

# COMMITTEE REPORT

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## APPLICATION DETAILS

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**APPLICATION No:** DM/24/00705/FPA

**FULL APPLICATION DESCRIPTION:** Redevelopment of existing shopping centre comprising partial demolition of the shopping centre above the existing mall level (levels 5 and above) and erection of replacement commercial units (Class E), a hotel (Class c1) and purpose built student accommodation (Sui Generis) at Level 5 and above, along with a new outdoor public square and public realm improvements. External alterations to the boat repair and maintenance workshop including use of external areas to create outside terraces for leisure use (Levels 0 and 1) (Class E), external alterations to the elevations of the retained areas of the shopping centre and car park, hard and soft landscaping and other associated works.

**NAME OF APPLICANT:** Citrus (PBishops) Durham Ltd

**ADDRESS:** Prince Bishops Shopping Centre, High Street, Durham, DH1 3UJ

**ELECTORAL DIVISION:** Elvet and Gilesgate

**CASE OFFICER:** Louisa Ollivere, Senior Planning Officer  
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## DESCRIPTION OF THE SITE AND PROPOSALS

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Site:

1. The application site which extends to some 1.25 hectares, includes the entirety of the current Prince Bishops Place (formerly Prince Bishops shopping centre) and the Multi Storey Car park (MSCP) and 2-5 Market Place currently occupied by Boots the Chemist within the centre of the Durham City commercial centre and primary shopping area. The existing development comprises approximately 34,000sqm of commercial uses and also the 401 space multi-storey car park, 9 office suites and ancillary uses including leisure, servicing and storage.
2. The application site is located to the south of the A690, west of New Elvet and east of Market Place. High Street provides a pedestrian route through the site in a loop arrangement from Market Place and Saddler Street. The site boundary fronts on to Market Place from 1-5 Market Place on the eastern extent, directly onto Leazes Road on the northern extent and onto land in the vicinity of the Boat Club, a public house and restaurant adjacent to the River Wear, on the southern extent.

3. The ground levels vary from circa 35m Above Ordnance Datum (AOD) in the east to 45m AOD in the west. The existing shopping centre buildings vary in height between 12.5m and 15.5m from ground level on High Street. The MSCP occupies levels 1 to 4, while the shopping mall level (which is ground level on High Street) lies at level 5, and level 6 comprises upper retail and storage/staff welfare facilities.
4. The site is located within the Durham City Conservation Area, and within the setting of the Durham Castle and Cathedral World Heritage Site. Otherwise, the site is not subject to any other statutory heritage designations. Whilst there are no listed or locally listed building on the site, the building currently occupied by 'Boots' is considered be a non-designated heritage asset. There are however many listed buildings in the vicinity of the site.
5. The south of the application site is located within Flood Zone 2 and partly within Flood Zone 3, at ground level fronting onto the River Wear this includes the public house unit within the building ('Saints'), pedestrian access into the car park, a kiosk and a boat repair storage and maintenance facility.
6. The Boat Club public house and the River Wear are located to the south east of the application site. Retail and food and beverage uses are located immediately adjacent to the site to the north and west on Elvet Bridge, Saddler Street, Silver Street and the Market Place. The A690 is located parallel with Leazes Road to the north of the site. Surrounding uses comprise primarily retail, leisure, food/beverage and hotels. Elvet Bridge is located to the immediate east of the Site and Framwellgate Bridge is located 160m to the south west; both are Scheduled Ancient Monuments.
7. The nearest bus stops lie around 150m from the application site on Silver Street, with a number of other bus stops within Durham City Centre and on the A690, 250m away. Pedestrian access to the site is available via the car park entrance opposite the Boat Club, via a stair/lift well off New Elvet, and from High Street directly off the market Square and Saddler Street. The site is accessed by vehicle from Leazes Road into the 401 space multi storey car park with a separate vehicular and HGV access into the service yard. Leazes Road provides connectivity to the wider city centre and Durham via a number of roads including the A690 which connects to the A167 and the A1(M). There are no existing cycle parking spaces at the Prince Bishops Shopping Centre or in the MSCP.

#### Proposal:

8. This application proposes the redevelopment of Prince Bishops Place in order to accommodate a mix of new and existing uses. This will involve the partial demolition of the existing shopping centre at Levels 5 and above, with the exception of the service cores, the present 'Next' retail unit on the corner of High Street and Market Place, and the two existing three story office blocks which terminate onto Saddler Street. This will mean the shopping centre will be largely closed to the public for a two year period. The car park will be kept open during the majority of the construction works.
9. The applicant is seeking to respond to a challenging, long term market climate with these proposals that would reconfigure the High Street to better suit the needs of national and independent retailers and leisure operators, whilst broadening the mix of uses across the scheme.
10. In total some 16,303 sqm of existing commercial floorspace, which primarily comprises floorspace at or above mall level within the existing shopping centre will be lost to demolition and/or change of use to other uses. Once complete if approved, the

proposed development will incorporate 6,296 sqm of commercial floorspace, including 3,010 sqm of new floorspace at mall level, across a total of 30 units. The units would range in size from 35 sqm to 276sqm (excluding the reconfigured Boots unit). The commercial units would be located on and accessed from High Street. Service access from the commercial units would be via shared servicing cores to the service yards.

11. A new hotel use is proposed within the existing commercial floorspace above Boots building and within new floorspace created at levels 6,7 and 8 to the rear of Boots. The hotel would comprise up to 101 bedrooms and 3,556 sqm in total and include a lobby at the entrance from Market Place with service access via the basement.
12. The proposed purpose built student accommodation (PBSA) would comprise up to 408 units (approximately 358 studios, 50 cluster) and would be located within newly-constructed or converted space above the commercial units and MSCP at Levels 6,7 and 8. A small proportion of the PBSA would also be located behind the commercial units at Level 5 facing Leazes Road. The PBSA comprises 13,505 sqm of floorspace. The PBSA would be accessed on foot from High Street (Level 5) into the PBSA amenity space and via a new drop off/layby on Leazes Road as a secondary access point. There would be provision for student drop-off at Levels 6 and 7 of the MSCP when students arrive and depart their accommodation.
13. The proposed development has been broken down into a series of blocks A-E. The parts of the proposed development that would change the appearance of the site most are blocks A,C,D and E.
14. Block A forms part of the northern end of High Street which runs from the existing retail unit containing 'Next' unit towards the largest retail unit housing 'TJ Hughes'. The Next unit, facing the Market Place, will be modernised externally to remove the dated detailing to be replaced with a more modern façade reflecting the rest of the development. Further along High Street, the existing two-storey retail units with their flat façades, uniform roofline and large hipped roofs will be replaced by a three-storey development. This will have more clearly defined and articulated units with a more pronounced vertical emphasis and varied roofscape and roofline comprising a mix of regular and irregular gables. This will have a noticeably more modern external finish, the form of the building and the articulation of the roofscape would emulate the narrow building plots and variety of pitched roofs that are a defining feature of the medieval town centre.
15. The elevation onto Leazes Road is proposed to be altered with the removal of the existing small, square windows, horizontal bands of glazing and prominent arched detail above the service yard entrance. A new varied roofscape and gables for the student accommodation building are proposed alongside a terraced appearance with a vertical emphasis with fenestration of regular arrangement with vertical emphasis detailing.
16. Block C comprises the central part of the Prince Bishops Shopping Centre. The existing design is broadly consistent with Block A in terms of its treatment of the façades and roofscape, although it has an unusual, curved corner building facing onto the open space at the centre of the site which has a disjointed appearance. The proposed development seeks to replace this part of the Prince Bishops Shopping Centre with a three-storey development comprising ground floor retail and student accommodation above. Varied brick types will be used to create a varied street scene and to modulate the elevation. The fenestration design will be consistent with Block A and have a clear vertical emphasis. The roof has not been designed to incorporate the series of gables proposed for Block A. The curved façade and roof at the eastern end of the block would be replaced with an end-of-terrace design with a prominent gable

end and a lighter weight linking structure to the rest of the block. It is proposed that Block C will be connected to Block A via a first-floor link bridge crossing above the shopping centre's High Street to the north. It will be connected to Block E to the south with a similar link bridge at first floor level. The range of three-storey buildings off Saddler Street that form part of Block C will remain unchanged.

17. Block D comprises the easternmost part of the Prince Bishops Shopping Centre, currently occupied by TJ Hughes. This is the part of the development that is most prominent in views from Elvet Bridge, the riverside, New Elvet Bridge and Leazes Road. The existing design of this part of the Prince Bishops Shopping Centre has a mix of towers and squat, horizontal blocks topped by large, hipped roofs. The proposed development will comprehensively redesign this part of the site by introducing a more modern form of development with flat roofed elements and with the façades of the block broken up visually to give it a more vertical emphasis, reinforced by a modern fenestration design and pattern to complement the domestic scale of the surrounding blocks. The incorporation of a flat roof to replace the hipped roof within this part of the proposed development reflects the structure's modern scale and form.
18. The eastern elevation of Block D will also be significantly altered with the removal of the prominent green stair tower, the horizontal roof lines and the overly fussy and confused façades. At the lower levels which contain the car park, the various openings will be sealed and a series of vertical green walls created. The corner tower feature will be lowered to reduce the bulk and prominence of the development. The green stair tower will be altered to remove the prominent overhanging canopy, the guard railings and the small openings which currently exaggerate the height and prominence of this feature. The remaining parts of the tower will be reclad in more subtle materials.
19. The most significant changes will be made to the upper floors that are currently in retail use and are to be reconstructed as a mix of retail space and student accommodation with an enlarged public space opening up the site in views from New Elvet Bridge and Elvet Bridge and providing glimpses of Blocks A and C. The proposed treatment of the new student accommodation will introduce a finer grain of development and a more domestic scale. The façade will be broken up with alternating projecting bays to give this part of the development the appearance of a series of smaller, narrower plots that are more indicative of the pattern of development within the conservation area. The roofline will also be punctuated by dormer window details. The fenestration will also have a regular distribution and vertical emphasis. A terrace with boundary railings and planting will be introduced along the eastern edge of the student accommodation development.
20. Block E comprises the southernmost range of buildings on High Street. The existing three storey gateway buildings off Saddler Street are to be retained, but the remaining two-storey development facing onto the shopping centre's High Street is to be replaced by three-storey development with a large opening created as part of the enlargement of the public space and to allow for views into and out from the development towards Elvet Bridge and Elvet. The end of the terrace on High Street will be marked by a building with prominent gable ends to terminate the street elevation and mark the beginning of the public space. As with the rest of the proposed development, the building will have a clear vertical emphasis and regular fenestration. Sections of metal cladding will be incorporated into the elevations to modulate the elevation and add greater interest. The outward facing elevation of the block will see the removal of the corner tower detail and the various dormers in the rear roof slope. The tower will be replaced by a three-storey structure with prominent gables facing outwards across the river. The rear roof slope will feature integrated solar panels.

21. The proposals would retain the multi-storey car park (from levels 1 to 4, i.e. below mall level) with a slight reduction from 401 spaces to 392 spaces (including 22 accessible and 6 electric vehicle spaces). Designated cycle storage would be provided in the form of 120 cycle spaces on deck 1 of the MSCP with a further 24 short stay stands to be provided on Leazes Road in the vicinity of the secondary entrance to the student accommodation.
22. Pedestrian access would be provided from a combination of High Street at mall level (level 5), via the Leazes Road stairwell to the student accommodation, and from river level (level 0) in the vicinity of the Boat Club public house via the existing external stairwell. The development would also provide a new link bridge connecting New Elvet Bridge, in front of the proposed PBSA, connecting to the stair core on the south elevation of the scheme.
23. New hard and soft landscaping would be provided and would include a new external public square for exhibitions and events extending to around 830 sqm at mall level overlooking the River Wear and Old Elvet Bridge.
24. The development proposes the incorporation of sustainability and energy efficiency measures such as air source heat pumps, and rooftop solar photovoltaic panels.
25. The proposed development would support approximately 550 direct and indirect full time equivalent (FTE) jobs in each of the planned three year construction phase, typically that would involve a proportion living locally. The scheme would generate an additional £40.4 million of Gross Value Added (GVA) per annum for construction. This is a commonly used measure of productivity and economic performance.
26. During operation the combined uses would create full time employment for 345 persons which is an increase of employment on the site of some 172.5, In addition it is anticipated that approximately 12.5 of the current jobs on site could be relocated elsewhere in City of Durham or County Durham therefore the net increase is anticipated to be 185. The proposal is also anticipated to lead to indirect employment of a further 30 full time positions. Overall all these jobs would contribute approximately £6.8 million of net additional Gross Added Value (GVA) annually once the development is operational.
27. The application is being reported to Planning Committee as it is a major planning application.

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## **PLANNING HISTORY**

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28. Prince Bishops Shopping Centre was developed on the site of the former Leazes Bowl multistorey car parks, following the grant of planning permission in 1996. Since then, there have been number of planning applications for the shopping centre, too numerous to fully list here, however these related primarily to minor works including various advertisement consent applications, replacement shop fronts, improvements to accessibility and provision of CCTV.

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## **PLANNING POLICY**

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## NATIONAL POLICY

29. A revised National Planning Policy Framework (NPPF) was published in December 2023. The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
30. In accordance with Paragraph 225 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal:
31. *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.
32. *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.
33. *NPPF Part 5 Delivering a sufficient supply of homes* - To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
34. *NPPF Part 6 Building a Strong, Competitive Economy* - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
35. *NPPF Part 7 Ensuring the vitality of town centres* - Planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period.
36. *NPPF Part 8 Promoting Healthy and Safe Communities* - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive and safe communities. 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 community facilities and services should be adopted.

37. *NPPF Part 9 Promoting Sustainable Transport* - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
38. *NPPF Part 10 Supporting High Quality Communications* - The development of high speed broadband technology and other communications networks also plays a vital role in enhancing the provision of local community facilities and services. Local planning authorities should support the expansion of electronic communications networks, including telecommunications and high speed broadband.
39. *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.
40. *NPPF Part 12 Achieving Well-Designed and beautiful 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.
41. *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.
42. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
43. *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/government/publications/national-planning-policy-framework--2>

44. 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; biodiversity net gain, climate change; Design: process and tools, determining a planning application; Effective use of land; Environmental Impact Assessment; Fire safety and high-rise residential buildings; flood risk and coastal change; healthy and safe communities; Historic Environment; Housing: optional technical standards; light

pollution; natural environment; noise; Open space, sports and recreation facilities; public rights of way and local green space; planning obligations; Town centres and retail; travel plans, transport assessments and statements and use of planning conditions.

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

## LOCAL PLAN POLICY:

The County Durham Plan (October 2020)

45. *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.
46. *Policy 8 (Visitor Accommodation)* supports new and extensions to visitor accommodation provided it is appropriate to the scale and character of the area and not used for permanent residential occupation. In the countryside such accommodation would also need to meet an identified need, support business viability (if an extension) or involve conversion and should respect the character of the countryside and demonstrate how the location can be made sustainable. For chalets, camping and caravanning development and infrastructure, in addition to the above criteria the development would need to provide flood risk details, not be unduly prominent, have appropriate layouts and have sensitive materials, colours and scale.
47. *Policy 9 (Retail Hierarchy and Town Centre Development)* seeks to protect and enhance the hierarchy of Sub Regional, Large Town, Small Town, District and Local retail centres in the county.
48. *Policy 16 (Durham University Development, Purpose Built Student Accommodation and Houses in Multiple Occupation)* seeks to provides a means to consider student accommodation and proposals for houses in multiple occupation in ensure they create inclusive places in line with the objective of creating mixed and balanced communities.
49. *Policy 21 (Delivering Sustainable Transport)* Requires planning applications to address the transport implications of the proposed development. All development shall deliver sustainable transport by delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings.
50. *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.



51. *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.
52. *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.
53. *Policy 27 (Utilities, Telecommunications and Other Broadcast Infrastructure)* Requires that new residential and commercial development should be served by a high-speed broadband connection and to provide appropriate infrastructure to enable future installation.
54. *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).
55. *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.
56. *Policy 32 (Despoiled, Degraded, Derelict, Contaminated and Unstable Land)* Requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.
57. *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.
58. *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.
59. *Policy 39 (Landscape)* States that proposals for new development will only 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 are expected to incorporate appropriate mitigation measures where adverse landscape and visual impacts occur. Development affecting Areas of Higher landscape Value will only be permitted where it conserves and enhances the special qualities of the landscape, unless the benefits of the development clearly outweigh its impacts. Development proposals should have regard to the County Durham Landscape Character Assessment and County Durham Landscape Strategy and contribute, where possible, to the conservation or enhancement of the local landscape.

60. *Policy 40 (Trees, Woodlands and Hedges)* States that proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges. Where trees are lost, suitable replacement planting, including appropriate provision for maintenance and management, will be required within the site or the locality.
61. *Policy 41 (Biodiversity and Geodiversity)* Restricts development that would result in significant harm to biodiversity or geodiversity and cannot be mitigated or compensated. The retention and enhancement of existing biodiversity assets and features is required as well as biodiversity net gains. Proposals are expected to protect geological features and have regard to Geodiversity Action Plans and the Durham Geodiversity Audit and where appropriate promote public access, appreciation and interpretation of geodiversity. Development proposals which are likely to result in the loss or deterioration of irreplaceable habitat(s) will not be permitted unless there are wholly exceptional reasons, and a suitable compensation strategy exists.
62. *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.
63. *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.
64. *Policy 45 (Durham Castle and Cathedral World Heritage Site)* seeks to ensure that developments within the world heritage site sustain and enhance the significance of the designated asset, are based on an understanding of, and will protect and enhance the outstanding universal values (OUVs) of the site in relation to the immediate and wider setting and important views into, and out of the site. Any harm to the OUVs will not be permitted other than in wholly exceptional circumstances.

#### **SUPPLEMENTARY PLANNING GUIDANCE**

65. Parking and Accessibility Supplementary Planning Document 2023

## NEIGHBOURHOOD PLAN: CITY OF DURHAM NEIGHBOURHOOD PLAN 2021

66. *Policy S1 (Sustainable Development Requirements of all Development and Re-development 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.
67. *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.
68. *Policy H2 (The Conservation Areas)* expects development within the City Centre Conservation Area to sustain and enhance its special interest and significance identified within the conservation area character appraisal taking account of sustaining and enhancing the historic and architectural qualities of buildings, continuous street frontages, patterns, boundary treatments, floorscape and roofscapes, avoiding loss or harm of an element that makes a positive contribution to its individual significance and surrounding area, using appropriate scale, density, massing, form, layout and materials, using high quality design sympathetic to the character and context, its significance and distinctiveness.
69. *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.
70. *Policy E3 (Retail Development)* states that development will be supported where it contributes to the lively and vibrant City Centre and enhance the character and attractiveness of the City Centre. It further states that development that provides residential accommodation in upper floors of commercial properties will be supported so long as they do not have a negative impact on retail, commercial and tourism activities and the general amenity of neighbouring properties and residential amenity including noise impact.
71. *Policy E4 (Evening Economy)* supports development that would promote/support the early evening and night-time economy provided they contribute to the vitality and viability of the centre and add to /improve the cultural and diversity offer. Such

developments are required to provide a strategy for public safety and provide evidence in relation to impacts upon amenity.

72. *Policy E6 (Visitor Accommodation)* Development proposals for new, extended or refurbished visitor accommodation will be supported where: a) the accommodation to be provided would improve the range and quality available; and b) the location, scale and character of the development will not have an unacceptable adverse impact on the natural or historic environment; and c) such accommodation does not become a permanent residence.
73. *Policy T1 (Sustainable Transport Accessibility and Design)* seeks to ensure that development proposals will be required to demonstrate best practice in respect of sustainable transport accessibility, impact and design.
74. *Policy T3 (Residential Storage for Cycles and Mobility Aids)* requires residential development including change of use to seek to provide storage facilities for cycles and, where appropriate mobility aids. Cycle parking should meet DCC standards and should be adaptable for other types of storage with access to electricity. Where there is communal storage and a travel plan this should be managed appropriately in terms of removal and capacity needs. Design and location of storage should accord with the style and context of the development.

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

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

75. *Active Travel England* – Recommended deferral of the original submission as they considered there was a need for further assessment, evidence and revisions. They requested the views of the local planning authority on whether there is a need for securing a contribution for off-site pedestrian and/or cycling routes. They requested a review of the quantum and location of the proposed cycling parking and updates to the Travel plan in respect of any contributions, updated cycle parking and employee facilities and actions to be taken if targets within the Travel Plan are not met.
76. In response to further supporting evidence in respect of cycle parking Active Travel England have advised that their concerns remain regards the cycle parking however in the event of any funding for off-site improvements (University shelters or Local Cycling and Walking Infrastructure Delivery Routes) they would be willing to accept 50% provision for cycle parking.
77. *The Coal Authority* – Do not object.
78. *Department for Culture, Media and Sport* – No comments received to date.
79. *City of Durham Parish Council* - fully acknowledge the need for any future redevelopment of the site to be financially viable. However, as what is proposed is a

significant development within the city, the Council consider it should be an exemplar mixed-use development that will diversify and improve the retail and tourism offering of the city and that it must also accord with the relevant development plan policies and other material considerations.

80. The City of Durham Parish Council very much welcomes opportunities in principle to diversify and improve the city's retail and tourism offering. The Parish Council accepts that the current operating model for the centre is unsustainable and no longer financially viable and do not object but set out a case for making this an exemplar mixed-use development.
81. The Parish Council considers that there is a need for additional information to ensure the principle of the development can be considered acceptable in accordance with the requirements of the development plan and other material considerations.
82. Whilst the Parish Council supports the principle of the development of PBSA on the upper floors, it has significant concerns regarding the information that accompanies the application to seek to demonstrate the specific need. The Parish Council submits that elements of the bedspace assessment are outdated and misleading. Crucially, they consider the assessment appears to ignore recent information on student numbers and instead makes an assessment of demand by projecting the growth in student numbers based on the annual figures up to the Academic Year 2020/21 when there were 22,220 Durham University students. The Parish Council point out 2020/21 was not a typical year, as a result of issues surrounding lockdown and A-level results. The number of students was significantly greater than the University target of 21,500 for 2026/27 and the University has committed to manage the level of future students, which it has done - with the figure for the 2023/24 academic year at 21,588.
83. The Parish point out that the use of inappropriate data as the basis of the assessment suggests that in 2026/27 there would be 33,150 students with a need for between 3,830 and 10,480 additional student bedspaces. The Parish Council has significant concerns that if this assessment is accepted by the Local Planning Authority, future applicants will seek to use it as evidence to support proposals for student accommodation in other, potentially inappropriate locations across the city.
84. The Parish Council also considers that the applicant should provide additional information to demonstrate the need for the specific type of accommodation proposed, including evidence of consultation with the University. The Parish Council therefore submit that whilst it supports PBSA in this location, for the principle of the development to accord with the provisions of the development plan, particularly policy 16(2a and 2b) there is a need for further, updated information.
85. Whilst the Parish Council supports the principle of a hotel in this location, they highlight that there is no operator identified, which may result in further changes.
86. Whilst the Parish Council welcomes the principle of the retail proposals within the development, it has concerns that the resulting units will be smaller than the existing units occupied by Next, Boots, T J Hughes and New Look. They note the accompanying documents suggest that the new units are to be occupied by independent retailers. The Parish Council is concerned that the loss of larger units could undermine the role and function of the city as a sub-regional centre, particularly as a large part of the city already provides smaller units. This concern is also expressed in light of the comments from Visit County Durham, where it is highlighted that Durham City urgently needs to increase the average day visitor dwell time and spend. It is essential therefore that the development provides the types of retail accommodation that is needed. The Parish Council would hope that the applicant

could incorporate internal walls within the scheme that would be able to be moved/ altered in a way which would accommodate a larger retailer. As a result of the concerns identified, the Parish Council submits that in order for the principle of this element of the development to accord with the requirements of CDP policy 9 and DCNP policy E3, additional information should be provided to illustrate that there is a demand for the proposed units.

87. With regard to the composition of the units, the Parish Council would like to see a unit dedicated as a community hub space and believes this will allow the community to make much better use of the facilities. Furthermore, they highlight that the public toilets at the existing centre are well-used and considers that these should remain open throughout the development and that a new public toilet facility should also be included with this development, as required by DCNP policy S1(l).
88. Whilst the Parish Council accepts that the existing building does not reflect those within the wider conservation area, it is considered that there are opportunities to improve the design and appearance of the proposed development, particularly given its location to better accord with the provisions of the development plan. For example, it is considered that the proposed skyline is particularly flat and not in keeping with this part of the conservation area.
89. The Parish Council welcomes that the development is proposed to be constructed with a fabric first approach to achieve carbon reductions, air source heat pumps for the PBSA and hotel accommodation, and solar panels on the roof. However, it is concerned that these proposals will not be sufficient to ensure that the full site is powered by renewable, green energy sources. For example, Water Source Heat Pumps appear to have been discounted and they request that further justification is required for this. In addition, it is noted that the proposal does not appear to be accompanied by evidence to demonstrate that the development will contribute to the County Council's Climate Emergency Response Plan and the goal to reach net zero by 2050.
90. It is noted by the Parish Council that several consultees have highlighted significant concerns regarding the proposed level, location and type of cycle parking provisions within the development, disputing the assertion by the applicant that the lack of cycle parking at the current site is justification for a lower level of provision - these concerns are echoed by the Parish Council. Given the location of the site on a national cycle route, they consider it is essential that the development is connected to it. However, the proposed location of the cycle parking is removed from any roads which are attractive to cycle on. It is noted that Cycling is not permitted on the riverbank, where one access is proposed, with the other access at the proposed access to the car park, with no safe cycle access. The Council considers that consideration does not appear to have been given to the different users of the cycle parking e.g. the needs of students will be different to staff working in the retail units and to hotel guests.
91. Furthermore, it is considered that the development proposal does not appear to have been informed by robust trip generation data, particularly at peak times nor information provided on the anticipated future use of the car park e.g. will it be restricted in some way to users of the development, or a public car park? It is noted that the existing multi-storey car park already has high occupancy rates (93% on Saturdays and 75% on Wednesdays at peak times). The Parish Council has significant concerns that adding vehicles for staff at the PBSA and hotel as well as other users will cause a serious deficit in parking spaces, made worse by the reduction of spaces from 401 to 392.

92. The Parish Council also has additional highway safety concerns regarding the proposed layby spaces adjacent to Leazes roundabout and how its limited use will be enforced; the proposed location of the drop-off/pick-up for the hotel in the Market Place; and how traffic/ parking will be managed on the move in-move out days for students. It is therefore considered that additional information is required to ensure that the development accords with the provisions of the relevant development plan policies.
93. The Parish Council has concerns regarding the impact of the construction works in terms of disturbance to local residents and existing businesses that operate on the site. It is hoped that the work can be phased and that there will be a clear plan to minimise disruption. With regard to amenity considerations, the Parish Council notes that the submitted plans do not provide detail on the proposed communal areas for the PBSA and the amenity areas appear limited when compared to the level of future occupants.
94. The Parish Council has significant concerns regarding the comments from the Spatial Policy Team regarding the off-site contributions towards open space provision. The Parish Council is totally opposed to a 50% reduction and stresses the need for the full 100% requirement for Section 106 monies to be applicable in this case.
95. *The Environment Agency* – Do not object, request conditions in relation to the submission and approval of a species protection plan for otter population and updated Water Framework Directive Assessment prior to commencement of development. They also advise on the potential need for an environmental permit, where to find guidance on flood resistance and resilience measures and how to sign up for flood warnings.
96. *The Health and Safety Executive* – Are content with the fire safety design to the effect it affects land use planning considerations and advises that other matters should be addressed under different regulatory regimes.
97. *Historic England* – Do not object . They consider the proposal would produce a more open and visually less confused appearance. Whilst Officers consider it would remain a building whose scale and mass is untypical of the Durham City Conservation Area it is considered that it would add design touches that better reflect historic character. In respect to the setting of the World Heritage Site (WHS), Historic England consider the proposal would not radically alter the existing situation where the Cathedral and Castle dominate over the city centre and riverbanks. Officers consider that a more open and animated riverside elevation would slightly enhance the quality of setting when seen from New Elvet and Old Elvet bridges. Historic England consider that the proposal would satisfy the requirements of para.205 of the National Planning Policy Framework of the NPPF which asks that great weight be given to the conservation of designated heritage assets, such as World Heritage Sites and Conservation Areas.
98. Whilst initially Historic England recommended that any decision on this application be deferred until a response from the World Heritage Centre and/or the advice of the World Heritage Committee’s Advisory Bodies has been received they have now confirmed that the World heritage Centre (WHC) (which is the focal point and coordinator within UNESCO) have confirmed that the WHC have been notified “for informational purposes only” rather than for technical review.
99. *Highway Authority* – Have no objection. The Officer considers the site to be in a sustainable location. The Officer notes that the 2023 Parking and Accessibility SPD states that EV spaces should be provided at 5% active, and 20% passive. Therefore, a minimum of 20 active spaces should be provided. It is advised that this requirement

could be secured by condition. The Officer considers that the reduction of 9 spaces as a result of this development would make no material difference to the use of the car park and that vehicular trips generated by the commercial use would remain similar to the existing situation. It is considered that the hotel use would likely generate the highest level of trips from foot or taxi, with people staying likely to arrive by train. It is considered the student use would also likely generate little parking demand, with the main trips to and from the site at the beginning/end of term as students move in/out.

100. The proposed widening works to the eastbound single lane exit to the roundabout are considered to allow 2 cars to queue side by side between the roundabout and the A690 junction, allowing one to turn left and one to go straight on, where currently the restricted lane width means only one car can queue at a time regardless of which way they are intending to go.
101. It is advised that a Traffic Regulation Order (TRO) would be required to prevent people from parking in the layby on Leazes Road, and ensure it is only used for the purposes of pick up and drop off. The TRO required would therefore be double yellow lines.
102. It is advised that works to the adopted highway would require the applicant to enter a S278 agreement with the Local Highway Authority. The Officer details that all works to the adopted highway would be at the applicant's expense. The Officer advises that TROs, and additional Road Signs required to accommodate the proposals would also be at the applicant's expense.
103. The Officer considers that overall the proposal would not be prejudicial to road safety, nor would the net increase in floor area be such that it would have an unacceptable cumulative impact on the local highway network.
104. *Lead Local Flood Authority* – Advise approval of the surface water management for the proposed development as set out in the Flood Risk Assessment and Drainage Strategy Rev F submitted 4th June 2024.
105. *National Highways* – No objection but note deficiencies in the submitted information in respect of the Transport Statement and Travel Plan, inconsistencies with the Local Plan, monitoring, potential impacts to other car parks in the vicinity and lack of diagrams in relation to trip distribution percentages.
106. *Natural England* – Have no objection and offer standing advice.
107. NHS – Advise that the Claypath and University Medical Group Primary Care Network is at full capacity and request s106 funding of £85,680 to support creating extra capacity to provide services to patients.
108. *Northumbrian Water* – No comments to date.
109. *Secretary of State* – No comments to date.

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

110. *Business Durham* – No comments received to date.
111. *County Durham and Darlington Fire and Rescue Services*- No comments received to date.



112. *Durham Constabulary* – Offer general advice on secure by design and construction site security.
113. *Durham University* – No comments received to date.
114. *Visit County Durham* – Support the visitor economy related elements of the proposal. They advise that there is an undersupply of visitor accommodation in Durham to meet demand. Whilst they are unsure to what extent the wider development will improve Durham as a visitor destination, they note that there would be benefits in terms of adding to the experience for visitors and residents. They support elements which will both attract visitors and encourage them to stay longer and spend more time in the city. It is advised that the visitor economy is crucial to the overall economic health of the city and most attractions and point out that places to stay, eat, drink and shop are heavily reliant on tourism. They highlight that independent benchmarking research indicates that Durham City is not keeping up with its historic cathedral, university, riverside competitors in terms of maximising economic impacts, sustaining local businesses and protecting employment.

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

115. *Design and Conservation* – In terms of the impact of the proposed development on the setting of the WHS, Officers consider that the proposal would not radically alter the existing situation where the Cathedral and Castle dominate over the city centre and riverbanks. It is considered that a more open and animated riverside elevation would slightly enhance the quality of setting when seen from New Elvet and Old Elvet bridges, and the form, scale articulation and materiality of the proposed development when considered against the existing could be considered as an improvement to the wider conservation area the setting of designated and non-designated heritage assets.
116. As such Officers consider the proposals would satisfy the requirements of para.205 of the National Planning Policy Framework (NPPF) which asks that great weight be given to the conservation of designated heritage assets, such as World Heritage Sites and Conservation Areas. As such it is also considered that the development would further meet the requirements of Policy 44, and 45 and 29 of the County Durham Plan (CDP), and Policy H1 and H2 of the Neighbourhood Plan.
117. The Officer recognises that out with the consideration of heritage impact, the design proposals have been constrained by several factors primarily the retention of the car park, its structural grid and subsequently the capacity for structural loading in respect of the latter. The Officer comments that these combined with the complexity of uses and end user requirements for the site has presented a demanding design challenge to which the architects have responded to create a more visually permeable, outward facing development that is an improvement on the exiting visually confused architecture.
118. The Officer considers further consideration should be given to the proposed materiality of the tower and the materiality of the upper level of the SW “Block adjacent to the faux pitched roof/dormer elements to the riverside elevation, and the height of the parapet of the corner block adjacent to new Elvet Bridge if possible. Notwithstanding this, it is advised that all materials to all facing elements and roofs including fenestration should be conditioned prior to commencement of construction on site.
119. *Ecology* – Officers note the development provides a mandatory Biodiversity Net Gain as shown via the metric and the BNG Assessment. Given the types of habitats delivering the BNG the Officer considers that there is no requirement for a draft Habitat Management and Monitoring Plan at application stage. The Officer accepts the use of

a condition to require a Species Protection Plan for otter as the risks are sufficiently low for any 'significant' disturbance, as the immediate environs are composed of hard engineered river banks and further afield a footpath along the river means that it is highly unlikely there would be a breeding holt in the vicinity. Furthermore, the Officer notes that the ecological report did not raise otters as a particular concern.

120. As the bat survey work recorded three day roosts the Officer points out that a Natural England Licence will be required for works that may cause disturbance to bats or impacts roosts and that this should form a condition on any planning permission.
121. The Officer advises that the Ten nest boxes for birds and ten roosting features for bats which are to be integrated into the new structure should be incorporated into the masterplan drawings supporting the application.
122. The Officer welcomes that the development will result in a reduction in light spill across the River Wear.
123. *Economic Development* - No comments to date.
124. *Environment, Health and Consumer Protection (Air Quality)* – There remain issues with verification which has not been updated but request a condition to address this by either further verification or modelling at the vent inlet(s) and the implementation of this mitigation.
125. The Officer also recommends that a site-specific Dust Management Plan is produced, taking into account the findings of the dust risk assessment and the mitigation measures proposed. The Officer recommends that the implementation of this mitigation is made subject to a Planning Condition.
126. The Officer also requests that the requirement that construction traffic numbers be screened against IAQM criteria be made subject to a Planning Condition
127. *Environment, Health and Consumer Protection (Contaminated Land)* – Have no adverse comments, do not request conditions, only standard informatives.
128. *Environment, Health and Consumer Protection (Nuisance)* – Notes that the Noise assessment has established, both habitable rooms and bedrooms guidance levels stipulated in BS8233:2014 will not be achieved due to traffic and city centre noise. With the exception of elevations fronting into the lightwell located in the central area to the site. It is noted that this area will achieve internal guidance levels with the windows open. Officers agree with the noise levels set out in the assessment in relation to plant.
129. Officers therefore recommend conditions to ensure acoustic ventilation and enhanced glazing, further assessments of any new plant and restriction on noise limits for plant, an updated construction management plan to detail noise levels and to control demolition/construction operating times.
130. *Landscape* – Advise that the proposals for the public realm are well considered and reflect pre-application discussions. It is considered that the provision of a new public square is informed by a cogent analysis of the site and the location and character of nearby public spaces. Officers advise that it would provide a focal destination to the linking streets, open up the area to views of the river and the wider city and provide a flexible and adaptable space for a variety of uses. It is considered likely to complement other public spaces nearby in terms of scale and character. Overall, the Officer considers the proposed design to be well considered.

131. In respect of permeability it is advised that the proposals for increased physical permeability and legibility of routes are well thought out. It is considered that the visual links between the public square and riverside and improvements to the stair core linking them would improve permeability, as would the reactivation and improvement of the gantry walkway accessed off the stair cores with a new link to Elvet Bridge. It is considered that the introduction of additional active uses to the riverside would enhance the area and improve surveillance.
132. The Officer advises that hard and soft landscape proposals are well considered and would be attractive and robust provided that detailed schemes to be submitted under condition reflected the Planting Strategy and Materials Strategy. The Officer highlights that the proposed green wall to the riverside elevation would be a key element in assimilating the existing car park structure and reducing the perceived scale of the building. It is considered that the proposals are practical, and it would be likely to be a successful feature subject to detailed design. It is pointed out that Green walls created using climbers are generally robust if they have access to sufficient soil volume but need maintenance. The Officer refers to some successful examples having been removed in the past by building managers to reduce maintenance. Given the architectural importance of the feature the Officer advises that its retention and appropriate management will need to be secured as part of a landscape management plan which will need to be covered by a condition.
133. The Officer notes that a design decision has been made to retain two trees on the riverside terrace – despite their relatively low value and poor form – in part to bring maturity and character to the new seating area. It is advised that this brings some risks as the trees will be difficult to fully protect during the development phase, may prove unsuitable for retention in the longer term, and may require less durable / practical surfacing such as gravel and bark. The Officer advises that alternative of removal and replacement with specimens better suited to the location would be equally appropriate and would be easier to detail robustly in respect of paving etc. The Officer advises that this could be considered further at detail stage or the retention and replacement (as necessary) of trees in the longer term could be covered in a landscape management plan.
134. *Monitoring Officer* - Advises that the final details of the CEMP be agreed by condition and that it should include a Dust Action Plan, with details of how dust levels will be monitored and proposed mitigation and control measures for Noise and Vibration including details, justification and monitoring of any proposed piling works.
135. *Regeneration* – No comments received to date
136. *Spatial Policy* – Provide guidance on relevant policy and guidance. The Officer recognises that CDP policy 9 is supportive of the uses proposed and accepts the general principle of redevelopment of the site in terms of future viability , improvements to the current design and creation of a new area of public space provided that all relevant policy are complied with.
137. The Officer notes that the site is not allocated for housing but notes that CDP policy 16 makes allowances for PBSA on non allocated sites subject to criteria set out in policy 16 and the development sustaining the significance of designated and on designated heritage assets and their setting.
138. The Officer points out the need to satisfy criteria g) and i) of policy 16 which are concerned with site security and management plans and that Officers should be mindful of these policy requirements when drawing up any conditions.

139. The Officer recognises that the increase in students would have a positive effect on the local economy during term time.
140. The Officer welcomes the indicative plans detailing how the shared communal space could be used and considers it is commensurate to the type of accommodation provided and that the cluster space for the flats is of an appropriate standard. The Officer points out a lack of light to the amenity space and lack of provision on level 7 but recognises that good management would foster interaction elsewhere.
141. There are no concerns raised in respect of the location of the site in respect of criteria d) of the CDP.
142. The Officer advises that consideration will need to be given to amenity of occupants as well as the amenity of neighbouring residents and to consider the impacts on existing business from close proximity of residents .
143. The Officer advises that the need for the development would need to be fully demonstrated with evidence that Durham University have been liaised with. The Officer advises that consideration of need of student accommodation is more nuanced than simply the number of students registered with the University or other educational establishments. The quantitative and qualitative information submitted is considered to have outlined the proposed target market and what need is met by the PBSA development .
144. In respect of the visitor accommodation the Officer recognises the economic benefits of the increased visitor overnight stays, however, advises that consideration be given to the signage, accessibility, views and facilities on offer to help with the legibility and success of the future hotel.
145. With regard to the retail elements of the development, the Officer welcomes the retention of retail space and notes that policy 9 of the CDP would be generally supportive , however has raised concerns that the proposal involves smaller units than at present. Whilst the Officer recognises there is a general retail trend towards smaller shop units it is noted that Durham City already has many such units and that the loss of the larger retail units may impact on the type and mix of retail offer within the city centre. There is also considered to be a lack of detail in respect of the leisure offer and requests further retail demand evidence to demonstrate how the city centre's offer would be better diversified by the development.
146. The new public square is welcomed and considered to comply with policies 26 and 29.
147. The Officer points out that policies 29, 31, 44 and 45 are applicable and welcomes the overall outwards appearance of the structure as an improvement. The inclusion of two glazed walkways is queried in terms of sense of place however the Officer defers to the views of the Design and Conservation Officer in this regard.
148. The Officer raises some concerns over how the student parking will be managed on site and how the layby parking would be managed and whether the amount of parking proposed would be adequate to sustain the intensification of the use of the site in addition to the existing demand for city-centre parking and the level of secure cycle parking spaces but advises these issues be discussed with Active Travel England and DCC Highways Officers.
149. With regard to developer contributions, in addition to any health requirements, the Officer advises that Policy 26 (Green Infrastructure) of the CDP requires proposals 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 Officer advises that council requires 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 OSNA sets standards based on sqm per person and sets out that it costs £1,581 per person to provide new open space to meet the County Durham standard for open space (to be borne by the developer as part of the development scheme). These calculations are to be used to calculate the required quantum of open space in sqm taking account of Table 19 of the OSNA which sets out the thresholds for when different typologies of open space should be delivered on or off-site. The Officer points out that the OSNA states that where it is not possible and/or desirable to provide facilities on site, and the council are willing to accept a contribution to improve existing facilities off site, a 50% reduction in the above calculation will be applied in recognition that the cost to upgrade facilities can be less providing new facilities altogether.

150. The Officer advises that Policy 29 C supports development which include the provision of renewable and low carbon energy technologies. It is pointed out that this policy also requires non-residential development to achieve a BREEAM minimum rating of very good. It is understood that the proposed development will be constructed with a fabric first approach to achieve carbon reductions, air source heat pumps for the PBSA and hotel accommodation, and solar panels on the roof. These elements are considered to accord with this policy.
151. It is advised that a 10% net gain for biodiversity will now be required in accordance with policy 41 of the CDP.
152. It is advised that Policies 35 and 36 (Water Management and Infrastructure) would also be applicable with respect to the management of surface water and the disposal of foul water. The Officer notes that the site is partly within flood zone 3b (functional floodplain) in the Durham Strategic Flood Risk Assessment and that National policy and CDP Policy 35 (Water Management) only allows for essential infrastructure that has passed the Exception Test, and water-compatible uses in the functional floodplain. However, the Officer points out that Planning Practice Guidance states the identification of functional floodplain should take account of local circumstances and not be defined solely on rigid probability parameters and advises that areas which would naturally flood, but which are prevented from doing so by solid buildings, will not normally be defined as functional floodplain.
153. *Sustainable Development and Energy Officer* - Advises that the potential for District Heating needs more exploration as the use of Variant Refrigerant Flow and direct electric heating for the hotel and student accommodation would mean that substantial portions of the development would not be able to connect to any future district heating network . The Officer advises that For the avoidance of doubt DCC is continuing to work on future sustainable solutions for Durham City and it is likely that the forthcoming heat Network Zoning legislation will identify Durham City as being a heat network zone and New buildings in zones which do not connect before completion will need to be “heat network ready”, meaning designed in such a way that they can connect to a heat network in the future. The Officer appreciates that information relating to any future network, is not readily available to the applicant at the present, however advises that it is critical that as much of the development as possible is made ‘Heat Network Ready’.

154. The Officer also advises that Solar PV be maximised and that vertical south facing solar be considered to maximise winter energy generation when it is needed the most.
155. *Travel Plans Officer* – Advises that the Travel Plan needs to have SMART targets identified and broken down for years 1 through to 5 and that a remedial budget should be committed to, should the travel plan fail to meet its targets and aspirations.
156. *Trees Officer* – Notes that whilst No trees are to be removed for redevelopment of the site; the Officer understands that during redevelopment it may be difficult to protect due to limitations within the boundaries of the site. It is accepted that both trees may require some formative pruning via crown lifting. The Officer advises that surfacing of the terrace may damage retained trees therefore, the Officer advises that construction must be done by hand or with lightweight pedestrian operated machinery. It is advised that no ground excavation can be undertaken within the tree root protection areas (RPA's) and all surfacing utilised will have to be lightweight, be of a construction that will retain permeability, and be placed over the existing ground level (above ground). The Officer considers that some hand-preparation of the current surfacing could be undertaken prior to surfacing but be limited to the removal of surface vegetation. If during development the trees are found to be not suitable for retention due to construction, it is advised that the DCC Arboricultural Officer must be informed, and that a re-planting plan will be required.
157. *Structures Officer* – Request a condition that all works in the vicinity or connecting to the highways structures must have prior approval from Strategic Highways Structures Asset Management Team prior to commencement of any works and that the costs are met by the developer.

#### **PUBLIC RESPONSES:**

158. The application was advertised in the local press, by several site notices and by direct notification to neighbouring properties. A total of 7 letters of objection have been received in response to the consultation process from the Durham City Trust and Whinney Hill Community Group and local residents/persons whose concerns are summarised as follows:

#### *PBSA*

- The proposal would transform Durham City into a student campus and only cater for this transient population.
- The evidence in terms of need is speculative, recent articles suggest there are unoccupied bed spaces currently and support the point there is a surplus of accommodation within the City to cater for student needs.
- The 'Bedspace assessment' document which is out-of-date and misleading. It makes an assessment of demand by projecting the growth in student numbers based on the annual figures up to the Academic Year 2020/21 when there were 22,220 Durham University students. At the extreme, this past growth rate approach arrives at 33,150 students. On that basis, the document arrives at a need for between 3,830 and 10,480 more student bedspaces. However, 2020/21 was the unplanned bulge year arising from the lockdown 'A' level difficulties, and the number of students that year was significantly above the University's adopted target of 21,500 students for the year 2026/27. The University publicly declared that it would manage numbers down to 21,500 and has succeeded in doing so; the figure for the Academic Year 2023/24 is 21,588 which is only 88 more than the target for the year 2026/27. The University is clear in its strategy - stability at 21,500 from now on. The document concludes on need that "Within this context, it is

considered necessary to place greater weight on the past trends analysis when assessing future demand.” That is a grossly mistaken view, depends upon ignoring recent student numbers, and results in the bedspace assessment of demand being fundamentally wrong. The fact is that there is no quantitative need for more student bedspace.

- Comparisons are made with other University cities, leading to the comment that the student population of Durham is relatively small. This is a deceptive view as Durham’s resident population is very small compared with the other cities used in the comparison; in fact, Durham has the most students per head of resident population of all University cities in England. This is particularly true of the historic core of the City.
- The so-called shortfall is constructed from the false projection of growth in student numbers despite the University’s successful reduction down to stability at around 21,500 students in future.
- The student experience offered by the studio room system with amenity space away from the bedrooms is significantly worse than that where communal space is provided on a dispersed group arrangement. There are only 50 cluster units with shared living space. The terrace areas are reserved for maintenance only and the amenity space (assumed for PBSA use) is located on levels 5 and 6 serving the Leazes Road and Riverfront blocks only. These spaces will be a substantial distance from many of the bed units. It would appear to be possible to provide more cluster flats, which, aside from the immediate benefits to student well-being, would have the advantage that they are easier to repurpose into apartments for longer-term residents in the future without further extensive rebuilding.
- It is unclear which market segment will be provided for by the submitted arrangement. The proposal lacks sufficient inbuilt flexibility to cope with changing patterns in the University’s student population.
- There are more useful empty sites around the city that have potential to be developed as PBSA.
- Lack of engagement with the University in terms of need.
- The offer is not unique as there are already other PBSA in the city with a range of benefits and amenities provided within them (Student Castle and Rushford Court {formerly the County Hospital} ), River Walk (Dunholm House) or the Three Tuns and others nearby.
- The large amenity area at the PBSA entrance is too large for purpose and should be kept for retail with a smaller location for the entrance.
- The inaccessible terraces and courtyards should be open.

### *Hotel concerns*

- There is fluidity in the amount of PBSA vs hotel accommodation given the proximity of the corridor access and there may be further change when an operator is selected.
- The type of hotel proposed has no shared space, providing book-in and rooms only as a service. Drop-off space for visitors is very limited. This may be a model for larger city centres but there is no analysis offered of why this could work in Durham.
- Lack of need / operators for hotel if Premier Inn were to open.

## *Impacts to retail/leisure*

- The retail may switch to leisure uses in competition with the historic streets' increased leisure provision and that of the two newer developments causing overprovision and business loss.
- The application does not include financial data of the sort that would allow the Planning Authority or decision-makers to judge whether the proposals are a proportionate response to changing market conditions, or in fact a scheme which maximises income for the owners at the expense of harming the city centre's function at the top of the retail hierarchy.
- There will need to be support for key retail providers to ensure that they do not seek premises elsewhere during what is going to be a protracted construction period.
- The loss of larger retail units for smaller versions of national shops with fewer services.
- Durham is in need of retailers coming into the city rather than being taken out.
- There is a lack of retail interest in coming to the city given the current empty buildings.
- The development with its smaller units would not replace the loss of the national retailers as a result of earlier developments in the city.
- Some of the current units are already too small for their national retailers.
- Smaller retailers have taken units in the past few years and have only lasted a matter of months.
- The unit that will remain for Next would be small and an awkward shape to work with for retail.
- Some retailers have been compensated for loss of upper floors with more rear floor space but others not.
- There has been no regard for the current larger units and who will have no option other than to locate elsewhere with loss of jobs and footfall and draw for other retailers.
- Both the Gate and Rivewalk development were proposed to be occupied by retail units but this has not come to fruition.
- There is already little to attract visitors.
- The City Centre is a small area which has far too many eating and drinking outlets compared to genuine retail units catering for permanent residents and their needs.

## *General Design*

- There is no need for the roof over the stair column.
- the regularity of the riverside block arrangement works against the organic grain of the City centre. The 'blockiness' it creates works against other parts of the design.
- The river frontage should feature oriel windows.
- The design approach chosen for the Leazes Road section reverses the burgage plot layout used in Durham – closing the Leazes Road frontage and opening the interior street with breaks by height, and the introduction of gable ends and terraces. The river frontage would have benefited more from this approach.
- Given the traditional and local references used as an influence on the Leazes block, it is not clear why the river frontage is then selected for a 'modern' approach. It results in the discordant regularity in the block arrangement gaining more emphasis. The river frontage is most important because of its presence in views across the river and to the WHS.
- On this riverside frontage, the junction between the three-story pitched element next to the new open space and its flat-roofed neighbour does not work well and the two blocks need to be separated visually. The slight reduction of the stair tower



and toning down of the cladding reduces impact but use of the zinc standing seam cladding draws too much attention as a contrast against the brick detailing adjacent. Notwithstanding the dull grey colour, perhaps more harmonious and recessive treatments could still be considered.

- The western block is monolithic and needs more work to break this down by fragmentation of roofscape and elevation detailing. It is a weak solution to terminating this façade and linking to the Leazes Road façade. Although not desirable for repetition, the existing tower solution does at least achieve the corner transition. It provides a visual 'turning point' and focus between the Leazes Road and River elevations.
- There is a complex elevation arrangement around the riverside service entrance including a remnant of the William Whitfield building. This a very important section of the building defining the riverside space and its relationship to Elvet Bridge and needs further careful detailing. Although not wholly under Citrus Group's control, the riverside space landscaping needs a holistic solution that will stand up to the pressures of vehicle use and work as an historically appropriate pedestrian attraction.
- At the Leazes Road elevation the interior finishes of the service entrances and interior lighting could form part of this design to minimise external impact.
- Removing the pitched roof may reduce height but it leaves the tower as a discordant 'blocky' element in the elevation. The proposed brick detailing of the key elevations of this tower would benefit from more detailed attention to draw the tower into the elevation and make it more recessive.
- The side façade may not match the quality of the Boots main frontage and the new High Street and needs further attention.
- The changes to the Boots frontage requires detailed attention to ensure it complements the styling of the main Boots upper frontage.
- Solar panel detailing needs care to avoid undue prominence.
- More information/consideration is needed for lighting the riverside stair tower, the car park, studio bedrooms, service access on the riverside and lighting of the riverside, the vehicle accesses and internal lighting off Leazes Road.

### *Other issues*

- There would be a significant negative impact on retail, employment, leisure, tourism, housing and the council's regeneration objectives, the complete opposite of Durham County Councils stated aims and objectives.
- The Prince Bishop river cruiser and Browns rowing boat hire and are seen as a long standing component of Durham's traditional visitor offer. Is this use prejudiced by what appears to be a proposal to convert the boat store to leisure use? There is no indication of the operators' response to these changes and there are concerns over the loss of boat cruises and hire.
- The current public toilets on site should be kept available.
- Increased pressure on services such as the NHS.
- Any accommodation being provided within the city centre should be focused on supporting returning families to the City.
- Lack of public consultation/meetings with elected representatives for such a major and high profile development, the decision should be delayed until this can take place .
- This is a discriminatory proposal as it only caters for one demographic.
- Housing policy was aimed at houses for families and permanent residents and not transient students.
- The same arguments were put forward in 2009 for the development of Durham and have proven to be flawed.

- The Visit Durham Destination Manager has doubts about what the development will actually achieve.
- There needs to remain access to properties that currently use the service area of Prince Bishop.
- Cycle parking needs to be at High Street level.
- The design and access refers to Sheffield stands for cycling but this is not what is shown.
- The gantry walkway is too narrow for accessibility purposes.
- There is a significant weakness because of the lack of an explanation as to who will be using the car park in future and implications of any reduction in spaces available at peak times for the general public.
- There needs to be a planning condition barring the offering of car parking spaces to any PBSA resident who does not also have a permit to use University car parking facilities. The University limits student parking permits to those with a medical or educational need to use a car.
- The Transport Statement also fails to assess the change in a meaningful way. There are currently retail units and offices attracting shoppers and employees to travel. This does not seem to be factored in when considering the trip generation of the new proposals. It is very unclear whether trips will be increased or reduced by the changes, as the Transport Statement does not quantify the trips generated by the current use of the site. Some of the figures lack credibility: it is inconceivable that a basic hotel without bar or restaurant could employ 84 staff, for example. This high number is contradicted in the submitted economic statement that identifies 25 full time equivalent jobs.
- Widening of access onto the roundabout probably improves vehicle access but will make pedestrian use of the crossing to access the Milburngate Bridge road harder. The use of the existing path for a loading bay, existing difficulties for pedestrians crossing the car park and service entrances and the queuing of vehicles will combine to make this very pedestrian unfriendly. This area needs to take account of pedestrian access as well noting that it is also to become a principal PBSA entrance.
- The assessment of cycling access or the relationship to the LCWIP is unconvincing. Positive points are selected but are superficial and there is inadequate assessment of the quality of the existing access, which is very poor. They have not identified LCWIP routes required for development nearby.
- High Street access would be possible from Saddler Street to service the retail units or, more likely, make takeaway deliveries. Both planning conditions and subsequent management action are needed to prevent this.
- The cycle parking is poor. It does not meet the Parking and Accessibility SPD requirements.
- The secure cycle parking will not work as designed because the double-deck racks are tightly placed without leaving room to get bikes in or out.
- There is no provision for non-standard cycles. This is contrary to Durham City Neighbourhood Plan (DCNP) Policy T3 which requires cycle storage spaces to be adaptable, if possible, to storing other types of mobility aid. Note that the policy also requires making electric power available for charging.
- The location of the secure cycle parking is remote from any roads attractive to cycle on. Access is either to the riverbank (a section where cycling is not permitted) or to the Leazes Bowl roundabout via the car park access. This is unacceptable.
- The short-stay parking by Leazes Bowl roundabout is also badly located, with no safe cycle access to it. The safety of access should be based on the objective assessment of facilities as required by LTN 1/20, not upon the history of collisions in the area which do not take into account either the significant change of use or the suppression of demand caused by current traffic levels and facilities. The "Masterplan Level 3" drawing labels these outside spaces as "24 short-stay hotel

cycle stands". This is not suitable for hotel accommodation, particularly in a city centre: such provision should also be secure, as is required by the Parking and Accessibility SPD.

- There is no acknowledgement that a mixture of users (students, hotel and retail staff, and hotel guests) would need the secure long-stay cycle parking. These users are not entirely compatible, and different facilities would be preferable.
- There needs to be a clear plan for managing the cycle parking, as required by DCNP Policy T3(b), and it should be located appropriate to the different uses. The short-stay cycle provision mainly relates to retail and should therefore be easily accessible from the Market Place.
- The lack of cycle parking provision in the current site does not justify the new development not meeting the SPD requirements.
- The Travel plan does not justify how initial targets will be set, or how this ties in with local or national policy, set the local context or facilitate a change in travel habits.

*The above is not intended to repeat every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at:*  
<https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SACL64GD0ER00>

#### **APPLICANTS STATEMENT:**

159. This application is a culmination of a fulfilling exercise working with Officers and various local community bodies and representatives to try and shape the future of Prince Bishops Place. Such is the change in retail now compared to 25 years ago when the centre was opened, the demand and value cannot sustain a vibrant shopping environment and in the case of Prince Bishops a significant intervention is needed to repurpose the centre and put it on a more sustainable path for the future. Total demolition was never an option such is the cost and topography so it was always a case of working with the existing structure and building footprints above mall level and changing these to a mix of uses which would create sufficient value to undertake the difficult construction atop an existing podium in a constrained area.
160. We undertook a lot of community engagement, knowing there would be a lot of interest and naturally some areas of contention. We have from the start always been cognisant of our tenants wanting to be open and honest as to our intentions and wherever we can support them and their organisations for the challenges ahead. It would've been easy to manage the centre on a shoestring from purchase to planning, cutting costs and in some ways that would've served to show even more decline. But despite making losses we have invested running it as a going concern to support our inherited tenants and doing whatever we can with what we have to fill voids, hold events and think creatively about how to drive footfall, many of these initiatives working with local businesses. This has been a success story in the journey so far and whilst little of these actions generated income they have helped with the vibrancy of the High Street.
161. We are confident that our proposed mix of uses (PBSA/retail/commercial/leisure & hotel), many of whom reinforce each other is the key to the centre's future and will allow a thriving high street, but not only that a destination location anchored by the new public square/events spaces and outstanding views across the city and many of its best assets. At mall level the experience will be much as it is today, yes units are smaller but crucially they remain flexible so they can be amalgamated easily if larger occupiers wish to take future space. The smaller units will have lower costs and going forward will allow independent traders to enter the centre, something historically which

has been difficult due to large floorplates on two levels and the associated business rates etc. The scheme has always had a few leisure uses and these will continue with the most noticeable change on the riverside with a repurposed leisure unit making the most of the riverside location and bringing further activity to the riverbanks. We will continue to support the rowing boat hire and river cruiser.

162. Lastly, the provision of student housing (PBSA) is a major component, facilitating the extent of change. Above the new mall level commercial units sit new floors of student accommodation to a total of 408 beds spread throughout the scheme with the main access and egress on the edge of the new central square. Whilst not everyone supports further student housing we are confident of both need, location and quality of accommodation which will make this a standout scheme for the student experience, support the viability of the high street and place students in a location which is not contentious and take pressure off the HMO market.
163. Achieving the right design in this sensitive location was always going to be of prime importance, we have worked over a long pre-application period with a wide range of stakeholders including Council Officers and Historic England to achieve a design that stitches into the grain of the city centre, is still modern in approach, interesting architecturally but respectful in both scale and appearance to the historic core without being pastiche. This positive approach to the final design reflected in Historic England's support both in respect of the World Heritage Site and Conservation Area.
164. As demonstrated by this comprehensive Officer's report, it has been a rigorous process in reaching this positive recommendation and we look forward to the next phase beyond planning and the benefits it will bring to the City".

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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165. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues raised relate to the principle of the development in terms of Economic impacts and the appropriateness of the uses to the Town Centre, Heritage town/landscape and visual impacts, amenity considerations, ecological impacts, climate change and flooding considerations, sustainable transport considerations, highways safety, impacts to trees, impacts to green infrastructure, considerations in respect of using previously developed land and other technical matters.
166. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP) and the Durham City Neighbourhood Plan (DCNP) are the statutory development plans relevant to this proposal and are the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035. The DCNP was adopted in 2021. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development.
167. For decision taking this means:-

c) approving development proposals that accord with an up to date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or,

ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

168. Where a planning application conflicts with an up-to-date development plan Paragraph 12 of the NPPF advises that permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
169. As the CDP and DCNP are up to date, paragraph 11(d) of the NPPF is not engaged and this leads to a 'flat' rather than 'tilted' balance assessment.

#### Economic Assessment

170. The County Durham Plan has 21 strategic objectives, most important to this scheme is Economic Ambition. The aim is to improve the economic performance of the whole of County Durham by creating more and better jobs, increasing the employment rate and reducing unemployment, thereby increasing GVA (a measure of economic performance), household income, demand for local goods and services and improving the resilience of the county's economy.
171. Policy S1 of the Durham City Neighbourhood Plan requires all development proposals to promote economic wellbeing by contributing to a mix of uses which meet employment needs identified in the Local Plan and in the DCNP.
172. It is of note that Paragraph 85 of the NPPF advises that significant weight should be placed on the need to support economic growth and productivity. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.
173. To understand the economic impacts of the proposal it is necessary to look at how the current economy is performing in the local area.
174. The Gross Value Added (GVA) per job within the area of Impact (AOI) is lower than the corresponding figures for both the North East and Great Britain. Furthermore, County Durham is within the 20% most deprived local authority areas within England. The levels of employment growth in the area of impact is generally higher than observed across the region but still lower than the national average. However, within the Area of Impact there is only 64 jobs for every 100 working age residents which is lower than regional and national figures. The number of working age residents either in or seeking employment within the AOI is lower than the regional or national figures.
175. It is anticipated that the proposal would support 250 gross direct FTE jobs annually during construction, 300 gross temporary supply FTW jobs per annum during the build

period and when measured against current employment on site would result in 185 net additional FTE jobs during operation with the majority being on site and a small proportion likely relocated in the vicinity. It is estimated that the proposed development would generate a total of £40.4 million of direct and indirect GVA (Gross Value Added) for each year of the construction phase, and £6.8M per annum during operation. The net additional employment benefits and GVA produced during construction would be moderately beneficial to the area during construction. During operation there would be a moderate beneficial effect on employment and a permanent minor beneficial effect with respect to economic output.

176. However, against this there will undoubtedly be economic and employment disbenefits from the wholesale closure of all or parts of the shopping centre for 2 years and possibly up to 33 months albeit this is preferable to the permanent closure of the site which has been demonstrated to Officers is the likely future scenario. The worst case and unlikely short term scenario should none of the on-site businesses relocate elsewhere in the City would result in the loss of 162.5 jobs. Even in this scenario as detailed above these jobs would be suitably replaced with a greater number of jobs via this development.
177. The application does not include financial data as to the likely impacts in terms of numbers of visitors/shoppers into Durham and impacts to other retail and leisure as a result of the temporary wholesale or phased closure of the shopping centre as this is very difficult to quantify, especially since some on site businesses may temporarily relocate and some business in the area may see an increase in visitors as a result of reduced short term competition. Nonetheless, any short term economic harm to the business in the city as a result of the closure is necessary and preferable to the long term economic harm that would result from the permanent closure of the shopping centre which is the future scenario in the current financial climate.
178. The proposal would therefore improve the economic performance of the whole of County Durham by creating more jobs, increasing the employment rate and reducing unemployment, thereby increasing GVA and improving the resilience of the county's economy. These economic and employment benefits carry significant weight in the planning balance.

#### Principle of Development

179. The site is unallocated therefore Policy 6 of the CDP which is the policy concerned with unallocated sites of the CDP is the overarching policy for all three uses being proposed. This policy requires such sites to be either within the built up area or well related to a settlement. As the site is within the Town Centre the proposal accords with this first limb of Policy 6, however it must also comply with all relevant development plan policies and with all 10 design criteria a)-j) of policy 6 where they are relevant.
180. The most relevant CDP policies that the development must comply with in terms of these uses are policies 8 (visitor accommodation), 9 (Retail Hierarchy and Town Centre Development) and Policy 16 (Durham University Development, Purpose Built Student Accommodation and Houses in Multiple Occupation). Below follows an assessment of the uses against the main criteria that are applicable specifically to that use. The assessment then moves onto assessment of the overall scheme against the CDP and DCNP policies.

181. The most significant and new use element of the scheme involves new PBSA accommodation. Policy 16 of the CDP required such development to meet 9 criteria a) to i). Many of the criteria are applicable to the other uses and are therefore considered under the themes below, however specific to PBSA is the requirement to demonstrate need and consultation with the University regards need and to ensure the use would not have a significant negative impact on retail, employment, leisure, tourism, housing or the council's regeneration objectives.
182. Policy 9 of the CDP and Policy E3 of the DCNP are in principle supportive of residential uses in the town centre, including on upper floors of commercial properties.
183. To understand the need for accommodation it is necessary to look at current and predicted student figures and current and future supply of student housing.
184. The growth strategy for the University planned for a growth to 21,500 students by 2027 based on an average annual growth rate (AAGR) of 1.26% - 1.82% however the subsequent growth performance of the University has outstripped this expectation with the 5 years prior to 2022 averaging a growth of some 7.7%. The latest figures for 2022/2023 are 22,131. The applicants make the case that the real growth as opposed to the planned growth should be given the greater consideration in terms of demand.
185. The past trends information submitted by the applicants present a case that there is a clear need for additional student accommodation in Durham City, with submitted information detailing that the number of FT students is expected to increase by 4,360-11,930 by the 2027/8 academic year and as approximately 87.8% of these students will require accommodation outside of their normal home address. On this basis the applicants claim that there is a requirement for between 3,830 to 10,480 additional bedspaces to 2027/28.
186. However, as the Parish Council and City Trust have noted the upper range of these figures is based on projecting from the 2021/22 year of 21,220 students which due to covid was not a 'normal' admission year for universities and uses the 5 year trend including the record high numbers of 2020 which would possibly skew the figures above normal expected growth to some 7.7%. It is understood that the 2022/2023 year marked a partial return to 'normal' in terms of applications and the total number of students enrolled was 22,131, which, although above the growth strategy has fallen from this 7.7% growth. The University have indicated in their summary of student housing supply and demand data on line that the numbers for 23/24 and 24/25 are expected to be lower than in 2023.
187. In terms of current supply, the applicant's information details that as of 2021/22 there were approximately 11,899 student bed spaces comprising of some 4,285 PBSA bed spaces and 7,614 collegiate bedspaces, this is significantly below the baseline quantum of full time students that require accommodation (18,640). The University's own on-line data shows that in 22/23 there were 18,749 students living in the city and only 10,345 beds in colleges or rooms in PBSAs. These student needs are being met through alternative means such as through private rented houses, flats and HMO's.
188. Whilst HMO's and private rented house/flats have a role to play in meeting demand, particularly at the more affordable end of the market, this is now carefully controlled in Durham under the provisions of an Article 4 direction and Policy 16 of the CDP to ensure sustainable inclusive and mixed communities in the city.

189. Whilst there is unlikely to be a significant growth in student numbers overall for the foreseeable future PBSA is becoming a more popular choice of students requiring higher quality accommodation and facilities and due to the narrowing of the all-in cost of accommodation between PBSA and the wider rental market due to rising costs generally. Furthermore, it is noted that the University now plans to diversify and increase its international students. Over the last 22 year period to 2021/22 Durham has experienced a 377% increase in the number of international students at a rate of 243 students per annum and this is expected to rise significantly. Research has shown that international students are 60% more likely to reside in a PBSA than domestic students due to the desire for safety and security, all utility bills being in one easy payment, long leases, better facilities per person and a demand for student focused design which can be somewhat lacking in private rental HMO's. Furthermore, evidence details that 71.3% of Durham's International students who are the intended occupants choose to live centrally which is where most PBSA's are located.
190. The potential future supply of PBSA in Durham based on a combination of those being constructed and those with permission but not yet started construction with a lapse rate built in is anticipated to be 1,147 bed spaces. Based on the growth rate of between 3,830 and 10,480 over the six year period of 2121-2027 The applicants consider that this indicates that there could be an undersupply of somewhere between 2,683 and 9,333 bedspaces. Based on more recent trends and student numbers indicated by the University but also bearing in mind the past and future growth of International students we would anticipate that the need is more akin to the lower end of this scale and centred around the desire for this type of accommodation, particularly from International Students. It is of note that the developers are willing to commit significant financial resources to build out the development and they wouldn't be willing to do so if there wasn't an unmet need and likely occupier.
191. In respect of qualitative need it is noted that the PBSA on offer is not unique with at least three similar schemes nearby also offering shared flats and private studios. These similar schemes are very popular and fully booked for the coming year demonstrating further that there is the demand and need for this type of accommodation at this present time.
192. It is appreciated that there are concerns that if need is accepted that this will encourage further PBSA developments however any such application will need to make their own case on the up to date information available at that time.
193. In terms of need Policy 16 also requires consultation with the education provider (Durham University) in regards to the identified need. Both the developer and the Council have consulted with the University; however, the University has not provided comment upon these proposals. As the policy only requires consultation, it is considered that the application has meet the requirements of Policy 16 in this regard.
194. The City Trust is concerned that the development lacks sufficient inbuilt flexibility to cope with changing patterns in the University's student population. Whilst the target market is international students should there be a decrease in international student applications there would be flexibility in the design to change to other designs better suited to domestic students or other accommodation uses.
195. With regards to the Council's wider objectives. The repurposing of the upper floors of the centre currently unused or used for ancillary retail storage and office purposes would not have a negative impact on retail given the trend towards smaller floorplans and less on-site storage. Bringing the upper floors into residential use would better support both the retail and leisure uses planned for below. There would be further benefits to local business with students taking on part time jobs during their studies.



196. Being able to offer accommodation guarantees (e.g. to first-year students) through PBSA is also important to the universities competing for students domestically and internationally, as it contributes to their ongoing viability, growth and worldclass status. This is important as Durham University makes a strong, positive contribution to the local, regional and UK economy, for example through direct investment, as a large employer, an extensive supply chain and staff. In turn, this may lead to students staying here after graduating, and going on to produce a highly qualified workforce and pool of innovative entrepreneurs. This underpins crucial economic sectors, from research and development to creative industries and professional services.
197. Issues of compatibility with retail, leisure and housing are addressed in the amenity considerations below.
198. Housing need is met by PBSA directly through housing students, and indirectly through helping to alleviate pressure on traditional rented homes.
199. Regeneration impacts are realised through the new activity and people that are brought to an area: people who live, spend and work in the neighbourhood, adding to what exists currently. Some students may go on to be longer-term residents. The PBSA will secure the future of the overall scheme which will improve the visual appearance of this prominent site within the City and WHS setting.
200. As quantitative and qualitative need has been adequately demonstrated in line with policy requirements and as there would not be a significant negative impact on the Council's wider objectives but a significant positive impact it is considered that significant weight is attached to the provision of the PBSA.

#### *Retail/Leisure development*

201. In respect of the retail elements of the scheme, Policy 9 of the County Durham Plan (CDP) seeks to protect and enhance Durham City by supporting new town centre development across all of the county's centres that will improve choice and bring about regeneration and environmental improvements. Within the primary shopping areas such as this retail uses will be supported. The policy also supports evening economy type uses provided they contribute to the vitality and viability of the town centre.
202. Policy E3 of the DCNP supports retail, financial and professional, restaurants and cafes, drinking establishments, takeaway, leisure, entertainment, sport and recreation, offices and arts, culture and tourism within the Primary shopping area and supports the change of use of ground floor premises to entertainment, arts, culture and tourism and leisure, sport and recreation.
203. Policy E4 of the DCNP supports uses such as food and drink that support the early evening and night time economy provided that they contribute to the vitality and viability of the City Centres and add to and improve the cultural and diversity offer.
204. Over recent years there have been huge structural changes in the nature of town and city centres across the UK. Changing shopping patterns, the growth of online retailing and then the Covid-19 pandemic have posed huge challenges for traditional shopping centres. Stores operated by national multiple retailers, in particular, have now declined year-on-year since 2014, and vacancy rates in many modern purpose-built shopping centres remain extremely high.

205. However there remain opportunities. The independent retail market has grown every year since the pandemic, and leisure uses continued to increase across the UK during 2022.
206. Prince Bishops Place has been particularly exposed to recent challenges in the retail market. The centre was originally constructed in 1998 with large floor plates, storage and servicing areas which aimed to meet retail requirements at the time. However, over a third of the units are now occupied by independent retail rather than national retailers. These retail units no longer meet the needs of independent retailers, who generally require smaller floorplates and greater flexibility. This has resulted in around 30% of the existing retail units within the shopping centre now lying vacant.
207. Were the owners to do nothing, it is expected that vacancy levels would be likely to increase which would lead to reduced investment, and, ultimately, the closure of the shopping centre with significant resultant harm to the vitality, viability and tourism and retail draw of Durham City and local employment.
208. The proposal would aid the regeneration of Prince Bishops Place and this part of Durham City Centre by facilitating the reconfiguration of the High Street to better suit the needs of national and independent retailers and leisure operators, whilst broadening the mix of uses across the scheme in order to ensure its long-term viability and complement the offer across the rest of the City Centre.
209. During construction, the applicant states that several existing occupiers are expected to relocate elsewhere in the city/Area Of Impact helping to address the level of existing vacant units within the County. Planning, however, cannot provide or secure any guarantee of this.
210. It is unlikely that that the proposed new retail/leisure uses would entice new tourists to the City, however it is considered that it would add to the experience for visitors and may encourage local residents to visit the City.
211. It is recognised that there are concerns over the offer in the centre becoming more leisure rather than retail orientated and the impacts this may have on current retail and leisure in the vicinity and knock effects to residents and the diversity of the city centre. There are also concerns over the current lack of retail interest in locating in the City at other new developments and failure of recent retail start-ups.
212. The scheme has been put forward to include leisure in response to the changing nature of the high street. In order for the high street to flourish, it needs to tap into its strengths and capitalise on the inherent advantages it has over online platforms. While shoppers are increasingly comfortable getting their retail fix online, there are certain things that simply cannot be replicated virtually, such as meeting up with friends for a meal, going for a coffee with a colleague, or taking the family bowling. While shopping behaviours may have changed over the years, the way we want to interact with family and friends remains, and the high street is in a prime position to capitalise on this need.
213. Whilst the future occupiers are unknown, given the pivot to online shopping and the growth in trends such as competitive socialising (e.g. escape rooms, virtual reality experiences and other diverse forms of entertainment), wellness and beauty and online brands taking some physical space it may well be the case that units are occupied by a mix of this leisure and retail. Transformation to leisure can lead to increased footfall, revitalised high streets and boost to local economies. Whilst this may lead to competition with current retail/leisure in the city this only amounts to a small proportion (5.3%) of the gross retail floorspace in Durham City therefore it is not considered that the proposal would have a significant impact on drawing trade away

from existing businesses within the city and the Area Of Interest (AOI). It is also of note that the current retail units on site could already convert to other Class E leisure types uses without the need for planning permission therefore it is not the role of the Planning Authority to restrict flexibility of use within high streets and town centres.

214. There are concerns that the smaller units and shape of some of the units would result in the loss of/ability of units to be occupied by larger retail units and anchor/high street names retail stores and their services that are currently on site or had previous presence in Durham and which may wish to return. Current retail trends are generally for smaller stores focusing on one category or miniaturised versions of the larger main brand although some high street fashion brands are bucking this trend. The developers have confirmed that should there be interest from current/future occupiers for larger or different shaped units then this could be facilitated with easy removal of dividing walls to be dealt with under future planning permissions. Furthermore, the success or not of this application does not guarantee that any current large scale retailers will remain in Durham City or at the scale and with the services that they currently offer as this is all dictated by the market.
215. Objectors feel it is unfair that some current retailers have been compensated for loss of upper floors with more rear floor space but others not. As this is a redevelopment involving relocation of business during construction the future occupation is not known and future tenancy and floorplate requirements is a matter between the developer and the occupier.
216. Bearing the above in mind, it is considered that this proposal will in the longer term enhance Durham City by improving choice and bringing about regeneration and securing the vitality and viability of the town centre in accordance with CDP Policy 9 and Policy E3 of the DCNP. The long term benefits this will bring when weighed against the short term impacts to the town centre are significant.

#### *Hotel Development*

217. Policy 8 of the CDP is relevant in terms of the Hotel element of the uses propose. This offers support to all new visitor accommodation provided it is not used for permanent residential occupation.
218. Policy 9 of the CDP supports uses, such as hotels, where they preserve the vitality and viability of the primary shopping areas.
219. Policy E6 of the DCNP is supportive of new visitor accommodation which improves the range and quality available provided the development is not used as a permanent residence.
220. It is not the intention of the hotel to be used for any permanent accommodation, although not explicitly expressed in the policy itself the supporting text details that the need for the restrictions as detailed in policy 8 the CDP is concerned with preventing conversions to residential in areas where residential development would be strictly controlled such as the countryside. Similarly, the need for the restriction as outlined in Policy E6 of the DCNP is based on the prevention of smaller houses converting to HMO's. As residential development would be acceptable in the town centre and as the size of the hotel would prevent it being considered as an HMO it is not considered reasonable to attach such a restriction in this case.
221. In terms of the impacts on the primary shopping area, As Visit Durham have highlighted, the visitor economy is crucial to the overall economic health of the city and most attractions and places to stay, eat, drink and shop are heavily reliant on tourism.

The potential future retail occupiers of Prince Bishops and that of the surrounding shopping areas would thereby benefit from the proposed new hotel use.

222. In terms of the range and quality of the accommodation, this is likely to be a 'midscale hotel' as it has very few facilities. Whilst there is at least four other mid-range hotel in the City the majority are higher range hotel and therefore a further mid-range hotel in this central area is accepted as improving the diversity of the hotel offering in the City. A smaller hotel with few facilities does not equate to high quality in terms of star ratings however these are no longer the only ranking system that successful hoteliers need to focus on and a small bespoke hotel may offer quality in other respects. Given the prime location and likely overhead costs associated with this the hotel would likely have to offer good quality accommodation to be a viable proposition.
223. There have been objections on the grounds that there is a lack of need for a hotel of this type. CDP policy does not require need to be demonstrated. Nonetheless Visit County Durham have confirmed that there is definitely a need for further hotel accommodation in Durham City.
224. Concerns have been raised that the layout detailed would easily allow the hotel to be expanded into the PBSA or vice versa in the event of failure to secure operators. Whilst this may be the case any such change would require a further planning permission and consideration at that point on its own merits.
225. The hotel would not need to be restricted and improves the range of visitor accommodation with quality being dependant on the future occupier over which there can be no control. It would preserve the vitality and viability of the primary shopping areas and is therefore considered in general accordance with CDP Policies 8 and 9 and general compliance with Policy 6 of the DCNP. This carries significant positive weight.

#### Conserving and enhancing the historic environment

226. Prince Bishops Place lies within 80m of the Durham Castle and Cathedral World Heritage Site (WHS) and as such is within its inner setting, and the upper storeys/roofscape of the current shopping centre can be seen from the tower of Durham Cathedral and from the Castle. Therefore, any changes the site are a potential risk to the WHS. The WHS is a designated asset of the highest significance. The site also lies within the Durham City Conservation area and is surrounded by numerous grade I and grade II Listed Buildings and scheduled monuments. This being the case both legislation and Policies 44 and 45 of the County Durham Plan and Policy H1 of the DCNP are of critical importance to the acceptability of the development.
227. The Planning (Listed Buildings and Conservation Areas) Act 1990 ('the 1990 Act') provides protection for buildings and areas of special architectural or historic interest. Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Section 72(1) requires that special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
228. The Ancient Monuments and Archaeological Areas Act 1979 controls works to Scheduled Monuments. The protection of their setting is not controlled through the 1979 Act but through the planning process and policy.

229. Policy 45 of the CDP requires that any development which is either within or affecting the setting of the World Heritage Site will need to sustain and enhance the significance of the designated asset, be based on an understanding of the Outstanding Universal Value of the site, having regard to the adopted World Heritage Site Management Plan and Statement of Outstanding Universal Value (OUV); and protect and enhance the Outstanding Universal Value, the immediate and wider setting and important views across, out of, and into the site. The Policy advises that Development that would result in harm to the Outstanding Universal Value of the WHS or its setting will not be permitted other than in wholly exceptional circumstances.
230. Policy H1 of the Durham City Neighbourhood Plan requires developments to sustain, conserve and enhance the setting of the WHS where appropriate by carrying out an assessment of how the development will affect the setting of the World Heritage Site, including views to and from the World Heritage Site; and protecting important views; and taking opportunities to open up lost views and create new views and vistas.
231. The NPPF recognises the importance of WHS at paragraph 195 and requires these assets to be conserved in a manner appropriate to their significance. Paragraph 205 advises that great weight needs to be given to the conservation of designated heritage assets and that the more important the asset the greater the weight should be.
232. Paragraph 207 advises that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or several criteria apply. Where there is harm but it is less than substantial paragraph 206 required there to be clear and convincing justification and makes it clear that this should be exceptional for grade ii listed buildings and wholly exceptional for assets of the highest significance such as World Heritage Sites. Paragraph 212 of the NPPF advises that Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. It advises that proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.
233. Policy 44 of the CDP requires development to sustain the significance of designated and non-designated heritage assets, including any contribution made by their setting. It advises that 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.
234. The policy advises that great weight will be given to the conservation of all designated assets and their settings (and non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments. It is advised that such assets should be conserved in a manner appropriate to their significance, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Development which leads to less than substantial harm to a designated heritage asset will be weighed against the public benefits of the proposal.
235. Development which leads to substantial harm to, or total loss of, the significance of a designated heritage asset will only be acceptable under this policy where it can be

demonstrated that it is necessary to achieve substantial public benefits that outweigh that harm or loss, or where all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site;
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation;
- conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

236. In determining applications, Policy 44 advises that particular regard will be given to the sustainable management of the scheduled monuments and their setting and that for Listed Buildings regard must be had to the historic form, setting, fabric, materials, detailing, and, any other aspects including curtilage, which contribute to the significance of the building or structure.
237. For Conservation Areas, Policy 44 advises that regard must be had to the demonstration of understanding of the significance, character, appearance and setting of the conservation area and how this has informed proposals to achieve high quality sustainable development, which is respectful of historic interest, local distinctiveness and the conservation or enhancement of the asset; the manner in which the proposal responds positively to the findings and recommendations of conservation area character appraisals and management proposals; and respect for, and reinforcement of, the established, positive characteristics of the area in terms of appropriate design (including pattern, layout, density, massing, features, height, form, materials and detailing).
238. Policy H2 of the DCNP reflects much of CDP Policy 44 but also requires development to take opportunities to open up lost views and create new views and vistas.
239. For Non-designated Assets, Policy 44 advises that a balanced judgement will be applied where development impacts upon the significance and setting of non-designated heritage assets.
240. Other policies of relevance for the proposed uses, their heritage and townscape impacts and general design include Policy 6,8, 16 and 29 of the CDP and Policy E6 of the DCNP.
241. The application is supported by a Heritage Impact Assessment (HIA) which sets out an understanding of the site and surroundings and statements of significance in relation to the WHS, the Conservation area and Listed Buildings and Scheduled Monuments within and an assessment of how the development affects all these assets.
242. For the assessment of impacts to the WHS it is important to understand its significance and Outstanding and Universal Values, setting and views into and out of the WHS as a starting point before moving on to how the proposal would impact on these and whether this amounts to harm or enhancement and/or protection.
243. The HIA identifies the OUV of the WHS as reflecting the significance these include:
- The Site's exceptional architecture demonstrating architectural innovation;
  - The visual drama of the Cathedral and Castle on the peninsula and the associations of the Site with notions of romantic beauty;
  - The physical expression of the spiritual and secular powers of the medieval Bishops Palatine that the defended complex provides;
  - The relics and material culture of the three saints buried at the Site.

- The continuity of use and ownership of the Site over the past 1000 years as a place of religious worship, learning and residence;
- The Site's role as a political statement of Norman power imposed upon a subjugate nation, as one of the country's most powerful symbols of the Norman Conquest of Britain;
- The importance of the site's archaeological remains, which are directly related to the Site's history and continuity of use over the past 1000 years;
- The cultural and religious traditions and historical memories associated with the relics of St Cuthbert and the Venerable Bede, and with the continuity of use and ownership of the Site over the past millennium.

244. The WHS features in high-quality views at close, middle, and long distances which reinforce the OUVs of the Castle and Cathedral. Views from across the city that take in the WHS are intrinsic to the heritage asset's setting, with two key significances of the sites OUVs criteria applying to this development proposal:
- i. The visual drama of the cathedral and castle on the peninsula and the associated with notions of romantic beauty.
  - ii. The physical expression of the spiritual and secular powers of the medieval Bishop Palatine that the defended complex provides.
245. The site is within the inner setting of the WHS; the inner setting ranges from close glimpsed views in the city to those where the townscape can be seen against the WHS and in its landscape setting. The area is expansive, tracking the ridge tops as they run north and south along the River Wear. The relative subordination of the City's buildings and appreciation of the rural nature of the enclosing landscape are key defining features of the inner setting. These qualities reinforce the site's outstanding universal value and remain important in appreciating the WHS and require careful consideration when development is proposed.
246. The existing shopping centre is a significant feature in a series of views towards the WHS most notably the "well-known" view from New Elvet Bridge, from the riverside footpath on the north bank between Old Elvet Bridge and to Baths Bridge, with the bridge also providing fine WHS views. It features in views along Leazes Road, although these are reduced/filtered in the summer months due to the mature tree cover. In terms of long range view the shopping centre is recognisable in a fine panoramic view of the Cathedral seen dramatically in its townscape and landscape setting from the hill on the south side of Stockton Road. These views express in a powerful way the key characteristics mentioned in the inscription statement of OUVs, namely the visual drama of the Castle and Cathedral on the peninsula dominating over the townscape, and the physical expression of the spiritual and secular powers of the medieval Bishop Palatine that the defended complex provide.
247. In such views, while the shopping centre does not challenge the dominance or drama of the castle and cathedral it is at obvious odds with the medieval townscape that is intrinsic to the setting of the WHS, this combined with its open riverside location, prominence, and poorly conceived architecture detracts from the quality and visual experience in some views.
248. The impact of the proposed development on the setting of the WHS is identified within the applicants HIA as either preserving or enhancing the OUV having been assessed using the methodology set out in UNESCO's 'Guidance and Toolkit for Impact Assessments in a World Heritage Context' published in 2022; it concludes that the proposal would not radically alter the existing situation where the Cathedral and Castle dominate over the city centre and riverbanks.

249. It is agreed that a more open and animated riverside elevation would slightly enhance the quality of setting when seen from New Elvet and Old Elvet bridges and riverside. The form, scale, articulation, and materiality of the proposed development when considered against the existing could be considered as an improvement to the wider conservation area the setting of designated and non-designated heritage assets.
250. Both Historic England and Design and Conservation Officers agree that the proposal would not radically alter the existing situation where the Cathedral and Castle dominate over the city centre and riverbanks and that a more open and animated riverside elevation would slightly enhance the quality of the setting when seen from New Elvet and Old Elvet Bridges with a neutral to slightly improving impact to the WHS. The views of ICOMOS are not known, however given that they were notified for information purposes only rather than in anticipation of a Technical Review and given the positive response from English Heritage and Council Design and Conservation Officers to the scheme there are no significant concerns that the development would lead to Durham WHS being put on the List of World Heritage in Danger.
251. As there is no harm to the OUV of the WHS and as the proposal would sustain and enhance the significance of this most important designated asset, and protect and enhance the OUV, the immediate and wider setting and important views across, out of, and into the site and as the proposal would create new views to the riverside the proposal gains support in respect of Policies 44 and 45 of the CDP and Policy H1 of the Durham City Neighbourhood Plan and the NPPF in respect of impacts to the WHS. The preservation and enhancement to the setting carries some limited positive weight in the overall planning balance.
252. The Conservation area is also a designated heritage asset and the Prince Bishops site not only falls within this but also forms part of the townscape setting of numerous designated and non-designated heritage assets, including Grade I and Grade II\* Listed Buildings and scheduled monuments. In order to assess the significance of the area and designated /none designated assets within the area and their setting and the impacts on the significance from the development the HIA grouped these into 6 character areas where the assets are located.
253. The special qualities of the Conservation Area as a whole include its time-depth, quality and architectural coherence of the historic buildings and the preserved Medieval core centred on the peninsula including the Castle and Cathedral WHS, the city has a dramatic topography and extensive greenery and there are many views within, to and from the conservation area which are of particular importance.
254. Within the context of the wider conservation area the Peninsula is of the highest significance containing the medieval heart of the city. The HIA sets out the significance of 7 sub character areas which are accepted. Where there would be most impact would be the High Street/Bishopsgate area which is where the site is situated the submitted. HIA details that the proposal would have a minor beneficial effect on the setting and significance of Durham Castle and Cathedral, the Elvet character area, Framwellgate character area. It would preserve the character or the market place but enhance its setting. It would maintain the character of Saddler Street but enhance its views and would enhance views from St Hild and Bede. Where there would be most impact would be the High Street/Bishopsgate area which is where the site is situated and it is considered that the proposal would significantly enhance the site's character and appearance within the conservation area.
255. Turning to the Prince Bishops/High Street where the site is situated. The appraisal identifies that this area is of truly little historic interest because of its late 20th century



development, while architecturally the shopping centre attempts to mimic the surrounding intimate medieval streets with its outer form endeavouring to emulate the Castle Walls into its design.

256. The current large 1990s shopping centre sitting on an MSCP is considered as being out of character with the fragmented built form and finer historic grain that characterises the medieval core of the conservation area. It is a dominant and obvious modern intrusion into the historic townscape with a visually confused appearance, which fails to integrate successfully into the surrounding historic townscape. As such it is considered that does not make a positive contribution to the significance, character, and visual appearance of the conservation area.
257. The sites setting derives from its physical and visual relationship to the surrounding medieval streets and spaces this includes the important junction forming part of the gateway into the Marketplace from Claypath, while in the context of the Marketplace, Saddler Street and Elvet Bridge it is experienced more intimately. The setting is of high significance forming part of the city's medieval infrastructure where the planform has remained largely unchanged since c.1250. The local context has high historic interest and provide rich diverse historic streetscapes of high architectural quality and character. In contrast, its setting in the east is informed by the openness of the River Wear corridor and the wider townscape context in which it is viewed, the building dropping down from street level to the riverside where it has a major and dominating presence in the foreground of Old Elvet Bridge.
258. It is noted that the Parish Council and City Trust have raised some queries with the design approach in this sensitive area. The design of the scheme is inevitably interlinked with its heritage impacts. The design proposals have been constrained by several factors primarily the retention of the car park, its structural grid and subsequently the capacity for structural loading in respect of the latter. These combined with the complexity of uses and end user requirements the site has presented a demanding design challenge to which the architects have responded to create a more visually permeable, outward facing development that is an improvement on the existing visually confused architecture. Due to the volume and scale of the overall development on its elevated position on the retained plateau of the car park, the development is large when considered in the context of the conservation area. However, the proposed articulation of scale and mass at the upper levels better reflects the surrounding pattern of historic buildings than the exiting development.
259. The student accommodation follows a contemporary, vernacular design aesthetic drawing its inspiration from the existing buildings and surroundings in terms of materials, solid to void ratios, roof forms and materiality. It is agreed with the Parish Council and City Trust that elements of the development work better than others, the Leazes Road elevation with the introduction of fenestration and pitched roofs help to animate this elevation into the context of the conservation area. However, access to the retained car park still dominates the elevation, with the vertical block of circulation "tower" being a necessarily retained element, difficult to architecturally resolve and assimilate successfully. Likewise, the corner block linking the riverside and Leazes Road elevations, at the abutment with New Elvet bridge, is not as successful as it might have been, however it is constrained by the proposed internal general arrangement and horizontal and vertical circulation combined with building "efficiencies."
260. It is noted that concerns have been raised by the Parish Council and City Trust over the quality of the side and front façade to Boots, however the retention of the Boots building and proposed activation to the high street elevation are well considered along with the removal of the high street kiosks. The riverside elevation is a marked

improvement on the existing, and arguably the most successful. The greening of the car park façade creating a plateau for the new development to sit on works well, through stratification this reduces the overall visual scale. The loss of offensive acid green tiles and reduction in height to the stair tower that now terminates in a public space, is also a vast improvement, however, it is agreed with the Parish Council and the City Trust that the proposed materiality of the tower probably needs some further consideration, as does potentially the materiality of the upper level of the SW “Block adjacent to the faux pitched roof/dormer elements to the riverside elevation. The height of the parapet of the corner block adjacent to new Elvet Bridge is not ideal. These matters have been raised with the developer and whilst they are agreeable to condition to materials to be agreed there is no scope for further amendments to the design.

261. The new open spaces and better connection to the riverside can be seen as an improvement, as with the activation of the Boat House terrace and the more visible horizontal circulation. The proposed materiality and architectural detailing as indicated on the “Bay study drawings” to the High Street and Leazes Road appears well considered.
262. The developments proposals can be seen as well considered compromise between the various tensions caused by the retention of the existing structure, its physical limitations, land use and viability within the context of the setting of the WHS and being within Durham city centre conservation area. Notwithstanding all of this, it is certainly more considered and an improvement on the existing development which is poorly articulated and does not make a positive contribution to the significance, character, and visual appearance of the conservation area. A more open and animated riverside elevation would slightly enhance the quality of setting when seen from New Elvet and Old Elvet bridges, and the form, scale articulation and materiality of the proposed development when considered against the existing could be considered as an improvement to the wider conservation area.
263. In respect of Listed Buildings, the HIA details a comprehensive list of such Buildings within the conservation area, their significance and how/whether they would be affected. The Cathedral and Castle setting have already been considered significantly in the above section. Of most note in terms of other Listed Buildings are the buildings on the west side of the Market Place directly facing the site, St Nicholas Church (grade II), the Town Hall and Guild Hall (grade II\*), the covered markets and entrance (grade II), Market Tavern (grade II), Nos 19-25 Market Place (all grade II), while No 6 Market Place (grade II) stands close to the high street entrance. Added to these are the statue of Neptune (grade II), stature of 3<sup>rd</sup> Marquess of Londonderry (grade II). Also, of relevance are those listed building in close proximity to the site namely, Nos 68, 70, 71, 72, 73-75, 76 & 78, 79 & 80 Saddler Street (all grade II), Nos 8-12, 16-18, 21, 24-26, 87-97 Elvet Bridge (all grade II), and Elvet Bridge itself a Scheduled Monument and grade I listed. The site of the development proposal falls within the immediate setting of the above and the broader context of a high number of other listed assets. Allied to such assets, is the significance of the site in terms of local and wider public viewpoints and the role these play in the understanding and experience of the heritage values of the area.
264. Design and Conservation Officers and Historic England do not dispute the impacts assessment within the HIA in relation to Listed Buildings, it is considered that the proposal would not radically alter the existing situation where the Cathedral and Castle dominate and the proposal would be considered an improvement to the setting of these designated heritage assets and other heritage and non-designated heritage assets in the area.

265. To conclude on this issue, there would be no harm or loss of significance of any designated or non-designated heritage asset therefore there is no requirement for any balancing exercise to be undertaken to consider whether the development is acceptable in relation to historic impact. The development would not only sustain the significance of designated and non-designated heritage assets but would slightly enhance part of the conservation area and the setting of several surrounding areas within the conservation area and listed buildings within the conservation area with other areas and designated and non-designated assets being sustained with neutral impacts. This level of conservation is considered appropriate to the significance of the heritage assets. The development proposals are considered to contribute positively to the built and historic environment for this part of the conservation area and with the improved public square views will enhance and better reveal heritage assets at Elvet bridge and the Elvet area beyond. It is clear that regard has been had to the significance, character, appearance and setting of the conservation area and that this has informed proposals to achieve high quality sustainable development, which is respectful of historic interest, local distinctiveness and the conservation and enhancement of the asset; and which respects the established, positive characteristics of the area. The proposal would also protect important views of the Durham City Conservation Area from viewpoints within and outside the Conservation Area. The proposal therefore complies with Sections 66 & 72 of the Listed Buildings Act and gains support from Policies 44 and 16, 29, 44 and 45 of the CDP and Policy H1 and H2 of the DCNP and the NPPF with some limited positive weight attached.

#### Future Residential Amenity

266. CDP Policy 31 is the principal CDP policy in respect to amenity and pollution and in summary advises that development will be permitted where it would result in no unacceptable impacts upon the health, living or working conditions or the natural environment and that can be integrated effectively with any existing business and community facilities. Policy 16 of the CDP requires the design and layout of student accommodation and siting of individual uses within the overall development to be appropriate to its location and that the internal design, layout, size and accommodation and facilities are of an appropriate standard.
267. CDP Policy 29 requires, amongst its advice, that development minimises impact upon nearby occupiers and contributes towards healthy neighbourhoods, considering the health impacts of development. It also requires private and communal amenity space needs to be well-defined, defensible and appropriate in its design, size and location to the needs of its users. Policy 6 and 16 of the CDP also required compatibility with surrounding uses and policy 16 requires a management plan to be in place prior to occupation.
268. Policy S1 of the DCNP requires development to respect the privacy of, and visual impact on, occupiers of neighbouring properties. DCNP Policy S1 requires development to avoid air pollution both during construction and the lifetime of the operation. Policy E3 requires residential development above commercial properties to not have a negative effect on retail, commercial and tourism activities and the general amenity of neighbouring properties and residential amenity including noise impact. Policy E4 requires evening and night time economy type uses to provide evidence that the development will not have a significant impact on the amenity of local residents.
269. Paragraph 193 of the NPPF similarly requires new development to be integrated effectively with existing businesses and community facilities and that existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of

an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the NPPF advises that the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

270. As the development site is within the City Centre there are few existing residential properties to be impacted by the construction and new uses. The student accommodation and new uses would generally be compatible with the surrounding uses which are predominantly commercial retail, however it would be appropriate to require a condition to ensure that a management plan is in place in relation to the PBSA covering tenant management covering issues such as Anti-Social Behaviour. A construction management plan has been submitted in relation to construction noise, lighting and dust mitigation which is generally acceptable although require updating to detail noise limits and a condition is required for both the update and to control demolition and construction times and days.
271. The new uses would however also need to be compatible with each other. Retail uses are generally compatible with residential uses and town centre residents are usually accepting of the comings and goings associated with living in a busy commercial centre. However, Class E includes cafes and restaurants and some leisure which are also considered night time economy type uses. Being located in the city centre the future students, residents and hotel guests would expect a certain level of noise and disturbance from morning to late in the evening and noise during unsociable hours would be subject to statutory nuisance legislation, furthermore the centre landlords would need to resolve any disputes between the different use operators.
272. The normal residential amenity standards or Nationally Described Space Standards are not applicable to PBSA. However, the amenity of the resident students must still be borne in mind. The En-suites rooms and studios range between 16 sqm and 35sqm which is above the average figures based on national statistics from 2019 and akin to other similar schemes developed in recent times.
273. Concerns have been raised about the student experience offered by the studio room system with amenity space away from the bedrooms particularly as the amenity space is located on levels 5 and 6, a substantial distance from many of the bed units. Concerns have been expressed that there should be more cluster flat units to improve wellbeing and future proofing the development. Queries have been raised as why some of the external terraces and courtyards would not be open to the Students to use. Spatial Policy have raised concerns over the lack of amenity space on one floor and the light afforded one area of community space within whilst local people consider there is too much amenity space at mall level.
274. The communal amenity space for the cluster flats is reasonable in comparison to other schemes, the general communal space is well over 1sqm per bedroom accepted as a minimum in other areas of the Country. The location of the larger amenity space not on all levels is not ideal, with some bedrooms being a considerable distance from the amenity spaces however given the constraints of the generally narrow floorplate the developers are working with this is accepted in this instance. Whilst the facilities within the scheme are not known at this stage it is appreciated that similar high end schemes in Durham and elsewhere accommodate gyms, study rooms, cinema rooms, small bars, libraries, lounges, games rooms and private hire/function/dining space. Details have been provided to show indicatively how these would work within the scheme and the final internal layout would resolve any lighting issues. Therefore, there is no reason to be concerned that such features of a good standard would not be provided in a scheme aimed at the same target market. The use of large areas of community space rather than more smaller areas allows staff to have better oversight over the

behaviours of individuals and groups to help with welfare which is a big focus all good operators. Comments about creating more cluster flats are noted however should here be a need to provide more cluster flats in the future to meet any changes in the market this is something that could be accommodated with changing the internal walls. Access to some of the outdoor terraces etc has to be prohibited due to loading issues.

275. The inward street or courtyard facing student bedrooms are directly opposite other student bedrooms or hotel rooms in close proximity (approximately 8m) and this will result in issues of privacy for approximately 25% of the students bedrooms and light for approximately 17% of the student bedrooms particularly those on level 6. The Hotel rooms would also provide limited light, privacy and outlook. The need to protect privacy further with sheer curtains would reduce light and outlook further. In such circumstances consideration should normally be given to changing room layouts or enlarging room windows. However, in this instance given the site constraints further light or privacy would be impossible to achieve without removing all rooms in the inner areas or for light installing larger windows that would have greater privacy and design implications in this sensitive conservation area. In similar circumstances for PBSA development studies of the pattern of use of student accommodation have found it to be less sensitive to daylight than residential usage as the nature of the of tenure is temporary. Furthermore, there are large areas of share amenity space at level 5 and 6 for the studio flats and the clusters each have their own separate living space where it is envisaged that students will spend much of their time. It is also of note that given the historic Medieval nature of the city centre with buildings and streets closely packed, that occupants would anticipate that the normal desired level of light and privacy would not be possible to be provided for many rooms but this would be something to be traded off against attending a top ranking University in a unique and historic setting.
276. Given the small scale and limited facilities within the hotel, combined with the City Centre location, it is not considered likely that guests would spend much time in the hotel other than for overnight or short term accommodation; therefore the poor light and outlook are accepted in this instance, with privacy likely addressed by sheet netting as is standard at hotels.
277. To deal with issues such Anti-Social behaviour etc. at the PBSA, a management plan would normally be required. The developers have been unable to provide this at present as each PBSA has their own requirements and the occupier is unknown. Under these circumstances a condition to require the submission and agreement of a management plan is an acceptable approach.
278. With regards to other amenity considerations, the developers have submitted a noise assessment that identifies that without mitigation there would be high noise levels associated with the surrounding road network. The assessment recommends acoustic ventilation and enhanced glazing to achieve internal guidance levels within habitable rooms during day and nighttime periods. A condition can secure this. The noise report also suggests limits for plant associated with the uses, however as the precise specification is unknown further assessment is required to ensure that future plant can comply with the limits. A further condition can control this.
279. The proposal involves lighting to all the external and internal area. To address potential impacts the applicants have submitted a Lighting Strategy to cover different areas. This strategy proposes column mounted and wall mounted heritage style street lanterns alongside the River Wear, and, to the lower terraces there would be festoon lighting, column lights and lights on the buildings façade. At the high level of the riverside there would be handrail integrated lighting and downlights. The Student amenity area will incorporate uplights. The High Street will have wall mounted lighting and linear lighting to the underside of link bridges. The public square will incorporate

inground feature lighting and columns. The Leazes Road area would have uplights, downlights, wall lighting and bollard lighting. The Market Place would incorporate downlighting, uplighting and wall lighting. It is considered that the lighting solutions would protect the surrounding area from harmful light pollution and minimise any potential impact upon ecology zones. However, as the lighting also impacts upon heritage it is considered appropriate given the sensitivity of the location to require full details of lighting by condition.

280. In respect of air quality, off-site traffic impacts have been scoped out of assessment as changes in traffic flows would be less than the EPUK/IAQM criteria. This aligns with the Transport Statement, which states 'no significant increases in vehicular trips'. This is accepted. However in respect of the proposed future use suitability in this area of air quality, given that there remains uncertainty about verification and as it has not been established whether the mitigation proposed is adequate to mitigate the air quality effect, it is agreed with the Environmental Health Officer that a condition is required to either revisit the verification or to secure further modelling at the vent inlet(s). It is noted that mechanical ventilation is proposed due to noise impacts which would have additional benefits in terms of carbon filtration. The use of Air Source Heat Pumps is welcomed as it is likely to have co-benefits for air quality.
281. The Environmental Health Officer also recommends that a site-specific Dust Management Plan is produced, taking into account the findings of the dust risk assessment and the mitigation measures proposed. The Officer recommends that the implementation of this mitigation is made subject to a Planning Condition.
282. Subject to adherence to the noise impact assessment and external lighting assessment and the conditions recommended as part of this report, it is considered that the impact of the development on nearby and future receptors in respect of noise, dust and light would not be so significant as to harm amenity of receptors or justify withholding planning permission.
283. It is considered, therefore, that the impacts of the development to nearby residents and receptors and future receptors can be suitably mitigated to ensure there are no unacceptable levels of pollution and to protect amenity. However, the future amenity in terms of privacy and light for some of the students and hotel rooms would be not of a good standard, regardless of the circumstances of the site, and therefore there is some conflict with Policies 16, 29 and 31 of the CDP and this carries some moderate negative weight.

## Sustainable Design

284. As the visual appearance of the development is closely tied with the heritage impacts this has been covered extensively above therefore this section deals with other design aspects other than the visual qualities.
285. Policy 6 of the CDP requires developments to be of appropriate design. Policy 29 requires all development to create buildings and spaces that are adaptable to changing social, technological, economic and environmental conditions and include appropriate and proportionate measures to reduce vulnerability, increase resilience and ensure public safety and security; minimise greenhouse gas emissions, minimise the use of non-renewable and unsustainable resources, contribute towards healthy neighbourhoods and consider the health impacts of development and the needs of existing and future users. The policy also requires non-residential development to achieve a BREEAM minimum rating of 'Very Good'. For landscaping the policy requires the use of characteristic features such as paving materials and the provision of maintenance and management of any new landscaping.

286. The Policy advises that Places and Spaces within developments should be well-defined, easily navigable and have an accessible network of streets and spaces which respond appropriately to local context, to ensure that: Areas of public realm, including paths and open spaces, hard and soft landscaping and other structures, should be designed to be functional, well-managed safe and durable, taking into account the lifetime needs of its users; ideally the public realm should benefit, where possible, from natural surveillance; amenity open space should be designed with regard to the local micro-climate including sunlight, shade and shelter; and private and communal amenity space needs to be well-defined, defensible and appropriate in its design, size and location to the needs of its users.
287. Policy 16 of the CDP requires the security of the PBSA building and its occupants to be considered.
288. DCNP Policy S1 requires developments to promote the efficient use of energy, water and renewable materials and to secure where possible on-site renewable energy generation, minimise energy consumption and carbon emissions and securing the local sharing of technologies such as district heating schemes. This policy also requires development to have a good level of public accessibility including if possible public seating and toilets and that they have a design that is capable of reducing crime and/ or the fear of crime.
289. Paragraph 135 of the NPPF requires developments to function well and add to the overall quality of an area for the development lifetime, to have good layout and effective landscaping, to not prevent or discourage appropriate innovation or change such as increased densities, to establish a strong sense of place, and to create places that are safe, inclusive and accessible and where crime and disorder or fear of crime do not undermine the quality of life or community cohesion and resilience.
290. In terms of the adaptability of the development the submitted information details embedded mitigation measures in terms of changing social, technological, and economic conditions such as easy to remove walls should the retail/PBSA requirements alter. In response to the comments of the Sustainability Officer the developers have confirmed that the proposal has the ability to connect the PBSA and hotel hot water system and potentially the hotel circulation areas heating system to a future district heat network. Therefore Officers are satisfied that the development would be suitably adaptable to changing social, technological and economic conditions in accordance with CDP Policy 6 and 29.
291. In respect of environmental resilience, the ES covers climate resilience and details mitigation measures to address heatwaves, lack of summer rainfall, increase in winter rainfall and storms during construction and operation to ensure effects are not significant. In respect of Green house Gas emissions the development includes a fabric first approach and the ES details the use of reused materials such as reclaimed structural steel, the use of materials with a high recycled content, the use of concrete with a high cement content, the use of low carbon finishes, local sourcing of equipment with long lifespans and purchasing renewable energy or biofuels for construction site facilities and equipment and active travel for site workers to reduce green house gas emissions during construction to a not significant level. During operation, mitigation measures such as the use of air source heat pumps and rooftop solar photovoltaic panels, LED lighting with smart controls, orientation of rooms to achieve daylight, high quality insulation materials, the use of energy efficient appliances and equipment and adequate waste management facilities to ensure green house gas emission are not significant. In response to comments made as to maximising PV, particularly in southern areas, understand that maximising this would help, the

developers have explained their approach balancing the amounts required against the fact they do not wish to generate more than can be used given the demand will drop significantly over the summer when the energy generated would be peak. A BREEAM Pre-Assessment concludes that the proposed hotel will potentially achieve an interim BREEAM rating of 'Very Good' and the PBSA could achieve an interim BREEAM rating of 'Excellent'.

292. With the inclusion of such measure the development is considered less vulnerable to environmental events and would sufficiently minimise greenhouse gas emissions and the use of non-renewable and unsustainable resources in accordance with Policy 6 and 29 of the CDP and policy S1 of the DCNP.
293. With regard to public safety and security, the scheme has been designed with this in mind with limited entrances to the PBSA and a main entrance with surveillance. The Police have recommended a number of secure by design and construction site security measures which are standard for such developments. A management plan can detail the security arrangements for accessing the PBS, this can be secured by condition. The hotel security would be provided by the lobby entrance to the hotel and the arrangement of any future occupier as to staff/technology within. There are bollards to protect the public space area from vehicles etc when in use for large scale events. In respect of fire safety, given that this is a tall residential building block a Fire statement has been submitted in support of the application and further information as requested by the Health and Safety Executive has been submitted to satisfy their requirements. Officers are satisfied therefore the development ensures public safety in accordance with Policies 16 and 29 of the CDP, DCNP Policy S1 and Paragraph 135 of the NPPF.
294. In respect of Health impacts, this is closely linked to other impacts from the development. The submitted Health impact assessment identifies some adverse impacts during construction but longer term there will be beneficial impacts to health from the employment, wages, active travel, housing and access to social spaces associated with the development.
295. The main landscape objective of the scheme is to improve the draw from Saddler Street and the Market Square and to improve pedestrian permeability. This is proposed by the provision of a new public square that opens up to the river corridor and would be used to support a wide range of uses over time. The amenity open space/landscaped areas benefit from natural surveillance and tie in with the areas with most sunlight but that also have the option to provide shade/shelter closer to the buildings. Landscape interventions are proposed on the riverside, at Leazes Road, at Mall levels and on the student terraces. At riverside this involves amending an approved scheme for resurfacing to include more robust granite paving and new drainage, provision of an external terrace with decking and landscaping east of the Boat House public house, and planting beds for climbers between the structural columns for the MSCP. At Leazes Road the existing stone wall would be reduced in height and extent and the area will include new hard landscaping in the form of Yorkstone paving with cycle parking and metal planters. The mall public space would have moveable podium/stage, a landscape spine with trees, planting and seating and space kept for outdoor dining and podium bench overlooking the riverside. The PBSA non accessible courtyard would incorporate trees, planters with pebbles and stone plank feature strips. The accessible student terraces would be paved with metal planters and these would be interspersed with sections of green roofs. The non accessible terraces at level 6 would have sedum planting and flower shrubs and pebbles.



296. It is agreed with Landscape Officers that the proposals for the public realm and hard and soft landscaping are well considered and that the proposals for increased physical permeability and legibility of routes are well thought out. It is considered that the introduction of additional active uses to the riverside would enhance the area and improve surveillance. It is considered that conditions are necessary to secure detailed schemes to reflect the Planting Strategy and Materials Strategy and to ensure the retention and management of the Green Wall and landscape management.
297. Whilst the proposal would involve the loss of the private retail toilets within the current TJ Hughes unit, the current public toilets at level 4 (below mall level) would be retained however accessibility will be improved with the addition on an accessible toilet and baby change at mall level near the open space area and adjacent the PBSA entrance in accordance with the requirements of DCNP Policy S1.
298. The proposal satisfies the requirements of CDP policies 6,16 and 29 and DCNP Policies S1 of the DCNP and paragraph 135 of the NPPF in respect of Sustainable Design and offers welcome improvements to the useability of the area and enhancements to the High Street and riverside. This is considered to carry moderate positive weight.

#### Locational Sustainability of the Site/Active Travel considerations

299. Policy 6 of the CDP requires development to have good access by sustainable modes of transport to relevant services and facilities and to reflect the size of the settlement and level of service provision within that settlement. Policy 16 requires PBSA to be readily accessible to an existing university or college academic site, or hospital and research site and have cycle parking that meets Parking SPD requirements. Policy 21 of the CDP requires the delivery of sustainable transport by facilitating investment in safe sustainable modes of transport, providing appropriate, well designed, permeable and direct routes for walking, cycling and bus access, so that new developments clearly link to existing services and facilities together with existing routes for the convenience of all users. The Policy requires all development to have regard to the policies set out in the County Durham's Strategic Cycling and Walking Delivery Plan and, where possible, contribute to the development of a safe strategic cycling and walking network and in particular the routes set out in Local Cycling and Walking Infrastructure Plans. It also requires development to have regard to the Parking and Accessibility Supplementary Planning Document. Policy 22 of the CDP supports modal shift and sustainable transport improvements.
300. Policy 29 of the CDP requires that major development proposals provide convenient access for all users whilst prioritising the needs of pedestrians, cyclists, public transport users, people with a range of disabilities, and emergency and service vehicles whilst ensuring that connections are made to existing cycle and pedestrian networks.
301. DCNP Policy S1 criteria n) requires development to ensure the location and layout maximises public transport, walking and cycling opportunities. Policy E3 offers support for developments that enhance the character and attractiveness of the City Centre by improving access for pedestrians, cyclists and public transport users including more parking for people with a disability. Policy T1 of the DCNP requires development proposals to be supported by evidence of how they contribute to sustainable transport accessibility and design where appropriate. It requires approach routes to the site, and access within the development to be accessible to all, giving the highest priority to walking, then cycling and public transport, and that it should meet the travel needs of

people with mobility impairments. The Policy advises that adverse transport impacts should be avoided where practicable and proposals should improve access by walking, cycling and public transport in the area around the development. Policy T3 requires the provision of storage facilities for cycles and, where appropriate, mobility aids and that any storage is managed and designed and located in accordance with the style and context of the development.

302. Paragraph 108 of the NPPF makes clear that transport issues should be considered from the earliest stages of development proposals. Reasons for this include so that opportunities to promote walking, cycling and public transport use are identified and pursued, and so that the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account and as patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.
303. Paragraph 109 of the NPPF states that the planning system should actively manage patterns of growth in support of these objectives and indicates that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.
304. Paragraph 112 of the NPPF advises that in town centre locations such as this, Local Authorities should seek to improve the quality of parking so that it is convenient, safe and secure, alongside measures to promote accessibility for pedestrians and cyclists.
305. The NPPF advises at paragraph 116 that development should give priority first to pedestrian and cycle movements, followed by facilitating access to high quality public transport. It also requires developments to address the needs of people with disabilities and reduced mobility in relation to all modes of transport and create places that are safe, secure and attractive for pedestrians, cyclists and vehicles, avoid unnecessary street clutter, allow for the efficient delivery of goods, and access by service and emergency vehicles; and be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. Paragraph 117 of the NPPF goes on to require all developments that will generate significant amounts of movement to provide a travel plan be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.
306. This is a significant development which need to cater for the needs of residents, shoppers and visitors, however it benefits from being so central in the city and close to a large range of shops and services and public transport hubs.
307. Being located centrally the PBSA would be readily accessible on foot to the University buildings around College Green and Hallgarth Street, New and Old Elvet, with Mountjoy buildings being 10-15 minutes walking distance. There are a range of shops and local facilities typical of a city centre location within a 10 minute walk of the site (800m) which is a suitable distance as identified in Planning for Walking 2015 CIHT and the National Design Guide 2021.
308. Pedestrian access to the proposed commercial units will be accessed from High Street. The PBSA will be accessed from High Street (Level 5) with a secondary access from the south side of Leazes Road. The hotel will be accessed from a street-level access onto Market Place. A new proposed pedestrian access from the MSCP to the riverside will be provided onto New Elvet in the form of a link bridge and will include pedestrian steps. In addition, there is access to the public gantry walkway via an internal stair/lift core. Given the constraints of working with an existing multi-level site

it is recognised that there are difficulties in terms of improving pedestrian links and the new link and improvement to current links is a positive step.

309. With regards to pedestrians, all roads in the vicinity of the site are street lit and have continuous footway. High Street itself is a full pedestrianised street, Silver Street is a shared surface route and Elvet Bridge is a designated pedestrian zone. Beyond this there are signal controlled pedestrian crossings at minor junctions to facilitate pedestrian movement to wider areas and a pedestrian refuge island onto Leazes Road to facilitate access to other forms of transport. Walking to the University buildings will involve walking along either Prestige, Primary and Secondary routes as identified in the Durham City Local Cycling and Walking Infrastructure Plan which the DCNP identifies some as having accessibility issues and narrow pavements and for which walking interventions are planned in the future with funding secured.
310. It is noted that the pedestrian experience of crossing near the roundabout to access the Milburngate Bridge and proposed PBSA entrance on Leazes Road would not be pleasant and that the widening of the access road may make it more difficult to cross however this has not been flagged as a safety concern by Highways Officers and this route is unlikely to be heavily used as there are better and safer alternatives to crossing or walking along the A690 at this point.
311. There are concerns that there could be conflict between pedestrian and cyclists/vehicles delivering takeaways to the PBSA/Hotel. Cycling and other vehicles are already restricted on High Street and there are no plans to change this. The Durham Road User Charge Zone is applicable at the Market place which would deter such deliveries by vehicles at the very least.
312. It is considered overall that the needs of pedestrians have been suitably prioritised wherever possible and that that quality of the pedestrian experience and the distances involved are likely to encourage future student residents and employees to walk rather than use other modes of transport to reach the site, University or town centre facilities.
313. Many University buildings and town centre facilities are within easy cycling distance. For students it is anticipated that 6% of students are likely to cycle to and from the site which is at a higher modal share than car use, but less than public transport or walking which is not surprising given the compactness of the city centre, the topography of the City and the array of public transport options available. In addition to Durham City there are several outlying settlements that are within 4.3km of the site such as Dragonville, Shincliffe and Langley Moor for instance which is an accepted average distance that people are willing to cycle as a main mode of travel.
314. However, there is no dedicated cycling infrastructure on the roads and streets surrounding the site and restrictions will mean pushing any bike off site to areas where it can be ridden on the Peninsula. To reach Mountjoy involves cycling on road with no protected, dedicated space. For visiting and journeys from the wider area of the City and beyond, there are designated traffic free routes in the wider locality. The National Cycle Network Route 14 (NCN 14) can be reached from off-road connects adjacent to New Elvet and Claypath from the site. The NCN 14 provides local connections between Consett and Durham in the west and from Durham to Haswell in the east.
315. As highlighted by objectors the initial submission did not give consideration to the DCC Local Cycling and Walking Infrastructure Plan (LCWIP) for Durham City (October 2021). The LCWIP identifies core walking and cycling networks to be developed or improved. The Durham LCWIP for the city centre includes several interventions which will improve the connectivity of the site to wider areas of Durham for sustainable travel,

including to the University buildings at Mountjoy. Cycling interventions are planned in the future with funding secured.

316. In terms of cycle parking the current position for the site is poor with no cycle parking spaces and only uncovered cycle stands in the vicinity at Silver Street. The proposal seeks to improve upon this with designated cycle storage in the form of 144 cycle spaces in a secure cage on deck 1 of the MSCP and 24 short stay lock up stands on Leazes Road near the secondary entrance to the student accommodation. Objections have been raised in relation to the lack of cycling parking which is not in compliance with the 100% requirement for the PBSA outlined in the Parking Standards SPD and in terms of the design and location of the Parking. The proposed provision is at 20% which is above the 7% modal share target set by the University and above the 3% demand experienced at similar PBSA's in the City. Other university Cities such as Cambridge has a modal share of 42% but is a much flatter topography than Durham and York has 9.1%. The developers are therefore not convinced that there is a need for this level of cycle parking, nonetheless they are willing to agree to a condition to undertake monitoring of the cycling provision and secure a further 20% (40% total) provision should the level of usage in the initial cycle parking provision be high (over 90%) within a defined period. Whilst this falls short of the 50% that would be acceptable to Active Travel England this is considered a reasonable compromise given the location of the site.
317. The applicants have submitted a Travel Plan that indicates that cycling as an option for travel to work would be at a very low level (1%) with the preference being car, public transport and walking above cycling therefore the cycling provision in terms of retail and hotel staff is accepted.
318. Whilst Active Travel England have raised concerns over the location of the PBSA parking relocation of the cycle parking is not being proposed as the level was chosen where there are the least restrictions on riding nearby (there are restrictions on High Street and the riverside). Admittedly the bike store space packs the bikes very tightly together and may prove difficult for the unloading of bikes if all were occupied and has no facilities for e-bikes therefore the design is somewhat lacking. It is recognised that the short-stay parking location by Leazes Road is not close to the Hotel or retail; however, as detailed above cycling is restricted in High Street and there are heritage, visual amenity and security drawbacks to siting within the Market Place.
319. In regard to public transport, the closest bus stops to the application site that are serviced are located at Silver Street within 150m distance where a service operates between the train station and the Cathedral half hourly 6 days per week. There are bus stops on the A690 Leazes Road which can be accessed within a 250m (3-4 minutes) walk from the site. From here there are services to Sniperley and Belmont Park and Ride, Durham Bus Station, Arnison Centre, Newcastle, Durham Rail Station, Gateshead, Sunderland, The University Hospital and Langley Park to name a few. Durham Bus Station can be reached within a 644m (8-9 minutes) walking distance from the site which provides a wide range of bus services to local and regional destinations including Bishop Auckland, Newcastle, Sunderland and Hartlepool. Rail travel is also an option from the site with the rail station being within a 640m (6-7 minutes) walking distance from the site which provides access to local and regional destinations, uk destinations and the local airport. The submitted Travel Plan details that public transport would be heavily relied on for transport for employees on site as an alternative to the car, and for student travel second only to walking which would be their main transport mode. There is also public transport in terms of rail options from Durham Station close by on foot, cycle or bus to local areas and the wider country.

320. In order to improve upon the baseline modal share of travel options, the travel plan includes hard and soft measures such as initiatives to development of the physical infrastructure. These include travel information welcome packs, the appointment of a travel plan co-ordinator for the site, the promotion of walking initiatives, the promotion of bike week, salary sacrifice schemes for cycle and equipment, promotion of cycling events and groups, promoting public transport and information, working with bus operators on service provision and season ticket discounts, providing public transport information in a publicly accessible location. There would also be promotion of initiatives to support car sharing and low emission vehicles and flexible working. The Plan concludes that by year 5 this will reduce the single occupancy car journeys by 3% in comparison with the baseline mode share. Concerns have been raised by the Travel Plans Officer and objectors in relation to the content of the plan. In order to facilitate a change in travel habits therefore a condition is required to secure a further travel plan which has SMART targets identified and broken down for years 1 through to 5 and that a remedial budget should be committed to, should the travel plan fail to meet its targets and aspirations.
321. The development caters for people with a range of disabilities, with 22 accessible spaces on site and access to shop mobility and the layout will need to meet Building Regulation requirements in terms of accessibility. The gantry is not a new feature but has always been in place but not well used, it is wide enough for accessibility.
322. In the round it is therefore the case that the application site performs well in terms of access by sustainable modes of transport to services and facilities and the University. The City has sufficient services to accommodate a development of this size. The proposal has some investment in safe sustainable modes of transport and has well designed, permeable and direct routes for walking and bus access, with links to existing services and facilities together with existing routes for the convenience of all users. The development performs less well in terms of cycling routes but increases cycle parking provision requirements to facilitate increased cycle ownership and use although this is significantly less than the Council's standards.
323. The proposal is therefore considered to be generally in accordance with the above policies but there is some minor conflict with policies 16 criteria h) and 21 of the CDP and DCNP Policies S1, E3, T1 and paragraphs 109, 112 and 116 of the NPPF in terms of the proposed cycle parking not meeting The Parking and Accessibility Supplementary Planning Document standards and neighbourhood plan requirements.
324. In summary, officers recognise that the development of the site would not fully accord with all of the sustainable transport aims of the CDP and the DCNP and this carries some limited negative harm weight.

#### Highway Safety and Network capacity

325. Objective 18 of the CDP seeks to ensure that new development is accessible, contributing to reducing the need to travel, thereby reducing the impacts of traffic and congestion on the wider environment, communities and health. In this context, the requirements of Policy 21 of the CDP requires that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity and that developments deliver well designed sufficient cycle and car parking provision. DCNP Policy T1 requires development to avoid adverse transport impacts.
326. Paragraph 115 of the NPPF makes clear that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Within

this context, Paragraph 116 provides for a number of criteria against which new development proposals should be assessed, with Paragraph 117 indicates that all developments that will generate significant amounts of movement should be supported by a transport statement (TS) or transport assessment (TA) so that the likely impacts of the proposal can be assessed.

327. The proposals have been supported by a Transport Statement (TS). This document considers the potential impacts of the development and the issues relating to highways safety, network capacity, access and other transport related issues.
328. The application proposes to retain the vehicular access to Prince Bishops MSCP via the existing mini roundabout with Leazes Road. The access to the service yard will remain as existing however, additional signage will be provided above the entrance to inform motorists that it is for service vehicles only. Widening works are proposed to the eastbound single lane exit to the roundabout to create a two-lane exit through the removal of the existing hatch road markings and minor kerb alignment to provide continuous 5.5m wide carriageway adjacent to the pedestrian refuge island. The proposed arrangement allows two cars to queue abreast between the roundabout and the A690 junctions which has been checked through swept path analysis. A "Give Way" sign will be erected prior to the mini roundabout for eastbound vehicles to encourage motorist to give-way to vehicles leaving the MSCP. The Highways Officer is satisfied with these arrangements. This is proposed to be secured by condition.
329. A new Traffic Regulation Order will be required to amend the existing double yellow line restrictions on the south side of Leazes Road to facilitate the proposed layby. Double yellow lines will be provided throughout the proposed layby to discourage indiscriminate parking associated with retail shopping. The restrictions will allow motorists to drop-off/pickup but will prevent cars from being parked for a significant period of time. The Highways Officer accepts these proposals.
330. There will be no additional car parking spaces provided as part of the proposed development but there will be a reduction of 9 spaces within the existing MSCP to leave a total of 392 parking spaces. The 22 accessible car parking spaces and 6 electric vehicle spaces will remain. The proposed residential development will be marketed as "car-free" therefore, students are not expected to own a vehicle (and require a parking space). Students, staff and customers that drive are expected to use the MSCP or alternative car parks in the vicinity of the site such as Walkergate. However, on move in/out day it is the intention that floors 6 and 7 of the MSCP will be cordoned off for student in-take and the process will be managed by stewards. There will be no public access to these car parking spaces during this time. There have been concerns raised on the grounds that students and hotel guests may use the car park and thereby reduce the capacity for shoppers at peak times and suggestions that student use should be restricted as per University accommodation. The Council's Highways Officers do not share these concerns. As this is a private car park the hotel and students would be required to pay the going rate for the car park, this is likely to deter long term parking in the car park. The management plan can set out a transportation policy advising on modes of transport and procedures for start and end of term arrivals and departures.
331. Whilst National Highways point out that lack of consideration to impacts to other car parks in the vicinity in the submitted information the Highways Officer accepts the slight loss in parking spaces and therefore does not have concerns over impacts to parking elsewhere. The Highways Officer has no concerns over the proposed parking arrangements, however advises that to comply with DCC Parking Standards the 392 remaining spaces will need to include a minimum of 20 active EV Spaces rather than the 6 being proposed. A condition can secure this requirement.

332. The existing arrangements for refuse collection and deliveries will continue to be via the existing service yard. A loading dock will be provided within the service yard which will be managed by the operator. All vehicles will enter the service yard via the designated service access and leave via the MSCP exit. The proposed development will be accessed by a fire tender from High Street (Level 5 access) and from Leazes Road (Level 3 access) via the loading area. This is an acceptable arrangement in highway safety terms.
333. In respect of impacts to the transport network. The Transport Statement concludes that the number of vehicle trips to/from the MSCP will be similar to the existing. For the hotel it is anticipated that most trips associated with the hotel will be on foot or via taxi from Durham Rail Station and therefore the changes in trip generation between existing and proposed is expected to be negligible. The number of trips detailed in relation to the hotel differ to the number of FT staff detailed in the economic statement as many hotel workers are part time and therefore the economic statement equates it to Full time amounts. The assessment concludes that daily trips to the student accommodation are likely to be taxi trips as most trips to/from the accommodation will be on foot or by bike given the city centre location and the type of user. Based on the above, the statement concludes that there will be no significant increases in vehicular trips associated with the proposed development over and above the existing level. Whilst National Highways points out there are some deficiencies and inconsistencies in the submitted information they have not objected and The Highways Officer has accepted the conclusions.
334. In terms of the trips generated by the site overall and not just to the site, National Highways note that the Transport Statement is lacking in details in terms of the vision for the development and in terms of weekday peak hour residual trip generation for the development (as opposed to a daily total trip generation) and in demonstrating the development's impact (in terms of trips) at the Strategic Road Network. Notwithstanding the above, National Highways agree that the proposed development will generate an additional 58 vehicle trips per day. Considering the fact that the trips generated by the site will be spread out across a day, the distance of the proposed development to the nearest section of the Strategic Road Network, and the high sustainable accessibility of the Site, National Highways consider that the level of trips generated by the proposed development is not likely to generate a significant impact at the Strategic Road Network or result in severe residual cumulative impacts on the operation of the strategic highway network and therefore no mitigation is, therefore, required in this respect.
335. Given that both the Highways Authority and National Highways have similarly concluded that the proposals would not have a negative impact on the strategic or local road network in the vicinity of the site the proposal, therefore, cannot reasonably be considered to give rise to a 'severe' impact within the context of the NPPF.
336. Overall, the highway impacts of the proposed development are considered to be acceptable and in accordance with Policies 21 of the CDP Policy T1 of the DCNP as well as Part 9 of the NPPF. The development mitigates its own impacts and has a slight improvement to an existing roundabout problem therefore there is moderate positive weight attached in terms of Highway Safety.

337. Policy 41 of the CDP advises 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. It requires proposals for new development to be expected to minimise impacts on biodiversity by retaining and enhancing existing biodiversity assets and features and providing net gains for biodiversity including by establishing coherent ecological networks. Policy 43 restricts development that would have an adverse impact on the ability of protected species to survive, reproduce and maintain or expand their current distribution unless appropriate mitigation, or as a last resort compensation can be provided which maintains a viable population and where possible provides opportunities to expand and in instances where the species is a European protected species, the proposal also meets the licensing criteria of overriding public interest, no satisfactory alternative and favourable conservation status.
338. Policy S1 of the DCNP requires all development to protect and enhance the diversity of the area's natural environment in terms of biodiversity and protected species and to seek biodiversity net gain wherever possible. Policy G1 supports development that provides net gains for biodiversity.
339. Paragraph 180 of the NPPF requires development to protect and enhance biodiversity including by establishing coherent ecological networks that are more resilient to current and future pressures. Paragraph 186 of the Framework advises that if significant harm to biodiversity cannot be avoided, adequately mitigated or compensated for then planning permission should be refused.
340. The presence of protected species is a material consideration in planning decisions as they are a protected species under the Wildlife and Countryside Act 1981 and the European Union Habitats Directive and the Conservation of Habitats and Species Regulations 2017 (as amended). The Habitats Directive prohibits the deterioration, destruction or disturbance of breeding sites or resting places of protected species. Natural England has the statutory responsibility under the regulations to deal with any licence applications but there is also a duty on planning authorities when deciding whether to grant planning permission for a development which could harm a European Protected Species to apply three tests contained in the Regulations when it is considered that a licence will be required. These state that the activity must be for imperative reasons of overriding public interest or for public health and safety, there must be no satisfactory alternative, and that the favourable conservation status of the species must be maintained. Brexit does not change the Council's responsibilities under the law.
341. A Bat Survey and Preliminary Ecological Appraisal has been submitted in support of the proposal. Whilst the bat Survey found the building site complex to be of low suitability for roosting bats, three common pipistrelle roosts were found with 2 found to be used by single bats, the third roost is estimated to be used by one to three bats occasionally in the summer. The appraisal found a small number of opportunities for nesting birds to use the building during the breeding season and a single active swallow nest was recorded on site. The site was considered as likely to be of local value to breeding birds. The survey noted that Otter are present along the adjacent river. The appraisal concludes that the river is likely to be of county value to the species. The habitats recorded on site are generally of negligible to low conservation value.



342. Without mitigation the proposal would result in the loss of bat roosts which may house hibernating bats and also a risk of disturbance, loss of habitat and loss of nests for birds. The survey therefore recommends that a Natural England Licence be required for the works to the areas of the building complex containing the bat roosts with possible need for further updated surveys and that bat roosting opportunities and bird nesting be built into the completed development, that landscape planting include plants suitable for bats and wildlife generally and that drainage accord with best practice and other measures such as checking for nests and careful timing of works and adopting suitable working and best practice methods in relation to bats and birds. With such measures the report concludes that the proposal would minimise significant ecological impacts and would ensure local and national conservation targets. These measures can be ensured via condition.
343. An appropriate Natural England licence would need to be in place prior to any works to the areas of the building complex containing bat roosts. The presence of protected species is a material consideration. The requirements of the Habitats Directive are currently transposed by the Conservation of Habitats and Species Regulations 2017. These regulations established a regime for dealing with derogations, which involved the setting up of licensing regime administered by Natural England. Under the requirements of the Regulations, it is criminal offence to kill, injure or disturb the nesting or breeding places of protected species unless it is carried out with the benefit of a license from Natural England.
344. The species protection provisions of the Habitats Directive, as implemented by the Conservation of Habitats and Species Regulations 2017, contain three 'derogation tests' which must be applied by Natural England when deciding whether to grant a license to a person carrying out activity which harm a European Protected Species (EPS). This license is normally obtained after planning permission has been granted. The three tests are that the activity to which the license is required must be for imperative reasons of overriding public interest or for public health and safety; there must be no satisfactory alternative; favourable conservation status of the species must be obtained.
345. Notwithstanding the licensing regime, the Local Planning Authority (LPA) must discharge its duty under the Regulations and also be satisfied that these three tests are likely to be met when deciding whether to grant planning permission for a development which could harm an EPS. An LPA failing to do so would be in breach of the Regulations which requires all public bodies to have regard to the requirements of the Habitats Directive in the exercise of their functions.
346. Guidance provided by Natural England states that the proposed development must meet the purpose of 'preserving public health or public safety or other imperative reasons of overriding public interest including those of social or economic nature and beneficial consequences of primary importance for the environment'. In addition, the Council must be satisfied that 'there is no satisfactory alternative' and that 'the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range'. The guidance goes on to state that Natural England applies the tests on a proportionate basis, thus the justification required increases with the severity of the impact on the species or population concerned. Each of the three derogation tests are addressed below:-

*Imperative reasons of overriding public interest or for public health and safety.*

347. The guidance provided by Natural England states that when considering 'imperative reasons of overriding public interest, including those of a social and economic nature' Natural England will take into account whether the activities/developments are required to meet or provide a contribution to meeting a specific need such as:
- The requirement to maintain the nation's health, safety, education, environment (Sustainable development, green energy, green transport);
  - Complying with planning policies and guidance at national, regional and local level;
  - Requirements for economic or social development (Nationally Significant Infrastructure Projects, employment, regeneration, mineral extraction, housing, pipelines, etc).
348. The guidance goes on to state that in other words the development proposal must contribute to meeting an imperative public interest, and that interest must be sufficient to override the protection of any potential impact on the European Protected Species concerned.
349. It is considered that the proposed development is necessary and in the public interest as it is needed to support further education and there is a local need for housing, employment and the regeneration of this site which generally complies with National and Local Plan Policy.

*No satisfactory alternative*

350. As pointed out in Natural England's guidance there are always going to be alternatives to a proposal, and it must be determined whether a reasonable level of effort has been expended in the search for alternative means of achieving the development whilst minimising the impact on European Protected Species. It is expected that the applicant will demonstrate that alternatives have been considered, explain what these alternatives were and provide a justification for their chosen site together with details of why others have been discounted.
351. Whilst other options have not been detailed, other than the closure of the site and given the site involves redevelopment of an existing complex in need of regeneration rather than a new site it is not considered appropriate to insist on alternative site consideration in this instance as this would most likely lead to an empty shopping centre within a prominent central location. The external works are required to facilitate the uses in a sensitive design manner for the location therefore, it is considered that the proposal has satisfied this test. In the context of a regeneration scheme, there are no satisfactory alternatives.

*Favourable Conservation Status*

352. Natural England's guidance on this matter refers to the definition of 'favourable conservation status' as defined in the Habitats and Species Directive (Article 1 (i)). Conservation status is defined as 'the sum of the influences acting on the species concerned that may affect the long term distribution and abundance of its population within the territory' and it is assessed as favourable when 'population dynamics data on the species concerned indicate that it is maintaining itself on a long term basis as a viable component of its natural habitats, and the natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future, and, there is, or will probably continue to be, a sufficiently large habitat to maintain its populations on a long term basis.'

353. The Council's Ecologist is satisfied with the mitigation strategy proposed subject to a condition to require a Natural England Licence and provided that the new roosting features are detailed on plans which can also be made subject of condition. Based on their response it is considered that these measures are sufficient to maintain the conservation status of the bat species and ensure that the legislation protecting bats is not breached. Therefore, it is considered that the proposal would not have significant impacts on the favourable status of Bats. It is considered therefore that the proposed development would meet this test. Bearing the above in mind it is considered that the proposal would meet the derogation tests.
354. The adjacent river is home to otter which are a European Protected Species and protected under the UK Biodiversity Action Plan. The submitted ecological information only details that otter could be disturbed if construction works were to take place at night. The potential effects of a development on habitat or such species are capable of being a material planning consideration in the making of planning decisions as set out by Government Circular 06 2005. Also of note is The NERC Act 2006 which advises that every public authority must, in exercising its functions, have regard to, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity. The Environment Agency highlight that a species protection plan should be provided for the otter. A condition can secure this and this would suffice to ensure that the species and habitat are conserved in accordance with the above requirements. There would not be a need for a protected species licence in relation to otter.
355. Biodiversity Net Gain (BNG) is an approach to development. It makes sure that habitats for wildlife are left in a measurably better state than they were before development. In England, BNG is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Developers must deliver a BNG of 10%. A Biodiversity Net Gain Assessment was submitted in support of the application and this concludes that there would be a net gain of 229% in the biodiversity of the site from the landscaping proposals alone. There would be additional enhancements in terms of biodiversity above this figure such as the use of green walls, integrated bird nesting and bat roosting and reductions in light spill over the river. The Council's Ecologist is satisfied that BNG well above 10% can be delivered as part of the development in accordance with CDP Policy 41 and Paragraph 180 of the NPPF. Given the types of habitat being delivered the Ecologist has confirmed that there is no need for a draft habitat management and monitoring plan. This can however be secured by a future Section 39 agreement which in turn will be a requirement of the S106 planning obligation.
356. Overall and subject to the imposition of the above conditions the proposal would comply with Policies 41 and 43 of the CDP, Policy S1 of the DCNP and Part 15 of the NPPF. The development not only suitably mitigates its impacts but goes well beyond biodiversity requirements and therefore the weighting on this issue is therefore significant.

#### Impacts to Trees

357. Policy 40 of the CDP requires new development to not result in the loss of, or damage to trees of high landscape, amenity or biodiversity value unless the benefits of the proposal clearly outweigh the harm. This policy requires the retention of trees which make a positive contribution to the locality and development and if trees must be lost it requires their replacement, maintenance and management.

358. No trees are to be removed for redevelopment of the site however two trees may require some crown lifting. The Council's arboricultural Officer has highlighted that surfacing works may damage the trees and that in this area construction may need to be done by hand or with lightweight machinery, he advises that if this proves too difficult during construction and they need removing then a replanting plan will be required to be agreed. This can be secured by condition. The proposal therefore accords with Policy 40 of the CDP and weighting on this issue is neutral.

## Flooding and Drainage

359. Policies 35 and 36 of the CDP relate to flood water management and infrastructure. Policy 35 requires development proposals to consider the effects of the scheme on flood risk both on and off-site and ensure that it incorporates a Sustainable Drainage System (SuDs) to manage surface water drainage. The policy also requires development to not have an adverse impact on water quality and that where sites are adjacent to a water course consideration should be given to opportunities to improve the river environment and water quality. Policy 36 seeks to ensure that suitable arrangements are made for the disposal of foul water.
360. Policy S1 of the DCNP requires development to be located away from Flood Zones 2 and 3 where possible and necessary, and otherwise to manage flood risk taking into account the level of flood risk vulnerability for the relevant land uses and to incorporate SUDS.
361. National advice within the NPPF and Planning Policy Guidance (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 an exception test are passed, informed by a site-specific flood risk assessment.
362. The submitted Flood Risk Assessment confirms that the majority of the development site which is on the upper levels lies in Flood Risk Zone 1 and at the lowest potential risk from flooding. However, the south eastern boundary of the site is partially in Flood Zone 2 and Flood Zone 3. The lower levels of up to level 2, including the current boat repair building and proposed external terraces areas are within Flood Zone 3 with a 'Medium' risk of flooding (1%-3.3%) each year. Whilst flood zone mapping shows part of this area within flood zone 3b, in accordance with PPG guidance and Durham SFRA where there is a building footprint already in flood zone 3b it should be treated as flood zone 3a. The proposal would normally therefore be required to pass the sequential test in relation to those lower areas for development, however in this instance it is considered that the proposal is exempt due to the envelope of the building not altering and as it involves a proposed change from commercial/industrial to leisure which has the same vulnerability classification of 'less vulnerable'. An exemption test is also not required due to this compatibility. Nonetheless for the lower area, the FRA recommends resilience measures such as a water entry strategy to use building materials, foundations, floors walls, doors and windows, fittings and services to accommodate water ingress but to be resilient to it and to ensure safety by registering with the Environment Agency for its flood warning service.
363. An FRA and drainage strategy have been submitted detailing a proposed green roof catchment area with a 40% betterment on the existing roof layout. The surface water would discharge via the existing outfall to the River Wear.

364. The submitted drainage information has been reviewed by the Council's Drainage and Coastal Protection Team in their capacity as Lead Local Flood Authority (LLFA) and the Environment Agency. The Council's Drainage and Protection Team are satisfied with the Flood Risk Assessment and Drainage Strategy. The Environment Agency accept the flood resistance and resilience details but advise that Environmental Permit may be required should any of the surface water not pass through SUDS or a maintained oil interceptor. A condition can ensure that the development adheres to the drainage details and requirements set out.
365. In relation to foul water, it is proposed to connect to the existing NWL sewage network. To be treated at Barkers Haugh Sewage Treatment Works (STW) with the receiving watercourse being the Wear from Croxdale Beck to Lumley Park Burn. The submitted Water Framework Directive Assessment concludes that activities would not result in the River Wear (Croxdale Beck to Lumley Park Burn) reaching good status in the future. However, the Environment Agency require further information in relation to the impact of nutrients from the foul drainage on the water quality such as ammonia, phosphate, dissolved oxygen and biochemical oxygen demand due to the increase in foul drainage and have therefore requested a condition to secure a further Water Framework Directive Assessment to avoid any deterioration in water quality.
366. On this basis, no objections to the development on the grounds of flood risk or drainage are raised, and the application is considered acceptable subject to conditions in accordance with Policies 35 and 36 of the CDP, policy S1 of the DCNP and Part 14 of the NPPF. The development therefore mitigates its impacts and this carries neutral weighting.

#### Infrastructure and Open Space Provision

367. It is important to ensure that development proposals contribute to improvements in infrastructure capacity to mitigate for the additional demands that new development creates. By securing financial contributions through planning obligations, developers would help fund the physical, social and environmental infrastructure that is needed to make development acceptable and ensure that the development mitigates its impact upon existing infrastructure.
368. Policy 25 of the CDP supports securing developer contributions where mitigation is necessary to make the development acceptable in planning terms including for social infrastructure such as health facilities.
369. Paragraphs 55-58 of the NPPF explain the circumstances when it is appropriate for planning obligations to be used to mitigate the impacts of the development.
370. Policy 26 of the CDP outlines that new residential developments (including those for students) 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 to be secured through planning obligations towards the provision of new open space, or the improvement of existing open space elsewhere in the locality.
371. Paragraph 102 of the NPPF highlights that access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities.

372. The Council's Open Space Needs Assessment (OSNA) 2018 is considered the most up to date assessment of need. It identifies the five typologies (allotments; amenity/natural greenspace; parks, sports and recreation grounds; play space (children) and play space (youth), sets out requirements for public open space on a population pro rata basis and whether provision should be either within the site, or through a financial contribution towards offsite provision, in lieu taking into consideration factors such as the scale of the development, existing provision within suitable walking distances and the level of contribution sought.
373. There is an existing qualitative shortfall in the provision of all types of open space in the Durham City assessment area. The OSN therefore identifies that the need to protect existing open space and provide open space on site in new development is a key priority in the area. Given the development is not new development but redevelopment that does not generally involve a change in footprint on the ground floor there is limited scope to provide new open space on site. It is noted that Off site requirements would normally involve a contribution of £645,048 however the OSNA recognises that this can drop to a lesser amount if the applicant can identify specific facilities within the vicinity of the site that can be upgraded and agreed with the Council.
374. As part of the proposals that applicants are upgrading the current public open space on site to become a larger, more visually appealing user friendly space for performances, exhibitions etc to be open to the public at all times despite being privately owned, this is at a significant cost to the developer. In addition to this the developers are willing to contribute the sum of £98,100 to upgrade the public realm at the riverside (or to be spent on new or upgrading of facilities in the Durham City area). Given these benefits and the limited areas of public space that could be provided or upgraded in the vicinity of the site that would realistically be used and of benefit to the student residents the Council is willing to accept this lesser contribution in this instance.
375. It is noted that local people have concerns over the pressure on NHS services. The NHS have set out their requirements of a contribution of £85,680 to fund space requirements at Claypath and University Medical Group Practice. The developer is willing to provide this financial contribution. These measures are necessary to make the development acceptable and would accord with Policy 25.
376. Policy 25 of the CDP, 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 following obligations are considered to meet these tests and have been sought from the developer to mitigate the impacts of the development and would be secured through a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended):
- £85,680 to increase GP surgery capacity;
  - £98,100 on or off-site public open space contribution;
  - The requirement to enter into a S.39 Agreement to secure the long-term management and maintenance, including a monitoring strategy of the biodiversity land.
377. The applicant has indicated their acceptance to enter into such agreements and therefore it is considered that this scheme would sufficiently mitigate its own impacts.

378. Bearing the above in mind it is considered that the proposal meets the policy requirements of policies 25 and 26 of the CDP and paragraph 102 of the NPPF and the weight afforded this aspect is neutral.

#### Contamination and Land Stability

379. Policy 32 of the CDP requires sites to be suitable for use taking into account contamination and unstable land issues. Paragraph 189 of the NPPF requires sites to be suitable for their proposed use taking account of ground conditions and any risks arising from land instability and contamination.
380. Whilst a minor part of the site lies within the high-risk area in terms of Coal Mining Legacy, given that all works are above current ground levels a Coal Mining Risk Assessment was not submitted with the application. The Coal Authority accepts this approach and has not objected.
381. In respect of contamination, a Phase 1 Geo-Environmental site investigation report has been submitted and identifies only low risks given the retention of building on site and Environmental Health Officers have considered this report, concluding that there is no need for further survey work or remediation but request informatives relating to gas risk assessments and remediation if necessary for any new building footprints and in relation to unforeseen contamination. With such conditions the site would be suitable for use and appropriately remediated in accordance with Policy 32 of the CDP and Paragraph 189 of the NPPF. The development mitigates its own impacts in this regard and this matter carries neutral weight.

#### Other Matters

382. Policy 6 of the CDP requires development to make as much use as possible of previously developed land. The NPPF advises at Paragraph 124 that substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs. The proposal will certainly meet this requirement by developing over a current site for uses that are clearly needed and appropriate in this area. This therefore carries substantial weight.
383. The site is located within a mineral safeguarding area for coal and glacial sand and gravel, as defined on the policies map of the CDP. CDP Policy 56 seeks to protect the County's mineral interests by preventing planning permission for non-mineral development that would lead to the sterilisation of identified resources, unless one of a number of limited exemption circumstances apply. In this instance, the site involves alterations and extensions to existing buildings and, therefore, a minerals assessment is not required.
384. Policy 27 of the CDP outlines that new commercial development should be served by a high-speed broadband connection. Part 10 of the NPPF also has similar aims. Whilst there are no details in respect of this aspect a condition can be imposed to secure that the site incorporates infrastructure for fibre broadband.
385. With regard to the composition of the units, the Parish Council would like to see a unit dedicated as a community hub space and believes this will allow the community to make much better use of the facilities. It is not the role of the Planning Authority to dictate the occupation of private enterprise.

386. Local residents are concerned over the influx of students generally and the City becoming more like a student campus and being empty when they are gone. They highlight that comparisons made with other University cities and conclusions are misleading and that Durham has the most students per head of resident population of all University cities in England. This is particularly true of the historic core of the City. It is agreed that the Council must balance the needs of a world class university with those of residents and in that regard policy 16 is considered to be the key policy mechanism for achieving such. The student population has increased substantially over recent years and whilst the University is committed to slowing growth, at present there is a clear need for further accommodation of this type and it needs to be sustainably which will generally lead to a town centre location. The scheme would bring more student footfall into the City streets for the majority of the year but the scheme has been designed in a way that would still retain its retail function and appearance with the majority of the PBSA being on the upper floors above the retail.
387. It is noted that locals have highlighted that new accommodation in the centre should be for families, however the development of more PBSA in the City would provide more housing choice to Students who may have once considered one of the many HMO's in the City (generally 30%-44% of students not prefer PBSA over PBSA and this figure is much higher for International Students) and if this reduces demand for HMO's this may encourage the return of families to those houses in the City.
388. It is noted that Whinney Hill Community group cite a Lack of public consultation/meetings with elected representatives. The developers undertook drop in events on site on the afternoons of 19<sup>th</sup> July and 9<sup>th</sup> August 2023 as well as undertaking digital consultation in August of last year. The Council has also publicised the application in the press and on site and around the City Centre and has sent out over 1700 consultation letters and has therefore met its statutory requirements.
389. An objection has been made on the grounds that this is a discriminatory proposal as it only caters for one demographic. 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. Officers have assessed all relevant factors and do not consider that there are any equality impacts identified. The need to be a student requirement of the intended occupants is not a protected characteristic. Whilst the vast majority of students are likely to be young adults rather than mature students the PBSA would not discriminate between the two.
390. Local residents consider that other redevelopment projects in the City were similar and have been flawed, however the most recent finished developments were primarily leisure based developments outside the primary shopping areas or mixed use developments in the primary shopping area and both appear to be well occupied by the intended uses.
391. Issues raised in terms of the need for access to properties during construction are a matter between the two parties.
392. It is noted that local people would prefer other empty sites around the city to be considered in preference for PBSA to this site, however there is no policy requirement that requires a sequential assessment for PBSA and we must consider the development in front us.



393. The boat store/workshop is to be converted to leisure use. It is presently not well used by the boat hire companies as they have other facilities for storage. Nonetheless tenancy arrangements are a matter between the site operator and its tenants and are not a material planning consideration.
394. Conditions requested in relation to agreement to works in the vicinity or connecting to the highway structures and in respect of Protected Species Licences are governed by other legislation therefore informatives are considered suitable to advise of these requirements.

## The Planning Balance

395. The planning balance exercise required under Section 38(6) of the Act must take into account and 'weigh' the benefits and harms of the application, because consultees and Officers have identified some policy conflicts most in terms of sustainable transport and amenity for students. The structured assessment undertaken through the CDP objectives and the requirements of Policies 6, 8, 9 and 16 in particular seek to identify whether the development would improve the economic performance of the whole County and whether the development proposed in this location is appropriate in principle. It concludes that the development would improve the economic performance of the whole of County Durham. The principle of the development is also considered to be acceptable in accordance with Policies 6, 8,9 and 16 of the CDP and Policies S1,E3, E4 and E6 of the DCNP.
396. The proposal would improve the economic performance of the whole of County Durham by creating more jobs, increasing the employment rate and reducing unemployment, thereby increasing GVA and improving the resilience of the county's economy. These economic and employment benefits carry significant weight in the planning balance.
397. The proposal demonstrates a quantitative and qualitative need for PBSA and the PBSA would not be a significant negative impact on the Council's wider objectives but a significant positive impact it is considered that significant weight is attached to the provision of the PBSA.
398. Overall, this proposal will in the longer term enhance Durham City by improving choice and bringing about regeneration and securing the vitality and viability of the town centre. The long term benefits this will bring are significant.
399. The hotel use would improve the range of visitor accommodation and likely be of a good quality. It would preserve the vitality and viability of the primary shopping areas This carries significant positive weight.
400. The proposal makes good use of previously developed land within a settlement for homes and identified needs. This carries that substantial weight.
401. The proposal would sustain and enhance the significance of the OUV of the WHS this most important designated asset, and protect and enhance the OUV, the immediate and wider setting and important views across, out of, and into the site and the proposal would create new views to the riverside. The development would not only sustain the significance of designated and non designated heritage assets but would slightly enhance part of the conservation area and the setting of several surrounding areas within the conservation area and listed buildings within the conservation area. There would be some limited positive weight attached to the enhancements.

402. The impacts of the development to nearby residents and receptors and future receptors can be suitably mitigated to ensure there are no unacceptable levels of pollution and to protect amenity.
403. The proposal offers welcome improvements to the useability of the area and enhancements to the High Street and riverside. This is considered to carry moderate positive weight.
404. Overall, the development mitigates its own highways impacts and has a slight improvement to an existing access to the Leazes roundabout therefore there is moderate positive weight attached in terms of Highway Safety.
405. In respect of biodiversity the proposal not only suitably mitigates its impacts but goes well beyond biodiversity requirements and therefore the positive weighting on this issue is therefore significant.
406. The proposal would not result in the loss of, or damage to trees of high landscape, amenity or biodiversity value. Neutral weighting is afforded this aspect.
407. The development mitigates its impacts in terms of Flood Risk, Drainage and land safety and stability and this carries neutral weighting.
408. The proposal meets policy requirements in terms of Open space and mitigates its impacts in terms of NHS requirements and the weight afforded this aspect is neutral.
409. In terms of harms, the short term economic impacts from closure during the construction phase, failure to meet all sustainable transport requirements in respect of cycling provision and less than ideal amenity standards of some of the PBSA must be acknowledged. This is qualified by degree by the economic benefits detailed above, the highly sustainable location, the transient nature of the occupiers and the site constraints in this unique World Heritage setting which prevent significant changes being made to the design. Whilst the cycling provision does not satisfy Active Travel England, the proposals are considered acceptable in planning terms.
410. Overall, the benefits are considered to outweigh the identified harms in terms of the planning balance.

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## **CONCLUSION**

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411. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise (Section 38(6) of the Act).
412. The principal issues for consideration on this site are the Council's strategic economic objectives as reflected through the requirements of Policies 6,8,9 and 16 of the CDP and Policies S1, E3, E4 and E6 of the DCNP and the Heritage implications of the proposals as assessed through the requirements of policies 44,45 of the CDP and policies H1 and H2 of the DCNP.
413. Policies 6,8,9 and 16 of the CDP and policies S1, E3, E4 and E6 of the DCNP overarch a number of other topic areas that are specifically further policy assessed, such as amenity, design, locational sustainability/active travel, highway safety, ecological

impacts and impacts to climate change such a flooding. The criteria of the above CDP and neighbourhood plan policies effectively set out a systemised methodology for assessing whether a proposal represents an acceptable form of development that is appropriate, justified, can integrate and can mitigate harms-in short, whether it represents 'sustainable development', both in location and operation. Other policies detailed are associated with the technicalities of developing land and which the scheme has been assessed against and Officers conclude that the land is or can be made suitable for development.

414. The responses of individual consultees indicates that the scheme is one that Officers consider generally satisfies the Policy requirements and can be supported as a brownfield regeneration scheme that meets the Council's retail, employment, leisure, tourism, and housing objectives, and constitutes sustainable development. It does not harm the OUV of the WHS or harm or lead to a loss of significance any designated or non-designated heritage asset. There would not be harm to current residential amenity in the city, or harm to protected species, biodiversity or trees that cannot be mitigated or compensated for. It is not prejudicial to highway safety nor would it have a severe residual cumulative impact on network capacity and in many ways it has good access by sustainable modes of transport to services and facilities in the City. The scheme will enhance part of the conservation area and the setting of several surrounding areas within the conservation area and listed buildings within the conservation area. It provides welcome improvements to the useability of the area and enhancements to the High Street and riverside, the access to the Leazes Rd roundabout and the site's biodiversity. The scheme mitigates its impacts in terms of flood risk and drainage, open space, NHS requirements, contamination and land stability.
415. The benefits of the scheme are considered to clearly outweigh the identified harms. The proposals are considered generally compliant with the Policies of the County Durham Plan and the Durham City Neighbourhood Plan and the Framework. There are minor conflicts in terms of a lack of restriction to occupation of the hotel, the standard of amenity for some of the student rooms and in terms of the amount of cycle provision. Addressing these conflicts, regard must be had to the City Centre location and the wider strategic context of delivering economic growth through the regeneration of a key City Centre with much needed employment and economic benefits in a highly sustainable location. This overarching strategic aim needs to be considered in the overall planning balance and weighed against the failure of the development to fully achieve sustainable transport and quality of life objectives particularly when the site constraints in this unique World Heritage Setting would prevent significant changes to the design.
416. The proposal has generated limited public interest with 5 representations having been received from the public and also one each from Durham City Parish Council, Durham City Trust and Whinney Hill Community Group. Concerns raised have been taken account and addressed within the report with suitable conditions proposed to mitigate their concerns where possible. The objections raised would not outweigh the above conclusions, and on this basis the application is recommended for approval, subject to the applicant entering into a s.106 planning obligation to provide identified mitigations, and a list of appropriate conditions.

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## **RECOMMENDATION**

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

- Contribution to Open Space: £98,100
- Healthcare provision: £85,680
- The requirement to enter into a S.39 Agreement to secure the long-term management and maintenance, including a monitoring strategy of the biodiversity land.

and subject to the following conditions:

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

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

2. The development hereby approved shall be carried out in strict accordance with the following approved plans and documents and any recommendations, mitigation measures and adherence to parameters contained therein:

#### Plans

22657-0301 P-03 Location Plan	15/03/24
22657-0101-P-08-Masterplan - Level 1 (Decks 1)	15/03/24
22657-0102-P-08-Masterplan - Level 2 (Decks 2&3)	15/03/24
22657-0103-P-08-Masterplan - Level 3 (Decks 4&5)	15/03/24
22657-0104-P-08-Masterplan - Level 4 (Decks 6&7)	15/03/24
22657-0105-P-08-Masterplan - Level 5 (Mall)	15/03/24
22657-0106-P-08-Masterplan - Level 6 (Upper Mall)	15/03/24
22657-0107-P-08-Masterplan - Level 7	15/03/24
22657-0108-P-08-Masterplan - Level 8	15/03/24
22657-0110-P-08-Masterplan - Roof Plan	15/03/24
22657-0121-P-08-Masterplan - Proposed Sections 1 of 2	15/03/24
22657-0122-P-01-Masterplan - Proposed Sections 2 of 2	15/03/24
22657-0151-P-08-Masterplan - Proposed Contextual Elevations	15/03/24
22657-0152-P-07-Proposed & Existing Elevations - Leazes Road 1	15/03/24
22657-0153-P-07-Proposed Elevations - Leazes Road 2	15/03/24
22657-0154-P-07-Proposed Elevations – Riverfront	15/03/24
22657-0155-P-07-Proposed & Existing Elevations - High Street 1	15/03/24
22657-0156-P-07-Proposed & Existing Elevations - High Street 2	15/03/24
22657-0157-P-05-Proposed & Existing Elevations – Boots	15/03/24
22657-0158-P-07-Proposed & Existing Elevations - High Street 3	15/03/24
22657-0159-P-07-Proposed & Existing Elevations - High Street 4	15/03/24
22657-0160-P-07-Proposed & Existing Elevations - High Street 5	15/03/24
22657-0161-P-01-Bay Study - Leazes Road 1	15/03/24
22657-0162-P-00-Bay Study - Leazes Road 2	15/03/24
22657-0163-P-01-Bay Study – Riverfront	15/03/24
22657-0164-P-01-Bay Study - High Street Elevation - Street 2	15/03/24
22657-0165-P-01-Bay Study - High Street Elevation - Street 1	15/03/24
22657-0166-P-00-Bay Study - Riverside - Public Square	15/03/24
22657-0167-P-02-Proposed & Existing Elevations – Boathouse	15/03/24
N1277-ONE-ZZ-XX-DR-L-0001-P05_Landscape Site Plan	15/03/24
N1277-ONE-ZZ-XX-DR-L-0003-P05_LandscapeSite PlanLevel03	15/03/24

N1277-ONE-ZZ-XX-DR-L-0004-P05_LandscapeSitePlanLevel05Overview	15/03/24
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N1277-ONE-ZZ-XX-DR-L-0201-P02_OutlinePlanting Strategy	15/03/24
N1277-ONE-ZZ-XX-DR-L-0801-P03 Illustrative Landscape Masterplan	15/03/24

## Documents

Arboricultural Survey	15/03/24
Baseline Lighting Survey	15/03/24
Bat Survey and Protected Species Appraisal	15/03/24
Biodiversity Net Gain Assessment	15/03/24
Energy and Sustainability Statement	15/03/24
Environmental Statement Non Technical Summary	15/03/24
ES V1 Chapter A Introduction and background	15/03/24
ES chapter B Scope and Methodology	15/03/24
ES V1 Chapter C Site and Scheme Description	15/03/24
ES V1 Chapter D Above Ground Heritage	15/03/23
ES V1 Chapter E Townscape and Visual Impact	15/03/24
ES V1 Chapter F Climate Change and Resilience	15/03/24
ES V1 Chapter G Socio-economics	15/03/24
ES V1 Chapter H Air Quality	15/03/24
ES V1 Chapter I Cumulative Effects	15/03/24
ES V1 Chapter J Mitigation and Monitoring	15/03/24
ES V2 Appendices to Chapter A	15/03/24
ES V2 Appendices to Chapter B	15/03/24
ES V2 Appendices to Chapter C	15/03/24
ES V2 Appendices to Chapter D	15/03/24
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Fire Statement	15/03/24
Heritage Impact Assessment	15/03/24
Illumination Impact Profile	15/03/24
Lighting Design Strategy	15/03/24
Noise Assessment	15/03/24
Phase 1 Geoenvironmental Assessment	15/03/24
Transport Statement	15/03/24
Ventilation and Extraction Statement	15/03/24
Air Quality Technical note	03/05/24
Update to appendix H1 of ES	03/05/24
Further Fire Safety Information	16/05/24
Active Travel Further Note	22/05/24
Flood Risk Assessment and Drainage Strategy Rev F	04/06/24
Response on carbon filtration	31/05/24
Housing Needs Assessment	04/06/24
Heating Load and Connectivity detail	11/06/24

*Reason: To define the permission and ensure that a satisfactory form of development is obtained in accordance with Policies 6 and 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.*

3. Prior to the commencement of development (excluding demolition, archaeological investigation, services diversions and any land remediation/ground improvement works) the FIRST phasing plan setting out the proposed phasing of the construction and occupation of the development shall be submitted to and approved in writing by the Local Planning Authority.

In the instance that the first phasing plan pursuant to the above has been submitted and then should need to be updated during the course of development an updated phasing shall be submitted to and approved in writing by the Local Planning Authority. The updated phasing plan shall set out any proposed changes from the phasing plan previously approved pursuant to this condition.

For the purposes of this permission all references to a "phase" shall be interpreted as being a reference to a phase or part thereof as defined on the phasing plan approved pursuant to this condition.

*Reason: To define the consent and ensure a satisfactory form of development is obtained in accordance with Policies 6 and 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.*

4. No development shall commence for each phase until an updated version of the Prince Bishops Shopping Centre Construction Environmental Management Plan, prepared by Henry Riley (dated March 2024), has been submitted to and approved in writing by the Local Planning Authority. The updated plan shall include a Dust Management Plan and Construction Traffic Management Plan, as well as details of a strategy to mitigate the impact of noise and vibration . No development shall be carried out other than in accordance with the approved document.

*Reason: In the interests of preserving residential amenity during the construction phases of the development having regards to County Durham Plan Policy 31 and Part 12 of the NPPF.*

5. In undertaking the development that is hereby approved:

No construction works, works of demolition, building works deliveries, external running of plant and equipment required for the construction or demolition works shall take place other than between the hours of 0730 to 1800 on Monday to Friday and 0730 to 1400 on Saturday.

No internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0730 to 1700 on Saturday.

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

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

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

6. Excluding demolition, no new development outwith the existing building footprint on the site shall commence until details of gas risk assessment and any subsequent identified protection measures in new structures have been submitted to and approved in writing by the Local Planning Authority. These measures shall be incorporated in accordance with the agreed details. proposals are submitted to and approved by the Local Planning Authority.

*Reason: In order to prevent any accumulation of ground gas, which may potentially be prejudicial to the amenity of the occupants of the respective properties in accordance with Policy 32 of the County Durham Plan and Part 15 of the National Planning Policy Framework.*

7. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees to be retained, are protected in accordance with the details contained within the Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan Report ref: ARB/AE/3064 dated February 2024 by Elliott Consultancy Ltd and in accordance with BS.5837:2010.

Prior to any construction work taking place, the ground immediately surrounding the existing trees on the site shall be protected from compaction by the use of scaffold boards over a compressible layer of bark chip. All works to prepare the ground for surfacing shall be undertaken by hand and without the use of heavy machinery. The terrace area shown at Figure 1 of the above report shall be surfaced without excavation, using an agreed construction material that provides permeability and prevents compaction.

No removal of limbs of trees or other tree work shall be carried out, other than those set out in the above reports. No underground services trenches or service runs shall be laid out in root protection areas, as defined on the Tree Constraints Plan.

No other operations, no alterations of ground levels, and no storage of any materials are to take place inside the fences, and no other work is to be done such as to affect any tree which is protected by these fences.

If during development any of the existing trees on the site are found to be not suitable for retention, the Local Planning Authority should be informed and a re-planting plan submitted and approved within three months of their removal. Replanting shall take place in the first available planting season following approval of the replanting details.

*Reason: In the interests of visual amenity, in accordance with Policy 40 of the County Durham Plan and Part 12 and 15 of the National Planning Policy Framework.*

8. No development shall commence within each phase (excluding demolition and site setup works) until a scheme for the provision of surface and foul water drainage works within that phase has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the long term management and maintenance measures.. The drainage shall be completed and maintained thereafter in accordance with the details agreed.

*Reason: To prevent pollution of the water environment in accordance with Policies 35 and 36 of the County Durham Plan and Part 14 of the National Planning Policy Framework. This is required as a pre commencement condition to ensure that the*

*proposed development provides adequate levels of drainage which needs to be considered before site works commence.*

9. No development shall commence within each phase until a management plan to deal with surface water run-off during the demolition and construction phases of that phase of the development has been submitted to and approved in writing by the Local Planning Authority.

*Reason: To prevent pollution of the water environment in accordance with Policies 35 and 36 of the County Durham Plan and Part 14 of the National Planning Policy Framework.*

10. Prior to occupation of any part of the development hereby approved, details confirming that the development has been registered with the Environment Agency's flood warning service shall be submitted to and approved by the local planning authority.

*Reason: In accordance with Policy 35 of the County Durham Plan Part 14 of the National Planning Policy Framework (NPPF).*

11. No development shall take place until a Species Protection Plan (SPP) detailing the protection of otter, a protected species under The Wildlife and Countryside Act 1981 as amended, has been submitted to the local planning authority. The plan must consider the whole duration of the development, from the construction phase through to development completion. Any change to operational responsibilities, including management, shall be submitted to and approved in writing by the Local Planning Authority. The SPP shall be carried out in accordance with a timetable for implementation as approved. The SPP should include, but not be limited to, the following:

- a precautionary method statement;
- toolbox talks;
- pre-works checks for otter a procedure to follow should otter be encountered;
- assurance that no new direct lighting of the watercourse is permitted as part of the development; and
- details of who will be responsible for ensuring the SPP is followed.

*Reason: In accordance with Policy 41 of the County Durham Plan Part 15 of the National Planning Policy Framework (NPPF).*

12. The development hereby permitted shall not be commenced until such time as a Water Framework Directive assessment, considering the impact of foul drainage, has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

This should include an assessment of the impact of the increase in foul drainage from the proposed development on Barkers Haugh Sewage Treatment Works (STW) receiving watercourse (Wear from Croxdale Beck to Lumley Park Burn (GB103024077621)). The assessment should specifically look at the impact of nutrient concentrations on the waterbody.

*Reason: In accordance with Policy 41 of the County Durham Plan Part 15 of the National Planning Policy Framework (NPPF).*

13. Prior to the commencement of development in any phase, a scheme comprising of a minimum of 10 bird nest boxes and 10 bat roosting features shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the exact location, specification, design and timetable for installation of the nesting



boxes/bricks. The approved scheme shall be completed in accordance with the approved details and timescales.

*Reason: In the interests of ecological mitigation having regards to County Durham Plan Policy 41 and Part 15 of the NPPF. Required to be pre-commencement as the proposals to mitigate the impacts of the development and construction works must be resolved at the earliest juncture.*

14. The development shall be carried out in accordance with the mitigation outlined within Section G: Recommendations of the Bat Survey and Protected Species Appraisal by E3 Ecology Ltd, dated 14 March 2024.

*Reason: To mitigate the ecological impact of the development, in accordance with Policy 41 of the County Durham Plan and Part 15 of the National Planning Policy Framework.*

15. Prior to first occupation of any phase or part thereof (excluding demolition and site set up works) full planting specifications shall be submitted to and approved in writing by the Local Planning Authority for the following approved landscape plans.

N1277-ONE-ZZ-XX-DR-L-0001-P05\_LandscapeSitePlan  
N1277-ONE-ZZ-XX-DR-L-0003-P05\_LandscapeSite PlanLevel03  
N1277-ONE-ZZ-XX-DR-L-0005-P05\_Landscape Site PlanLevel05  
N1277-ONE-ZZ-XX-DR-L-0007-P05\_LandscapeSite PlanLevel06  
N1277-ONE-ZZ-XX-DR-L-0801-P03 Illustrative Landscape Masterplan

Any submitted scheme must be shown to comply with legislation protecting nesting birds and roosting bats.

The landscape scheme shall include accurate plan based details of the following:

Trees scheduled for retention.

Details of hard and soft landscaping including planting species, sizes, layout, densities, numbers.

Details of planting procedures or specification.

Seeded or turf areas, habitat creation areas and details etc. Details of land and surface drainage.

The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc.

The approved landscaping shall be undertaken prior to first occupation of each phase, or in the first planting season following completion of the development, whichever is later.

The Local Planning Authority shall be notified in advance of the start on site date and the completion date of all external works.

Trees, hedges and shrubs shall not be removed without agreement within five years.

Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species.

*Reason: In the interests of the visual amenity of the area and to comply with Policies 29 and 40 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.*

16. Prior to occupation of any phase a scheme for the ongoing management of the areas of landscaping within that phase of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority.

*Reason: In the interests of the visual amenity of the area and to comply with Policy 40 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.*

17. Prior to occupation of each phase of the development a refuse storage plan for that phase shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out and operated in accordance with the agreed details.

*Reason: In the interests of residential amenity in accordance with County Durham Plan Policy 31 and Part 12 of the NPPF.*

18. Each phase of the development shall not be occupied until a lighting strategy, containing full details of external lighting for the respective phase, has been submitted to and agreed in writing by the Local Planning Authority. The document shall include input from a suitably qualified ecologist, in line with current best practice guidelines, and include measures to ensure that the proposals do not have a negative impact upon nocturnal species such as bats. The development shall be carried out and operated in accordance with the agreed details.

*Reason: In the interests of residential amenity in accordance with County Durham Plan Policy 31 and Part 12 of the NPPF.*

19. The attenuation requirements as set out in the submitted noise assessment by NJD Environmental Associated March 2024 shall be implemented on site prior to occupation and retained thereafter.

*Reason: To protect residential amenity and provide a commensurate level of protection against noise in accordance with County Durham Plan Policy 31 and Part 15 of the NPPF.*

20. Prior to the installation of any external plant, including extract ventilation facilities and air conditioning equipment, details of any such equipment, including an assessment of their noise generation levels, and any noise attenuation measures required, shall be submitted to and approved in writing by the Local Planning Authority. This assessment shall take into account BS4142:2019 and comply with the Durham County Council Technical Advice Note on Noise. The external plant equipment shall be implemented in accordance with the approved details, including any noise attenuation measures required.

*Reason: To protect residential amenity and provide a commensurate level of protection against noise in accordance with County Durham Plan Policy 31 and Part 152 of the NPPF.*

21. The noise from any fixed plant equipment provided as part of the development hereby approved shall not exceed the noise ratings set out in Table 10 of the Noise Assessment prepared by NJD (dated March 2024).

*Reason: To protect residential amenity and provide a commensurate level of protection against noise in accordance with County Durham Plan Policy 31 and Part 152 of the NPPF.*

22. Prior to any unit with a commercial kitchen being brought into use, full details of the odour treatment system shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented in full.

*Reason: To protect residential amenity and provide a commensurate level of protection against odour in accordance with County Durham Plan Policy 31 and Part 152 of the NPPF.*

23. Prior to first occupation of any phase or part thereof, the cycle parking shown on Drg. No. 22657-0101-P-08-Masterplan - Level 1 (Decks 1) shall be implemented and available for use. The Subsidiary Travel Plan shall also include measures for monitoring the use of these cycle parking facilities, with mechanisms for increasing the level of covered secure cycle parking provision (up to a maximum of 160 PBSA secure cycle spaces (40%)) evidenced by levels of usage of the installed facilities regularly exceeding 90% over a 3 month period.

*Reason: In the interests of promoting sustainable travel in accordance with Policies 21 and 22 of the County Durham Plan and Part 9 of the National Planning Policy Framework.*

24. An updated Framework Travel Plan shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of any phase or part thereof. This should detail SMART targets which should be broken down for years 1 to 5 and details shall be provided of a remedial budget in the event of the travel plan failing to meet its targets and aspirations.

*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 and Part 9 of the National Planning Policy Framework.*

25. Within a period of six months of the first occupation of any of the commercial (Class E) units which comprise more than 300 sqm gross or the hotel or student accommodation hereby approved, a Subsidiary Travel Plan, based on an updated and approved Area Framework Travel Plan shall be submitted to and approved by the Local Planning Authority in respect of that unit. The approved scheme shall be implemented thereafter 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 and Part 9 of the National Planning Policy Framework.*

26. Prior to the installation of the pedestrian link connecting the external walkway on the south-eastern façade of the development to New Elvet Bridge, details of that link (including in relation to its appearance, materials and interface with the public highway) shall be submitted to and approved by the Local Planning Authority. The approved scheme for the pedestrian link shall be implemented thereafter in accordance with the approved details.

*Reason: To promote sustainable transport methods in accordance with Policy 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.*

27. Prior to the commencement of any works to implement the vehicular drop-off and pick-up layby off Leazes Road, a detailed scheme for that layby shall be submitted to and approved by the Local Planning Authority. The approved scheme for the layby shall be implemented thereafter in accordance with the approved details.

*Reason: To promote highway safety and sustainable transport methods in accordance with Policy 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.*

28. Notwithstanding the details shown on the approved plans the development shall include 20 active EV spaces, details of which shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented on site prior to the occupation of the development.

*Reason: To promote highway safety and sustainable transport methods in accordance with Policy 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.*

29. The altered highways arrangements shall be implemented in accordance with the approved details and prior to any occupation of the development.

*Reason: To promote highway safety and sustainable transport methods in accordance with Policy 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.*

30. Notwithstanding the details submitted within the application, prior to first occupation of the student accommodation hereby approved, a student management plan shall be submitted to and agreed in writing by the Local Planning Authority.

The strategy should include measures of CCTV coverage, 24-hour security or warden presence, fire safety arrangements, student warden schemes and other management operations, including access arrangements for tenants at the beginning and end of tenancies, any arrangements for student parking and drop-off bays, health and wellness policies and procedures to deal with any complaints received. Thereafter the development shall be implemented in accordance with the agreed details, with adherence to the agreed management scheme in perpetuity.

*Reason: To protect existing residents and occupiers in the area and future occupiers of the premises and in the interests of highway safety in accordance with Policies 21, 29 and 31 of the County Durham Plan and Part 12 of the National Planning Policy Framework.*

31. The development buildings shall be constructed to meet a 'very good' BREEAM rating as a minimum. No later than 6 months after the occupation of any the building, a certificate following a post-construction review, shall be issued by an approved BREEAM Assessor to the local planning authority, indicating that the relevant BREEAM rating has been met. In the event that such a rating is replaced by a comparable national measure of sustainability for building design, the equivalent level of measure shall be applicable to the proposed development.

*Reason: In the interests of sustainable development and in accordance with Policy 29 of the County Durham Plan and Part 2 of the National Planning Policy Framework.*

32. Prior to commencement of the development of any phase hereby approved, a screening assessment in respect of forecast construction traffic against IAQM criteria for that phase will be undertaken, and submitted to and approved by the local planning authority. Any mitigation measures deemed necessary will be implemented in accordance with details and a timetable to be agreed by the local planning authority.

*Reason: To protect existing residents and occupiers in the area, in accordance with Policy 31 of the County Durham Plan and Part 152 of the National Planning Policy Framework.*

33. Prior to commencement of each phase of the development a detailed ventilation and extraction design for that phase, in accordance with the approved Ventilation and Extract Strategy Statement prepared by Sine, including details of modelling to demonstrate the impact upon air quality can be adequately mitigated and details of any intake or extract affecting external elevations, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and implemented before first occupation of each phase or part thereof.

*Reason: To protect the amenity of proposed residents, in accordance with Policy 31 of the County Durham Plan and Part 152 of the National Planning Policy Framework.*

34. Notwithstanding details submitted within the submitted plans and documentation, within 12 months of commencement of development an advertisement and signage strategy for the development should be submitted to and approved by the Local Planning Authority. The approved strategy shall provide the design parameters for future advertisements to be erected within the development.

*Reason: So as to ensure that the approach to advertisements and signage within the development is sympathetic to its location and so as to preserve the character, appearance and setting of heritage assets having regards to Policy 29 of the County Durham Local Plan and Parts 12 and 16 of the NPPF.*

35. Notwithstanding the submitted information, prior to the erection of the external walls of each phase of the development hereby approved, details of the external facing materials (including roofs, fenestration and hard landscaped areas) used in that phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

*Reason: In the interests of visual amenity of the surrounding area in accordance with Policy 29 of the County Durham Plan and Part 12 of the NPPF.*

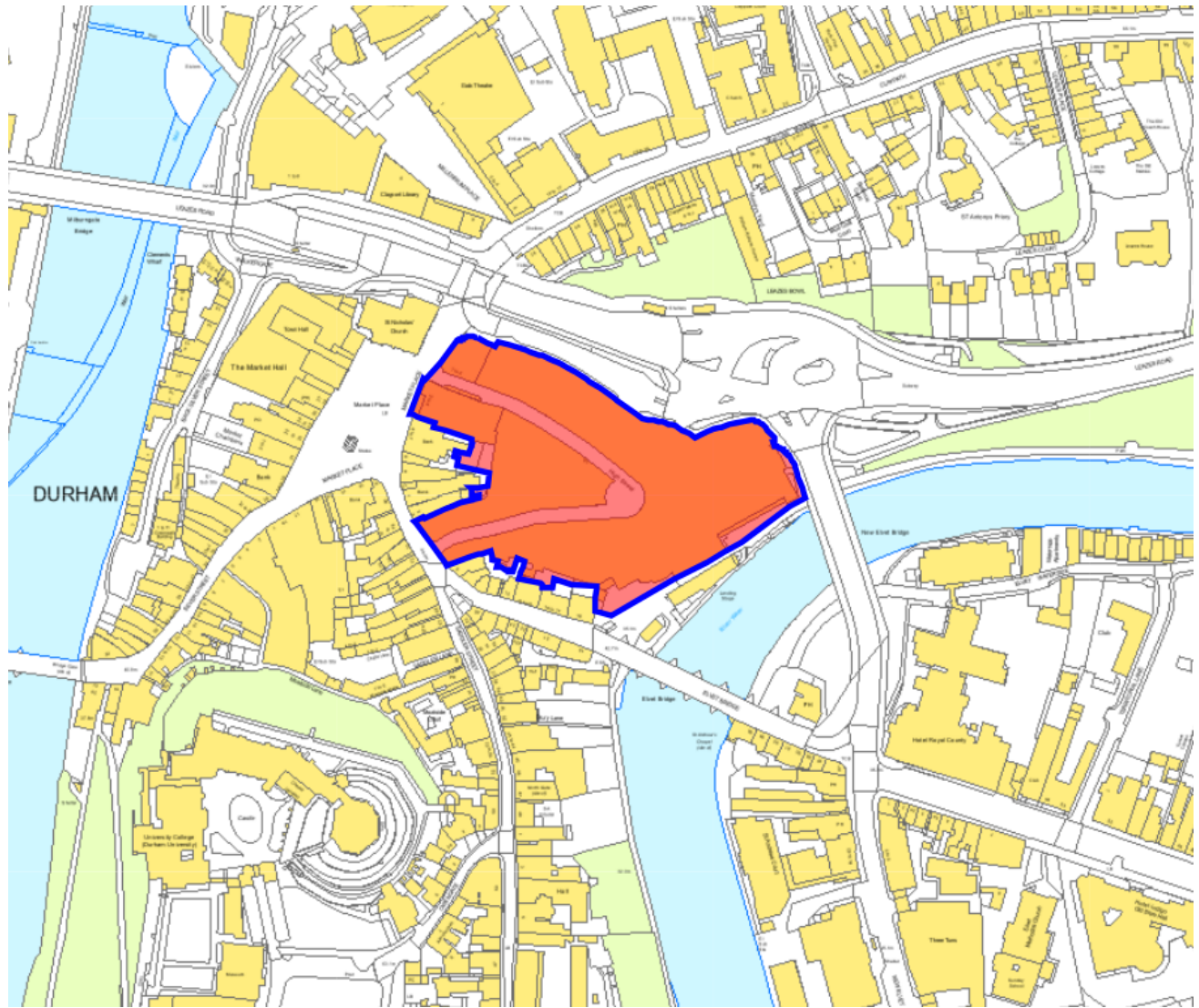
36. Prior to the development of the pedestrian link bridges over the High Street mall, a detailed scheme for those link bridges, including their external appearance and materials, shall be submitted to and approved in writing by the Local Planning Authority. The link bridges shall thereafter be erected in accordance with the approved details.

*Reason: In the interests of visual amenity of the surrounding area in accordance with Policy 29 of the County Durham Plan and Part 12 of the NPPF.*

37. The development shall be constructed with infrastructure in place to ensure that full fibre broadband connection for the scheme is achievable.

*Reason: To ensure a high quality of development is achieved and to comply with the requirements of Policy 27 of the County Durham Plan and Part 10 of the NPPF.*

- Submitted application form, plans, supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2023)
- National Planning Practice Guidance notes
- County Durham Plan 2020
- Durham City Neighbourhood Plan 2021
- Parking and Accessibility Supplementary Planning Document 2023
- Statutory, internal and public consultation responses



**Planning Services**

Redevelopment of existing shopping centre comprising partial demolition of the shopping centre above the existing mall level (Levels 5 and above) and erection of replacement commercial units (Class E), a hotel (Class C1) and purpose built student accommodation (Sui Generis) at Level 5 and above, along with a new outdoor public square and public realm improvements. External alterations to the boat repair and maintenance workshop including use of external areas to create outside terraces for leisure use (Levels 0 and 1) (Class E), external alterations to the elevations of the retained areas of the shopping centre and car park, hard and soft landscaping and other associated works.

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**DM/24/00705/FPA**

**Date** July 2024

**Scale** Not to Scale