

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/14/03694/FPA
FULL APPLICATION DESCRIPTION:	Conversion of former hospital and its extension to form 82 student studios; demolition of associated buildings; erection of two student accommodation blocks containing 281 student flats with associated communal living spaces; new student hub building; and landscaping, cycle storage, parking and access alterations.
NAME OF APPLICANT:	Peveril Securities
ADDRESS:	County Hospital, North Road, Durham, DH1 4ST
ELECTORAL DIVISION:	Nevilles Cross
CASE OFFICER:	Peter Herbert, Senior Planner 03000 261291, peter.herbert@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site:

1. The former County Hospital is an unlisted Victorian building dating from 1850, standing on land within the north western corner of the Durham (City Centre) Conservation Area. In its original form the hospital was typical of much mid - 19th century institutional and country house architecture, reflecting the fashion of the time for “Jacobethan” building forms. The original building comprised an H plan, with prominent ornate gables, tall chimneys and a central bell tower, its setting enhanced by an open field position with terrace to front.
2. The Hospital was subsequently extended to the west in 1867 to provide a convalescent wing and to the north in 1886 to provide additional wards, whilst in 1896 a separate mortuary was constructed to the north of the main building. Nurses’ accommodation was added in 1914 in the form of a freestanding building to the south west of the main hospital, and an operating theatre extension was added to the east in 1919. During the 1930s a number of ad-hoc extensions were added as a short term solution to accommodation needs, whilst in 1938 the Rushford Wing and its linking buildings were erected, this three storey flat roofed block running along the south-west and southern site frontages, masking the original building. More recently, in the late 1960s, a semi-circular projecting first floor lounge was added to the northern end of the western return of the Rushford Wing, and a single storey flat roof plant room was built next to the vehicular entrance to the site adjacent to the junction between North Road and Sutton Street.

3. This distinctive and highly visible corner of the conservation area, particularly for those passing by train over the viaduct immediately to the south, is characterised by rows of two and three storey terraced housing against a backdrop of mature trees, with regular changes of roofline following the topography by stepping down slopes.
4. To the north of the application site terraced housing rises steeply up Western Hill. To the north east larger detached houses climb North Road with the elevated Victorian Wharton Park opposite. To the north west lies the open wooded area of Flass Vale, which includes a Local Wildlife Site, with the Kingslodge Hotel and the former Waddington Street Arriva bus garage, currently under redevelopment for housing, standing at the Vale's entrance. To the south east runs Sutton Street with the 1855 grade II* listed railway viaduct beyond, beneath which stand terraced properties. To the south west runs Waddington Street, containing the United Reform Church and further terraced housing.

The Proposal:

5. This is an application for the conversion of former hospital and its extension to form 82 student studios; demolition of associated buildings; erection of two student accommodation blocks containing 281 student flats with associated communal living spaces; new student hub building; and landscaping, cycle storage, parking and access alterations. It is a resubmission of a recent similar application for the conversion of the former hospital and extension which, amongst other matters, sought to provide 89 student studios and the erection of 309 bedroom student accommodation buildings.
6. In detail the proposed development comprises:
 - The demolition of the late 19th and 20th Century main hospital building extensions and the Rushford Wing to reveal the historic building's original 1850 Jacobethan facade.
 - The extensive reinstatement of the main hospital's stone mullioned windows previously removed and altered during various extensions.
 - The construction of a new extension to the existing internal courtyard to the north side of the main hospital building to provide purpose built student accommodation which, combined with the conversion of the main building, would create 82 student studios.
 - The construction of a new building accommodating purpose built student accommodation providing 281 bed spaces, with independent student hub.
 - Extensive re-landscaping of the site and arboricultural management to retain mature boundary trees, and the creation of a landscaped terraced forecourt between the former hospital building's southern frontage and the rear of the new block, with an improved vehicular access at the south east corner of the site at the junction between North Road and Sutton Street.
7. Of the proposed new build accommodation, Block A would run along the south east edge of the site fronting Sutton Street and be five stories in height, the uppermost being in-set from the lower elevations. Blocks B and C would run along the south west edge of the site facing Waddington Street, splayed at the upper north west extremity towards the historic hospital building, and stepping up the slope. Block B would be of five storey with the uppermost inset, while block C would be of six storeys with the uppermost inset, and seven storey with the uppermost inset.
8. The architecture of the accommodation blocks remains much as before, incorporating flat roofs throughout. Modulation would be complimented by a mix of materials, with shadow lines adding to the depth of the façades. A mix of brickwork, cladding and glazing would be employed.

9. The current submission has had regard to the reasons for refusal of the previous application and concerns raised by objectors to it. The main differences between the previous and current application being:
- The reduction in height of blocks B and C by removing a storey.
 - The setting back of the remaining upper storeys of blocks B and C from the front building line to reduce visual impact.
 - Reduced scale of gable features to further reduce visual impact.
 - Relocation of student hub within replacement building for disused former scout hut within north east corner of the site, to provide lower ground level gym, and ground level student amenity space, music practice room and toilets, the design and materials to replicate existing building but with glazed frontage facing into the site.
 - A redesign of internal site landscaping to provide a simpler but stronger foreground to the historic hospital building.

Revisions

10. Revisions to the scheme have been made since the application was submitted in December 2014 following discussions with Council officers. Drawings received March 2015 further reduced the width and mass of the top storey of Block C, resulting in a reduction in student flat numbers by one to 281, and increasing the modulation between blocks B and C.
11. The application is being presented to Planning Committee as it constitutes a large scale major development proposal.

PLANNING HISTORY

12. At its meeting on 29 July 2014 the County Planning Committee refused planning permission for the conversion of the former hospital and its extension to form 89 student studios, the erection of two student accommodation buildings to provide 309 student bedrooms, demolition of outbuildings and extensions, provision of cycle storage, parking and altered site access for the following reasons:
- i) *The Local Planning Authority considers that the proposed accommodation block fronting Waddington Street would, by reason of its height, scale and massing, fail to preserve or enhance the character and appearance of this part of the Durham (City Centre) Conservation Area and would therefore be harmful to its significance, and furthermore, would have an over dominant impact on a non-designated heritage asset to the detriment of its significance within its setting. This would be contrary to Policies E6, E21, E22, H13 and H16 of the City of Durham Local Plan and the objectives of Part 12 of the NPPF.*
 - ii) *The Local Planning Authority considers that the proposed accommodation block fronting Waddington Street would, by reason of its height, scale and massing have an overbearing impact on those living close by, diminishing the level of residential amenity that they can reasonably expect to enjoy. This would be directly contrary to the objectives of Policy H13 and H16 of the City of Durham Local Plan.*
13. To provide context, there are a number of recent planning permissions in the immediate vicinity of the site that should be noted.
14. In November 2012 planning permission and conservation area consent were granted for the demolition of Waddington Street Bus Depot and the erection of 19 dwellings.

15. In December 2012 planning permission and conservation area consent were granted for the demolition of a commercial garage and the development of 223 bed space student accommodation on land off Waddington Street.
16. In November 2014 a planning application for the conversion of the Kingslodge Hotel to 57 bed space student accommodation was refused on the grounds of the loss a community facility without a financial viability justification, harm to the character of the area which would detract from the amenities of existing residents, and the absence of a bat survey to determine impact on protected species. An appeal against this decision has now been lodged.

PLANNING POLICY

NATIONAL POLICY:

17. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social, and environmental, each mutually dependent.
18. 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 of the NPPF are considered relevant to this proposal:
19. *NPPF Part 1 – Building a Strong, Competitive Economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.
20. *NPPF Part 4 – Promoting Sustainable Transport.* The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. It is recognised that different policies and measures will be required in different communities and opportunities to maximize sustainable transport solutions which will vary from urban to rural areas. Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
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. Planning policies and decisions must aim to ensure developments; function well and add to the overall quality of an area over the lifetime of the development, establish a strong sense of place, create and sustain an appropriate mix of uses, respond to local character and history, create safe and accessible environments and be visually attractive.
22. *NPPF Part 8 – Promoting Healthy Communities.* Recognises the part the planning system can play in facilitating social interaction and creating healthy and inclusive communities. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities and planning policies and decisions should achieve places which promote safe and accessible environments. This includes the development and modernisation of facilities and services.

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 radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy.
24. *NPPF Part 11 – Conserving and Enhancing the Natural Environment* - The planning system should contribute to, and enhance the natural environment by; protecting and enhancing valued landscapes, recognizing the benefits of ecosystem services, minimising impacts on biodiversity and providing net gains in biodiversity where possible, preventing new and existing development being put at risk from unacceptable levels of soil, air, water or noise pollution or land instability, and remediating contaminated and unstable land.
25. *NPPF Part 12 – Conserving and Enhancing the Historic Environment* – Local Planning Authorities should have a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets, recognising that these are an irreplaceable resource and conserving them in a manner appropriate to their significance.

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf> (*National Planning Policy Framework*)

26. The Government has recently cancelled a number of planning practice guidance notes, circulars and other guidance documents and replaced them with National Planning Practice Guidance (NPPG). The NPPG contains guidance on a number of issues, and of particular relevance to this proposal is guidance relating to conserving and enhancing the historic environment, design, determining a planning application, noise, trees in conservation areas and the natural environment.

<http://planningguidance.planningportal.gov.uk/> (*National Planning Practice Guidance*)

27. The Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of any conservation area within which development is proposed.

LOCAL PLAN POLICY:

City of Durham Local Plan 2004 (CDLP)

28. *Policy E3 World Heritage Site – Protection* seeks to safeguard local and long distance views to and from the Cathedral and Castle.
29. *Policy E6 Durham (City Centre) Conservation Area* - identifies the application site as lying within a conservation area. The policy requires the conservation area's special character, appearance and setting to be preserved or enhanced by new development.
30. *Policy E14 Protection of Existing Trees and Hedgerows* – requires development proposals to retain important trees and hedgerows wherever possible, and to replace them where lost.
31. *Policy E16 Protection and promotion of Nature Conservation* – seeks to protect and enhance the nature conservation assets of the district by identifying and significant nature conservation interests, avoid unacceptable harm to such interests, and provide

mitigation measures to minimise unacceptable adverse impacts that cannot otherwise be avoided.

32. *Policy E21 – Conservation and Enhancement of the Historic Environment* – seeks to preserve and enhance the historic environment by requiring development proposals to minimise adverse impacts on significant features of historic interest within or adjacent to the site, and encourage the retention and re-use of buildings and structures which are not listed but are of visual or local interest.
33. *Policy E22 – Conservation Areas* – seeks to preserve or enhance the character or appearance of the conservation areas within the city of Durham by not permitting development proposals which would detract from the character or appearance of the conservation area or its setting. All such proposals should be sensitive in terms of siting, scale, design and materials, reflecting where appropriate existing architectural details.
34. *Policy E23 – Listed Buildings* – safeguards listed buildings and their settings. In particular development detracting from the setting of a listed building is not permitted.
35. *Policy H13 – Character of Residential Areas* – Planning permission will not be granted for new development or changes of use which have a significant adverse impact on the character or appearance of residential areas or the amenities of residents within them.
36. *Policy H14 – Improving and Creating More Attractive Residential Areas* – encourages developments and initiatives that secure environmental improvements within existing housing areas by inter alia requiring development to respect, and where appropriate enhance, local character.
37. *Policy H16 – Residential Institutions/Student Halls of Residence* – such development will only be permitted where well related to shops, community and social facilities, and public transport; where they provide satisfactory standards of amenity and open space; do not detract from the character and appearance of the surroundings or from the amenities of existing residents; and would not lead to a concentration of student accommodation in a particular area that would adversely detract from the amenities of existing residents.
38. *Policy T1 – Traffic Generation – General* – precludes planning permission being granted for development that would generate traffic detrimental to highway safety or would have a significant effect on the amenity of occupiers of neighbouring property.
39. *Policy T10 – Parking – General Provision* – states that off-site parking be limited in amount to promote sustainable transport choices.
40. *Policy T20 - Cycle Facilities* – Seeks to encourage appropriately located, secure parking provision for cyclists.
41. *Policy T21 – Walking* – seeks to safeguard the needs of walkers by protecting existing footpaths and rights of way, and establishing a safe, attractive and convenient footpath network throughout the city.
42. *Policy Q1 – General Principles – Designing for People* - requires the layout and design of all new development to take into account the requirements of users, and will be expected to address personal safety and crime prevention, the access needs of everyone irrespective of age or physical ability, and the provision of toilet facilities, seating and siting where appropriate.

43. *Policy Q2 – General Principles – Designing for Accessibility* – requires the layout and design of all new developments to take into account the requirements of users, embodying the principle of sustainability, and paying particular attention to pedestrian – vehicular conflict, vehicular access and parking.
44. *Policy Q5 – Landscaping – General Provision* – requires all new development which has an impact on the visual amenity on the visual impact of the area in which it is located will be required to incorporate a high standard of landscaping in its overall design and layout.
45. *Policy Q15 – Art in Design* – encourages the provision of artistic elements in the design and layout of development. Due regard will be made in determining planning applications to the contribution they make to the appearance of the proposals and the amenities of the area.
46. *Policy U5 – Pollution Prevention – General* – precludes development that may generate pollution that would adversely impact upon the quality of the local environment or neighbour amenity or unnecessarily constrain the development of neighbouring land.
47. *Policy U8A – Disposal of Foul and Surface Water* - precludes development that does not include satisfactory foul and surface water disposal.
48. *Policy U14 – Energy Conservation – General* - The council will encourage the effective use of passive solar energy and the reduction of wind-chill in the layout, design and orientation of buildings, and the use of energy efficient materials and construction techniques.

RELEVANT EMERGING POLICY

The County Durham Plan

49. Paragraph 216 of the NPPF says that 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. The County Durham Plan was submitted for Examination in Public in April 2014 and stage 1 of that Examination has been concluded. However, the Inspector's Interim Report which followed, dated 18 February 2015, has raised issues in relation to the soundness of various elements of the plan. In the light of this, policies that may be relevant to an individual scheme and which are neither the subject of significant objection nor adverse comment in the Interim Report can carry limited weight. Those policies that have been subject to significant objection can carry only very limited weight. Equally, where policy has been amended, as set out in the Interim Report, then such amended policy can carry only very limited weight. Those policies that have been the subject of adverse comment in the interim report can carry no weight. Relevant policies and the weight to be afforded to them are discussed in the main body of the report.

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.cartoplus.co.uk/durham/text/00cont.htm> (City of Durham of Durham Local Plan)

<http://durhamcc-consult.limehouse.co.uk/portal/planning/> (County Durham Plan)

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

50. *The Highway Authority* – No objection is raised subject to matters relating to secure cycle storage, and refuse vehicle and emergency vehicle on-site turning, being fully addressed by planning condition. The site is considered to be in a sustainable location, readily accessible from Durham's railway and bus stations. Its position within one of the City's controlled parking zones, combined with limited on-site parking availability, would contribute to a sustainable travel environment, encouraging a range of non-car born travel mode choices. Traffic generation is considered likely to be low.
51. *English Heritage* – Objects to the application and recommends its refusal. The removal of the 1930s Rushford Wing is welcomed, as is the removal of other later additions to the hospital, which has the potential to better reveal the significance of the original Hospital building. However, despite amendments to the earlier scheme, it is considered that the massing and height of block C would still be harmful to the significance of both this part of the conservation area and to the former hospital building. Whilst it is accepted that the removal of later additions to the original historic building, and provision of a more open aspect, go some way towards revealing its significance and relationship to the surrounding townscape and topography, this is not considered to outweigh the harm caused to the significance of this part of the conservation area by the proposed new build due to its form, massing and height. However, English Heritage remains of the opinion that the significance of the Grade II* listed viaduct would not be harmed, nor would the Outstanding Universal Value of the Durham Castle and Cathedral World Heritage Site.
52. *Environment Agency* – No objection is raised. In regard to land contamination potential resulting from this proposal, controlled waters at the site are considered to be of low environmental sensitivity, therefore no site-specific advice is offered. The applicant is therefore referred to the requirements of the NPPF and Environment Agency *Guiding Principles for Land Contamination*.
53. *Northumbrian Water* – No objection is raised. This is on the understanding that foul water flow must be restricted to 2 litres per second and discharged into manhole 8702, and no surface water shall enter the public sewer network.

INTERNAL CONSULTEE RESPONSES:

54. *Spatial Policy* – No objection is raised. The starting point for determining the acceptability of this proposal is the saved policies of the City of Durham Local Plan that conform to the NPPF. The key consideration is saved Policy H16, and notably the potential impact of additional student numbers, in an area of high concentration, on the amenity of existing residents. Although it is accepted such a judgement is finely balanced, it is concluded that by reason of the nature of the development, its managed and staffed nature, layout in relation to surrounding uses, and likely routes occupants would take to and from the site, it is unlikely that the proposed development would adversely detract from the amenities of existing residents,
55. The NPPF states that Local Planning Authorities should approve applications that accord with the Framework, unless there are material issues that suggest otherwise. The Framework promotes sustainable development which is encapsulated through the key economic, environmental and social measures of sustainability. Although there are concerns regarding the impact of the scheme upon the requirements of the NPPF to achieve mixed and vibrant communities (paragraph 50), catering for the

needs of different groups within the community, on balance the opportunity to bring a heritage asset back into use, and the acceptability of the land use (under saved policy), the proposal is considered to be acceptable

56. *Design & Conservation* – No objection is raised. Changes to the previously refused scheme are considered to have resulted in a revised proposal that addresses, at least in part, a number of the previously raised concerns. These include the reduced height of blocks B and C, further articulation of the upper storeys, reduced overall visual impact on the adjacent street, and arguably a more refined architectural aesthetic. It is considered that the scheme also includes additional benefits through the inclusion of the student hub building, a simplified approach to internal landscaping, and a more subordinate relationship with the historic hospital building.
57. In terms of impact on the conservation area, the development is considered less harmful than both the previously proposed scheme and the existing incongruous extensions to the non-designated asset. Whilst it is clear that a development of lesser scale and massing would be easier to assimilate into the local environment and cause less concern, it is important to consider the merits of the proposals against the site as it is today, and the negative impact of a redundant building within the conservation area. This harm must be balanced against the benefits the proposals offer, and is most certainly less than substantial. Design & Conservation officers consider that the benefits in terms of overall improvements to the non-designated asset, as they relate to setting and the revealing of significance, can be clearly seen, and must be given due weight.
58. *Landscape* – No objection is raised. It is considered that The proposals would result in the loss of a number of trees which would have some adverse effects. However, those effects would not be unacceptable in themselves should the development be acceptable in other respects. Further consideration would need to be given to the design of parking bays south of the student hub in respect of impacts on T12, but this can be addressed by planning condition.
59. *Ecology* – No objection is raised. The submitted breeding Bird Survey is considered to be sufficient to inform the proposal in respect of bird populations on the site. In the event that planning permission were granted, it is requested that it be conditional upon the mitigation proposed in section E of the report Mitigation and Compensation being carried out. Also accepted are the findings of the Ecological Survey which confirms the risk of harming otter, great crested newts, water vole, badgers and reptiles to be low. Bat roosts have been found to be present on the site, and were development to be carried out a European Protected Species license would be required. Proposed mitigation includes a range of bat boxes, crevice roost sites, bat slates and gaps beneath ridge tiles, together with the creation of a bat loft to the west of the site. Such mitigation is considered to be both acceptable and robust. However, were planning permission to be granted, it should be conditional upon bat loft dimensions and exact locations being agreed, site lighting details provided to avoid bat mitigation being negated should the lighting close to roosts be too bright, and the provision of 10 house sparrow terraces.
60. *Archaeology* – No objection is raised. From an archaeology perspective the submitted Heritage Impact Statement and associated reports satisfy paragraph 129 of the NPPF and assist the Local Planning Authority in understanding the significance of the heritage assets affected by the development. Officers consider there to be limited potential for buried archaeological remains, but this will have been somewhat diminished by the construction of the hospital and associated buildings, although some pockets of undisturbed stratigraphy may exist. The report advises the recording of some of the buildings to be demolished. Should planning permission be

granted, conditions are requested for a pre-development evaluation of areas where new build would take place, and mitigation measures put in place should they be necessary. A photographic record of the more significant buildings to be demolished would also be required.

61. *Access and Rights of Way* – No objection is raised. There are no recorded Public Rights of Way through the site and none outside the site would be affected.
62. *Environmental Health and Consumer Protection (Contamination)* – No objection is raised. The conclusions of the submitted Desk Top Study in respect of site contamination are accepted, these being that there is a low to moderate ground contamination risk for both human health and controlled waters. Accordingly, no further investigation is required.
63. *Environmental Health and Consumer Protection (Air Quality and Noise)* – In terms of air quality impact, it is stated that the level of anticipated traffic generation falls well below that which would have an impact on traffic volumes on routes within Durham's Air Quality Management Area and elsewhere in the city. However, the construction phase of the development, should it be approved, has the potential for noise and dust emissions, and there are a number of receptors in the vicinity. It is therefore requested it be a condition of any planning consent that a construction management plan be agreed prior to development commencing.
64. The submitted Noise Report is considered to be acceptable in as far as it satisfactorily addresses the impact of noise levels within the area of the site upon future occupants of the proposed development. However, it does not fully demonstrate the impact the development would have on existing residential properties, particularly in the case of the student hub. This requires further consideration, and an appropriate planning condition should planning permission be granted.
65. *Drainage & Coastal Protection* – No objection is raised. As a "brownfield" site surface water discharge rates should be 50% of existing, the hierarchy of sustainable surface water discharge (soakaway, watercourse then sewer) should be followed, and full drainage details be provided as a condition of any planning permission.
66. *Sustainability* – In terms of location, the site is considered to be sustainable, with good access to services, facilities and employment opportunities within Durham. The site is also previously developed (Brownfield) but close to sensitive local features such as the listed viaduct and Flass Vale. It is therefore concluded that whilst the site is in a sustainable position, and the reuse of the original hospital building is to be welcomed, there are heritage and ecology judgements to be made before such concerns can be eliminated. The Government presumption in favour of sustainable development would only be considered to have been met by this proposal if design and ecology issues have been satisfactorily addressed. The submitted Energy Statement lists the specification of combined heat and power boilers (CHP), which produce both heat and electricity in a single process, and the improvement of U values which is a measure of heat loss within a building through its fabric such as walls, windows and roof. This "Lean and Clean" approach is welcomed and in line with the County Council approach to building sustainability. However, the claim that there would be a 30% total carbon reduction cannot be substantiated as it is unclear against what baseline figure this has been calculated, and whether it includes a stated further option of solar panels.
67. *Economic Development (Employability)* – The Council has an aspirational target of 10% of any labour requirement to be offered as new employment opportunities or training. It is therefore requested that targeted recruitment and training (TRT) is

included within the S106 agreement to secure employment and skills training that will assist the local community by improving job prospects and employability.

PUBLIC RESPONSES:

68. This application was advertised by site and press notices. In addition notification letters were sent to individual properties in the vicinity of the site as well as those who made representations in respect of the previous application. Upon receipt of amended drawings in March neighbours, and those who had made representations, were reconsulted. 130 letters of objection and 2 in support have been received. The grounds of objection and concern raised are summarised below.

Objection

- Inadequate and misleading community involvement. It is alleged those attending a pre-submission meeting regarding the earlier proposal held on behalf of the applicant were misled as to the intended scale, massing and nature of the proposed development, and that suggested positive feedback included within the subsequent planning application is inaccurate, and that no consultation has been carried out in regard to the amended scheme.
- Adverse impact of a further concentration of students upon a residential area already dominated by them. This it is said would result in increased traffic, illegal parking, noise, litter and a proliferation of “street food” establishments.
- Adverse impact on a balanced community. The area is said to be saturated by student houses, recently added to by the approval of a 223 bed student accommodation development on land off Waddington Street. Reference is made to Policy 32 of the emerging County Plan, the proposal being considered to be contrary to its objectives.
- Adverse Heritage Impact. The multi storey block is still considered to be unsympathetic and overbearing to its surroundings, screening the original Victorian building. It is considered that the submitted drawings fail to properly show the townscape context into which the development would be placed and that there are inaccuracies on the accompanying model.
- The development is still considered to be insensitive to student needs. Cramped accommodation, little open space, and central corridors with no natural light. It is said that this could lead to psychological problems and antisocial behaviour.
- Adverse impact on wildlife and trees. It is suggested that the amount of development is unsustainable, with damage to the wildlife corridor between Flass Vale and Wharton Park, and loss of trees from the site.
- It is considered that there is no planning support for the development within the saved policies of the Local Plan or the emerging County Plan. It is said that the proposals run contrary to a number of local plan policies and by being unsustainable is in conflict with the key objective of the NPPF.
- Disruption by construction work. Noise from building operations, including the possibility of pile driving and on-street parking by site workers and construction vehicles, are identified as potential disturbance to local residents, to the detriment of their amenity levels.
- A lack of direction by both the County Council and the University in respect of student accommodation. The absence of an agreed strategy in regard to student accommodation numbers and locations is seen as an opportunity for speculative and potentially inappropriate development by those without the best interests of Durham as a place to live and visit at heart.
- Concern regarding the management of the proposed accommodation. Details provided are said to be vague, and the behaviour of the students who would be

resident on the site is anticipated to be potentially problematic, particularly in respect of late night activity.

- The reduction in scale and massing of the revised proposal is slight, and insufficient to overcome the reasons for refusal of the earlier planning application.

69. Individual letters have also been received from Durham University, the City of Durham Trust, Crossgate Community Partnership, the Durham Bicycle User Group, and Councillors Freeman and Ormerod, and Councillor Martin.
70. *Durham University* – opposes the application. Whilst acknowledging amendments made to the form, massing and height of the proposed building, these changes are not considered sufficient to outweigh the harm which would be caused to this part of the conservation area. Furthermore, the applicant is said to have failed to demonstrate that the development meets a need which is currently unmet, and there is no agreement between the applicants and the University or with any other education provider. The University concludes that it would also be premature to determine this application in the absence of any certainty regarding the terms of Policy 32 of the emerging County Durham Local Plan.
71. *The City of Durham Trust* – strongly objects to the application and advises that its opposition is not confined to the two reasons for the earlier application's refusal. The applicant is criticised for an absence of engagement with the local community. The need for this number of student bed spaces relative to the University's planned increase in student numbers to 2020 is questioned and its intention to provide its own purpose built accommodation; opposes the application on grounds of the unsustainability of the site's location due to its distance (2 kms) from main University teaching areas resulting in saturation of the local footpath system at certain times of the day; there being more appropriate uses for such a key site such as a hotel, offices or a mix of residential types; an overconcentration of students within the Viaduct Area leading to an unbalanced community, contrary to Part 8 of the NPPF; and continuing harm to the significance of both the historic hospital conservation area by reason of scale and massing.
72. *Crossgate Community Partnership* – opposes the application listing 25 points of concern. In summary, these include the development's contribution to an imbalanced community, negative impact on the significance of the conservation area, cumulative impact of this and other purpose built student accommodation on the city, absence of financial benefit to Durham, unacceptable traffic, natural environment, and drainage impact, and there being no evidence that student houses would revert to family occupation as a consequence of this purpose built student accommodation proposal.
73. *Friends of Flass Vale* – object to the application. Grounds of objection are the loss of trees and over-development of the application site which is said to be harmful to the setting of Flass Vale and to the green corridor that links Flass Vale with Wharton Park to the benefit of wildlife; visual dominance of surroundings due to scale and massing; additional negative impact on an already unbalanced community; and adverse impact on residential amenity.
74. *The Durham Bicycle User Group (DBUG)* – considers this proposal only to be acceptable if the 90 proposed cycle parking spaces are significantly increased, covered and secured. The routes cyclists would take between the site and University teaching facilities offer a poor environment for cycling, and issue is taken with the submitted Transport Statement which ignores the fact that South Street is a one way street. Should planning permission be granted, it is requested that financial contributions secured by a Section 106 Agreement be used to improve highways and

junctions within routes to and from the University including Sutton Street, Margery Lane, Potters Bank, Quarryheads Lane, North Road, Silver Street, Elvet Bridge and South Street.

75. *Councillors Freeman and Ormerod* – object strongly to this application. A lack of engagement with the local community by the applicants is highlighted; an absence of need for the number of student bed spaces proposed; the inappropriate use of such an important site; its unsustainable location for student occupation; impact on the local footpath network; an over concentration of students in the viaduct area of Durham leading to an unbalanced community; and damage to the conservation area and historic hospital's setting resulting from the proposal's height, form and massing.
76. *Councillor Martin* – objects strongly to the application. The revisions carried out to the previous unsuccessful application are not considered sufficient to overcome the reasons for refusal. Furthermore, it is not agreed that the principle of student accommodation in this location has been accepted, as stated by the applicant. In addition, the need for student accommodation on this scale is questioned, and it is not agreed that it would lead to the student houses that dominate the area reverting to family use due to conversion costs. The economic benefits to the City are disputed, on the grounds that the development in itself would not generate new students and their spending power. Finally, negative impact through disturbance resulting from such a high concentration of students in such a confined area, and adverse impact on the nearby and popular Finbarrs Restaurant within the Kingslodge Hotel are also cited.

Support

77. Two local residents support the application, considering purpose built student accommodation to be preferable to more city centre houses being occupied by students. The County Hospital site is considered to be in an appropriate location within fairly easy reach of academic departments, amenities and public transport, and remote from existing residents by having a road on three sides. Therefore subject to an appropriate design, materials and retention of as many trees as possible, the application is supported.

APPLICANTS STATEMENT:

78. The Council refused an application for the development of the site for student accommodation (398 units) in July 2014 for two reasons. Both reasons said that the scale and massing of the development was excessive. As the development partly involves the conversion of the existing County Hospital building the clear view that committee gave was that the scale and massing of the new build element was unacceptable.
79. Peveril Securities, as a responsible applicant, decided not to lodge an appeal and to negotiate with the Council's officers to overcome the reasons for refusal. Whilst there were a number of other issues including policy that were discussed in July the committee did not impose any other reasons for refusal than the scale and massing of proposed buildings.
80. Negotiations with officers have resulted in a reduction in the scale and massing of the new build element of the scheme so that 363 units are now proposed. The largest new build block nearest to the County Hospital has had an entire storey taken off and the remaining upper storey set back from the building edge – resulting in a loss of 28 rooms. The setting of the County Hospital building has been improved.

81. Officers have therefore agreed that the reasons for refusal have been addressed. If there had been any other reasons for refusal, Peveril would have sought to reach agreement on them.
82. There remain clear benefits to the scheme as:
- a) It provides for unmet need for purpose built student accommodation. Less than half of the students in Durham are provided for by purpose built accommodation. The result is a high proportion of students have to live in houses in multiple occupation (HMO) which we know causes 'issues' with local residents. Part of the solution to this problem recognised in other university cities is the provision of adequate amounts of purpose built accommodation to give students an alternative to HMOs.
 - b) It will be a very well managed facility run by Victoria Hall, one of the leading student operators in the country who will have 24 hour management on site.
 - c) It will contribute over £16 million into the local economy.
 - d) It will refurbish the County Hospital building to a high standard and regenerate the site.
83. There is no policy that opposes the principle of student accommodation being provided on the site. That was accepted in July last year and the position has not changed. The policies in the NPPF and your saved Local Plan are complied with – as would be the emerging policy on purpose built student accommodation in the County Plan.
84. Peveril Securities has directly responded to the Council's reasons for refusal on the July 2014 application. Given the significant need for new student accommodation in Durham and the benefits of the site being redeveloped – including a contribution of £30,000 to the improvements in Wharton Park – the reduction in the scale and massing of development should now lead to permission being granted.

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.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application>

PLANNING CONSIDERATIONS AND ASSESSMENT

85. 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 the development, impact upon the conservation area and heritage assets, residential amenity, landscape and visual impact, ecology, highway safety and parking, and other matters.

Principle of Development

86. The redevelopment of the long disused County Hospital site is welcomed. It offers an opportunity to restore and reuse an original core building that is recognised as a non-statutory heritage asset, to remove later additions to enhance the building's setting and the contribution it makes to the character and appearance of the conservation

area, and to sensitively develop the grounds. This is compliant with the objectives of Paragraphs 131 – 137 of the NPPF and CDLP Policies E6, E21 and E22.

87. The principle of purpose built student accommodation (PBSA) at the County Hospital site was not cited as a reason for the refusal of the previous and unsuccessful planning application. The site is considered to be in a sustainable location, well related to a variety of transport modes, shops, community and social facilities, and while not in close proximity to University teaching facilities it is within relatively easy walking or cycling distance.
88. Policy H16 of the CDLP states that residential institutions will be permitted within settlement boundaries provided that they are well related to shops and other facilities, have satisfactory standards of amenity and open space, and do not detract from the character and appearance of their surroundings nor impact negatively from the amenities of existing residents. In the case of student halls of residence, the proposal should not lead to a concentration of student accommodation such that it would adversely detract from the amenities of existing residents. Based upon properties exempt from Council Tax due to student occupation and cross referenced to postcodes, it has been evidenced that residential areas to the south and west of the application site (e.g. Flass Street, Mowbray Street, Waddington Street, Lambton Street and Sutton Street) comprise 89-100 % student occupation, while those to the north (e.g. Albert Terrace and Western Hill) comprise 8-22% student occupation. To this can be added the 220 student PBSA at the former commercial garage. While the postcode based figures should be treated with caution as in some cases percentages are derived from a small number of properties within a given zone, it remains clear that student concentration levels are high to the south and west of the application site.
89. This being the case, the judgement to be made is whether development of the nature proposed, adjacent to an area of high student concentration, would adversely detract from the amenities of existing residents. This is the test set by Policy H16 of the CDLP. In this regard, the proposed PBSA is untypical of what exists already within the City when compared to student houses and University run accommodation. The proposal would have on-site management, which student houses have not, and be on a self-contained site last used for institutional activity. Furthermore, occupants would for the most part take a pedestrian route to and from the site along North Road, an already well used public thoroughfare. As this route serves bus and railway stations, public houses, hot food outlets and shops, it would not be unreasonable to conclude that the additional footfall is unlikely to detract from the amenity of existing residents, as addressed by Policy H16.
90. Reference has been made to Policy 32 of the emerging County Durham Plan by a number of those who oppose this application, citing the restriction it places upon student concentrations. However, the Submission Draft version (April 2014) Policy 32 did not include specific policy on PBSAs. This was subject to objection and subsequent debate at the subsequent Examination in Public (EIP) and as a result the Council proposed a “Main Examination Hearing Change” that introduced specific PBSA guidance. However, the EIP Inspector in his Interim Report considered Policy 32 unsound, including the proposed changes that introduced a requirement for the demonstration of need for student accommodation as part of development proposals. Legal advice to the Council is that no weight can now be ascribed to this policy.
91. Paragraph 50 of the NPPF considers the desirability of creating sustainable, inclusive and mixed communities. The application site is that of a former hospital, therefore it has at no time contributed to any form of housing stock. The introduction of student accommodation to an area of the city where some of the surrounding area already has high concentrations of students would obviously increase numbers. However, this

must be balanced against the benefits of bringing the site back into use and the restoration of the historic hospital building, and the limited impact the residents of the scheme are likely to have on the residential amenity of those living close by.

92. Paragraph 50 also seeks to deliver a wide choice of high quality homes. Purpose Built Student Accommodation provides choice for students. Within Durham City, this form of accommodation has the potential to provide an alternative form of accommodation to living in Houses of Multiple Occupation (HMO), and while the likelihood of this leading to HMOs reverting to family occupation remains uncertain, it will undoubtedly help stem the flow of new HMOs.
93. Consequently, only the existing CDLP and NPPF can be afforded significant weight in the decision making process and it should be noted that there is no requirement for the applicant to demonstrate any need for the development in either of these policy documents. It is acknowledged that many of the objectors, including Durham University have identified need and potential oversupply of student accommodation as being significant concerns, however, with no policy basis for requiring an identification of need, and the application site's sustainable location, it is considered that it would unreasonable to seek to resist the application on this basis.

Impact Upon the Conservation Area and Heritage Assets

94. When considering any development proposal that affects a conservation area the LPA must pay special attention to the desirability of preserving or enhancing the character and appearance of that area as required by Section 72 Planning (Listed Buildings and Conservation areas) Act 1990. The NPPF goes a step further, stating that an LPA should seek opportunities for enhancement of significance (Paragraphs 131 to 137).
95. The application is accompanied by a Heritage Assessment which concludes that this proposal removes ad hoc extensions and additions to the historic hospital, to the benefit of a non-designated heritage asset, better revealing its significance to a wider area, so enhancing the character and appearance of the conservation area, a designated heritage asset.
96. The acceptability or otherwise of this application rests essentially upon whether the amended proposal addresses the reasons for refusal of the earlier scheme.
97. The first refusal reason related to the harm caused to the significance of the historic hospital building, a non-designated heritage asset, and to the significance of the Durham (City Centre) Conservation Area, a designated heritage asset, as a result of the proposal's scale and massing. While the harm was judged to be less than substantial, it remained harm, which was not considered to be outweighed by the wider benefits of the proposal.
98. The revised submission reduces the scale and massing of Blocks B and C by a storey, and then sets back the remaining uppermost storey from the outer face of these blocks. So whilst it remains the case that the front building line of Blocks B and C would be approximately 1.2 m closer to Waddington Street than the Rushford Wing they would replace, as in the earlier scheme, the overall height would be reduced to much closer to that of the Rushford Wing, being only 1.48m higher, with the upper storey set back by 1.4 m. from the front elevation.
99. The reduction in height of these blocks, and indentation of the remaining upper storey, would reduce the domination of the proposal relative to that of the existing Rushford Wing. Also, it is considered that the reduction in overall height responds

more favourably to the eaves level of the historical hospital, whilst it can be argued that the more refined architectural aesthetic of the proposed blocks represents an improvement upon the Rushford Wing. Both the Council's Design and Conservation officer and English Heritage view this as an improvement. However, the latter maintains its objection to the proposal on the grounds that harm, albeit less than substantial, remains.

100. The scale of the viaduct, height of trees, and overall topography of the site give some rationale for the overall "larger" scale of development within the context of a conservation area predominantly considered to be domestic of varying scales. To some degree Blocks B and C could also be considered to respond to the character of the conservation area as the stepped roof form responds to topography, with views screened by retained trees. It is agreed with English Heritage that the proposed development would not affect the setting or the Outstanding Universal Value of the World Heritage Site, or impact on the setting of the Grade II* Viaduct.
101. In terms of impact on the conservation area the development is considered less harmful than the previously proposed scheme and less harmful than the existing incongruous extensions to the non-designated asset. Whilst it is clear that a development of lesser scale and massing would be easier to assimilate in to the local environment and would cause less concern, it is important to consider the merits of the proposals against the site as it is today and the negative impact of a redundant building and landscape within the conservation area. This harm must be balanced against the benefits the proposals offer. This harm is certainly less than substantial. The benefits in terms of overall improvements to the non-designated asset in terms of setting, and revealing significance can be clearly seen.
102. Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset (in this case the conservation area) this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Paragraph 135 states that the effect on the significance of a non-designated heritage asset (the historic hospital building) should be taken into account, and in weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of harm or loss and the significance of the heritage asset.
103. The benefits of the proposed development include the conversion of the 19th century building, and its restoration to an active economic life with planned maintenance regime, would reverse its deterioration and prevent a future maintenance problem. The removal of incongruous elements would better reveal the core 19th century hospital building and restore principal views so it can be appreciated by the public. Such views would include those of the principal elevations, particularly from North Road, and improved sight lines through gaps in the proposed development from Waddington Street and Sutton Street.
104. Increased open space in the foreground of the 19th Century hospital buildings, and an enhanced landscaping scheme that includes the better revelation of the terraced garden wall, an important feature of the original hospital's setting, would further reveal the historic hospital building's significance. The resulting enhanced connectivity between the hospital building, viaduct and the World Heritage Site, through the creation of managed views through the trees, would also improve views to and from the conservation area.

105. An additional benefit, although unproven, may be that the provision of managed student accommodation would help to reduce the harm caused to the conservation area through multiple occupancy of Victorian terraced housing, and in wider regeneration terms increase footfall along North Road to the benefit of local businesses.
106. A number of objectors oppose the application despite these benefits and improvements over the earlier scheme. Many consider the reduction in height of Blocks B and C to be insufficient to overcome the reasons for the earlier application's refusal, and are of the opinion that these elements of the development remain too high and over-assertive, to the detriment of the historic hospital and its surroundings.
107. It is a very fine balance between the less than substantial harm that still remains as a result of the amended scheme, agreed by both Council officers and English Heritage to represent an improvement over the original submission, and the wider benefits as outlined above. Paragraph 137 of the NPPF states that local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably. It is not unreasonable to argue that the proposal achieves this aim, as by opening up views to the conservation area its significance could be said to be enhanced.
108. Having due regard to the changes that have been made to the proposal, the benefits that would result balanced against the non-substantial harm, and an obligation to treat favourably positive contributions to the significance of the historic hospital and conservation area, it is considered that the objectives of CDLP Policies E6, E21, E22 and H13 have been met, as has the guidance with Part 12 paragraphs 131 – 139 of the NPPF. Furthermore it has been agreed by English Heritage and Council officers that the significance of the Grade II* viaduct nor the Outstanding Universal Value of the World Heritage Site would not be harmed as a result of the proposal, therefore the objectives of CDLP Policies E23 and E3 have also been met. Furthermore, as special attention has been paid to the proposal's ability to preserve or enhance the character and appearance of the conservation area, and it being concluded its significance would not be substantially harmed, the objectives of the Planning (Listed Buildings and Conservation Areas) Act 1990 have been fully addressed.
109. It is acknowledged that the scheme in its amended form has not been reduced in size to a great degree. However, there is always a point at which it is considered a scheme moves from being one that is unacceptable to one that is acceptable. The amended scheme results in less than substantial harm to a lesser degree than the scheme that was refused planning permission. The benefits have been outlined above. So although still finely balanced, it is considered that they now outweigh the limited harm that is now considered to result. As such, it is considered that the first of the reasons for refusal of the earlier scheme would now be overcome.
110. In terms of architecture and layout, the contemporary design approach and materials proposed are accepted as appropriate, and a significant improvement compared with the buildings currently on the site. The layout is also judged to be a demonstrable improvement, compatible with student occupation and activity, and addressing personal safety and crime prevention, disabled access, appropriate parking provision, and pedestrian and vehicular access. Accordingly, the objectives of CDLP Policies Q1 and Q2 have been met.

Residential Amenity

111. The issues of appropriate land use and social mix have been discussed above. They did not form the basis for either of the refusal reasons relating to the earlier development proposal. However, it was the immediacy of impact in terms of physical presence and overbearing nature that resulted in the second refusal reason.
112. The distance between Waddington Street properties and the proposed Blocks B and C remains the same as with the earlier scheme at approximately 38m. This is approximately 1.2m less than is currently the case between Waddington Street properties and the Rushford Wing. By removing the top storey of the earlier design the difference in height between what is currently there and what is proposed is reduced to 1.48m, which would be perceptually further mitigated by the remaining upper storey being stepped-in by 1.2m.
113. Whilst it is recognised that there is a significant difference between the heights of residential Waddington Street properties and the proposed development, such is the existing case with the Rushford Wing. Therefore it is the difference between the two that must now be considered in terms of residential impact.
114. On balance, it is considered that the lesser increase in height, mitigated by indentation, compared to the earlier scheme is now unlikely to impact negatively on the levels of residential amenity those living in Waddington Street can reasonably expect to enjoy.
115. A specific concern regarding loss light from the owner of a Waddington street property has been addressed by the applicants by means of a Daylight and Sunlight Amenity impact analysis. This concludes good levels of daylight and sunlight would be retained should the development proposal take place. The consultants who carried out the analysis applied Building Research Establishment (BRE) tests, and it was their findings that all three met guideline criteria, and that any impact would not be noticeable.
116. It is recognised that students have a disposition towards patterns of behaviour at odds with normal family activity hours. However, the applicant is committed to a management strategy to be administered by an experienced operator, with 24 hour on-site supervision, therefore there is no reason to believe that this could not mitigate neighbour disturbance. The Highway Authority does not predict significant traffic generation levels due to restricted on-site parking and on-street parking restrictions, and the site's close proximity to city centre facilities places them within easy walking distance. Finally, there is no evidence to suggest that further hot food outlets would result were the development under consideration implemented, and were such planning applications to come forward they would be assessed on their individual planning merits.
117. Noise levels predicted to prevail within the development have been address within a Noise Report, with appropriate mitigation measures recommended including insulation and trickle ventilation. The report does not deal fully with noise impact upon near-by residents; nevertheless, it is the view of the Council's Environmental Health Officer that safeguards are achievable and can be addressed by planning condition. As a further safeguard occupation hours of the student hub would also be restricted by condition.

118. Construction activity concerns are understandable. However, this would not in itself be a reason to withhold planning permission, and a construction working practices strategy, to be agreed ahead of development commencing, would be a condition of any planning permission.
119. The proposed Block B would be sunk into the slope of the site by between one and two storeys, as on the earlier scheme, resulting in accommodation windows looking out onto retained land within a light well. Levels of amenity for residents in this part of the proposed building would be affected by this arrangement, however, this is not considered to be significant in the balance of the application's considerations.
120. The applicant states that management procedures would be put in place to control the behaviour of residents on the site, and the submitted strategy adequately covers this matter with a commitment to 24 hour on-site supervision. There is consequently no reason to believe that effective management cannot be achieved. Compliance with the submitted management strategy can be enforced through planning condition.
121. In reaching the conclusion that there is no evidence to suggest residential amenity levels would be adversely impacted upon by this proposal, the objectives of Policies H13 and H16 of the CDLP have been addressed

Landscape and Visual Impact

122. The submitted Tree Survey and Tree Constraints Plan and Arboricultural Impact Assessment have been carefully reviewed. These identify the trees currently on site, their characteristics and condition, impact upon them by the proposed development, and manner in which those to remain should be protected. The vegetation both around the perimeter of the site and within it makes an important contribution to the sylvan character and appearance of this part of the conservation area and to the setting of the historic building. It also provides an effective screen to some of the less attractive built additions to the hospital, and a foil that reduces the hospital's elevated positional impact on those living in Waddington Street, despite the relative building heights. The removal of a number of these trees would have an adverse impact on the site and its surroundings, although this would be mitigated in part by tree planting and other landscaping proposals. Such impact must be balanced against the benefits of the sites development.
123. The ability of the remaining trees, combined with additional planting, to maintain the character of the site and the contribution it makes to the area is proportional to the size of the development, although there is little doubt that a more modest development in terms of height and scale would have less of a landscape impact. However, should the development now under consideration be considered acceptable in all other respects, its impact in terms of tree loss is not considered to be sufficient in itself to justify the refusal of this application.
124. The measures that would be put in place to safeguard the root systems of the retained trees are considered to be appropriate and potentially effective, provided appropriate precautions are taken during the construction phase.
125. Landscaping proposals comprise the creation of a series of distinctive spaces both around the historic hospital building and between it and the proposed buildings. These are intended to respond to the formal character of the hospital yet respecting the meadow character of the space to the south of the existing retaining wall. This approach is also said by the applicants to reinforce the green connections between Flass Vale and Wharton Park. The Council's landscape officer has reviewed these proposals and regards them as well considered. The restoration of landscaped

terracing would restore the setting of the historic building when viewed from within the site, and provide attractive amenity space through an imaginative mix of both soft and hard surfacing. The objectives of CDLP Policies E14 and Q5 are therefore considered to have been met.

Ecology

126. The submitted Bat Survey and Breeding Bird Assessments reports summarise the results of survey work carried out in 2013. These ecological appraisals found bats and breeding birds to be the only protected species present on the site, and upon which there would be an impact as a result of tree removal and demolitions.
127. The presence of bats is a material consideration in planning decisions as they are a protected species under the Wildlife and Countryside Act 1981 and a European Protected Species under the Conservation of Habitats and Species Regulations 2010 (as amended). The Habitats Directive prohibits the deterioration, destruction or disturbance of breeding sites or resting places of any European protected species. Natural England has the statutory responsibility under the regulations to deal with any licence applications for works affecting European Protected Species but there is also a duty on planning authorities when deciding whether to grant planning permission for a development which could harm a European Protected Species to apply the three derogation tests contained in the Regulations. These state that the activity must be for imperative reasons of overriding public interest or for public health and safety, there must be no satisfactory alternative, and that the favourable conservation status of the species must be maintained.
128. In applying these tests, it is considered that there is no satisfactory alternative to the restoration of the historic building on site, and as a non-designated heritage asset its restoration is in the public interest. This is an imperative reason of overriding public interest. Mitigation measures have been advanced to safeguard these ecological interests that include alternative bat roosts in the form of tree mounted bat boxes, and bat slates and ridge tile gaps within the refurbished hospital roof, and these are considered acceptable. The favourable conservation status of the European Protected Species would therefore be maintained. No impact upon the Local Wildlife Site has been predicted. The Council Ecologist has raised no objection to the proposals subject to a planning condition requiring details of the proposed bat loft and box locations, and the provision of 10 house swallow terraces. Accordingly this proposal is capable of meeting the derogation tests, and would comply with the objectives of Policy E16 of the Local Plan and NPPF Part 11.

Highway Safety and Parking

129. The submitted Transport Statement argues that there are no operational, accessibility, road safety, highways or transport related issues that would have an adverse material impact on the surrounding road network as a result of this development proposal. An improved vehicular access from the south east corner of the site adjacent to the North Road – Sutton Street junction is considered to be safe and capable of accommodating the predicted volume of traffic associated with this proposal. The Highway Authority accepts these findings. Traffic generation is predicted to be low, and mitigated by resident management, limited on-site parking (7 permanent and 10 temporary parking spaces), cycle parking provision (90 secure spaces), and restricted parking in adjacent streets.
130. Easy access to local services and facilities, by both foot and public transport, including close proximity to both bus and railway stations, render the application site a sustainable location, and despite concerns raised by DBUG it remains a safe and

accessible location for students. It is acknowledged that the quality of cycle parking and its security could be improved, but this can be addressed by condition should planning permission be granted.

131. Pedestrian access to the site is considered to be good, and a reduction of the entrance road width to 4.5m to allow for a pedestrian footway is welcomed in view of traffic generation from the site being predominantly pedestrian.
132. The level of proposed cycle parking is considered to be acceptable. However, no design details have been provided. As long stay cycle parking is considered to be an essential element of sustainable travel options for this development, cycle parking should be enclosed, covered and secure, and it is requested this be a condition of any planning permission
133. Finally, it is noted that due to various site constraints it is not possible for a refuse vehicle to gain access to each of the proposed bin stores. This will necessitate bins being taken individually to a single collection point and then loaded onto a refuse collection vehicle. A submitted swept path analysis indicates that, to turn on-site, it would be necessary for that vehicle to manoeuvre in a pedestrianized area. This is not considered safe. A similar concern relates to emergency vehicles turning within the site. However, an on-site management strategy to address the issue can form a planning condition.
134. The objectives of Policies T1, T10, and T20 the Local Plan are therefore considered to have been satisfied by issues of traffic generation, parking and cycle storage having been addressed.

Other Matters

135. The application's approach to sustainable development is accepted, and the use of a Combined Heat and Power facility and measures to minimise heat loss through the fabric of the building are welcomed. There is an uncertainty as to the claimed 30% total carbon reduction as the baseline figure is unknown, and whether it includes possible solar panels. However, and on balance the objectives of CDLP Policy U14 are considered to have been met.
136. Neighbour concerns regarding the ability of the local drainage system to handle outflows generated by the development have been addressed by Northumbrian Water and no objection has been raised subject to necessary connections being agreed. The Environment Agency has similarly raised no objection in terms of the likelihood of flood risk being increased elsewhere. The objectives of Policy U8A of the Local Plan and Part 10 of the NPPF are therefore considered to have been met. Potential ground contamination has been taken fully into account, and no issues arise. Therefore the objectives of Policy U5 of the CDLP are considered to have been addressed.
137. Concerns regarding alleged misleading and inadequate pre-planning submission public consultation are acknowledged. However, although unhelpful, this has no bearing on the acceptability or otherwise of the proposed development, which must be considered on its planning merits.
138. The applicant's agreement to a financial contribution towards the improvement and enhancement of the adjacent Wharton Park fulfils the objectives of Policy Q15 of the CDLP in respect of a percentage for art. This would be secured by way of a Section 106 legal agreement. The restoration of the Victorian park would enhance an open space asset easily assessable to residents of the County Hospital site. A masterplan

has been prepared, and a scheme is underway. The applicant's financial contribution would fulfil the CDLP art contribution policy requirement. Included also within the Section 106 agreement would be TRT agreement, to provide employment, apprenticeships or a financial contribution, to which the applicant has again agreed.

CONCLUSION

139. The proposed development represents a welcome restoration and reuse of the historic County Hospital building. The demolition of later additions that detract from its setting and add little to the character and appearance of the conservation area is also supported.
140. The acceptability of this application rests upon a very fine judgement based upon balance. On the one hand it has been held by both the Council's Design and Conservation officer and English Heritage that harm, albeit less than substantial, would result from the proposal to the significance of both a non designated heritage asset (the historic hospital) and the designated heritage asset (the conservation area) due to the scale and massing of Blocks B and C. This is a position supported by a significant number of objectors, who still consider the proposal overassertive, and are concerned about the introduction of an additional 363 students to an area already considered to be saturated by both HMOs and PBSA to the detriment of social mix and residential amenity levels. On the other hand, it has been agreed by Council officers and English Heritage that the revised proposal, that removes a storey from Blocks B and C, steps in the remaining upper storey, provides a separate student hub and enhances the forecourt landscaping represents an improvement on the earlier scheme. In addition, the historic hospital would be restored and brought back into viable use, its setting and visibility significantly improved through the removal of poor quality ancillary buildings and landscaping, and the site's interrelationship with the wider area would be enhanced to the benefit of the character and appearance of the conservation area.
141. The development is considered to be in a sustainable location, well served by public transport, with ready access to local services and facilities. No adverse impacts upon archaeological, ecological, drainage and flood risk, or highways interests have been identified that cannot be addressed by planning condition.
142. Concerns regarding a further concentration of students within an already popular student area are understandable, and a mixed use development on the site would better support a more balanced community, but there is currently no planning policy basis for the application's rejection on such grounds.
143. The PBSA would be professionally managed with a 24 hour supervisory presence, and its self contained location and direct North Road access should avert significant additional activity through other residential streets. This is preferable to further unmanaged HMOs, and while the PBSA may not necessarily lead to student houses reverting to family occupation, there is every likelihood of it stemming the flow, to the eventual benefit of more balanced communities.
144. It is considered that the amended application has just tipped the balance of harm versus benefits in favour of the revised scheme. English Heritage disagrees, it taking the approach that the Rushford Wing is already an inappropriate form of development, by reason of its scale and mass in a sensitive location, and by assessing the proposed development against the impact of the Rushford Wing an existing adverse site presence would be perpetuated.

145. Council officers take a different approach. As there appears little prospect of an alternative form of development coming forward at this time, it is legitimate to measure impact against that what is there already, rather than against what could be. This approach is in line with a requirement for every planning application to be assessed on its individual merits.
146. Therefore, on most careful balance, the benefits of this proposal are now considered to outweigh harm, and therefore the application can be supported in line with paragraph 137 of the NPPF, and it is now considered compliant with relevant policies of the City of Durham Local Plan and relevant sections of the NPPF.

RECOMMENDATION

That the application be **APPROVED** subject to the completion of a legal agreement under the provisions of Section 106 of the Town and Country Planning Act 1990 to secure a financial contribution towards the implementation of the Wharton Park Masterplan and subject to the following conditions:

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

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

2. The development hereby approved shall be carried out only in accordance with the approved plans and specifications contained within following documents:

SITE LOCATION PLAN 13020 (08)001
PROPOSED SITE PLAN 13020 (08)010 REV C
EXISTING SITE PLAN – DEMOLITION 13020 (06)010 REV A
DEMOLITION PLANS GROUND FLOOR LEVEL 13020 (06)100
DEMOLITION PLANS FIRST FLOOR LEVEL 13020 (06)101
DEMOLITION PLANS SECOND FLOOR LEVEL 13020 (06)102
DEMOLITION PLANS ROOF LEVEL 13020 (06)103
COUNTY HOSPITAL BUILDING DEMOLITION ELEVATIONS SHEET 1 OF 5 13020 (06)201
COUNTY HOSPITAL BUILDING DEMOLITION ELEVATIONS SHEET 2 OF 5 13020 (06)202
COUNTY HOSPITAL BUILDING DEMOLITION ELEVATIONS SHEET 3 OF 5 13020 (06)203
COUNTY HOSPITAL BUILDING DEMOLITION ELEVATIONS SHEET 4 OF 5 13020 (06)204
COUNTY HOSPITAL BUILDING DEMOLITION ELEVATIONS SHEET 5 OF 5 13020 (06)205
DEMOLITION PLANS SCOUT HUT & GAS BOTTLE STORE 13020 (06)206
PROPOSED PLANS PROPOSED GROUND FLOOR LEVEL 13020 (08)100
PROPOSED PLANS PROPOSED FIRST FLOOR LEVEL 13020 (08)101
PROPOSED PLANS PROPOSED SECOND FLOOR LEVEL 13020 (08)102 REV A
PROPOSED PLANS PROPOSED THIRD FLOOR LEVEL 13020 (08)103
PROPOSED PLANS PROPOSED ROOF PLAN 13020 (08)104 REV A
PROPOSED BUILDING PROPOSED GROUND FLOOR LEVEL 13020 (08)110 REV B
PROPOSED BUILDING PROPOSED FIRST FLOOR LEVEL 13020 (08)111 REV B
PROPOSED BUILDING PROPOSED SECOND FLOOR LEVEL 13020 (08)112 REV B

PROPOSED BUILDING PROPOSED THIRD FLOOR LEVEL 13020 (08) 113 REV B
PROPOSED BUILDING PROPOSED FOURTH FLOOR LEVEL 13020 (08)114 REV B
PROPOSED BUILDING PROPOSED FIFTH FLOOR LEVEL 13020 (08)115 REV A
PROPOSED BUILDING PROPOSED SIXTH FLOOR LEVEL 13020 (08)116 REV D
PROPOSED BUILDING PROPOSED SEVENTH FLOOR LEVEL 13020 (08)117 REV C
PROPOSED BUILDING PROPOSED ROOF PLAN 13020 (08)118 REV C
PROPOSED BUILDING PROPOSED OVERALL ROOF PLAN 13020 (08)119 REV B
PROPOSED PLANS STUDENT HUB 13020 (08)120 REV A
COUNTY HOSPITAL BUILDING PROPOSED ELEVATIONS SHEET 1 OF 5 13020 (08)201
COUNTY HOSPITAL BUILDING PROPOSED ELEVATIONS SHEET 2 OF 5 13020 (08)202
COUNTY HOSPITAL BUILDING PROPOSED ELEVATIONS SHEET 3 OF 5 13020 (08)203
COUNTY HOSPITAL BUILDING PROPOSED ELEVATIONS SHEET 4 OF 5 13020 (08)204 REV A
COUNTY HOSPITAL BUILDING PROPOSED ELEVATIONS SHEET 5 OF 5 13020 (08)205 REV A
PROPOSED ELEVATIONS SOUTH ELEVATIONS 13020 (08)210 REV D
PROPOSED ELEVATIONS BLOCK A 13020 (08)211 REV B
PROPOSED ELEVATIONS BLOCK B 13020 (08)213 REV C
PROPOSED ELEVATIONS BLOCK C 13020 (08)213 REV B
PROPOSED ELEVATIONS STUDENT HUB 13020 (08)215 REV A
LANDSCAPE STRATEGY 1504-1-1 REV E
LANDSCAPE PROPOSALS 1504-1-2 REV E

Reason: To meet the objectives of Policies E6, E21, E22 & Q1 of the City of Durham Local Plan 2004.

3. No development shall commence until full details, including samples, of all materials to be used in the construction of the hereby approved development have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter construction shall take place in full accordance with the approved details.

Reason: To meet the objectives of Policies E6, E21, E22 & Q1 of the City of Durham Local Plan 2004.

4. No occupation of any element of the hereby approved development shall take place until the completion of the restoration and conversion of the County Hospital building in full accordance with the approved drawings.

Reason: To meet the objectives of Policies E6, E21 & E22 of the City of Durham Local Plan 2004.

5. No development shall commence until details of the location of the proposed bat loft, and a scheme for the provision of 10 house sparrow terraces, have been submitted to and agreed in writing by Local Planning Authority. Thereafter the approved schemes shall be implemented prior to the development hereby permitted being brought into use. Mitigation and Compensation contained within Part E of the submitted Breeding Bird Assessment shall be implemented in full.

Reason: To meet the objectives of Policy 16 of the City of Durham Local Plan 2004.

6. No development shall commence until a scheme of noise mitigation that addresses sound emanating from the hereby approved development, including the student hub, shall be submitted to and agreed in writing by the Local Planning Authority, and thereafter implemented in full accordance with the agreed scheme.

Reason: In the interests of residential amenity and to meet the objectives of Policy H13 of the City of Durham local Plan 2004.

7. The student hub shall not be used, other than for maintenance, outside the hours of 09:00 and 22:00 on any day.

Reason: In the interests of residential amenity and to meet the objectives of Policy H13 of the City of Durham Local Plan 2004.

8. No development shall commence until a construction working practices strategy that includes (but not exclusively) dust, noise, and light mitigation; tree protection; compound location; traffic management and hours of working, shall be submitted to, and agreed in writing by, the Local Planning Authority. Thereafter construction will take place in full accordance with that agreement.

Reason: In the interests of public health, highway safety and amenity, in accordance with the objectives of Policies E14 and T1 of the City of Durham Local Plan 2004.

9. The proposals contained within the submitted Accommodation Management Plan and Waste Management Strategy shall be implemented and adhered at all times and for the life of the development of the development hereby permitted.

Reason: In the interests of the residential amenity levels of those living close-by in accordance with the objectives of Policy H13 of the City of Durham Local Plan 2004.

10. No development shall commence until full details of surface and foul water drainage, to include flow rates, oil interceptors, and method of disposal, shall be submitted to and agreed in writing by the Local Planning Authority, taking full account of sustainable drainage principles and the hierarchy of preference, supported by a permeability test in accordance with BRE Digest 365. Reference should be made to the County Council's Surface Water Management Plan.

Reason: In accordance with the objectives of Policy U8A of the City of Durham Local Plan 2004 and Part 10 of the NPPF.

11. No construction work shall take place, nor any site cabins, materials or machinery be brought on site, until all trees and hedges indicated on the approved Landscape Masterplan to be retained are protected by the erection of fencing, placed as indicated on the plan and comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar approved in accordance with BS.5837:2005. This protection shall remain in place for the duration of the construction period.

No operations whatsoever, no alterations of ground levels, and no storage of any materials are to take place inside the fences, and no work is to be done such as to affect any tree.

No removal of limbs of trees or other tree work shall be carried out without the written agreement of the Local Planning Authority.

Reason: In accordance with the objectives of Policy E14 of the City of Durham Local Plan 2004.

12. No development shall commence until a tree protection strategy relating to the root protection area of tree T12, as identified on drawing Landscape Proposals Drawing No: 1504-1-2 Rev E is submitted to and approved in writing by the Local Planning Authority. Thereafter the approved strategy shall be implemented in full.

Reason: In accordance with the objectives of Policy E14 of the City of Durham Local Plan 2004.

13. No occupation of any element of the hereby approved development shall take place until a refuse vehicle on-site management strategy has been submitted to, and agreed to writing by, the Local Planning Authority. Thereafter the approved strategy shall be implemented in full.

Reason: In the interests of public and highway safety in accordance with the objectives of Policy T1 of the City of Durham Local Plan 2004.

14. Notwithstanding the information shown on the approved drawings and supporting documents, prior to the hereby approved development's occupation internal and external lighting details, including fitting types, locations, illumination levels and light spill, shall be submitted to, and agreed in writing by, the Local Planning Authority. Thereafter, the agreed scheme shall be implemented in full.

Reason: In the interests of both visual and residential amenity, and the character and appearance of the Durham (City Centre) Conservation Area, in accordance with the objectives of Policies E6, E16, E21, E22 and H14 of the City of Durham Local plan 2004.

15. Notwithstanding the information shown on the approved drawings and supporting documents, prior to the hereby approved development's occupation cycle parking details, including enclosure, security and cover, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the agreed details shall be implemented in full prior to the occupation of the approved development.

Reason: In the interests of encouraging sustainable travel, in accordance with Policy T20 of the City of Centre Local plan 2004.

16. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, including a timetable for the investigation, which has been submitted by the applicant and approved in writing by the Local Planning Authority. The Scheme shall provide for:

- i), the proper identification and evaluation of the extent, character and significance of archaeological remains to evaluate areas of new build (post demolition in the case of the additions to Building 1 etc.);
- ii), an assessment of the impact of the proposed development on any archaeological remains identified in the evaluation phase;
- iii), proposals for the preservation in situ, or for the investigation, recording and recovery of archaeological remains and the publishing of the findings, if evaluation (i) identifies any significant archaeology;
- iv), Methodologies for an English Heritage style photographic survey incorporating photographic levels 1-2, 4-8 for buildings identified as significant in the supporting reports;

v), sufficient notification and allowance of time to archaeological contractors nominated by the developer to ensure that archaeological fieldwork as proposed in pursuance of (i) and (iii) above is completed prior to the commencement of permitted development in the area of archaeological interest; and
vi), notification in writing to the County Durham and Darlington County Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.

The development shall then be carried out in full accordance with the approved details.

Reason: To comply with Policies E21 and E24 of the City of Durham Local Plan 2004.

17. Prior to the development being occupied, a copy of the report on any analysis, and/or publication shall be deposited at the County Durham Historic Environment Record, and archiving required as part of the mitigation strategy shall be deposited at an agreed repository. This may include full analysis and final publication.

Reason: To comply with paragraph 141 of NPPF to ensure that the developer records and advances understanding of the significance of the heritage asset to be lost (wholly or in part) in a manner proportionate to its importance impact, and to make this evidence (and any archive generated) publicly accessible.

18. Prior to the development commencing, details of all proposed means of enclosure, including railings protecting level changes associated with Blocks B and C, shall be submitted to, and approved in writing by, the Local planning Authority. Thereafter the agreed details shall be implemented in full.

Reason: In the interests of visual amenity, in accordance with the objectives of Policy Q1 of the City of Durham local Plan 2004.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to approve the application has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. *(Statement in accordance with Article 31(1) (CC) of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.)*

BACKGROUND PAPERS

- Submitted application form, plans supporting documents and subsequent information provided by the applicant
- Planning (Listed Buildings and Conservation Areas) Act 1990
- National Planning Policy Framework
- National Planning Policy Guidance
- City of Durham Local Plan 2004
- The County Durham Plan (Submission Draft)
- Statutory, internal and public consultation responses



Planning Services

DM/14/03694/FPA

Conversion of former hospital and its extension to form 82 student studios; demolition of associated buildings; erection of two student accommodation blocks containing 281 student flats with associated communal living spaces; new student hub building; and landscaping, cycle storage, parking and access alterations, County Hospital, North road, Durham, DH1 4ST

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Comments

Date March 2014

Scale Not to scale