

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/16/04067/OUT
FULL APPLICATION DESCRIPTION:	Outline application for Purpose Built Student Accommodation comprising 850 bedrooms, with all matters reserved.
NAME OF APPLICANT:	The Banks Group Limited
ADDRESS:	Land To The North Of Mount Oswald South Road Durham DH1 3TQ
ELECTORAL DIVISION:	Neville's Cross
CASE OFFICER:	Colin Harding, Senior Planning Officer 03000 263945 colin.harding@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application relates to the former Mount Oswald Golf Course lies close to the southern edge of Durham City. Roughly triangular in shape, the site is bordered by residential and University development to the north, and further residential development to the south. The A177 (South Road) runs along the eastern site boundary, with the Howlands Farm Durham University campus and Howlands Park and Ride car park, Durham Crematorium, and Durham High School beyond. The A167 runs along the western boundary, with open countryside beyond.
2. The particular site for this development is located in the north eastern corner of Mount Oswald. It is situated to the east of Phase 2 of the housing development and to the west of the previously approved site for the 1000 bedroom purpose built student accommodation. The site is surrounded by university accommodation and buildings, residential blocks and housing. Residential properties exist to the north west of the site and a footpath/cycleway runs adjacent to the northern site boundary. The site slopes up slightly in level from the southern boundary, dropping off in the north eastern corner. There are a small number of existing trees.

The Proposal

3. Planning permission is sought for the development of an 850 bedroom purpose built student accommodation, in addition to the 1000 bedrooms already approved on the site immediately to the east. The development would include a mix of two, three, and four storey blocks with a gross internal area of approximately 30,000 square metres. Although the application is currently only in outline form, indicative details have been submitted that suggest that the designs of the blocks would range from town houses to apartment blocks, with en-suite, studios and accessible bedrooms. The units would likely be arranged in clusters, with each cluster having its own kitchen/lounge/dining room. Other facilities, such as office space, common rooms, laundrette and car parking, are also proposed.
4. The submitted details suggest that the layout would have a hierarchy of access, movement and spatial definition, and include key nodes to the east of the site to announce arrival and connection points. These nodes would be connected by pedestrian boulevards, connecting the development to the proposed student accommodation to the east and the north into the University campus. It is also suggested that building blocks would be centred on a green courtyard and garden spaces with pedestrian priority routes. It is proposed that the density of the accommodation decreases from east to west, and separation between residential areas to the west and the development would be achieved by means of landscaped areas.
5. The development would be accessed by new adopted highways, which would connect onto the A177, served by a planned local bus route, with bus stops being positioned along the new access road. Existing and planned bridleways, cycleways and public footpaths would link the surrounding development plots to the residential areas and university college sites to the north, and to woodland areas to the south.

PLANNING HISTORY

6. CMA/4/83 Outline planning application with access details (all other matters reserved) for a mixed use development comprising 291 dwellings, to include specialist market housing for the elderly, student accommodation, office, retail, community uses and associated approved in 2013.
7. CE/13/01396/RM Reserved matters relating to appearance, landscaping, layout and scale of the erection of 60 dwellings pursuant to Phase 1 of outline permission CMA/4/83 approved in June 2014.
8. DM/14/01268/RM Reserved matters application in regard to northern access road pursuant to planning permission CMA/4/83 approved in September 2014.
9. DM/14/03391/RM Reserved matters application pursuant to outline planning permission CMA/4/83 in respect of internal western shared access road and associated earthworks and drainage approved in December 2014.
10. DM/15/01009/RM Electrical distribution substation and GRP gas kiosk approved in May 2015.
11. DM/15/02268/NMA Non material amendment pursuant to drawing PAD7A as part of Reserved Matter application DM/14/03391/RM approved in August 2015.

12. DM/15/03555/VOC Variation of condition 3 (approved drawings) pursuant to planning permission CMA/4/83 in regard to a revised masterplan that includes landscape and drainage modifications approved in May 2016.
13. DM/15/03734/VOC variation of condition 1 pursuant to DM/15/03555/VOC in relation to Phase 1 of the development, comprising alterations to hard and soft landscaping, layout, and substitution of housetypes on plots 18, 19, 21 and 39 (amended description) approved in August 2016.
14. DM/15/03820/RM Application for reserved matters relating to appearance, landscaping, layout and scale for 105 dwellings (Phase 2) pursuant to planning permission CMA/4/83 approved in June 2016.
15. DM/17/00453/RM Reserved matters application in relation to linear park feature pursuant to application DM/15/03734/VOC approved February 2017.
16. DM/16/03490/NMA Non material amendment to Conditions 1 and 2 of DM/15/03820/RM to allow use of alternative of roof tile and boundary treatments and to allow occupation prior to implementation of Linear Park approved in January 2017
17. DM/16/04087/FPA Installation of temporary construction access road approved in February 2017. DM/17/00415/FPA Construction of Central Access Road approved in April 2017.

PLANNING POLICY

NATIONAL POLICY

18. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF). The overriding message is that new development that is sustainable should 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. 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’.
19. In accordance with Paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
20. *NPPF Part 1 – Building a Strong, Competitive Economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.
21. *NPPF Part 4 – Promoting Sustainable Transport.* The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. It is recognised that different policies and measures will be required in different communities and opportunities to maximize sustainable transport solutions which will vary from urban to rural areas. Encouragement should be given

to solutions which support reductions in greenhouse gas emissions and reduce congestion.

22. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.
23. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning. Planning decisions must aim to ensure developments; function well and add to the overall quality of an area over the lifetime of the development, establish a strong sense of place, create and sustain an appropriate mix of uses, respond to local character and history, create safe and accessible environments and be visually attractive.
24. *NPPF Part 8 – Promoting Healthy Communities.* Recognises the part the planning system can play in facilitating social interaction and creating healthy and inclusive communities. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities and planning policies and decisions should achieve places which promote safe and accessible environments. This includes the development and modernisation of facilities and services.
25. *NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.* Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy.
26. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The planning system should contribute to, and enhance the natural environment by; protecting and enhancing valued landscapes, recognizing the benefits of ecosystem services, minimizing impacts on biodiversity and providing net gains in biodiversity where possible, preventing new and existing development being put at risk from unacceptable levels of soil, air, water or noise pollution or land instability, and remediating contaminated and unstable land.
27. *NPPF Part 12 – Conserving and Enhancing the Historic Environment.* Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

<https://www.gov.uk/guidance/national-planning-policy-framework>

28. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; conserving and enhancing the historic environment; design; flood risk; land stability; light pollution; natural environment; noise; open space, sports and recreation facilities, public rights of way and local green space; planning obligations; travel plans, transport assessments and statements; use of planning conditions and; water supply, wastewater and water quality.

LOCAL PLAN POLICY:

City of Durham Local Plan (2004) (CDLP)

29. *Policy E5 Protecting Open Spaces within Durham City.* (Part 2 of the Policy) seeks to protect open spaces which form a vital part of the character and setting of Durham City by only permitting development in the Mount Oswald – Elvet Hill parkland landscape area which does not exceed the height of surrounding trees and is sympathetic to its landscape setting, and is of low density, setting aside most of the site for landscaping and open space.
30. *Policy E5A - Open Spaces within Settlement Boundaries.* Protects the important functional, visual or environmental attributes that contribute to a settlement's character.
31. *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.
32. *Policy E15 - Safeguarding woodlands, trees and hedgerows.* Sets out that the Council expects development to retain important groups of trees and hedgerow and replace any trees which are lost.
33. *Policy E16 - Protection and Promotion of Nature Conservation.* Seeks to protect and enhance 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.
34. *Policy E21 - Conservation and Enhancement of the Historic Environment.* Requires consideration of buildings, open spaces and the setting of these features of our historic past that are not protected by other legislation to be taken into consideration.
35. *Policy E23 - Listed Buildings.* Seeks to safeguard listed buildings and their settings.
36. *Policy E24 - Ancient Monuments and Archaeological Remains.* Sets out that the Council will preserve scheduled ancient monuments and other nationally significant archaeological remains and their setting in situ. Development likely to damage these monuments will not be permitted. Archaeological remains of regional and local importance, which may be adversely affected by development proposals, will be protected by seeking preservation in situ.
37. *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.

38. *Policy EMP3 - Mount Oswald.* Permits the development of a prestigious office/research centre project of a strategic significance at Mount Oswald provided that the parkland and landscape quality of the site is not compromised. Only employment uses relating to Class B1 of the Use Classes Order will be permitted on this site.
39. *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.
40. *Policy T5 – Public Transport* states that the council will encourage improvements to assist public transport services within the district by a variety of measures including traffic management systems, provision of park and ride scheme, provision of suitable facilities for users of public transport, and ensuring new developments can be conveniently and efficiently served by public transport.
41. *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.
42. *Policy T19 - Cycle Routes.* Seeks to ensure the development of a safe, attractive and convenient network of cycle routes throughout the district.
43. *Policy T20 - Cycle Facilities.* Seeks to encourage appropriately located, secure parking provision for cyclists
44. *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.
45. *Policy R1 - Provision of Open Space* states that the council will seek to ensure that the provision of open space for outdoor recreation within the district is evenly distributed and is maintained at a level which meets the needs of its population. A minimum overall standard of 2.4 ha of outdoor sports and play space per 1,000 population will be sought.
46. *Policy R2 - Recreational and Amenity Space in the New Residential Developments* states that the council will seek to ensure that the provision of open space for outdoor recreation within the district is evenly distributed and is maintained at a level which meets the needs of its population. A minimum overall standard of 2.4 ha of outdoor sports and play space per 1,000 population will be sought.
47. *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.
48. *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.

49. *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.
50. *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.
51. *Policy U7 - Pollution Prevention – Development Sensitive to Pollution.* States that developments which are sensitive to pollution will not be permitted on land which is subject to unacceptable levels of contamination, pollution, noise or vibration.
52. *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.
53. *Policy U14 - Energy Conservation – General.* States that the energy efficient materials and construction techniques will be encouraged.

RELEVANT EMERGING POLICY:

The County Durham Plan

54. 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.
55. 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.

56. Although Durham City Neighbourhood Planning Forum has been established, and a Neighbourhood Area defined, which includes the application site, no draft Neighbourhood Plan has yet been published.

The above represents a summary of those policies considered most relevant. The full text, criteria, and justifications of each may be accessed at: <http://www.durham.gov.uk/article/3266/Whats-in-place-to-support-planning-and-development-decision-making-at-the-moment> (City of Durham Local Plan)

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

57. *Highways Authority* – No objections are raised subject to conditions and the securing of a financial contribution to increase capacity on the Park and Ride scheme. Previously raised concerns with regards to the impact of the development upon pedestrian infrastructure, and the Park and Ride have been addressed through the application process.
58. *Northumbrian Water* – Raise no objection but considers that the application does not provide sufficient detail with regards to the management of foul and surface water from the development for Northumbrian Water to be able to assess its capacity to treat the flows from the development. A condition is therefore requested requiring a detailed scheme for the disposal of foul and surface water from the development to be submitted and approved prior to the development commencing.
59. *Drainage and Coastal Protection* – Raise no objections to the proposal on the understanding that the recommendations included within the submitted surface water drainage strategy and flood risk assessment are implemented.

INTERNAL CONSULTEE RESPONSES:

60. *Archaeology* – No objections are raised. Officers note that the archaeological issues regarding this site were explored under the previous outline application (CMA/4/83) and were adequately investigated via field survey and evaluation. This work only identified that Manor House and Walled Garden needed further mitigation. There are no objections to the changes suggested in this application as they do not alter the advice previously given.
61. *Design and Conservation* – No objections are raised. The application has given consideration to protect local amenity by ensuring adequate separation distance between student accommodation and residential development and proposing western edge of site is at maximum 2 storeys high. Although there is some assessment on Heritage impact, such as Mount Oswald House, this has not been evidenced. As a result it is recommended that the scale of the development in the form of student numbers and building heights is controlled by planning conditions.
62. *Landscape* – Raise no objections. It is considered that the proposals would be unlikely to give rise to any significant landscape and visual effects over and above those considered when outline permission was granted. Although the application is in outline with all matters reserved, positive observations are made on the indicative masterplan, layout and landscaping plan as well as identifying areas for further consideration at the reserved matters stage. It is noted that a TPO tree within the

site clearly has some value to the site as a mature feature and should be retained unless this would compromise an important element of the final design.

63. *Landscape (Arboriculture)* – Raise no objections concurring with the views of Landscape officers.
64. *Ecology* – No objections to the application are raised. Officers confirm that the submitted ecological assessment is sufficient to inform the application and they have no concerns with the proposal. It is noted that the SUDS pond adjacent the proposed student accommodation blocks provides an opportunity to increase the biodiversity value of the site and it is requested that the ecological consultants are engaged to advise on the design and subsequent management.
65. *Environment, Health and Consumer Protection (Contaminated Land)* – Raise no objections agreeing with the submitted environmental ground investigation interpretative report although it is noted that it was incomplete in so far as gas monitoring. It is therefore recommended that a condition be applied requiring a scheme to deal with contamination to be submitted and approved prior to commencement of the development.
66. *Environment, Health and Consumer Protection (Noise, Dust and Light)* – No objections are raised subject to the imposition of conditions. In terms of noise, officers consider that there was insufficient information submitted for full consideration against thresholds stated in the Council's Technical Advice Note. The application includes the construction of new student accommodation in an area where there are existing and proposed residential and commercial uses, in order to ensure that the accommodation is suitably designed to ensure that the recommended internal noise levels are met (in line with BS8233:2014) a condition is recommended requiring a noise assessment to be undertaken within the area of the development in order to ascertain the required noise mitigation measures for the development. With regard to light it is noted that the development is within a larger development that includes housing, commercial premises and retail uses, it is therefore recommended that a condition is attached to any approval granted to request a lighting impact assessment to ensure that light from the varying uses on the land does not impact on the future residents of the development. In addition it is recommended that conditions are attached to any approval granted requiring controls on noise, vibration and dust during the construction phases. Officers are of the opinion that there are several aspects of the development that if not appropriately controlled may potentially result in a statutory nuisance, as defined by the Environmental Protection Act 1990, being created.
67. *Environment, Health and Consumer Protection (Air Quality)* – Officers identify that the proposed development may have impacts on air quality during both the construction and operational phases. Through condition the submission of a dust action plan is requested. Should construction work extend beyond a 12 month period then a qualitative assessment of the impact of emissions of 'nuisance' dust and air quality pollutants should be undertaken. During the operational phase it is requested that the proposed development be undertaken in accordance with the university Travel Plan and this should be included as a condition. It is confirmed that an assessment of the impact on air quality is not required in this case.

NON-STATUTORY CONSULTEE RESPONSES:

68. *Police Architectural Liaison Officer* – Concerns are expressed over the management plan of crime risk assessment. The main crime risk will be theft of unattended bicycles. Therefore, cycle storage should be covered, well-lit and situated near

building entrances. Licensing is needed for the convenient store because it could become monopolised for the sale of alcohol. Operating hours for a hot food takeaway should be limited to operating hours to 11pm. The application does not have an assessment of the ability of pavements and footpaths to cope with more pedestrians, currently, sections of footpath on South Road are too narrow for the current pedestrian traffic. It is considered that diverting the footfall from the new accommodation along Mill Hill Lane into Van Mildert College could help alleviate the problem however this raises the issue of the street lighting on the Lane which should be reviewed as should the lighting on South Road.

PUBLIC RESPONSES:

69. The application has been publicised by way of press notice, site notice, and individual notification letters to neighbouring residents. 7 representations have been received, 4 objections, 2 offering comments and 1 support.

Objection

70. Objections are raised on the basis that the planning application is misleading and unclear on whether it is related to the already approved 1000 student bedrooms. Suspicions are raised as to whether the applicant is applying for the extra 850 bedrooms now to increase approval chances because if it had applied for 1850 in the beginning, it would not have been approved. Concerns are raised on the increased pressure to Park & Ride and South Road traffic. Concerns are raised regarding the maintenance of the green space at Mount Oswald and the fairness on the people that have already bought houses at the Mount Oswald site, and it is suggested that an area identified as to be planned later be designed for community use, such as extra green space, parking lots, gyms etc.
71. The development does not fit the Council's own Interim Policy on Student Accommodation. No need has been evidenced. The proposal is too dense (850 compared to 125 person spaces) compared to what was in the outline permission. The application is incomplete, hiding significant additional requirements within a nebulous future "reserved matters" application. Concerns are raised that there is likely to be a 'need' for a bar and drinks licence. This development is not necessary according to the figures included in this application. There is no support from the University. The figures for distance to amenities are plain wrong, and farther than stated. There are other factual errors and mis-statements in the application. The single protected tree on the site is under threat from this development. The additional foot or cycle journeys are dangerous on the poor paths around the site and narrow pavements to University premises.
72. It is argued that since Banks wants to replace the 25 houses, as proposed in the masterplan, with 850 rooms, this is a significant increase in density. It is also claimed that the need for more student accommodation has not been demonstrated, since there are already many approved applications for student accommodation developments. Concerns are expressed over noise and disturbance from the on-site bar, the management of the accommodation if it will not be a college, and student parking spaces. Concerns are also raised about the ability of existing footpath and cycle routes to handle additional students. Furthermore, the applicant is unclear about the additional facilities that they may build on the student accommodation development. If it becomes a college, it will need staff accommodation, common rooms, bar, etc. These should be considered now. Objection is raised to argue that the economic benefits would be the same if residential housing was built. Objection is raised to claim that the site is not within easy walking distance and not as far from the Heritage site as the application states. Concerns are raised over the applicant's

interest in the local community, as the applicant has not yet improved the existing footpath. It is also suggested that potential impacts upon trees, land and drainage need consideration.

73. Concerns are expressed about the loss of privacy, traffic generation, noise and disturbance, density of building, and design, appearance and materials. It is considered that increase in the possible total student population would quite significantly alter the balance between private residential and communal student accommodation and that the assessed additional (private) housing need which supposedly underpinned the main development was exaggerated and that it is possible that private housing stock in the higher density housing still to be complete is likely to be a target for HMO usage like with other developments such as Sheraton Park. It is considered that this would lead to unacceptably high level of congestion in areas still being developed which would generate a significant loss of privacy to private households. Concerns are raised regarding traffic generation and pedestrian flows along narrow footpaths. It is also claimed there is little commitment to consider needs and interests of the local community, but willingness to accommodate other stakeholders, like the University.
74. Concerns are made about the about height of accommodation blocks: some blocks are four storeys high which does not match nearby buildings which are only two storeys high and are totally out of character. Questions whether the applicant has consulted with the university and the need for additional student beds. It is noted that the number of people in this development is considerably greater than what Banks had originally received permission for, making a major change to character of locality. Concerns are raised regarding noise and disturbance to residential properties (with specific mention made to Merryoaks) given the proposed number of students and also possibility of a future proposal for a bar. The lack of parking spaces for students is raised as a concern and despite the University having a student parking policy there is concern that that this only covers University premises and students would park in the nearby residential areas of Mount Oswald and Merryoaks.
75. *The City of Durham Trust* – raise a number of concerns noting that it would be inconsistent to object to the application given the student accommodation element was the only part of the original application which the Trustees could see justification. It is noted that the original masterplan included a site for c.1000 bed student accommodation the current application state approximately 850 but it is noted that an adjacent site has been identified in the University's Development Strategy. It is considered that the present PBSA will need to be re-visited as twice the number of students would be involved and there is need for close liaison between the developer and the University. Queries are raised in relation to the submitted transport information and connectivity and highlights current issues of narrow pavements at South Road and Church Street. Comments are made regarding the layout and design of the PBSA considering that it is rectilinear in shape which encourages a similar road pattern which would make it more difficult to achieve a focal point and togetherness. It is noted that the internal layout is a reserved matter, but in effect this could mean a carte blanche.
76. *Campaign to Protect Rural England (CPRE)* – Objects to the proposal. CPRE supports the representations of City of Durham Trust. Reference is made to paragraph 18 of the Interim Policy on Student Accommodation and accept that Mount Oswald has a mixed permission for residential and student accommodation, however, the original masterplan shows this site as housing and a park. CPRE agrees with the Interim Policy considering that student accommodation should not

replace the need for housing and so put greater pressure on the Green Belt and greenfield sites surrounding Durham City.

Support

77. *Durham University* - supports the application. It is noted that its Estates Masterplan (2017 – 2027) sets out how it intends to develop its facilities and accommodation alongside its strategy for growth, while always fully respecting the needs and interests of its host communities in Durham City. The current application sits among existing University colleges and facilities and adjacent to University-owned land with outline consent for student accommodation. It therefore considers it to be a sustainable location in accordance with the NPPF and local policy. It is considered that the site relates well to land within the Durham University Estate and is located close to other colleges, business school and academic student support facilities at Upper and Lower Mountjoy. The development will also benefit from proposed infrastructure improvements along South Road intended to improve connectivity and movement around the city for all. The impact on local communities that a development of this scale and nature that this scale of development is acknowledged but the University considers that the existing residential dwellings located to the north west of the site and the further houses planned as part of Mount Oswald Masterplan are sufficiently well screened that the development is unlikely to have a detrimental effect on residential amenity. It is noted that amongst the student body there is a clear demand for greater choice of good quality accommodation and the outline proposals and the facilities that would be offered would contribute to this demand and would require careful consideration at a future reserved matters stage and this would extend to matters related to internal and external design and layout, landscaping, parking and management of the facility.

APPLICANTS STATEMENT:

78. Mount Oswald is located to the south of Durham City, adjacent to the University campus buildings to the east and existing residential development to the north. This area of the city is a popular and sustainable location, with good transport links and access to areas for recreation, retail and community facilities. It has excellent connections to Durham City Centre.
79. The Banks Group considers that the proposed student residential development is therefore in a sustainable and attractive location. It is also located adjacent to the existing University campus.
80. As detailed within the Planning Statement and the letter of support from Durham University, there is an identified need for further purpose built, high quality student residential development at Mount Oswald. The University's Estate Strategy (2017-2027) projects overall growth in the number of students who will require College accommodation. The proposed development will be collegiate in style, effectively forming an extension to the existing campus. It will provide a mix of accommodation types, including town houses and flats, in an attractive, safe, accessible and welcoming setting.
81. As discussed within the Planning Statement, the development is considered to be in accordance with both the interim planning policy for student residential development and other relevant national and local policies. Additionally, The Banks Group have worked proactively with the Council throughout the development process, to ensure that the proposals are acceptable from a landscape, heritage, highways, flood risk and ecological and point of view.

82. The application proposals are for a different student accommodation product to the types being proposed around the city centre. Most importantly, the proposals present a logical opportunity to enlarge the campus in this location, as the development is capable of being incorporated within the existing University Campus as a sustainable addition to the existing development.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at:

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

PLANNING CONSIDERATIONS AND ASSESSMENT

83. 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 residential amenity, character and appearance, highway safety and access, flood risk and drainage, ecology, heritage impacts and other matters.

The Principle of the Development

The Development Plan

84. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The City of Durham Local Plan (CDLP) remains the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF. However, the NPPF advises at Paragraph 215 that local planning authorities (LPAs) are only to afford existing Local Plans material weight insofar as they accord with the NPPF.

Assessment having regards to Development Plan Policies

85. CDLP Policy H16 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 CDLP Policy C3 or that the proposal would not lead to a concentration of students to the detriment of the amenity of existing residents. CDLP Policy H16 is considered to consistent with NPPF, and can continue to be afforded significant weight.
86. Policy C3 of the local plan relates to development by the University of Durham, the University is 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, and University buildings. Impact on amenity and character/appearance of the area are considered later in this report.
87. CDLP Policy EMP3 allocates the Mount Oswald site for the development of a prestigious office/research centre of strategic significance, and states that only B1 use classes will be permitted. This policy dates to 2004, and is now some 13 years

old. Since this time planning permission has been granted for residential development on the site, Phase 2 of which is currently under construction. The permission also contains elements of student accommodation.

88. As a result, it is considered that Policy EMP3 is not a wholly up-to-date policy, as events have surpassed the allocation. As a consequence, it is considered that very little weight can continue to be afforded to the policy, and that it should not stand as a barrier, in principle, to the student accommodation use that is proposed as part of this application.
89. Part B of the Council's Interim Policy on Student Accommodation relates specifically to purpose built student accommodation (PBSA). The proposal is for PBSA and therefore needs to be assessed against the criteria in this policy. Part B of the Interim Policy states that new PBSA 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.
90. The planning statement submitted with the application provides information in relation to the need for additional student accommodation which refers to the Durham University Estate Strategy 2011-2020. This document identified future growth of student numbers amounting to 2000 additional students by 2020. A revised University Strategy (2017 – 2027) projects further additional growth in student numbers, amounting to a further 6,000 students within the strategy period. This growth is attributed to increases in both undergraduate and postgraduate students, as well the relocation of around 1,700 students from the Stockton Campus.
91. The application identifies that since 2012, around 3,000 student bedrooms have been granted planning permission, in the form of PBSA, and have not yet been implemented. Separately, around 1,200 student bedrooms have been implemented and are available for use. This results in a supply of around 4,200 student bedrooms in the form of PBSA within Durham City, working on the assumption that all approved bedrooms will be implemented. Measured against the University's latest growth figures, this results in an undersupply of around 1,800 bedrooms, and having regards to the requirements of the Interim Policy on Student Accommodation, it is considered that the requirement to demonstrate need has been met.
92. The application site is currently undeveloped, and the scheme would not have any obvious negative impacts on retail, employment, leisure or tourism uses. The Mount Oswald site more generally has an informal leisure use, and the approved masterplan for the redevelopment of the overall park takes account of this, and would not be jeopardised by this proposal. Impacts on surrounding residential uses are discussed elsewhere in this report.
93. Durham University has been consulted with regards to these proposals, and have indicated support for them, noting that the site lies adjacent to Durham University owned land which benefits from outline planning permission for student accommodation. The University also recognises that the application site is well related to land with the Durham University Estate, including the "Hill Colleges", Durham University Business School, and Upper and Lower Mountjoy.
94. Overall therefore, the development is considered to be acceptable in principle, subject to the development being in accordance with the character and appearance requirements of CDLP Policy H16, and the amenity requirements of the Interim Student Policy.

Impact upon Residential Amenity

95. 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.
96. CDLP Policy H16 states that 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 CDLP 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. CDLP Policy H13 is considered to be consistent with NPPF, and can continue to be afforded significant weight in the decision making process. 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 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. 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.
97. The closest currently occupied residential properties to the application site are those located at the south eastern corner of Dickens Wynd. The closest of these properties is located approximately 40m from the north-western corner of the application site. Properties on Dickens Wynd would be located beyond the existing shared path that runs along the northern edge of the Mount Oswald site, and there is existing intervening vegetation in the form of trees and hedgerows.
98. Additionally, it is reasonable to expect that the majority of students would be entering and leaving the site from either a north-eastern direction, via Mill Hill Lane, or to the south, towards South Road. It is likely that there would be some increase in the use of the shared used path, heading westwards towards the A167, between Mt Oswald and Dickens Wynd, however the relative lack of obvious destinations from this route, suggests that movements to and from the site from this direction would be lesser. As a result, impacts upon residential amenity as a result of student activity from outside of the site are likely to be lesser.
99. The proposed development would have a closer relationship with housing currently under construction as part of Phase 2 of the Mount Oswald housing development, where in some cases, residential properties would be as close as 15m to the application site boundary. However, subject to appropriate design and layout, it is probable that an acceptable scheme of development could be accommodated within the site, that would not give rise to an unreasonably low levels of residential amenity being experienced at those residential properties closest to the site.
100. Notwithstanding this, it is more than possible that student accommodation and residential development can co-exist in relatively close proximity, and that the presence of one should not necessarily preclude the other. With details of layout not being a matter for consideration at this time, and having regards to the size of the application site, it is considered that it would be possible to arrive at detailed scheme of development that would ensure that matters of residential amenity are suitably addressed through the design process.

101. Some objectors have highlighted that many PBSA developments and Durham University colleges incorporate “hub” areas, common rooms, and also bars. Concern is raised about the level of noise that may be generated by such areas, and how the behaviour of students using such areas may affect local residents. At the present time, no detailed designs are available for consideration, with the application being only in outline form, although it is accepted that the development will ultimately likely include ancillary recreational facilities. However, fully comprehending the location, operation, and potential impacts of these facilities is difficult at that stage. However, it is considered that given the size of the site, and its location, that it should be possible to design any PBSA scheme to ensure that potential disturbance is minimised through good design, and the appropriate location of such facilities within the site.
102. Additionally, it is considered to be best practice to secure a student management plan as part of any planning permission by means of planning condition, in order to ensure the development would be operated in an appropriate manner. The management plan could include such measures as 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. Such measures should ensure that any adverse impacts upon local residents are minimised.
103. With so few details relating to the final layout and design of the development being available at this time, Environmental Health and Consumer Protection Officers recommend that noise surveys are undertaken prior to a final design being undertaken, in order to ensure that acceptable internal noise levels for prospective occupiers of the development are achieved. This can be secured by means of a planning condition. Likewise, it is also suggested the issue of lighting within the site is fully considered, and a planning condition relating to a scheme of lighting to be agreed prior to implementation is also suggested.
104. In terms of privacy, light and outlook, CDLP Policy Q8 sets out minimum separation distances between new development and existing buildings. This policy is consistent with NPPF, and can continue to be afforded significant weight. With layout, scale and appearance being matters reserved for later consideration, it is not possible at this time to consider precise impacts. However, the submitted indicative layout, and the location of the closest existing residential properties suggests that the development can be accommodated within the site, without having to compromise residential amenity in the form of outlook, privacy, or light.
105. With regards to air quality, Environmental Health and Consumer Protection Officer advise that they would not expect the development to have a significant impact during its operational phase. They do however suggest that a Dust Action Management Plan be secured by means of planning condition to ensure the dust generated during construction is appropriately managed. Subject to such a condition, the proposed development is considered to be acceptable in this respect, and in accordance with Policy H13 and Parts 8 and 11 of NPPF.

Character and Appearance

106. The character and appearance of the site at present, is one of open grassland, exhibiting remnants of character from its former use as part of Mount Oswald golf course. The Mount Oswald site as a whole is subject to CDLP Policy E5, which seeks to ensure the protection of open spaces within Durham City which form a vital part of its character and setting. Specifically in respect of Mount Oswald, it states the development will only be permitted where it does not exceed the height of surrounding trees, is sympathetic to the landscape setting, and is of a low density

and sets aside most of the site for landscaping /open space. CDLP Policy E5 is considered to be consistent with NPPF, and can continue to be afforded significant weight.

107. CDLP Policy E5a reinforces Policy E5 by stating that the development proposals within settlement boundaries that detract from open spaces which possess important functional, visual, or environmental attributes will be resisted. This policy is considered to be consistent with NPPF, and can continue to be afforded significant weight.
108. In applying CDLP Policy E5 to this proposal, it is important to recognise that the policy is seeking to protect the Mount Oswald site as a whole. A comprehensive masterplan for the redevelopment of the Mount Oswald site has previously been granted planning permission, and is currently under construction, and includes significant areas of retained open space, including the most sensitive areas, and the area of the Grade II Listed Park which is located in the immediate vicinity of Mount Oswald Manor House, resulting in a relatively low density of development overall. The development which is subject to this application, would sit within this wider masterplan for the entire site, and although not necessarily identified for student accommodation, the development of this part of Mount Oswald, in some form has previously been accepted as part of this approved masterplan.
109. In terms of building heights, and specifically the requirement to not exceed the height of surrounding trees, it is noted that the scale and appearance of the proposed development is a matter reserved for future consideration. However, indicative details submitted with the application indicate that some blocks may be up to four storeys in height. However, the policy in respect of surrounding trees can be applied in this particular instance is unclear, as this part of the site is largely surrounded by open space, however woodland to the north is located a significantly higher level, and trees to the south of the site, beyond the main access road also benefit from a higher topographical aspect.
110. Landscape Officers offer no objection to the proposed development, noting that the indicative layout is well considered, with scale and massing responding to the topography of the site and its context. The specific impacts of any detailed design proposal would have to be explored when such details are provided. However, at this stage, it is considered that it would be possible to accommodate the scale of development proposed, whilst remaining in accordance with CDLP Policies E5 and E5a.
111. CDLP Policies E14 and E15 seek to ensure that existing trees within development sites are retained and protected wherever possible. These policies are considered to be NPPF compliant, and can continue to be afforded significant weight.
112. It is noted that there is a tree within the site that is subject to a Tree Protection Order, and should therefore be retained, if at all possible. With layout being a matter reserved for future consideration, this issue cannot be fully considered at the present time, however it is considered to be unlikely that a single tree would present so much of a constraint to the development that its loss would be inevitable. Therefore, subject to planning conditions being attached requiring the retention of trees, the development can be considered to be in accordance with CDLP Policies E14 and E15.

113. Matters of appearance are also reserved for later consideration. However, the suggested indicative design approach incorporates a transition of scale and design from a more domestic scale closest to the residential properties to the west, to a more institutional scale further to the east, as the development moves away from neighbouring uses. This approach although indicative, is considered to be acceptable and suggests that a suitable form of development can be achieved. A full landscaping scheme, in accordance with CDLP Policy Q5, and a layout and design subject to CDLP Policy Q8 would be considered further at the reserved matters stage, however details relating to these matters can be secured by means of planning conditions.
114. Overall therefore, it is considered that although indicative details are available at the present time, that the development could be successfully assimilated into the site, and its surroundings, in accordance with CDLP Policies E5, E5a, E14, E15, Q8 and Q15, as well as Part 11 of NPPF.

Highway Safety and Access

115. CDLP Policy T1 states that development that leads to a detrimental impact upon highway safety will not be permitted. This policy is considered to be only partially consistent with NPPF, which at Paragraph 32 advises that developments should only be refused on highways grounds where residual cumulative impacts would be severe. Accordingly, only reduced weight can be afforded to CDLP Policy T1. CDLP Policy T10 states that vehicle parking should be limited in amount, so as to promote sustainable travel options. This policy is however considered to be inconsistent with the NPPF, which does not advocate blanket limitations on parking provision, and as a result should not be afforded significant weight.
116. In terms of impacts upon the highway network, it is acknowledged that the development would be unlikely to be a significant generator of vehicle trips, particularly as the application states that the development would have only limited parking, and operate as a “no-car” scheme. Highways Officers offer no objection to this reason or conclusion.
117. CDLP Policy T5 seeks to encourage to improvement public transport services within the district, including the provision of park and ride schemes, and also seeks to ensure that that new developments can be conveniently and efficiently served by public transport. This policy is considered to be consistent with NPPF, and can continue to be afforded significant weight.
118. Highways Officers had originally raised concerns with regards to the increased usage of the Howlands Park and Ride site which would result from this development. The Park and Ride site is located within 400m of the site, and is likely to attract additional passengers from the proposed development. The applicant has modelled the likely impacts upon the Park and Ride service as a result of this development, and this modelling concludes that a peak times, particularly at the start of the University Term in October, that capacity would be exceeded. This modelling is based upon existing usage figures. Various mitigation measures to address this issue have been discussed with Highways Officers, and it is considered that the most appropriate means would be to increase the size of buses operating from Howlands, from an Optare Solo, to an Optare Streetlife model. It is expected that the increase cost to operate this service over a 5-year period would £233,260 however it is also expected that it would lead to an increase in revenue of £103,700 over the same period, meaning that the net cost of mitigating the impact of the development would be £129,260 would be over a 5-year period. It is proposed that this can be secured by means of a planning obligation under Section 106 of the Town and Country

Planning Act. Subject to this mitigation, it is considered that the proposed development would be in accordance with CDLP Policy T5, and the Park and Ride service would retain sufficient capacity to allow efficient operation for student occupiers, as well as those who utilise the car parking facilities at Howlands.

119. CDLP Policies Q1 and Q2 seek to ensure that all new developments take into account the requirements of all users, whilst CDLP Policies T19 and T20 seek to ensure the provision of adequate cycling facilities. CDLP Policy T21 seeks to safeguard the needs of walkers by providing safe and attractive footpath networks. These policies are all considered to be NPPF compliant, and can continue to be afforded significant weight.
120. The submitted information highlights that the proposed development would be likely to generate substantial pedestrian traffic, and as a result, consideration has been given to the likely distribution of pedestrian movements. In this instance, it is considered likely that the majority of movements will be to the north east, towards the "Hill Colleges", Durham University Business School, and towards the Lower Mountjoy site on South Road. This would likely lead to movements via Mill Hill Lane, and to a lesser extent eastwards towards South Road and Howlands Park and Ride Site.
121. Durham Constabulary has raised concern that footways on South Road are narrow and are unlikely to be able to accommodate significant levels of pedestrian traffic without causing a road safety issue. This is reflected in the comments of Highways Officers. As a result, it is considered that it would be preferable to encourage students to utilise the quieter Mill Hill Lane route as an alternative.
122. Following discussions with the applicant, Durham University and Highways Officers, it is apparent that at present there is an existing issue with pedestrians failing to utilise the footway associated with Mill Hill Lane, due to its somewhat circuitous route, resulting in pedestrians choosing to walk on the carriageway instead. Clearly introducing significant additional pedestrian traffic into such a situation, without mitigation would not be advisable.
123. As a result, the applicant has agreed to undertake to develop a scheme of highway improvements to Mill Hill Lane, which would take place within the adopted highway. These works would include improving the footway on the southern side of the road, traffic calming features, and improved lighting and signage. Officers consider that as there is a reasonable likelihood of such works being delivered, despite the applicant not being in control of the land, that it would be reasonable to secure these works by means of a Grampian-style planning condition, attached to any permission, requiring details of a scheme of pedestrian and cycle improvements to be agreed and implemented prior to the occupation of the development.
124. Overall, it is considered that subject to Mill Hill Lane being appropriately improved, that this would provide a quieter, more pleasant and generally safer pedestrian route, than the alternative route via South Road, and as a result, would be more attractive and convenient for those travelling by foot and bicycle. The improved access on Mill Hill Lane would provide opportunities for students to access facilities such as the Business School and to move northwards along Elvet Hill Road and down Potters Bank to reach university facilities on the Peninsular, and so whilst some students would inevitably ultimately reach South Road others will move in different directions.
125. Furthermore, the Durham University Masterplan 2017-2027 outlines plans to construct a segregated "super-highway route" for pedestrians to run parallel with South Road on its eastern side, as a measure to improve pedestrian access in and

around South Road. This is within the control of Durham University as opposed to the applicant, is not at this stage finalised, and shouldn't be afforded weight in the determination of this application, but does provide context. However, the measures proposed as part of this application, would minimise the use of South Road to such an extent that it would address the concerns of Durham Constabulary and Highways Officers insofar as they relate to this specific development, and further, would assist in better assimilating the proposed development into the Durham University Estate and "Hill Colleges".

126. Subject to these mitigation works, it is considered that the proposed development would be in accordance with CDLP Policies Q1, Q2, T19, T20 and T21, as well as Part 4 of the NPPF.

Flood Risk and Drainage

127. CDLP Policy U8a states that development proposals must make satisfactory arrangements for foul and surface water disposal. This policy is considered to be consistent with Part 10 of NPPF, which relates to mitigating climate change, and can continue to be afforded significant weight in the decision making process.
128. The application is accompanied by a flood risk assessment, which sets out that the site lies within Flood Zone 1, and is therefore at low risk of flooding. The document also sets out the surface water drainage strategy, which would take advantage of existing infrastructure installed as part of the overall Mount Oswald development. Although a detailed drainage scheme would not be available until matters relating to layout and design are considered, the applicants have outlined a drainage scheme whereby surface water would drain into this equipment at a restricted rate, achieved via SUDS source control and attenuation, that would not exceed existing greenfield run-off rates. This scheme has been considered by the Council's Drainage and Coastal Protection Team, who raise no objections to the proposed drainage scheme. As a result, it is considered that the development would not be at significant risk of flooding, nor increase flooding elsewhere, and that the development would be in accordance with CDLP Policy U8A and Part 10 of NPPF in this respect, subject to a planning condition securing final details of a drainage scheme.
129. With regards to foul water disposal, it is indicated that connection would be made to existing equipment. Based on the information submitted with the application Northumbrian Water advises that there is insufficient detail with regards to the management of foul and surface water from the development for Northumbrian Water to be able to assess its capacity to treat the flows from the development. A condition is therefore requested requiring a detailed scheme for the disposal of foul and surface water from the development to be submitted and approved prior to the development commencing. Drainage and Coastal Protection raise no objections to the proposal on the understanding that the recommendations included within the submitted surface water drainage strategy and flood risk assessment. The development would therefore be in accordance with CDLP Policy U8A and Part 10 of NPPF in this respect also.

Ecology

130. The closest site of nature conservation interest is Blails Wood Local Wildlife Site which is located approximately 400m to the south east of the application site. CDLP Policy E16 as well as Part 11 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests. CDLP Policy E16 is considered to be NPPF compliant and can continue to be afforded significant weight. An ecology walkover survey has been submitted with the application, which updates earlier

ecological survey work dating from 2009. The survey concludes that there are no trees within the site with the potential to support roosting bats, although common pipistrelle bats were identified as using the site for foraging and/or commuting. No evidence of breeding birds, badgers or other protected species was found. It is also established within the survey the development would lead to the loss of approximately 3ha of improved grassland.

131. The bats found to be using the site for foraging, are of a species afforded special legal protection under the Conservation of Habitats and Species Regulations 2010 (as amended) and/or the Wildlife and Countryside Act 1981 (as amended). However, it is accepted that the improved grassland character is unlikely to be providing good foraging opportunities, with bats generally preferring structured habitats such as woodland, over open areas. As a result it is considered that the proposed development would not lead to loss of habitat, or be likely to have a detrimental impact upon the population of bat species. The County Ecologist raises no objections to the proposal.
132. It is noted that lighting within the development may have the potential to have an impact upon bats commuting or foraging outside of the site, and therefore it is suggested that a planning condition be attached in order to ensure that any lighting scheme is developed so as to minimise any impacts upon bat populations. Furthermore, it is suggested by the County Ecologist that opportunities for ecological mitigation, or indeed enhancement may present themselves during the detailed design and the scheme. A planning condition is suggested in order to ensure that mitigation is secured.
133. None of the works proposed would require a licence from Natural England, therefore there is no need to consider the derogation tests related to the granting of licence, in this instance.
134. In conclusion, as there would not be substantial harm to biodiversity interests, that could not be mitigated, the proposed development is considered to be in accordance with CDLP Policy E16, and Part 11 of the NPPF.

Heritage Impacts

135. In assessing the proposed development regard must be had to the statutory duty imposed on the Local Planning Authority under the Planning (Listed Buildings and Conservation Areas) Act 1990 has a statutory duty that, when considering whether to grant planning permission for a development which affects a listed building or its setting, that the decision maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
136. Paragraph 128 of the NPPF requires applicants to describe the significance of any heritage assets that may be affected by the development, whilst Paragraph 131 states that the impact local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets. Paragraph 132 requires the impact of a development upon the significance to be considered, and that great weight should be afforded to the asset's conservation.
137. CDLP Policy E21 requires consideration to be given to buildings, open space and their setting which are not otherwise protected. CDLP Policy E23 seeks to safeguard listed buildings and their setting. CDLP Policy E26 seeks to resist development would detract from, or involve the loss of Historic Parks and Gardens. All of these

policies are considered to be NPPF compliant, and can continue to be afforded significant weight.

138. The closest heritage assets to the application site are Mount Oswald Manor House, a Grade II Listed building, and the locally listed Historic Park and Garden within which it sits. The northern boundary of the Historic Park and Garden lies approximately 20m to the south of the application, and the Manor House around 100m to the south east.
139. The application has concludes that the Manor House is well screened to the north by mature trees, and that although filtered views of any new development may be visible through the woodland planting, that there would not be a harmful impact upon the significance of the listed building, or the character of the parkland.
140. Officers consider that these conclusions are generally sound, and Design and Conservation Officers raise no objection to the application. The application site itself is located within the less sensitive area of the wider Mount Oswald site, and it should be acknowledged that outline planning permission for a 1000 PBSA development exists on a site immediately to the east, which would inevitably involve development of a similar, if not larger scale.
141. In this instance, it is the scale of the proposed student accommodation that is the key factor in whether there is an impact upon the significance of the Manor House. Topography provides some assistance, in that the site is, at its highest point marginally lower than the position of the Manor House, and falls away further to the north, however built development would potentially be visible through, or possibly even above, the mature screen of trees that provides a buffer.
142. Matters of scale and appearance are matters reserved for future determination, and as a result, the details which are currently available are only indicative. As a result, this matter will have to be given very careful consideration at the design stage. However, details submitted at this time suggest that any development would not need to exceed four storeys in height in order to accommodate the numbers of students proposed. Given the sensitivity of the location, and in order to ensure that there are not impacts upon the significance of the Manor House, a planning condition is suggested in order to restrict any future development to four storeys in height.
143. Subject to such a condition, that there would be no harm to the heritage assets, and the proposal is considered to be in accordance with CDLP Policies E21, E23 and E26, and Paragraphs 129, 131 and 132 of NPPF.
144. In terms of archaeological remains, CDLP Policy E24 seeks to ensure that any archaeological remains are properly understood, and preserved wherever possible. This Policy is considered to be consistent with Part 12 of the NPPF, and can continue to be afforded significant weight.
145. The archaeological potential of the application site was previously evaluated as part of the original outline planning permission for the redevelopment of the Mount Oswald site in its entirety. As a result, it has not been considered necessary to repeat this work with regards to this application. It has been confirmed that the likelihood of there being heritage assets in the form of archaeological remains on the site is low, and as result, there would be no harm to heritage assets as a result of this development. Furthermore, the County Archaeologist raises no objections to the application, which is considered to be in accordance with CDLP Policy E24, as well as Part 12 of NPPF.

Other Issues

146. Planning plays a key role in helping to reduce greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. CDLP Policy U14 states that energy efficient materials and construction techniques will be encouraged within new developments. This policy is considered to be consistent with NPPF and can continue to be afforded significant weight. Due to the outline nature of the application, information pertaining to sustainability and energy is limited, however subject to any planning permission be conditional on an embedded sustainability scheme being approved prior to development commencing, the proposal would accord with the CDLP Policy U14, as well as objectives of Part 10 of the NPPF.
147. CDLP Policy U7 states that developments which are sensitive to pollution will not be permitted on land which is subject to unacceptable levels of contamination, pollution, noise or vibration. This policy is considered to be only partially consistent with NPPF, as national guidance provides greater detail for consideration this issue, at Part 11 of NPPF. Accordingly, reduced weight only can be afforded to CDLP Policy U7.
148. 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, concluding that there is no significant risk of land contamination. A planning condition is suggested in order to ensure that the correct methodology is employed, should any contamination become apparent during the construction phase of the development.
149. CDLP Policies R1 and R2 seek to ensure that developments incorporate sufficient amounts of open space for recreation. These Policies can now only be afforded reduced weight, due to their only partial conformity with NPPF. The more recent County Durham Open Space Needs Assessment (OSNA) is considered to be the most appropriate means of determining the levels of open space required.
150. As the application is only in outline form at this stage, it is not yet possible to determine whether sufficient open space could be provided within the site, however given the numbers of potential occupiers, it is considered likely that this would not be achievable. Ordinarily, in such situations, a financial contribution would be secured by means of a planning obligation under the requirements of Section 106 of the Town and Country Planning Act 1990, in order to improve, or provide additional open space off-site in order to meet these needs.
151. In this instance however, the location of the site within the context within the wider Mount Oswald redevelopment, means that the applicant is already providing a significant level of offsite public open space within close proximity to the site. Such areas would be easily accessible to residents, in addition to whatever level of provision was provided on site. Consequently, it is considered that in this instance, that it would not be appropriate to secure a commuted sum.
152. CDLP Policy Q15 seeks to ensure that public art is secured with development schemes wherever possible. This policy is considered to be only partially consistent with NPPF as it makes no allowance for how such installations would impact upon the viability of developments. As a result, it can only be afforded reduced weight.
153. In this instance, it has not been claimed by the developer that the viability of the proposed development would be likely to be unreasonably reduced as a result of providing public art within the development. Whilst no details are available at the

present time as to how public art could be incorporated within the overall development, this could be acceptably resolved at the Reserved Matters stage. Consequently, it is considered to secure a scheme of public art by means of a planning condition.

154. The Council has an aspirational target of providing 10% of any labour requirement of new developments to be offered as new employment and skills opportunities. This can be achieved by inserting social clauses into planning agreements committing developers/bidders to provide an agreed target of new opportunities to County Durham residents to maximise the economic benefit from any new development or procurement opportunities. These opportunities can include apprenticeships, job opportunities and work placements. This is a matter which can be addressed through the proposed planning obligation.
155. Planning plays a key role in helping to reduce greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. It is recommended that any planning permission be conditional on an embedded sustainability scheme being approved prior to development commencing. In this regard the proposal would accord with the objectives of Part 10 of the NPPF.
156. Some concern has been raised as to the lack of any financial contribution towards community facilities, it being noted that a similar proposal at Sheraton Park, did provide such a contribution. Firstly, Paragraph 204 of the NPPF and Paragraph 122 of The Community Infrastructure Levy Regulations 2010 set out three planning tests which must be met in order for weight to be given to a planning obligation. These being that matters specified are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development. In this case, there is no policy basis on which to require a generic community contribution. No specific impacts been identified that can only be mitigated by this means. Consequently, it is considered that such a contribution would not meet the necessary tests, as any contribution would not be necessary to make the development acceptable, would not be directly related to the development, and would not be fair, or reasonable. Planning obligations should only be secured in order to mitigate specific impacts by a specific means. This is not the case here. It is noted that a contribution was secured as part of a similar development at Sheraton Park, however this contribution was offered by the developer, as opposed to being required, and as a result, no weight was afforded to it in the consideration of the application.

CONCLUSION

157. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning decisions must be made in accordance with the adopted local plan unless material considerations indicate otherwise. One such material consideration is the NPPF, which at Paragraph 12 states that proposed development that accords with an up-to-date Local Plan should be approved. This is re-iterated in Paragraph 14 of NPPF which states that development proposals that accord with the development should be approved without delay. Paragraph 14 of NPPF also includes a presumption in favour of sustainable development where the development plan is absent, silent or relevant policies are out-of-date, and indicates that a balancing exercise should be undertaken in such circumstances.

158. In this instance, it is considered that relevant CDLP policies remain up-to-date, and as a result can continue to be afforded weight insofar as they are consistent with NPPF. Accordingly, the planning balance exercise set out in Paragraph 14 of NPPF is not engaged.
159. The application is considered to be acceptable in principle, being in accordance with Policy H16 and the Interim Policy on Student Accommodation. The Interim Policy on Student Accommodation states that new PBSA 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 based upon Durham University's most recent projected growth figures. The site is currently redundant and the scheme would not have any obvious negative impacts on retail, employment, leisure or tourism uses. Durham University has expressed its support for the development.
160. It is considered that the proposed development would not lead to adverse harm to residential amenity in terms of noise and disturbance, subject to proper controls being in place, and these can be secured by means of planning condition. The application would therefore be in accordance with CDLP Policies Q8 and H13.
161. The scale, appearance and layout of the final development are matters reserved for future consideration, and as a result only limited assessment of the proposed development upon matters of amenity, design, and heritage impact can be carried out at this time. However, it is considered that there are no obvious barriers to the level of development proposed being acceptably achieved. Conditions are however suggested to control student numbers and the scale of development. Overall, the development is considered to be in accordance with CDLP Policies E5, E5A, E14, E15, E16, E21, E23, E24, EMP3, R1, R2, Q15, U7, U8A and U14.
162. In terms of highway safety, improvements to pedestrian infrastructure, as well as an increase to the capacity of the Park & Ride Scheme can be secured by means of planning condition and Section 106 planning obligation. Highways Officers raise no other objections to the development, which is considered to be in accordance with CDLP Policies R11, Q1, Q2, T1, T5, T10, T19, T20 and T21.
163. Paragraph 204 of the NPPF and Paragraph 122 of The Community Infrastructure Levy Regulations 2010 set out three planning tests which must be met in order for weight to be given to a planning obligation. These being that matters specified are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development. In this respect the contribution towards increasing capacity on the Park and Ride Scheme is considered necessary for the development to be considered acceptable and therefore meet the relevant tests. However, the provision of targeted recruitment and training is not considered to be necessary to make the development acceptable, and is offered on a voluntary basis and cannot be afforded weight.
164. Overall, as the proposed development is considered to accord with relevant policies within the CDLP, which for the purposes of this application is considered to remain up-to-date, the application is recommended for approval.

RECOMMENDATION

That the application is **APPROVED** subject to the completion of a Section 106 Legal Agreement to secure the following:

- a financial contribution of £129,260 to increase bus capacity on the Park and Ride Scheme
- a voluntary scheme of targeted recruitment and training for the construction phase,

and subject to the following conditions:

Time Outline

1. No development shall take place until approval of the details of the appearance, landscaping, layout and scale of the development (hereinafter called "the reserved matters") has been obtained from the Local Planning Authority in writing before the expiration of three years beginning with the date of this permission. The development must be begun not later than the expiration of two years from the final approval of the reserved matters, or the case of approval on different dates, the approval of the last reserved matters to be approved.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

No. of Beds

2. The development hereby approved shall comprise a maximum of 850 bedspaces.

Reason: To define the consent and precise number of bedspaces approved.

Scale

3. No part of the development hereby approved shall exceed four storey in height.

Reason: To define the consent and ensure that there is no significant adverse impact on heritage assets, in accordance with Policy E23 of the City of Durham Local Plan.

Plans

4. The development hereby approved in shall be carried out in strict accordance with the following approved plans and documents :-

Site Location Plan HJB/PA677/380 PA01
Tree Survey Plan HJB/PA677/380 PA05
Adopted Roads and Footpaths Plan HJB/PA677/385 PA06
Movement Framework Plan HJB/PA677/380 PA07
Cross-Section HJB/PA677/380 PA08
Indicative Masterplan Layout HJB/PA677/380 PA09
Indicative Masterplan Layout – Building Heights HJB/PA677/387 PA10

Revised Surface Water Drainage Strategy and Flood Risk Assessment 7th Issue
October 2015 – Shadbolt Consulting.

Reason: To define the consent and ensure a satisfactory form of development is obtained in accordance with Policies CDLP Policies E5, E5A, E14, E15, E16, E21, E23, E24, EMP3, R1, R2, Q15, U7, U8, R11, Q1, Q2, T1, T5, T10, T19, T20, T21 and U14 of the City of Durham Local Plan.

Boundary Treatments

5. The development shall not be occupied until details of boundary treatment have been submitted to and approved in writing by the Local Planning Authority, and have been installed 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.

Bin Stores

6. Notwithstanding the details submitted with the application, prior to their installation, full details of all enclosures including bin stores to be provided within the site shall be first submitted to and then approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.

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

Materials

7. Notwithstanding any details of materials submitted with the application no development involving external materials 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.

Engineering details of access and highway improvements

8. No part of the development shall be occupied until vehicular and pedestrian access to the development has been provided, in accordance with details to have been submitted to, and in approved in writing by the local planning authority.

Reason: To ensure that adequate pedestrian and vehicle access to and from the site can be achieved in accordance with Policies Q1, Q2, T1, T20 and T21 of the City of Durham Local Plan

Details of improvements to Mill Hill Lane

9. No part of the development shall be occupied until a scheme of pedestrian improvement works to Mill Hill Lane, Elvet Hill Road, and South Road has been carried out, in accordance with a scheme to be submitted to, and in approved in writing by the local planning authority.

Reason: To ensure that adequate pedestrian and cycle access to and from the site can be achieved in accordance with Policies Q1, Q2, T20 and T21 of the City of Durham Local Plan.

Contaminated Land

10. The development hereby permitted shall not commence until a pre-commencement scheme to deal with contamination has been submitted to and agreed in writing with the Local Planning Authority. The full scheme, both pre-commencement and completion shall include the following, unless the Local Planning Authority confirms in writing that any part of sub-sections a, b, c or d are not required.

Throughout both the pre-commencement and completion phases of the development all documents submitted relating to Phases 2 to 4 as detailed below shall be carried out by competent person(s) and shall be submitted to and agreed in writing with the Local Planning Authority.

Pre-Commencement

- (a) A Phase 2 Site Investigation and Risk Assessment is required to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications. Prior to the Phase 2 a Sampling and Analysis Plan is required.
- (b) If the Phase 2 identifies any unacceptable risks, a Phase 3 Remediation Strategy detailing the proposed remediation and verification works is required. If gas protection measures are required a verification plan is required detailing the gas protection measures to be installed, the inspection regime and where necessary integrity testing programme. The installation of the gas membrane should be carried out by an appropriately qualified workforce and the verification of the installation should be carried out by an appropriately competent, experience and suitably trained person(s) (preferably independent to the installer) to ensure mitigation of the risk to the buildings and the people who occupy them. No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority.

Completion

- (c) During the implementation of the remedial works (if required) and/or development if any contamination is identified that has not been identified pre-commencement, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be carried out in accordance with part b of the condition and where necessary a Phase 3 Remediation Strategy shall be prepared in accordance with part c of the condition. The development shall be completed in accordance with any amended specification of works.
- (d) Upon completion of the remedial works (if required), a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development. If integrity testing of the membrane(s) was required a verification pro forma should be included.

Reason: The site may be contaminated as a result of past or current uses and/or is within 250m of a site which has been landfilled and the Local Planning Authority wishes 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 in accordance with NPPF Part 11.

Tree Protection

11. No development work shall take place until all trees and hedges agreed for retention, are protected by the erection of fencing and comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar in accordance with BS 5837:2012. Protection measures shall remain in place until the cessation of the development works.

Reason: In the interests of the visual amenity of the area having regards to Policy E5 of the City of Durham Local Plan, and Parts 7 and 11 of the National Planning Policy Framework. Required to be pre-commencement as landscape features must be protected prior to works, vehicles and plant entering the site.

Landscape

12. No part of the development shall be occupied until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. No tree shall be felled or hedge removed until the landscape scheme, including any replacement tree and hedge planting, is approved as above. The scheme shall identify those trees/hedges/shrubs scheduled for retention and removal; shall provide details of new and replacement trees/hedges/shrubs; detail works to existing trees; and provide details of protective measures during construction period. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with policies E15 and H13 of the City of Durham Local Plan.

13. All planting, seeding or turfing relating to any approved landscaping scheme 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.

Site Levels

14. No development other than site clearance and groundworks shall commence until details of existing and proposed site levels, and the finished floor levels of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved information thereafter.

Reason: In the interests of the visual amenity in accordance with Policies E5 and Q8 of the City of Durham Local Plan and Parts 7 and 11 of the National Planning Policy Framework.

Travel Plan

15. Prior to the occupation of the first dwelling, a Framework Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

Reason: To reduce reliance on the private motor car and to promote sustainable transport methods in accordance with Policy D3 Sedgefield Borough Local Plan and Parts 4 and 10 of the National Planning Policy Framework.

Foul and surface water

16. No development shall take place until a detailed scheme for the disposal of surface and foul water from the development hereby approved has been submitted to and approved in writing by the local planning authority. The drainage scheme shall be in accordance with the drainage scheme contained within the submitted documents entitled "Surface Water Drainage Strategy and Flood Risk Statement" and "Foul Water Drainage Strategy" dated "December 2016", and will ensure that foul flows discharge to the foul sewer at manhole 7902, and ensure that surface water discharges to the surface water sewer downstream of manhole 6004 at a maximum restricted rate of 5 l/sec. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of the amenity of the area and to comply with policy U8a of the City of Durham Local Plan. Required to be pre-commencement in order to ensure that the necessary drainage works can be carried out an early stage in construction.

Public Art

17. The development hereby approved shall not be occupied until a scheme of public art to be incorporated within the development has been submitted to and agreed in writing by the Local Planning Authority, and installed in accordance with the approved details.

Reason in the interest of the character and appearance of the development and to comply with Policy Q15 of the City of Durham Local Plan.

Embed Sustainability

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

Reason: To ensure that sustainability is fully embedded within the development as required by the NPPF.

Lighting Strategy

19. Prior to the operation of any lighting within the development, a lighting impact assessment for the lighting scheme proposed, shall take place and be agreed in writing with the Local Planning Authority. This should include the following, commensurate with the scale/type of lighting scheme provided:
- A description of the proposed lighting units including height, type, angling and power output for all lighting
 - Drawing(s)/contour plans showing the luminance levels both horizontal and vertical of the lighting scheme to demonstrate that no light falls into the curtilage of sensitive neighbouring properties;

- The Environmental Zone which the site falls within, in accordance with the Institution of Lighting Professionals Guidance on the Reduction of Obtrusive Light, to be agreed with the LPA. The relevant light sensitive receptors to be used in the assessment to be agreed with the LPA in advance of the assessment.
- Details of the Sky Glow Upward Light Ratio, Light Intrusion (into windows of relevant properties) and Luminaire Intensity.
- The limits for the relevant Environmental Zone relating to Sky Glow Upward Light Ratio, Light Trespass (into windows) and Luminaire Intensity, contained in Table 2 (Obtrusive Light Limitations for Exterior Lighting Installations) of the Institute of Lighting Professionals Guidance on the Reduction of Obtrusive Light shall not be exceeded.

Thereafter, the lighting scheme shall only be installed in accordance with the approved details, and maintained thereafter for the life of the development.

Reason: To conserve protected species and their habitat in accordance with Paragraph 109 of the National Planning Policy Framework and Policy H13 of the City of Durham Local Plan.

Noise Mitigation

20. No development shall take place until an acoustic report, carried out by a competent person in accordance with all relevant standards, on the existing noise climate at the development site has been submitted to and been approved in writing by the Local Planning Authority. The aim of the report will be to establish whether sound attenuation measures are required to protect future residents from the transferral of sound from road traffic and commercial noise. In the event that the acoustic report finds that the following noise levels would be exceeded a noise insulation scheme shall be submitted to and approved in writing by the Local Planning Authority.

- 35dB LAeq 16hr bedrooms and living room during the day-time (0700 - 2300)
- 30 dB LAeq 8hr in all bedrooms during the night time (2300 - 0700)
- 45 dB LAm_{ax} in bedrooms during the night-time
- 55dB LAeq 16hr in outdoor living areas

The approved scheme shall be implemented prior to the beneficial occupation of the development and shall be permanently retained thereafter.

Reason: In the interests of ensuring that adequate levels of residential amenity are available to future occupiers in accordance with Policy Q8 of the City of Durham Local Plan. Required to be pre-commencement in order to ensure that existing noise levels measurements are accurate.

Ecological Mitigation

21. Any reserved matters application should include a series of measures to enhance biodiversity and mitigate the impacts of the development. Thereafter these enhancements shall be installed in accordance with the approved scheme prior to the occupation of the development, and thereafter retained and maintained.

Reason: In order to minimise impacts, and provide net gains in biodiversity in accordance with Policy Q16 of the City of Durham Local Plan and Part 11 of the NPPF.

Construction Methodology

22. Prior to the commencement of any part of the development or any works of demolition, hereby permitted, a Construction Management Plan shall be submitted to and approved in writing by the local planning authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:
- (a) A Dust Action Plan including measures to control the emission of dust and dirt during construction
 - (b) Details of methods and means of noise reduction
 - (c) Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
 - (d) Details of measures to prevent mud and other such material migrating onto the highway from all vehicles entering and leaving the site;
 - (e) Designation, layout and design of construction access and egress points;
 - (f) Details for the provision of directional signage (on and off site);
 - (g) Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure;
 - (h) Details of provision for all site operatives for the loading and unloading of plant, machinery and materials
 - (i) Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period;
 - (j) Routing agreements for construction traffic.
 - (k) Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - (l) Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
 - (m) Detail of measures for liaison with the local community and procedures to deal with any complaints received.

The management strategy shall have regard to BS 5228 "Noise and Vibration Control on Construction and Open Sites" during the planning and implementation of site activities and operations.

The approved Construction Management Plan shall also be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

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

23. 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.

Student Management Plan

24. The development hereby approved shall not be occupied until a scheme for managing the student accommodation has been submitted, and agreed in writing by the local planning authority. Such a scheme shall include details of staff levels, security

measures, liaison practices, and opening hours of recreational facilities. Thereafter, the development shall only be occupied in accordance with the approved scheme.

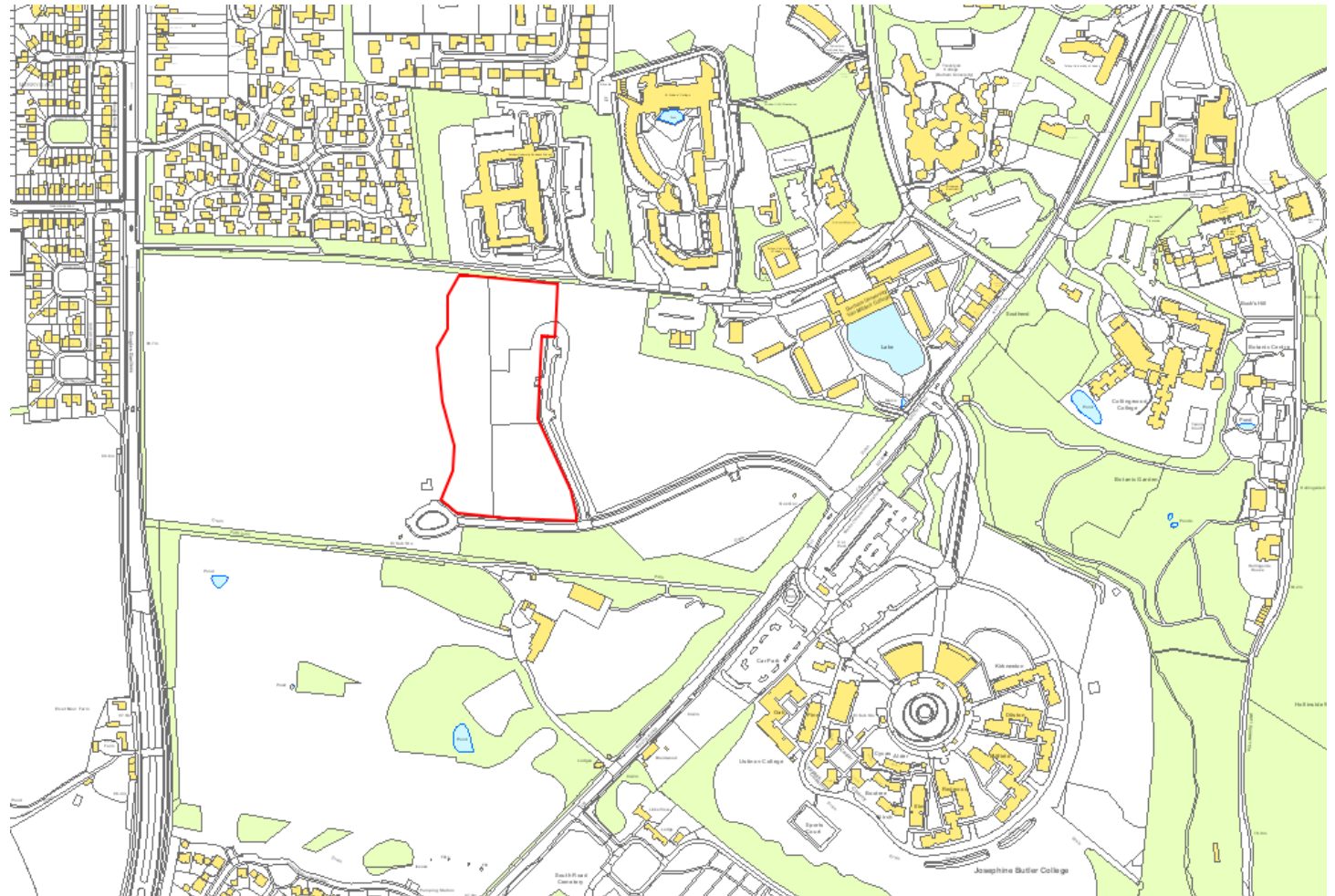
Reason: In the interests of residential amenity having regards to Policy H13 of the City of Durham Local Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to support this application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. (Statement in accordance with Article 35(2) (CC) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.)

BACKGROUND PAPERS

- Submitted application form, plans, supporting documents and subsequent information provided by the applicant
- The National Planning Policy Framework (2012)
- National Planning Practice Guidance
- City of Durham Local Plan
- Evidence Base Documents e.g. SHLAA, SHMAA, County Durham Settlement Study and OSNA
- Statutory, internal and public consultation responses



Planning Services

DM/16/04067/OUT

Outline application for Purpose Built Student Accommodation comprising 850 bedrooms, with all matters reserved, Land To The North Of Mount Oswald, South Road, Durham, DH1 3TQ.

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Comments

Date June 2017

Scale Not to scale