

# Planning Services

## COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	<b>DM/14/00264/FPA</b>
<b>FULL APPLICATION DESCRIPTION</b>	<b>Redevelopment of Nevilles Cross Social Club to provide student accommodation</b>
<b>NAME OF APPLICANT</b>	<b>Angel Homes</b>
<b>SITE ADDRESS</b>	<b>Nevilles Cross Club, Nevilles Cross Bank, Durham, DH1 4PJ</b>
<b>ELECTORAL DIVISION</b>	<b>Nevilles Cross</b>
<b>CASE OFFICER</b>	<b>Barry Gavillet 03000261958 dmcentraleast@durham.gov.uk</b>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. This application site is located within the Electoral Division of Nevilles Cross. It is also in Durham City Centre and within the Durham City Conservation Area, both as defined in the City of Durham Local Plan.
2. The proposed site for redevelopment is a prominent plot extending to approximately 0.13 hectares and is situated on the junction of Crossgate Peth and Newcastle Road on one of the main routes into the main City Centre area approximately one mile to the west. The site has frontages on Crossgate Peth, George Street and Cross View House. The surrounding area comprises a number of different uses, predominantly residential but there are also light industrial, commercial and retail uses near the site. The scheduled monument of Nevilles Cross is adjacent the site to the east.
3. The site is currently occupied by the Neville's Cross Social Club building which is now vacant and in disrepair due to the social club relocating.
4. The existing building is made of red facing brickwork with the majority being a later addition in a 1960's modern style but of little architectural merit. The original portion of the building that would be retained is constructed from red facing brickwork and a slate roof and is an attractive example of a traditional Victorian villa.

#### The Proposal

5. This proposal seeks to convert and extend the former Nevilles Cross Workingmens Club to create student accommodation. It is proposed to demolish the existing

function rooms and construct 3 new dwellings and refurbish the existing building to create 3 further dwellings, resulting in 6 dwellings with a total of 33 bedrooms for student accommodation. Each residential unit would have separate kitchen and sanitary facilities with communal storage areas located on the ground floor and bin storage located in the former beer cellar.

6. The work to the original Victorian building would involve the restoration and reinstatement of original window and door details. The new units would involve similar fenestration patterns and reflect the style of the original Victorian building. Externally, the frontage would be resurfaced using tarmac to provide nine parking spaces, bin and cycle stores and grassed amenity areas. The trees and wall adjacent the boundary would be retained.
7. This application is being referred to Committee at the request of local members.

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## **PLANNING HISTORY**

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8. In 2011 an application was received for the part change of use of the social club building to retail, to allow the sale of wines, beers and spirits with external alterations involving provision of new single storey entrance extensions, smoking shelter, disabled access ramps, replacement of section of roof, elevational cladding and fenestration. This was withdrawn (ref: 4/11/00515/FPA)
9. In 2013 an application was received for the partial demolition and redevelopment of public house to create 21 no. apartments for student accommodation, this was also withdrawn (ref: CE/13/00897/FPA)

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## **PLANNING POLICY**

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### **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 dependent.
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 21<sup>st</sup> 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.* Working from Local Plans that set out a positive strategy for the conservation and enjoyment of the historic environment, LPA's should require applicants to describe the significance of the heritage asset affected to allow an understanding of the impact of a proposal on its 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 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.
22. *Policy E21 (Conservation and Enhancement of the Historic Environment)* requires consideration of buildings, open spaces and the setting of these features of our historic past that are not protected by other legislation to be taken into consideration.
23. *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.
24. *Policy H7 – City Centre Housing* seeks to encourage appropriate residential development and conversions on sites conveniently located for the City Centre.
25. *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.
26. *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.
27. *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.
28. *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.
29. *Policy T20 - Cycle Facilities* seeks to encourage appropriately located, secure parking provision for cyclists
30. *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.
31. *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.

32. *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.
33. *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.
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.

*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>

## **EMERGING POLICY:**

37. The emerging County Durham Plan was submitted in April 2014 ahead of Examination in Public. In accordance with paragraph 216 of the NPPF, decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. Further, the Planning Practice Guidance explains that in limited circumstances permission can be justifiably refused on prematurity grounds: when considering substantial developments that may prejudice the plan-making process and when the plan is at an advanced stage of preparation (i.e. it has been Submitted). To this end, the following policies contained in the Submission Draft are considered relevant to the determination of the application:
38. *Policy 1 (Sustainable Development)* – States that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.
39. *Policy 18 (Local Amenity)* – In order to protect the amenity of people living and/or working in the vicinity of a proposed development, permission will not be granted for

development proposals which would have a significant adverse impact on amenity such as by way of noise, vibration, odour, dust, fumes, light pollution, overlooking, visual intrusion, visual dominance, loss of light or loss of privacy.

40. *Policy 32 (Houses in multiple occupation and student accommodation)* – In order to support mixed and balanced communities and maintain an appropriate housing mix, houses in multiple occupation and student accommodation will not be permitted where the site is located within 50m of a postcode area where more than 10% of the total number of properties are already in use as licenced HMO's or student accommodation. Proposals should have adequate parking, refuse and other shared facilities and the design of the building should be appropriate to the character of the area.
41. *Policy 41 (Biodiversity and Geodiversity)* – States that proposals for new development will not be permitted if significant harm to biodiversity and geodiversity, resulting from the development, cannot be avoided, or adequately mitigated, or as a last resort, compensated for.
42. *Policy 44 (Historic Environment)* – Development will be required to conserve the fabric, character, setting and cultural significance of designated and non-designated heritage assets and to seek opportunities to enhance structures and areas of significance throughout County Durham. Developments that promote the educational, recreational, tourism or economic potential of heritage assets through appropriate development, sensitive management, enhancement and interpretation will be permitted.
43. *Policy 48 (Delivering Sustainable Transport)* – All development shall deliver sustainable travel by delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; and ensuring that any vehicular traffic generated by new development can be safely accommodated.

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

44. None received.

### **INTERNAL CONSULTEE RESPONSES:**

45. The Design and Conservation Officer supports the application, commenting that the proposal is excellent in terms of design, saving an important building in the conservation area and would provide an important focal point at a gateway into the city centre.
46. Environmental Health officers have no objections to the proposals but request that a noise assessment is carried out.
47. Tree Officers have no objections but request that a tree survey is carried out and that trees to be retained are protected during development.
48. Landscape Officers have no objections subject to a detailed landscaping scheme being submitted.

49. Highways Officers have no objections to the proposals stating that the site sits in close proximity to good transport links to local facilities and University establishments and as such can be considered as a sustainable travel location. In addition, the proposed 9 parking spaces is acceptable as research suggests that student car ownership could be up to 15% meaning the student demand for parking could be 5 spaces. In addition to the car parking provision the proposed 8 covered cycle stands are acceptable.

**PUBLIC RESPONSES:**

50. Northumbrian Water have no objections to the proposals.
51. The City of Durham Trust object to the proposals stating that although there are no objections to the design of the building, student accommodation is not suitable for a residential area and parking provision is inadequate.
52. A total of 34 letters of objection have been received from nearby residents. The main reasons for objection are that this part of Durham City is predominantly a family area and that this proposal would result in noise and anti-social behaviour. In addition to this there are concerns that the proposals would result in traffic congestion, that there is a lack of proposed parking and that the site is serviced by narrow access roads which would cause problems with refuse collection. Finally, in terms of the building itself, it is considered that the proposals would result in overdevelopment which would lead to overshadowing, loss of light and privacy and that the development would have an adverse impact on the conservation area.

**APPLICANTS STATEMENT:**

53. This statement has been prepared on behalf of the applicant, Mr Andrew Ward of Angel Homes Ltd in connection with the submitted planning application (reference 14/00264) for the partial demolition of existing building, refurbishment and change of use to form 3 no. flats plus erection of 3 no. dwellings and associated landscaping and car park.
54. It is acknowledged that the development has provoked a number of objections from local residents, the applicant has attempted to engage the local residents group to discuss the project at detail as well as maintain an open and positive relationship with the residents whilst the initial maintenance work to the retained building is carried out, however these approaches have been rebuffed.
55. The applicant is a resident in the city, living only a short walk away from the site and sees the student population (both under-grad and post- grad) as providing and making a positive contribution to the city, in terms of cultural diversity, economic contribution (directly and indirectly) as well as adding to the vibrancy of the city.
56. This development will be run and managed by a fully staffed and resourced professional management team in order to monitor, control and alleviate the general issues raised by neighbour's to student accommodation buildings. This management structure already runs several student accommodation properties owned by the applicant in the city with a good working relationship with it, the students and the neighbouring residents.

*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:*

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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57. 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 and appearance of the conservation area, impacts on residential amenity and highway safety.

### **The Principle of the Development**

58. This application proposes the conversion of an existing building and the erection of further purpose built student accommodation with some shared, communal spaces constituting a sui generis use. The proposal seeks to redevelop a previously developed parcel of land within Durham City Centre as defined in the City of Durham Local Plan. The proposal therefore seeks development which 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.
59. The Local Plan has a specific policy, H16, which relates to student halls of residence and forms of residential institutions.
60. 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.
61. 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 University buildings.
62. Policy 32 of the emerging County Durham Plan states that applications for student accommodation will only be permitted where there is sufficient car parking, there are acceptable arrangement for bin storage and shared facilities and the design of the building would be appropriate to the character of the area. The criteris relating to the % of properties in a postcode area is only relevant where the change of use is from a Use Class C3 dwelling house. The application is not considered to be contrary to any of these relevant criteria.
63. 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 are retail



uses and community facilities as well as residential properties. The local area can therefore be considered to have a mixed use character which could be expected in such an urban location close to the city centre.

64. Taking all the above matters into account Officers consider that this site is sustainably located in an established urban area and is previously developed land, therefore the proposals are considered to be in accordance with the presumption in favour of sustainable development as outlined in the NPPF.

### **Impacts upon the Character and Appearance of the Conservation Area**

65. The application site lies within the Durham City Centre Conservation Area. 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 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.
66. The Council's Design and Conservation Officers have no objection to the principles of this development which has been subject to considerable pre-application advice with regard to the scale, design and layout of the development.
67. Officers consider that the proposed conversion of the former Victorian Villa has been carried out sympathetically, restoring original features and reinstating timber windows and doors to an appropriate design. The new units linked to the original villa have also been considered in a very sympathetic and appropriate manner. The units have been treated as separate elements with the roofscape broken down using a mixture of step pitch roofs and gables with chimneys. The buildings would turn the corner successfully providing welcoming frontages to the A167 and Crossgate Peth without dominating the existing building. The proposed fenestration patterns are well balanced and window and door details are sympathetic to the original villa frontage and overall character of the Conservation Area. Accordingly, the proposals are considered to enhance the Appearance of the Conservation Area in accordance with saved policies E21 & E22 of the Durham City Local Plan, Part 12 of the NPPF and S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
68. Overall this proposal is considered excellent in terms of the design of the proposed buildings, and in addition the proposals would restore an important building in the Conservation Area and provide good quality design at a busy gateway into the city centre. The proposals are therefore considered to accord with saved policies E21 and E22 of the Durham City Local Plan and part 12 of 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. It is also important to note that the historic and lawful use of the site has been as a Social Club which in itself and by its nature would have generated an amount of noise, movement and disturbance, some at unsocial hours.
73. Officers considered that if approved, an appropriate management plan should be submitted and agreed before the development is commenced. 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.
74. In terms of inter-relationships with surrounding development these all meet the requirements of the local plan in terms of facing distances between elevations and windows serving habitable rooms. 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 serving habitable rooms.
75. Environmental Health have provided some comments with regards to the application and in relation to noise. It has been requested that a noise assessment is carried out which seeks to protect both future occupiers of the building and the amenity of existing occupiers who live in close proximity to the site. It is considered that any concerns around noise from the development can be appropriately mitigated through conditions and these are suggested accordingly.

76. 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.

### **Highways Issues**

77. Many objections from nearby residents are related to the potential for an increase in traffic and lack of parking provision. Highways Officers have carefully considered the proposals and have raised no objections to the scheme. Officers have commented that the site sits in close proximity to good transport links, community facilities and University establishments and as such can be considered as a sustainable travel location.
78. There are 9 car parking spaces proposed as part of the development, one of which would be a disabled space. Research suggests that student car ownership could be up to 15% meaning the student demand for parking could be 5 spaces, therefore the proposed level of car parking provision is considered acceptable. In addition to the car parking spaces there are 8 covered cycle stands which is considered acceptable.
79. It is also noted that the development stands alongside George Street and St Johns Road which form part of the Controlled Parking Zone, where parking is controlled with permits and Pay and Display metres. No parking permits would be provided for student residents of the new development and residents unable to take advantage of the onsite free parking would need to meet the Pay and Display charges between 8.00am - 6pm. Bin storage is provided within the site and it is considered that adequate access is available to enable refuse collection.
80. Given the proximity of the site to the city centre and University buildings, its good access to public transport links and parking controls in place around the site. It is considered that the level of car parking and cycle parking provision is acceptable. 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.

### **Other Issues**

81. The application was accompanied by a Bat Survey which found no roosts within the building but suggests general enhancements including the provision of bat boxes which are suggested to be provided by way of a condition. The proposal is considered to have no impact on protected species and is in accordance with saved policy E16 of the Durham City Local Plan.

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## **CONCLUSION**

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82. These application proposes 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, the application site is undesignated land within the Local Plan proposals maps and is not therefore allocated for a particular development.

83. In principle officers do not raise objections to the proposed redevelopment of the site for the use as student accommodation. Objections have been received during the course of the application regarding a host of issues but mainly regarding the considered harmful impact that the imposition of students would have on the area in terms of parking and traffic congestion and the amenities of residents within the area. As discussed above, it is not considered that the proposal would lead to any significant impact on residential amenity, nor would it result in significantly adverse highway safety issues that would warrant refusal of planning permission. Notwithstanding this, the applicant will be required to submit a detailed management plan to demonstrate how impacts of the development can be minimised through appropriate site measures and management methods.

84. In addition, officers consider that this proposal is of a very high standard in terms of its design and would result in an enhancement to the conservation area in what is a very prominent gateway point into the city centre.

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## RECOMMENDATION

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That the application be **APPROVED** subject to the following conditions:

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

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

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

Proposed site plan 12/72, 210 Rev B.

Proposed ground and first floor plans, proposed south west and south east elevations 12/72, 211 Rev A.

Proposed second floor and roof plans, proposed north east and north west elevations 12/72, 212 Rev A.

Proposed courtyard elevations, proposed rear lane elevation 12/72, 213 Rev A.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies E21, E22, T1, T10, Q1, Q2 and Q8 of the City of Durham Local Plan 2004 and parts 4, 6 and 7 of the National Planning Policy Framework.

3. Notwithstanding any details of materials submitted with the application no development shall commence until details of the external walling, roofing materials and hard surfacing 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 E21, E22, Q1, Q2 and Q8 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 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 E21, E22, Q5, 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 E6, E22, H13 and H16 of the City of Durham Local Plan 2004

6. 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.

7. No development shall take place unless in accordance with the mitigation detailed within part 7 of the Bat Survey titled 'Nevilles Cross Working Mens Club' dated August 2013 by Durham Wildlife Services.

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

8. 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.

9. Notwithstanding the information submitted with the application no development hereby approved shall commence until a noise assessment has been undertaken and a scheme detailing any 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 and mitigation retained in perpetuity.

Reason: In the interests of residential amenity and to comply with policies Q8, H13 and H16 of the City of Durham Local Plan 2004.

10. No development shall be commenced until details of trees, shrubs and hedges which are to be retained along with measures for their protection throughout the development are submitted and approved in writing by the Local Planning Authority. The protection measures shall be in accordance with the relevant British Standard and shall be fully implemented in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with Policies E21, E22, Q5, H16 and H13 of the City of Durham Local Plan 2004.

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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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.

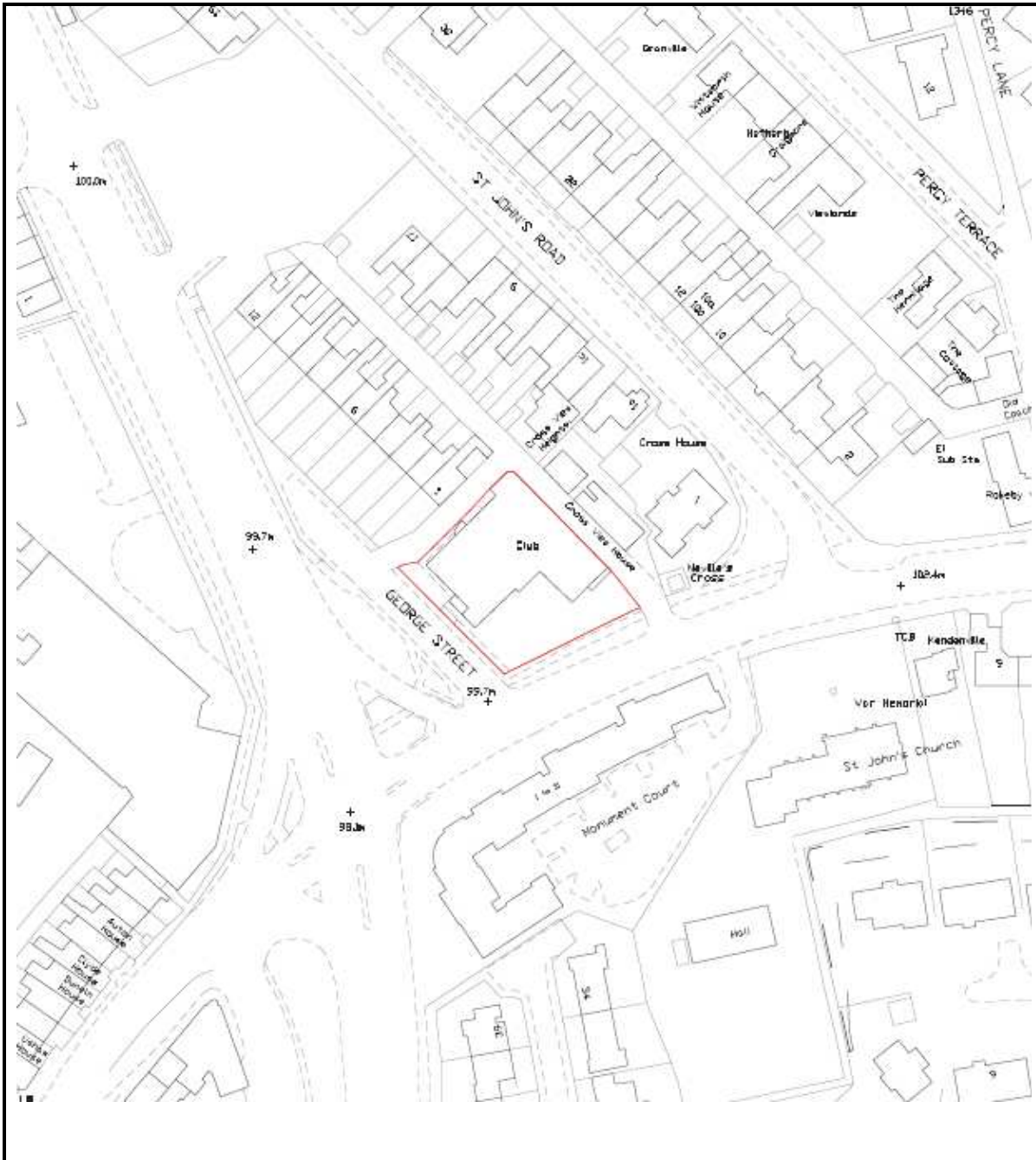
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## **BACKGROUND PAPERS**

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Submitted Application Forms, Plans and supporting documentation  
City of Durham Local Plan 2004  
County Durham Plan Pre-Submission Draft  
National Planning Policy Framework  
Internal consultee responses  
Public responses  
External consultee responses





**Planning Services**

Redevelopment of Nevilles Cross Club site to provide student accomodation

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