

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/14/03842/FPA
FULL APPLICATION DESCRIPTION:	Demolition of buildings and redevelopment to provide student accommodation (445 bedrooms), associated offices & A1 retail unit at ground floor
NAME OF APPLICANT:	SC Claypath Ltd
ADDRESS:	18 - 29 Claypath Durham DH1 1RH
ELECTORAL DIVISION:	Elvet and Gilesgate
CASE OFFICER:	Colin Harding, Senior Planning Officer 03000 263945 colin.harding@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is located on a position on Claypath, colloquially known as Lower Claypath, and encompasses numbers 18 – 29, bounded by the former Council offices at no.17 to the south, and Christchurch, a Grade II listed building to the north east. The site contains existing businesses including; Oldfields Restaurant, Durham Snooker Club, Kwik Fit and the former, now disused, Palladium Cinema. The site lies within Durham City Centre Conservation Area, and Claypath is acknowledged as being an historic primary route to the heart of the city centre and peninsula, and contains several listed buildings, of which nos.32, 83, 91 and 91A, as well as The Big Jug Public House are considered to be closest. Of the buildings currently on the site, no.18 which currently houses Oldfields Restaurant (formerly the Northern Gas Board offices), and the former Palladium Cinema are considered to be of particular significance. The remaining buildings are either 1960s brick built, or 19th Century terraced properties, within retail units at ground floor.
2. Topographically, the site extends north, away from Claypath and falls in two directions; mainly northwards towards the river valley and Freeman's Quay, and westwards, to a lesser extent, towards the market place.
3. The front of the site, closest to Claypath falls away gradually to the north, before falling away more steeply to the rear of the site, down an existing wooded bank, at the base of which lies Walkergate and Freemans Quay Leisure Centre.

4. Due to the depth of the site, neighbouring properties are not only those which adjoin the site at its frontage, with further adjoining properties to the deeper part of the site comprising the Gala Theatre and its attendant service yard, Claypath Court and the BT telephone exchange and offices.

The Proposals

5. The proposal seeks permission to demolish the existing buildings on the site and replace them with new purpose built student accommodation comprising 445 bedrooms, as well as a retail unit of approximately 4,500sq.ft, and associated communal, management and ancillary facilities, including a gym and small cinema, which would be offered for use by the occupiers, as well as occasional access for local residents.
6. The development is proposed as a “zero car scheme”, with no on-site parking provided for residents, other than two spaces for disabled drivers. Parking would also be provided for staff members.
7. Of the proposed 445 bedrooms, 135 would be incorporated into 24 student “cluster flats”, with the remaining 310 as individual “studio flats”. Cluster flats are individual rooms with communal living/dining facilities shared between approximately 6 rooms. Studio Flats contain their own individual cooking facilities.
8. The proposed layout comprises a frontage block arranged along Claypath, with two perpendicular wings extending rearwards into the site. Entrances to the retail unit and student accommodation would be from Claypath, with pedestrian traffic using a single entrance through the reception area. Service and emergency vehicle access would be taken from the existing lane at the easternmost edge of the site, adjacent to Christchurch. This lane would be widened in order to meet current standards. A further gated vehicular access is proposed at the centre of the site frontage and would provide access for staff parking, disabled parking and cycles. On changeover days, when residents would be either moving in or out, the pair of accesses would operate in conjunction with each other to create a one-way system.
9. In terms of scale and design, the Claypath frontage comprises three and a half and four storey elements and features a pitched roof. The frontage has been designed to comprise informal rectilinear footprint shapes with roof pitches parallel to the street, with an underlying predominance of vertical over horizontal proportions, interjected with variations in scale and detail. Openings at ground floor have sought to present active frontages through the use of larger openings at the eastern and western ends of the frontage, with the central block presenting a rhythm of three narrower elements, intended to reflect terraced properties prevalent on Claypath.
10. The application is being presented to the County Planning Committee as it represents major development.

PLANNING HISTORY

11. 18 Claypath: 01/00130/FPA – Change of use and conversion from offices to Restaurant and erection of two storey pitched roof extension to rear – Approved 2001.
12. 18 Claypath: 02/00872/FPA - Change of use and conversion from offices to provide licensed bar and restaurant, including alterations to shop front and provision of external fire escape staircase to rear – Approved 2002.

13. 24 Claypath: 93/0831 – Change of use from storage area to private members area – Approved 1993.
14. 25 Claypath: 94/0091 – Change of use from retail to financial and professional service – Approved 1994.
15. 25A Claypath: 94/0596 – Change of use from restaurant to social club – Labour Party HQ – Approved 1994.
16. 25A Claypath: 02/01100/FPA - Change of use and conversion from social club to residential maisonette – Approved 2003.
17. 26-27 Claypath: 85/0364 – Change of use to licensed premises – Approved 1983.
18. 29 Claypath: 88/0220 – Change of use from retail to café – Approved 1988.
19. 29 Claypath: 88/0671 – Change of use from retail to restaurant – Approved 1988.
20. 29 Claypath: 03/00218/FPA - Change of use of first floor from retail to residential flat providing five bedrooms with addition of one external window – Approved 2003.
21. 29A Claypath: 89/0283 – Change of use of first floor offices to restaurant and kitchen – Approved 1989.
22. 20-24 Claypath: 82/1025 - Hotel, retail units, residential units, multipurpose hall, restaurant, car parking and service area – Refused 1983.

PLANNING POLICY

NATIONAL POLICY:

23. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF). The overriding message is that new development that is sustainable should proceed without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant. 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’.
24. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
25. *NPPF Part 1 – Building a Strong and Competitive Economy*. The Government attaches significant weight on the need to support economic growth through the planning system. Local Planning Authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.

26. *NPPF Part 4 – Promoting sustainable transport.* Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system should be balanced in favour of sustainable transport modes. Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
27. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* Local Planning Authorities should use evidence bases to ensure that their Local Plan meets the needs for market and affordable housing in the area. Housing application should be considered in the context of the presumption in favour of sustainable development. A wide choice of homes, widened opportunities for home ownership and the creation of sustainable, inclusive and mixed communities should be delivered. Where there is an identified need for affordable housing, policies should be met for meeting this need unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified and such policies should also be sufficiently flexible to take account of changing market conditions over time.
28. *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.
29. *NPPF Part 8 – Promoting Healthy Communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space, local services and community facilities to enhance the sustainability of community and residential environments. An integrated approach to consider the location of housing, economic uses and services should be adopted.
30. *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 and associated infrastructure.
31. *NPPF Part 11 – Conserving and enhancing the natural environment.* The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, minimising impacts on biodiversity and providing net gains where possible. Preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated/unstable land.
32. *NPPF Part 12 – Conserving and enhancing the historic environment.* Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

33. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters, including the historic environment, ensuring the vitality of town centres, open space and planning obligations.

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

LOCAL PLAN POLICY:

City of Durham Local Plan (2004) (CDLP)

34. *Policy E3 – (World Heritage Site)* – Protection seeks to safeguard the site and setting from inappropriate development that could harm its character and appearance.
35. *Policy E6 – (Durham City Centre Conservation Area)* – states that the special character, appearance and setting of the Durham (City Centre) Conservation Area will be preserved or enhanced as required by section 72 of the Planning (Listed Building and Conservation Areas) Act 1990. The policy specifically requires proposals to use high quality design and materials which are sympathetic to the traditional character of the conservation area.
36. *Policy E14 – (Existing Trees and Hedgerows)* – seeks to protect ancient woodland, designate tree preservation orders as necessary, and require development proposals to retain areas of woodland, groups of trees and individual trees wherever possible.
37. *Policy E16 – (Nature Conservation)* – requires development proposals, where appropriate, to identify any significant nature conservation interest that may exist on or adjacent to the site, avoid unacceptable harm to such interests and provide mitigation measures to minimise unacceptable adverse impacts that cannot be avoided.
38. *Policy E21 – (Historic Environment)* – states that the historic environment of the district shall be preserved and enhanced by requiring development proposals to minimise adverse impacts on significant features of historic interest within or adjacent to the site, and encourage the retention, repair and re-use of buildings and structures which are not listed, but are of visual interest.
39. *Policy E22 – (Conservation Areas)* – seeks to preserve or enhance the character or appearance of conservation areas, by not permitting development which would detract from its setting, while ensuring that proposals are sensitive in terms of scale, design and materials reflective of existing architectural details
40. *Policy E23 – (Listed Buildings)* – seeks to safeguard listed buildings and their settings by only permitting alterations and extensions to listed buildings which are sympathetic in design, scale and materials; not permitting alterations to architectural or historic features which adversely affect the special interest of a listed building; not permitting total or substantial demolition of a listed building; and, not permitting development which detracts from the setting of a listed buildings.
41. *Policy E24 – (Ancients Monuments and Archaeological Remains)* – states that scheduled ancient monuments and other nationally significant archaeological remains and their setting in situ. Development likely to damage these monuments will not be permitted. Archaeological remains of regional and local importance, which may be adversely affected by development proposals, will be protected by seeking preservation in situ, and where preservation in situ is not justified by requiring pre-application evaluation or archaeological assessment.

42. *Policy H7 – (City Centre Housing)* – seeks to encourage new housing development and conversions to residential use on sites within or conveniently close to the city centre provided: there is no conflict with any other policy or proposal of this plan, particularly those relating to the conservation area or world heritage site, and, it is in scale and character with its surroundings.
43. *Policy H13 – (Residential Areas – Impact upon Character and Amenity)* – states that planning permission will not be granted for new development or changes of use which have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them.
44. *Policy H16 – (Residential institutions and Student Halls of Residence)* – provides for purpose-built accommodation provided that they are well related to local facilities, provide satisfactory standards of accommodation, do not detract from the character or the appearance of the surroundings or from the amenities of existing residents, and are not likely to impact adversely on adjacent development or lead to community imbalance.
45. *Policy T1 – (Traffic – General)* – states that the Council will not grant planning permission for development that would generate traffic likely to be detrimental to highway safety and / or have a significant effect on the amenity of occupiers of neighbouring property.
46. *Policy T10 – (Parking – General Provision)* – states that vehicle parking should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development.
47. *Policy T20 – (Cycle Facilities)* – seeks to encourage appropriately located, secure parking provision for cyclists.
48. *Policy S1a – (Retail Hierarchy)* – seeks to protect the vitality and viability of all centres with the local retail hierarchy, including the City Centre.
49. *Policy S1 – (City Centre Shopping Area)* – states that within the city centre shopping area, new shopping development will be permitted, subject to Policy E6.
50. *Policy R2 – (Recreational and Amenity Space in New Residential Developments)* – states that the provision of open space for outdoor recreation within the district is evenly distributed and maintained at a level 2.5ha per 1000 population.
51. *Policy CC1 – (Vitality and Viability)* – seeks to protect and enhance the vitality and viability of the city centre by promoting a mixture of uses within the area, sustaining city centre shopping, promoting new residential development, introducing environmental improvements, enhancing access to the city centre by methods other than private car, and promoting development which seeks to enhance the area, in a manner which is safe, accessible and friendly for all users.
52. *Policy CC3 – (Development Opportunities)* – allocates a number of sites within the city centre for a variety of uses, including Lower Claypath which is allocated for mixed uses.
53. *Policies Q1 and Q2 – (General Principles Designing for People and Accessibility)* – states that the layout and design of all new development should take into account the requirements of all users.
54. *Policy Q3 – (External Parking Areas)* – requires all external parking areas to be adequately landscaped, surfaced, demarcated, lit and signed. Large surface car parks should be subdivided into small units. Large exposed areas of surface, street and rooftop parking are not considered appropriate.

55. *Policy Q5 – (Landscaping General Provision)* – sets out that any development which has an impact on the visual amenity of an area will be required to incorporate a high standard of landscaping.
56. *Policy Q8 – (Layout and Design – Residential Development)* – sets out the Council's standards for the layout of new residential development. Amongst other things, new dwellings must be appropriate in scale, form, density and materials to the character of their surroundings. The impact on the occupants of existing nearby properties should be minimised.
57. *Policy Q15 – (Art in Design)* – states that the Council will encourage the provision of artistic elements in the design and layout of proposed developments. Due regard will be made in determining applications to the contribution they make to the appearance of the proposal and the amenities of the area.
58. *Policy U5 – (Pollution Prevention)* – states that development that may generate pollution will not be permitted where it would have unacceptable impacts upon the local environment, amenity of adjoining land and property or cause a constraint the development of neighbouring land.
59. *Policy U8a – (Disposal of Foul and Surface Water)* – requires developments to provide satisfactory arrangements for disposing foul and surface water discharges. Where satisfactory arrangements are not available, then proposals may be approved subject to the submission of a satisfactory scheme and its implementation before the development is brought into use.
60. *Policy U11 – (Development on Contaminated Land)* – sets out the criteria against which schemes for the redevelopment of sites which are known or suspected to be contaminated. Before development takes place it is important that the nature and extent of contamination should be fully understood.
61. *Policy U14 – (Energy Conservation – General)* – states that the energy efficient materials and construction techniques will be encouraged.

EMERGING POLICY:

The County Durham Plan

62. 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 is discussed in the main body of the report.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

63. *Highway Authority* – raise no objections to the proposal. It is agreed that the site is an accessible location with excellent access to sustainable transport modes. The site lies within the city centre Controlled Parking Zone and as the development is described as “no car”, then no permits would be issued. No issue is raised with level of proposed parking, for either cycles or cars. In terms of increased pedestrian demand on Claypath, this can be accommodated within the existing street infrastructure. A condition is requested in order to secure an adequate management plan for “changeover days”. Queries relating to the access gates and service access were raised, however have been addressed through the application process.
64. *Environment Agency* – raises no objection to the proposal noting that the surface water drainage would be directed to the public sewerage system and will need to be agreed with Northumbrian Water.
65. *Durham Constabulary* – raises no objection, noting that this area of Claypath is not a high crime area. The need for a robust management is identified, in order to ensure that the development doesn’t generate crime or anti-social behaviour. Other general precautionary security measures are also highlighted.
66. *Northumbrian Water* – raises no objections, noting that foul water can discharge in to manhole 4704 and surface water in to manhole 3802 at a rate of no more than 33 litres/second. A condition in order to secure a detailed scheme for the disposal of foul and surface water is suggested.
67. *The Coal Authority* – confirms that the application site does not fall within the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement for a Coal Mining Risk Assessment to be submitted.
68. *English Heritage* – raise no objections to the proposed development. It is noted that the proposal would result in the loss of both positive and negative elements of the conservation area, and on balance that the result is harmful to the significance of the conservation area. However, in accordance with the NPPF, this harm should be weighed against the public benefits, and that in this instance, the contribution made by the design is not felt to outweigh the harm caused. It is for the Local Planning Authority to apportion weight to any claimed benefits, and to judge whether these benefits outweigh the harm to the significance of the conservation area.
69. *The Theatres Trust* – Do not object to the nature of the application and redevelopment of the site. However concerns are raised with regard to the acoustic relationship between the proposed west elevation and the rear of the Gala Theatre, and suggest that additional noise mitigation measures are provided on the western elevation.

INTERNAL CONSULTEE RESPONSES:

70. *Landscape* – raise no objections. It is noted that the regrading of the slope to the rear of the site would result in a loss of some trees, however none of these are of individual importance or value. The landscape design is well considered. The proposed building would be visible as a component of the built fabric of the city in views from the wider landscape but would have no significant effect on the character of the landscape in those views
71. *Sustainability* – raise no objections to the proposed development. It is recognised that the development is in a highly sustainable location and is on a brownfield site
72. *Ecology* – raise no objections to the proposed development. It is noted from the Ecological Appraisal that the existing buildings are unlikely to contain bat roosts, however, due to their age a robust demolition method statement will be required. Mitigation measures in the form of bat boxes are also sought.
73. *Design & Conservation* – raise no objections, although it is considered that there will be harm as a result of this proposal both directly to non-designated heritage assets and to the setting of a number designated assets. The significance of any resultant harm should be considered, and where appropriate, balanced against any public benefits that the scheme may bring.
74. *County Archaeologist* – raises no objections, although it is noted that the development would be likely to result in harm to heritage assets in the form of archaeological remains. However, it is considered that this harm could be adequately mitigated, subject to a comprehensive mitigation scheme being secured by condition.
75. *Drainage and Coastal Protection* – raise no objections, noting that details of all surface water drainage proposals should be submitted.
76. *Environmental Health & Consumer Protection* - raise no objections, noting that the submitted noise report has used correct methodology. It is noted that there would be discrete incidents of noise levels above 80dB(A) externally and that the proposed noise mitigation measures may not fully address this, however more robust mitigation measures can be secured by condition. In terms of impact upon existing residents, it is noted that site is a mixed use area and will have a management plan.
77. *Environmental Health & Consumer Protection (Contaminated Land)* - raise no objections, subject to the development being carried out in accordance with the submitted remediation strategy.
78. *Economic Development* – raises no objections, noting that that the development realise an investment of £30m over a 2 year period during construction and would be likely to generate 15 additional job opportunities/apprenticeships. In addition targeted recruitment and training to assist the local community in accessing these opportunities should be secured by means of a Section 106 legal agreement.

PUBLIC RESPONSES:

79. The application was advertised in the press, on site and in the locality. In addition letters were sent to neighbouring residents. 22 letters of objection have been received including letters of objection received from the City of Durham Trust, Durham University and Durham World Heritage Site Co-ordinator have been received. Following the submission of amended plans, further correspondence has been received from a local resident, as well as the City of Durham Trust confirming that their objections still stand. The grounds of objection and concern raised are summarised below:

Procedure

- Determination of the application should await the Inspectors Interim Report in respect of the emerging County Durham Plan
- The reduced number of permanent residents should be considered when counting the number of objections.
- Applicants pre-application consultation exercise was only cosmetic.

Use of Site

- Development should be truly mixed use.
- The proposal does not conform with recent masterplanning exercises and is a misuse of a strategic site within the city centre.
- The development will make no contribution to promoting facilities which would enhance the culture and heritage of the city on Claypath, in line with the aspirations of the cultural quarter.
- Using the site for student accommodation is an admission of failure in attracting alternative uses.
- The development will not enhance the area
- The development leads to the loss of 6 retail units and provides only 1 as a replacement.
- The proposed retail unit, over time, will come under pressure to become a takeaway.
- Development will be empty for a third of the year and combined with the loss of existing retail units, this will be damaging to the city centre economy.
- Oldfield's Restaurant, Kwik Fit and the Snooker Hall are all well used by residents.
- Transient students do not benefit the local economy.
- There must be better redevelopment options for Lower Claypath.
- Few jobs would be delivered by this development.
- Proposed retail unit will not stimulate pedestrian footfall on Claypath, will alternatives available in the Market Place.
- As the development would not increase student numbers within the city, there would be no net gain to the city centre economy.
- Policy S2B seeks to retain 50% of Claypath frontage in retail use.
- Lower Claypath, including no.17, should be considered as a regeneration project as a whole, potentially following compulsory purchase.

Need

- Existing students would not vacate HMOs in order to occupy this development
- The number of approved, constructed, and proposed student beds far exceeds the future growth numbers of the University.
- The cost of converting HMOs which may be vacated as a result of this development means that they are unlikely to return to family occupation, leading to over-supply and unoccupied terraced properties.
- Students have indicated that they wouldn't wish to use this development.
- This development will not meet housing need and would deliver highly specialised units for a particular client group, for which there is currently an oversupply
- The University does not need this development in order to secure its future success.

Community Balance

- Development would disastrously alter resident to student ratio in this part of the city.

- Potential for students to clash with locals using the night-time economy.
- The city needs dwellings for permanent residents and should not be turned into a dormitory town for the University.
- Durham is too small to accommodate developments such as this.
- Development would essentially be a gated community.
- The development would have a detrimental impact on the healthy and active local commercial and residential community of Claypath, and will harm the growth of Durham as the jewel in the crown of a countywide tourism industry, and will add nothing to the growth of Lower Claypath as an attractive mixed use, retail, office and residential area.
- Recent pressures for the development of Purpose Built Student Accommodation (PBSA) is the result of market failure.

Parking and Traffic

- Insufficient parking provision and potential for residents to take up capacity at other car parks in the city centre
- Traffic generated at the beginning and end of term would bring Claypath to a halt.
- Many occupiers will use online supermarket delivery, with attendant deliveries.
- There are existing issues with taxis on a night-time and this will simply exacerbate these issues.

Scale, Design and Impact upon Historic Environment

- The proposed brick is out of character with the rest of Claypath
- Proposed Claypath frontage has 5 storeys in comparison to existing properties which are more often of 3 storeys.
- Lack of active openings at ground floor level in Claypath frontage.
- Lack of year round activity in ground floor frontage rooms.
- Development is completely out of scale.
- Plot width is excessive and provides unwanted horizontal emphasis
- Development retains no references to the history of the street.
- The proposed frontage is totally alien to the current ground floor frontage opposite.
- Internal alterations to Oldfields Restaurant have previously been resisted on heritage grounds.
- The scale and mass of the development is disproportionately large and will visually dominate the area.
- The proposal fails to conserve or enhance the conservation area.
- The former cinema is of historic interest, as is no.18 (Oldfields Restaurant)
- No overriding public benefit has been identified that would not be delivered by any other, less intrusive development.

Residential Amenity

- Existing bins are already causing harm to the conservation area and this development will require additional bin provision.
- The scale of the building and its proximity to Claypath Court will lead to loss of outlook.
- The proposed development will overshadow adjacent properties and will impact upon privacy.
- Users of the night time economy will congregate outside of the residence.
- Little detail provided of management practices.

Non-statutory Representations

80. *City of Durham Trust* – object to the application. The need for the proposed development is questioned, with it being noted that 1298 bed spaces have already been approved, that 223 bed spaces have recently been built out, and that Durham University need to accommodate only 800 students outside of their own accommodation up to the year 2020. It is considered that weight should be apportioned to Policy 32 of the emerging County Durham Plan, and that determination of the application should be delayed until after the receipt of the Inspectors interim report. It is further considered that the proposed use would undermine the vitality of the city centre, and would not accord with policy objectives and aspirations, relating specifically to the city centre and “Cultural Quarter”. The scale of the development and character of the proposed development are also questioned, as is the loss of no.18 Claypath and the Palladium Cinema. Furthermore, the public benefit of the proposals is considered to not outweigh harm, and that the harm to the conservation area is unacceptable.
81. *Durham University* – Object to the application on the basis that neither the use nor the scale and form of the development is appropriate for this location. It is considered that a specific need has not been identified and it is noted that no agreement has been entered into with the university to supply bed spaces. It is also considered that it would be premature to determine the application in advance of the adoption of Policy 32 of the County Durham Plan, and that this and other recently made applications should be considered together.
82. *Durham World Heritage Site Co-Ordinator* – objects to the application. It is identified that the height and mass of the proposed building would remove part of a view of trees that appear to be part of the World Heritage Site fringing the Castle Mound and defensive banks. The application identifies that the impact upon the World Heritage Site would be “moderate adverse”. However UNESCO advice states that changes that would otherwise be considered “moderate” have a “large-very large” impact in relation to World Heritage Sites.

APPLICANTS STATEMENT:

83. Student Castle are passionate about the prospect of opening their eighth scheme nationally in Durham. We are an unusual operator in that we own our sites, manage the planning and construction of them, and run the accommodation ourselves with directly employed staff, and are therefore totally committed to making the scheme successful for the long-term. The chosen site in Claypath is a great bustling location which has gradually degraded over some fifteen years and thus attracted status as a regeneration site, but even in the peak of the market failed to come forward. However, we were able to secure the site and lead on this exciting project and introduce our flagship product to the purpose built student accommodation market.
84. The approach taken has been conservation-led, responding positively to the character of the conservation area and introduce a piece of architecture which will significantly improve the setting of the street and repair the harmful existing frontage. Officers of the Council have pushed the design team hard resulting in a well-conceived design which we shall be proud to deliver. We genuinely believe that Student Castle is a stakeholder in the community and whilst some look upon this cynically, for a scheme to work it needs to work for our students and our surrounding community. We will activate the street - we can't help but do that with 445 bedrooms; furthermore we have committed to the environmental improvement of relaying the paving down to Millennium Square, which is currently a bug bear of many. The convenience store will be supported in part by the scheme but that means it will also be viable for those leaving work or travelling home and will have a positive impact on

this retail area, which has been in decline ever since the bypass went through and the take-aways moved in. Our store will not be a take-away.

85. Claypath, although not an area dominated by students, is distinctively different to other locations; a bustling city centre location with a wide variety of mixed uses and not predominantly residential in character, indeed in the popular evenings the character changes markedly. The proposed scheme will offer the significant benefit of a high quality purpose-built environment for the occupiers whilst also being close to the City's attractions and routes to the University. Care has been taken and alterations made to preserve the amenity of the residents of the adjacent sheltered housing scheme, many of whom attended the consultation event. The loss of the cinema is not taken lightly and holds a lot of personal connections for the City, we hope some will take advantage of the new cinema room and look at some of the artefacts retrieved from the old building, the seating of which will hopefully find a home at Beamish museum and their 1950's project.
86. Student Castle's management plan and regime is comprehensive with a focus on pastoral care and community integration, whether that is through use of the cinema room, gym sessions or to hire a room over the summer for visiting relatives, we hope people will pop in. Our security/concierge presence is 24hr and we have no interest in causing surrounding occupiers harm and any problems associated with our students will be firmly addressed. Whilst we will never please everyone all of the time, we hope to prove we will be a good neighbour, have genuinely put together a well resolved package in an attractive scheme in the heart of the historic City that hopefully allows it to be supported by the Committee.

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

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

Principle of Development

The redevelopment of a city centre site

88. It is generally accepted that since the introduction of Leazes Road in the late 1960s, that the status of Claypath as a primary route into the centre of the city has been in decline. Leazes Road itself severs Claypath from the Market Place and in recent years the retail importance of Claypath has reduced, with several commercial premises being in transient occupation, and other uses seeking to cater more to the night-time economy, particularly following the commercial success of the Walkergate development.
89. These issues are raised within Policy CC1 of the City of Durham Local Plan (CDLP), which even in 2004 recognised lack of pedestrian penetration into Claypath as a

longstanding deficiency. It further recognises that the Palladium Cinema is a large and dominant empty building, that the vehicle garage has a large open area to the rear which is unsightly and underused, and has a frontage that detracts from the streetscene. Policy CC1 is generally a positively worded policy which seeks to protect and enhance the viability and vitality of the city centre by promoting a mix of uses which enhance the area.

90. This is expanded upon further in Policy CC3 which specifically identifies that the site has the potential for redevelopment as part of the revitalisation of the Claypath area. This policy states that office, restaurant, hotel, housing or a mixture of uses would be considered appropriate providing that no single use dominates the area.
91. The Durham City Centre Masterplan (2014) and the Lower Claypath Design Brief, although Council endorsed documents, do not form adopted planning policy and consequently can only be afforded limited weight in the decision making process. However, both documents provide useful background context and further indicate the level of longstanding aspiration for intervention on Lower Claypath, and that a mixed use development, potentially including student accommodation would be preferable.
92. It is accepted that the proposed use, although incorporating a single retail unit, is predominantly for student accommodation, and accordingly would not be in strict accordance with Policy CC3. However, this should be considered against the wider context of this site.
93. Although this site has been recognised as a site suitable for redevelopment, and for a mix of uses, various discussions with developers since 2004 and prior to the more recent economic slowdown, for schemes including hotels, visitor attractions, residential use, cinemas and retail have not resulted in any schemes coming forward, even to the planning application stage. Given the difficulties that have clearly been experienced over a number of years in bringing a viable mixed use scheme onto what is a relatively constrained site, it would seem reasonable in this context to consider other, alternative uses that may be acceptable within the city centre. The introduction of student accommodation on backland and upper floors, such as this development proposes could be considered to be appropriate city centre uses, subject to accordance with other policies, relating to that use.
94. The street frontage of the proposed development does include a retail unit, which is intentionally located at the point of frontage furthest from the city centre in order to draw pedestrians as far up Claypath as possible. The retail unit would encourage footfall and add to the vitality of the street, and whilst the development would not exhibit an overly commercial frontage, it would nevertheless improve the environment and attractiveness of Claypath. It should be noted that for the most part, the existing frontages on the street are not particularly attractive, or indeed, active. In designing the scheme, the applicant has sought to reflect the commercial nature of Claypath in providing larger, shop front style openings at the western and eastern ends of the frontage, whilst providing narrower frontages in the central element. The western end of the frontage would provide the main entrance and reception area for the student accommodation, and although not a commercial footfall generating use, would nevertheless result in regular animation in terms of pedestrian traffic, and would present a commercial style frontage by means of a manned reception area, similar to that of a hotel or office building. The developer has additionally sought to provide frontage animation by providing communal student facilities in the shape of common rooms and study areas, as well as offices on this ground floor frontage.

95. It is noted that several objectors have questioned whether the development as proposed would result in the economic and city centre benefits that would be required to accord with Policy CC3, and furthermore, several have put forward alternative uses for the site largely focussed around the Cultural Quarter. In response to these, whilst such a desire is admirably aspirational, it is considered unlikely that an alternative use would be immediately forthcoming, given the longstanding failure to provide such uses on the site over the last 15 years, and in less economically challenging times. It could be argued that a better form of mixed development could be secured on site, however, the current proposal must be judged on its own merits. Ultimately, it is considered that the proposed student accommodation would provide footfall on Claypath, and that its residents are likely to contribute to existing businesses on Claypath and elsewhere in the city centre, and that as such, it would add vitality and viability to the city centre and can be considered to be an appropriate use at this site, subject to accordance with other relevant policies.

The suitability of the site for student accommodation

96. Also of key relevance in considering the acceptability of the proposed development in terms of principle, is Policy H16 of the CDLP. Policy H16 sets out four main criteria that proposals for student halls of residence should meet. They are identified as being; that the development is well related to shops, community and social facilities and public transport, the location and form of the development provides satisfactory standards of amenity and open space, that it does not detract from the character or appearance of the surroundings or from the amenities of existing residents, or that the proposal would lead to a concentration of student accommodation such that it would adversely detract from the amenities of existing residents.
97. Those criteria relating to the form of development, and its impact upon the character or appearance of the surroundings will be explored in detail below. In relation to other criteria, it is considered that the position of the site with the city centre and within a secondary shopping area mean that it has excellent provision of services and access to public transport. In this respect, the site is considered to be highly sustainable.

The level of concentration of student accommodation

98. As part of the evidence base for the Council's case at the recent Examination in Public for the County Durham Plan, the Spatial Policy Team has developed an information database on student concentrations within the city. This comprises information by postcode area on properties that are exempt from Council Tax as they are occupied by students.
99. Given the city centre location of the site, the data provides a mixed picture. The immediate area of the application site, and the opposite side of Claypath show very high concentrations, whilst the surrounding areas of commercial, retail and leisure uses show zero concentrations. Furthermore, the apparent high concentrations on Claypath reflect a high percentage of a lower number of properties – predominantly flats above shops on the southern side of Claypath. It should also be noted, that although Claypath Court lies partially adjacent to the application site, that it shares a different postcode, and provides accommodation for the older population, with a zero concentration of Council Tax exemptions.
100. Consequently, it should be concluded that although the immediate area of the application site does have a high concentration of student occupation, this relates to

a low number of properties, within a broader area of very low concentrations. However, CDLP Policy H16 does not state that concentration, or indeed, lack of concentration of student accommodation would, in itself, render a proposal either acceptable or unacceptable. Instead, Policy H16 qualifies the issue of concentration in terms of the impact that the resultant concentration would have upon the residential amenity of existing residents.

101. It is not doubted that the introduction of 445 students into the Claypath community would be noticeable. However, with adequate management procedures, it is more than possible that such a number could be absorbed without unreasonable detriment to the residential amenity of other residents. The development has been designed with a single means of entry at the most westerly point of the site frontage. This end of the site is that closest to the city centre, to retail and leisure opportunities, and also to the university. Consequently, it would stand to reason that most pedestrian traffic would be down Claypath, towards the Market Place, and away from those residential properties that are further to the west on Claypath. It is possible, and indeed likely that there would be movements up Claypath, however these would be likely to be far fewer in number.
102. Furthermore, the development has been designed with those existing occupiers in mind, with the elevation closest to Claypath Court having no habitable rooms or windows. Additionally, the proposed building is set away from Claypath Court to a degree by the service road, which itself would only be used intermittently. With the development being relatively inwards looking once the frontage has been penetrated, the potential for excessive noise and disturbance to occur that would carry beyond the immediate vicinity is considered to be low.
103. Additionally, the applicant has provided a detailed management plan for the accommodation, which identifies that the site would be staffed on a 24 hours basis and that compliance with expected behavioural standards will be included within a lease.

The emerging County Durham Plan and the consideration of Need

104. The County Durham Plan will eventually replace the City of Durham Local Plan and sets down the planning strategy for the whole county. It has progressed through the first stage of the Examination in Public (EIP), which focussed on the general strategy and development policies. The recently received Inspector's Interim Report into stage one of the EIP raises concerns in relation to the soundness of some parts of the strategy and also specifically in relation to the soundness of the emerging policy approach to Student Accommodation.
105. The Submission Draft Plan that was subjected to examination did not include a specific policy in relation to Purpose Built Student Accommodation (PBSA) but Policy 32 referred to Houses in Multiple Occupation and Student Accommodation. The Policy was subject to objection and subsequent debate at the EIP and as a result the Council proposed a "Main Examination Hearing Change" and this introduced specific criteria for the assessment of PBSA schemes into Policy 32. The Inspector's Interim Report finds Policy 32 (including the proposed changes) unsound. Instead the Inspector suggests an alternative policy wording.
106. Policy 32 (as included in the Submission Draft) is subject to significant objection and the Council's proposed change is subject to adverse comment in the Report. Further, the Inspector's proposed policy wording has no status in terms of a Council

position upon it, nor has it been subject to consultation. As a result, it is considered that no weight can be ascribed to Policy 32, in any of its proposed forms.

107. Consequently, only the existing CDLP and NPPF can be afforded significant weight in the decision making process and is 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, it is considered that it would unreasonable to seek to resist the application on this basis.

Impact upon Heritage Assets

108. Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires that special attention should be paid to the desirability of preserving or enhancing the character and appearance of conservation areas. Policies E3, E6, E21, 22 and 23 of the CDLP seek to preserve and enhance the historic environment, including conservation areas and listed buildings, as well as the World Heritage Site. They seek to minimise harm and ensure that proposals are sensitive in terms of scale, design and materials. CDLP Policy Q8 seeks to ensure that new residential development is appropriate in scale, form, density and materials to its surroundings. Although PBSA is considered to be a sui generis use and not a typical residential use, it is considered appropriate and reasonable to apply this Policy in this instance. These policies are considered to be largely compliant with advice contained within the NPPF, and accordingly can be afforded significant weight in the decision making process.
109. In the context of these proposals, and where demolition of all of the existing buildings is sought, Paragraph 138 of the NPPF states that the loss of a building which makes a positive contribution to the significance of the Conservation Area should be treated as either “substantial harm” or “less than substantial harm”, as appropriate, taking into account the significance of the element affected, and its contribution to the significance of the Conservation Area as a whole.
110. 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, this harm should be weighed against the public benefits of the proposal.
111. In the consideration of this proposal there are four identified potential impacts on significance: firstly, is the loss of significance as a result of the demolition of non-designated heritage assets within the site boundary; secondly, is harm to the significance of the surrounding conservation area as a result of the loss of component parts of the wider entity; thirdly, is the impact of the proposal on the setting of adjacent listed building; and finally, is the impact on the setting of the Durham World Heritage Site.
112. A number of documents have been submitted as part of this application which assist in the consideration of these matters; the Heritage Statement and Heritage Impact Assessment address all of the above with the Planning and Economics Statement pulling these together in a policy context. The TVIA is of particular assistance in the consideration of impacts on the character and appearance of the conservation area and the issues of setting, particularly in relation to the World Heritage Site.

Loss of non-designated heritage assets

113. Whilst the loss of the block consisting of 18-29 Claypath would undoubtedly have an impact on significance, two particular elements have been identified as non-designated heritage assets. It is suggested by the applicant that 18 Claypath has limited above ground evidential value, and some historical, aesthetic and communal value given the intact design of the upper floor externally and the quality of the internal design and fittings. It is considered that the significance of this building is underestimated in the submitted Heritage Statement, particularly in relation to the aesthetic and communal values, the building is not as compromised by the ground floor alterations as is suggested and the full grandeur of the internal fittings are not adequately appraised. People's memories of the previous use such as Northern Gas Board Offices and the present restaurant use are also still strong. This element in its own right warrants consideration for retention.
114. The second element identified as a non-designated heritage asset is 26 Claypath, the Palladium Cinema. The submitted Heritage Statement suggests that the building has historic and aesthetic values, and has a communal value given its past as a place of social interaction. Whilst this level of significance would usually warrant consideration of the retention and reuse of the building the submitted information regarding the condition and likely repair costs are considered to justify its loss for the greater good of the redevelopment of the site and the public benefits this may bring. As with 18 Claypath, the façade of this building, which dates from 1929, is now a rare example of this architectural period in Durham and warrants consideration for retention given its contribution to the townscape.
115. Taking into consideration the desire to undertake a comprehensive redevelopment of the site and the finished design which has been presented, it is considered that despite the significance of the two non-designated assets their retention, especially that of the cinema frontage would compromise the quality of the resulting scheme given the scale and overall objectives. The quality of the design and the townscape improvements delivered by the holistic scheme do not in themselves outweigh the identified harm, but it is considered if other public benefits are identified, then their loss can be justified.

Impact upon Durham City Centre Conservation Area

116. Turning to the impact of the proposal on the surrounding conservation area, the development would result in the loss of positive and negative elements. As identified above, two positive elements would be lost, however, the loss of other elements such as the garage and snooker club and their appropriate redevelopment would be wholly positive. On balance, it is considered that there would be harm to the conservation area as a whole as the result of the complete loss of individual positive elements, but that this harm would be less than substantial and can potentially be outweighed by public benefit, albeit considered within the context of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The loss of other elements of the existing built environment present on the site would, at worst, be neutral.
117. In terms of the site's immediate context, it is presently made up of a series of smaller fragmented sites and buildings which broadly lie over the historic plot boundaries which are likely to be better understood as a result of continuing archaeological investigations but rightly have informed the development of this proposal primarily to the Claypath frontage. The site slopes gradually towards the north, and then falls steeply through the landscaped embankment to the north of the site narrowing as it does so. The topography of this site as with many in the centre of Durham City heavily influences the impact of the development. It is important to understand the urban grain of Durham City in order to understand the influences of this design.

Many of the less intrusive or less landmark type buildings are based on simple rectangular shapes influenced by the traditional plot layouts; these plots are generally deep and narrow and reflect the historic burgage plots evident in many historic settlements.

118. In relation to the building's expected response to Claypath itself, the submitted Design and Access Statement summarises this context up well insofar as it being characterised by continuous frontages with doorways directly off the footpath, arranged to follow the line of a relatively narrow curved street that falls towards the peninsula. The buildings are experienced as a group rather than individual buildings and include subtle variations including plot widths, building heights, elevational modelling and solid to void compositions.
119. There are two ways in which this development will most impact on its surroundings. Firstly is as a result of its scale and massing and future presence in the built environment and secondly, as a result of its primary frontage to Claypath. On a site as diverse as this it is expected that different elements will respond in different ways to the site context. The Claypath frontage has been considered at length through the application process and in terms of scale, the current 3 ½ to 4 storey proposal is considered to be an acceptable response to the increasing scale of buildings in this location leading to the more civic scale of development approaching and within the Market Place. To the rear of the site the falling topography has been utilised to increase the scale of development. This approach has taken the building to what is considered to be the maximum level of built development which the site can appropriately accommodate.
120. It is only as a result of the individual circumstances of this site that such scale and massing can be introduced and absorbed. The presence of the Gala Theatre complex with its fly tower, and especially the telephone exchange, to the north already means that such blocks are experienced in longer views and to some degree these will mask the less finely detailed elements of this proposal allowing the more articulated roof structures to be the dominant feature of such a large development.
121. Claypath, overall, is a relatively narrow street in city scale terms having buildings fronting directly on to the footpath and has historic significance as a route to Clayport Gate. There have been limited changes to these elements which means that in general, the historic character remains intact. There are emerging views of designated assets and a gradual rise in building heights towards the Market Place is displayed and curves in the street and building frontages provide visual enclosure so that the spaces are experienced as an emerging series. The application site displays fewest of and detracts from most of, these positive features. The proposed Claypath elevation would complement the existing scale and enclosure and would reflect the smaller curving blocks which the historic street is broken up in to. Overall the impact on local townscape character would be positive.
122. The Claypath elevation aside, the buildings are dominated by simplicity of shape, detailing and fenestration. Although this is as much a result of the repetitive nature of such a development as any conscious design approach, efforts have nonetheless been made to highlight particular elements with feature detailing and the use of contemporary materials. The impact of such will generally be limited given the scale of development within which they will be appreciated. Overall to the rear, the success of the scheme will be achieved more by a sense of buildings with changes in height and articulated roof forms that follow the dominant character of Durham.
123. The townscape function will also be affected by this proposal. Historically, Claypath has had a series of mixed uses but generally at street level it has provided active and

lively frontages, this site is diverse in the Claypath context in that it does not fit this use pattern given the relatively inactive frontages, and closed buildings of poor quality. This proposal therefore has the potential to have a beneficial townscape impact in function terms delivering by default increased pedestrian movement from occupants and an improved modern retail offer at ground floor levels as well as active frontages associated with the front of house and management activities of the new use.

124. In the wider townscape context the application site is situated in close proximity to large public spaces such as Millennium Square and Market Place, and visually it is linked to green spaces located along the river corridor, in particular, The Sands. There are medium to close views afforded of the historic core of the city and the World Heritage Site from these locations. The spaces between the current buildings provide framed glimpse views of the Cathedral and Castle and have an interrelationship with the World Heritage Site. Notwithstanding all of this, in the wider context, this sensitivity is offset by the general screening of parts of the site by vegetation and built form and the position that the site has amongst modern development such as Freemans Reach and Millennium Place which would reduce the wider townscape impacts of the proposed development.
125. The Claypath elevation has been the subject of much discussion to ensure that the final scheme adds to the townscape in a positive manner and serves to repair the harm done by the more inappropriate twentieth century additions. Following the submission of the application a critical appraisal of the primary elevation was undertaken, and it was considered that the frontage is essentially divided in to three primary blocks which are then further subdivided by the fenestration pattern and other vertical detailing. The two outer blocks which each read as three smaller component parts were considered to be acceptable. The centre block however, was considered to be less successful with too many features of competing styles providing a confused result. As a result of officer advice, this element has been amended, with the eaves having been projected forward and with simple 'box' dormers replacing the original slightly contemporary mono-pitch design. Roof-lights are also included to allow extra light into the relatively wide outer studios which are more in keeping with the local vernacular and less intrusive in the townscape. Three principal features have been retained to reinforce the three 'plots' expressed in the elevations below this revised roofline.
126. This elevation, although fronting one use within, gives the appearance of a series of faceted building with vertical emphasis and a strong rhythm with a range of heights and widths reflecting the known series of historic plots beneath. They reinforce the continual sense of the "Claypath Wall" which is the sense of continual development to the back of the footway and the enclosure this provides. Historically these continual frontages are punctuated by narrow pedestrian and vehicular accesses to the land to the rear and this approach is continued within the proposed development. Overall this elevation is considered now to be very strong.
127. The Design and Access Statement addresses materials and correctly suggests that in order that the development becomes part of the backdrop to more important townscape features the palette of materials should be limited and more importantly be of high quality, in sympathy with the surrounding conservation area. A clay facing brick is proposed and the suggestion is that this be from the brown/buff range. This has been challenged with the applicant given the colour palette surrounding the site; brown or buff solutions are not considered to be the best option and something which better reflects the surroundings of the site should be sought through the appropriate imposition of conditions. Allied to this would be a series of accent or highlight materials, those to the frontage should be of high quality especially to

window surrounds which are so fundamental to the success of the overall design concept. The use of folded sheet metal to bays and dormers is considered to be an acceptable use of contemporary detailing in a very limited and judicious manner. Overall therefore, the proposal is considered to be in accordance with CDLP Policy Q8 in this regard.

Impact upon Listed Buildings

128. Given the high number of listed buildings which are present within the Durham (City Centre) Conservation Area there are relatively few directly adjacent to the site, the setting of which may be affected. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that Local Planning Authorities should have special regards to the desirability of preserving the special character of listed buildings and their setting. The TVIA has focussed on the impact on 9, of which it is considered the impact on at least 7 could be considerable, and 2 to a lesser degree. All are grade II listed. In addition to their importance as listed buildings the spire of Christchurch is prominent in views up and down Claypath and also has a strong visual relationship with the spire of St Nicholas Church. The proposals are considered to have no direct impact on listed buildings; however given the intervisibility between listed buildings and the site, the proposals would affect their setting and views of them, however, they would not reduce the prominence of the listed buildings within the townscape or affect the relationship between them. In relation to those closest to the site it is considered that their setting would be enhanced. Given the restrained design solution the development would not seek to compete with the two listed landmarks identified above
129. Consequently, the proposal is considered to be acceptable in this respect, having regards to Policy E23 of the CDLP, Part 11 of the NPPF, and Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990.

Impact upon Durham World Heritage Site

130. The proposed development would undoubtedly have an impact on designated elements of the townscape, the most important of these being the Durham World Heritage Site which was inscribed in 1986. Since then the understanding of the Outstanding Universal Value of the site has expanded to include the role the natural topography plays in the distinctive experience of the approach to the World Heritage Site as the Cathedral moves in and out of view with sudden surprise vistas and the importance of glimpsed views out from the World Heritage Site that are obtained between buildings. This proposal has the potential to impact on both of these. Whilst there will be no direct impact on the World Heritage Site and views from it are limited there will be an impact on some wider views of the World Heritage Site with differing degrees of harm. The proposed development would form only a minor component of these changed views in general and would very much be read as a high quality addition to the wider townscape assimilated with the existing built form and vegetation. The most dominant element of the new development to be read in these views would be the roofscape and this has been addressed in the formulation of the design creating articulated roof forms so that they do not appear monolithic in such views.
131. Those views most directly affected are those looking north west towards the site from the footpath adjacent to Durham University campus, looking south towards the site from Frankland Farm and most significantly from The Sands. In relation to The Sands the impact forms the encroachment of the roofscape of the development into

the view of the Cathedral. This however, is part of a sequential view of the World Heritage Site and as such although in certain parts of the sequence the impact is very noticeable the overall harm to this sequence is reduced to an acceptable level. The development would undoubtedly feature in views of the World Heritage Site, however, on balance and given the quality of the background architecture proposed, this impact is considered to be mitigated to an acceptable level.

132. The comments of the World Heritage Site Co-Ordinator are noted, and have been considered at length. In response to them, it is considered that the view from Frankland Farm, which is raised as the principle point of concern has been tested and found to be only moderately adverse. The submitted documentation demonstrates that only the roofscape of the proposed development would be readable in this view, and that this element is articulated to such a degree that it would be readily absorbed by the wider townscape. In the event that the suggested tree management on castle mound were to occur to expose a view of the mound and castle together, it is considered that this work in itself would have a far greater impact upon the romantic setting of the WHS than the proposed development. Furthermore, the transposition of the conclusions of the TVIA directly into a UNESCO Heritage Impact Assessment framework, effectively applying an automatic “harm multiplier” is considered to be an inappropriate methodology and should be afforded little weight in this context. The points raised relating to the impact of the development upon the significance of Claypath as an historic pilgrimage route are also noted, and the impact of the development upon the character of Claypath has been discussed at length above, and has been found to be acceptable by the Council’s Design and Conservation Team. Furthermore, English Heritage, in its role as a statutory consultee has indicated that it is not objecting to this proposal on the basis of either its potential impact on the WHS or the overall character of Claypath.

Overall Impact upon Significance

133. The submitted TVIA concludes that in relation to visual impact, that the majority of visual effects would be minor since the proposals generally do not encroach on the skyline, obscure landmarks, and would be seen in the context of other modern development surrounding the site. This is considered to be a reasonable conclusion with the exception of the views identified above where the impact will be more than minor. The development would feature in many changed views across the city and the only way to reduce this visual impact would be to reduce the scale of the building. Given the justification and mitigation provided, this is considered to not be necessary.
134. In relation to townscape matters it is concluded that the direct impact of the development would be beneficial to the amenity vicinity of Claypath, notwithstanding the loss of the non-designated heritage assets. The varied rooflines, vertical emphasis, use of traditional materials and narrow openings onto the street have all been identified as key townscape characteristics which would be reinforced by the development.
135. It is accepted that the development would be readily identifiable in a number of views throughout the city and beyond and therefore would have a degree of impact. It is clear that a development of lesser scale and massing would be easier to assimilate into the local environment and would cause less concern, however, a robust TVIA has been put forward by the applicant, the conclusions of which are generally accepted in relation to impact. Consequently, the overall harm with relation to impact upon significance can be considered to be less than substantial.

The consideration of public benefits

136. Overall therefore, it is considered that there would be harm as a result of this proposal both directly to non-designated heritage assets and to the setting of a number of designated assets, however, the resultant harm is considered to be less than substantial overall. Paragraph 134 of the NPPF requires such harm to be weighed against any resultant public benefits. Whilst the comprehensive redevelopment of the Lower Claypath block in the manner proposed would be positive, it is considered that this does not in itself provide sufficient justification for the identified harm and the Local Planning Authority must be satisfied that other public benefits would accrue.
137. National Planning Policy Guidance advises that public benefits can be considered to be anything that delivers economic, social or environmental progress, as set out in Paragraph 7 of the NPPF. Paragraph 7 of the NPPF identifies the three facets of sustainable development, and particularly highlights the need to contribute to a strong economy, supporting strong, vibrant and healthy communities, providing a high quality built environment and adapting to climate change.
138. It is considered that there are a number of public benefits that can be identified as potentially resulting from the proposed development. Whilst it is considered that individually many of these would not justify the loss of heritage assets in themselves, collectively, the overall public benefit is such that the harm to the significance of the wider conservation area is outweighed in this instance.
139. Economically, it is considered that the proposed development would assist in maintaining the viability and vitality of the city centre by increasing footfall and introducing a significant number of residents into what is a shopping area. The applicant has suggested that the amount of spending that would result from occupiers of the development, would amount to as much as approximately £1.5 million per annum. Whilst the exact figure will only ever be an estimation, this figure suggests that the occupiers of the development are likely to contribute to the local economy to a significant extent, and additionally that due to the city centre location of the site, that much of this spend will be likely to take place within the city centre itself.
140. Furthermore, it is expected that the construction of the development would likely take around 2 years and cost around £30 million. It is expected therefore that it would support 352 temporary construction jobs over the build programme. Additionally, the applicant would enter into a Section 106 legal agreement, which would secure co-operation with Council's Targeted Training and Recruitment Team to ensure that a proportion of these jobs are provided for the local job market.
141. It has been suggested by the applicants that the development would lead to the release of houses in multiple occupation (HMOs) back into the market for use as family homes. Whether or not this would occur on a wholesale basis is unclear, and has been the subject of much debate. There are a number of arguments surrounding whether or not those students who currently occupy HMOs are likely to consider PBSA as an alternative, whether the costs of physical works to restore HMOs to a condition whereby they would be suitable for family occupation would be restrictive, or indeed whether the properties would remain empty.
142. It is difficult to predict the impact that this development would have upon the HMO market. However, what is clear is that the current level of HMO properties in the city has been identified as an issue by residents, and it is considered that this development would not exacerbate this problem. It is also considered likely that it would relieve a certain amount of pressure in the HMO market and could potentially

see some HMOs return to the market for an alternative means of occupation. This is considered to be positive in terms of moving towards balanced and sustainable communities, and again can be considered to be a public benefit.

143. Whilst both English Heritage and the Council's Design and Conservation Team have identified that the design of the scheme alone cannot be considered to be of sufficient public benefit to justify the loss of heritage assets, it is considered that it can be afforded some weight as part of a larger collection of benefits.
144. It is considered therefore, that when the larger collection of benefits is considered as a whole, that there has been sufficient public benefit demonstrated to outweigh the less than substantial harm that would occur to the wider conservation area and World Heritage Site as a result of this development. Consequently, the proposal is considered to be in accordance with Paragraphs 134 and 138 of the NPPF, and also the relevant CDLP policies. Equally, the requirement contained with Section 72 of the Planning(Listed Buildings and Conservation Act 1990 to pay special attention to the desirability of preserving or enhancing the character and appearance of the conservation area, has been fully considered in reaching this conclusion.#

Archaeology

145. Claypath is known to date to the Medieval period and is an historic route into the city, and onto the peninsular. Consequently, there is considered to be a high potential for archaeological remains to be present on the site.
146. Policy E24 of the City of Durham Local Plan states that archaeological remains which would be adversely affected by development will be protected by seeking preservation in situ, or where this is not justified, evaluation and assessment. Furthermore, Paragraph 128 of the NPPF requires developers to carry out the work necessary to understand, and consider the significance of, any heritage assets in the form of archaeological remains prior to determination.
147. The applicant has carried out a significant amount of pre-determination archaeological work in the form of both a desk based assessment and investigative works on site. It is clear from the results that the development would have a potentially harmful impact upon locally, and potentially regionally significant archaeological deposits.
148. Constraints on the site, in the form of existing built development restricted the area of the site that was available for investigation, however the evaluation area that was possible revealed evidence of a post-1957 building and earlier mid-19th century occupation including a cobbled vennel. Furthermore, two phases of deep garden soils were recorded containing pottery and remains dating back to the 13th – 14th century. Although constant redevelopments of the Claypath frontage are likely to have truncated remains in this area, it is considered that evidence of the historic burgage style occupation on the site is likely to remain in situ across the site.
149. The County Archaeologist has fully considered the submitted information and considers that although the development of the site is likely to result in the loss of, or harm to archaeological assets, that this harm may be adequately mitigated through an appropriate strategy, including building recording, a post demolition site evaluation and a final mitigation excavation.
150. Consequently, it is considered that subject to the necessary condition to secure this archaeological work, that the application can be considered to be in accordance with Policy E24 of the CDLP, as well as Section 11 of the NPPF, in this respect.

Access and Highway Safety

151. The submitted Transport Assessment and Travel Plan 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. The proposed delivery access is considered to be safe and capable of accommodating the predicted volume of traffic associated with this proposal, and that the proposed one way system to operate during “changeover days” would be manageable. The Highway Authority accepts the findings of the submitted Traffic Assessment that predicted generated traffic levels will be low and mitigated by resident management, limited on-site parking, cycle parking provision, and restricted parking in adjacent streets.
152. Easy access by foot and public transport to local services and facilities render this to be a sustainable location. The management of changeover days is set out in the submitted management plan, which requires residents to pre-book arrival slots in order to prevent over demand at peak times.
153. The applicant has indicated that it would also be a condition of tenancy that residents do not bring a car. A concern has been raised by objectors that this will result in tenants simply parking their vehicles in city centre car parks on a long term basis. Although the Local Planning Authority considers that it could not control whether tenants bring a vehicle by means of planning condition, it is considered that given the costs that utilising city centre car parks would entail, that it is unlikely to occur. Parking is restricted on Claypath and throughout the wider city centre Controlled Parking Zone and the Highway Authority has advised that no parking permits would be issued for residents. Therefore, it is considered unlikely that residents would be likely to keep vehicles, given the lack of onsite parking or alternatives.
154. Potential levels of deliveries to the development in form of take-aways or internet supermarket shopping have been identified by objectors as a cause for concern. Whilst such concerns may be legitimate, it is noted that there are parking and waiting restrictions in force on Claypath, and that these are monitored and enforced by both the Police and Civil Enforcement Officers. Consequently, it is considered that such concerns should not be afforded significant weight.
155. Having regards to the above, it is therefore considered that the objectives of Policies T1 and T10 of the Local Plan have been met.

Residential Amenity

156. CDLP Policy H16 states that a student hall development should not lead to a concentration of student accommodation such that it would adversely detract from the amenities of existing residents. Policy H13 seeks to resist development that would have a significant adverse effect on the character and appearance of residential areas, or the amenities of residents within them. Paragraph 69 of the NPPF emphasises the need for safe and accessible environments where crime and disorder and the fear of such does not undermine the quality of life or community cohesion. In order to assess such matters, a full noise survey has been submitted with the application.
157. Policy H16 does not prescribe a particular number of students who should reside in any one area. However, officers appreciate that the introduction of a significant number of students into an established residential area has the potential to affect the residential amenity of existing residents.

158. By its very nature Claypath exhibits a mix of uses, from predominantly commercial properties with flats above at its lower end, becoming progressively more residential as it gets further from the city centre. Whilst undoubtedly a degree of the residential properties are already occupied by students, Claypath, particularly at Lower Claypath does not currently exhibit the same levels of student occupation as other areas of the city.
159. Officers accept that this proposal would lead to the introduction of a significant number of students into Lower Claypath. However, Policy H16 states that concentration should only be considered to be unacceptable where it leads to a situation when it would adversely detract from the amenities of existing residents. To this end, and considering the context within which the site sits, it is considered that the proposed use can be adequately absorbed by its city centre location.
160. There is no doubt that existing residents would be aware of the presence of students in the local community, however this in itself cannot be considered as detracting from levels of residential amenity. As discussed further at paragraphs 96 - 101 of this report, given the location of the development and the way it responds to its surroundings, it is considered that the potential for disturbance from residents travelling to and from the site are unlikely to give rise to such a loss of residential amenity for existing residents that the proposal could be considered to be contrary to Policy H16 of the CDLP.
161. A concern raised by several objectors relates to the potential conflict between residents of the proposed development, and the night-time economy, which is prevalent in this part of the city centre. The applicants have carried out a noise survey which identifies that bedrooms overlooking Claypath will be most susceptible to noise, and although that a small number of noise events occurred during night-time noise monitoring, that these can be adequately mitigated through the use of a sound attenuation scheme. The Environmental Health Officer agrees with these findings and raises no objection in this respect. The comments of the Theatres Trust with regards to the operation of the Gala Theatre are noted, and it is accepted that on occasion that there is likely to be noise generated within the Gala Service Yard. This usually relates to vehicles loading and unloading and to soundchecking. Whilst potentially noisy, such events are relatively short in duration, relatively infrequent and usually occur during daytimes and evenings, when a higher level of noise may be reasonably expected. It is considered therefore, that overall that the operation of the Gala Theatre is unlikely to be compromised by this development.
162. Furthermore, the site is located within a city centre location, and to a certain extent, any prospective residents would have to be aware that living in such a location is likely to be busier and potentially noisier, over a longer period of time that would perhaps be expected in other areas of the city.
163. In terms of how the building itself will impact upon residential amenity, the main relationships to consider are those between the northern elevation of the proposed building and Claypath Court, and the main frontage of the building with properties on Claypath itself. With regards to Claypath Court, it is noted that this building hosts main habitable windows that face towards the site. Currently, at ground floor, some of these windows already look directly onto an existing substation at a distance of only around 5m. The proposed building would be erected 21m from these habitable windows, and furthermore, internal arrangements have deliberately to present, as far as practicable, a windowless elevation directly opposite Claypath Court in order to further protect privacy.

164. Policy Q8 of the CDLP states that 21m should be provided between habitable windows, 13m between windows and blank two storey gables, and 6m between windows and single storey gables. However, it provides no specific advice with regards to separation distances in situations such as this, which relates to the relationship between two large buildings – the proposed development effectively being 6 stories in height, and Claypath Court itself being of similar, albeit marginally smaller scale.
165. It is considered that there would be a degree of outlook lost for residents of Claypath Court, and equally, an amount of light also. However, having regards to the position of the proposed building, the fact it presents a corner to Claypath Court, the separation that would exist between the two buildings, and the scale of the existing cinema building which currently presents a blank elevation, and existing trees to the rear of Claypath Court, it is considered that there would not be such a loss of residential amenity to occupiers of Claypath Court that it would warrant the refusal of the application.
166. Equally, with 21m between habitable windows, it is considered that there would not be unreasonable loss of privacy, especially as habitable windows facing Claypath Court have been avoided wherever possible.
167. Turning to the relationship that the proposed building would have with other properties on Claypath, it is considered that the open aspect of what is a main street, and the city centre location of the site, mean that a certain scale of development should be expected. The proposed building would be larger than those opposite, however much of this extra height can be found in the roofscape and the building does not appear significantly larger than others on the northern side of Lower Claypath. The relationship between the proposed building and those that already exist is therefore considered to be acceptable and unlikely to unreasonably impact upon residential amenity. The application is therefore considered to be in accordance with Policy Q8 in this respect.

Open Space and Internal Landscaping

168. Being located within the city centre and comprising a high density, sui generis use of the site, it is not unexpected that the proposed development does not incorporate the same levels of outdoor amenity space that would normally be expected on residential developments. However, it is considered that the development would make best use of the space that is available, with a well-considered central “courtyard” amenity area, through which pedestrian traffic would pass, but also with opportunities to linger. The proposed landscaping design is considered to be of a high quality and would result in an attractive and usable external space.
169. The site is well located in terms of accessing public open space, both formal and informal, with Millennium Square, Pelaw Woods, The Sands and Wharton Park all being within walking distance. Ordinarily, a commuted sum would be secured by means of a Section 106 legal agreement in lieu of the provision of public open space within the development, and that this would be directed to a local play space. However, given the sui generis nature of the development, the demographic of residents and its city centre location, a more tangible, more directly related to the development and appropriate means of improving public open space would constitute the resurfacing of the northern side of Lower Claypath. This would not only improve the appearance of the area, but would also improve access to other more dispersed existing areas of public open space. To this end, a contribution of £100,000 has been secured and will be incorporated into a Section 106 legal agreement.

170. In terms of external landscaping, the constraints of the site and previous uses, mean that opportunities for this are mainly only available to the north, at the rear of the site, and to the east, near Claypath Court. Both of these locations host existing trees. The submitted tree survey identifies some of the trees near Claypath Court would be lost, due to their proximity to the proposed building. None of the trees lost are considered to be of high amenity value and would be replaced by better specimens in a more appropriate location. Wherever possible, existing trees have been retained and will be protected during construction.
171. The regrading of the slope to the north of the site will inevitably lead to the loss of some trees in this location. The value of these trees is of group significance only, with the individual specimens to be lost not being of significant value. The proposed replacement trees would take time to reach maturity, and as a result the group value of this wooded area would be diminished to a degree in the interim, but not to such an extent that it would lose function or amenity value.

Ecology and Nature Conservation

172. 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. Policy E16 of the CDP seeks to prevent adverse impacts upon protected species.
173. The submitted Preliminary Ecological Appraisal and Bat Survey reports summarise the results of survey work carried out in 2014. These ecological appraisals found that bats were using the rear of the site for foraging; however none of the buildings were being used for roosting purposes. It is noted that there was previously a roost in the Palladium Cinema, which was recorded in 2010, although it is not currently being used. In light of this, a Precautionary Method Statement has been produced for the demolition of the cinema building, including a checking survey prior to demolition commencing to ensure that re-occupation has not occurred, and demolition to be supervised by a licensed bat worker. These measures have been incorporated onto the Demolition Method Statement and adherence with them can be secured by condition. It is also noted that two bat boxes would be incorporated within the proposed building and these can also be secured by condition.
174. The Ecology Section has raised no objection to the proposals. Accordingly this proposal is considered to comply with the objectives of Policy E16 of the Local Plan and NPPF Part 11. As the proposed development is unlikely to result in works requiring a Natural England Licence, it is considered to not be necessary to consider the derogation tests.

Other Issues

175. 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. The objectives of Policy U12 of the Local Plan are considered to have been met.

176. With regards to the ability of the local drainage system to handle outflows generated by the development, the Council's Drainage and Coastal Protection Team, as well as Northumbrian Water have been consulted, 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.
177. Policy Q15 of the CDLP requires applicants to incorporate public art within major schemes, or provide a financial sum in lieu of such provision. In this instance, considering that the proposal would result in the loss of a non-designated heritage asset of cultural value, in the form of the former Palladium Cinema, the applicants have advised that wherever possible the equipment that remains within the cinema, such as the projector, will be salvaged and displayed within the development. This may be within communal areas or the small cinema. They have also advised that the small cinema within the development would be available for the use of the wider community, and furthermore, that negotiations are ongoing with Beamish Museum in respect of the seating from the existing cinema being salvaged.

CONCLUSION

178. The site is situated in a sustainable city centre location and forms a longstanding regeneration site. Although the proposed development would not strictly accord with CDLP policies relating to the site, in land use terms, it is considered that there are compelling arguments for allowing a mixed use scheme of student accommodation and a retail unit in this instance.
179. Furthermore, it is considered that the introduction of 445 students onto Claypath would not have an unreasonably detrimental impact upon the character of this part of the city, to such an extent that it would adversely affect the amenities of existing residents. The current character of this part of the city is varied, and this development would not lead to an unacceptable concentration of student accommodation.
180. With regard to the design of the proposed development, and its impact upon the wider conservation area and townscape, it is considered that whilst there would be harm as a result of the proposal both directly to non-designated heritage assets and to the setting of a number of designated assets, the resultant harm is considered to be less than substantial overall. In accordance with paragraph 134 of the NPPF such harm should be weighed against any resultant public benefits.
181. An exercise in weighing the benefits against the harm has been carried out, and in this instance, it is considered that there are sufficient public benefits to outweigh the harm.
182. No adverse impacts upon archaeological, ecological, drainage and flood risk, or highways interests have been identified that cannot be addressed by planning condition.
183. The proposal has generated public interest with representations reflecting the issues and concerns of local residents affected by the proposed development. Whilst mindful of the nature and weight of public concerns it is not considered that these are sufficient to outweigh the planning judgement in favour of the proposed scheme.

184. The proposed development is considered to be in accordance with the relevant policies contained with the City of Durham Local Plan and the NPPF, and the application is therefore recommended for approval.

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 upgrading of the footway on Lower Claypath, and in order secure targeted recruitment and training, and subject to the conditions listed below:

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 Proposed CPD-3022 D01-02
Amended Site Block Plan CPD-3022 D10-03.02
Amended Site Context Aerial Views CPD-3022 D02-11.02
Amended Bldg GA Elevation-To Claypath CPD-3022 D04-01.02
Amended Bldg GA Plans Level -1 CPD-3022 D03-02.02
Amended Bldg GA Plans Level -2 CPD-3022 D03-01.02
Amended Bldg GA Plans Level 0 CPD-3022 D03-03.02
Amended Bldg GA Plans Level 1 CPD-3022 D03-04.02
Amended Bldg GA Plans Level 2 CPD-3022 D03-05.02
Amended Bldg GA Plans Level 3 CPD-3022 D03-06.02
Amended Bldg GA Plans Level 4 CPD-3022 D03-07.02
Amended Bldg GA Plans Roof CPD-3022 D03-08.02
Amended Bldg GA Sections CPD-3022 D05-01.02
Amended Site GA Views and Elevations-Proposed CPD-3022 D02-12.02
Site GA Views and Elevations-Proposed CPD-3022 D02-13
Site GA Views and Elevations-Proposed CPD-3022 D02-14
Site GA Views and Elevations-Proposed CPD-3022 D02-15
Site GA Views and Elevations-Proposed CPD-3022 D02-16
Amended Site GA Views and Elevations-Proposed CPD-3022 D02-17.02
Amended Bldg GA Sections-Proposed CPD-3022 D02-18.02
Site GA Sections-Proposed CPD-3022 D02-19
Amended Bldg GA Sections-Proposed CPD-3022 D02-20.02
Bldg GA Elevations-To Theatre CPD-3022 D04-02
Bldg GA Elevations-To Christchurch CPD-3022 D04-03
Bldg GA Elevations-To Woodland CPD-3022 D04-04
Bldg GA Elevation-To Courtyard CPD-3022 D04-05
Bldg GA Elevation-To Courtyard CPD-3022 D04-06
Bldg GA Elevation-To Courtyard CPD-3022 D04-07
Bldg GA Elevation-To Courtyard CPD-3022 D04-08
Student Accommodation Management Plan February 2015
Arboricultural Report December 2014 by Enviroscope Consulting Ltd
Construction Methodology Statement T/14/1403 dated 16th December 2014
Amended Demolition Method by Tier Consulting
Flood Risk Assessment for 18-29 Claypath T/14/1403/FRA#

Transport Statement and Travel Plan.

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 only 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 demolition shall take place other than in accordance with the submitted "Amended Demolition Method Statement"

Reason: To meet the objectives of Policy E16 of the City of Durham Local Plan 2004.

5. The retail unit hereby approved shall only be used for purposes falling with Class A1 of the Town and Country Planning (General Permitted Development) Order 1995 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) and for no other purpose

Reason: In interests of the vitality and viability of Durham City Centre in accordance with Policy CC3 of the City of Durham Local Plan 2004

6. No development shall commence until a scheme of noise mitigation in relation to noise generated by the Gala Theatre and Claypath 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. 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 the approved details.

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.

8. No operations associated with the construction and demolition works hereby approved shall be carried out outside the hours of Monday to Friday 08.00 – 1800hours and Saturdays 08.00 – 1200hours with no working on Sundays or Public and Bank Holidays.

Reason: In the interests of residential amenity in accordance with Policy H13 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 in full upon the beneficial occupation of the development, which shall thereafter operate only in accordance with the details contained therein.

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. The protection measures installed shall be retained for the duration of construction.

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 take place until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority.

The landscape scheme shall include the following:

Trees, hedges and shrubs scheduled for retention
Details of hard and soft landscaping including surface materials, planting species, sizes, layout, densities, numbers
Details of planting procedures or specification
Finished topsoil levels and depths
Details of temporary topsoil and subsoil storage provision
Seeded or turf areas, habitat creation areas and details
The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc

Trees, hedges and shrubs shall not be removed within five years. Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species. Replacements will be subject to the same conditions.

The approved landscaping scheme shall be carried out in the first available planting season following the completion of the development.

Reason: In the interests of the visual amenity of the area having regards to Policies E14, H13, H16, C5, Q3 and Q5 of the City of Durham Local Plan and having regard to Part 7 of the NPPF.

13. 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.

14. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological mitigation 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., Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance.
 - ii., Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts.
 - iii., Postfieldwork methodologies for assessment and analyses, including final analysis and publication proposals in an updated project design where necessary.
 - iv., Report content and arrangements for dissemination.
 - v., Archive preparation and deposition with recognised repositories.
 - vi., A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy.
 - vii., Monitoring arrangements, including the notification in writing to the County Durham Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.
 - viii., A list of all staff involved in the implementation of the strategy, including subcontractors and specialists, their responsibilities and qualifications.
 - ix., Proposals for potential public interaction during the excavation and subject to site requirements e.g. open days, viewing platforms, outreach etc.

The written scheme of investigation shall be carried out in accordance with the approved details and timings.

Reason: In order to ensure that archaeological remains are properly investigated and evaluated in accordance with Policies E21 and E24 of the City of Durham Local Plan and Paragraphs 131, 132, 133, 134, 135 and 136 of the NPPF.

15. 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.

16. The development hereby approved shall only be carried out in accordance within the Land Contamination Remediation Strategy contained within the “Geoenvironmental Appraisal Report for Land at 18-29 Claypath Issue 1.2” by Tier Environmental Ltd. Following the completion of construction and prior to the beneficial occupation of the development, a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of the remediation work carried out shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors in accordance with NPPF Part 11.

17. Prior to the commencement of the development a scheme to embed sustainability and minimise carbon from construction and in-use emissions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in complete accordance with the approved scheme and retained for the lifetime of the building.

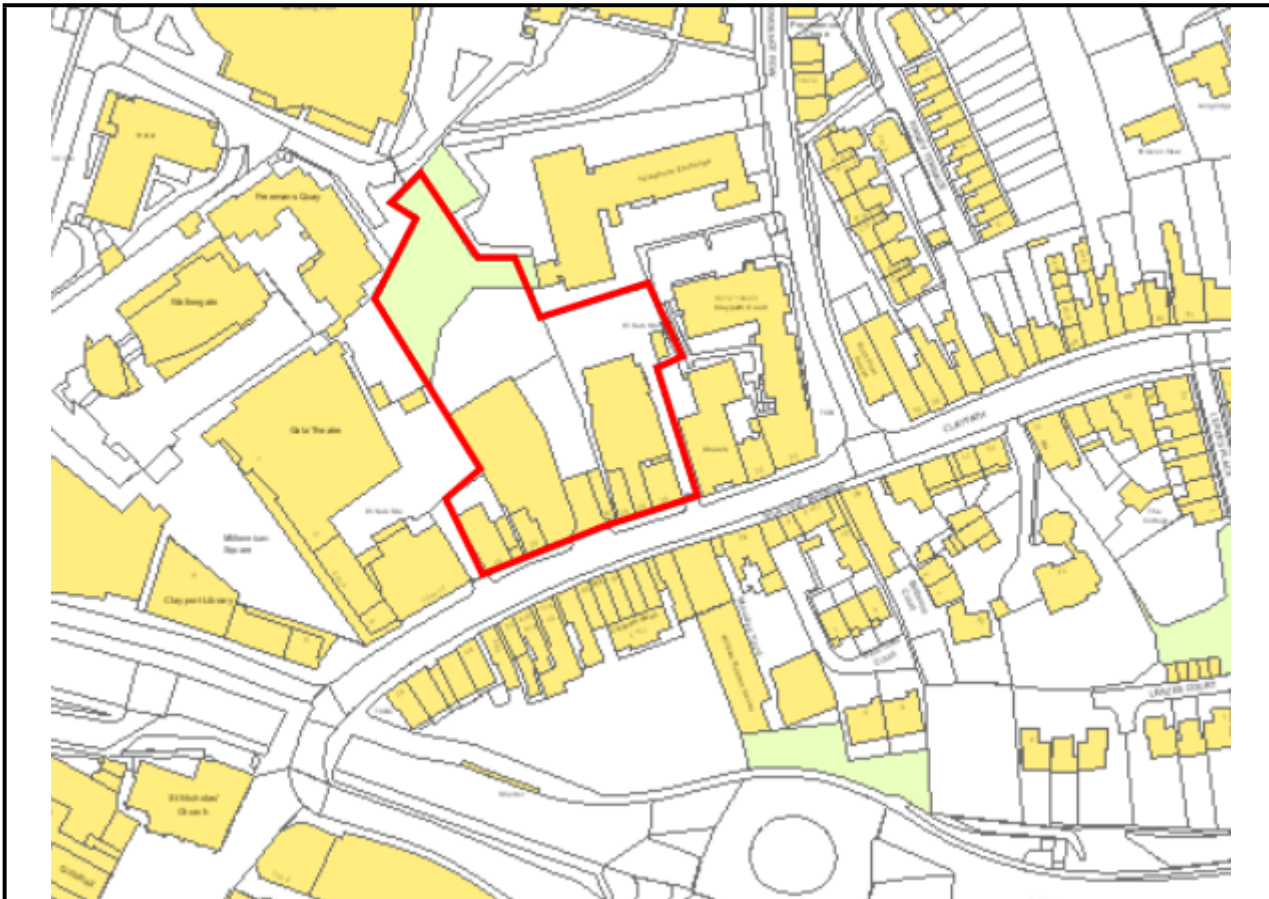
Reason: In the interests of achieving sustainable development in accordance with Paragraph 95 of the NPPF.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to support this 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
- The National Planning Policy Framework (2012)
- National Planning Practice Guidance
- City of Durham Local Plan (2004)
- The County Durham Plan (Submission Draft)
- Durham City Centre Masterplan (2014)
- Lower Claypath Design Brief
- Statutory, internal and public consultation responses



Planning Services

DM/14/03842/FPA

Demolition of buildings and redevelopment to provide student accommodation (445 bedrooms), associated offices & A1 retail unit at ground floor

18 – 29 Claypath, Durham

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Comments

Date March 2015

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