

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	4/12/00851/FPA and 4/12/00852/CAC
<b>FULL APPLICATION DESCRIPTION:</b>	Demolition of existing garage/workshop buildings in association with development of student accommodation scheme
<b>NAME OF APPLICANT:</b>	Connislow Ainsley Street Ltd
<b>ADDRESS:</b>	Former Fred Henderson Ltd Ainsley Street Durham City DH1 4BJ
<b>ELECTORAL DIVISION:</b>	Nevilles Cross
<b>CASE OFFICER:</b>	Henry Jones Senior Planning Officer 03000 263960 <a href="mailto:henry.jones@durham.gov.uk">henry.jones@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. The application site relates to a currently vacant car garage and workshop premises located off Ainsley Street within Durham City. The application site is located within the Durham City Centre Conservation Area and within the bounds of the Durham City settlement boundary. To the rear of the site lies the wooded, hillside backdrop known as Flass Vale which contains several public footpaths, is designated Green Belt, an area of high landscape value, local nature reserve and wildlife site and contains Maidens Bower Scheduled Ancient Monument. The application site is adjacent to Durham Miners Hall a grade II listed building. Statues within the curtilage of the Miners Hall are also separately grade II listed structures.
2. The site itself is accessed via a relatively steep access lane off Ainsley Street and the majority of the site is covered by a hardstand plateau adjacent to which are steep and wooded embankments. Upon this hardstand lay two large utilitarian workshop units and numerous garages arranged in three blocks across the site.

#### The Proposal

3. This application seeks conservation area consent and planning permission for the demolition of the existing buildings onsite and their replacement with a purpose built

student accommodation development. The proposed development would comprise of a total of 223 no. beds comprising a mixture of studio flats and cluster bedrooms. The accommodation would be spread across three blocks of three and four storeys in height. The blocks would step up in height from the lowest sections towards the entrance of the site and highest at the rear or south western sections.

4. The Design and Access Statement explains that the accommodation will be marketed to under graduates, post graduates and foreign students. A management office and building entrance would be sited at the front of the site and this would act as a public face to the building. The vehicular access would be bollard controlled.
5. The accommodation blocks would be arranged around a series of landscaped courtyard amenity areas. Parking would be arranged in a line of 10 no. spaces (2 no. disabled) in the north of the site adjacent to blocks 1 and 2.
6. In terms of the design and appearance of the accommodation blocks themselves, the buildings would be constructed principally of brick, with featured coloured glass panels. Pitched roofs are proposed to the blocks with roof coverings comprising of slate or slate effect tiles, standing seam metal effect type cladding and single ply flat sections.
7. This application is being referred to Committee as it constitutes a major development.

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## **PLANNING HISTORY**

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8. Planning permission was granted for extensions to the commercial garage workshops at the site in 1997.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

9. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
10. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’
11. The following elements are considered relevant to this proposal;
12. *NPPF Part 1 – Building a Strong and Competitive Economy.* The Government attaches significant weight on the need to support economic growth through the planning system. Local Planning Authorities should plan proactively to meet the development needs of business and support an economy fit for the 21<sup>st</sup> century.
13. *NPPF Part 4 – Promoting Sustainable Transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where

the need to travel will be minimised and the use of sustainable transport modes maximised.

14. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* Local Planning Authorities should use evidence bases to ensure that their Local Plan meets the needs for market and affordable housing in the area. Housing applications should be considered in the context of the presumption in favour of sustainable development. A wide choice of homes, widened opportunities for home ownership and the creation of sustainable, inclusive and mixed communities should be delivered. Where there is an identified need for affordable housing, policies should be met for meeting this need unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified and such policies should also be sufficiently flexible to take account of changing market conditions over time.
15. *NPPF Part 7 – Requiring Good Design.* 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.
16. *NPPF Part 8 – Promoting Healthy Communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible, Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
17. *NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.* Planning plays a key role in helping shape places to secure Local Planning Authorities should adopt proactive strategies to mitigate and adapt to climate change. Local Planning Authorities should have a positive strategy to promote energy from renewable and low carbon sources. Inappropriate development in areas at risk of flooding should be avoided.
18. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
19. *NPPF Part 12 – Conserving and Enhancing the Historic Environment.* Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

*The above represents a summary of the NPPF considered most relevant the full text may be accessed at:*

<http://www.communities.gov.uk/publications/planningandbuilding/nppf>

## **REGIONAL PLANNING POLICY**

20. *The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008,* sets out the broad spatial development strategy for the North East region for the period

of 2004 to 2021. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale.

21. In July 2010 the Local Government Secretary signalled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This was successfully challenged in the High Court in November 2010, thus for the moment reinstating the RSS. However, it remains the Government's intention to abolish Regional Spatial Strategies when the forthcoming Local Government Bill becomes law. Both the RSS and the stated intention to abolish are material planning considerations and it is a matter for each Planning Authority to decide how much weight can be attached to this stated intention, having regard to the evidence base which informs the RSS. Policies of particular relevance to this application are as follows:
22. *Policy 1 - North East Renaissance seeks to achieve and maintain a high quality of life for all, both now and in the future, requiring a major economic, social and environmental renaissance throughout the Region.*
23. *Policy 2 - Sustainable Development* planning proposals should seek to promote sustainable development through social, economic and environmental objectives.
24. *Policy 4 - The Sequential Approach to Development* establishes that priority should be given to previously developed land within sustainable locations.
25. *Policy 7 - Connectivity and Accessibility* which requires new development proposals to reduce travel demands, and promote opportunities to use public transport, cycle and walk.
26. *Policy 8 - Protecting and Enhancing the Environment* which requires new development to be of high quality and maintain local distinctiveness.
27. *Policy 14 - Supporting Further and Higher Education* states that the role of universities and colleges in the regional economy should be supported including with regards to infrastructure and campuses.
28. *Policy 24 - Delivering Sustainable Communities* states that planning proposals should seek through design to promote social cohesion, reduce inequalities as well as meeting sustainable development objectives.
29. *Policy 32 Historic Environment* requires planning proposals to conserve and enhance the historic environment.
30. *Policy 33 - Biodiversity and Geodiversity* requires planning proposals to ensure that the Region's ecological and geological resources are protected and enhanced to return key biodiversity resources to viable levels.
31. *Policy 35 - Flood Risk* promotes a proactive approach to reducing flood risk and advises that risk should be managed with regards to tidal effects, fluvial flooding and flooding from surface water runoff. The requirements of PPS25 with regards to the sequential approach and submission of flood risk assessments.
32. *Policy 38 - Sustainable Construction* seeks to promote development which minimises energy consumption and promotes energy efficiency. On major development proposals

10% of their energy supply should come from decentralised and renewable or low-carbon sources.

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

33. *Policy E1 - Durham City Green Belt* outlines the presumption against inappropriate development in the Green Belt in order to preserve its intrinsic openness.
34. *Policy E3 - World Heritage Site – Protection* seeks to safeguard the site and setting from inappropriate development that could harm its character and appearance.
35. *Policy E6 - Durham City Centre Conservation Area* states that the special character, appearance and setting of the Durham (City Centre) Conservation Area will be preserved or enhanced as required by section 72 of the Planning (Listed Building and Conservation Areas) Act 1990. The policy specifically requires proposals to use high quality design and materials which are sympathetic to the traditional character of the conservation area.
36. *Policy E10 - Areas of Landscape Value* is aimed at protecting the landscape value of the district's designated Areas of Landscape Value.
37. *Policy E14 - Trees and Hedgerows* sets out the Council's requirements for considering proposals which would affect trees and hedgerows. Development proposals will be required to retain areas of woodland, important groups of trees, copses and individual trees and hedgerows wherever possible and to replace trees and hedgerows of value which are lost. Full tree surveys are required to accompany applications when development may affect trees inside or outside the application site.
38. *Policy E15 - Provision of New Trees and Hedgerows* states that the Council will encourage tree and hedgerow planting.
39. *Policy E16 - Protection and Promotion of Nature Conservation* is aimed at protecting and enhancing the nature conservation assets of the district. Development proposals outside specifically protected sites will be required to identify any significant nature conservation interests that may exist on or adjacent to the site by submitting surveys of wildlife habitats, protected species and features of ecological, geological and geomorphological interest. Unacceptable harm to nature conservation interests will be avoided, and mitigation measures to minimise adverse impacts upon nature conservation interests should be identified.
40. *Policy E18 - Sites of Nature Conservation Importance* seeks to safeguard such sites from development that would be detrimental to their nature conservation interest. These sites as well as being important for their wildlife and geological interest are also a valuable resource for amenity, recreation, education and research.
41. *Policy E22 - Conservation Areas* seeks to preserve or enhance the character or appearance of conservation areas, by not permitting development which would detract from its setting, while ensuring that proposals are sensitive in terms of scale, design and materials reflective of existing architectural details.
42. *Policy E23 - Listed Buildings* seeks to safeguard Listed Buildings and their settings from unsympathetic development.
43. *Policy E24 - Ancient Monuments and Archaeological Remains* sets out that the Council will preserve scheduled ancient monuments and other nationally significant

archaeological remains and their setting in situ. Development likely to damage these monuments will not be permitted. Archaeological remains of regional and local importance, which may be adversely affected by development proposals, will be protected by seeking preservation in situ.

44. *Policy E25 - Nevilles Cross Battlefield* seeks to protect and enhance the battlefield site through not permitting development which would adversely affect the interpretation of the battle, seeking the provision of appropriate interpretation material on the battle site and not permitting development harmful to the Conservation Area or scheduled ancient monuments and archaeological remains.
45. *Policy H7 – City Centre Housing* seeks to encourage appropriate residential development and conversions on sites conveniently located for the City Centre.
46. *Policy H13 - Residential Areas – Impact upon Character and Amenity* states that planning permission will not be granted for new development or changes of use which have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them.
47. *Policy H16 - Residential Institutions and Student Halls of Residence* provides for purpose-built accommodation provided that they are well related to local facilities and are not likely to impact adversely on adjacent development or lead to community imbalance.
48. *Policy T1 - Traffic – General* states that the Council will not grant planning permission for development that would generate traffic likely to be detrimental to highway safety and/or have a significant effect on the amenity of occupiers of neighbouring property.
49. *Policy T10 - Parking – General Provision* states that vehicle parking should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development.
50. *Policy T20 - Cycle Facilities* seeks to encourage appropriately located, secure parking provision for cyclists
51. *Policy T21 - Safeguarding the Needs of Walkers* states that the Council will seek to safeguard the needs of walkers by ensuring that: existing footpaths and public rights of way are protected; a safe, attractive and convenient footpath network is established throughout the City; that the footpath network takes the most direct route possible between destinations; and the footpath network is appropriately signed. Wherever possible, footpaths should be capable of use by people with disabilities, the elderly and those with young children. Development which directly affects a public right of way will only be considered acceptable if an equivalent alternative route is provided by the developer before work on site commences.
52. *Policies Q1 and Q2 - General Principles Designing for People and Accessibility* states that the layout and design of all new development should take into account the requirements of all users.
53. *Policy R11 - Public Rights of Way* states that public access to the countryside will be encouraged and safeguarded by protecting the existing network of public rights of way and other paths from development which would result in their destruction or diversion unless a suitable alternative is provided and the proposal accords with Policy T21.
54. *Policy Q3 - External Parking Areas* requires all external parking areas to be adequately landscaped, surfaced, demarcated, lit and signed. Large surface car parks should be

subdivided into small units. Large exposed areas of surface, street and rooftop parking are not considered appropriate.

55. *Policy Q5 - Landscaping General Provision* sets out that any development which has an impact on the visual amenity of an area will be required to incorporate a high standard of landscaping.
56. *Policy Q8 - Layout and Design – Residential Development* sets out the Council's standards for the layout of new residential development. Amongst other things, new dwellings must be appropriate in scale, form, density and materials to the character of their surroundings. The impact on the occupants of existing nearby properties should be minimised.
57. *Policy Q15 - Art in Design* states that the Council will encourage the provision of artistic elements in the design and layout of proposed developments. Due regard will be made in determining applications to the contribution they make to the appearance of the proposal and the amenities of the area
58. *Policy U5 – Pollution Prevention* states that development that may generate pollution will not be permitted where it would have unacceptable impacts upon the local environment, amenity of adjoining land and property or cause a constraint the development of neighbouring land.
59. *Policy U8a - Disposal of Foul and Surface Water* requires developments to provide satisfactory arrangements for disposing foul and surface water discharges. Where satisfactory arrangements are not available, then proposals may be approved subject to the submission of a satisfactory scheme and its implementation before the development is brought into use.
60. *Policy U11 - Development on Contaminated Land* sets out the criteria against which schemes for the redevelopment of sites which are known or suspected to be contaminated. Before development takes place it is important that the nature and extent of contamination should be fully understood.
61. *Policy U13 – Development on Unstable Land* states that development will only be permitted if it is proved that there is no risk to the development or its intended occupiers or users from such instability or that satisfactory remedial measures can be undertaken.
62. *Policy U14 - Energy Conservation – General* states that the energy efficient materials and construction techniques will be encouraged.

*The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at:*

<http://www.durham.gov.uk/Pages/Service.aspx?ServiceId=494>

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

63. The Highway Authority have raised no objections subject to a condition requiring a satisfactory emergency access arrangement being demonstrated and approved.
64. Environment Agency have raised no objections.

65. The Coal Authority have raised no objections but a condition requiring intrusive investigation is requested on any approval.
66. Natural England have raised no objections.
67. Northumbrian Water have raised no objections a detailed scheme of surface water disposal should be agreed via condition.

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

68. Design and Conservation have raised no objections to the development. No harm to the character, appearance or setting of the Conservation Area is considered to occur. No harm is considered to occur upon the special character, appearance or setting of the listed structures at the adjacent Miners Hall. Reference is made to the successful manner in which the roofscape has been broken up. The site is well screened due its setting within a depression surrounded by wooded embankments.
69. The Senior Low Carbon Officer has commented on the submitted sustainability statement and it is considered that a good range of technologies have been considered, however, without detailed data on their performance.
70. Environmental Health have raised no concerns with regards to the impacts of the development upon air quality. Recommendations are made in relation to working hours on site, dust and noise suppression and construction site floodlighting. Objection has not been raised to the sheer occupancy levels of the site or noise as a result.
71. Ecology have raised no objections though a series of conditions are recommended relating to mitigation measures, checking for badger setts or signs and planting.
72. Senior Tree Officer has raised no objections subject to an appropriate landscaping scheme being agreed.
73. Landscape are generally accepting of the submitted landscaping scheme however recommendations are made with regards to the avoidance of the creation of the wetland area proposed, detail of gabion walls and avoidance of use of invasive species.
74. Planning Policy have stated that the development could potential ease pressure on existing housing stock needing to be converted to HMOs. However, concerns over occupancy levels and the impact of the comings and goings at unsociable hours and therefore impact upon local residents are raised.

#### **PUBLIC RESPONSES:**

75. One letter of support has been received stating that this is the form of student development needed in Durham and that it is suitably and discreetly located.
76. Twenty eight letters of objection have been received with regards to the application which includes a letter from Cllr Nigel Martin. Much objection relates to the impacts of the imposition of further students into the area and the considered over concentration of students in this part of Durham which this would contribute further to. Reference is made to the lack of health, school, park and shopping facilities due to the lack of permanent non-student residents. Concerns are raised over the noise, drunken and anti-social behaviour which will occur as a result of the development. Reference is made to the potential for the development to become a social student hub. Reference is



made to the single route which the development has towards Durham and how all occupiers will have to travel the same route past the same houses leading to disturbance. Questions are raised as to why Durham does not have established policies like other University cities to control student concentrations and why a standard residential development is not being sought at the site as is the case at the neighbouring Arriva Bus Depot site. Objections are raised over the absence of adequate communal facilities and outdoor amenity space. A dedicated onsite principal is required at the site. It is also considered that the development would be detrimental to the planned redevelopment of the Arriva bus depot for housing and detrimental for business at the Kingslodge Hotel.

77. Objections are raised at the scale, design and appearance of the development. The development is considered by some objectors to be unsympathetic to the Conservation Area, the Miners Hall and views from the train line. Objections are raised to the visual impact of the bin collection location. Parking provision within the proposed development is considered to be inadequate and concerns are raised over the highway congestion, parking on neighbouring streets and the adequacy of access arrangements at the site including for service vehicles. One respondent states that the access road should be improved as a "planning gain".
78. Objection is raised at the harmful impacts of noise and lighting upon Flass Vale. Concerns are raised as to how the landscaped embankments around the site will be adequately managed. Concerns are raised over the potential impacts of the development upon the Nevilles Cross Battlefield and archaeological remains.
79. Concerns are raised over drainage arrangements at the site and that the existing sewer is already overloaded. Questions are raised with regards to the experience and competency of the applicant in successfully delivering such as scheme and requests are made that existing developments of the applicant are monitored to assess their success.
80. It is considered that access would appear to be required across land owned by the occupiers of Durham House and that permission for access across this land would not be granted.
81. Questions are raised as to the precise roles of the three members of staff referred to within the application documents. Concerns are raised over the security of the development particularly during the summer months when unoccupied.
82. One respondent makes reference to a previous residential scheme sought at the site which was refused by the Council. Objectors consider that the amenity and outlook of the residents of neighbouring Durham House would be harmed through the development.
83. One respondent states that the presence of any potential contaminants at the site needs to be investigated. Concerns are raised that the site is inconveniently located for access to the Stockton Road campus.
84. Objection is raised to the applicant's argument that the scale of the development is determined by the price being sought by the vendor. The price the vendor is requesting is influenced by what can gain planning permission and should planning permission only be forthcoming for a more modestly scaled development the price would have to drop.
85. Some objection relates to a considered lack of convincing evidence for the need for the development. The content of the Senior Low Carbon Officer's response in relation to the development "freeing up" existing housing stock for families is criticised.

86. Specific references are made to national and local planning policies and reasons as to why the development is considered contrary to them.
87. Durham University Estates and Buildings have also objected to the application raising some similar issues that have been raised by public respondents including concern at the lack of social and collegiate amenity space, highways issues, design and scale and adverse impact upon local residents. The University are particularly concerned with regards to the future management of the site. The University make reference to the established model of management which they utilise to handle complaints or disturbances as they arise. The University also state that they consider that incidences of disturbance in student accommodation without University management are greater.
88. The University also consider that the proposed development would conflict with the University's developing accommodation strategy. The site is not considered to be within an identified axis of desired developments and is isolated from it and the academic sites. The University have stated that they anticipate that the emerging County Durham Plan will provide support for their residential strategy and that to grant planning permission for this development at this stage would be premature, potentially jeopardising the successful transition of the area from predominantly HMOs to family housing. Finally the University state that the developer has failed to actively engage them in discussions.
89. The Police Architectural Liaison Officer has previously commented on the layout and design of the proposal and the site is considered naturally secure with one access point, landscaping can be used to prevent unofficial shortcuts through the grounds, there are no layout issues, the use of retractable bollards are supported and it is assumed that an access control system to individual buildings will be utilised. Advice is provided on cycle store design, lighting and windows and doors. In addition further comments have been provided in connection with the architectural liaison officers' capacity working alongside the "Safe Durham Partnership". Within these comments points are raised that nuisance behaviour from students is a serious issue and policy guidance on the acceptability of concentrations of students in residential areas would be useful. Students do have an impact on residential areas with noise and issues such as littering. However, from a policing perspective it is considered more appropriate that students are housed in purpose built accommodation such as that proposed which would include forms of management and the ability to take steps to deal with nuisance or anti-social behaviour that takes place in or around it.

#### **APPLICANTS STATEMENT:**

90. The applicant has submitted a Design and Access Statement, Planning Statement, Heritage Statement and draft management plan all in support of the application.
91. These documents outline the considered need for purpose built student development schemes within Durham and that a market exists within all sectors of the student market including with regards to under graduates, post graduates and foreign students.
92. The development proposal is not considered to be contrary to the provisions of the Development Plan. The scale and design of the building is considered to take account of and cause no detrimental impact upon the local area and the various designations within that including most notably the Conservation Area and adjacent listed structures.
93. During the course of the application a management plan has been submitted seeking to demonstrate some measures which can be utilised so as to ease concerns over the actions and behaviours of the student occupants which includes the transfer of the site to an experienced and accredited accommodation management company, use of student wardens, security staff and widespread CCTV coverage.

*The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at:  
<http://217.23.233.227/WAM/showCaseFile.do?action=show&appType=planning&appNumber=4/12/00851/FP>  
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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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94. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development, impact upon the character, appearance and setting of heritage assets and the character and appearance of the area, impacts on residential amenity, ecology, and highway safety.

### The Principle of the Development

95. This application proposes the erection of a purpose built student accommodation development with some shared, communal spaces constituting a sui generis use. The proposal seeks to redevelop a previously developed parcel of land close to Durham City Centre. The proposal therefore seeks development which accords with the sequential approach to development as sought by Policy 4 of the RSS and demonstrates an efficient use of land with good access to services and public transport in accordance with the principles of sustainable development in the National Planning Policy Framework.
96. The Local Plan has a specific policy, H16, which relates to student halls of residence and forms of residential institutions.
97. Policy H16 states that planning permission will be granted for such developments provided that they are situated within close proximity to services and public transport links, satisfactory standards of amenity and open space are provided for occupiers, that the development does not detract from the character or appearance of the area or from the amenities of residents and finally with regards to student halls that they either accord with the provisions of Policy C3 or that the proposal would not lead to a concentration of students to the detriment of the amenity of existing residents.
98. Policy C3 of the Local Plan relates to development by the University of Durham, the University are not the applicant on this proposal and therefore this policy is not strictly relevant to this particular application.
99. Some public objection to the proposal relates to the imposition of additional numbers of students into this part of Durham. Many respondents raise issue with the sheer concentration of students in this part of Durham and questions are raised as to why Durham County Council does not have established policies like other University cities to control student developments and concentrations.
100. Durham University Estates and Buildings have also objected to the application considering that the proposed development would conflict with the University's developing accommodation strategy and that the site is not within the identified axis of desired student development areas within the City. The University also state that to grant planning permission at this stage would be premature and potentially jeopardise

the successful transition of the area from one of a concentration of HMOs to one of family housing.

101. One letter of public support has been received stating that this is the form of purpose built student development needed in Durham and that it is suitably and discreetly located. Planning Policy have stated that there is an argument to state that the provision of such purpose built developments would ease pressure on the existing housing market and demand for HMOs.
102. The NPPF emphasises the need to ensure mixed and inclusive communities mentioned at paragraph 50 and encourages that development establishes a strong sense of place and sustains an appropriate mix of uses as detailed at paragraph 58. The local area does include a mix of uses in the immediate vicinity directly opposite the site there lies Durham Companions Club, offices are located at the end of Waddington Street which themselves lay opposite the existing Arriva bus depot building and the Kingslodge Hotel. Residential properties also lie within the immediate vicinity. The local area can therefore be considered to have a mixed use character which could be expected at the edge of a City Centre.
103. Unquestionably there are significant concentrations of student occupied households within the local area and letters received opposed to the development make reference to the few permanent residents that live in their area or their street and view of several objectors is that there are simply too many student occupied properties in the area and the imposition of so many further students in this area as proposed within this development would be unacceptable in principle.
104. However, at the same time officers do not consider that objection can be raised to the development purely on the grounds of the number of students which would reside in the area as a result of the development. The Local Plan does not prescribe any particular number of students that should live in any one area, ward, parish or electoral division. Officers consider that it must be demonstrated that the development and the concentrations of students would be harmful to the amenity of existing residents and the area therefore undermining the aim of mixed and inclusive communities and providing a level of harm to be considered contrary to Policy H16.
105. The issues surrounding the impacts upon amenity of the purpose built development proposed are discussed in more detail within the "residential amenity" section of this report commencing at paragraph 114.
106. Durham University Estates and Buildings consider that the proposal would be in conflict with their developing accommodation strategy and the University anticipate that the County Durham Plan will provide support for their emerging residential strategy. The University are concerned that to grant planning permission for this development at this stage would be premature, potentially jeopardising the successful transition of the area from predominantly HMOs to family housing.
107. The University are a key stakeholder in the City and as such the Local Planning Authority wishes to support its academic, cultural and economic contributions. However, officers do not consider that The University have thus far actively sought to ensure that an accommodation strategy clearly forms part of the emerging County Durham Plan. A version of the University accommodation strategy has not been purposefully provided to the Council and the preferred options of the County Durham Plan in its present form does not contain specific detail on the University's accommodation proposals. Policy 10 of the preferred options of the County Durham Plan does identify a site at Mount Oswald as being suitable for student accommodation. However, the justification to this policy also makes reference to the pressure on the

private rented student sector being eased through other purpose built developments such as that at Green Lane (a development by this applicant currently under construction) and this suggests a lending of support in general to purpose built student facilities.

108. However, it must be acknowledged that at this stage the County Durham Plan whilst still at the preferred options stage cannot be given any significant weight in decision making on a planning application, key guidance remaining within the Development Plan and the provisions of the NPPF.
109. What is clearly known of the University's accommodation strategy is that additional purpose built student accommodation is considered to be necessary to meet demand. This is supported by separate research documents into student accommodation need undertaken by the applicant.
110. Therefore there is clearly considered to be a need for appropriate purpose built student development within Durham. The application site is on the edge of the City Centre close to its range of facilities and services. The site is also previously developed land.
111. The application site lies within the Durham City Centre Conservation Area and conservation area consent is required for the demolition of the existing buildings on the site. The Local Planning Authority has a statutory duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to preserve or enhance the character and appearance and setting of a conservation area. Policies E6 and E22 of the Local Plan provide guidance with regards to development proposals within the Durham City Centre Conservation Area and this requirement to preserve or enhance the character of the Conservation Area is reiterated within these policies.
112. The detailed assessment of the impact upon the character, appearance and setting of the Conservation Area is discussed elsewhere within this report but no objections in principle on the grounds of the impact upon the Conservation Area are raised.
113. Taking all these matters into account officers consider that in principle the proposal can be considered acceptable. Greater consideration of the acceptability of this degree of student occupation in this location is given in the next section of this report.

#### Impacts upon Residential Amenity

114. A key issue is the suitability of the site for the development having regards to the impacts upon residential amenity, more broadly regarding the potential for disturbance and noise through a concentration of students but also with regards to specific relationships with the closest properties.
115. Much public objection, relates to the considered over concentration of students within this part of the Durham Reference is made to the lack of health, school, park and shopping facilities due to the lack of permanent non-student residents. Concerns are raised over the noise, drunken and anti-social behaviour which will occur as a result of the development. Reference is made to the potential for the development to become a social student hub. Reference is made to the single route which the development has towards Durham and how all occupiers will have to travel the same routes past residents leading to disturbance. Questions are raised as to why a standard residential development is not being sought at the site as is the case at the neighbouring Arriva Bus Depot site. Objections are raised over the absence of adequate communal facilities and outdoor amenity space. A dedicated onsite principal is considered to be necessary at the site. It is also considered that the development would be detrimental to the planned redevelopment of the Arriva bus depot for housing and detrimental for business

at the Kingslodge Hotel. Objections are raised at the considered absence of communal and outdoor amenity space available at the site. The concerns of the University with regards to the development have already been mentioned within this report.

116. Planning Policy have raised concerns over the sheer occupancy levels proposed and impacts upon the amenity of nearby existing residents.
117. Policy H16 of the Local Plan states student hall developments that would result in a concentration of students that would adversely detract from the amenities of existing residents will not be considered acceptable development. This is supported by Policy H13 which states that planning permission will not be granted for development that would have an adverse impact upon the character of residential areas or the amenities of residents within them.
118. Paragraph 50 of the NPPF refers to the need to create sustainable, mixed and inclusive communities and paragraph 58 within the design section of the NPPF emphasises the need to create safe and accessible environments where crime and disorder and the fear of crime do not undermine quality of life or community cohesion.
119. The issue of the concentration of students in this part of Durham, concerns over the impact of the development with regards to matters such as noise and disturbance is clearly of significant concern to a number of residents, clearly demonstrated within content and number of public responses.
120. It is acknowledged that there can be a tendency for a “student lifestyle” to develop involving many nights out, parties and the like which may be drunken and noisy. Some public respondents have provided examples of the types of behaviours they have experienced which can be disruptive and officers appreciate this.
121. Equally it is difficult to precisely quantify the likely frequency or magnitude of such behaviours. Within a large student development such as that proposed you may get variances to the degrees of problems caused from year to year dependent on the behaviours of the occupiers themselves and also the varying proportions of undergraduates, post graduates, foreign students and more mature students.
122. What would be important to the integration of such a development into any locality would be its appropriate management. The management of the site is a point raised within the consultation responses including that of the University and Cllr Martin. Some respondents have also questioned the credentials of the applicant in delivering and management such a site adequately with requests that their existing developments are monitored.
123. The applicant has supplied details of a management plan which would be utilised to help ensure the site is well run, organised and any disruptive behaviour minimised as much as possible. Such a management plan, it is considered could be further elaborated upon via a condition on any approval but from the details received would involve the use of CCTV, appointment of student wardens of a more management capacity, onsite security presence on an evening and access to a contract management company with a 24/7 call centre amongst the proposed measures.
124. Certainly such measures would help the smooth running of the facility and reduce the potential for any particularly noisy or disruptive behaviours for the closest residents. Obviously officers cannot guarantee that some noise or disruptive actions would not on occasion occur but this could equally apply to any development of a similar nature at any locality.

125. A public respondent has raised questions over the experience of the applicant in delivering a scheme of this nature successfully and requested that their other developments are monitored. However, officers do not consider that significant weight could be given to the experience of the applicant in regards to delivering such developments or require that their previous developments are monitored. Though it is appreciated that an investigation into the applicant's previous developments could inform on this site, officers do not consider it would be appropriate to utilise this approach in the decision making process as it would effectively be given considerable weight to whom is applying for planning permission rather than the merits of the proposal and plans themselves. Furthermore in the longer term the applicant has stated that the management of the site would be transferred to a management company rather than handled by the applicant themselves.
126. With regards to the objections raised in the consultation responses to the considered lack shared communal facilities and space, a communal common room has been provided within the development so that students can more easily meet as a group. Although there are certainly not extensive areas of outdoor amenity space proposed within the site there are clearly defined and dedicated landscape courtyards which would provide outdoor areas for students to meet. It must also be noted that the site is very close to public recreational areas such as Flass Vale and Wharton Park.
127. In terms of the impacts of such communal areas and also the concerns over the site becoming a social hub and residential amenity, officers consider that there is a balance to be struck between providing adequate space so that the occupiers would have ample space needed to meet and relax but not having too much communal space so as to likely increase potential for noise and disturbance. Officers consider that should significantly larger or more dedicated indoor or outdoor spaces be provided this may potentially only encourage larger gatherings or games of football etc which could be disturbing to residents.
128. Some concerns raised in public responses relate to the position of the site meaning that it can only be effectively accessed from the single route via Ainsley Street and Waddington Street and therefore the sheer number of pedestrians passing houses will be noisy and disruptive. Officers agree that movements are going to occur along the same route. However, not all of the occupiers will be coming and going at the same time. Comings and goings will naturally be more staggered and broken down into smaller groups and this will help to mitigate impact.
129. With regards to the concerns raised in the public responses to the lack of community facilities such as health provision, school, park and shopping facilities. Officers appreciate that large student numbers or any specific local demographics for that matter in one locality would have impact upon what services and facilities are located in an area. In terms of recreational facilities officers would argue that the proximity to Flass Vale and Wharton Park provide examples of park and recreational facilities in the vicinity. The proximity of the local area to the City Centre, officers would consider demonstrates that the area is still well served by shopping facilities. In terms of health services and schools there could be an argument that if the demographics of the area changed with a significant increase in a non-student population then potentially but not necessarily, new school or health facilities could open or existing ones be extended. However, the application before the Local Planning Authority is that which must be considered, the proposal is not for standard housing which could increase the need for school and health facilities.
130. Linked to this matter, several respondents have questioned why a standard residential development proposal is not being proposed at the site such as that at the nearby Arriva bus depot site. The site is not specifically allocated for housing development within the

Local Plan. The development opportunity arising due to the relocation of the former occupiers to Langley Moor. The Local Planning Authority must consider on its own merits whichever forms of development proposals come forward.

131. Environmental Health have provided some comments with regards to the application and in relation to the concerns raised with regards to noise and disturbance it is not considered appropriate by them to raise objection to the scheme on this basis. Environmental Health have stated that it would be possible to mitigate noise from the development through both the structure of the building and through management techniques. Ultimately Environmental Health have stated that they would have statutory powers to investigate any genuine noise nuisance complaints.
132. Objections have not been received from the Police Architectural Liason Officer at Durham Constabulary to the principle of the development. Some public objection raises concerns over the security of the site with particular reference to the months when unoccupied. The Police Architectural Liason Officer considers the site itself to be naturally secure and objections are not raised to layout of the development. It is also considered that purpose built student accommodation is better designed and equipped to deal anti-social behaviour. The Police Architectural Liason Officer does state however that in general, large numbers of students do bring nuisance issues within residential areas.
133. With regards to the properties closest to the application the proposed development has sought to take these into account in terms of the layout and design and seek to prevent a loss of privacy, outlook and light. Flass Court is a residential property (in student occupation) which flanks the site to the north and this includes windows located within its southern elevation which flanks the site. "Block 1" of the proposed development is the most modest of the three blocks proposed at three stories in height and sections provided within the application show that its ridge height would be at the same level as the ridge of Flass Court. Although this development proposal constitutes a sui generis use, Policy Q8 of the Local Plan relates to residential developments and provides some distance and amenity standards which can be considered of relevance to the development and help to provide a context to the impact of the development.
134. Policy Q8 considers that in order to provide adequate levels of amenity a 13 metre separation distance between main habitable room windows and a blank two storey gable should be provided and 6m to a single storey gable. In order to maintain privacy 21m should remain between main windows. A distance of 20m would exist between the side elevation of block 1 and Flass Court such a distance is marginally short of the recommendation between windows. However, it must be considered that there is a steep embankment with landscaping which would partially screen views between the two properties. This would mitigate impacts and compensate for the slightly substandard separation between the properties.
135. Similarly with regards to the second neighbouring residential property that abuts the site Durham House, site sections have been provided with the application to demonstrate the relationship. The northern facing elevation of block 2 would be orientated towards Durham House and this would be located 18m from the nearest part of Durham House which does include windows. The northernmost sections of block 2 are three storey in height and the submitted sections demonstrate that, due to the change in levels between the sites, the windows within the second floor of the development would not provide a view beyond the landscaped embankment into the windows of Durham House. In addition revised plans have been provided relocating the windows of the second floor studio closest to Durham House to the side elevation and obscuring some glazing within the front elevation to provide further assurance that direct views would not be achievable between the properties. Officers consider that this reduces the concerns



with regards to the impacts of the development upon the privacy and amenity of the closest residential properties. With regards to any concerns over a view, material weight cannot be given to a private view altering. Other properties which immediately abut the site are either farther from the development than Durham House and Flass Court or not in residential occupation such as the Miners Hall to the south.

136. The applicant has designed the layout so as to ensure that the communal common rooms is sited towards the rear sections of the site away from the nearest residential properties so as to reduce the potential for noise from groups for the nearest residents.
137. The impact of the proposed development upon the local area and amenity of residents within is a key consideration with the application and the matter most vehemently raised within the public consultation responses.
138. Policy H16 of the Local Plan considers that the development of student halls that would result in a concentration of students that would adversely detract from the amenities of existing residents will not be considered acceptable development. This is supported by Policy H13 and the NPPF promotes mixed and balanced communities, the reduction of the fear of crime and general community cohesion.
139. Undoubtedly this part of Durham does have high numbers of students residing within terraced HMOs. The development would add to the sheer numbers of students within the area. However, for the application to be unacceptable officers consider that it must be demonstrable that this increase in student numbers would be harmful. The applicant and the development proposal has sought to address these concerns through a mix of the layout and design of the development and formulation of management measures which can be further controlled via a condition on any approval.
140. Objections have not been raised in principle to the development from the likes of Environmental Health and their need to handle statutory nuisances arising from development, nor in principle from the Durham Constabulary's architectural liaison officer.
141. It must be taken into account that this development proposal is not the first of its kind within Durham City. Other examples of similar, privately run student accommodation developments exist such as at St Margarets Flats and those being developed at Green Lane together with the University's own halls within edge of centre locations such that at Parsons Field off Old Elvet.
142. In conclusion officers do not raise objection to the proposed development on the grounds of harm to residential amenity, either with regards to the influx of the number of students to the site nor with regards to specific relationships between the site and the very nearest properties.

#### Impacts upon the Character and Appearance of the Area and Heritage Assets

143. The application site lies within the Durham City Centre Conservation Area, immediately abuts Flass Vale which marks the commencement of the Green Belt, is designated as an Area of High Landscape Value, Local Nature and Wildlife Reserve and contains Maidens Bower Scheduled Ancient Monument. The application site is adjacent to Durham Miners Hall a grade II listed building. Statues within the curtilage of the Miners Hall are also separately listed, grade II structures. This site is relatively close to the boundary of the World Heritage Site. Trees within part of the site are protected by the Flass Vale TPO of 1973.

144. The site therefore lies within a sensitive location and careful consideration must be given to the impacts of the development upon the area and the various local land designations.
145. Some public objection to the development relates to the scale, design and appearance of the development, impacts upon the Conservation Area, the adjacent listed Miners Hall and views from the trainline. Concerns are raised over the visual impact of bin collection arrangement whilst concerns are raised including from the group The Friends of Flass Vale with regards to the impact of the development upon Flass Vale including with regards to noise and light spillage and the protection of wooded embankments.
146. Reference is made to the Nevilles Cross Battlefield which borders the site and the potential for archaeological remains.
147. Design and Conservation have been consulted on the application and have raised no objections to the development. No harm to the character, appearance or setting of the Conservation Area is considered to occur with no objection to the conservation area consent application for the demolition of the existing buildings. Reference is made to the successful manner in which the roofscape has been broken up. Design and Conservation consider that the site is well screened due its setting within a depression surrounded by wooded embankments. The Local Planning Authority has a statutory duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to preserve or enhance the character and appearance and setting of a conservation area.
148. Public objections to the development include consideration of the proposed development with regards to the most relevant Local Plan Policies E6 and E22 and consider that the proposal does not meet the policy requirements.
149. However, officers concur with the views of Design and Conservation. The existing buildings on site although of a smaller scale than the redevelopment proposed are utilitarian workshop buildings of no architectural merit, providing no positive contribution to the Conservation Area. Although the development proposes buildings covering a greater area of the site and of between three and four stories in height, the buildings are considered to be appropriately designed. Pitched roofs are proposed within the design and the roofscape has been adequately broken up into smaller expanses pitches together with variations in height. The use of variations of red brick proposed is in keeping with Durham with variations in depth created by the use of recessed brick sections and projecting pillars. Coloured glazing panels provide further interest to the design. Conditions can be attached to any approval to agree final material choices across the site. A substation is required within the site, this has been sensitively sited though full details of the elevations and appearance are necessary. It is considered that conditions can be attached on any approval to agree the final appearance and similarly so for bins store and cycle store appearances.
150. Although the site lies within a sensitive location within the Conservation Area, adjacent to Flass Vale and heritage assets the site is also very well screened and effectively “tucked away” from most public vantage points. The site is only clearly visible once within its immediate vicinity. Reference is made within the public objections to the views of the proposed development from the train line. Officers have purposefully travelled on the train to gain an impression of the site and development from the line. Due to the height at which the train line is set in relation to the site and the location of the Miners Hall and adjacent offices between the train line and site, views of the development will be highly obscured if at all visible from the train line.
151. Flass Vale is designated within the Local Plan as an Area of High Landscape Value, a site of nature conservation importance and marks the commencement of the designated

Green Belt to which Policies E10, E18 and E1 of the Local Plan respectively seek to protect from inappropriate development. The development is a substantial increase in sheer build than at present and when within or in very close proximity to the site, less of a view of this valued green backdrop of land will be available than at present.

152. It must be noted however, that the application site and proposed build is located adjacent to but outwith of these land designations. Therefore the planning application is not proposing development within the Green Belt, the Area of High Landscape Value or the Site of Nature Conservation Importance. As a result no harm to the openness of the Green Belt, the essential characteristic of the Green Belt would occur having regards to both Policy E1 of the Local Plan and Part 9 of the NPPF.
153. It follows that the visual impacts upon Flass Vale are essentially restricted to a consideration of impacts upon its setting as the site lies outwith of the Local Plan designations. As views of the site and Flass Vale beyond are restricted in the longer distance officers do not consider that the development harms the important landscape character of Flass Vale. The Councils Senior Landscape Officer has raised no objections to the impact of the development upon Flass Vale and there is general support provided to the content of the proposed landscape plan for the site though some recommendations are made with regards to the avoidance of the creation of the wetland area proposed, detail of gabion walls and avoidance of use of invasive species. These matters can be adequately covered through the addition of a condition attached to any approval.
154. The site and adjacent land is in part covered by a tree preservation order and all trees on and adjacent to the site have a degree of protection by virtue of being located within the Conservation Area. Policy E14 of the Local Plan relates to trees and advises that development proposals should seek to retain areas of woodland, important groups of trees, copses and individual trees and hedgerows wherever possible and to replace trees and hedgerows of value which are lost to development. Public concerns include with regards to the impact of the development upon and management of the landscaped embankments of the site.
155. The application has been accompanied by a detailed tree report and proposes works to a total of 9 no. trees within the site and adjacent to the site which includes pollarding of a tree to 3m, pruning to another, crown reduction to 8m of another, severing of ivy, removal of the eastern limb of a tree. The Councils Senior Tree Officer has been consulted on the application and objections are not raised to the proposed works within the tree report subject to an appropriate landscaping scheme. Similarly the Council's Senior Landscape Officer has not raised objection to the proposed tree works subject to an appropriate landscaping scheme being agreed. The works proposed within the submitted tree report and the protection of the trees whilst development works are ongoing can be ensured via the attachment of conditions on any approval.
156. The application site lies adjacent to the Miners Hall on Redhills Lane a grade II listed building which includes within its curtilage separately listed grade II statues. Policy E23 of the Local Plan specifically relates to listed buildings and seeks to safeguard Listed Buildings and their settings from unsympathetic development. Part 12 of the NPPF is consistent with and supports the Local Plan Policy. Furthermore Local Planning Authorities have a statutory duty under section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings their setting or any features of special architectural or historic interest which they possess.
157. Some public objection and concern with the submitted applications relates to the impacts upon the Miners Hall and its setting. This buildings significance is derived from

its historic interest, architectural merit and contribution to this part of the Conservation Area. It is a handsome and impressive building of the Baroque style. Design and Conservation consider that the impact of the development on the significance of the Miners Hall and its setting is somewhat negated by the depressed nature of the site the shielding by vegetation and the limited views into and from the site. In terms of the Miners Hall the principal impact is upon the proximity of the development to the rear elevation. Design and Conservation again consider that this is somewhat negated by the intermediate vegetation and the limited views of the rear elevation due to the depressed nature of the ground to the rear. It must also be noted that the elements of the building of the most architectural merit are viewed from the front elevation, the rear elevation is of less architectural merit. Similarly as the proposed development is located to the rear of the Miners Hall site the separately listed statues shall not have their character, appearance or setting affected. Overall the development is considered to preserve the special character, appearance and setting of the listed buildings.

158. Policy E3 of the Local Plan seeks to safeguard the World Heritage Site and setting from inappropriate development that could harm its character and appearance and important views towards and from the WHS. However, taking into consideration the distances between the Cathedral and Castle and the application site, the intervening land uses and developments and the screened nature of the site, no impacts are considered to occur with regards to the WHS.
159. Some public concern relates to the potential for archaeological deposits at the site due to the sites location just within the bounds of the Nevilles Cross Battlefield and proximity to Maidens Bower Scheduled Ancient Monument. Policies E24 and E25 of the Local Plan relates to archaeological remains, ancient monuments and the Nevilles Cross battlefield and seek to protect archaeological remains (requiring preservation in situ where necessary), ancient monuments and the interpretation of the Nevilles Cross Battlefield. Part 12 of the NPPF is consistent with the aims of these policies. No objections have been received from the Councils Senior Archaeologist with regards to the development. Having regards to the sites location within the bounds of the Nevilles Cross Battlefield officers do consider that it would be appropriate for conditions to be attached to any planning approval requiring the submission of an assessment and mitigation strategy with regards to archaeological remains, in accordance with a written scheme of investigation.
160. Some public objection is raised to the proposed siting of bin collection towards the frontage of the site and the visual impacts of this. Although for a development of this scale significant bin capacity would be required and this would displayed on collection day officers do not consider that temporary impact would be so harmful as to warrant significant objection to the development. Furthermore, the application is accompanied by details stating that bin collection would be undertaken via a private contract which should add a degree of assurance that refuse disposal would be organised.
161. One public respondent argues against the content of the submitted Design and Access Statement which states that the scale and occupancy levels of the development is in part determined by the land price being sought by the vendor. The objector states that land price is influenced by what development would gain planning permission and that if planning permission for this scale of development were refused and only more modestly scaled development accepted, then the land value would be forced to drop. Officers do not disagree with this point but would again reiterate that the presently submitted application should be considered on its merits and officers do not consider that the scale or design of the development is inappropriate in this particular setting.

162. Further significant public concerns relate to highway safety and highways issues. Concerns are raised over highways congestion, parking provision onsite is considered unacceptably low and parking will occur on neighbouring streets. Questions are raised over the adequacy of the access point for service vehicles in particular. One respondent considers that the access route to the site should be improved as a planning "gain". Some public respondents also consider that the entrance to the site would require an access across land owned by the occupiers of Durham House and that this consent would not be granted. It is also considered that the site is inconveniently located for access to the main Durham University sites such as Stockton Road. Pedestrian access is considered inconvenient and unsafe.
163. Policy T1 of the Local Plan seeks to ensure that all development is acceptable in terms of highway safety whilst Policy T10 seeks to limit parking provision in development to promote sustainable transport choices and reduce the land take of development. Part 4 of the NPPF also seeks to promote sustainable transport choices. In addition Policies Q1 and Q2 of the Local Plan relate to general principles and designing for people and accessibility and state that the layout and design of all new development should take into account the requirements of all users.
164. The application does propose limited parking on site with just a total of 10 spaces provided on the layout which includes two dedicated disabled spaces for the occupancy of 223 beds.
165. The Highway Authority have been consulted on the application and no objections are raised to the parking provision, general access arrangements, pedestrian accessibility or congestion as a result of the development. No objections are raised at the potential for parking on the adjacent streets. Officers note that Waddington Street, Ainsley Street and the immediate area is covered by the City Centre parking control area and therefore anyone wishing to park on these streets would have to use the pay and display ticket machines.
166. Due to the City Centre location and occupation by students officers would expect the low parking provision proposed in the development and that this would be accepted by the Highway Authority. Easy access can be gained to the train station or bus station for public transport links whilst cycle storage is proposed within the development.
167. Officers acknowledge that several public respondents will remain dissatisfied at the parking provision proposed and highways matters despite the views of the Highway Authority. However, in addition the applicant stated that the intention of the development is to discourage occupiers having cars and it is understood that the few spaces available within the site will be subject to permits. Furthermore the application enclosures also propose that at the commencement of the year prospective occupiers would be provided with timeslots for arrival to stagger vehicular trips and reduce congestion potential.
168. With regards to the proximity to academic sites, the site is a distance of around 1.2 miles away from Stockton Road but is closer to Palace Green (for access to the library for instance) at approximately 0.8 miles away. Officers consider that such distances remain reasonable distances on foot and are commensurate with the distances many students will travel around the City.
169. The Highway Authority have stated that they would request a condition to be placed on any approval to devise a satisfactory emergency vehicle access given that the site is proposed to have a bollarded entrance. Such a condition can be placed on any

approval. From discussions with the applicant on this point it is understood that one option is the use of bollards which are collapsible upon impact.

170. With regards to the request made that the vehicular route to the site should be improved, the Highway Authority have not deemed it necessary to require any specific access or local road improvements for the development. Officers consider it only appropriate to request such improvements where deemed necessary for reasons of highway safety. Without such a need being demonstrated officers do not consider it appropriate to demand forms of highway improvements are incorporated into the development proposal.
171. With regards to the query over the need for the developer to establish a right of access over neighbouring land, rights of access across land are ultimately a separate legal matter beyond the remit of the Local Planning Authority and it is not considered that an objection could be raised to the development on this basis.
172. On balance officers do not raise objections to the scheme with regards to highways issues.

### Ecology

173. With regards to matters of ecology the proximity of the site to Flass Vale is noted. Policy E16 of the Local Plan and Policy 33 of the RSS seek to conserve nature conservation assets and prevent harm to protected species through development. This aim is replicated through the NPPF most notably at paras. 118 and 119. Policy E18 of the Local Plan relates specifically to Sites of Nature Conservation Importance and seeks their protection. The Friends of Flass Vale have raised concern at the potential for the development to harm wildlife with specific reference to the impacts of noise and light.
174. The application has been accompanied by an extended phase 1 habitats survey and a bat risk assessment. The buildings to be demolished are considered within the submitted reports to be of low risk for bat use and the surveys found no evidence of roosts. A small outlying badger sett was recorded to the west of the site however evidence suggests that the site had not been used for a significant period of time. The submitted reports do propose mitigation measures to ensure the prevention of harm to protected species.
175. The Councils Ecologist has provided comments on the submitted report and application as a whole and has raised no objections to the submitted surveys. Mitigation measures contained within the reports are recommended for attachment and further conditions are recommended for attachment including so as to ensure a walkover survey to check for badgers is undertaken, a sympathetic lighting strategy is devised and a management plan for the woodland is undertaken.
176. Natural England have raised no objections to the proposed development.
177. The issue of lighting and the potential for light spillage into Flass Vale is a point raised in the consultation exercise by the Friends of Flass Vale. A condition requiring details of a lighting strategy for the site can be attached to any approval so as to reduce the potential for light spillage as much as possible. Environmental Health also commented on the need for appropriate lighting during construction and again a suitably worded condition can be attached to any approval regarding this matter.
178. The Friends of Flass Vale have also raised concerns with regards to the impacts of noise upon Flass Vale. Officers do not consider that the potential for and likely levels of

noise would demonstrably harm the wildlife site or any protected species therein and objections or concerns with regards to this issue have not been raised by either the Councils Ecologist or Natural England.

179. Regulation 9(3) of the Conservation of Habitats and Species Regulations 2010 requires local planning authorities to have regard to the requirements of the Habitats Directive in exercising its functions. It is not considered that a license from Natural England would be required to implement the development and as a result it is not considered that the Local Planning Authority must consider a detailed assessment against the 3 no. "derogation tests" of the Habitats Directive.

#### Other Issues

180. Some public concern has been raised with regards to the site being potentially contaminated. The application has been accompanied by preliminary risk assessment with regards to potential land contaminants and considers that risks of contamination on the site are of either low or medium risk and the report suggests some mitigation measures. Environmental Health have not raised objections with regards to contaminated land issues and officers consider that a suitably worded condition can be attached to any approval to ensure a fully detailed investigation of potential contaminants together with mitigation and remediation methods where necessary having regards to Policy U11 of the Local Plan.
181. The application site lies within the defined coal mining development referral area and the Coal Authority have been consulted on the application. The Coal Authority consider that the application has been accompanied by an adequate coal mining risk assessment which concludes that an intrusive investigation should be undertaken prior to the commencement of the development and that this section of the report should be conditioned on any approval. Such a condition can be attached to any approval having regards to Policy U13 of the Local Plan.
182. Some public concerns are raised with regards to drainage and it is considered that existing sewers are overloaded. Policy U8A of the Local Plan requires developments to provide satisfactory arrangements for the disposing of foul and surface water. Northumbrian Water have been consulted on the application and no objections have been raised to the development with no concerns raised over local capacity to cater for the development. However, a condition is recommended to agree a detailed scheme of surface water disposal.
183. The Environment Agency has been consulted on the application and no objections have been raised to the development or with regards to any matters of flood risk.
184. One public respondent raised queries over the roles of the 3 no. members of staff mentioned on the application form and the applicant has confirmed that these members of staff would be reception staff and cleaners. It is now understood however, from the submitted draft management plan that additional staff with management and security responsibilities will also be employed at the site.
185. One respondent makes reference to a previous residential development proposal which was refused by the Council at the site. However, it is understood that this actually related to an informal pre-application enquiry rather than a formal planning application and in addition the enquiry dated from 1998, predating the current Development Plan.
186. Some public objection relates to the potential impact of the development upon the proposed redevelopment of the Arriva bus depot and also upon the business at the

Kingslodge Hotel. The potential for one development to detrimentally impact upon another by reason of a conflict of uses and activities is a material planning consideration. In this instance officers consider that the impact of the proposed development upon the proposed residential development at the Arriva bus depot and also the Kingslodge Hotel again really rests with an assessment of the potential for harmful impacts of noise, nuisance behaviours and therefore harm to amenity resulting from the development upon the future residents of the Arriva bus depot site and also upon the attractiveness of the Kingslodge Hotel to prospective customers. Officers consider that many of the issues considered and discussed within the residential amenity section of this report again relate to the consideration of the Arriva bus depot and the nearby hotel. Ultimately officers consider that there is not the clear demonstrable harm to amenity of neighbouring site users or land uses.

187. Some public responses make reference to specific policies within their points of objection. Officers consider that this report lists the relevant national guidance (NPPF) and Development Plan policies (within the Local Plan and RSS) and assesses the key planning considerations against the key applicable policies. Some public responses make reference to the “1986 and 1988 City of Durham Plans” however the Local Plan forming part of the Development Plan and to be given material weight is the City of Durham Local Plan 2004. Reference is made in a public response to Policy H7 of the Local Plan regarding City Centre Housing and the aim to encourage (standard) residential developments within or close to the City Centre. Officers would reiterate that each planning application received should be considered on its own merits. Potentially a regular housing development could be considered appropriate at the site subject to its detail and should it be received. However, this application is not proposing this but an alternative form of development and this alone, nor the application not presenting a form of development encouraged by Policy H7 is not considered reason in itself to justify refusal of the application.
188. With the proposal being a major residential development, a scheme to reduce energy consumption to the equivalent of 10% within the development is required and a standard condition can be attached to this effect.
189. The application is accompanied by a S106 agreement proposing a contribution of £55,000 towards public art having regards to Policy Q15 of the Local Plan. As the development is a sui generis, purpose built student development as oppose to a standard housing development affordable housing or planning obligations regarding recreational space have not been sought having regards to the requirements of Policies H12 and R2 of the Local Plan.

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## **CONCLUSION**

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190. These applications propose the redevelopment of previously developed land within the settlement boundary of Durham close to the city centre. Aside from being within the bounds of the Conservation Area and partially the Nevilles Cross Battlefield, the application site is undesignated land within the Local Plan proposals maps and is not therefore allocated for a particular development.
191. This development proposal should be considered on its own merits. In principle officers do not therefore raise objection to the proposed redevelopment of the site for the use. Objections have been received during the course of the application including from Durham University itself regarding a host of issues but most vehemently regarding the considered harmful impact that the imposition of so many students would have on the area and the amenities of residents within the area.



192. The applicant has submitted details of a proposed management plan seeking to demonstrate how impacts of the development can be minimised through appropriate site measures and management methods. Although the local area does residential property within the immediate area (both student and non student occupied) it should also be taken into consideration that the area has a mix of uses with a hotel, officers, social club and at present a bus depot all of which are immediate neighbouring uses. The area though in part residential also has this character of a variety of uses that would be expected within an edge of city centre location and which this development could amalgamate into.
193. The application site though within a sensitive location is very well screened and benefits from its setting at the base of wooded bowl. This setting permits the scale of the development and the design is considered appropriate with a sympathetic material palette successfully broken up roofscape. No objections are raised with regards to other key material planning considerations namely impacts on heritage assets, highway safety and nature conservation assets.
194. As a result the applications for planning permission and conservation area consent are recommended for approval.

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## **RECOMMENDATION**

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That the applications be **APPROVED** subject to the following conditions and subject to the entering into of a Section 106 agreement (planning application only) to secure:

- i. A contribution of £55,000 for public art

### **Application 12/00851/FPA**

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.

Plan nos.

D220:02

D200:05

D220:03

D200:10

D160:02

Received 14<sup>th</sup> September 2012

D200:04 A

Received 25<sup>th</sup> September 2012

D200:01 B

D200:02 C

D200:03 C

D210\_03 C

D220: 01 B

Received 28<sup>th</sup> November 2012

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies E1, E3, E6, E10, E14, E15, E16, E18, E22, E23, E24, E25, H7, H13, H16, T1, T10, T20, T21, R11, Q1, Q2, Q3, Q5, Q8, Q15, U5, U8A, U11, U13 and U14 of the City of Durham Local Plan 2004.

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

Reason: In the interests of the appearance of the area and to comply with Policies E6, E22, H13 and H16 of the City of Durham Local Plan 2004.

4. Notwithstanding any details submitted with the application no development shall commence until precise plans submitted at an appropriate scale detailing the design, materials and finished appearance of the proposed water tabling on roofscape have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with Policies E6, E22, H13 and H16 of the City of Durham Local Plan 2004.

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

Reason: In the interests of the appearance of the area and to comply with Policies E6, E22, E15, Q5, H16 and H13 of the City of Durham Local Plan 2004.

6. Details of the height, type, position, angle and intensity of illumination of all external lighting within the application site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. This shall include details of lighting to be utilised in the scheme in perpetuity but also details of any lighting necessary during the construction and demolition process. Thereafter the development shall be implemented in accordance with the agreed details.

Reason: To minimise light spillage from the development in the interests of the prevention of harm to local wildlife and the protection of the quality of the landscape within Flass Vale, the adjacent designated Area of High Landscape Value, Local Nature Reserve and Site of Nature Conservation Importance, having regard to Policies E10, E16 and E18 of the City of Durham Local Plan 2004.

7. Scaled elevations and precise details of the appearance of the proposed electricity sub station proposed within the application shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. Thereafter the development shall be implemented in accordance with the agreed details.

Reason: In the interests of the appearance of the area and to comply with Policies E6, E22, H13 and H16 of the City of Durham Local Plan 2004

8. Prior to the commencement of the development precise details of all means of enclosures, bin stores and cycle stores shall be submitted to and approved in writing by the Local Planning Authority. The enclosures and stores shall thereafter be constructed in accordance with the approved details prior to the occupation of the development.

Reason: In the interests of the appearance of the area and to comply with Policies E6, E22, H13 and H16 of the City of Durham Local Plan 2004

9. No development shall take place unless in accordance with the tree works detailed on pages 17-19 of the submitted arboricultural implications assessment by E3 Ecology Ltd received 14<sup>th</sup> September 2012 unless agreed under the landscape and woodland management proposals required by condition 5 of this planning permission. Furthermore, prior to the commencement of any works on site, including demolition, all trees to be retained shall protected from development works in accordance with BS.5837:2005 and in accordance with a tree protection plan first submitted to and then approved in writing by the Local Planning Authority and retained as such until the cessation of works.

Reason: In the interests of the appearance of the area and in the interests of protecting trees of value having regards to Policies E6, E22, H16, H13, Q5 and E14 of the City of Durham Local Plan 2004.

10. Notwithstanding the information submitted with the application no development shall commence until details of the means of disposal of foul and surface waters from the development have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.

Reason: In the interests of adequate drainage having regards to Policy U8A of the City of Durham Local Plan 2004.

11. Notwithstanding any details submitted with the application no development shall commence until details of the precise access arrangements for emergency vehicles into the site have been submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the agreed details.

Reason: In the interests of adequate emergency vehicle access to the site having regards to Policies T1 and Q1 of the City of Durham Local Plan 2004.

12. Prior to the commencement of development the mitigation strategy proposed within section 4 of the submitted "Coal Mining Risk Assessment" by 3E Consulting Engineers Limited received 14<sup>th</sup> September 2012 shall be implemented/undertaken.

Reason: To ensure adequate investigation into the coal mining legacy of the site and having regards to Policy U13 of the City of Durham Local Plan regarding land stability.

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

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

14. No development works (including demolition) shall be undertaken outside the hours of 7.30am and 7.30 pm Monday to Friday and 8am to 1pm on a Saturday with no works to take place on a Sunday or Bank Holiday.

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

15. No development shall take place until the submission of implementation of a programme of archaeological work has been secured in accordance with a mitigation strategy document that has been submitted to, and approved in writing, by the local planning authority. The strategy shall include details of the following:
- i. Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance.
  - ii. Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts.
  - iii. Post-fieldwork methodologies for assessment and analyses.
  - iv. Report content and arrangements for dissemination, and publication proposals.
  - v. Archive preparation and deposition with recognised repositories.
  - vi. A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy.
  - vii. Monitoring arrangements, including the notification in writing to the County Durham Principal Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.
  - viii. A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

The development shall then be carried out in full accordance with the approved details.

Reason: To protect sites of archaeological interest having regards to policies E24 and E25 of the City of Durham Local Plan.

16. Prior to the occupation of the development hereby approved, a copy of any analysis, reporting, publication or archiving required as part of the archaeological mitigation

strategy subject to condition 15 shall be deposited at the County Durham Historic Environment Record.

Reason: To record and advance understanding of the significance of heritage assets and to make this information as widely accessible to the public as possible in accordance with Policy 24 of the Local Plan and Part 12 of the NPPF.

17. No development approved by this permission shall be commenced until:

- a) the application site has been subjected to a detailed site investigation report for the investigation and recording of contamination and has been submitted to and approved by the LPA;
- b) should contamination be found, detailed proposals for the removal, containment or otherwise rendering harmless such contamination (the 'contamination proposals') have been submitted to and approved by the LPA;
- c) for each part of the development, contamination proposals relevant to that part (or any part that would be affected by the development) shall be carried out either before or during such development;
- d) if during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then revised contamination proposals shall be submitted to the LPA; and
- e) if during development work, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed contamination proposals.

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

18. No development shall take place unless in accordance with the mitigation detailed within section G of the ecology report "bat and phase 1 habitat survey" by E3 Ecology Limited received 14<sup>th</sup> September 2012.

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

19. No development shall take place including demolition works, until an ecological walkover survey to check for evidence of badger setts or signs within a 500m radius of the site and incorporating mitigation measures where necessary has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with any mitigation measures required through the approved survey.

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

20. Notwithstanding the details submitted within the application no development shall commence until a detailed strategy of precise management methods, approaches and techniques for the operation of the site has been submitted to and agreed in writing by the Local Planning Authority. The strategy may include measures of CCTV coverage, 24 hour security or warden presence, student warden schemes or other management operations. Thereafter the development shall be implemented in accordance with the agreed details, with adherence to the agreed management scheme in perpetuity.

Reason: In the interests of reducing the potential for harm to residential amenity, anti-social behaviour or the fear of such behaviour within the community having regards Policies H16 and H13 of the City of Durham Local Plan 2004 and Part 7 of the National Planning Policy Framework.

### **Application 12/00852/CAC**

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

Reason: In accordance with Section 17(3) of the Planning (Listed Buildings & Conservation Areas) Act 1990.

2. The buildings shall not be demolished before a contract for the carrying out of works to redevelop the site has been let and planning permission granted for the redevelopment for which this contract provides. Development of the site with an approved development scheme shall be undertaken within 12 months of the clearance of the site, or a scheme to tidy and secure the land must be submitted to and approved by the Local Planning Authority, said scheme being implemented within 12 months of the clearance of the site.

Reason: To safeguard the character and appearance of the Conservation Area having regards to Policies E6 and E22 of the City of Durham Local Plan 2004.

3. The development hereby approved shall only relate to the demolition of the buildings as detailed on plan D150:01 received 14<sup>th</sup> September 2012.

Reason: In accordance with Section 17(3) of the Planning (Listed Buildings & Conservation Areas) Act 1990.

4. No development shall take place unless in accordance with the mitigation detailed within sections G.1 and G.3 of the ecology report "bat and phase 1 habitat survey" by E3 Ecology Limited received 14<sup>th</sup> September 2012.

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

5. No demolition shall take place until an ecological walkover survey to check for evidence of badger setts or signs within a 500m radius of the site and incorporating mitigation measures where necessary has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with any mitigation measures required through the approved survey.

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

6. Prior to the commencement of demolition, all trees to be retained shall be protected from demolition works in accordance with BS.5837:2005 and in accordance with a tree protection plan first submitted to and then approved in writing by the Local Planning Authority and retained as such until the cessation of works.

Reason: In the interests of the appearance of the area and in the interests of protecting trees of value having regards to Policies E6, E22, H16, H13, Q5 and E14 of the City of Durham Local Plan 2004.

7. No demolition works shall take place until the implementation of a programme of archaeological work has been secured in accordance with a mitigation strategy document that has been submitted to, and approved in writing, by the local planning authority. The strategy shall include details of the following:
  - i. Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance.
  - ii. Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts.
  - iii. Post-fieldwork methodologies for assessment and analyses.
  - iv. Report content and arrangements for dissemination, and publication proposals.
  - v. Archive preparation and deposition with recognised repositories.
  - vi. A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy.
  - vii. Monitoring arrangements, including the notification in writing to the County Durham Principal Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.
  - viii. A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

The development shall then be carried out in full accordance with the approved details.

Reason: To protect sites of archaeological interest having regards to policies E24 and E25 of the City of Durham Local Plan.

8. No development works (including demolition) shall be undertaken outside the hours of 7.30am and 7.30 pm Monday to Friday and 8am to 1pm on a Saturday with no works to take place on a Sunday or Bank Holiday.

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

9. Full details of any lighting to be utilised during the demolition process shall be submitted to and then approved in writing by the Local Planning Authority prior to any demolition occurring. Thereafter the demolition shall be implemented in accordance with the agreed details.

Reason: To minimise light spillage from the development in the interests of the prevention of harm to local wildlife and the protection of the quality of the landscape within Flass Vale, the adjacent designated Area of High Landscape Value, Local Nature Reserve and Site of Nature Conservation Importance, having regard to Policies E10, E16 and E18 of the City of Durham Local Plan 2004.

10. Prior to the commencement of the demolition the mitigation strategy proposed within section 4 of the submitted "Coal Mining Risk Assessment" by 3E Consulting Engineers Limited received 14<sup>th</sup> September 2012 shall be implemented.

Reason: To ensure adequate investigation into the coal mining legacy of the site and having regards to Policy U13 of the City of Durham Local Plan regarding land stability.

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## **REASONS FOR THE RECOMMENDATION**

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1. The development is considered to represent the efficient use of a previously developed plot of land within the settlement boundary of Durham City and is considered to represent a form of sustainable development. No significant objections are raised with regards to the key material planning considerations relating to the site or development namely residential amenity, the impact upon the character and appearance of the area, impacts upon heritage assets, highway safety and nature conservation assets. The development is considered to accord with Policies E1, E3, E6, E10, E14, E15, E16, E18, E22, E23, E24, E25, H7, H13, H16, T1, T10, T20, T21, R11, Q1, Q2, Q3, Q5, Q8, Q15, U5, U8A, U11, U13 and U14 of the City of Durham Local Plan 2004.

This decision has been taken having regard to the policies and proposals of the North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008, the City of Durham Local Plan 2004 and the provisions of the National Planning Policy Framework. With regards to protected species the development is considered to accord with the requirements of the Habitats Directive and the Conservation of Habitats and Species Regulations 2010.

2. In particular, the proposed development is considered to represent an appropriate purpose built student development at the location and impacts upon the amenity of adjacent land users and occupiers considered acceptable.
3. A total of 30 public consultation responses have been received with objections raised to a range of issues most vehemently regarding the impacts of the imposition of such an influx of students in the area. All comments raised have been duly considered within the application and the matters pertaining to points raised discussed within the report. It is not considered that any of the objections/concerns raised justify the refusal of the application having regards to all material planning considerations.

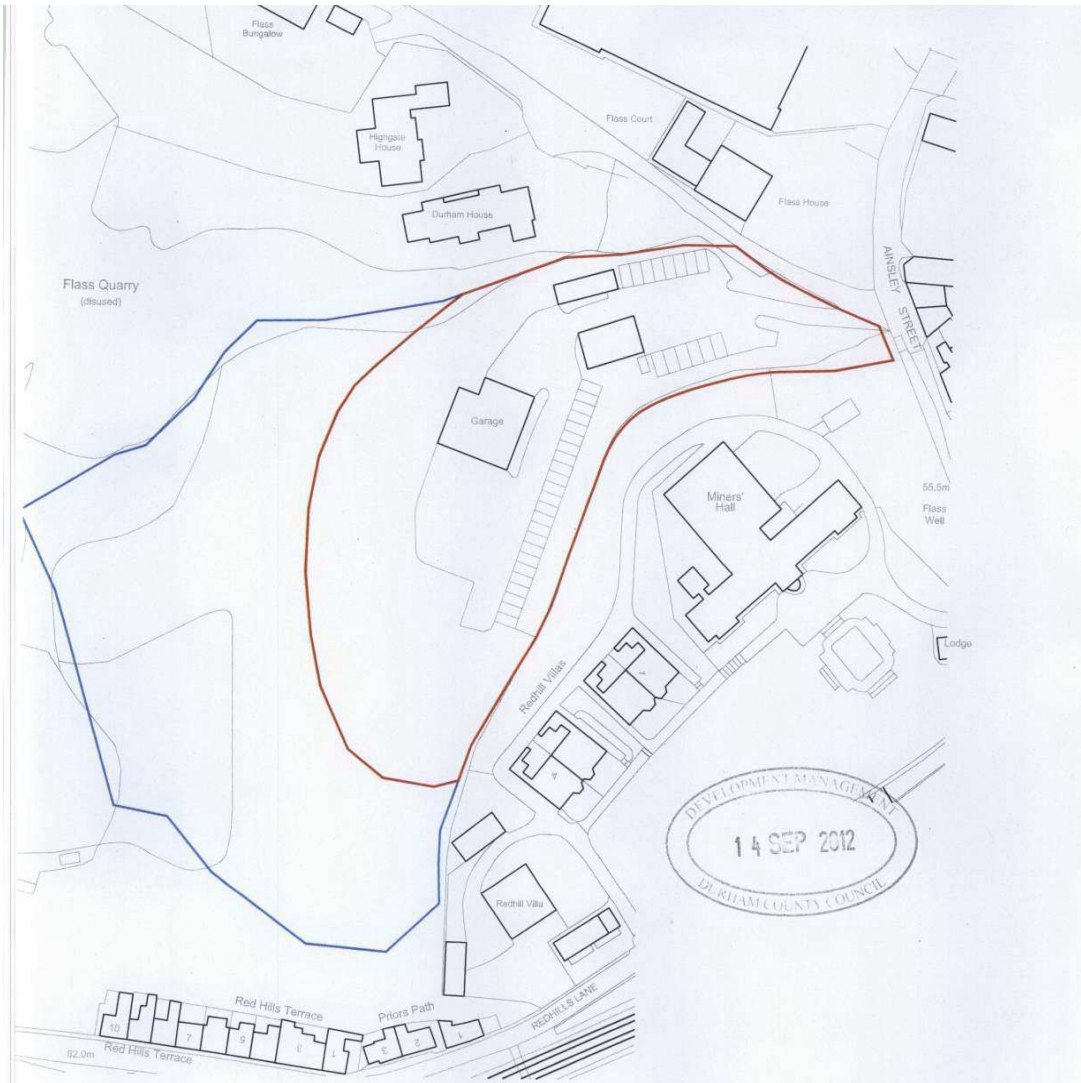
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## **BACKGROUND PAPERS**

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Submitted Application Forms, Plans and supporting documentation  
City of Durham Local Plan 2004  
County Durham Plan (Preferred Options)  
Regional Spatial Strategy  
National Planning Policy Framework  
Internal consultee responses  
Public responses  
Response of the Highway Authority  
Response from Coal Authority  
Response from Northumbrian Water  
Response from Natural England  
Response from Environment Agency  
Planning Circular 11/95





**Planning Services**

Demolition of existing garage/workshop buildings in association with development of student accommodation scheme

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**Date 11<sup>th</sup> December 2012**

