easement that runs across the north-east corner of the development site. This has constructional implications for the developer, and they have indicated they are aware of this.
189. The application has been subject to an EIA Screening exercise concluding that it was not EIA development.
190. The proposal has generated some public interest, with objection having been received from local residents. The objections, queries and concerns raised have been taken account and addressed within the report, where appropriate.

### Planning Obligations

191. Paragraph 57 of the NPPF, and Paragraph 122 of The Community Infrastructure Levy Regulations 2010 set out three planning tests which must be met in order for weight to be given to a planning obligation. These being that matters specified are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development. The S106 Agreement which would secure the following all of which are considered to meet the required tests should include:
  - A financial contribution of £178,000 is required to fund additional healthcare demands of the NHS Local Healthcare Trust likely to be generated by the scheme.
  - A financial contribution of £613.00 per bedroom to mitigate demands for open space proportionate to the likely demands of its occupants with a final figure to be established at Reserved Matters Stage in line with the calculator set out in Table 16 of the Open Space Needs Assessment as a requirement of Policy 26 of the CDP and the explanatory detail set out in the report above.
  - A detailed scheme to ensure the off-site provision of Biodiversity Net Gain, and a Section 39 agreement to secure its implementation, monitoring and maintenance over a 30-year period.

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## **CONCLUSION**

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192. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan in this instance is formed of both the City of Durham Neighbourhood and the Durham County Plan.
193. The applicant's approach to Ecology in this instance and the essential requirement for Bio-diversity Net Gain has different implications between the two plans, being consistent with the requirements of the County Plan, which allows for a County-wide approach to offsetting, within the defined 'trading rules', and the Neighbourhood Plan which seeks for the provision within the plan area. With the proposed off-setting and gain proposed at Inkermann, near Tow Law, the County Ecologist advises the proposals are acceptable, but outside the extent of the City of Durham Neighbourhood Plan, the proposal must be

concluded to fail the requirements of CDNP Policy S1.e. This conflict with the Development Plan will therefore have to be considered in the 'planning balance'.

194. The benefits of the scheme revolve around the sustainable siting and concentration of student accommodation close to the main University campus and its teaching and social functions, with the potential to meet the Neighbourhood Plans aspiration to free City Centre housing stock for more traditional occupation. The site location has sustainable walking and cycle routes to the university and the facilities in the City and local facilities. With the wider Mount Oswald site bracketed by two main roads, the A167 and A177, there are regular bus access to Darlington to the south and the Tyneside conurbation to the north. Durham City centre includes a main line railway station for long distance sustainable travel.
195. An appropriate level of need has been demonstrated by the application for the proposed accommodation that supports the aspiration of the Neighbourhood Plan to encourage student accommodation into purpose-built schemes close to the main campus to potentially free the housing stock in the City for more traditional uses.
196. Whilst the outline nature of the development is such that many areas of concern to residents are yet to be determined, the requirements of the two parts of the Development Plan and a strong suite of conditions with the required components of the legal agreement, give an appropriate level of control and surety over future proposals, whilst giving approval for the principle of development. An inappropriate scheme, or one that is not supported by convincing proposals for management of the occupation proposed will not be approved.
197. All other aspects of the proposed development have been identified and considered in detail, with none that cannot be controlled or appropriately mitigated through legal agreement or the imposition of appropriate conditions.
198. On balance, it is considered that the merits of the scheme outweigh the identified conflict with the Neighbourhood Plan and the planning balance lies with approval of the scheme.

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## **RECOMMENDATION**

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That the application be **APPROVED** subject to the completion of a Section 106 Legal Agreement to secure the following:

- A financial contribution of £178,000 is required to fund additional healthcare demands of the NHS Local Healthcare Trust likely to be generated by the scheme.
- A financial contribution of £613.00 per bedroom to mitigate demands for open space, proportionate to the likely demands of its occupants, a final figure to be established at Reserved Matters Stage - in line with the calculator set out in Table 16 of the Open Space Needs Assessment.
- A section 39 agreement and management plan to secure the long-term management, monitoring and maintenance of identified and agreed off-site biodiversity gain areas.

And subject to the following conditions:

1. Approval of the details of the appearance, landscaping, layout and scale of the development (hereinafter called "the reserved matters") shall be obtained in writing from the Local planning authority before any development is commenced.



*Reason:* Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the approval of the reserved matters, or in the case of approval on different dates, the date of approval of the last of the reserved matters to be approved. *Reason:* Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

3. The development hereby approved shall comprise a maximum of 850 bedrooms.

*Reason:* To define the consent and precise number of bedspaces approved and ensure an acceptable form of development in scale with its surroundings in accordance with Policies 29 and 31 of the County Durham Plan, Policy S1 of the City of Durham Neighbourhood Plan and parts 12 and 15 of the National Planning Policy Framework.

4. No part of the development hereby approved shall exceed four storey in height. Building heights on the west boundary of the development where bordering dwellings in St Georges Way should be a maximum of a height equivalent to residential 2 storeys as measured at the west part of the site as shown on indicative plans: HJB/PA677/625 PA10 and cross section drawings HJB/PA677/626 PA08 and HJB/PA677/624 PA09. Additional stories will be appropriate where lower ground levels or increased distances allow.

*Reason:* To ensure the development is in scale and character with its surroundings and respects reasonable expectations of residential amenity and right to light in accordance with Policies 29 and 31 of the County Durham Plan, Policy S1 of the City of Durham Neighbourhood Plan and parts 12 and 25 of the National Planning Policy Framework.

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

*Reason:* To define the consent and ensure a satisfactory form of development is obtained in accordance with Policies 6, 16, 21, 22, 25, 26, 27, 28, 29, 31, 32, 35, 36, 40, 41, 43, 44, 45 and the adopted Residential Amenity Standards SPD (updated 2023) of the County Durham Plan, Policies S1, S2, H1, H3, G1, G3, T1, C1 of the City of Durham Neighbourhood Plan, and parts 2, 4, 5, 8, 9, 11, 12, 14, 15, 16 of the National Planning Policy Framework.

6. Notwithstanding the details submitted with the application, prior to their installation, full details of all enclosures including bin stores to be provided within the site shall be first submitted to and then approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.

*Reason:* In the interests of the visual amenity of the area having regards to Policies 29 and 31 of the County Durham Plan, Policy S1 of the City of Durham Neighbourhood Plan and part 12 of the National Planning Policy Framework.

7. Notwithstanding any details of materials submitted with the application no development involving external materials shall commence until details of the external walling, roofing materials, windows details and hardsurfacing have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details.

*Reason:* In the interests of the appearance of the area and to comply with Policies 6 29 of the County Durham Plan, Policy S1 of the City of Durham Neighbourhood Plan and part 12 of the National Planning Policy Framework.

8. No part of the development shall be occupied until vehicular and pedestrian access to the development has been provided, in accordance with details to have been submitted to, and in approved in writing by the local planning authority.

*Reason:* To ensure that adequate pedestrian and vehicle access to and from the site can be achieved in accordance with Policies 21, 29 and 31 of the County Durham Plan, Policy S1, T1, T2, T3 of the City of Durham Neighbourhood Plan and parts 9 and 12 of the National Planning Policy Framework.

9. No development shall commence until the remedial works and any mitigation measures to address land instability arising from the coal mine entry, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed. The remedial works shall be carried out in accordance with authoritative UK guidance.

*Reason:* To ensure ground stability issues are addressed in accordance with the requirements of Policy 32 of the Durham County Plan Part 15 of the National Planning Policy Framework.

10. Prior to the development being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and the completion of the remedial works and any mitigation necessary to address the risks posed by past coal mining activity.

*Reason:* To ensure ground stability issues are addressed in accordance with the requirements of Policy 32 of the Durham County Plan and Part 15 of the National Planning Policy Framework.

11. Prior to commencement of the approved development, the Drainage Strategy Document must be developed further to provide the following information to assess the suitability of the proposed sustainable drainage system, in line with the National Planning Policy Framework (NPPF). This must include, but is not restricted to:

1. Detailed Plans:

- a. The proposed surface water 'management train' which should be in line with the submitted Plan – Indicative Drainage Plan 2212/126 Revision C.
- b. Location and type of controls and treatment
- c. Construction details of all SuDS features.
- d. Conveyance and exceedance flow routes.
- e. The destination of runoff and any runoff rate restrictions.

2. A Detailed SuDS Statement covering:

- a. SuDS to be incorporated.
  - b. How the drainage design satisfies SuDS techniques in terms of water quality and attenuation and discharge quantity for the lifetime of the development.
  - c. Proposals, where relevant, for integrating the drainage system into the landscape or required publicly accessible open space and providing habitat and social enhancement.
  - d. Hydraulic Calculations showing the peak runoff flow rate for the critical rainfall event (1 in 100 year plus 40% c/c). These will also be required in digital format for audit prior to commencement.
  - e. Description of overland flow routes and safeguarding of properties from flooding.
  - f. Proposed method of flow control.
3. A Method Statement detailing how surface water arising during construction will be handled.
  4. Confirmation of land ownership of all land required for drainage and relevant permissions.
  5. A SuDS Management Plan, which provides:
    - a. Details of which body will be responsible for vesting and maintenance for individual aspects of the drainage proposals
    - b. A management statement to outline the management goals for the site and required maintenance
    - c. Maintenance schedule
    - d. A site plan including access points, easements, and outfalls.

Any SuDS Basins must be limited to a maximum of 1.0metre depth unless a site-specific risk assessment and other design measures can satisfactorily demonstrate the risk created by flood water storage to be low. Side slopes no steeper than 1 in 5; the Suds Basin Risk Assessment should be included within the Surface Water Drainage Strategy.

*Reason:* To ensure requirements for sustainably managed surface water management are incorporated into the scheme in accordance with Policy 35 of the County Durham Plan, Policy S1.k. of the City of Durham neighbourhood Plan and parts 14 and 15 of the National Planning Policy Framework are addressed, to prevent the increased risk of flooding the development could generate.

12. Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Flood Risk Assessment and Surface Water Drainage Strategy" and "Foul Water Drainage Strategy". The drainage scheme shall ensure that foul flows discharge to the foul sewer downstream of 7901 and to the combined sewer at manhole 0804. Whilst ensuring that the surface water discharges to the surface water sewer at manhole 7906 through the existing 5l/sec hydrobrake, or to the private sewer to the south which discharges directly to the watercourse. The final surface water discharge rate must be agreed in writing by the Local Planning Authority in advance of the occupation of the scheme, and thereafter be developed and operated in accordance with said written agreement.

*Reason:* To ensure requirements for sustainably managed foul water management are incorporated into the scheme in accordance with Policy 35 of the County Durham Plan, Policy S1.k. of the City of Durham neighbourhood Plan and parts 14 and 15 of the

National Planning Policy Framework are addressed, to prevent the increased risk of flooding the development could generate.

13. Prior to the occupation of the first dwelling, a Framework Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

*Reason:* To reduce reliance on the private motor car and to promote sustainable transport methods in accordance with Policy 21 of the County Durham Plan, Policy T1 of the City of Durham Neighbourhood Plan and part 9 of the National Planning Policy Framework.

14. A management plan that sets out measures to be put in place to ensure the best integration of the development with the local community and neighbours to include, but not restricted to occupants moving in and out at the beginning and end of each term, management of the building, details of the managing body, tenancy agreements, fire and health and safety and community liaison and opportunities for sustainable waste recycling must be submitted to and approved in writing by the Local Planning Authority, with the accommodation managed in accordance with said written agreement when in use.

*Reason:* To ensure there is no unacceptable effect on residential amenity in the surrounding area through increased noise, disturbance or impact on the street-scene either from the proposed development itself or when combined with existing accommodation in accordance with the requirements of Policy 31 of the County Durham Plan, Policy S1 of the City of Durham Neighbourhood Plan and parts 8, 12 and 15 of the National Planning Policy Framework.

15. Before the development hereby approved is occupied a Management Plan for the control of vehicular arrivals and departures by occupants at the beginning and ends of terms, and for the control of parking within the development must be provided to and approved in writing by the Local Planning Authority. Said Management Plan must be adhered to in full for so long as the development is in use.

*Reason:* To minimise the effects on highway safety and surrounding residential amenity from potential spikes in traffic movements in accordance with Policy 21 of the County Durham Plan and part 9 of the National Planning Policy Framework.

16. The Reserved Matters scheme must include details of parking, servicing and provision of cycle parking and signage. Walking and cycling routes must directly and safely connect to existing networks and adhere to LTN 1/20, standards. Cycle storage must adhere to BREEAM standards.

*Reason:* To reduce reliance on the private motor car and to promote sustainable transport methods in accordance with Policy 21 of the County Durham Plan, Policies T1 and T3 of the City of Durham Neighbourhood Plan and part 9 of the National Planning Policy Framework.

17. The development hereby approved must be served on occupation by a high-speed broadband connection, or if demonstrated to be not appropriate, practical or economically viable the developer must provide appropriate infrastructure to enable future installation. A validation report to demonstrate the required provision must be

submitted to the Local Planning Authority before any occupation of the approved scheme.

*Reason:* to address essential demands to grow a sustainable economic future, providing opportunities to reduce our carbon footprint by reducing the need to travel, vital for education and individual lifestyles, community cohesion and resilience, in accordance with Policy 27 of the Durham County Plan and part 10 of the National Planning Policy Framework.

18. No development work shall take place until all trees and hedges agreed for retention, are protected by the erection of fencing and comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar in accordance with BS 5837:2012. Protection measures shall remain in place until the cessation of the development works.

*Reason:* In the interests of the visual amenity of the area having regards to Policy 39, 40 Required to be pre-commencement as landscape features must be protected prior to works, vehicles and plant entering the site.

19. No part of the development shall be occupied until a landscaping scheme including a schedule for implementation has been submitted to and approved in writing by the Local Planning Authority. No tree shall be felled, or hedge removed until the landscape scheme, including any replacement tree and hedge planting, is approved as above. The scheme shall identify those trees/hedges/shrubs scheduled for retention and removal; shall provide details of new and replacement trees/hedges/shrubs; detail works to existing trees; and provide details of protective measures during construction period. The development shall be carried out in accordance with the approved details.

*Reason:* To ensure an acceptable form of development and meet the requirements of Policies 39 and 40 of the County Durham Plan, Policies S1 and G1 of the Durham City Neighbourhood Plan, and parts 12 and 15 of the National Planning Policy Framework.

20. All planting, seeding or turfing relating to any approved landscaping scheme shall be carried out in the first planting and seeding seasons following the completion of the development and any trees or plants which within a period of 5 years from the completion die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

*Reason:* To ensure an acceptable form of development and meet the requirements of Policies 39 and 40 of the County Durham Plan, Policies S1 and G1 of the Durham City Neighbourhood Plan, and parts 12 and 15 of the National Planning Policy Framework.

21. No development other than site clearance and groundworks shall commence until details of existing and proposed site levels, and the finished floor levels of the development have been submitted to and approved in writing by the Local Planning Authority. Detail must be provided of the relationship to existing floor and eaves levels on the residential development at St. Georges Way. The development must thereafter be carried out in full accordance with the approved information.

*Reason:* In the interests of the visual amenity in accordance with Policies 29 and 31 of the County Durham Plan, Policy S1 of the City of Durham Neighbourhood Plan and Parts 12 and 15 of the National Planning Policy Framework.

22. No development shall take place until an acoustic report, carried out by a competent person in accordance with all relevant standards, on the existing noise climate at the development site has been submitted to and been approved in writing by the Local Planning Authority. The aim of the report will be to establish whether sound attenuation measures are required to protect future residents from the transferral of sound from road traffic and commercial noise. In the event that the acoustic report finds that the following noise levels would be exceeded a noise insulation scheme shall be submitted to and approved in writing by the Local Planning Authority.

- 35dB LAeq 16hr bedrooms and living room during the day-time (0700 - 2300)
- 30 dB LAeq 8hr in all bedrooms during the night-time (2300 - 0700)
- 45 dB LAmax in bedrooms during the night-time
- 55dB LAeq 16hr in outdoor living areas

The approved scheme shall be implemented prior to the beneficial occupation of the development and shall be permanently retained thereafter.

*Reason:* To ensure there is no unacceptable effect on residential amenity in the surrounding area through increased noise, disturbance or impact on the street-scene either from the proposed development itself or when combined with existing accommodation in accordance with the requirements of Policy 31 of the County Durham Plan, Policy S1 of the City of Durham Neighbourhood Plan and parts 8, 12 and 15 of the National Planning Policy Framework.

23. Prior to commencement of the development, a lighting impact assessment for the lighting scheme proposed, shall take place and be agreed in writing with the Local Planning Authority. This should include the following, commensurate with the scale/type of lighting scheme provided:

- A description of the proposed lighting units including height, type, angling and power output for all lighting
- Drawing(s)/contour plans showing the luminance levels both horizontal and vertical of the lighting scheme to demonstrate that no light falls into the curtilage of sensitive neighbouring properties;
- The Environmental Zone which the site falls within, in accordance with the Institution of Lighting Professionals Guidance on the Reduction of Obtrusive Light, to be agreed with the LPA. The relevant light sensitive receptors to be used in the assessment to be agreed with the LPA in advance of the assessment.
- Details of the Sky Glow Upward Light Ratio, Light Intrusion (into windows of relevant properties) and Luminaire Intensity.
- The limits for the relevant Environmental Zone relating to Sky Glow Upward Light Ratio, Light Trespass (into windows) and Luminaire Intensity, contained in Table 2 (Obtrusive Light Limitations for Exterior Lighting Installations) of the Institute of Lighting Professionals Guidance on the Reduction of Obtrusive Light shall not be exceeded.

*Reason:* To ensure there is no unacceptable effect on residential amenity in the surrounding area through increased light pollution or impact on the street-scene either from the proposed development itself or when combined with existing accommodation in accordance with the requirements of Policy 31 of the County Durham Plan, Policy

24. In view of the proximity of the proposed development to nearby residential and commercial premises the applicant shall prepare and submit a Construction Management Plan (CMP) to the local planning authority for approval. The CMP shall be prepared by a competent person and shall consider the potential environmental impacts (noise, vibration, dust, & light) that the development may have upon any occupants of nearby premises and shall detail mitigation proposed. This shall include but not be restricted to:

- An assessment of the potential for dust emissions from the site and the mitigation measures that will be used to minimise any emission taking into account relevant guidance such as the Institute of Air Quality Management "Guidance on the assessment of dust from demolition and construction" February 2014
- An assessment of the likely noise (including vibration) emissions from the site and the mitigation measures that will be taken to minimise noise disturbance taking into account relevant guidance such as BS5228 'Code of practice for noise and vibration control on construction sites' 2014.
- Where it is necessary to undertake piling on the site details shall be provided justifying the method of piling used so as to minimise disturbance, from noise and vibration to the occupants of nearby premises.
- Details of the operating hours during which construction/demolition works are to be undertaken. Durham County Council's accepted hours for construction/demolition activities that generate noise are 8am - 6pm Monday - Friday, 8am - 1pm Saturday and no noisy working on a Sunday or Bank Holiday.
- Detail of any planned measures for liaison with the local community and any procedures to deal with any complaints received.
- Details of whether there will be any crushing/screening of materials on site using a mobile crusher/screen and the measures that will be taken to minimise any environmental impact.
- Areas where there is vehicular movement should have a hard stoned surface which should be kept in good repair.
- Wheel washing facilities provided and used when required. The developer will need to consider how such facilities are to be drained and fouled water discharged.
- Road sweeper available to attend to sweep site roads and highway when necessary or otherwise directed by the Local Planning or Highway authority.
- Suitable boundary drainage to prevent the run-off of mud and other products onto the highway
- Details of the location of site compounds, site accesses and contractor parking arrangements – including arrangements to prevent parking in surrounding residential estates and on the surrounding road network.

No works, other than site investigation works, shall be permitted to start on site until the CMP has been submitted and approved in writing by the local planning authority. Once approved the development of the site shall be carried out in accordance with the plan at all times.



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

25. No development in any phase shall commence until an Employment & Skills Plan for that phase of development is submitted to and approved in writing by the Local Planning Authority. Thereafter the development hereby approved shall be carried out in accordance with the approved Employment & Skills Plan.

*Reason:* In the interests of building a strong and competitive economy in accordance with Part 6 of the NPPF. This condition is pre-commencement as it concerns construction workforce employment.

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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

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## **PUBLIC SECTOR EQUALITY DUTY**

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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.

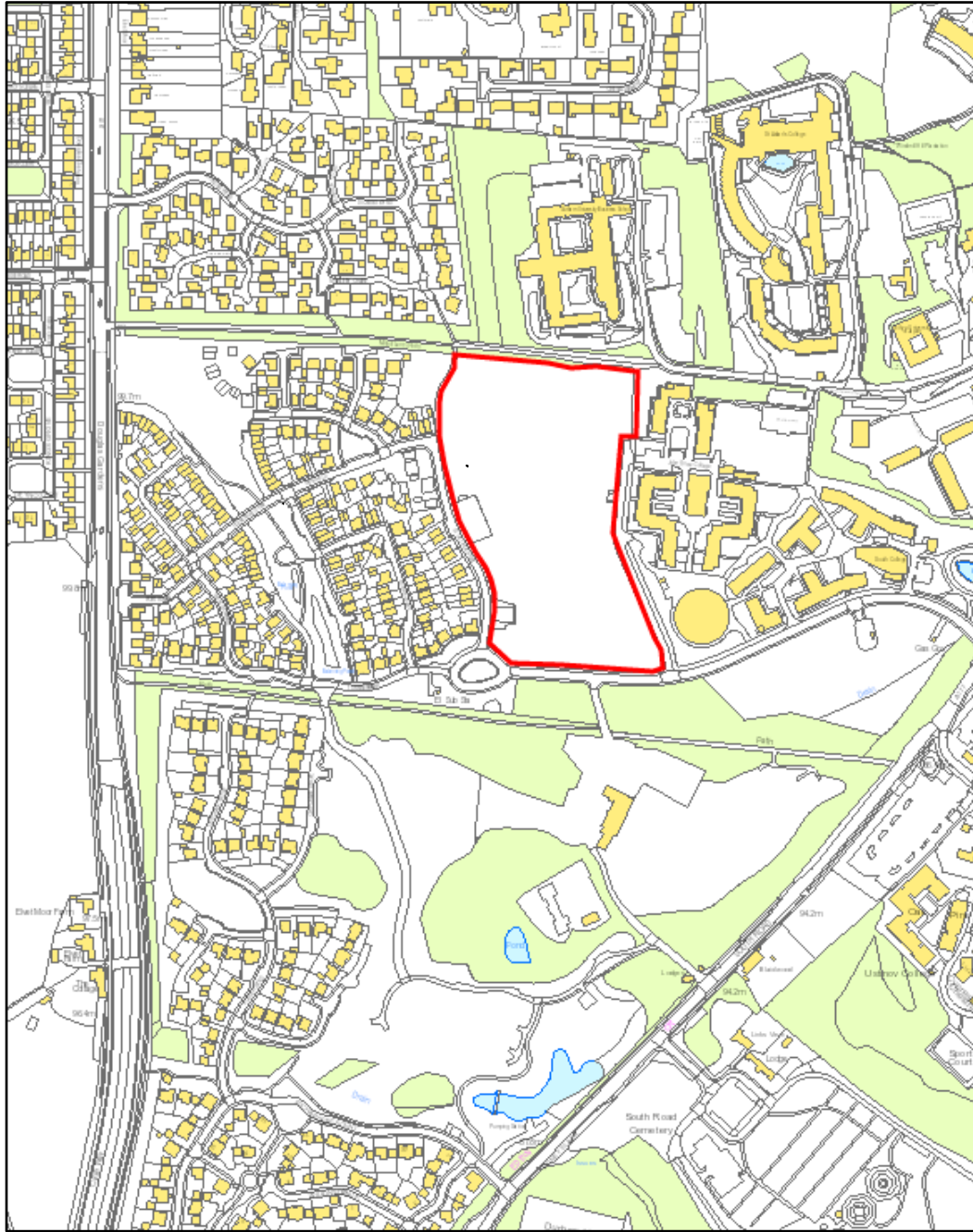
In this instance, Officers have assessed all relevant factors and consider that the scheme in reflecting in particular the reasonable expectations of residential amenity for existing and proposed residents to a Policy compliant standard incorporates elements that ensure the development has the potential to be attractive to all and demonstrates that the requirements of this Act have been considered.

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## **BACKGROUND PAPERS**

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- Submitted application form, plans, supporting documents and subsequent information provided by the applicant
- Statutory, internal and public consultation responses
- The National Planning Policy Framework
- National Planning Practice Guidance Notes
- County Durham Plan
- Durham City Neighbourhood Plan 2020
- Residential Amenity Standards SPD (updated 2023)



**Planning Services**

DM/20/03238/OUT

Outline application for Purpose Built Student Accommodation comprising 850 bedrooms, with all matters reserved.

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Land to the North of Mount Oswald  
 South Road  
 Durham  
 DH1 3TQ

**Date** May 2023

**Scale** NTS