

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/14/01196/FPA
FULL APPLICATION DESCRIPTION:	109 Bed Student Accommodation
NAME OF APPLICANT:	CCL Group
ADDRESS:	The Durham Light Infantryman Public House, 110 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 the former Durham Light Infantryman (DLI) Public House, the hard standing brownfield land and outbuildings to the rear which is located on Sunderland Road in Gilesgate. The DLI building is currently closed and is in a dilapidated state. The north and east edges of the site front onto the rear gardens of McNally Place and Green Lane terraced bungalows, and the 2 storey flats of Green Court. The south eastern edge borders on to the St. Giles Petrol Filling Station. To the south west the existing pub building adjoins No.s 106-109 Gilesgate, comprising offices and a veterinary surgery. There are buildings immediately to the west which are currently being converted into private residential accommodation. To the south of the site is the A181 highway which is the primary vehicular route through Gilesgate, which serves as a key route in to the City from the east. The application site is also located within the Durham City Conservation Area.

The Proposal

2. Planning permission is sought for the demolition of the former public house, and the creation of a 109 bedroom student accommodation scheme, with associated parking and access. The development would consist of five blocks of accommodation, massed to read as three clearly defined buildings. They would comprise a mixture of cluster flats, study beds and studio apartments. There is a block proposed along the south boundary of the site which would replace the existing public house, with another 2 and 3 storey block situated in the north east corner and the final 3 storey building block located along the west boundary. A court yard would be created in the centre of the site which would accommodate 18 parking spaces, as well as covered and secure cycle parking for 22 bicycles.

3. The development also incorporates internal communal space at the ground floor of block A to serve all residents. A management company will be on site to maintain natural supervision and oversee the security of the access.
4. This application is referred to the Planning Committee as it constitutes a major planning application.

PLANNING HISTORY

5. In April 2012 planning permission was granted for a change of use of the public house to create 5no. apartments and the erection of 8no. terraced properties to the rear.
6. An application was made in August 2012 for the erection of 5no. 6 bedroom dwellings to the rear of the public house and demolition of the rear extension of the public house. This application was withdrawn in October 2012.

PLANNING POLICY

NATIONAL POLICY:

7. 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.
8. 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'.
9. The following elements are considered relevant to this proposal;
10. *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.
11. *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.
12. *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.

13. *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.
14. *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.
15. *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.
16. *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.
17. *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

18. *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.
19. *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.

20. *Policy E15 (Provision of New Trees and Hedgerows)* states that the Council will encourage tree and hedgerow planting.
21. *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.
22. *Policy H7 (City Centre Housing)* seeks to encourage appropriate residential development and conversions on sites conveniently located for the City Centre.
23. *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.
24. *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.
25. *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.
26. *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.
27. *Policy T20 (Cycle facilities)* seeks to encourage appropriately located, secure parking provision for cyclists
28. *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.
29. *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.
30. *Policy Q3 (External Parking Areas)* requires all external parking areas to be adequately landscaped, surfaced, demarcated, lit and signed. Large surface car parks should be subdivided into small units. Large exposed area of surface, street and rooftop parking are not considered appropriate.
31. *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.

32. 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
33. *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.
34. *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.
35. 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.
36. Policy U14 (Energy Conservation – General) states that the energy efficient materials and construction techniques will be encouraged.

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)* – 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.
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 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.

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 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.
44. *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:

45. *County Highways Authority* has indicated that the surrounding road network can accommodate the proposal. Sufficient student parking provision is provided within the site and any potential parking off site would not be considered severe which to justify refusal.
46. *City of Durham Trust* has objected to the scheme.
47. *Durham University* has not commented on the scheme.
48. *English Heritage* has not commented on the scheme.
49. *Environment Agency* has not raised any objections.
50. *Natural England* has not commented on the scheme.
51. *Northumbrian Water* has no objections subject to a condition requiring the submission of details for a scheme to dispose of foul and surface water from the site.
52. *Police Architectural Liaison* has provided advice in terms of site security.

INTERNAL CONSULTEE RESPONSES:

53. *Archaeology* has not raised any objections.
54. *Sustainability Officer* has no objections in principle.
55. *Environmental Management (Contamination)* has not raised any objections.
56. *Environmental Management (Noise/light/smoke/dust/odour)* has not raised any objections.
57. *Environmental Management (Air Pollution)* has not raised any objections however a condition is recommended for mitigation measures to be submitted ensuring air quality is not in the proposed accommodation is not affected.
58. *Ecologist* has not raised any objections.
59. *Design and Conservation* acknowledges that there is an impact on the immediate setting of this part of the conservation area, the public benefit is in bringing a vacant site back into use, enhancing the entrance into the conservation area and in screening views towards the petrol filling station, this is considered to outweigh the less than substantial harm.
60. *Landscape Team* cannot support the scheme as it is currently proposed.
61. *Tree Officer* has raised concerns with regards to the loss of trees on the site.
62. *Spatial Planning Policy Team* has not raised any objections to the scheme.
63. *Drainage Officer* has no objections subject to a condition requiring the submission of details for a scheme to dispose of foul and surface water from the site.

PUBLIC RESPONSES:

64. The application has been advertised on site and in the local press. Neighbouring residents were also notified individually of the proposed development. 7 letters of representation have been received from local residents.
65. One of the main concerns is the impact the development would have on highway related issues. Parking is already considered a problem in this area and this would be made worse by the proposed development. The access into the site from the A181 is unacceptable. Traffic congestion would also increase should this development go ahead especially during times when students are being picked up or dropped off.
66. The proposal is also considered by residents to have adverse impact on the conservation area, with one of the main reasons being that the site is overdeveloped and the buildings are too large. There are concerns that the development would result in anti-social behaviour in the area as well as noise disruption to local residents. Some residents consider that the site is not sustainable and it has been questioned whether there is a need for student accommodation in this location.

APPLICANTS STATEMENT:

67. The proposed development is in full accordance with the NPPF and Development Plan Policy. The proposed development is of a high standard of design and

management to meet the growing need for student accommodation on the back of international success of Durham University. Therefore, on consideration of all the supporting information it is considered that the development can be recommended for approval in accordance with the Development Plan.

PLANNING CONSIDERATIONS AND ASSESSMENT

68. 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 conservation area and surrounding area; impact on residential amenity; highway safety; and other issues.

Principle of development

69. The application proposes the erection of a purpose built student accommodation development on previously developed land which is considered an unsightly parcel of land. The proposals also include the demolition of the public house which is currently in a dilapidated state and detracts from the surrounding area. The site is within a commercial location with shops, services and public facilities within close walking distance. 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.

70. 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.

71. 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.

72. 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. It is therefore considered that the proposed development would not be contrary to the policy 32 of the emerging County Durham Plan.

73. 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, east and west; the petrol filling station immediately to the south east and the various commercial properties strung along the A181. The local area can therefore be considered to have a mixed use character which could be expected on primary transport routes into the City Centre.
74. 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 in accordance with the sustainability agenda of the NPPF. The development 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

75. The site is located within the boundary of Durham (City Centre) Conservation Area and as such the impact of the proposal on the character and appearance of the conservation area and the setting of the nearby listed buildings, should be primary considerations in the determination of this application.
76. The proposed development comprises of five blocks, ranging from 2 to 4 storeys, forming a mixture of flats, student beds, and studio apartments, with block A multiuse as a hub/coffee bar/music room/group study room. The blocks have a linear arrangement around intimate external spaces with an active frontage replacing the existing public house. The scheme adopts two architectural approaches, pastiche to the frontage and contemporary to the rear.
77. The loss of the existing public house is not considered to be contentious given the level of alterations and fabric loss which have compromised its original integrity, justified further by its long term vacant status, and state of continued decay which blights the historic streetscene and detracts from the quality of the conservation area. The principle of development to the rear is looked upon favourably in light of the granting of previous permission for residential development and as there are other back land developments on this side of the street. The site is within a sustainable location within walking distance of the city centre with good public and private transport links.
78. The proposed layout to the rear is considered to be acceptable as it responds to the historic context of the rear plot by being perpendicular to the built form and replicating the linear arrangement of the historic plots. The layout makes clear reference to the existing townscape and integrates successfully into the historic urban grain of the area.
79. The primary concern on this site is the impact of the new build elements on the character and appearance of the conservation area and views from the main road. Given that the main bulk of the development would be located to the rear, along the western portion of the site it would not be in full view externally. The development is also broken up into well defined blocks which assist in further lessening its overall visual impact. From certain vantage points it would be screened by the existing built form and when visible it would have a localised visual impact. A new building on the vacant front corner plot is considered to be acceptable in re-establishing the historic built form as a building existing here previously. The frontage buildings would also create a visually affective corner stop/turner to provide an end of terrace feature, and assist in screening views towards the petrol filling station when approaching from the

city centre to the west. The frontage building follows the street frontage of the existing public house which is appropriate. The stepped increase in height intrudes upon the regularity of the roofscape of this part of the street. But this is not considered to be too harmful given the significant variants in the building heights and changes in roofline on this side of Gilesgate taken as a whole, and that the properties are not uniformed.

80. Replication and architectural cues from the surrounding pattern of the existing historic form is successfully carried forward as the design concept in the elevational treatment by featuring a well balanced and proportioned frontage, vertical windows with wedge lintels and sill, timber panelled front doors, chimneys etc. This ensures that the aesthetics of the prominent frontage is in keeping with the general historic character and appearance of the street. The modern design solution to the rear is welcomed in making a contemporary standalone design statement. The development steps down from the street frontage as it progress towards the rear of the site, with a staggered alignment and elevational breaks. This graduated massing and articulation as individual subordinate blocks assists in reducing the impact overall, the scale and massing. The regular rhythm and clean lines emphasising a contemporary aesthetic.
81. The materials proposed for construction reflect a traditional material palette taken from within the locality. This is complemented by areas of timber cladding, glazing, appropriate to the contemporary nature of the development to the rear. The respectful and limited materiality assists in successfully blending the traditional and contemporary elements generating a distinguished design aesthetic. To ensure that the development is constructed to a high standard it is considered prudent to require the submission of materials, window details, boundary treatment and landscaping for agreement through planning conditions. Conditions are recommended accordingly.
82. Given the above comments it is considered that the proposed development in this location will not greatly impact on the overall nature of this part of the conservation area or impact on the character or setting of nearby listed buildings. The development would preserve the character, setting and appearance of the Durham City Conservation Area and would be in accordance with policies E6 and E22 of the local plan.

Impact on residential amenity

83. 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.
84. 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.
85. 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 developer has indicated that a management company would be present on site to maintain natural supervision over the site and provide a point of contact with existing residents in the area. The management company will maintain local contact and appoint after hour wardens as well as a network of further assistance should it be required. A draft management plan for the student accommodation site has also been submitted with the 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. Full details of the management plan should be submitted for approval and this is recommended through a condition.

86. It is noted that there are residential bungalows to the north and east boundaries of the site as well as a two storey apartment block on the east boundary. There are also buildings to the west which have been converted into private residential accommodation. The rear of the commercial properties are also located to the west of the site. Policy Q8 of the local plan states that proposed developments should minimise the impact upon the occupants of existing nearby and adjacent properties. The separation distance between the proposed building block F and the bungalows to the east is 13 metres. There are to be no habitable windows overlooking the bungalows as the windows in the east elevation of block F would be corridor windows. The applicant has also agreed that these windows be obscurely glazed to ensure that there will be no loss of privacy to the bungalows to the east. It is also considered that the 13 metre separation distance will ensure that there would be no overbearing or overshadowing issues created. The pitch of the roof of block F has been lowered to reduce the impact. It is also noted that there is tall mature hedging and shrubbery along the east boundary of the site which currently overshadows the bungalows to the east, and because of this the proposed student blocks may be screened anyway.
87. The bungalows to the north, at its closest point would be located 10.5 metres away from the proposed block F, however as the bungalows are situated on an angle this separation distance does increase. There are to be no windows in the north elevation of block F, therefore there will be no loss of privacy to the residents of the bungalows. The northern part of block F is also specifically reduced to two storey in height in order to reduce any overbearing or overshadowing impacts. Overall it is not considered that the bungalows to the north would experience any adverse impacts in terms of overshadowing or overbearing impacts.
88. There are windows overlooking the site from the neighbouring apartment block on the east boundary. The development has been specifically designed as to leave a gap in development to ensure the outlook as well as privacy levels are maintained for the existing residents of this apartment building.
89. Proposed blocks A and B front onto the main highway and it is not considered that these blocks would result in any loss of privacy or raise any overbearing or overshadowing impacts on surrounding properties.

90. Proposed block C only has bedroom windows proposed looking internally within the site and it is not considered this would result in any inadequate privacy levels. The back of the neighbouring commercial properties are located to the west of block C however there are no habitable windows facing west therefore ensuring sufficient privacy and outlook is maintained. Given the buildings are commercial buildings to the west of block C it is not considered any loss of residential amenity would take place.
91. There is an existing building immediately to the west of proposed block D which has been converted into residential accommodation. There are no windows to habitable rooms in the east elevation of this neighbouring building therefore it is considered that adequate privacy would be maintained for the residents of this neighbouring building. There are windows to habitable rooms in the north elevation of the neighbouring building to the west. Proposed block E would be visible from these rooms however given the obscure angle between the windows in block E and the windows in the north elevation of the neighbouring building it is considered that adequate levels of privacy would be maintained. Similarly in terms of outlook, whilst it is noted that block E would be visible from the north windows of the neighbouring building, it is considered that the obscure angle and position of block E would ensure that outlook is not adversely compromised. There are residential properties further to the west of block E however these are considered to be sufficient distance away to ensure that adequate levels of privacy are maintained. The north section of block E has also been dropped to a two storey height to ensure adverse overbearing and overshadowing impacts are not created upon the residents of the bungalows to the north. There are no windows proposed in the north elevation of block E ensuring privacy levels are maintained with the bungalows to the north.
92. It is noted that no objections have been received from local residents in terms of loss of privacy or outlook; or in terms of overbearing and overshadowing issues. It is to be acknowledged that the introduction of buildings onto this site may appear strange to surrounding residents given this has been an empty site. The proposed buildings have however been specifically designed to ensure that the residential amenities of surrounding residents are protected. Overall, it is considered that the residential amenities of surrounding residents would not be adversely compromised and the proposal would be in accordance with Policy Q8 of the local plan.
93. Given the site is surrounded by residential properties to the north, east and west it is considered that operation hours during development stage is controlled to protect the amenities of the residents. A condition is therefore 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.
94. It must be taken into account that this development proposal is not the first of its kind within the Durham City and Gillesgate area. 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 student accommodation at Ainsley Street and Renny's Lane, as well as a recently approved development at Magdalene Heights.
95. 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

96. The proposed site sits alongside the A181 which is a main arterial route into the City, and is well served by public transport services. The A181 is street lit and has footways along both sides with links to the A690 and pedestrian overbridges to the city centre. It is within reasonable proximity to the University, local facilities and rail and bus stations of the City. It could be considered to be in an accessible location, although accessibility for cyclists is not ideal with access being gained from the busy A181. This nevertheless could not be considered as a severe impact and would not be a justifiable reason to refuse permission.
97. The Highways Officer considers that trips made to the development are not likely to exceed those trips that were made under the previous use as a public house therefore there should be no detrimental impact on traffic generated on the access or the overall highway network.
98. The proposed scheme proposes 18 car parking spaces on the site for student use. The Council's approved car parking standards for student accommodation places a requirement of 1 space per 6 students. The proposal is for 109 students therefore this equates to a requirement of 18 parking spaces. The proposed parking provision therefore meets the current standard for the student element of the development. Concerns have been raised by local residents and businesses that parking is currently a problem which would be made worse by this development. The Highways Officer has recognised that there could be a potential demand for additional parking spaces on the public highway. There is a high on street demand in the area from residents and businesses which could conflict with an additional demand for student parking. However the Highways Officer considers that the impact of dispersing vehicles throughout the highway network would not be significant and could not be considered under the definition 'severe' which is described in the NPPF.
99. Given the scale of the development there is a requirement for 22 covered cycle spaces and 5 visitor spaces. Cycle parking provision is provided within proposed block C which would meet the requirements. In order to ensure the cycle parking provision is covered and secured full details are requested prior to works commencing. A condition is recommended accordingly. A draft travel plan has been submitted with the application which provides a commitment and targeted approach to sustainable travel. A condition is recommended for full details of the travel plan to be submitted for approval. A draft management plan has also been submitted with the application which gives details of controls for students parking during drop off and pick up times. A condition is recommended for full details of parking controls to be detailed in a management plan which would be submitted and approved.
100. 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

101. An ecological assessment of the site was submitted with the application and concludes that the existing building, proposed to be demolished, has a low potential to support roosting bats, and a poor foraging habitat for bats. To ensure that protected bats are not adversely compromised by the scheme purpose designed crevice roost opportunities will be present in the proposed roofs in order to improve the site potential to accommodate bats. The County Ecologist has raised no objections to the findings of the assessment and it is therefore considered that the

proposed development would not have an adverse impact on protected species or their habitats. A condition is recommended for the mitigation measures detailed in the ecology report to be adhered to during development. The proposed scheme is unlikely to have any interference with European protected species and there is no need to apply to the derogation tests of the Habitat Directive.

102. There is no open space proposed as part of the scheme therefore the developer has agreed to provide financial contributions towards open space provision within the area. The Council also encourage the provision of artistic elements in the design and layout of new development. The developer has also agreed to a contribution towards public art. These contributions would be secured through a Section 106 legal agreement. These contributions would be in accordance with policies R1, R2 and Q15 of the local plan.
103. It is noted that the Environment Agency and Northumbrian Water have not raised any concerns with regards to flooding or drainage. It is therefore considered that the development would not result in adverse flooding or drainage impacts in the area. Northumbrian Water have requested that a condition be included for details of foul and surface water drainage to be submitted prior to works commencing. A condition is recommended accordingly.

CONCLUSION

104. 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 sustainability agenda of the NPPF. The development would also be acceptable in principle and in accordance with policy H16 of the local plan.
105. The proposed development in this location will not greatly impact on the overall nature of this part of the conservation area or impact on the character or setting of nearby listed buildings. The development would preserve and, in part, enhance the character, setting and appearance of the Durham City Conservation Area and would be in accordance with policies E6 and E22 of the local plan.
106. 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.
107. The site is considered in a sustainable location with good pedestrian and public transport links to shops, services and public facilities. Sufficient student parking is provided on site and any additional parking in the surrounding area is not considered to be severe in which to justify refusal of the application. The proposed access is acceptable and the Highways Officer considers that the surrounding highway network can accommodate the proposed development. Cycle parking provision is to be provided on site in safe and secure locations. 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 Members are minded to **APPROVE** the application subject to the completion of a Section 106 Legal Agreement to secure the payment of commuted sums towards open space and public art in the locality; and subject to the following conditions;

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

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

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

Plan Ref No.	Description	Date Received
VS030B	Site Plan	06/05/2014
VS031	Location Plan	06/05/2014
VS038B	Block A & C Ground Floor Plan	06/05/2014
VS039B	Block A & C Upper Floor Plans	06/05/2014
VS036C	Block B Floor Plans	06/05/2014
VS035B	Block D Floor Plans	06/05/2014
VS040B	Block E Ground Floor Plan	06/05/2014
VS041B	Block E First Floor Plan	06/05/2014
VS042B	Block E Second Floor Plan	06/05/2014
VS037C	Block F Floor Plans	06/05/2014
VS043B	South Elevations	06/05/2014
VS046A	Block F & B Gable Elevations	06/05/2014
VS044C	West Elevations	06/05/2014
VS045E	East Elevations	11/07/2014
VS047B	Block A, B & E North Gable Elevations	06/05/2014
12 012	Site Section	09/07/2014
SK100 Rev B	Block Plan	09/07/2014

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 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 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 shall commence until a landscaping scheme has been submitted to and approved in writing by the local planning authority. The scheme shall identify those trees/hedges/shrubs scheduled for retention and removal; shall provide details of new and replacement trees/hedges/shrubs; detail works to existing trees; and provide details of protective measures during construction period. 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 E1, E3, E6, E10, E22, E23 and E24 of the City of Durham Local Plan.

6. No development works (including demolition) shall be undertaken outside the hours of 08:00am and 06:00pm Monday to Friday and 08:00am to 01:00pm 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.

7. 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.

8. 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.

9. 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.

10. 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.

11. 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.

12. 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.

13. No development shall commence until full details of cycle provision has been submitted to and approved in writing by the Local planning authority. The development shall be undertaken in accordance with the approved details.

Reason: To encourage the use of sustainable forms of transport and to comply with policy T20 of the City of Durham Local Plan.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) the glass to be used in the east boundary elevation windows of block F shall be obscure to level 3 or higher of the Pilkington scale of privacy or equivalent.

Reason: In the interests of residential amenity and to comply with policy Q8 of the City of Durham Local Plan.

15. No development hereby approved shall take place unless in accordance with the mitigation, recommendations and conclusions within the protected species report, *Bat Risk Assessment (dated May 2014) by E3 Ecology Ltd.*

Reason: To conserve protected species and their habitat in accordance with criteria within the NPPF.

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

**109 Bed Student Accommodation at
The Durham Light Infantryman
Public House, 110 Gilesgate,
Durham.
Ref: DM/14/01196/FPA**

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**Date
22nd July 2014**

