

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/14/00921/FPA
FULL APPLICATION DESCRIPTION:	Erection of Student Accommodation for 198 Units
NAME OF APPLICANT:	DPP One Ltd
ADDRESS:	Land at Magdalene Heights Old Scrap Yard, Gilesgate, Durham
ELECTORAL DIVISION:	Elvet and Gilesgate
CASE OFFICER:	Chris Baxter Senior Planning Officer 03000 263944 chris.baxter@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site comprises of a large hard surfaced area in an area known as Magdalene Heights which is located approximately 200 metres to the east of the Gilesgate/Claypath roundabout. The site was previously used as a scrap yard but is now vacant with no buildings situated on the land. The site is located within the Durham City Conservation Area and is approximately 750 metres east of the Durham City Primary Shopping Area. The site is also located adjacent to the Green Belt and the Durham Area of High Landscape Value and is over 1km east of the Durham Castle and Cathedral World Heritage Site.
2. The application site is bound by mature trees to the north and east with The Chapel of St. Mary Magdalene Scheduled Ancient Monument (SAM) and allotments to the south. To the west of the site is the Jehovahs Witnesses building known as Kingdom Hall, with residential properties of Ashwood located beyond. To the north and north west of the site, set at a lower level than the application site, are the residential properties of Orchard Drive. To the south of the site is the A690 which is the main route to and from Durham City from the A1(M).

The Proposal

3. Planning permission is sought for the erection of a purpose built student accommodation to provide 198 units. Associated landscape and highway works are also proposed as part of the application. The proposed units of student accommodation will be provided through five blocks over a mix of two and three storeys. The total gross external floor space will be 6,515sqm. The proposed building materials are to be a mix of stone, brickwork and render to the external walls with a standing seam zinc roof. Internally, bedrooms will have en-suite facilities and kitchen/lounge areas will be provided as communal facilities.

4. A landscape strategy has been submitted with the application and this seeks to retain the majority of the existing trees surrounding the site.
5. The remains of the former Chapel of St. Mary Magdalene chapel which lies immediately to the south does not have any access to the general public. The proposed development aims to open the Chapel up to the general public through landscaping and providing ramped access to the Chapel. Supporting information with the application has also stated that it is the aim for interpretation boards outlining the history of the Chapel site to be provided.
6. This application is referred to the Planning Committee as it constitutes a major planning application.

PLANNING HISTORY

7. Outline planning permission was approved in 2000 for the erection of 3no. bungalows. This permission has now lapsed.

PLANNING POLICY

NATIONAL POLICY:

8. 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.
9. 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'.
10. The following elements are considered relevant to this proposal;
11. *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.
12. *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.
13. *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 application 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.

14. *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.
15. *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.
16. *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.
17. *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.
18. *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

19. *Policy E1 (Durham City Green Belt)* outlines the presumption against inappropriate development in the Green Belt in order to preserve its intrinsic openness.
20. *Policy E3 (World Heritage Site) Protection* seeks to safeguard the site and setting from inappropriate development that could harm its character and appearance.
21. *Policy E6 (Durham City Centre Conservation Area)* states that the special character, appearance and setting of the Durham (City Centre) Conservation Area will be preserved or enhanced as required by section 72 of the Planning (Listed Building and Conservation Areas) Act 1990. The policy specifically requires proposals to use high quality design and materials which are sympathetic to the traditional character of the conservation area.

22. *Policy E10 (Areas of Landscape Value)* is aimed at protecting the landscape value of the district's designated Areas of Landscape Value.
23. *Policy E14 (Trees and Hedgerows)* sets out the Council's requirements for considering proposals which would affect trees and hedgerows. Development proposals will be required to retain areas of woodland, important groups of trees, copses and individual trees and hedgerows wherever possible and to replace trees and hedgerows of value which are lost. Full tree surveys are required to accompany applications when development may affect trees inside or outside the application site.
24. *Policy E15 (Provision of New Trees and Hedgerows)* states that the Council will encourage tree and hedgerow planting.
25. *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.
26. *Policy E18 (Sites of Nature Conservation Importance)* seeks to safeguard such sites from development that would be detrimental to their nature conservation interest. These sites as well as being important for their wildlife and geological interest are also a valuable resource for amenity, recreation, education and research.
27. *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.
28. *Policy E23 (Listed Buildings)* seeks to safeguard Listed Buildings and their settings from unsympathetic development.
29. *Policy E24 (Ancient Monuments and Archaeological Remains)* sets out that the Council will preserve scheduled ancient monuments and other nationally significant archaeological remains and their setting in situ. Development likely to damage these monuments will not be permitted. Archaeological remains of regional and local importance, which may be adversely affected by development proposals, will be protected by seeking preservation in situ.
30. *Policy H7 (City Centre Housing)* seeks to encourage appropriate residential development and conversions on sites conveniently located for the City Centre.
31. *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.
32. *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.

33. *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.
34. *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.
35. *Policy T20 (Cycle facilities)* seeks to encourage appropriately located, secure parking provision for cyclists
36. *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.
37. *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*.
38. *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.
39. *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 area of surface, street and rooftop parking are not considered appropriate.
40. *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.
41. *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.
42. *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
43. *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.

44. *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.
45. *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.
46. *Policy U13 (Development on Unstable Land)* will only be permitted if it is proved there is no risk to the development or its intended occupiers, or users from such instability, or that satisfactory remedial measures can be undertaken.
47. *Policy U14 (Energy Conservation – General)* states that the energy efficient materials and construction techniques will be encouraged.

EMERGING POLICY:

48. 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:
49. *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.
50. *Policy 18 (Local Amenity)* – Seeks to protect the amenity of people living and/or working in the vicinity of a proposed development in terms of noise, vibration, odour, dust, fumes and other emissions, light pollution, overlooking, visual intrusion, visual dominance, loss of light or loss of privacy.
51. *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 new build houses for 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 licensed 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.
52. *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.

53. *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.
54. *Policy 47 (Contaminated and Unstable Land)* – Sets out that development will not be permitted unless the developer can demonstrate that any contaminated or unstable land issues will be addressed by appropriate mitigation measures to ensure that the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact upon human health, and the built and natural environment.
55. *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.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

56. *County Highways Authority* Has not raised any objections to the proposed development.
57. *City of Durham Trust* has raised issues with regards to the application being assessed in isolation; geology; archaeology; impact on the surrounding area; and parking provision.
58. *Durham University* has not raised any objections.
59. *English Heritage* has stated that subject to the proposed render on the building being a subdued colour, the proposed application is supported.
60. *Environment Agency* has not raised any objections.
61. *Natural England* has not raised any objections.
62. *Northumbrian Water* has not raised any objections however has recommended that a condition is imposed for details of surface water disposal from the site to be submitted.
63. *Northern Gas Networks* has not raised any objections to the scheme however has indicated that the developer should make contact to ensure gas apparatus in the area is not effected during construction stage.
64. *Police Architectural Liaison* has provided advice in terms of security on the site.
65. *Society for Protection of Ancient Buildings* has not raised any objections.

66. *The Coal Authority* has no objections to the proposed development subject to the imposition of a condition to ensure the site is developed in accordance with the mitigation detail in the coal mining risk assessment.

67. *Ancient Monuments Society* has not raised any objections.

INTERNAL CONSULTEE RESPONSES:

68. *Archaeology* has not raised any objections subject to the imposition of conditions requiring a programme of archaeological work to be submitted prior to works on site.

69. *Sustainability Officer* has indicated that there are outstanding issues relating to locational aspects and embedded sustainability however the heritage issues could overcome these concerns.

70. *Environmental Management (Contamination)* has not raised any objections subject to a condition requiring the submission of a contamination site investigation report.

71. *Environmental Management (Noise/light/smoke/dust/odour)* has not raised any objections subject to the imposition of conditions.

72. *Public Rights of Way* has welcomed the proposal to improve access to St. Mary Magdalene's Chapel.

73. *Ecologist* has not raised any objections.

74. *Design and Conservation* has not raised any objections and stated that the proposals are architecturally well considered and would have negligible impact in terms of the setting of the World Heritage Site and Conservation Area. There is an impact on the immediate setting of the already compromised Scheduled Ancient Monument however the proposals could be considered to offer opportunities with regards to improved public access, long term management and greater interpretation whilst enhancing the monuments existing setting.

75. *Landscape Team* has not raised any objections to the proposed scheme.

76. *Tree Officer* has stated that all trees that surround the site must be retained and protective fencing must be erected prior to any development.

77. *Drainage Officer* has not raised any objections however has advised that a condition is imposed for site investigation works to be undertaken prior to development commencing.

78. *Targeted Recruitment Training* has provided advice with regards to employment opportunities and training for the proposed development.

79. *Open Spaces Officer* has indicated that due consideration should be given to retaining and protecting trees surrounding the site.

PUBLIC RESPONSES:

80. The application has been advertised on site and in the local press. Neighbouring residents were also notified individually of the proposed development. 20 letters of representation have been received from local residents. Letters have also been

received from the Dean and Chapter of Durham Cathedral; St. Nicolas' Community Forum; Durham University Bicycle User Group; and the Durham Castle and Cathedral World Heritage Site Co-ordinating Committee.

81. Objections have been raised with regards to the stability of the land and the potential impact this could have on the residents of Orchard Drive to the north. It has been noted that there has been stability issues with the residential properties to the north as a result from an underground watercourse in the area as well as drainage and flooding concerns.
82. Issues have been raised with regards to highway concerns, including parking, congestion, impacts on the ambulance station, and dangerous access points. There have also been concerns with regards to refuse from the proposed development.
83. Concerns are raised in relation to potential anti-social behaviour which can arise from students living in the area. Concerns include a potential rise in noise, litter, disruption and congestion. A resident has also noted that there should be a student management plan submitted with the proposed application.
84. Objections have been raised with regards to the impact the development would have on the WHS, the conservation area and the adjoining listed and Scheduled Monument Chapel. It has been indicated that there is no landscape mitigation screening included with the scheme and the surrounding trees are outside of the applicants ownership. There is also a concern that there is a potential for trees to be damaged as a result of the proposal. It is considered that the development would have a negative impact on the WHS and detract from the Chapel; and will also reduce the green backdrop of the historic approach ridge and the framing view of the area. The light materials proposed would also increase the visibility of the development in the surrounding area. Security, access and room lighting can also erode the dark night time setting of the WHS.
85. There are concerns that the proposal would result in the loss of privacy to neighbouring properties and that wildlife in the area would be adversely impacted upon. It has also been questioned whether there is a need for student accommodation. Some residents have indicated that the proposed development would result in the devaluation of existing properties. One letter of representation has indicated that the redline boundary submitted with the application is incorrect.
86. The Durham University Bicycle User Group has welcomed the 100 cycle parking places and requests that this is retained. It is also suggested that the surrounding highway network is widened to cater for pedestrians and cyclists.
87. The Dean and Chapter of Durham Cathedral whom own the St. Mary Magdalene Chapel site have raised no objections to the proposal. The Dean and Chapter have also agreed to implement a landscape schedule with the applicant for ongoing maintenance to the Chapel.

APPLICANTS STATEMENT:

88. The proposed development is considered to be fully compliant with all relevant National and Local Planning Policies.
89. The Proposal is for 198 units of student accommodation on a brownfield site within Durham City Settlement Boundary. The design of the buildings is modern in style but takes influence from the terraced properties which are prevalent within the City. The location of the blocks within the site creates an access through the centre of the

site increasing permeability and providing a view of the Cathedral as a focal point. The blocks will be stepped into the slope of the site to reduce potential effects of the development visually and to allow the development to integrate with the historic and wider landscape setting.

90. The remains of the former St Mary Magdalene Chapel lie immediately to the south west of the application Site. Whilst this historic site is of great interest to members of the public, there is currently no access to it. The Proposed Development seeks to open up this important Scheduled Ancient Monument to members of the public, partly through the landscaping proposals. One aim is to provide interpretation boards outlining the history of the site in the context of Durham City.
91. The proposal will also improve the offer of purpose built student accommodation in the City will therefore help maintain Durham University's international status and its attractiveness to UK and foreign students, as well as freeing up housing in residential areas for non-student market and affordable housing.
92. The proposed development will also provide approximately 64 construction jobs and a minimum of three full time jobs at the student accommodation facility once it is operational.
93. In summary, the applicant has worked closely with Durham County Council's, Planning, Conservation and Landscape Officers as well as English Heritage and local residents prior to a formal planning submission being made (and during the application process) in order to achieve a high standard of design and to fully address all other relevant issues arising from the site's sensitive position. Approval of this proposal will allow the beneficial reuse of vacant Brownfield land which is currently an eyesore along with the benefits described above to come forward.

PLANNING CONSIDERATIONS AND ASSESSMENT

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

Principle of development

95. The application proposes the erection of a purpose built student accommodation development on previously developed land close to Durham City Centre. The proposal would therefore be in accordance with the sustainable principles of the NPPF as the proposal demonstrates an efficient use of land with good access to services and public transport.
96. The local plan has a specific policy, H16, which relates to student halls of residence and forms of residential institutions. 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.

97. 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.
98. 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 is acceptable arrangement for bin storage and shared facilities and the design of the building would be appropriate to the character of the area. Policy 32 also states that new build houses and change of uses for HMO's will not be permitted if the application site is located in a postcode area where more than 10% of the total properties are already in HMO use or student accommodation. This part of the policy does however only refer to new build houses whereas this proposal is for the erection of new build student apartments. The 10% threshold does not therefore apply to purpose built student accommodation buildings. On balance it is considered that the proposed development would not be contrary to the relevant part policy 32 of the emerging County Durham Plan.
99. 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 in paragraph 58. The local area does include a mix of uses in the immediate area with residential properties to the north and west; the Jehovah Witnesses building immediately to the west and with some of the properties in the area already used as student accommodation. The local area can therefore be considered to have a mixed use character which could be expected at the edge of a City Centre.
100. Given the above it is considered that the site is sustainably located in an area which has an existing mix of uses; and is previously developed land. The proposals are therefore considered to be sustainable and would also be acceptable in principle and in accordance with policy H16 of the local plan.

Impact upon the character, appearance and setting of heritage assets and surrounding area

101. The proposed development has the potential to impact negatively in respect of the setting of the WHS, the significance and character of the Conservation Area and the setting of the Scheduled Monument.
102. The accommodation blocks has been sensitively designed to resolve issues relating to the potential impacts of the scale and massing of the development, by responding to the sloping site topography with considered articulation in terms of scale, height, massing, layout and roofscape. The design of the proposed buildings also takes into consideration views towards, into and out of the site and the integration of the monument into the overall development. The architecture and aesthetic is well considered and executed and is appropriate to a 21st Century development of this nature. In respect of the materials proposed for the buildings, whilst the use of render is considered appropriate in terms of the design approach, in terms of integration into the wider cityscape a potential impact in long distant views, a more subdued render colour would be appropriate. A condition is therefore recommended for materials as well as final render colour to be submitted and agreed prior to works commencing.

103. The setting of the WHS, in the context of its position on the peninsula, and its relationship with views around the city, is a major contributory factor to its overall significance. When considering the impact of the development on such views it is considered that due to the form of the development, responding to topography its scale, massing and orientation, with additional mitigation in terms of impact provided by existing tree screening in the vicinity of the site and along the A167 that the impact would be negligible. It is acknowledged that the site and the proposal would be visible from the Cathedral tower, it is not immediately obvious from other locations within the WHS.
104. When considering the impact of the development on the setting and significance of the conservation area, in accordance with the duty in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 it should be considered in terms of wider views and setting and also in respect of the immediate environment. In respect of the wider views, the proposed development would be assimilated into the wider urban setting typified by 19th and 20th century residential housing in a semi-green setting with the definitive feature in the landscape and the treed backdrop of the A167. The design in respect of the immediate environment is considered to be well thought out and respond according to the local vernacular. It is considered that the proposed development would preserve the character and setting of the Durham City Conservation Area.
105. The Scheduled Ancient Monument of St. Mary Magdalene Chapel is located immediately to the south of the application site. This now ruinous and isolated Chapel has significance because of its evidential value, however aesthetic and communal values contribute only in small part to the site's significance with no public access and limited interpretation. The Chapel's overall setting has been compromised by previous past land use, including the scrap yard on the application site, the A167 highway and the adjacent footbridge. The proposals including the incorporation of the monument into the scheme, improved public access, landscaping maintenance and interpretation could all be seen as positive, whilst acknowledging that the setting in term of visual context has changed if not arguably improved. English Heritage has been consulted on the application and they have stated that in terms of the physical impact, the access proposals would cause less than substantial harm to the evidential significance of the chapel but this would be outweighed by the public benefits of increased access and better site maintenance. English Heritage further state that the significance of the asset could be enhanced through better site interpretation and easier public access, thus increasing its aesthetic and communal values. The setting of the monument could also be enhanced as the area around the chapel will be constituted as maintained amenity, grassland. English Heritage has also confirmed that Scheduled Monument Consent has been granted for the access and planting works around the Chapel.
106. It is noted that the Durham Green Belt and Area of Landscape Value also borders this site. The site was previously a scrap yard and is currently a vacant site which detracts from the surrounding area. It is not considered that the proposed development would have an adverse impact on the Green Belt or the Area of High Landscape Value.
107. Given the above comments it is considered that the proposed development would have a less than substantial impact on the setting of the World Heritage Site and would preserve the character and setting of the Durham City Conservation Area. It is noted that the development would have a minimal visual impact on the adjacent Scheduled Monument Chapel however the improved public access to the Chapel with added interpretation would provide public benefits that would outweigh the

visual impact. Overall the proposal is considered to be in accordance with policies E1, E3, E6, E10, E22, E23 and E24 of the local plan.

Impact on residential amenity

108. 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 the concentration of students but also with regards to specific relationships with the closet properties.
109. 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. 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.
110. 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. 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 applicant already operates other student accommodation buildings similar to one proposed in this application and management plans are in operation at these other facilities. A draft student management plan has been submitted with this planning application. This management plan gives a commitment which 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. It is fair to say that a dense residential nonstudent 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.
111. 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 and in order to maintain privacy 21m should remain between main windows serving habitable rooms. The residential properties of Orchard Drive are the closet properties to the proposed development situated 39 metres to the north. This distance meets the required separation distance ensuring no loss of privacy to neighbouring occupiers. It is also noted that the application site is set at a much higher level to the properties on Orchard Drive, however given the heavy tree belt which is located between the residential properties and the application site, it is not considered that the proposal would have an adverse impact in terms of overbearing or overshadowing issues.
112. Concerns have been raised from local residents regarding the stability of the site and also in connection with that, the drainage of the site and the potential for flooding on residential properties to the north. An intrusive geology report was submitted with the application, and the Council's Drainage Officer, the Environment

Agency and Northumbrian Water have been consulted on this report. No objections have been raised to the proposed development, however a condition is requested for full intrusive investigation works to be undertaken of the site and the engineering foundation solutions for the site to be submitted to and agreed prior to works commencing. A condition is recommended accordingly. The applicant has also noted that the buildings will be constructed in line with Building Regulations which will ensure that building structures and site foundations are safe and secure.

113. The Environmental Management Section has been consulted on the proposals in terms of potential impact on contamination, noise, light, smoke, dust and odour. No objections have been raised to the proposed development. Conditions are requested for further information to be submitted with regards to further investigation works on the site; noise control, proposed lighting within the site; and general operations during construction stage. These conditions are recommended accordingly in order to safeguard the amenities of surrounding residents. A condition has been recommended for construction times to be restricted between the hours of 8am to 6pm Mon – Fri and 8am to 1pm on Saturdays with no works on Sundays or Bank Holidays. The applicant has requested that the Saturday restriction be extended from 8am to 4pm which will allow for greater flexibility of working hours and quicker construction programme. There has been no objections from local residents in terms of hours of construction and given the extra 3 hours which is proposed for Saturdays would actually reduce the overall construction period, this could be seen as a longer benefit for residents. In this instance it is considered acceptable to allow a longer construction time on Saturdays. A condition is recommended accordingly.
114. It must be taken into account that this development proposal is not the first of its kind within Durham City. Other examples of similar, privately run student accommodation developments exist such as at St Margarets Flats and those being developed at Green Lane together with the University's own halls within edge of centre locations such that at Parsons Field off Old Elvet. Permission was also recently granted for 223 bed student accommodation at Ainsley Street.
115. In conclusion there are no objections to the proposed development on the grounds of harm to residential amenity, either with regards to the influx of the number of students to the site nor with regards to specific relationships between the site and the nearest properties. The proposal is therefore considered to accord 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.

Highway safety

116. The proposed development is located within the city's controlled parking zone. The site is alongside the A690 and is accessed from both the A690 east bound and Ashwood street which serves residential properties. It is an accessible location close to public transport links and within a suitable distance from the City's railway and bus stations.
117. It has been demonstrated that the site layout can accommodate access for service vehicles and fire tenders, allowing vehicles to enter and egress in a forward direction. The site is designated without student parking facilities which is in accordance with the Council's emerging parking standards for student accommodation located within the controlled parking zones. No parking permits would be made available with the controlled parking zone for student residents and, because of the development location; there is no opportunity for parking within the vicinity of the development outside the controlled zone. 5 parking spaces have been provided for visitors and staff and a further two for disabled persons. Pay and display

parking is available to visitors in the local area should they be unable to park at the development.

118. It is considered that the site is in a sustainable location well linked to services and facilities. A widened shared footway/cycle way is to be provided for direct pedestrian/cycle access from Gilesgate roundabout to the development access alongside the A690. It is envisaged this would become the main pedestrian/cyclist route to the development as it avoids the steeper carriageway gradients of Magdalene Heights and Ashwood.
119. The applicant's highway consultant has demonstrated that adequate forward visibility sight stopping distance is available between vehicles leaving Gilesgate roundabout and those turning left in the A690 east bound nearside lane. It is proposed to increase awareness of the side road entry to Ashwood from the A690 with improved road markings and signing of the access. The improvement works will require relocation and possible upgrade of street lighting and removal of trees to improve intervisibility between vehicles and pedestrians crossing the exit slip road. The Highways Officer has requested a condition requiring the submission of a detailed design of the access to Ashwood from the A690 to ensure that highway and pedestrian safety at this junction is not compromised.
120. The proposal originally intended for the site to provide 100 secure and covered cycle parking spaces. The Highways Officer has indicated that whilst a significant commitment to cycle promotion is welcomed, this level of provision may be considered over provision when considered against the projected modal split for student development. Quality as well as quantity is important factors in encouraging cycling as a sustainable mode. Subsequently, amended plans have been received reducing the number of cycle spaces to 52 which still exceeds but is more in line with the Council's minimum standards of 1 cycle space per 5 students.
121. There is a student drop off and pick up area within the site. Typically student arrival and departure at the beginning and end of term see a high demand for drop off and pick up space adjacent to student accommodation. Whilst it is accepted that there is an area within the site, the Highways Officer has requested the submission of a management plan which would control vehicle arrival and departures. Queuing to access the site would not be accepted at any stage as this may impact on safe use of the A690. The Highways Officer is comfortable that the implementation of a suitable management plan for the start and end of term times would ensure that student arrival and departures would not adversely compromise highway safety. A condition is recommended accordingly for a management plan to be submitted.
122. The Highways Officer has also requested that a condition is imposed to ensure that a travel plan is submitted for this development. A travel plan is considered essential to promote sustainable travel to the site and between the site and university facilities. A condition is recommended accordingly.
123. Given the above, it is considered that the proposed development would not have an adverse impact on highway safety in the area and the proposal would not be contrary to policies T1, T10, T20 and T21 of the local plan.

Other Issues

124. An ecological assessment of the site was submitted with the application and indicated that there were no protected species found. The assessment has been analysed by the County Ecologist. The County Ecologist has confirmed that there are

no objections to the findings of the assessment and the proposed development would therefore not have an adverse impact on protected species or their habitats.

125. The County Archaeologist has not raised any concerns with regards to the proposed development however a condition is requested for a programme of archaeological work to be undertaken prior to works commencing. A condition is recommended accordingly.
126. A contribution to public art is not considered relevant with this proposal as the applicant has indicated that art is to be incorporated into the design and layout of the development. The 'opening up' of the Chapel as well as introducing public interpretation boards is also seen as a clear contribution to public benefits. A condition is recommended however for exact details of public art and interpretation boards are submitted to the local planning authority for approval.
127. It is also noted that the applicant has also agreed to make a contribution of £10,000 to the Council to enable the Employability Team to create 4 apprenticeship opportunities. Although lawful, the contribution fails to meet the CIL regulation tests or the guidance within the National Planning Policy Framework, because it is not necessary to make the current application acceptable in planning terms. Accordingly, this contribution can be afforded no weight in the determination of this planning application.
128. Concerns have been raised by local residents that the proposed development would result in the devaluation of properties in the area. Unfortunately the devaluation of neighbouring properties is not a material planning consideration in the determination of this planning application.

CONCLUSION

1. The proposed development is considered acceptable in principle as it is sustainably located in an area which has an existing mix of uses; and is previously developed land. The land is located within the defined settlement boundaries and is not allocated for a specific use. The proposals are therefore considered to be in accordance with the NPPF. The development would also be acceptable in principle and in accordance with policy H16 of the local plan.
2. The proposed development has been sensitively designed and it is considered that the proposal would not have an adverse impact on the setting of the World Heritage Site and would preserve the character and setting of the Durham City Conservation Area. It is noted that the development would have a minimal visual impact on the adjacent Scheduled Monument Chapel however the improved public access to the Chapel with added interpretation would provide public benefits that would outweigh the visual impact. Overall the proposal is considered to be in accordance with policies E1, E3, E6, E10, E22, E23 and E24 of the local plan.
3. The proposed development would not create adverse harm to residential amenity, either with regards to the influx of the number of students to the site nor with regards to specific relationships between the site and the nearest properties. The residential amenities of existing and future occupiers of surrounding neighbouring properties as well as occupiers of the proposed development would not be adversely compromised. The proposal is therefore considered to accord 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.

4. No objections have been received from the County Highways Officer. The site is considered in a sustainable location with good pedestrian and public transport links to shops, services and public facilities. Sufficient parking and drop off/pick up areas have been secured on site and proposed improvements to the junction with the A690 will ensure that access is acceptable. Cycle parking provision over the required County Highway standards has been provided in safe and secure locations on the site. It is therefore considered that the proposed development would not have an adverse impact on highway safety in the area and the proposal would not be contrary to policies T1, T10, T20 and T21 of the local plan.

RECOMMENDATION

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:

Plan Ref No.	Description	Date Received
001 A	Location Plan	16/06/2014
003 A	GA Site Plan	16/06/2014
004 A	GA Highways Plan	16/06/2014
010 A	GA Ground Floor Plan	16/06/2014
011 A	GA First Floor Plan	16/06/2014
012 A	GA Second Floor Plan	16/06/2014
013 A	GA Roof Plan	16/06/2014
020 A	GA Site Sections 1	16/06/2014
021 A	GA Site Sections 2	16/06/2014
022 A	GA Site Sections 3	16/06/2014
023 A	GA Site Sections 4	16/06/2014
030 A	GA North East & North Site Elevations	16/06/2014
031 A	GA South East & West Site Elevations	16/06/2014
032 A	GA Block 1 Elevations	16/06/2014
033 A	GA Block 2 Elevations	16/06/2014
034 A	GA Block 3 Elevations	16/06/2014
035 A	GA Block 4 Elevations	16/06/2014
036 A	GA Block 5 Elevations	16/06/2014
052	Chapel Landscape Proposals	16/06/2014
060	Cycle Shelter 1	16/06/2014
061	Cycle Shelter 2	16/06/2014
901 B	Landscape General Arrangement	16/06/2014
902	Landscape Setting For Chapel	16/06/2014

Reason: To define the consent and ensure that a satisfactory form of development is obtained.

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

Reason: In the interests of the appearance of the area and to comply with policies E1, E3, E6, E10, E22, E23 and E24 of the City of Durham Local Plan.

4. No development shall commence until details of means of enclosures have been submitted to and approved in writing by the Local planning authority. The development shall be undertaken in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with policies E1, E3, E6, E10, E22, E23 and E24 of the City of Durham Local Plan.

5. No development works (including demolition) shall be undertaken outside the hours of 08:00am and 06:00pm Monday to Friday and 08:00am to 04:00pm on a Saturday with no works to take place on a Sunday or Bank Holiday.

Reason: To safeguard the residential amenity of neighbouring residents and to comply with policies H13 and Q8 of the City of Durham Local Plan.

6. No development shall take place until a detailed scheme for the disposal of surface and foul water from the development hereby approved has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the amenity of the area and to comply with policy U8a of the City of Durham Local Plan.

7. Prior to the commencement of the development a coal mining risk assessment of the site shall be submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with the approved details.

Reason: In the interests of the stability of the site and to comply with policy H13 of the City of Durham Local Plan.

8. No development shall commence until a detailed design of the access, and improvement works to Ashwood from the A690 has been submitted and approved in writing by the local planning authority. These approved works shall be implemented prior to the occupation of the development.

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

9. Prior to the occupation of development, a management plan detailing arrangements for student arrival and departures at term times shall be submitted to and approved in writing. The approved management plan shall remain operational during the lifetime of the proposed development.

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

10. No development shall commence until a Travel Plan conforming to The National Specification for Workplace Travel Plans PAS 500:2008, Bronze Level, shall be

submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details. Prior to the bringing into use of the development a Travel Plan Coordinator shall be appointed and contact details for this person shall be provided in writing to the Local Planning Authority'

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

11. 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.

12. Before the development hereby approved is occupied details of all lighting shall be submitted to and approved in writing by the local planning authority. The lighting shall be implemented in accordance with the agreed details.

Reason: In the interests of residential amenity and to comply with policies EMP11 and H13 of the City of Durham Local Plan.

13. Before the development hereby approved is occupied details of ventilation and glazing combinations, and details of proposed plant machinery shall be submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved details and permanently retained thereafter.

Reason: To safeguard the residential amenity of neighbouring residents and to comply with policies H13 and Q8 of the City of Durham Local Plan.

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 Policy U14 of the City of Durham Local Plan.

15. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a mitigation strategy document that shall be submitted to, and approved in writing, by the local planning authority. The strategy shall include details of the following:

- i) Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance.
- ii) Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts.
- iii) Post field work methodologies for assessment and analyses.
- iv) Report content and arrangements for dissemination, and publication proposals.
- v) Archive preparation and deposition with recognised repositories.
- vi) A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy.
- vii) Monitoring arrangements, including the notification in writing to the County Durham Principal Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.

Reason: To comply with criteria detailed in the NPPF as the site is of archaeological interest.

16. Prior to the development being beneficially occupied, a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record.

Reason: To comply with paragraph 141 of the NPPF which ensures information gathered in terms of archaeological interest becomes publicly accessible.

17. No development hereby approved shall take place unless in accordance with the tree protection measures, recommendations and conclusions within the tree report, Arboricultural Impact Assessment (dated received 11th April 2014) by All About Trees.

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.

18. 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.

19. No building shall be beneficially occupied until the landscaping scheme as set out on the following drawings has been fully implemented:

052	Chapel Landscape Proposals	16/06/2014
901 B	Landscape General Arrangement	16/06/2014
902	Landscape Setting For Chapel	16/06/2014

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.

20. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in the first available planting season following the practical completion of the development and prior to occupation. No tree shall be felled or hedge removed until the removal/felling is shown to comply with legislation protecting nesting birds and roosting bats. Any approved replacement tree or hedge planting shall be carried out within 12 months of felling and removals of existing trees and hedges. 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. Replacements will be subject to the same conditions.

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.

STATEMENT OF PROACTIVE ENGAGEMENT

In dealing with the application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising during the application process.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documentation
City of Durham Local Plan 2004
National Planning Policy Framework
Internal consultee responses
Public responses
Responses from statutory and other consultees
National Planning Policy Guidance
Emerging County Durham Plan





Planning Services

Erection of Student Accommodation for 198 Units at Land at Magdalene Heights Old Scrap Yard, Gilesgate, Durham

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Date
8th July 2014