

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/14/02108/FPA
FULL APPLICATION DESCRIPTION	Partial demolition of existing building, refurbishment and change of use to form 1 no. flats for use as a House in Multiple occupation, associated landscaping and car park.
NAME OF APPLICANT	Angel Homes
SITE ADDRESS	Nevilles Cross Club, Nevilles Cross Bank, Durham, DH1 4PJ
ELECTORAL DIVISION	Nevilles Cross
CASE OFFICER	Barry Gavillet 03000261958 dmcentraleast@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. This application site is located within the Electoral Division of Nevilles Cross. It is also in Durham City Centre and within the Durham City Conservation Area, both as defined in the City of Durham Local Plan.
2. The proposed site for redevelopment is a prominent plot and is situated on the junction of Crossgate Peth and Newcastle Road on one of the main routes into the main City Centre area approximately one mile to the west and is currently occupied by the Neville's Cross Social Club building.
3. The site has frontages on Crossgate Peth, George Street and Cross View House. The surrounding area comprises a number of different uses, predominantly residential but there are also light industrial, commercial and retail uses near the site. The scheduled monument of Nevilles Cross is adjacent the site to the east. Some redevelopment of the site has already been carried out at the developers risk including internal conversion, works to window and door openings and cleaning and repointing of brickwork.
4. The existing building is made of red facing brickwork with the majority being a later addition in a 1960's modern style but of little architectural merit. The building which is

the subject of this application is constructed from red facing brickwork and a slate roof and is an attractive example of a traditional Victorian villa.

The Proposal

5. This application proposes the change of use of the ground floor of the original building and conversion to C4 use class (house in multiple occupation) plus the addition of a first floor dormer window to the south east elevation. The majority of the conversion work to the first floor has already been carried out, although this did not require planning permission due to the previous use as a residential unit (Residential Use Class C3 to HMO Use Class C4 is permitted development). The application also includes the use of a first floor corridor/store room which was not previously used for residential purposes.
6. The proposed new building would be use class C4 (Houses in multiple occupation) and would comprise a large 6 bedroomed flat. No new buildings or extensions are proposed with this application. Each residential unit would be a self-contained apartment with shared kitchen/ lounge, all of the bedrooms would have en-suite facilities. Access to the proposed ground floor accommodation would be via the existing door entrance off the main car park. This door would also provide the access via a stairwell to the apartments on the first and second floors. The existing function room and bar would be reinstated to a drinking establishment. Overall the building would result in 3 flats comprising 15 bedrooms over 3 floors.
7. Only minor alteration work is proposed to the existing historic portion of the building including alteration works to existing doors and windows. An additional level has been added to the existing bay window and the proposed works are to include refurbishment of the existing building fabric which would include repairs and making good to the existing facing brickwork, existing roof/gutters and opening features.
8. The existing hard standing/car park to the front of the site would be retained and would be used for resident parking. The landscaping would be limited to the formation of an internal courtyard to the rear which would be hard paved. The existing boundary treatment would be retained and renovated. A bin store would be provided in the former beer cellar.
9. No changes to pedestrian or vehicle access are proposed with this application. The existing vehicular access is off Crossgate Peth/Neville's Cross Bank and pedestrian access is via the same point and also off George Street.
10. Vehicle parking provisions are incorporated within the proposed scheme in the form of 9 car parking spaces including a disabled space which would be located on the existing hard standing/car park area which would be re-surfaced.
11. An enclosed cycle store unit is proposed and located within the enclosed rear amenity space. This unit would house 8 no. cycles with external access provided through to the rear yard area.
12. This application is being referred to Committee at the request of local members.

PLANNING HISTORY

13. In 2011 an application was received for the part change of use of the social club building to retail, to allow the sale of wines, beers and spirits with external alterations involving provision of new single storey entrance extensions, smoking shelter, disabled access ramps, replacement of section of roof, elevational cladding and fenestration. This was withdrawn (ref: 4/11/00515/FPA)
14. In 2013 an application was received for the partial demolition and redevelopment of public house to create 21 no. apartments for student accommodation, this was also withdrawn (ref: CE/13/00897/FPA)
15. In June 2014 planning permission was refused by the Central and East Planning committee for the redevelopment of Nevilles Cross Club to provide student accommodation which involved the creation of 33 bedrooms. This is currently the subject of an appeal to the Secretary of State. (DM/14/00264/FPA).

PLANNING POLICY

NATIONAL POLICY

16. 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.
17. 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’

The following elements are considered relevant to this proposal;

18. *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.
19. *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.
20. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* Local Planning Authorities should use evidence bases to ensure that their Local Plan meets the needs for market and affordable housing in the area. Housing applications should be considered in the context of the presumption in favour of sustainable development. A wide choice of homes, widened opportunities for home ownership and the creation of sustainable, inclusive and mixed communities should be delivered. Where there is an identified need for affordable housing, policies should be met for meeting this need unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified and such policies should also be sufficiently flexible to take account of changing market conditions over time.

21. *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.
22. *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.
23. *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.
24. *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.
25. *NPPF Part 12 – Conserving and Enhancing the Historic Environment.* Working from Local Plans that set out a positive strategy for the conservation and enjoyment of the historic environment, LPA's should require applicants to describe the significance of the heritage asset affected to allow an understanding of the impact of a proposal on its significance.

The above represents a summary of the NPPF considered most relevant the full text may be accessed at:

<http://www.communities.gov.uk/publications/planningandbuilding/nppf>

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

26. *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.

27. *Policy E21 - (Conservation and Enhancement of the Historic Environment)* requires consideration of buildings, open spaces and the setting of these features of our historic past that are not protected by other legislation to be taken into consideration.
28. *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.
29. *Policy H7 – (City Centre Housing)* seeks to encourage appropriate residential development and conversions on sites conveniently located for the City Centre.
30. *Policy H9 – (Multiple Occupation/Student Households)* – The sub-division or conversion of houses for flats, bedsits or for multiple occupation, or proposals to extend or alter properties already in such use will be permitted provided that sufficient parking is provided, there are no adverse impacts on residential amenity, it is in scale and character with its surroundings, it would not result in concentrations of sub-divided dwellings to the detriment of the local housing stock and it would not be out of character with the original building.
31. *Policy H13 – (Residential Areas – Impact upon Character and Amenity)* states that planning permission will not be granted for new development or changes of use which have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them.
32. *Policy H16 – (Residential Institutions and Student Halls of Residence)* provides for purpose-built accommodation provided that they are well related to local facilities and are not likely to impact adversely on adjacent development or lead to community imbalance.
33. *Policy T1 – (Traffic – General)* states that the Council will not grant planning permission for development that would generate traffic likely to be detrimental to highway safety and/or have a significant effect on the amenity of occupiers of neighbouring property.
34. *Policy T10 – (Parking – General Provision)* states that vehicle parking should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development.
35. *Policy T20 – (Cycle Facilities)* seeks to encourage appropriately located, secure parking provision for cyclists
36. *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.
37. *Policy Q3 – (External Parking Areas)* requires all external parking areas to be adequately landscaped, surfaced, demarcated, lit and signed. Large surface car parks should be subdivided into small units. Large exposed areas of surface, street and rooftop parking are not considered appropriate.
38. *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.

39. *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.
40. *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.

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

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

EMERGING POLICY:

41. 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:
42. *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.
43. *Policy 18 (Local Amenity)* – In order to protect the amenity of people living and/or working in the vicinity of a proposed development, permission will not be granted for development proposals which would have a significant adverse impact on amenity such as by way of noise, vibration, odour, dust, fumes, light pollution, overlooking, visual intrusion, visual dominance, loss of light or loss of privacy.
44. *Policy 32 (Houses in multiple occupation and student accommodation)* – In order to support mixed and balanced communities and maintain an appropriate housing mix, houses in multiple occupation and student accommodation will not be permitted where the site is located within 50m of a postcode area where more than 10% of the total number of properties are already in use as licenced HMO's or student accommodation. Proposals should have adequate parking, refuse and other shared facilities and the design of the building should be appropriate to the character of the area.
45. *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.

46. *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.
47. *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:

48. Northumbrian Water have no objections to the proposals.

INTERNAL CONSULTEE RESPONSES:

49. Contaminated Land officers have no objections to the proposals.
50. The Design and Conservation Officer supports the application, commenting that the proposal is excellent in terms of design, saving an important building in the conservation area and would provide an important focal point at a gateway into the city centre.
51. Highways Officers have no objections to the proposals and state that the applicant is proposing to upgrade this access which is welcomed. It is also stated that the site is sustainable location for residential development and the proposed level of car parking provision and cycle parking are acceptable.
52. Landscape officers have no objections subject to additional soft landscaping being provided on the George Street and Crossgate Peth boundaries.
53. The Councils Noise Action Team have objected to the proposals on the basis that the function room and bar area is to remain and this would be in close proximity to existing and future residents. The applicant has been asked to provide a Noise Impact Assessment in this regard but this has not been forthcoming.

PUBLIC RESPONSES:

54. The application has been advertised by way of a site notice, press notice and letters to individual residents.
55. A letter of objection has been received from Roberta Blackman-Woods MP. The letter states that there is a great deal of concern from constituents regarding the

proposals and goes on to state that the current planning application is in contravention of a number of local and national planning policies.

56. The letter states that “In relation to the National Planning Policy Framework (NPPF), this application contravenes Paragraph 123, which states planning decisions should “avoid noise giving rise to significant adverse impacts on...quality of life as a result of new development”. I note that Durham County Council’s Environment, Health and Consumer Protection Team have indicated that there is insufficient information supplied by the applicant on the effects of noise on both the residents of the proposed scheme, and those currently living in the area. They particularly highlight the lack of information around increased vehicle activity to the site, and the renewed activity from the bar.
57. The NPPF (paragraph 58) also states that planning decisions should aim to ensure developments “...do not undermine quality of life or community cohesion...” A number of constituents have contacted me to share their experiences of when this building previously operated as a drinking establishment, and many have indicated that this site has been the cause of some anti-social behaviour in the past. Residents are also apprehensive about the effect that deliveries to the site would have on the local community should the bar be brought back into use, and the reintroduction of licensed premises into what is a compact residential area will undoubtedly change the nature of that community.
58. Furthermore, this application contravenes saved 2004 Local Plan Policies H9, H13 and H16. These policies all state that development will not be permitted if it detracts from the character of the area, or the amenity enjoyed by local residents. Given the residential nature of the surrounding streets, developing student rooms and a drinking establishment on this site would clearly impact on the amenity currently enjoyed by people living in the vicinity of this site.
59. This application is also in contravention of Policy 18 (Local Amenity) of the emerging County Durham Plan. This policy states that in order to protect the amenity of people living or working in the vicinity of a proposed development, permission will not be granted for “development proposals which would have a significant adverse impact on amenity such as by way of: noise; odour...” Policy 19 (Air Quality, Light and Noise Pollution) goes on to say the assessment of noise, light and air pollution impact should relate to all stages of the development. Given the previously outlined concerns of Durham County Council’s Environment, Health and Consumer Protection Team, it is clear that the potential effects of this development on the local area have not been adequately assessed.
60. In addition to the letter from the MP, 23 letters of objection have been received from 21 addresses in the vicinity of the site.
61. The main reasons for objection are that this part of Durham City is predominantly a family area and that this proposal would result in noise and anti-social behaviour due to the large student population. In addition to this there are concerns that the proposals would result in traffic congestion, and that there is a lack of parking in the area. In terms of the building itself, it is considered that the proposals would result in overdevelopment which would lead to loss of light and privacy. The most frequently noted concern is that the applicant intends to retain the function room and bar area which would lead to significant noise and disturbance to residents in the vicinity.

APPLICANTS STATEMENT:

62. An applicant's statement has been requested; however this has not been received to date.

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:

PLANNING CONSIDERATIONS AND ASSESSMENT

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

The Principle of the Development

64. In officers opinion, the considerations relating to the principle of the development remain the same as the previous application for student accommodation although the current proposal is significantly different in that it is proposed to retain the drinking establishment adjacent to the residential properties.
65. The application proposes the change of use of the ground floor for conversion to C4 use class which would involve the redevelopment of a previously developed parcel of land within Durham City Centre as defined in the City of Durham Local Plan. The proposal therefore seeks development which demonstrates an efficient use of land with good access to services and public transport in accordance with the principles of sustainable development in the National Planning Policy Framework.
66. The Local Plan has specific saved policies, H9, H13 and H16, which relate to Houses in Multiple Occupation and student halls of residence, residential areas and forms of residential institutions.
67. Policy H9 of the Durham City Local Plan states that the sub-division or conversion of houses for flats, bedsits or for multiple occupation, or proposals to extend or alter properties already in such use will be permitted provided that sufficient parking is provided, there are no adverse impacts on residential amenity, it is in scale and character with its surroundings, it would not result in concentrations of sub-divided dwellings to the detriment of the local housing stock and it would not be out of character with the original building.
68. Policy H13 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.
68. 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.

69. 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.
70. The proposal is considered contrary to Policy H9, H13 and H16 as the applicant has not provided any evidence, such as a noise impact assessment, which would ensure that there would be no adverse impacts in terms of noise and disturbance to future occupiers of the building and nearby existing residents as a result of the adjoining drinking establishment.
71. Policy 32 of the emerging County Durham Plan states that applications for student accommodation will only be permitted where there is sufficient car parking, there are acceptable arrangements for bin storage and shared facilities and the design of the building would be appropriate to the character of the area. The proposals are considered to be in accordance with these criteria. However, there are also criteria which state that proposals within 50 metres of a postcode area where more than 10% of properties are HMO's or student accommodation will not be permitted. 25% of properties within this postcode area would fall into this category and therefore the proposals would be contrary to policy 32 of the Emerging County Durham Plan. It should be noted however that this policy can be given only limited weight at this stage.
72. The NPPF has a presumption in favour of sustainable development and specifically states that residential developments should be guided toward sustainable locations where there are good links to public transport, community facilities, shops, healthcare and education. The application site is located in close proximity to infrastructure such as this and therefore is considered to be in a sustainable location for residential development.
73. Notwithstanding the above, paragraph 123 of the NPPF states that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development. In addition, decisions should aim to mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.
74. Given that no noise impact assessment has been carried out and, unlike the previous application it is proposed to retain the drinking establishment adjoining the residential uses, officers consider that insufficient information has been provided with the application in terms of the impacts of noise and disturbance from the retained drinking establishment on future and existing residents. Therefore in this instance the proposals are considered to be in conflict with the aims of the aforementioned policies and therefore the principle of the development cannot be accepted in this instance.

Impacts upon the Character and Appearance of the Conservation Area

75. The application site lies within the Durham City Centre Conservation Area. The Local Planning Authority has a statutory duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character and appearance of a

conservation area. Policies E6 and E22 of the Local Plan provide guidance with regards to development proposals within the Durham City Centre Conservation Area and this requirement to preserve or enhance the character of the Conservation Area is reiterated within these policies.

76. The Council's Design and Conservation Officers have no objection to the principles of this development or the larger scheme which is currently subject of an appeal which were subject to considerable pre-application advice with regard to the scale, design and layout of the development.
77. As with the previous application, officers consider that the proposed design of the former Victorian Villa conversion has been carried out sympathetically, restoring original features and reinstating timber windows and doors to an appropriate design. The proposed fenestration patterns are well balanced and window and door details are sympathetic to the original villa frontage and overall character of the Conservation Area. Accordingly, the proposals are considered to enhance the Appearance of the Conservation Area in accordance with saved policies E21 & E22 of the Durham City Local Plan, Part 12 of the NPPF and S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
78. Overall this proposal is considered excellent in terms of the design of the proposed buildings, and in addition the proposals would restore an important building in the Conservation Area and provide good quality design at a busy gateway into the city centre. The proposals are therefore considered to accord with saved policies E21 and E22 of the Durham City Local Plan and part 12 of the NPPF.

Impacts upon Residential Amenity

79. A key issue is the suitability of the site for the development having regards to the impacts upon residential amenity, more broadly regarding the potential for disturbance and noise through a concentration of students but also with regards to the impact of the adjoining drinking establishment.
80. Policy H9 and H16 of the Local Plan state that HMO's and student developments that would result in a concentration of students or 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.
81. In terms of inter-relationships with surrounding development these all meet the requirements of the local plan in terms of facing distances between elevations and windows serving habitable rooms. Policy Q8 considers that in order to provide adequate levels of amenity a 13 metre separation distance between main habitable room windows and a blank two storey gable should be provided and 6m to a single storey gable. In order to maintain privacy 21m should remain between main windows serving habitable rooms. There are new openings proposed to the ground floor rear (north east) elevation which serve a stairwell, kitchen and bedroom, however these do not face any existing windows and would also be obscured by a boundary wall.
82. 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.

83. The issue of the dense concentration of students and impact this may have on the residential amenity of the surrounding area is a material consideration. Dense residential developments such as this will bring with them increased activity, however in this instance it is considered that this would be exacerbated by the reinstatement of the drinking establishment which adjoins the proposed residential units. The impacts of which have not been assessed by the applicant.
84. Environmental Health have significant concerns and have objected to the proposals. Officers have previously requested a noise assessment to be undertaken by the applicant and submitted in order that an assessment can be made on the impact of this development on the occupiers of the proposed building, as well as considering the impact this development would have on the existing residential properties within the area, especially the outside courtyard area, function room and bar. The potential noise issues include noise from loud music from the function room and the bar, noise from customers using the outside courtyard area as well as customers arriving and leaving the premises. In addition any plant/machinery associated with the use e.g. air conditioning units has the potential to cause noise disturbance. The noise associated with these activities needs to be assessed in terms of the impact on residents within the proposed flats as well as residents within the surrounding area. This assessment would determine whether this use is suitable within this location and also whether any noise mitigation measures would be required.
85. The noise assessment has not been undertaken and for this reason Environmental Health Officers have significant concerns regarding the potential for the development to cause a statutory nuisance, as defined by the Environmental Protection Act 1990.
86. In conclusion, insufficient information has been provided in order for noise impacts to be fully assessed and therefore the development is considered unacceptable and is in conflict with policies H9, H13 and H16 of the Local Plan.

Highways Issues

87. The development stands alongside roads to the east and north that are not adopted highways and access to the car park is poor due to poor surface of the lane to the east of the club. The applicant is proposing to upgrade this access and this is welcomed.
88. The site sits in close proximity to good transport links, to local facilities and University establishments and as such can be considered as a sustainable location for residential development.
89. The proposed level of car parking provision and cycle parking are acceptable, research shows that student car ownership is likely to be approximately 15%. The development stands alongside George Street and St Johns Street which form part of the Controlled Parking Zone, where parking is controlled with permits and Pay and Display meters. No parking permits would be issued to residents of the new development and visitors unable to take advantage of the onsite parking would need to use the Pay and Display facilities between 8am – 6pm.
90. Highways have some concerns regarding servicing and deliveries, and how they would access the site. It is assumed that they would access the premises from the

back of the development via the unnamed access road onto George Street with no need to reverse or access the car park. Should the application be approved, highways officers request a condition requiring details of servicing and deliveries to be submitted and agreed before the drinking establishment is brought back into use.

91. Highways Officers have no objections to the proposals and therefore the development is considered to accord with Policy Q1, Q2, T1, T10 and T21 of the Local Plan seeking to ensure that all development is acceptable in terms of highway safety and limiting parking provision in development to promote sustainable transport choices and reduce the land take of development. Part 4 of the NPPF also supports the application seeking to promote sustainable transport choices.

CONCLUSION

92. This application proposes the redevelopment and conversion of the ground floor of a Victorian villa within the settlement boundary of Durham close to the city centre. Aside from being within the bounds of the Conservation Area, the application site is undesignated land within the Local Plan proposals maps and is not therefore allocated for a particular development. Officers consider that this proposal is of a very high standard in terms of its design and would result in an enhancement to the conservation area in what is a very prominent gateway point into the city centre.
93. Previously, officers did not raise objections to the proposed redevelopment of the site for the use as student accommodation in principle; however it was not proposed to retain the drinking establishment at that time.
94. Objections have been received during the course of this application and the previous submission regarding a host of issues but mainly regarding the considered harmful impact that the imposition of students would have on the area in terms of parking and traffic congestion and the amenities of residents within the area. As discussed above, Highways Officers consider the scheme acceptable from a highways perspective. However, insufficient information has been provided to assess the potential impacts of noise arising from the development and Environmental Health Officers have objected on this basis.

RECOMMENDATION

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

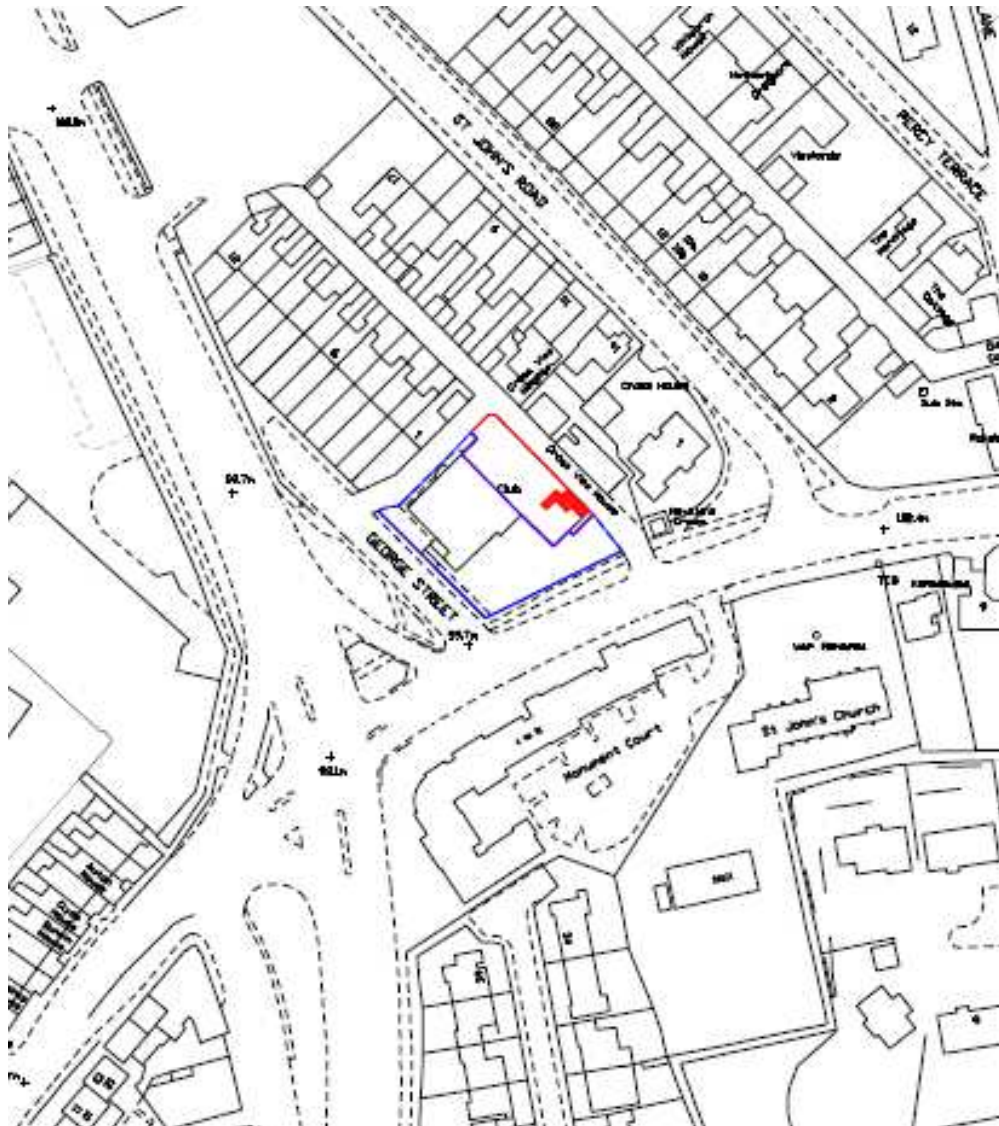
1. Insufficient information has been provided to determine the impact of the drinking establishment on future and existing residents in terms of noise and disturbance, contrary to saved policies H9, H13 and H16 of the City of Durham Local Plan and paragraph 123 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

In dealing with the application, the Local Planning Authority has worked with the applicant in a positive and proactive manner in an attempt to seek solutions to problems arising during the application process. The decision has been made in compliance with the requirements of the National Planning Policy Framework to promote the delivery of sustainable development.

BACKGROUND PAPERS

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



Planning Services

Partial demolition of existing building, refurbishment and change of use to form 1 no. flats for use as a House in Multiple occupation, associated landscaping and car park.

Nevilles Cross Club, Durham

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