

THE CITY OF DURHAM TRUST

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Aire House
Mandale Business Park
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Durham, DH1 1TH
28 May 2021

Dear Ms Jennings,

Planning application DM/21/01604/FPA | Conversion and extension of 13 Belle Vue to form 6No. C3 Apartments | 13 Belle Vue Terrace Gilesgate Moor Durham DH1 2HR

The Board of Trustees of the City of Durham Trust considered this application at its Zoom meeting held on Tuesday 18 May 2021 and decided to object for the reasons set out below, and asks that it be refused.

Many of our comments reference the applicant's Design and Access Statement, and when we give a paragraph reference beginning D it is to that document. Paragraph numbers beginning 5. are references to the *Core Principles* part of the County Durham Plan.

Durham City Neighbourhood Plan

The applicant refers at paragraph D6.03 to this "emerging" plan. However, the application site is in Belmont Parish, which has not yet taken any formal steps to make a neighbourhood plan. The Durham City Neighbourhood Plan (which has now passed its referendum) relates only to the City of Durham parish and at its closest point at the top of Gilesgate Bank this is still 1.2km from the application site.

Potential Student accommodation

Given that the developer is the licence holder for six student HMOs in Durham City, and that the previous refused application was for a student HMO, we agree with the applicant that the proposal should be assessed against Policy 16.2 of the County Durham Plan. The relevant paragraph in the County Durham Plan that justifies this approach is 5.136, which the applicant quotes at his paragraph D6.04. However our conclusions differ from his.

The meaning of paragraph D6.05 is not entirely clear, but if we understand it correctly, we would suggest that a planning condition restricting tenancies to the over-25s might resolve it. Similar conditions have been applied to retirement homes, where the lower age limit is 55.

At paragraphs D6.08 and D6.09 the applicant quotes without attribution figures from the County Durham Plan paragraphs 5.137 and 5.138, which reference the Durham University Strategy 2017-2027 as contained in its Masterplan. More recent figures for student numbers are available via the University registry, which shows 19,368 full-time students and 900 part-time students as at 4 February 2021. As the target for 2027 is 21,500 this means that in round terms a further 2,200 places are required in the next five or six years.

Since February 2021 a total of 168 additional bed-spaces are about to be completed at The Three Tuns, and there are other approved planning applications now being implemented for student apartments such as Estate House in Saddler Street and the former Top Shop in Silver

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Street. An application to renew an approval for an 850 bed PBSA at Mount Oswald is awaiting determination. Over and above these schemes, six PBSA sites were put forward by the University for the County Durham Plan. Their total capacity declared at the County Plan EiP is between 2,100 and 3,200 beds. They are all approved as PBSA allocations in the County Durham Plan.

Clearly there is far more student accommodation 'in the pipeline' than is required to meet the Masterplan target for 2026/27 and for continued growth of the University beyond that date if the University so intends. We would point out the Inspector's clear reservation in his report following the Examination in Public of the County Durham Plan; he cautioned against any further expansion once the University Masterplan target numbers have been met:

"261. However, whilst the Plan should be effective in accommodating the currently identified growth in student numbers, the limited size of the city and its particular physical and historic character mean that there may be limited capacity for further growth in the city in the longer term."

Policy 16.2 starts

*All proposals for new, extensions to, or conversions to, Purpose-Built Student Accommodation on sites not allocated for student accommodation, will be **required to demonstrate**:*

This is mandatory. Paragraph D6.09 has assertions but these fall short of demonstrating that there is a need for additional student accommodation of this type in this location, as Policy 16.2(a) requires.

In paragraph D6.09 the applicant asserts that it would not be proportionate to consult with the university as Policy 16.2(b) requires. Again we would point out the mandatory nature of this Policy.

We accept that the requirements of Policy 16.2(c)-(f) have been met, as would 16.2(g) be if a suitable planning condition were applied.

However the requirements of Policy 16.2(h) have not been met. The applicant must demonstrate that *the quantity of cycle and car parking provided has regard to the council's Parking and Accessibility Guidelines*. This is dealt with below.

Inappropriate backland development

Policy 6(b) of the County Durham Plan states that

The development of sites which are not allocated in the Plan or in a Neighbourhood Plan which are either (i) within the built-up area; or (ii) outside the built-up area (except where a settlement boundary has been defined in a neighbourhood plan) but well-related to a settlement, will be permitted provided the proposal accords with all relevant development plan policies and: [...]

b. does not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development;

This proposal pushes the building out into the garden area and since Belle Vue Terrace is between 5m and 6m higher than Limecraig Avenue this building will be more imposing. It

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seems to us that the cross-section labelled PROPOSED SITE AND ROOF PLAN SITE SECTION may be accurate as regards horizontal distances, but the vertical distances are higher than indicated on the plan.

Consequently we conclude that flats 4 and 6 would be inappropriate backland development and should not be permitted.

Residential Amenity Standards

Policy 29 of the County Durham Plan states that all developments will be required to *contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities*

The proposal is for a house at the end of a short terrace that, together with the adjacent properties, represents the interface between housing and the car-related uses opposite and further to the east. As such, it is a very sensitive position. The character is residential and this proposal with its over-large rear extension will help to degrade the attractiveness of this use. The proposal clearly doesn't accord with that residential character. It cannot be considered to 'contribute positively'.

Policy 29 also says that *All development proposals will be required to achieve well designed buildings and places having regard to supplementary planning documents and other local guidance documents where relevant*, and part (e) of that Policy requires proposals to *provide high standards of amenity and privacy, and minimise the impact of development upon the occupants of existing adjacent and nearby properties*.

Paragraph 5.303 says *council's Residential Amenity Standards Supplementary Planning Document sets down standards for alterations, extensions and distances between new dwellings*.

Paragraph 2.1 of the SPD states that *House extensions should be subordinate to the host dwelling*. This has not been achieved in this design.

Paragraphs 2.3 to 2.7 of the SPD describe the '45 degree code'. This is not relevant only because there are no windows in flats 4 and 6 facing sideways into adjacent properties. This is something that should be checked if amended drawings are submitted.

Paragraph 3.2 of the SPD sets out minimum privacy distances of 21m between 2-storey buildings and 18m between bungalows. In this case we have a 2-storey building facing a bungalow and we consider 21m would be the correct distance, as paragraph 3.3 speaks of adding 3m for every extra storey height. But paragraph 3.4 needs to be factored in. This states that *Where there is a significant change in levels, the minimum separation distance will increase by 1 metre for every 1 metre that the floor level of the development would be above the affected floor or ground level of the neighbouring property*. Given our estimate that Belle Vue Terrace stands five or six metres higher than Limecragg Avenue this would increase the required separation to 26 or 27 metres. The applicant's drawing shows the separation to be 25.9m. Clearly this aspect needs to be checked, using the accurate mapping in the Council's GIS system.

Parking and Accessibility Standards

The Council's *Parking and Accessibility Standards*¹ is a further local guidance document that Policy 29 requires applicants to have regard to. Here we would expect the applicant to show that they were aware of the Standards and either show that they had met them or explain why they had not. We have also examined the Parking and Accessibility SPD² (referred to here as the *Draft SPD*) which is at the Issues and Options stage as that indicates a direction of travel. Working through the Standards we note:

- The driveway surface should be porous (2.2.3). The Draft SPD (4.9) says the same.
- The proposed parking bays measure 4.8m x 2.4m. The prescribed length in the *Standards* is 5.5m (3.1.1). The Draft SPD (4.10) says

Driveways must also be a minimum of 5m long, and 2.7m wide for their entire length (including any gateways or fencing), to allow safe access and use by residents. Some flexibility will be allowed where appropriate, for example where driveways are a nonstandard shape, if it can be demonstrated that safe access can still be provided.

Thus the parking bays fail both the current and proposed standards. There is some flexibility if it can be demonstrated that safe access can be provided, but this has not been done.

- The requirement is for one space per dwelling, each having a passive electric vehicle charge point (suitable cabling which will allow a chargepoint to be installed at a future time) Both the *Standards* (4.1.1) and *Draft SPD* (4.13) agree on this. The *Draft SPD* adds that this should be capable of supporting a 7kw/hr charge. It is not clear whether two or three are proposed. The requirement may be reduced by the availability of on-street parking, but the number of on-street places will be reduced by the need to provide a dropped kerb to access the off-street places.
- The road is also very busy with restricted areas available for on street parking and pressure from terraced houses with no off street parking. Student accommodation at this scale will cause pick up/drop offs, deliveries, visitors and occupants may need parking. This proposal both restricts parking space and creates greater need. The resulting pressure on existing housing will be a further degradation of attractiveness for residential use.
- The provision of six bicycle stands more than meets the requirement in paragraph 4.1.1 of the *Standards* but falls short of the standard proposed in paragraph 4.11 of the *Draft SPD*.

Paragraph D6.17 asserts that “the security of the building and its occupants has been considered along with that of other local residents and legitimate users”. However, this is the only mention of security in the Design and Access Statement.

1 <https://democracy.durham.gov.uk/documents/s101765/RLS%202906%20-%20Parking.pdf>

2 <https://consult-durhamcc.objective.co.uk/kse/event/35965/section/s15949086784331>

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Conclusions

When assessed as potential student accommodation against Policy 16.2 of the County Durham Plan, the applicant has failed to demonstrate that they have met the mandatory requirements of this policy. Indeed, they have not demonstrated that there is a need for student accommodation in this area and the recent figures we have produced show there is no such need.

Regardless of the nature of the tenants of these proposed properties, we consider that these proposals are overdevelopment for the reasons given above. It may be that an acceptable scheme could result by removing flats 4 and 6 from the rear of the proposal and addressing the other issues we have identified.

Consequently we consider that this proposal in its present form should be refused as it does not meet the requirements of County Durham Plan Policies 6, 16.2 and 29.

Yours sincerely

John Lowe

Chair, City of Durham Trust