

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/16/02537/FPA
FULL APPLICATION DESCRIPTION:	Construction of 60 bedroom student accommodation
NAME OF APPLICANT:	Mr Paul Thapar
ADDRESS:	Land at Holly Street, Durham, DH1 4DE
ELECTORAL DIVISION:	Neville's Cross
	Chris Baxter
CASE OFFICER:	Senior Planning Officer
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DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is an area of land located between Holly Street and John Street in Durham City which is also known as Nelsons Yard. The site is a redundant parcel of land and has been for a number of decades now.
2. The site lies within the Durham City Conservation Area and is also approximately 500 metres from the Durham Castle and Cathedral World Heritage Site. The terraced properties on Holly Street are located to the west of the site. John Street to the east of the site is set at a lower level to Holly Street. John Street is predominantly terraced properties however there is also a bungalow and a church. To the north of the site is the railway line and the railway embankment with trees and shrubbery. To the south there are further terraced properties located on Hawthorn Terrace and Colpitts Terrace which are Grade II Listed buildings.

The Proposal

3. Planning permission is sought for the erection of a 60 bedroom purpose built student accommodation (PBSA). The development would include 49 grouped beds with students sharing a lounge/kitchen area of no more than 6 beds; and 11 self-contained studio flats. On Holly Street the development would be two and half storey with dormer windows in the roof and on John Street (which is set at a lower level) the development would be three and half storey in height. Rotunda features are proposed at either end of the proposed development. The proposed materials will predominately be red facing brickwork with a slate roof to match the surrounding local style. Elements of stonework and render will also be utilised on other sections of the proposed building including the rotundas.
4. This application is referred to the Planning Committee as it constitutes a major planning application.

PLANNING HISTORY

5. Planning applications for residential schemes were submitted in 2007 and 2008 which were subsequently approved. These permissions have now lapsed.

PLANNING POLICY

NATIONAL POLICY:

6. 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.
7. 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'.
8. The following elements are considered relevant to this proposal;
9. *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.
10. *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.
11. *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.
12. *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.
13. *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.

14. *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.
15. *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.
16. *NPPF Part 12 – Conserving and Enhancing the Historic Environment.* Working from Local Plans that set out a positive strategy for the conservation and enjoyment of the historic environment, LPA's should require applicants to describe the significance of the heritage asset affected to allow an understanding of the impact of a proposal on its significance.

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

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

LOCAL PLAN POLICY:

City of Durham Local Plan

17. *Policy E3 (World Heritage Site) Protection* seeks to safeguard the site and setting from inappropriate development that could harm its character and appearance.
18. *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.
19. *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.
20. *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.

21. *Policy E18 (Sites of Nature Conservation Importance)* seeks to safeguard such sites from development that would be detrimental to their nature conservation interest. These sites as well as being important for their wildlife and geological interest are also a valuable resource for amenity, recreation, education and research.
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 H7 (City Centre Housing)* seeks to encourage appropriate residential development and conversions on sites conveniently located for the City Centre.
25. *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.
26. *Policy H16 (Residential institutions and Student Halls of Residence)* provides for purpose-built accommodation provided that they are well related to local facilities and are not likely to impact adversely on adjacent development or lead to community imbalance.
27. *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.
28. *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.
29. *Policy T20 (Cycle facilities)* seeks to encourage appropriately located, secure parking provision for cyclists
30. *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.
31. *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.
32. *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.

33. 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.
34. 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.
35. 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
36. *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.
37. *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.
38. 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.
39. Policy U13 (Development on Unstable Land) will only be permitted if it is proved there is no risk to the development or its intended occupiers, or users from such instability, or that satisfactory remedial measures can be undertaken.
40. Policy U14 (Energy Conservation – General) states that the energy efficient materials and construction techniques will be encouraged.

RELEVANT EMERGING POLICY

The County Durham Plan

41. 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 (CDP) was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that Report was quashed by the High Court following a successful Judicial Review challenge by the Council. In accordance with the High Court Order, the Council has withdrawn the CDP and a new plan being prepared. In the light of this, policies of the CDP can no longer carry any weight. As the new plan progresses through the stages of preparation it will begin to accrue weight.
42. The Council have in place an Interim Policy on Student Accommodation. Part B of the Council's Interim Policy on Student Accommodation relates specifically to purpose built

student accommodation (PBSA). Part B of the Interim Policy states that new PBSA's should demonstrate need; that a development would not have a negative impact on retail, employment, leisure, tourism or housing uses; and requires consultation with the relevant education provider. Part B further states that proposals for PBSA development will not be permitted unless the development is readily accessible to an existing university or college; the design and layout would be appropriate in relation to neighbouring uses; the internal design, layout and standard of accommodation is of appropriate standard; the impacts from occupants of the development will not have unacceptable impact upon the amenity of surrounding residents; the quantity of cycle and car parking is in line with Council Parking and Accessibility Guidelines; and the applicant has shown that the security of the building is considered.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

43. *County Highways Authority* has not raised any objections to the proposed scheme.
44. *County Drainage Team* has not raised any objections to the proposed scheme and has recommended that sustainable drainage systems are implemented.
45. *Historic England* has not raised any objections in principle to the development. Some design changes have been recommended to the scheme.
46. *Environment Agency* has not raised any objections.
47. *Northumbrian Water* has not raised any objections however has recommended that a condition is imposed relating to the implementation of the drainage scheme which has been submitted with the application.
48. *Police Architectural Liaison* has confirmed that the proposed scheme would achieve a Secure by Design certificate.
49. *The Coal Authority* considers that the content and conclusions of the Phase 1: Desk Top Study Report are sufficient for the purposes of the planning system in demonstrating that the application site is safe and stable for the proposed development.
50. *Durham University* have not commented on the scheme.

INTERNAL CONSULTEE RESPONSES:

51. *Archaeology* has not raised any objections.
52. *Sustainability Officer* has not raised any objections to the scheme.
53. *Environmental Management (Contamination)* has not raised any objections subject to a condition requiring the submission of a contamination site investigation report.
54. *Environmental Management (Noise/dust)* has not raised any objections subject to the imposition of planning conditions relating to noise.
55. *Environmental Management (Air Quality)* has not raised any objections.
56. *Ecologist* has not raised any objections to the proposed development.

57. *Design and Conservation* has not raised any objections to the proposed scheme indicating that the character and appearance of the conservation area will be enhanced by the grouping and massing of the proposed building.
58. *Landscape Team* has not raised any objections to the proposed scheme.
59. *Tree Officer* has not raised any objections to the proposed scheme.
60. *Spatial Planning Policy* has indicated that the percentage of student accommodation in the area is 91% and as such an argument could be made either way as to whether or not this affects the amenity of existing residents as given the high concentrations already, would a new build student development in this location materially change matters.
61. *Public Right of Way* has not raised any objections to the proposed scheme, advice has been offered in relation to works to the unrecorded footpath linking Hawthorn Terrace with John Street.

PUBLIC RESPONSES:

62. The application has been advertised on site and in the local press. Neighbouring residents were also notified individually of the proposed development. 15 letters of representation have been received from local residents, City of Durham Trust Durham City Neighbourhood Planning Forum, Campaign to Protect Rural England and Roberta Blackman-Woods MP.
63. Concerns are raised in relation to the overconcentration of students and the potential for anti-social behaviour which can arise from students living in the area. It is considered that the proposal would not accord with national and local planning policies including the Council's Interim Policy on Student Accommodation. There is not considered to be a need for further student accommodation.
64. The proposed development is considered to have an unacceptable design, being overdevelopment of the site and not in keeping with the surrounding area, therefore adversely impacting upon the conservation area. It is considered that the development would result in loss of light to neighbouring properties and also contribute to the existing drainage problems and health hazard in the area with bins and rubbish along John Street.
65. The proposal will compromise highway safety as it is considered there will be an increase in traffic leading to parking issues. There is no turning head at the end of John Street which creates issues for refuse collection. It has also been noted that the proposed cycle parking provision is unnecessary as students would not use them. The student management plan submitted with the application is considered to be unacceptable.

APPLICANTS STATEMENT:

66. This scheme is for PBSA in an area which is well located for university facilities and is already dominated by student accommodation in HMOs. The site has been empty for years and its derelict condition is a detractor from the character and appearance of this part of the Conservation Area.
67. The scheme has been designed in keeping with the robust residential character of the Hawthorn Terrace sub-area of the Conservation Area and to reflect the uniform,

symmetry and rhythm of the terraces. Design references such as the curving Colpitts Terrace, stone plinth, strong ordered fenestration, traditional roofscape and enclosed yards all add to the interest of the building.

68. Given this scheme is a substantial investment in a derelict and prominent site I find that it will have a positive impact on the heritage asset of the Conservation Area.
69. Government policy is to increase student numbers and boost the supply of housing including PBSA. The inevitable result is an increase in the demand for such housing in Durham.
70. There is no requirement in statutory policy to demonstrate demand for student accommodation in this area. But even if there was, there is an acknowledged shortfall in student accommodation and an immediate need to provide for increasing student numbers. On existing projections there is a modest shortfall and even a notional 7% increase in student numbers will result in undersupply within the next 4 years.
71. On balance I see no harm arising from this Scheme and significant benefits in terms of investment and regeneration. For those reasons permission should be granted.

PLANNING CONSIDERATIONS AND ASSESSMENT

72. 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 principle of development; impact upon the character, appearance and setting of conservation area, listed buildings and surrounding area; impact on residential amenity; highway safety; and ecology.

Principle of development

73. The application proposes the erection of a purpose built student accommodation development on land within Durham City Centre. The proposal would therefore be in accordance with the sustainable principles of the NPPF as the proposal demonstrates an efficient use of land with good access to services and public transport.
74. The local plan has a specific policy, H16, which relates to student halls of residence and forms of residential institutions. Policy H16 states that planning permission will be granted for such developments provided that they are situated within close proximity to services and public transport links, satisfactory standards of amenity and open space are provided for occupiers, that the development does not detract from the character or appearance of the area or from the amenities of residents and finally with regards to student halls that they either accord with the provisions of Policy C3 or that the proposal would not lead to a concentration of students to the detriment of the amenity of existing residents.
75. Policy C3 of the local plan relates to development by the University of Durham, the University are not the applicant on this proposal and therefore this policy is not strictly relevant to this particular application. The proposal is not considered contrary to Policy H16 on sustainability grounds as the site is well located in terms of local

services and within easy walking distance of bus routes, local shops and University buildings. Impact on amenity and character/appearance of the area are considered later in this report.

76. The NPPF emphasises the need to ensure mixed and inclusive communities mentioned at paragraph 50 and encourages that development establishes a strong sense of place and sustains an appropriate mix of uses as detailed in paragraph 58. The Council's Spatial Planning Policy Team has confirmed that the postcode which covers the application has 91% student accommodation with the surrounding postcodes ranging from 67% to 100% student exempt properties. The Spatial Policy Team has further stated that it could be argued that the construction of this property would lead to a concentration that would adversely detract from the amenities of existing residents. However the percentages are so high it could equally be argued that there is so much student accommodation in the area that the construction of a completely new block would have limited impact on existing residents.
77. Part B of the Council's Interim Policy on Student Accommodation relates specifically to purpose built student accommodation (PBSA). The proposal is for a PBSA and therefore needs to be assessed against the criteria in this policy. Part B of the Interim Policy states that new PBSA's should demonstrate need; that a development would not have a negative impact on retail, employment, leisure, tourism or housing uses; and requires consultation with the relevant education provider. The planning statement submitted with the application does provide information in relation to the need for additional student accommodation which refers to the University Residential Accommodation Strategy 2012. The site is currently redundant and the scheme would not have any obvious negative impacts on retail, employment, leisure or tourism uses. Impacts on surrounding residential uses are discussed elsewhere in this report. There is no evidence that the University has been formally consulted on the proposed scheme although the applicant has indicated that verbal discussions have been taken place. Officers have consulted the University as part of the planning process and no response has been received.
78. When assessing the proposed development against national and local policies, including the Interim Policy, it is noted that there are elements of the scheme which are supported by planning policy and some which do not strictly comply with policy. The proposal would clearly comply with the core aim of the NPPF to provide sustainable development on brownfield land. The site has been a redundant vacant site for a number of decades and therefore the development of the site would provide significant regeneration benefits. The site is also well related to shops, services and public facilities including public transport. The scheme would clearly introduce more students into the area and would impact on student concentration levels. Concerns have been raised by residents that the proposals would lead to unacceptable levels of student concentrations. The harm and benefits of the scheme therefore need to be carefully balanced and this is discussed in more detail later in this report.
79. It is noted that a residential scheme has been approved on this site approximately 8 years ago. This residential scheme was never implemented and subsequently the permissions have expired. A viability assessment has been submitted by the developer indicating that the residential scheme was not viable and the site is now only viable for a student scheme.

Impact upon the character, appearance and setting of conservation area, listed buildings and surrounding area

80. The site lies in the Hawthorn Terrace sub character area of the Durham City Conservation Area, a designated asset of considerable significance and any proposals would need to meet the statutory tests within Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. It is characterised by tightly knit Victorian streets. The main access road Hawthorn Terrace is a wide terrace street framed by mainly two storey townhouse. Running at right angles to it, in a north south direction are Laburnum, Lawson, Mistletoe Street and the site itself at Holly Street. John Street runs close by off the A690 in a westerly direction. All these streets are characterised by a tight grid of terraces with narrow frontages and strong building line. The red brick frontages feature key distinctive features, symmetrical fenestration patterns of sash windows and panelled doors and the Welsh slate roofs are punctuated by chimney stacks. The uniform character of the terraces extends to include back lanes and enclosed rear yards and brick built boundary walls. Other designated assets include close by at the end of Hawthorn Terrace, Colpitt's Terrace dating back to 1856, this is a curving terrace of elegant two storey, two bayed properties constructed from coursed square sandstone. Their historic and architectural merit is reflected in the whole terrace being Grade II listed. At the end of the terrace is Colpitts Hotel, a Grade II listed public house with its notable curved roof and elegant fenestration.
81. The Council's Design and Conservation Officer has commented on the proposed scheme in detail. It is considered that the scale and massing of the scheme would be in keeping with the robust grain of the surrounding conservation area and relates well to the existing buildings in bulk and built form. The frontages onto Holly Street are uniform and the scheme maintains the strong rhythm of the terrace but the stepped terraces and the broken ridge helps to deal with the changes in level, reduces the massing and adds interest to the roofscape. Chimneys have been added to punctuate the roofline and are a key feature in the Victorian terraces. The symmetrical fenestration is ordered to match the existing terraces; having paired windows and artstone sills and lintels throughout is in keeping with some of the mullion windows elsewhere in the Conservation Area.
82. The significant changes in levels across the site are addressed by changes in floor level of half a storey between Holly and John Street. The awkward triangular shape of the site with acute corners is successfully modulated by the introduction of rotundas; these reflect the curved elevations elsewhere on corner plots such as the Colpitts nearby. In John Street the new development has strong uniform elevations stepped broken up blocks and elements with strong gables, elevated and interesting roofscape and robust wall like built form terraces and from John Street as strong gables, elevated but interesting roofscapes and a strong wall like built form. The red brick walls and slate roofs and the brick chimneys and pots pick up the traditional materials of the Conservation Area. The fenestration is regular and traditionally proportioned and the aluminium recessed window and door openings provide a modern straight forward design approach. Brick and sandstone are common throughout this area and the use of artstone for the sills, heads, mullions and for the rotundas will complement the surrounding red multi brick Victorian Terraces. The Design and Conservation Officer has indicated that the impact on the adjacent listed buildings would be limited as the development is mainly concealed by the existing terraces in Hawthorn Street and Holly Street. The south east rotunda will be visible from the designated and non-designated assets but will provide an attractive landmark on this busy pedestrian corner and will be a welcoming feature.
83. The site is currently redundant and has been empty for a number of decades. The development will therefore result in the loss of a site which makes no positive contribution to the surrounding conservation area and therefore the development

would significantly enhance the character and appearance of the Durham City Conservation Area as well as the nearby listed buildings.

84. Details submitted with the application indicate that the proposed materials will primarily be red brick with natural slate roofing with elements of render and stone. The Design and Conservation Officer has indicated that further details are required in relation to boundary treatment, hard surfacing and landscaping areas. Conditions are therefore recommended for further details to be submitted.

Impact on residential amenity

85. A key issue is the suitability of the site for the development having regards to the impacts upon residential amenity, more broadly regarding the potential for disturbance and noise through the concentration of students but also with regards to specific relationships with the closest properties.
86. Policy H16 of the Local Plan states student hall developments that would result in a concentration of students that would adversely detract from the amenities of existing residents will not be considered acceptable development. This is supported by Policy H13 which states that planning permission will not be granted for development that would have an adverse impact upon the character of residential areas or the amenities of residents within them. Paragraph 50 of the NPPF refers to the need to create sustainable, mixed and inclusive communities and paragraph 58 within the design section of the NPPF emphasises the need to create safe and accessible environments where crime and disorder and the fear of crime do not undermine quality of life or community cohesion. The Interim Policy also states that proposals for PBSA's should not be permitted unless the impacts from occupants of the development will not have an unacceptable impact upon the amenity of surrounding residents in itself.
87. The issue of the dense concentration of students and impact this may have on the residential amenity of the surrounding area is a material consideration. Whilst such behaviour associated with students often gets exaggerated along with the frequency and magnitude it is important for the confidence of all to have a well-defined management plan. A student management plan has been submitted with this planning application. It is also noted that an approved and experienced student accommodation management company will be appointed to under the management of the site. The management plan proposes to implement measures including day to day management of communal areas and individual rooms; tenancy agreements; traffic management with moving in and out procedures; and community and University liaison.
88. It is fair to say that a dense residential nonstudent apartment scheme as well as HMO's will raise from time to time some disruptive behaviour without the control of a strong management structure, relying purely on other legislative controls. Notwithstanding existing controls the management plan and company will be the first recourse and as such this is considered an effective method of controlling such behaviour should it occur, aided by two way communication with community representatives. A condition is recommended to ensure that the student management plan is implemented and maintained in perpetuity.
89. In order to ensure satisfactory levels of privacy are maintained, policy guidance recommends that separation distances of 21 metres should be achieved between windows serving habitable rooms and 13 metres between habitable and non-habitable windows. The separation distance between the existing properties on Holly

Street and the proposed windows in the PBSA would be 11 metres between habitable windows. It is noted that the surrounding area is characterised by terraced properties and the typical separation distance between habitable windows is 11 metres. Given a 11 metre separation distance is typical in the surrounding area, it is considered that the 11 metre separation distance proposed at Holly Street can be considered acceptable in this instance. It is noted that there is a habitable bedroom window on the gable elevation of No. 10 John Street and this would be located 6 metres from a proposed three storey projection of the development. This element of the scheme has been specifically designed with angled windows which would ensure there would be no direct loss of privacy to the bedroom window in No. 10 John Street. Given the separation distance is only 6 metres however, it is considered that the bedroom window in the gable elevation of No. 10 John Street would result in overbearing and overshadowing impacts which would likely have an adverse impact on residential amenity.

90. The bungalow on John Street (which is named The Bungalow) is located directly to the north of the site and has habitable windows overlooking the site. The Bungalow is sited 8 metres from another three storey projection of the proposed development. This three storey projection does not have any windows which would directly overlook the Bungalow which would ensure there would be no loss of privacy. This element of the proposed development has been significantly reduced in height since the original revisions of the scheme however a separation distance of 8 metres is considered to be below standards. It is considered that occupiers of the Bungalow would likely be adversely affected by the proposed development in terms of overbearing and overshadowing impacts.
91. It is acknowledged that the separation distances fall short when measured against two properties in John Street and can be considered to be contrary to policy Q8 of the local plan. However, having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, other material planning considerations can be considered to outweigh this issue. In this instance, it is considered that benefits which the scheme brings relating to positive impacts on the conservation area and highway safety (discussed in other sections of this report) would outweigh the negative impacts in relation to residential amenity.

Highway safety

92. The proposed development is within an accessible location being close for pedestrians, cyclist and public transport users to city centre transport hubs and facilities. No parking spaces are to be provided for residents other than the provision of a disabled parking. The Highways Manager has indicated that the development is within the City's controlled parking zone and therefore the lack of resident parking is acceptable. The development includes 38 cycle parking spaces within the lower ground floor accessed from John Street and this is considered acceptable.
93. The existing arrangement is that refuse collection presently takes place with vehicles reversing from the A690 into John Street. An autotrack plan has been submitted with the application which shows that a refuse collection truck will be able to turn round at the end of John Street and therefore leave John Street in a forward motion. The Highways Manager is satisfied with this arrangement.
94. The developer has also offered as part of the scheme to improve the footpaths areas around the development site which include the footway links from Holly Street to John Street at the north of the site and the footway link from Hawthorn Terrace to John Street to the south east of the site. Both these footways are unrecorded paths. The Council's Public Rights of Way Officer has commented indicating that the

upgrade of these footway links are welcomed however the introduction of steps, as shown on the proposed plans, would not be acceptable. It is suggested that the footway links are simply resurfaced with tarmac to provide a ramp. The introduction of a chicane should also be installed to slow cyclists in the interests of highway safety. A planning condition is recommended for further details of the footway improvements to be submitted for agreement prior to development commencing.

Ecology

95. 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.
96. Notwithstanding the licensing regime, the Local Planning Authority must discharge its duty under the regulations and where the proposed development is likely to result in an interference with an EPS must consider these tests when deciding whether to grant permission. 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.
97. An Ecology Survey of the site has been submitted with the application. This survey indicates that there is low habitat for protected species on the site. 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 therefore there is no need to consider whether an EPS licence would be granted. The development would be in accordance with part 11 of the NPPF.

Other issues

98. The Council's Drainage Team, the Environment Agency and Northumbrian Water have not raised any objections to the proposed scheme. A flood risk assessment and drainage scheme has been submitted with the application. Northumbrian Water have indicated that a condition should be imposed on any permission granted for the drainage scheme detailed in the submitted assessment to be adhered to.
99. A phase 1 desk top study report has been submitted with regards to coal mining in the area and on the site. The Coal Authority have assessed this report and have not raised any objections. Should permission be granted it is recommended that a condition is imposed ensuring the development is constructed in accordance with findings of this report.
100. Ground Investigation Reports have been undertaken in respect of contamination on the site. The Council's Contamination Officer has been consulted and has assessed these reports, and the Officer is satisfied with the findings.
101. Whilst it is noted that there are some landscaped public areas designed into the proposed scheme, there is no formal open space or public recreational space proposed. In accordance with policies R1 and R2 of the local plan financial contributions towards open space provision within the area can be sought from the developer and this can be sought by a section 106 legal agreement. The Council

also encourage the provision of artistic elements in the design and layout of new development. In accordance with Q15 contributions towards public art can also be secured through section 106 legal agreement. It is therefore recommended that permission is granted subject to the completion of a section 106 legal agreement for contributions towards open space, recreational facilities and public art within the near locality. These contributions would be in accordance with policies R1, R2 and Q15 of the local plan.

CONCLUSION

102. The proposed development would comply with the core aim of the NPPF to provide sustainable development on brownfield land. The site is well related to shops, services and public facilities including good public transport links. The site has been redundant for a number of decades now and is considered a blight on the area. The proposal would bring significant regeneration benefits as it would remove a redundant site which is detracting from the area. The proposal is therefore considered to be in accordance with the core sustainable principles of the NPPF as well as according with parts of policy H16 of the local plan.
103. The proposed scheme would introduce more students into an area which already has high levels of students concentration. The Councils Spatial Planning Policy Team has indicated that the postcode area for the site has 91% student accommodation. It could be argued that the development would lead to a concentration that would adversely detract from the amenities of existing residents, however given the concentration levels are so high it could equally be argued that the new student block would have limited impact. There is therefore an argument that the proposal could be contrary to parts of policy H16 of the local plan relating to student concentration levels adversely impacting on residential amenity. Officers consider in this instance that the proposal would be contrary to policy H16 of the local plan.
104. The Interim Policy on Student Accommodation states that new PBSA's should demonstrate need; that a development would not have a negative impact on retail, employment, leisure, tourism or housing uses; and requires consultation with the relevant education provider. The planning statement submitted with the application does provide information in relation to the need for additional student accommodation which refers to the University Residential Accommodation Strategy 2012. The site is currently redundant and the scheme would not have any obvious negative impacts on retail, employment, leisure or tourism uses. There is no evidence that the University has been consulted on the proposed scheme although the applicant has indicated that verbal discussions have been taken place. The University have been consulted on the proposed development and no response has been received.
105. The proposal does bring clear benefits in relation to enhancing the character, appearance and setting of the Durham City Conservation Area as well as having a positive impact on the adjacent listed buildings. The site is currently redundant and has a significant detrimental impact on the conservation area and the surrounding area as a whole.

The proposed development is supported by the Council's Design and Conservation Team and would introduce a quality development which would be in keeping with the robust grain of the built form in this area. The proposed development would enhance the character, appearance and setting of the Durham City Conservation Area and would have a positive impact on the adjoining listed buildings. Overall the proposal is

considered to be in accordance with policies E3, E6, E23 and E22 of the local plan and in accordance with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

106. It is not considered that the proposed development would create adverse harm to residential amenity with regards to the influx of the number of students into the area. A student management plan has been submitted with the planning application and the implementation of this management plan would be conditioned should permission be granted. Whilst the majority of the separation distances between the proposed building and existing properties are considered acceptable there are two arrangements which are unacceptable. There is a six metre separation distance between a habitable window in No. 10 John Street and the proposed development. There is also an 8 metre separation distance between habitable windows in the Bungalow on John Street and the proposed development. Whilst these arrangements do not compromise privacy levels they would have a detrimental impact on amenity in terms of overbearing and overshadowing issues. The proposal would therefore be considered to be contrary to part 2 of policy Q8 of the local plan in relation to loss of amenity for neighbouring occupants.
107. The site is considered to be in a sustainable location with good pedestrian and public transport links to shops, services and public facilities. Improvements to the surrounding pavements are to be made which will be to the benefit of pedestrians. The development would allow the refuse collection truck to turn in John Street and exit in a forward motion which is considered a significant improvement to the existing arrangement. It is considered that the proposed development would not have an adverse impact on highway safety in the area and the proposal would be in accordance with policies T1, T10 and T21 of the local plan.
108. As described in the paragraphs above, the proposed development is considered to be in accordance with some planning policy yet is also contrary to other planning policies. The acceptability of the proposed scheme requires careful consideration and needs to be a balanced decision taking account of all the positive and negative of the schemes. The proposed development does bring significant improvements in terms of the regeneration of a redundant site which would positively impact on the Durham City Conservation Area and adjacent listed buildings. The development also brings highway benefits as surrounding footways would be improved and John Street would be reconfigured at the development site end to allow refuse trucks to turn and exit John Street more safely in a forward direction. The negatives to the scheme is that the proposal would introduce additional students into an area which already has a high concentration of students. Given the high levels of student concentration it is debatable as to whether the introduction of further students would adversely impact on existing residential amenity. The proposal would have an adverse impact on the amenity of occupants in No. 10 and The Bungalow on John Street as the separation distances are considered unacceptable.
109. On balance, it is considered that the regeneration benefits including the positive impacts the proposal would have on the character, setting and appearance of the conservation area and listed building; as well as the highway safety improvements would outweigh the negative impacts the proposal would have on residential amenity. The proposed development is therefore recommended for approval.

RECOMMENDATION

That the application be **APPROVED** subject to the completion of a Section 106 legal agreement to secure the payment of commuted sums towards open space, recreational facilities and public art in the locality and subject to the following conditions;

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

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

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

Plan Ref No.	Description	Date Received
(9-)01	Location Plan	04/08/2016
1099(9-)29	Block Plan and Roof Plan	04/08/2016
1099(2-)02PK	Ground Floor GA	08/11/2016
1099(2-)03PK	First Floor GA	08/11/2016
1099(2-)04PK	Second Floor GA	08/11/2016
1099(9-)02PH	Elevations	04/08/2016
1099(9-)25PA	Full elevations	04/08/2016
1099(2-)01PK	Lower Ground Floor GA & Site	08/11/2016
1099(9-)08PC	Scheme Sections 1 & 2	04/08/2016
1099(9-)03PA	Rendered Elevations	04/08/2016
SK004	Vehicle Swept Paths	08/11/2016
	Phase 2: Ground Investigation Report	04/08/2016
	Noise Survey and Façade Acoustic	04/08/2016
	Design Strategy	
	Student Management Plan	04/08/2016
	Design and Energy Statement	04/08/2016

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

3. No development shall take place until a paving scheme for the footways linking Holly Street with John Street and Hawthorn Terrace and John Street has been submitted to and approved in writing by the local planning authority. The building must not be occupied until the completion of approved scheme.

Reason: In the interests of highway safety and to accord with policy T1 of the City of Durham Local Plan.

4. No development shall take place until a construction management plan has been submitted to and approved in writing by the local planning authority. The construction of the development shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety and to accord with policy T1 of the City of Durham Local Plan.

5. No development shall commence until details of boundary treatment have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with policies E6 and E22 of the City of Durham Local Plan.

6. Notwithstanding any details of materials submitted with the application no development shall commence until details of the external walling, roofing materials, windows details and hardsurfacing have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with policies E6 and E22 of the City of Durham Local Plan.

7. Notwithstanding the details submitted with the application:

(a) If during the development works any contamination is identified that has not been considered it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary, then remediation proposals for this material shall be agreed in writing with the Local Planning Authority and the development completed in accordance with any amended specification of works.

(b) If soil is to be imported to site for landscaping for example, a Phase 4 Verification Report (Validation Report) shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development.

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.

8. No development hereby approved shall take place unless in accordance with the drainage scheme detailed within the Flood Risk & Drainage Impact Assessment by Portland Consulting Engineers Ltd dated July 2016.

Reason: To prevent the increased risk of flooding from any sources in accordance with criteria within the NPPF

9. No development hereby approved shall take place unless in accordance with the mitigation and recommendations detailed within the Ecology Walkover Survey by Todd Milburn Partnership Ltd dated July 2016.

Reason: To conserve protected species and their habitat in accordance with criteria within the NPPF and policy E16 of the City of Durham Local Plan.

10. No development works (including demolition) shall be undertaken outside the hours of 8am and 6pm Monday to Friday and 8am and 1pm on a Saturday with no works to take place on a Sunday or Bank Holiday.

Reason: In the interests of residential amenity having regards to policy H13 of the City of Durham Local Plan.

11. Prior to the commencement of development hereby approved a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details.

Reason: In the interests of the amenity of the area and to comply with policies Q5 and H13 of the City of Durham Local Plan.

12. All planting, seeding or turfing shall be carried out in the first planting and seeding seasons following the completion of the development and any trees or plants which within a period of 5 years from the completion die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of the appearance of the area and to comply with policy H13 of the City of Durham Local Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision 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 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

BACKGROUND PAPERS

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



Planning Services

Construction of 60 bedroom student accommodation at land at Holly Street, Durham, DH1 4DE. Ref: DM/16/02537/FPA

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Date
13th December 2016