

# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION NO:</b>	4/11/00419/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Demolition of existing 2 storey building and construction of new 5 storey student accommodation scheme
<b>NAME OF APPLICANT:</b>	New Connislow Ltd
<b>ADDRESS:</b>	Former PPA Building Green Lane Durham County Durham
<b>ELECTORAL DIVISION:</b>	Elvet
<b>CASE OFFICER:</b>	Henry Jones Senior Planning Officer 0191 301 8739 henry.jones@durham.gov.uk

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## 1.0 DESCRIPTION OF THE SITE AND PROPOSALS

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### 1.1. CONTEXT

- 1.1.1. The application site relates to the former Durham Prescription Pricing Agency (PPA) building located on Green Lane, Durham. The site lies within the Durham City Centre Conservation Area and is within close proximity to the settlement boundary of the City where “fingers” of Green Belt land penetrate close to the City’s core. The main shopping and commercial centre of Durham City is within easy walking distance. Equally Green Lane is within close proximity to residential areas notably Whinney Hill located to its south, an area with a high student population.
- 1.1.2. Green Lane contains a mixture of uses and to the east of the site lay offices, to the west a recent development of residential apartments. To the south of the site lies purpose build student accommodation. On the opposite side of Green Lane, to the north is Durham Cricket Club and beyond this the River Wear and this forms a large open aspect of green space to the north of the application site.
- 1.1.3. The application site itself comprises of the two storey PPA building and its associated hardsurface curtilage. The building is understood to have been erected in 1971 and is not considered to exhibit any particular architectural merit.

### 1.2. PROPOSAL

- 1.2.1. This application seeks to the demolition of the existing building and its replacement with a 5 storey building containing 132 studio flats for student occupation. The ground floor contains reception, management suite and communal facilities in the form of common room space and laundry room. The submitted design and access statement states that the studios will be marketed for post graduate and foreign students.

- 1.2.2. The proposed studios have three forms with a mixture of 18m<sup>2</sup>, 23m<sup>2</sup> and 26m<sup>2</sup> spaces within the proposed building. Each flat would contain ¾ sized bed, en-suite, kitchenette and eating space.
- 1.2.3. The building itself is 5 storeys high with a maximum height of 14 metres. The fifth storey is recessed from the front building line. The proposed building incorporates flat roofs to both the fourth and fifth storeys. The proposed building is to be constructed with a mixed materials palette of brick and metal paneling with “feature colour” elements and aluminum framed windows.
- 1.2.4. The proposed building has been designed in a horse shoe shape manner with a courtyard space towards the centre of the site providing 4 no. parking spaces and some landscaping. Access is taken from the north-west corner of the site direct to Green Lane with further disabled parking space to the frontage of the building. Towards the rear of the site a cycle store is proposed.
- 1.2.5. The application is being presented to Committee due to being a major development.

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## **2.0 PLANNING HISTORY**

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- 2.1. In 2005 planning permission was granted for the change of use of the offices (Class B1) to health centre (Class D1) and offices with associated external alterations and erection of single storey rear extension.
- 2.2. In August 2011 conditional conservation area consent was granted for the demolition of the existing PPA building though demolition cannot occur unless planning permission is granted for a redevelopment scheme.

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## **3.0 PLANNING POLICY**

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### **3.1. NATIONAL POLICY**

- 3.1.1. **Planning Policy Statement 1: Delivering Sustainable Development** sets out the Governments overachieving planning policies on the delivery of sustainable development through the planning System.
- 3.1.2. **Planning Policy Statement 3: Housing** underpins the delivery of the Government’s strategic housing policy objectives and our goal to ensure that everyone has the opportunity to live in a decent home, which they can afford in a community where they want to live.
- 3.1.3. **Planning Policy Statement 5: Planning for the Historic Environment** this guidance replaces PPG15 but once again lays out government policies for the identification and protection of historic buildings, conservation areas, and other elements of the historic environment. It explains the role of the planning system in their protection. The PPS introduces the categorising of all features of the historic environment as heritage assets.
- 3.1.4. **Planning Policy Statement 9: Biodiversity and Geological Conservation** sets out planning policies on protection of biodiversity and geological conservation through the planning system. These policies complement, but do not replace or override, other national planning policies and should be read in conjunction with other relevant statements of national planning policy.

3.1.5. **Planning Policy Guidance Note 13: Transport** seeks to integrate planning and transport at the national, regional, strategic and local level and to promote more sustainable transport choices both for carrying people and for moving freight.

It also aims to promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling and to reduce the need to travel, especially by car.

3.1.6. To deliver these objectives, the guidance says that local planning authorities should actively manage the pattern of urban growth, locate facilities to improve accessibility on foot and cycle, accommodate housing principally within urban areas and recognise that provision for movement by walking, cycling and public transport are important but may be less achievable in some rural areas.

3.1.7. **Planning Policy Statement 23: Planning and Pollution Control** sets out the planning approach to pollution control, the location of polluting development and where possible ensure new development is not affected by pollution.

3.1.8. **Planning Policy Statement 25: Development and Flood Risk** explains how flood risk should be considered at all stages of the planning and development process. It sets out the importance of the management and reduction of flood risk in planning, acting on a precautionary basis and taking account of climate change.

3.1.9. Flood risk should be considered on a catchment-wide basis and where necessary across administrative boundaries, assuming the use of flood plains for their natural purpose rather than for inappropriate development.

3.1.10. The PPG says that susceptibility of land to flooding is a material planning consideration that the Environment Agency has the lead role in providing advice on flood issues, and that developers should fund flood defences, where they are required because of the development.

3.1.11. It introduces a risk-based search sequence giving priority to sites at lower risk and establishes a minimum standard of defence for new development that takes account of the likely impact of climate change.

## 3.2. REGIONAL POLICY

3.2.1. **The North East of England Plan - Regional Spatial Strategy to 2021 (RSS)** July 2008, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale.

3.2.2. In July 2010 the Local Government Secretary signaled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This was successfully challenged in the High Court in November 2010, thus for the moment reinstating the RSS. However, it remains the Government's intention to abolish Regional Spatial Strategies when the forthcoming Local Government Bill becomes law. Both the RSS and the stated intention to abolish are material planning considerations and it is a matter for each Planning Authority to decide how much weight can be attached to this stated intention, having regard to the evidence base which informs the RSS. Policies of particular relevance to these applications include the following:

- 3.2.3. **Policy 2: Sustainable Development** planning proposals should seek to promote sustainable development through social, economic and environmental objectives.
- 3.2.4. **Policy 4: The Sequential Approach to Development** establishes that priority should be given to previously developed land within sustainable locations.
- 3.2.5. **Policy 7: Connectivity and Accessibility** which requires new development proposals to reduce travel demands, and promote opportunities to use public transport, cycle and walk.
- 3.2.6. **Policy 8: Protecting and Enhancing the Environment** which requires new development to be of high quality and maintain local distinctiveness.
- 3.2.7. **Policy 14: Supporting Further and Higher Education** states that the role of universities and colleges in the regional economy should be supported including with regards to infrastructure and campuses.
- 3.2.8. **Policy 24: Delivering Sustainable Communities** planning proposals should seek through design to promote social cohesion, reduce inequalities as well as meeting sustainable development objectives.
- 3.2.9. **Policy 32: Historic Environment** requires planning proposals to conserve and enhance the historic environment.
- 3.2.10. **Policy 33: Biodiversity and Geodiversity** requires planning proposals to ensure that the Region's ecological and geological resources are protected and enhanced to return key biodiversity resources to viable levels.
- 3.2.11. **Policy 35: Flood Risk** promotes a proactive approach to reducing flood risk and advises that risk should be managed with regards to tidal effects, fluvial flooding and flooding from surface water runoff. The requirements of PPS25 with regards to the sequential approach and submission of flood risk assessments.
- 3.2.12. **Policy 38: Sustainable Construction** seeks to promote development which minimises energy consumption and promotes energy efficiency. On major development proposals 10% of their energy supply should come from decentralised and renewable or low-carbon sources.
- 3.3. **LOCAL PLAN POLICY**
- 3.3.1. **Policy E3: World Heritage Site – Protection** seeks to safeguard the site and setting from inappropriate development that could harm its character and appearance.
- 3.3.2. **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.
- 3.3.3. **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.

- 3.3.4. **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.
- 3.3.5. **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.
- 3.3.6. **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.
- 3.3.7. **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.
- 3.3.8. **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.
- 3.3.9. **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.
- 3.3.10. **Policy T20: Cycle facilities** seeks to encourage appropriately located, secure parking provision for cyclists
- 3.3.11. **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.
- 3.3.12. **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.
- 3.3.13. **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.
- 3.3.14. **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.

- 3.3.15. **Policy U14: Energy Conservation** – General states that the energy efficient materials and construction techniques will be encouraged.

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

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

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## **4.0 CONSULTATION AND PUBLICITY RESPONSES**

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### **4.1. STATUTORY RESPONSES:**

- 4.1.1. The Environment Agency state that the site falls within their standing advice area and have no specific comments to make on the applications.
- 4.1.2. The Highway Authority consider that the site benefits from good public transport, pedestrian and cycle links. It is considered that the development has been designed for use for students without cars with parking limited to disabled spaces and short term loading/unloading facilities. The layout of the vehicular access is considered acceptable, the vehicular access crossing should be to County Council standards. No objections are raised to the development.
- 4.1.3. The Coal Authority state that the site lies within its standing advice area and there is no requirement to specifically consider coal mining issues within the application, however, a standing advice informative should be added to any decision.
- 4.1.4. Natural England have assessed the development against their standing advice and conclude that planning permission may be granted subject to appropriate conditions including a detailed mitigation and monitoring strategy for bats.
- 4.1.5. Northumbrian Water have raised no objections.

### **4.2. INTERNAL CONSULTEE RESPONSES:**

- 4.2.1. The Landscape Section have been consulted on the application and consider that an arboricultural implications assessment and tree constraints plan should be submitted to support the application to ensure that the protection of mature trees on site is considered during all phases of the demolition and re-development.
- 4.2.2. The Senior Low Carbon Officer has submitted comments with regards to the development and states that they are encouraged by the targeted BREEAM excellent rating. Some concerns are raised however over the suitability of air source heat pumps. The 10% requirement for energy from renewable sources can be dealt with via a condition.
- 4.2.3. Planning Policy raise no objections to the principle of the development. It is considered that the scheme has some potential to alleviate pressure on the local housing market where this is currently rented out for student accommodation.
- 4.2.4. Ecology have submitted comments and consider the proposed mitigation measures are acceptable and should be conditioned on any approval. However, the submitted plans do not show the location of alternative roost provision mentioned in the bat report and they should do so. No works should commence until a license from Natural England has been acquired.

#### 4.3. PUBLIC RESPONSES:

4.3.1. Nine letters of objection have been received with regards to the application including a letter from the local MP.

4.3.2. The objections raised are as follows;

- The design massing and scale of the proposed development is inappropriate
- That the development would introduce a dense urban atmosphere to Green Lane which is essentially open and semi rural in aspect
- The development is not appropriate for the collegiate nature of Durham University
- Insufficient parking provision and highways concerns over suitability of Green Lane as the access route
- The development would obscure and damage the view of the World Heritage Site
- The proposal constitutes overdevelopment of the site
- The applicant's description of the application is queried
- The development would have a detrimental impact upon the occupiers of adjacent flats through the noise, disturbance and associated comings and goings as well as a loss of privacy and overbearing impact
- The density of the development is out of character with the local area
- The demand for the 132 bedsits proposed is queried and that if the scheme proves unsuccessful the development would cater for the private rented market and not specifically students
- The owner of the adjacent River Court development states that the River Court development had to accord with a series of guidelines involving stepping the development to ensure that both the visual impact and the impact on nearby occupiers was acceptable. This proposal must adhere to those same guidelines which the River Court development was required to.
- Consideration must be given to the impact of light pollution from the development
- Inadequate outdoor amenity space is provided for the proposed occupiers
- It is considered that there are more suitable sites available – University campus and the Whinney Hill school site are suggested
- The development is in competition with University Halls of Residence and will deprive the colleges of revenue
- The development is not considered to ease pressure on housing areas with large numbers of students instead the opposite may occur and exacerbate existing problems, support for such a view can be found within the statements of the National HMO Lobby.
- The submissions are considered to contain discrepancies and contradictory information including with regards to which student groups the accommodation would be aimed at.
- The development will prevent other forms of housing and developments being built on the site which would better attract new people into the City and act as an economic driver
- The concentration of HMOs and student households has eroded housing supply and led to a loss of community, caused noise and disturbance and a feeling of isolation in the permanent residents. This development would contribute to these problems
- Approval of the application would represent the County Council condoning a form segregation of residents.

- Complaints are raised with regards to the applicant's pre-submission public consultation event and that the publicity of the event was inadequate.
- Complaints raised with regards to the advice that Local Planning Authority officers have been providing at pre-application stage and the informal manner in which communications have occurred between officers and the agent.

#### 4.4. APPLICANTS STATEMENT:

- 4.4.1. The application has been accompanied by a design and access statement in support of the proposal. The submitted statement considers that there is demand for purpose built student accommodation in Durham with research finding a shortfall of some 2,000 beds. This proposal seeks to create a "collegiate" style development. The number of studios proposed is linked to the viability of the site and land values within Durham City.
- 4.4.2. The applicant states that the 5 storey building has been kept to a minimum height and the fifth storey would be recessed from the Green Lane frontage to ease impact. The design is contemporary but efforts have been made to assimilate into Durham's traditional architecture with vertically proportioned windows and use of traditional materials. The development proposes a landscaping scheme with strongly defined frontage and heavy planting. The proposal has been developed with sustainability and energy efficiency in mind and aims to achieve an "excellent" BREEAM rating.
- 4.4.3. The applicant states that students will be discouraged from using cars. Access and parking proposals have been discussed with the Highway Authority. The site has good access to pedestrian and cycle routes.

*The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at:*

[http://publicaccess.durhamcity.gov.uk/publicaccess/tdc/DcApplication/application\\_detailview.aspx?caseno=LMIJPVBN5B000](http://publicaccess.durhamcity.gov.uk/publicaccess/tdc/DcApplication/application_detailview.aspx?caseno=LMIJPVBN5B000)

*Officer analysis of the issues raised and discussion as to their relevance to the proposal and recommendation made is contained below.*

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## 5.0 PLANNING CONSIDERATIONS AND ASSESSMENT

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- 5.1. The main planning considerations relating to this application are the principle of development, the impact upon the character and appearance of the area, impact upon the World Heritage Site, impact upon the amenity of nearby occupiers, impacts upon protected species demographics and highway safety.
- 5.2. Principle of the Development
- 5.3. This application proposes the erection of purpose built student accommodation with some shared, communal spaces constituting a sui generis use. The proposal seeks to redevelop a previously developed parcel of land close to Durham City Centre. The proposal therefore seeks development which accords with the sequential approach to development as sought by Policy 4 of the RSS and demonstrates an efficient use of land with good access to services and public transport in accordance with the principles of PPS1.
- 5.4. Some public objection to the proposal relates to the principle of purpose built student accommodation being proposed in this location although other public responses consider the location suitable in principle.



- 5.5. The Local Plan has a specific policy, H16, which relates to student halls of residence and forms of residential institutions.
- 5.6. 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.
- 5.7. 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.
- 5.8. Taking into account the location and nature of the site, previously developed land within a central location in Durham City with good access to services and transport links, officers raise no objection to the principle of the land use. The issues surrounding a purpose built development for students and impact on the community and numbers of students in the area are discussed within the “residential amenity” section at 5.29.
- 5.9. Impact upon Visual Amenity and the Character and Appearance of the Area
- 5.10. A key consideration in the determination of this application is the suitability of the design, scale and massing of the proposal and in turn its impact upon the character and appearance of this part of the Durham City Centre Conservation Area and more widely the impact on the setting of the World Heritage site.
- 5.11. Much of the content of the public objection to the development lay with the visual impact of the proposal with objections raised to it’s proposed design, scale and massing, that the proposal is overdevelopment of the site, the flat roofed nature of the building, that the development would introduce a “dense urban atmosphere to Green Lane” and light pollution.
- 5.12. The application site is located within a sensitive location being situated within the Durham City Centre Conservation Area. The site is visible from many public vantage points. Aside from Green Lane itself, the site is clearly visible from many locations in a northerly direction. The site is within close proximity to popular recreational sites including the cricket ground to the north and beyond the riverbanks of the Wear which are popular with walkers, cyclists and for informal recreation. Unimpeded views are available from the riverbanks. Located adjacent to the river is a bandstand with a fine view towards the City.
- 5.13. The site’s location close to the river means that it is located within a valley on low lying land and more distant views are available on the slopes to the north of the river including from St Hilds Lane.
- 5.14. The site is therefore located within a prominent location clearly visible from many public vantage points.
- 5.15. The Local Planning Authority has a statutory duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to preserve or enhance the character and appearance of a conservation area. Policies E6 and E22 of the Local

Plan provide guidance with regards to development proposals within the Durham City Centre Conservation Area and this requirement to preserve or enhance the character of the Conservation Area is reiterated within this Policy.

- 5.16. Similarly Policy 32 of the RSS requires developments to conserve and enhance the historic environment whilst national guidance within PPS5 also seeks to protect elements of the historic environment of value and states under Policy HE9 that there is a presumption in favour of the conservation of designated heritage assets and a conservation area is a designated heritage asset.
- 5.17. Policy E3 of the Local Plan seeks to protect the World Heritage Site of Durham Cathedral and Castle and its setting. Local Plan Policy H16 and Policy 8 of the RSS also applicable to the site, require development proposals to be appropriate to the character and appearance of their surroundings.
- 5.18. The application has been accompanied by a design and access statement in support of the proposal. This document explains that land values and viability have strongly governed the number of studio units proposed which in turn has an impact on the scale of building sought and the design principles. The design and access statement states that the fifth storey has been recessed from the front building line to ease the impact of the scale on Green Lane. Design detailing is stated as being contemporary though traditional building materials and architectural details are proposed in an effort to fit in with the variety of traditional architectural features prevalent in Durham
- 5.19. Following detailed assessment officers do object to the proposed appearance of the building and its impact in the locality.
- 5.20. Green Lane itself contains a mixture of uses and vernacular and there is not a uniformity of architectural styles within the street. Existing buildings are, however, relatively modest in scale. With the exception of River Court adjacent to the application site all buildings on the Green Lane frontage are two storey in height. River Court itself incorporates a differing number of floors on different elements as it steps and cascades down from a maximum of 4 storeys. The existing PPA building which the development would replace is two storeys and has width of 19.5 metres. The proposed development would be 5 storeys in height and proposes a frontage of 26.6 metres in width. The proposed development would result in a building of significantly greater size and scale than is presently located on Green Lane.
- 5.21. It is acknowledged that some efforts have been made to reduce the impact of this scale with the fifth storey being recessed behind the front building line and a mixture of materials, colours and deeply recessed windows are proposed to help breakup the frontage and massing of the building. Landscaping is proposed to front and sides to further add intervening elements between the building, street and vantage points to the north.
- 5.22. However, officers do not consider these mitigating measures are sufficient. The proposal seeks to replace an existing two storey and narrower building on the same front building line with a substantially wider and higher development. Essentially the development proposes a four storey block of greater width on the same building line as the existing PPA building with a further fifth storey block atop of this only slightly recessed. The impact of the scale and massing of the proposed development would be far greater than existing buildings on the street. Existing buildings on Green Lane have various characteristics reducing impact be it being significantly lower in height such as the domestic properties 1-4 Green Lane, on occasion set significantly back into the site such as at the adjacent Wycliffe House office building or in the case of

River Court, the highest building on the street at present, have a significantly recessed fourth storey and this building is far narrower than that proposed within this application. During the application process granting planning permission for the River Court development significant changes from the initial proposal were made and revisions to fragment the building into smaller blocks for both the benefit of visual and residential amenity were necessary before approval could be gained, a point made within an objection from the landowner.

- 5.23. Policy E6 of the Local Plan relates to development within the Durham City Centre Conservation Area. This policy states that proposals for large buildings should be fragmented into blocks of visually smaller elements in a way which is sympathetic to the historic city centre. The justification to this policy outlines that the City Centre is generally characterised by its intimate scale aside from the Cathedral and Castle. Officers consider that the proposal fails to propose a building which is suitably fragmented.
- 5.24. The proposed building would be monolithic in appearance and unsympathetic to its setting. There is an absence of variations in depth to the frontage of the proposed building. The modestly recessed fifth floor and features such as deeply revealed windows which are proposed are not enough to provide the necessary differentiation and reduction in massing to ensure that the building is appropriately scaled and successfully assimilates into the locality.
- 5.25. Some public objection to the development raises concerns over the obscuring of and damage to views of the World Heritage Site. Policy E3 of the Local Plan relates to the World Heritage Site. Officers do not consider that the proposed building would obscure a key local or long distance view of the World Heritage Site despite the aforementioned objections to the scale of the building. When travelling in a westerly direction along Green Lane to the east of the application site there is a view of the Cathedral Tower above the existing PPA building and River Court which due to the increased scale of the building would be in part obscured. However, this view is a glimpsed view of only a section of the World Heritage Site and is not considered to be a view of such merit or in need of safeguard that objection should be raised to the development on this specific point.
- 5.26. The justification to Policy E3 also emphasizes the importance of the setting of the Castle and Cathedral and this includes the surrounding green and wooded hills. Such a wooded hillside provides a backdrop to Green Lane itself. Policy E3 also discusses the importance of ensuring that the height and use of materials in new development is appropriate as this may have an impact on the skyline and thereby the World Heritage Site. On this occasion, despite the objections officers have to the visual appearance of the building, it is not considered that harm to the World Heritage Site would occur. The proposed building and the World Heritage Site are within the same views from the north east though there is significant distances between the two sites. The presence of the high student halls Parsons Field House to the rear means that the proposed building would not obscure or intrude upon the wooded hillside to the immediate rear and as a result officers do not consider that it could be demonstrated that there is specific harm to the setting of the World Heritage Site as such.
- 5.27. Some public objection is raised on the grounds of light pollution. Given the scale of the building and the number of windows proposed there would be a degree of light spillage and at night the building would have elements lit up at a greater height and to a greater extent than adjacent buildings. Durham City is in part characterised by being a relatively dark City at night and Durham has a lightness and darkness strategy in place which seeks to maintain this generally dark character yet

illuminating and emphasizing key sites such as the Castle and Cathedral. The height and sheer scale of the building could affect this dark character of Durham to a degree and cause an element of harm but likely commensurate with a residential area so it is not in itself considered to be of such harm as to warrant refusal of the application on this matter alone.

5.28. Despite this, the aforementioned objections to the scale, massing and design of the building are significant. The monolithic design would create an incongruous feature in the street scene, unsympathetic to the adjacent properties and harmful to the character and appearance of the Conservation Area.

#### 5.29. Impact upon Residential Amenity

5.30. The proposal would result in the erection of 132 studio units for let to the student market. Public responses to the development contain differing views as to the acceptability of the site for student accommodation. Some respondents consider that the site is suitable in principle for students and may ease pressure on the existing housing stock. However, strong views are exhibited to the contrary of this from The Whinney Hill Community Group supported by evidence and quotations from the National HMO Lobby. The neighbouring residential area of Whinney Hill and others areas within the Elvet electoral division do contain a high number of student residents. The adjacent owners of the River Court development also object to the use of the site for such a scale of student development and consider alternative sites such as the former school site at Whinney Hill more appropriate.

5.31. Whinney Hill Community Group state that they are fundamentally opposed to the imposition of further student numbers in the area. Existing problems of a loss of a sense of community, erosion of housing supply, noise and disturbance and a feeling of isolation in the permanent residents are identified. Whinney Hill Community Group consider that the development would not ease pressure on the existing housing market and instead consider that purpose built student developments in areas of existing concentrations can exacerbate problems and generate new problems. Purpose built developments can contribute to imbalances in the community and act as a deterrent to the immigration of long-term residents such as families.

5.32. Creating mixed and balanced communities is a national aim of sustainable development as outlined within PPS1 and PPS3. This means providing sufficient good quality housing of the right types and mix, in the right places, which will be attractive to and meet the identified needs of different groups in society.

5.33. 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.

5.34. Officers do not consider that objection can be raised to the development purely on the grounds of the number of students which would reside in the area as a result of the development. The Development Plan does not prescribe any particular number of students that should live in any one area, ward, parish or electoral division.

5.35. Green Lane itself is essentially an edge of city centre mixed use area containing some residential properties, offices, recreational facilities and student halls are located to the immediate rear of the site. It is not considered to be an area of an overwhelming residential character. Though located close to Whinney Hill and other residential areas with high numbers of students it is also somewhat detached from

them. Comings and goings will predominantly occur via Green Lane itself which is not a wholly residential street.

- 5.36. This particular development proposes the redevelopment of an office building with newbuild and does not directly erode existing housing supply through its loss or replacement. The site is on the doorstep of the City Centre and its everyday transient population of workers, students, tourists and permanent residents coming and going from the area. Officers do not consider that this development would cause clear harm to any community or its population simply through the presence of its prospective occupiers.
- 5.37. In terms of noise and disturbance in the immediate vicinity the presence of a reception area and management suite on ground floor will provide some supervision and surveillance to the occupants reducing concern.
- 5.38. It is acknowledged that the proportions of student households, concentration of students and the impacts of this within parts of the Durham is of significant concern to some members of the public, community groups and communities as a whole. Through the ongoing preparation of the Local Development Framework the issues surrounding the student concentrations in Durham are being considered and researched further. Through this process further clarity and direction on the issues surrounding student concentrations will emerge. However, at this time this application must be determined in accordance with the provisions of the current Development Plan and material planning considerations. With this in mind and the discussions in the preceding paragraphs no objection to the influx of further students into the area through the development is raised by officers.
- 5.39. However, officers do have objections to the scheme on the grounds of specific relationships between the proposed property and adjacent neighbouring occupiers. Policy H16 of the Local Plan requires that new developments to not detract from the amenities of residents.
- 5.40. The adjacent River Court property contains a flanking elevation with habitable room windows and balcony spaces whilst the fourth floor is a single "penthouse" flat with rooftop terrace, amenity area and hot tub. To the rear of the site lies a four storey student halls of residence.
- 5.41. The proposed development has, to a degree, sought to take into account the adjacent properties and created recessed elements away from shared boundaries in areas and formed a horse shoe type shape to the development, in part with the purpose of reducing impact.
- 5.42. However, it is not considered that these mitigating factors have removed harm to adjacent occupiers. The side elevation of River Court, towards the rear, flanks the existing PPA building at a separation distance of around 13m and this nearest element of the existing building on site has an eaves height of approximately 6.9m with the ridge height around 21m away at around 9.8m in height.
- 5.43. In comparison the proposed five storey scheme has a maximum height of some 14m which at the nearest point to flanking habitable room windows and balconies in the River Court flats is just 8.4 metres. Such a change in circumstances would be significantly detrimental to the amenity of the occupiers within the adjacent River Court forming an overbearing impact with significant loss of outlook and light.
- 5.44. To provide some context for this relationship, although this application proposes a sui generis use the development would be residentially occupied. Policy Q8 of the Local

Plan which relates to new residential development and considers that in order to provide adequate levels of amenity a 13 metre separation distance between main habitable room windows and a blank two storey gable should be provided. This development proposes a build in sections far closer to River Court than 13 metres and at a height approximately twice that of a standard two storey dwelling.

- 5.45. Policy Q8 of the Local Plan also states that between facing windows 21 metres separation distance should be provided in order to ensure adequate levels of privacy. Within the proposed development windows to bedrooms within the west facing elevation of the development would face windows to habitable rooms and balcony spaces within River Court at distances as close as 8.4 metres. Such a distance is wholly inadequate to maintain privacy for the occupiers of River Court.
- 5.46. In addition flanking windows on the third floor of the proposed building are at such a height that the outdoor amenity area containing roof terrace and hot tub within the adjacent River Court penthouse will be overlooked at a distance of around 11m. This again would constitute a significant invasion of privacy.
- 5.47. Further concerns are raised with regards to the relationship with the student halls Parsons Field House to the rear of the site. The rear elevation of Parsons Field House flanking the site contains many windows including to habitable accommodation. At the closest point the proposed development would be 16.6 metres away at five stories and would again include windows to bedrooms. There is some intervention created by trees on the boundary between the properties but this would not remove harm through a loss of privacy, outlook and formation of an overbearing impact. Loss of light should not be major factor however, as the application site lies to the north of the affected students halls.
- 5.48. Some public objection to the proposal considers that inadequate amenity space is provided for the prospective occupiers of the development and Policy H16 does consider state that satisfactory standards of amenity and open space for the residents should be provided. Only small areas of open space would remain on the site for amenity purposes with the most useable space being those areas to the front and rear. The provision of outdoor space is certainly not substantial. However, taking into consideration the edge of city centre location of the site coupled with the ease of access to recreational land such as the riverbanks to the north officers do not raise significant objection to the proposal on this point.
- 5.49. However, due to the objections raised to the impact upon the occupiers within River Court and Parsons Field House officers do consider that the development would cause significant harm to the amenities of neighbouring residents contrary to Policies H16 and Q8 of the Local Plan.

#### 5.50. Highways Issues

- 5.51. Further public objection to the proposal relates to issues of highway safety and parking provision with the proposed 5 no. parking spaces considered inadequate given the occupancy levels proposed and vehicular movements and access arrangements on Green Lane detrimentally affected by the scale of the development. Public objections also query the ability of either the developer or the University to effectively manage car ownership and parking related to the development.
- 5.52. The Highway Authority have been consulted on the application and consider that the site benefits from good public transport, pedestrian and cycle links. It is considered that the development has been designed for use for students without cars with

parking limited to disabled spaces and short term loading/unloading facilities. The layout of the vehicular access is considered acceptable.

- 5.53. The Highway Authority do not raise objection to the level of parking provision proposed. Parking on Green Lane is controlled by pay and display and residents parking permits will not be available to the residents in order to ensure that the on street facilities remain available. No objections are raised to the development by the Highway Authority with regards to the movements on Green Lane or the junction with Old Elvet/Whinney Hill.
- 5.54. It must be noted that Policy T10 of the Local Plan seeks to limit parking provision in new development so as to promote sustainable transport choices.
- 5.55. As a result officers do not raise objection to the proposal on the grounds of harm to highway safety in accordance with Policies T1 and T10 of the Local Plan.
- 5.56. Impact upon Protected Species
- 5.57. The host building contains a bat roost. Bats are a protected species and the presence of protected species such as bats is a material planning consideration in accordance with Circular 06/05 to PPS9. The requirements of the Habitats Directive were brought into effect by the Conservation (Natural Habitats etc) Regulations 1994 (since amended). These regulations established a regime for dealing with derogations which involved the setting up of a licensing regime administered by Natural England. Under the requirements of the Regulations, it is a criminal offence to kill injure or disturb the nesting or breeding places of protected species unless it is carried out with the benefit of a license from Natural England.
- 5.58. The species protection provisions of the Habitats Directive, as implemented by the Conservation (Natural Habitats etc) Regulations 1994 (as amended) contain 3 no. "derogation tests" which must be applied by Natural England when deciding whether to grant a license to a person carrying out an activity which would harm an European Protected Species (EPS). For development activities this license is normally obtained after planning permission has been granted. The three derogation tests are as follows;
- the activity to be licensed must be for imperative reasons of overriding public interest or for public health and safety
  - there must be no satisfactory alternative; and
  - favourable conservation status of the species must be maintained
- 5.59. Notwithstanding the licensing regime the Local Planning Authority must discharge its duty under Regulation 3(4) and also address its mind these three tests when deciding to grant planning permission for development that could harm an EPS.
- 5.60. The applications submitted are accompanied by a wildlife survey and both the ecology section and Natural England have been consulted. Natural England have assessed the development against their standing advice and conclude that planning permission may be granted subject to appropriate conditions including a detailed mitigation and monitoring strategy for bats.
- 5.61. The Council's ecologist considers the proposed mitigation measures are acceptable and should be conditioned on any approval. However, it is considered that the proposed alternative roost provision should be identified on plan to be agreed by the Local Planning Authority. Officers consider that a suitably worded condition can be formulated to cover this requirement together with the mitigation measures outlined in the submitted survey on any approval.

- 5.62. Officers consider that despite a bat roost being found within the building that subject to the proposed mitigation measures being implemented the impact of the development upon bats would be acceptable. It is considered that a license would be granted by Natural England.
- 5.63. No objections are therefore raised to the development with regards to the impact upon protected species in accordance with Policy E16 of the Local Plan and Policy 33 of the RSS.
- 5.64. Impact Upon Trees
- 5.65. The site contains a number of mature trees on its periphery. The application submitted state that these trees would be retained and protected as part of the development. However, a full arboricultural implications report or tree constraints plan has not been submitted and has been requested by the Council's landscape section. Officers have in turn requested these details from the applicant's agent but thus far the information has not been received. Officers do consider, however, that a condition could be attached to any consent requiring the submission of a scheme detailing the protection measures for the trees during the works.
- 5.66. In addition an ecological survey submitted with the application found that a hedge on site contains two forms of the invasive plant species cotoneaster under the Wildlife and Countryside Act 1981 (as amended 2010) and this states that it is an offense to deliberately encourage the growth or to plant these species. The ecological report recommends the removal of this species in accordance with a method statement which could be ensured by way of condition on any approval.
- 5.67. Other Issues
- 5.68. Some public objection to the development question the need and demand of the development. Linked to this perceived demand concern it is also raised that the development may not appeal to students and could be rented out to the non-student private rented market. With Policy H16 of the Local Plan establishing that new student halls of residence are acceptable within settlement boundaries in principle it would be difficult to sustain an objection on any perceived lack of need. In addition weight should also be attributed to the National Planning Policy Framework, published in draft in July of this year. This establishes a presumption in favour of sustainable development and officers do not raise objection to the sustainability of the proposal. Officers therefore raise no strong objection to any perceived need or demand of the proposal.
- 5.69. With regards to the concern over the occupancy, the proposed development is considered a sui generis use and the application description details that the development is purpose built for students. Any deviation from this use to another form of development would therefore require planning permission and would be assessed on its own merits.
- 5.70. Further public objection considers that the proposal is not suitable given the collegiate nature of Durham University and a further objection was received stating that the development is in competition with the University. Again, with a Local Plan policy (H16) accepting such developments in principle it is not considered that a planning objection could be sustained on such points. With regards to competition, it has long been accepted within planning that considerations of commercial competition are not planning matters and paragraph 29 of "The Planning System: General Principles" reinforces this.



- 5.71. The Whinney Hill Community Group consider that the proposal would prevent other forms of housing and developments being built on the site which would better attract new people into the City and act as an economic driver. The development put before the Council is that which must be assessed on its own merits. The land is not specifically designated within the Local Plan for any particular use such as housing, office or industrial development and it is not considered possible to object to the proposal on the grounds that a different development may come along which is potentially more of an economic driver. In addition there would certainly be some economic benefits from the redevelopment of the present site for the accommodation proposed.
- 5.72. The application has not been accompanied by a section 106 agreement ensuring the provision of affordable housing or a contribution towards children's play equipment. The proposal constitutes a sui generis use and the requirements for playspace and affordable housing relate only to development proposing dwellinghouses (C3 use class). As a result the relevant Local Plan thresholds and requirements pursuant to this are not considered applicable to the development.
- 5.73. The application has been accompanied by a geo-environmental assessment and this concludes that the overall risk of land contamination is low-medium whilst the potential for ground gas is also considered low to moderate. No objections have been received with regards to the findings of the report within the consultation response from environmental health. The further investigations recommended within the submitted geo-environmental assessment could be conditioned on any approval.
- 5.74. Environmental health do consider that there is the potential for noise disturbance during works and it is recommended that a condition restricting working hours is attached to any permission. The working methods and use of plant and machinery should be in accordance with BS5228 Noise and Vibration Control on Construction and Open Sites. It is also recommended that a condition be attached requiring the submission of a dust assessment and controlling methods. All waste material must be disposed of in the correct and proper manner and the burning of any materials on site shall be prohibited.
- 5.75. Officers consider that conditions could be attached to any approval limiting the hours at which works can occur as well as requiring the submission of and agreement to a scheme on working methods and practices and dust suppression during the works.
- 5.76. The Council's senior low carbon officer is encouraged by the applicant's efforts to achieve an excellent BREEAM rating. However, some concerns are raised to the practicalities of the use of air source heat pumps. A condition is requested to be attached to any approval requiring a 10% total energy reduction. Such a condition could be attached.
- 5.77. The Environment Agency have been consulted on the application and have provided a link to their standing advice notes. There was no requirement for a flood risk assessment to be submitted. This standing advice considers that on sites of this size located in flood risk zone one the main risk of flooding will come from surface water runoff and good practice principles and guidance are provided within the standing advice document. No objections are raised with regards to matters of flood risk in accordance with PPS25 and Policy 35 of the RSS.
- 5.78. No objections have been raised within consultation responses from Northumbrian Water and the Coal Authority.

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## **6.0 CONCLUSION**

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- 6.1. This proposal seeks to erect a purpose built accommodation block for student occupancy containing some 132 studios. Some public objection to scheme considers that the principle of such an influx of students into the area, an area which has a high concentration of students is unacceptable in principle citing harm to the community and residential amenity amongst the objections. Officers however, consider that in principle the proposal seeks a sustainable form of development in an edge of city centre location somewhat detached from an established residential area and in principle accords with the development plan.
- 6.2. No harm to highway safety is considered to occur and matters of ecology, impact on upon trees, land contamination and flood risk have been adequately addressed or could be resolved through the attachment of suitably worded conditions on any approval.
- 6.3. However, the proposed building is considered to be inappropriately designed, introducing an incongruous feature with a scale and massing harmful to the appearance of the streetscene and harmful to the character and appearance of the Conservation Area.
- 6.4. Linked to this, the size and scale of the building and its proximity to adjacent buildings would result in significant harm to the residential amenity of the occupiers of neighbouring properties.
- 6.5. As a result refusal of the application is recommended.

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## **7.0 RECOMMENDATION**

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**That the application be REFUSED for the following reasons:**

1. The Local Planning Authority considers that the proposed building by reason of its design with particular reference to its size, scale, appearance and massing would create a monolithic and incongruous feature harmful to the visual amenity of the area and the character and appearance of the Durham City Centre Conservation Area. As a result, the development is considered to be contrary to the provisions of Policies E6, E22 and H16 of the City of Durham Local Plan 2004.
2. The Local Planning Authority considers that by reason of the proposed building's size, location and position of windows to habitable accommodation, the development would cause significant harm to the residential amenity of the occupiers of the adjacent River Court and Parsons Field House halls of residence through the introduction of an overbearing, intrusive mass causing a loss of outlook and through reduced facing distances causing a significant loss of privacy. As a result the proposed development is considered contrary to Policies H16 and Q8 of the City of Durham Local Plan 2004.

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## **8.0 BACKGROUND PAPERS**

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Submitted Application Forms, Plans and supporting reports  
Submitted Design and Access Statement

City of Durham Local Plan 2004

Regional Spatial Strategy

Planning Policy Statements 1, 3, 5, 9, 23 and 25 and Planning Policy Guidance Note 13

Responses from The Highway Authority, Northumbrian Water, Environment Agency, Coal Authority and Natural England

Internal consultee responses

Public responses

Planning Circulars 11/95

Draft National Planning Policy Framework

