

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	CE/13/00849/FPA
FULL APPLICATION DESCRIPTION:	Demolition of light industrial unit and 5no. dwellings and erection of 350 bed student accommodation scheme
NAME OF APPLICANT:	BAM Connislow (Rennys Lane Durham) Ltd
ADDRESS:	Rennys Court and Car Park, Rennys Lane, Gilesgate, DH1 2JE
ELECTORAL DIVISION:	Belmont
CASE OFFICER:	Barry Gavillet Senior Planning Officer 03000 261958 barry.gavillet@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site relates to a parcel of land measuring 0.5 hectares located on Renny's Lane at the western edge of the Dragonville Industrial Estate in Gilesgate. The site lies approximately 1.5km to the east of Durham City Centre. The site has an industrial use with a large concrete forecourt surrounded on the northern and eastern boundaries by low rise industrial units. The site has been vacant for a number of years now. The application site also includes a terrace of five residential properties, three of which are vacant following substantial fire damage a number of years ago.
2. The site is bounded to the south by Renny's Lane with the Tesco superstore sited beyond. Residential properties are located to the north and the south west corner of the site. St. Hild's Primary School and the associated playing fields is situated to the west of the site with industrial units to the east.
3. The site is currently designated as employment land under saved policy EMP8 within the City of Durham Local Plan, located on the western edge of the protected employment land of Dragonville Industrial Estate.

The Proposal

4. Planning permission is sought to demolish the existing vacant industrial units and five terraced residential properties located on the south of the site and develop new

student accommodation comprising 350 self-catered bed spaces located within a 4 storey development. 26 car parking spaces will be provided within the development along with hard and soft landscaping. The development proposes to utilise the existing site access arrangements from Renny's lane.

5. A student management plan has been submitted which explains that the accommodation will be marketed to postgraduate students and fourth year students returning from a placement year. The site will be managed by a professional student management operator which will be registered under the Accreditation Network UK. The scheme has been designed to incorporate a reception desk and administration area and on-site staff will provide a physical presence and point of contact for all students, visitors and the surrounding community.
6. The main accommodation building would be sited along the west boundary of the site with accommodation blocks stretching east into the site sited around parking and amenity areas. A landscaped area is proposed along the north boundary of the site.
7. In terms of the design and appearance of the accommodation blocks themselves, the buildings would be constructed of a mix of rendered walls and glazing panels, with aluminium horizontal strip panels to provide visual breaks in the building.
8. This application is being referred to Committee as it constitutes a major development.

PLANNING HISTORY

9. The site used to form part of the British Telecom depot, however the existing industrial units on the site were granted permission in June 2004. Since the implementation of that permission, a number of minor applications have been granted permission to subdivide and amalgamate these units to meet occupier's requirements.

PLANNING POLICY

NATIONAL POLICY

10. 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.
11. 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'
12. The following elements are considered relevant to this proposal;
13. *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 21st century.

14. *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.
15. *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.
16. *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.
17. *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.
18. *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.
19. *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.
20. *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>

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

21. *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.
22. *Policy EMP8 - General Industrial Sites* - seeks to promote the overall quality of the Districts General Industrial estates while permitting development falling only within classes B1, B2 and B8 of the Use Classes Order.
23. *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.
24. *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.
25. *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.
26. *Policy T20 - Cycle Facilities* seeks to encourage appropriately located, secure parking provision for cyclists
27. *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.
28. *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.
29. *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.
30. *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.
31. *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.
32. *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.

33. *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
34. *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.
35. *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.
36. *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.
37. *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.
38. *Policy U14 - Energy Conservation – General* states that the energy efficient materials and construction techniques will be encouraged.

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

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

39. *County Highways Authority* has raised no objections to the proposed scheme. Conditions are proposed to ensure the upgrade of a pedestrian link; provision of a Travel Plan Co-ordinator; submission of a final Travel Plan; and improvements to cycle signing facilities.
40. *City of Durham Trust* have objected to the scheme and consider any decision will be premature given the list of 'block halls' being proposed or already in the pipe line.
41. *Durham University* have not raised any objections.
42. *Environment Agency* has raised no objections to the proposed scheme. Advice is offered in terms of contaminated land; foul and surface water drainage.

43. *Northumbrian Water* no objections subject to a condition requesting details of surface and foul water disposal.
44. *Police Architectural Liaison* has not raised any concerns. Advice has been offered in relation to access arrangements; boundary treatment; cycle storage; and door and window standards.

INTERNAL CONSULTEE RESPONSES:

45. *Sustainability* has stated that the site is categorised relatively high within the sustainability appraisal process.
46. *Environmental Health (Noise)* No objections raised. Conditions are recommended to ensure the noise insulation and mitigation measures detailed in the noise report are provided.
47. *Environmental Health (Air Quality)* has stated that it is not considered the scale of the development will generate a significant increase in traffic that will have an adverse impact in air quality. Conditions are recommended to require the submission of the dust assessment together with dust suppression measures during construction works.
48. *Environmental Health (Contaminated Land)* has indicated that conditions should be attached to any permission to ensure site investigation works are undertaken prior to development commencing.
49. *Environmental Health (Public Protection)* has not raised any objections however advice has been offered in terms of fire risk assessment; accommodation space and other standards.
50. *Ecologist* has raised no objections subject to the mitigation strategy of the ecology statement being adhered to.
51. *Design and Conservation* provides support for this scheme as the contemporary approach is in keeping with the form and function and is typical of this genre of building.
52. *Landscape* has not raised any objections and a full landscaping condition is recommended.
53. *Spatial Planning Policy* have stated that whilst the proposal is contrary to local plan policies it is considered that this edge of allocation site is relatively small in relation to the whole industrial estate. This along with evidence of an unsuccessful marketing campaign and the history of poor rental returns would suggest that non-employment use is acceptable on this particular site. Redevelopment of this site would provide an opportunity to improve the appearance of the area given the poor condition of the site frontage at present.
54. *Licensing Manager* has not raised any objections.
55. *Employability Team* has indicated that this proposal presents an opportunity to explore employment and skills training that will assist the local community by improving job prospects and employability.

PUBLIC RESPONSES:

56. One letter of support has been received stating that the proposed development would improve the area and enrich the community.

57. Nine letters of objection have been received with regards to the application. Objections relate to noise and disturbance which would be created as a result of this development, with comments referring to anti-social behaviour, security concerns and littering. Concerns are raised in relation to highway issues, in particular parking problems which would occur if this development is brought forward as well as increasing traffic congestion in the area. One objector also stated that the proposed access was inappropriate. Objections are raised at the scale, design and appearance of the development, and it is considered that the building will be overshadowing resulting in loss of light to adjoining properties. Concerns are raised over drainage arrangements at the site and that the area is subject to flooding and the existing sewage system is already overloaded. Objectors have also indicated that there is no demand for further student accommodation in the area and also that the site is allocated in the Local Plan as an employment site.

58. Belmont Parish Council has commented on the proposed development and has recommended that the application be refused. The Parish Council has stated that the proposed development is unsuitably placed, with too many units for the size of the site and raises serious issues created by an increase in traffic demands, with consequent risk to residents and their families in the area and contrary to policy T1 of the Local Plan.

APPLICANTS STATEMENT:

59. The applicant has submitted a Design and Access Statement, Planning Statement and draft management plan all in support of the application. 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. 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 development is likely to act as a regenerating influence. 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://PUBLICACCESS.DURHAMCITY.GOV.UK/PUBLICACCESS/TDC/DCAPPLICATION/APPLICATION_DETAILVIEW.ASPX?CASENO=MRVRM4BN02000

PLANNING CONSIDERATIONS AND ASSESSMENT

60. 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

61. This application proposes the erection of a purpose built student accommodation development with some shared, communal spaces. The proposal seeks to develop a cleared former industrial site on the edge of an allocated commercial area and opposite Tesco Extra within the neighbourhood of Gilesgate south of Durham centre. The proposal 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.
62. The key issue is that this development for student residential purposes is outside of the scope of the land allocation which designates the site for B1 (Business), B2 (General Industrial) and B8 (Storage and Distribution). The site has been vacant for a significant period of time and during this period the character of surrounding uses has evolved. On two boundaries the site is bordered by dense residential properties and the neighbouring Dragonville Industrial Estate has evolved into many retail bias activities including an opticians. These neighbouring uses do somewhat undermine the ability now for a commercial use to operate given the amenity concerns this would likely raise. Furthermore, it is noted by our Planning Policy team that historically poor rental returns and an unsuccessful marketing of the site are material in considering acceptance of this loss of employment land. It is possible that a B1 use could perhaps be accommodated so close to residential receptors however these uses generate significant trip rates and therefore traffic impact which in this location would be considered undesirable and lead to wider amenity concerns. Therefore on balance with the support of Policy colleagues it is considered acceptable to allow the loss in this location of employment land to a student use of residential character contrary to policy EMP8a of the Local Plan.
63. The Local Plan also has a specific Policy H16, which relates to student halls of residence and forms of residential institutions.
64. 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.
65. 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. The proposal is not considered contrary to Policy H16 as the site is well located in terms of local services and within easy walking distance of bus routes, local shops and the aforementioned larger retail stores.
66. 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 there lies a range of large scale retail stores as well as some residential properties. The local area can therefore be considered to have a mixed use character which could be expected in such an urban location.

67. Gilesgate is becoming increasingly popular with students likely due to its amenities and good connections with the city centre. 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, albeit this is a lot less than the city centre. 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 (discussed later in the report).
68. Taking all the above matters into account Officers consider this site can come forward in this location and the loss of the employment land is not considered significant given the character of the surrounding area and aforementioned constraints, the site is well placed and sustainably located in an established urban area in accordance with the presumption in favour of sustainable development as outlined in the NPPF.

Impacts upon Residential Amenity

69. 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.
70. 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.
71. 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.
72. The issue of the dense concentration of students and impact this may have on the residential amenity of the surrounding area is a material consideration. Dense residential developments such as this will bring with them increased activity but this is felt to be more in character with the surrounding residential properties than a heavier commercial use, so the issue is what behaviour maybe beyond a typical dense residential scheme. Whilst such behaviour associated with students often gets exaggerated along with the frequency and magnitude it is important for the confidence of all to have a well defined management plan. The management of the site is a point raised within the consultation responses.
73. The applicant as is the case with the two previous schemes has submitted a draft management plan to be delivered by an accredited student management company. The management plan will allow for two way communication between the community and the management company as well as having sanctions in place to control any anti-social behaviour should it arise. This isn't dissimilar to how larger institutions manage their property and it is considered an effective control measure underpinned with a corresponding tenancy agreement. It is fair to say that a dense residential non-student apartment scheme will raise from time to time some disruptive behaviour

but without the control of a strong management structure relying purely on other legislation. By its very nature all existing controls will exist but in the first instance the management plan and company will be the first recourse and as such this is considered an effective method of controlling such behaviour should it occur, aided by two way communication with community representatives. Provision is also made within the development for on-site management and student wardens to directly control and monitor behaviour.

74. In terms of inter-relationships with surrounding development these all meet the requirements of the local plan in terms of facing distances and a condition is imposed to control light spill from the larger storeys in the interests of the wider amenity.
75. Although there are certainly not extensive areas of outdoor amenity space proposed within the site there are clearly defined and dedicated landscape courtyards/garden which would provide outdoor areas for students to meet. 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. To the rear of the development is a purposefully designed garden space primarily for relaxing and study with a landscaped boundary with the residential property to the rear mitigating the amenity impact. To the front there is proposed a bar/communal area which does have an outside terrace surrounded by a high wall. Conditions are imposed on the use of this area as well as controlling the noise break-out and it is not considered given the frontage faces a large retail store car-park and to the side the rear of commercial uses that any adverse impact to amenity will occur.
76. Environmental Health have provided some comments with regards to the application and in relation to the concerns raised with regards to noise and air quality. They have not raised any concerns regarding air quality. In terms of noise the applicant's assessment has raised concerns over the controlling of ventilation noise, it is considered given the wider noise impact of the bar to require details to be submitted by condition to control noise.
77. The Police Architectural Liaison Officer has not raised any concerns subject to conditions regarding the path which runs down the West side of the development to open this up and make more useable and inviting through adequate lighting.
78. 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. To the rear there is 20m to Shepherd's Court between facing windows and whilst 1m below the 21m specified this is not considered material in so far as a quantifiable adverse impact could result that would warrant refusal given the only slight difference under policy. There is one pinch point with Shepherd's court which is the north east gable at 12m, it is however considered as this is also one metre less than the ideal for a two storey blank gable albeit no requirement exists over this that no objection can be raised on amenity grounds as this would not be an uncommon relationship within a dense urban area.
79. Internally the facing distances between the residential blocks is less than 21m at around 13m between them. However, this is not uncommon on student schemes and similar to the scheme recently approved in Ainsley Street. To put this in context many of the residential terrace streets in central Durham have facing distances comparable. Given that the development is self contained and targeted at specific

users it is not considered that the internal facing distances will result in harm to the amenity of occupants as other similar examples do exist across the city and importantly the external relationships are considered acceptable.

80. In conclusion the development is considered acceptable subject to the aforementioned conditions and accords with policies H16 and H13 of the Local Plan as well as not being in conflict with the aims of policy Q8 to safeguard the amenity of existing and proposed occupiers.

Visual Amenity

81. The scheme is contemporary in nature and over four storeys providing 350 beds divided between studios and flats. The main block comes along the southern frontage in the place of the dilapidated properties of Ernest Place down the West side alongside the existing pedestrian walkway. In the central area and over to the East of this main building are three accommodation blocks one behind the other going north interspersed with landscaped courtyards for parking.
82. The overall design is made up of brick, rain screen cladding and glazing combined to add interest to the elevations and a sense of rhythm. Given the surrounding area there are little design indicators to go down a specific route in terms of appearance and it is considered that this fresh contemporary design will generally enhance the character of the area according with policy Q8 of the Local Plan. The most prominent elevation that of the southern boundary and eastern corner have been subject to a series of amendments to enhance the architectural quality and introduce somewhat of a more statement building to further lift the area. This has involved some deconstructive works to the front elevation and changes in depth as well as further emphasising of the entrance. These changes are all supported by the Council's design officer who fully supports the design of the scheme.
83. The landscaping to the rear and courtyard are to be controlled by condition to provide attractive courtyard spaces and quiet study areas as well as bolstering the privacy to surrounding occupiers. The path which runs down the western edge of the site is an important pedestrian arterial route connecting Sunderland Road and the larger retail area. Officers have observed how well used this path is but it is not specifically inviting given its dark and shaded nature. This scheme will open the path up and enhance the lighting and with the some low level landscaping mean that the path will become safer and more inviting to users especially during shorter daylight hours.
84. Overall no objection is raised to the design or appearance of the development and in accordance with Policy Q8 and Part 7 of the NPPF will make a positive contribution to the area.

Highways Issues

85. Many of the concerns from local residents revolve around highway and traffic impacts, many people thinking the bollards would be removed that control through traffic along Renny's Lane. This is not the case the bollards will remain and no through traffic will be able to pass the site as is the case presently. As is typical of many other student schemes they have low levels of car ownership typically around 12-15% which is much less than a comparable non-student residential scheme. However, accepting of up to 15% there will need to be provision of some parking on site, the applicant is providing 26 spaces with the remainder 16 to 26 can be safely accommodated on the surrounding highway, bearing in mind Renny's Lane does

terminate just beyond the site. However, this is a worse case scenario as it is widely established that in sustainable locations a number of travel interventions can have significant impact on car ownership. The applicant has presented a robust suite of interventions and to appoint a travel plan co-coordinator with a significant emphasis on cycling and enhanced signposting the national cycle network. The public transport links within the vicinity are well established and the applicant as part of their tenancy agreement will be controlling car ownership so with all these initiatives and resources the Highway Authority are supportive of the development coming forward.

86. Therefore the development is considered to accord with Policy Q1, Q2, T1, T10 and T21 of the Local Plan seeking to ensure that all development is acceptable in terms of highway safety and limiting parking provision in development to promote sustainable transport choices and reduce the land take of development. Part 4 of the NPPF also supports the application seeking to promote sustainable transport choices.

Ecology

87. The submitted ecology report has been considered by the Council's ecologists and no concerns are raised or species found that would warrant further consideration or application of the protected species derogation tests. The ecologists do suggest a condition to retain trees and take account of bird nesting as well as a bat method statement for the demolition of Ernest Place. In terms of habitat enhancement it is proposed to incorporate bat bricks or similar into the new build all of which is outlined in section F of the ecologists report and conditioned to be in accordance with this section.

Section 106

88. In accordance with policy BE2 of the Local Plan a requirement is made for public art at 1% of build cost. The recommendation is made subject to a Section 106 agreement for £130,000 for public art and community uses. The applicant has been engaging with the Council to provide a targeted recruitment programme which will place a number of local apprentices during the construction phase of the development. The exact details of this scheme will be agreed with the Council's Employability Officers.

Other Issues

89. Northumbrian water have not raised any issues in terms of surface water, flooding or foul disposal stating that the existing network does have capacity to serve this scheme. The applicant will also need to seek their approval to divert a main sewer. They have requested a condition requiring details to be submitted for a surface water and foul disposal scheme as is common practice.

CONCLUSION

90. In conclusion the principle of development of this site is considered acceptable as it brings forward a longstanding blighted site, removes the properties of Ernest Place which make no positive contribution to the area and replaces with a contemporary design which will make a positive contribution.
91. The loss of employment land and conflict with Policy EMP8a and the emerging County Durham Plan is balanced against the changed nature of the surrounding uses and constraints of amenity and traffic which lend the site to this use. Given the protracted period of time the site has been vacant and the availability of surrounding

commercial land in the policy area it is considered this development can be supported.

92. The amenity of existing occupiers will be preserved and the enhancement given to the public realm namely the path along the western boundary, with controls in place for landscaping, lighting, noise and operation by an accredited management company it is not considered any adverse impacts will result to warrant refusal on residential amenity grounds.

RECOMMENDATION

That the application be **APPROVED** subject to the following conditions and subject to the signing of a Section 106 agreement to secure £130,000 for public art/community use provisions:

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 ref: 12009_001
Plan ref: 12009_002
Plan ref: 12009_005
Plan ref: 12009_009B
Plan ref: 12009_015A
Plan ref: 12009_020
Plan ref: 12009_022A
Plan ref: 12009_VS010B
Plan ref: 1498-3-1B 111113
Plan ref: 0001B

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies EMP8, 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 H13 and H16 of the City of Durham Local Plan 2004.

4. The hereby approved development shall be carried out in accordance with a scheme of landscaping to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any development on site. The scheme may provide for the planting of trees and / or shrubs (including species, sizes, numbers and densities), works to existing trees within the site, provision hardstandings, 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 H16 and H13 of the City of Durham Local Plan 2004.

5. 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 H13 and H16 of the City of Durham Local Plan 2004

6. Notwithstanding any details submitted with the application no development shall commence until a detail dust assessment scheme including dust suppression measures 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 the residential amenity of the surrounding area in accordance with Policy Q8, H13 and H16 of the City of Durham Local Plan 2004.

7. No development hereby approved shall take place unless in accordance with the mitigation and recommendations within the protected species report, Extended Phase One Survey by E3 Ecology Ltd, dated July 2013.

Reason: In the interests of conserving and preserving the natural environment in accordance with Part 11 of the NPPF.

8. Notwithstanding the information submitted with the application no development hereby approved shall commence until a scheme detailing noise insulation and mitigation measures 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 residential amenity and to comply with policies Q8, H13 and H16 of the City of Durham Local Plan 2004.

9. 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.

10. 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.

11. Prior to the occupation of the building, a Travel Plan Co-ordinator shall be appointed and contact details for this person shall be submitted to and approved in writing by the local planning authority.

Reason: In the interests of highway safety and to comply with policy T1 and T10 of the City of Durham Local Plan 2004.

12. Within 6 months of occupation of the building, a final Travel Plan, conforming to and reflecting the ethos of The National Specification for Workplace Travel Plans PAS 500:2008, shall be submitted to and approved in writing by the local planning authority.

Reason: In the interests of highway safety and to comply with policy T1 and T10 of the City of Durham Local Plan 2004.

13. No development shall commence until a scheme showing improvements to the pedestrian link between Sunderland Road and Renny's Lane and improvements to cycle signing facilities have been submitted to and approved in writing by the local planning authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: In the interests of highway safety and to comply with policy T1 and T21 of the City of Durham Local Plan 2004.

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

Reason: In the interests of sustainable construction and energy generation in accordance with the aims of the NPPF.

15. 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.

16. 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.

17. Notwithstanding the details submitted a scheme for the external lighting and control of external light spill from the development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development (such a scheme shall include height, type, position, angle and intensity of illumination of all external lighting including during construction and light spill from glazing to the surrounding area outside the application site). Thereafter the development shall be implemented in accordance with the agreed scheme.

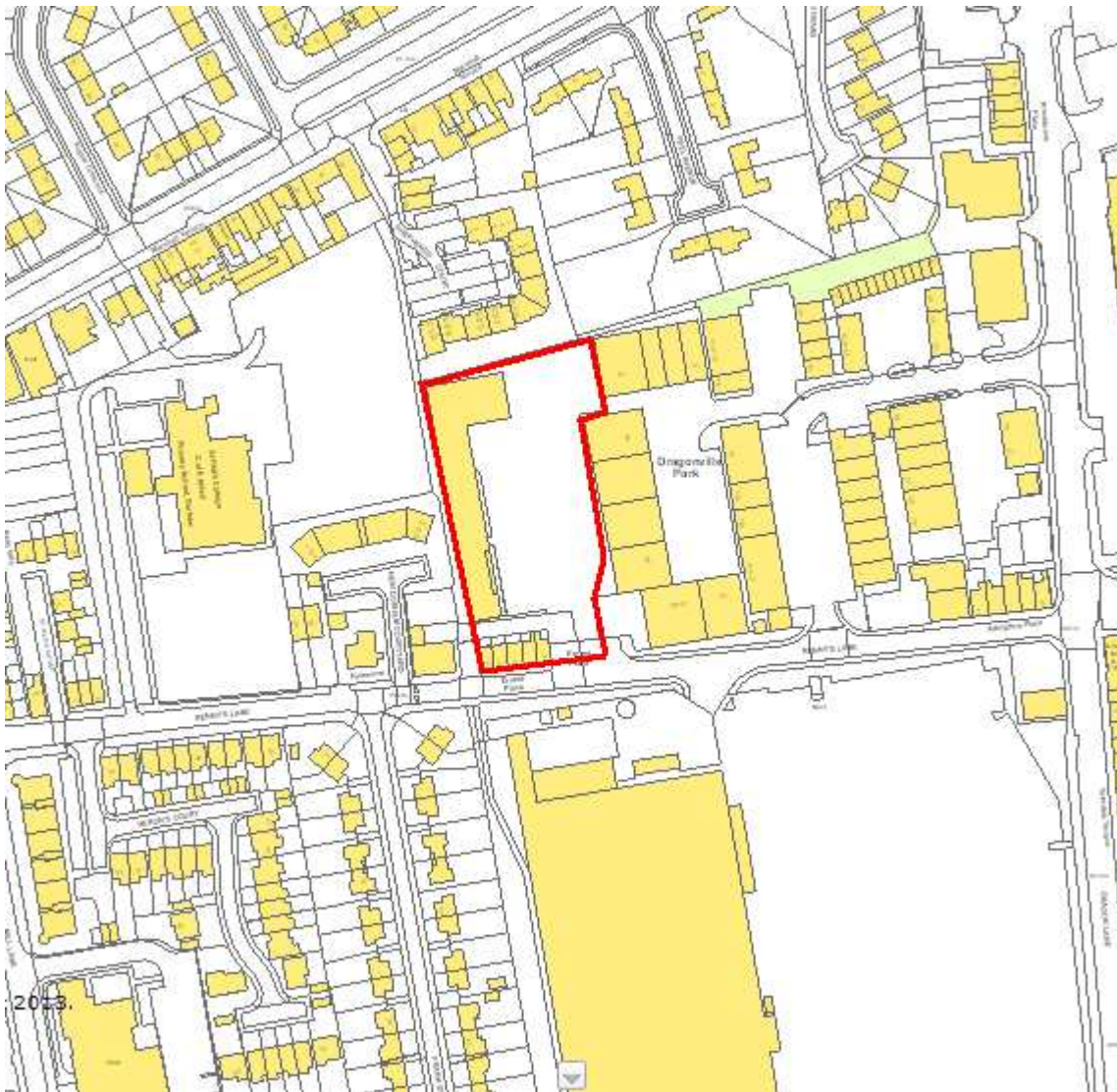
Reason: In the interest of residential amenity, having regard to Policies H13 and H16 of the City of Durham Local Plan 2004.

STATEMENT OF POSTIVE/PROACTIVE WORKING

The Local Planning Authority has worked with the applicant in a positive and proactive manner to deliver the development. In particular, amendments to the design, materials and massing were sought in an attempt to improve the visual appearance of the development.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documentation
City of Durham Local Plan 2004
County Durham Plan (Preferred Options)
National Planning Policy Framework
Internal consultee responses
Public responses
External consultee responses
Planning Circular 11/95



Planning Services

Demolition of light industrial unit and 5no. dwellings and erection of 350 bed student accommodation scheme

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Date 3rd December 2013