

# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION NO:</b>	<b>DM/15/01730/FPA</b>
<b>FULL APPLICATION DESCRIPTION:</b>	<b>Demolition of existing building and erection of Learning Resource Centre.</b>
<b>NAME OF APPLICANT:</b>	<b>St. John's College</b>
<b>ADDRESS:</b>	<b>17 South Bailey, Durham, DH1 3EE</b>
<b>ELECTORAL DIVISION:</b>	<b>Elvet and Gilesgate</b>
<b>CASE OFFICER:</b>	<b>Chris Baxter</b> <b>Senior Planning Officer</b> <b>03000 263944</b> <a href="mailto:chris.baxter@durham.gov.uk">chris.baxter@durham.gov.uk</a>

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## DESCRIPTION OF THE SITE AND PROPOSALS

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### The Site

1. The application site comprises an existing house at No. 17 South Bailey in Durham City. Immediately to the south and east of the site are college buildings associated with St. John's College. To the north of the site is the Chapel of St. Mary the Less and the grounds of the Chorister School are to the west. All the buildings (including walls) surrounding the site are listed buildings. The site is located within the Durham City Conservation Area and the World Heritage Site. Durham Cathedral is also located approximately 140 metres away to the north.

### The Proposal

2. Planning permission is sought for the demolition of the existing house and the construction of a learning resource centre associated with St. John's College. A disabled parking bay is proposed to the front of the site as well as some cycling parking provision.
3. The proposed learning resource centre will provide library and study facilities together with teaching facilities. The usage will be by a much wider age profile than most university libraries and the building will also service wider cultural and community uses, and out of term conferences. The adjacent building to the south (Etchell's House, No. 16 South Bailey) houses academic staff teaching. There is an operational connection between Etchell's House and the learning resource centre.
4. The proposed building would fill the majority of the site with a small external terrace area proposed. The building would have a two storey element (plus basement) to the front elevation with a three storey (plus basement) to the rear of the site. The front elevation would measure 8.5 metres to the parapet level with the overall height to the ridge being 10.7 metres. From the ground level of No. 16 South Bailey, the building would measure 11.4 metres to parapet height and 13.7 metres to overall ridge

height. The existing Lime tree on the west corner of the site would be retained as part of the scheme. The principal materials for the proposed building would be ashlar stonework, with very narrow joints, for the external walls and zinc for the pitched roofs. The projecting bays on the north and south elevations would be of timber. Frameless structural glazing is proposed to the ground floor of the east elevation. The external finish of all other windows, together with that of the doors, gutters and downpipes, would be powder-coated aluminium (dark grey in colour).

5. The proposed development does not fall within Schedule 1 or Schedule 2 Development of the Environmental Impact Assessment (EIA regulations) and therefore the proposal would not require an Environmental Impact Assessment.
6. This application is referred to the Planning Committee as it constitutes a major planning application.

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## **PLANNING HISTORY**

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7. Two separate listed building applications have been submitted for the demolition of the boundary walls to the site. One application has been approved and the second is currently pending a decision.

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## **PLANNING POLICY**

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### **NATIONAL POLICY:**

8. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
9. 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'.
10. The following elements are considered relevant to this proposal;
11. *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 21<sup>st</sup> century.
12. *NPPF Part 4 – Promoting Sustainable Transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
13. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
14. *NPPF Part 8 – Promoting Healthy Communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive

communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.

15. *NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.* Planning plays a key role in helping shape places to secure Local Planning Authorities should adopt proactive strategies to mitigate and adapt to climate change. Local Planning Authorities should have a positive strategy to promote energy from renewable and low carbon sources. Inappropriate development in areas at risk of flooding should be avoided.
16. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
17. *NPPF Part 12 – Conserving and Enhancing the Historic Environment.* Working from Local Plans that set out a positive strategy for the conservation and enjoyment of the historic environment, LPA's should require applicants to describe the significance of the heritage asset affected to allow an understanding of the impact of a proposal on its significance. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Development which will lead to substantial harm or loss of significance of a designated heritage asset, permission should be refused, unless the harm or loss is necessary to achieve substantial public benefits.

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

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

## **LOCAL PLAN POLICY:**

### **City of Durham Local Plan**

18. *Policy E3 (World Heritage Site) Protection* seeks to safeguard the site and setting from inappropriate development that could harm its character and appearance.
19. *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.
20. *Policy E14 (Trees and Hedgerows)* sets out the Council's requirements for considering proposals which would affect trees and hedgerows. Development proposals will be required to retain areas of woodland, important groups of trees, copses and individual trees and hedgerows wherever possible and to replace trees and hedgerows of value which are lost. Full tree surveys are required to accompany applications when development may affect trees inside or outside the application site.

21. *Policy E16 (Protection and Promotion of Nature Conservation)* is aimed at protecting and enhancing the nature conservation assets of the district. Development proposals outside specifically protected sites will be required to identify any significant nature conservation interests that may exist on or adjacent to the site by submitting surveys of wildlife habitats, protected species and features of ecological, geological and geomorphological interest. Unacceptable harm to nature conservation interests will be avoided, and mitigation measures to minimise adverse impacts upon nature conservation interests should be identified.
22. *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.
23. *Policy E23 (Listed Buildings)* seeks to safeguard listed buildings and their settings.
24. *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.
25. *Policy T1 (Traffic – General)* states that the Council will not grant planning permission for development that would generate traffic likely to be detrimental to highway safety and / or have a significant effect on the amenity of occupiers of neighbouring property.
26. *Policy T10 (Parking – General Provision)* states that vehicle parking should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development.
27. *Policy T20 (Cycle facilities)* seeks to encourage appropriately located, secure parking provision for cyclists
28. *Policy T21 (Safeguarding the Needs of Walkers)* states that the Council will seek to safeguard the needs of walkers by ensuring that: existing footpaths and public rights of way are protected; a safe, attractive and convenient footpath network is established throughout the City; that the footpath network takes the most direct route possible between destinations; and the footpath network is appropriately signed. Wherever possible, footpaths should be capable of use by people with disabilities, the elderly and those with young children. Development which directly affects a public right of way will only be considered acceptable if an equivalent alternative route is provided by the developer before work on site commences.
29. *Policies Q1 and Q2 (General Principles Designing for People and Accessibility)* states that the layout and design of all new development should take into account the requirements of all users.
30. *Policy Q3 (External Parking Areas)* requires all external parking areas to be adequately landscaped, surfaced, demarcated, lit and signed. Large surface car parks should be subdivided into small units. Large exposed area of surface, street and rooftop parking are not considered appropriate.
31. *Policy 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.

32. *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.
33. *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.

## RELEVANT EMERGING POLICY

### The County Durham Plan

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

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## CONSULTATION AND PUBLICITY RESPONSES

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### EXTERNAL RESPONSES:

35. *County Highways Authority* has not objected in principle however it has been indicated that the cycle provision is not sufficient and more consideration should be given to the disabled parking bay.
36. *Historic England* has raised no objections and supports the proposed scheme indicating that the proposal accords with policies within the NPPF which seeks to foster innovative new design whilst respecting local character and historic context.
37. *Environment Agency* has not raised any objections.
38. *Northumbrian Water* has not raised any objections.
39. *Police Architectural Liaison* has provided advice in terms of safety and security of the site.
40. *The Coal Authority* has not raised any objections.

### INTERNAL CONSULTEE RESPONSES:

41. *Public Rights of Way* has confirmed that no public rights of way will be affected by the development.
42. *Archaeology* has not raised any objections
43. *Sustainability Officer* has not raised any objections to the scheme.
44. *Environmental Management (Contamination)* has not raised any objections.
45. *Environmental Management (Noise/light)* has not raised any objections.
46. *Ecologist* has not raised any objections to the proposed development.
47. *Design and Conservation* has not raised any objections to the proposed scheme indicating that the proposed development will enhance the significance of the heritage assets by making a positive contribution and therefore will accord with planning policy as set out in the NPPF and the saved policies of the local plan.
48. *Landscape Team* has indicated that the proposals would have some significant adverse landscape and visual effects and the proposals would conflict with policies E22 and E14 of the local plan.
49. *Tree Officer* has not raised any objections to the proposed scheme.
50. *Drainage Officer* has not raised any objections to the proposed scheme.

#### **PUBLIC RESPONSES:**

51. The application has been advertised on site and in the local press. Neighbouring residents were also notified individually of the proposed development.
52. The World Heritage Site Co-ordinator has commented on the site concluding that the impact on the South Bailey is of greatest concern. The north elevation facing the college and to a lesser extent the view to the south elevation across the Cathedral garden have an impact through the size, regularity and nature of detailing. On balance the proposal is not considered an enhancement but is a reflection of catering functionally for the College's needs. It is considered that the South Bailey frontage needs substantial improvement in its relationship to the special streetscape if it is to be assimilated and to complement the buildings it is near to. In its current form it causes harm to the WHS and its setting.
53. The City of Durham Trust have not raised any objections to the proposed scheme however has raised some point of clarification with regards to the building's relationship with No. 16 South Bailey, first floor fenestration, roof design and ground floor window signage.
54. Durham University have indicated that they support the proposed development.

#### **APPLICANTS STATEMENT:**

55. The proposed Learning Resource Centre is intended to meet the need for a 'fit for purpose' teaching, library and study space for St. John's College. The recruitment/retention of the best students and staff will be enabled by the provision of appropriate learning facilities. The site has been chosen as there is no suitable location for a new building of this size within the College's grounds on the east side of South Bailey. The College is very aware of the important historic context in which

it is physically located and wishes to develop its buildings in ways that respect this context. The site for the Learning Resource Centre is within the World Heritage Site, which has been a centre of scholarly activity and Christian witness for centuries. St John's College continues that tradition, being a Christian College within a world class university. The design of the proposed building has evolved as a result of detailed discussions with many stakeholders, including the Cathedral, English Heritage and the officers of Durham County Council.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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56. 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 impact upon the character, appearance and setting of heritage assets and surrounding area; impact on residential amenity; highway safety; and other issues.

Impact upon the character, appearance and setting of heritage assets and surrounding area

57. The proposed development involves the demolition of an existing building and the construction of a new Library, educational resource building set in the historic streetscape of the South Bailey, surrounded by listed buildings (Grade I, II and II\*), set within the heart of Durham City Centre Conservation Area and within Durham World Heritage Site. This application is the result of detailed pre-application discussions with the architects, Planning Officers and Heritage & Design Officers from the Council, ICOMOS (International Council on Monuments & Sites UK) and Historic England, and the scheme has evolved over a period of approximately 3 years.

58. North and South Bailey form an integral part of the defended medieval complex on the Peninsula plateau, and consist of an area between the inner Cathedral Priory precinct and the outer Castle defensive wall. The Baileys' streets are important in providing the setting of the Cathedral and are key routes linking Palace Green to the Market Place. The importance of the Baileys is reinforced not only by the high percentage of their buildings being individually listed, but also by the entirety of the historic townscape's inclusion within the boundary of the World Heritage Site. The street contributes to the physical, visual, and historic setting of the World Heritage Site. The application site falls within the historic heart of Durham (City Centre) Conservation Area and is adjacent to a number of listed buildings together with buildings of local interest.

59. The primary consideration for this application is the impact the proposed development would have on the various heritage assets which surround the site. The Council's Design and Conservation Team have indicated that the existing building is not considered to make any positive contribution to the area and the loss of this building is accepted. As previously stated in this report, the design of the proposed development has evolved over a number of years with contributions from various interested parties. The Council's Design and Conservation Team have commented in detail on the proposed development and has concluded by stating the following:

*60. It is considered that the design, scale, massing and materials etc. of the proposed development will enhance the significance of the heritage assets by making a positive contribution and therefore will accord with planning policy in the NPPF and the saved policies of the Durham City Local Plan. The applicant has generally responded to design advice relating particularly to the quantum of development that*

*the site can comfortably take and adopting a more humble, simpler aesthetic, whilst still retaining a sense of scale and finish that expresses its role in the college and South Bailey. The redistribution of massing and revised elevation treatments work well as does the strong building line to the principal elevation instating a sense of enclosure whilst respecting the existing disposition of the church of St. Mary-the-Less. The proposed detailing, overall materiality and quality of finish will ultimately determine the success of the building in the round and need to be carefully considered. No objection is raised on heritage or design grounds.*

61. Historic England have also fully considered the proposed development in its context with the surrounding heritage assets and have made the following comments:
62. *South Bailey is a rich and fascinating historic street with a deep connection to Durham Cathedral and Castle, hence its placement within the boundaries of the World Heritage Site (WHS) and Durham City Conservation Area. In realising the rare opportunity to redevelop a section of the street, the application presents a forceful modern design for a new education centre. The result is untypical yet refreshing for its architectural honesty and whilst it may seem initially challenging the design is of a quality that will add to the architectural legacy of the World Heritage Site and conservation area. Consequently the proposal accords with policies within the National Planning Policy Framework (NPPF) which seek to foster innovative new design whilst respecting local character and historic context.*
63. The proposed development certainly projects a contemporary modern design. Design considerations and the impacts of new contemporary development on heritage assets can be subjective and a matter of individual taste. The design of the proposed development has been supported by key heritage consultees including the Council's Design and Conservation Team and Historic England. The City of Durham Trust have also commented providing their support in principle to the development. It is noted however that the World Heritage Site Co-ordinator has indicated that the proposal will fail to preserve the heritage assets or their setting.
64. The Council's Design and Conservation Team are confident that the proposed development accords with local plan policies and national policy with respect to impacts on heritage assets. Given the level of support from Historic England it is considered that the proposed development can be considered to preserve the character, appearance and setting of the Durham City Conservation Area, the surrounding listed buildings and the World Heritage Site.
65. Details within the design and access statement do indicate that the building is to be constructed from ashlar stonework for the external walls and zinc for the pitched roofs. Projecting timber bays, with glazing and powder coated aluminium guttering is also proposed. The Design and Conservation Team have not raised any objections to these materials, however given the sensitivity of the area, it is considered that specific details are required in terms of the materials, windows, glazing, curtain walling, external joinery details, rainwater goods, eaves, verge and parapet details, and details of soffit to overhang. It is also considered that external and night time lighting strategy should be provided to ensure the lighting of the building does not adversely impact on the surrounding heritage assets. All these issues can be requested through planning conditions, which are subsequently recommended.
66. There is a mature Lime tree located on the south west corner of the site which is proposed to be retained. This tree is considered important within the general landscape of the area and the retention of the tree is welcomed. The proposed building is to be located fairly close to the tree and detailed discussions have taken place with the Council's Tree Officer to ensure the tree would not be compromised



as a result of the proposed build. The Tree Officer is comfortable with the construction methods proposed which will ensure the tree would not be adversely compromised.

67. It is noted that the Council's Landscape Officer has raised some concerns indicating that the proposal would have some adverse landscape and visual effects and would therefore not be in accordance with policies E22 and E14 of the local plan. The Landscape Officer does however acknowledge that views of the proposed development are unlikely to be available beyond the peninsula, given that the building will be obscured behind the roof line of existing buildings. Policy E22 of the local plan refers to conservation areas and the Design and Conservation Team have determined in their comments that the proposed development would be in accordance with policy E22. Policy E14 of the local plan aims to retain trees on development sites. It has been stated in the paragraph above, that the mature Lime tree is to be retained on site. There are no other mature trees which would be affected by the development. It is therefore considered that the proposal would not contradict the aims of policy E14 of the local plan.

#### Impact on residential amenity

68. The buildings surrounding the application site are mainly in use by St. Johns College. There are no residential properties within close distance to the site. It is not considered that the proposed development would create any adverse impacts on residential amenity in terms of loss of privacy or overbearing or overshadowing impacts. Environmental Management Officers have been consulted and they have confirmed that there will be no adverse impacts created in terms of noise, light or contamination issues.

69. It is considered that the proposed development would not have an adverse impact on residential amenity and would not compromise the existing uses which surround the site. The proposal is therefore considered to accord with policy H13 of the Local Plan.

#### Highway safety

70. The proposed development is located within the centre of the City and would be classed as a sustainable location. A disabled parking bay is proposed to the front of the site as well as some cycling parking provision. The Council's Highways Officer has not raised any objections to the proposed scheme however some concerns are raised. These concerns relate to the specific design of the disabled parking bay and that the proposed cycling provision is not sufficient.

71. Information has been submitted with the application that states that the proposed cycle provision would be in addition to the existing 50 cycle provision which St. Johns College provides at 28 North Bailey and the Garth. The Highways Officer has requested that the cycle parking provision is in line with the requirements of the County Council Parking and Accessibility Guidelines. These guidelines state that for a library building there should be one enclosed cycle space per five members of staff and minimum of four spaces per 100sqm of public space. It is noted that the proposed development is not a public library, as it is a resource centre which is linked with St. Johns College. It is considered that visitors to the proposed learning resource centre would generally be students or teachers of St. Johns College. It is accepted that the parking and accessibility guidelines requires a greater number of cycle provision for a development of this type, however given the resource centre would not be a public building and there would be existing cycle provision available in the area linked with St. Johns College, it is not considered the lack of cycle provision is sufficient to warrant refusal of this application.

72. Given the sensitive location of the application site, and the impact the design of the building can have on important heritage assets, the external appearance of the building, in particular the entrance elevation is vitally important. A disabled parking bay is proposed outside the entrance of the building however no usual markings are shown on the plans indicating that this is to be a disabled bay. The Design and Conservation Team have indicated that this disabled bay should be kept clear of the usual markings so not to impact upon the appearance of the proposed development and heritage assets within the area. The Design and Conservation Team have conceded that a simple sign can be situated to make visitors aware this is a disabled bay. A condition is therefore recommended for details of a sign to be submitted to and approved by the local planning authority.
73. It is accepted that the Highways Officer has concerns over cycle parking provision and the disabled bay. However given the nature of the proposed development in relation to the sensitive area in which it is to be located, it is not considered that these issues are sufficient to warrant refusal in this instance. It is considered that the proposed development would not have an adverse impact on highway safety and the proposal would accord with policies T1, T10, and T21 of the local plan, and would not contradict the aims of policy T20 of the local plan.

#### Other issues

74. The presence of a European Protected Species (EPS) is a material planning consideration. The Conservation of Habitats and Species Regulations 2010 have established a regime for dealing with derogations which involved the setting up of a licensing regime administered by Natural England. Under the requirements of the Regulations it is an offence to kill, injure or disturb the nesting or breeding places of protected species unless it is carried out with the benefit of a licence from Natural England.
75. Notwithstanding the licensing regime, the Local Planning Authority must discharge its duty under the regulations and where this is likely to be an interference with an EPS must consider these tests when deciding whether to grant permission for a development which could harm an EPS. A Local Planning Authority failing to do so would be in breach of the regulations which requires all public bodies to have regard to the requirements of the Habitats Directive in the exercise of their functions.
76. A Bat Survey of the site has been submitted with the application. This survey concludes that the site has low potential to support any hibernation or bat roosting. The submitted survey has been analysed by the County Ecologist. The County Ecologist has confirmed that there are no objections to the findings of the survey. Subsequently it is not considered that the proposed development would have an adverse impact on protected species or their habitats and would be in accordance with part 11 of the NPPF.
77. The County Archaeologist has not raised any concerns with regards to the proposed development. A condition is recommended for a programme of archaeological work to be undertaken prior to works commencing. A condition is recommended accordingly.
78. Northumbrian Water, the Council's Drainage Officer and the Environment Agency have not raised any objections to the scheme. It is considered that the proposed development would not have an adverse impact in terms of drainage and flood risk. No objections have been made by the Council's Contamination Officer and it is not

considered that the development would raise any concerns in terms of contamination.

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## CONCLUSION

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79. The Council's Design and Conservation Team are confident that the proposed development accords with local plan policies and national policy with respect to impacts on heritage assets. Given the level of support from Historic England it is considered that the proposed development can be considered to preserve the character, appearance and setting of the Durham City Conservation Area, the surrounding listed buildings and the World Heritage Site. Overall the proposal is considered to be in accordance with policies E3, E6, E23 and E22 of the local plan, guidance within the NPPF and in accordance with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
80. The proposed development would not have an adverse impact on residential amenity and would not compromise the existing uses which surround the site. The proposal is therefore considered to accord with policy H13 of the Local Plan.
81. It is accepted that the Highways Officer has concerns over cycle parking provision and the disabled bay. However given the nature of the proposed development in relation to sensitive area it is to be located, it is not considered that these issues are sufficient to warrant refusal in this instance. It is considered that the proposed development would not have an adverse impact on highway safety and the proposal would accord with policies T1, T10, and T21 of the local plan, and would not contradict the aims of policy T20 of the local plan.
82. The proposed development would not have an adverse impact upon protected species or their habitats and there would be no adverse impacts in terms of contamination, drainage or flood risk. The proposal would therefore be in accordance with policies E16, U11 and U8a of the local plan.

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## RECOMMENDATION

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That the application be **APPROVED** subject to the following conditions and reasons;

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

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

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

<b>Plan Ref No.</b>	<b>Description</b>	<b>Date Received</b>
863/101	Location Plan	03/06/2015
863/102	Site Plan	03/06/2015
863/103	Proposed Basement Plan	03/06/2015
863/104	Proposed Ground Floor Plan	03/06/2015
863/105	Proposed First Floor Plan	03/06/2015
863/106	Proposed Second Floor Plan	03/06/2015

863/107	Proposed East Elevation	03/06/2015
863/108	Proposed South Elevation	03/06/2015
863/109	Proposed West Elevation	03/06/2015
863/110	Proposed North Elevation	03/06/2015
863/111	Proposed Section AA	03/06/2015
863/112	Section BB	03/06/2015
863/113	Section CC	03/06/2015
121	Cross Section DD	03/06/2015
122	Roof Plan	03/06/2015
863/123	Forecourt Landscaping	03/06/2015
863/126	Cross Section Through East Wall	03/06/2015
TPP Rev B	Tree Protection Plan	03/06/2015
AMS TPP Rev B	Arboricultural Method Statement	03/06/2015

*Reason: To define the consent and ensure that a satisfactory form of development is obtained.*

3. No development hereby approved shall take place unless in accordance with the mitigation, recommendations and details within the protected species reports, Bat Survey (No. 17 South Bailey) E3 Ecology Ltd dated May 2015 and Bat Survey (No. 16 South Bailey) E3 Ecology Ltd dated May 2015.

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

4. No development shall commence until a full schedule of materials including external materials, hardstanding, windows, glazing, curtain walling, external joinery details, rainwater goods, eaves, verge and parapet details, and details of soffit to overhang has been submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved details.

*Reason: In the interests of the surrounding heritage assets and to accord with policies E3, E6, E23 and E22 of the City of Durham Local Plan.*

5. No development shall commence until an external and night time lighting strategy has been submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved details.

*Reason: In the interests of the surrounding heritage assets and to accord with policies E3, E6, E23 and E22 of the City of Durham Local Plan*

6. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a mitigation strategy document that shall be submitted to, and approved in writing, by the local planning authority. The strategy shall include details of the following:

- 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) Post field work methodologies for assessment and analyses.
- iv) Report content and arrangements for dissemination, and publication proposals.
- 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 Principal Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.

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

*Reason: To comply with criteria detailed in the NPPF as the site is of archaeological interest.*

7. Prior to the development being beneficially occupied, a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record.

*Reason: To comply with paragraph 141 of the NPPF which ensures information gathered in terms of archaeological interest becomes publicly accessible.*

8. No development shall commence until details of disabled parking bay signage has been submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved details.

*Reason: In the interests of highway safety and the surrounding heritage assets and to accord with policies T1, E3, E6, E23 and E22 of the City of Durham Local Plan.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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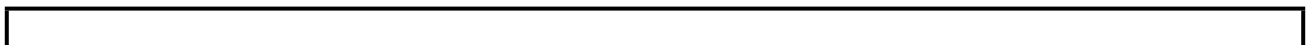
In dealing with the application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising during the application process.

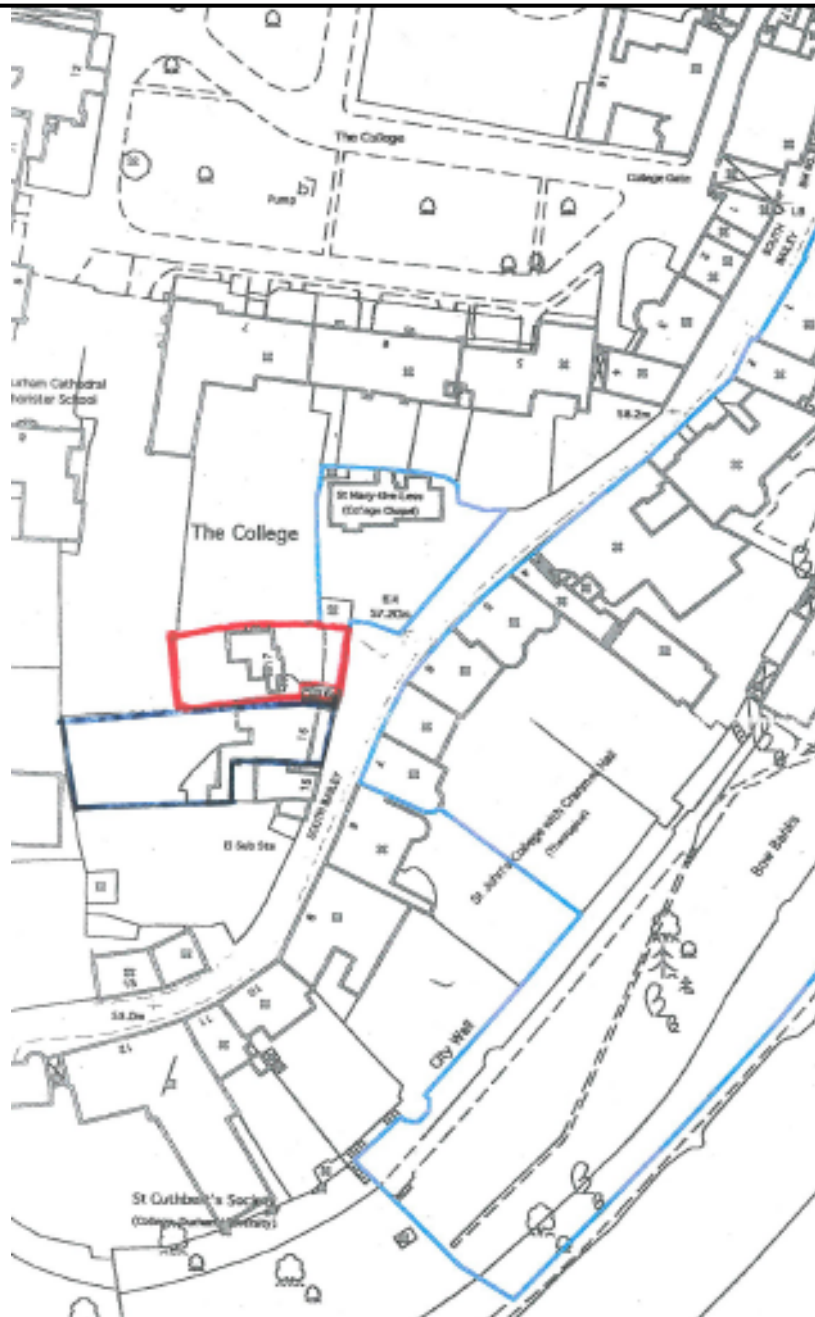
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## **BACKGROUND PAPERS**

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Submitted Application Forms, Plans and supporting documentation  
City of Durham Local Plan 2004  
National Planning Policy Framework  
Internal consultee responses  
Public responses  
Responses from statutory and other consultees  
National Planning Policy Guidance  
County Durham Plan (Submission Draft)





**Planning Services**

**Demolition of existing building,  
removal of two trees and erection  
of Learning Resource Centre at 17  
South Bailey, Durham.**

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**Date  
8<sup>th</sup> September 2015**