

THE CITY OF DURHAM TRUST

c/o Blackett, Hart & Pratt, LLP
Mandale Business Park
Belmont
Durham, DH1 1TH

Web site: <http://www.DurhamCity.org>

1 August 2024

Mr David Richards
Planning
PO Box 274
Durham County Council
Stanley
County Durham
DH8 1HG

Dear Mr Richards

**DM/24/00766/FPA: 3no 1.5 storey 2 bedroom dwellings with associated parking/turning area,
land east of 7 Church Street Villas, Durham DH1 3DW**

The Trust submitted an objection to application number DM/24/00766/FPA on 14 April 2024 (copy attached for convenience). In that objection we pointed out the many failings against County Durham Plan (CDP) and City of Durham Neighbourhood Plan (CDNP) policies. The Trust finds that the recent amended documents submitted fail to offer any reason to modify that objection. WE therefore repeat those points of objection and make the following comments.

A Trustee has already noted the absence of the required Design and Access statement. In addition, the Biodiversity Metric 4.0 Calculation was added to the portal on 24 April 2024. Validation of the application seems to have been premature. The elevations have been modified 3 times, the proposed site plan twice. The proposed plans and sections have been updated. Significantly, and very recently, the Planning & Heritage Statements have been updated. In all instances out of date drawings/documents have not been marked 'Superseded', while current versions of amended drawings have not been marked as 'Amended Drawing'. The applicant appears to be attempting to respond to comments on a rolling basis.

The amendments leave a confusing trail for those reviewing the application and the Trust maintains that objectors should have been notified of those changes. This is clearly unsatisfactory and will also lead to difficulties if repeated for other applications as the Government attempts to speed up the planning process.

The County Council Design and Conservation assessment is disappointing. It fails to appreciate the development pattern of the site surrounds and the importance of garden space in character formation. The 19th century terraces are an integral part of the City conservation area and their character and evolution deserve better understanding. Its conclusion of negligible impact is evidence of lack of positive impact that sustains and enhances. This is specifically required by **CDNP Policy H2-Durham City Conservation Area** and the assessment is therefore proof of failure against that policy. The loss of the green space compounds the un-attractiveness of the host

property for anything other than student accommodation; it is left with a minimal garden space. The Biodiversity Metric identifies the loss also. The Trust supports the objection by Ms Zara Worth (11th April 2024) including the identification of the value of properties with gardens.

The development should be classed as backland development. The Trust maintains that it is an unacceptable increase in density and thus is inappropriate. This is a failure against **CDP Policy 6- Development on Unallocated Sites, Section b**. It is with some irony that the applicant's submitted Heritage Statement and the Design and Conservation assessment both refer to the dense nature of housing in this area whilst ignoring the contribution that the development will make to increasing that density.

In conclusion, the Trust considers that there is no public benefit from this development; repointing a stone wall is not enough. There is no proof of need of its intended use for student housing; this use is acknowledged by the applicant. The Trust considers that its first objection explains thoroughly why this development should be refused.

Yours sincerely

[Sue Childs](#)

Vice-Chair of the City of Durham Trust

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14 April 2024

Mr David Richards
Planning Development Central/East
Room 4/86-102
County Hall
Durham City DH1 5UL

Dear Mr Richards

**DM/24/00766/FPA: 3no 1.5 storey 2 bedroom dwellings with associated parking/turning area,
land east of 7 Church Street Villas, Durham DH1 3DW**

The Trustees of the City of Durham Trust have considered the above application and have resolved to object on the following grounds.

Student accommodation

The Planning Statement recognises that the scheme needs to be judged under County Durham Plan Policy 16.2 relating to Purpose Built Student Accommodation. Policy 16.2 sets a primary requirement **(a) to demonstrate the need for additional student accommodation of this type in this location**. The Planning Statement discusses quantitative need but disregards the well-established fact now that there is a surplus of student accommodation here. It then claims a qualitative need based on market demand for small units; however, this is from the County Council's SHMAA 2019 which does not deal with the student accommodation market. The Trust considers that the claims made by the applicant are simply assertions and do not demonstrate the need as required by Policy 16.2.

The second requirement in the Policy is **(b) to demonstrate consultation with the relevant education provider pursuant to the identified need**. The University has been consulted and replied that it has no interest in the proposed properties either for ownership or for leasing. The reply goes on to explain that the number of students has been successfully reduced from the unintended peak of 22,219 in 2021/22 to 21,588 in 2023/24 and is to be kept stable at around 21,500 from now on. This confirms for the Trust that there is no need for additional student accommodation here.

Requirement **(g) is to demonstrate that the activities of the occupants will not have an unacceptable impact upon the amenity of surrounding residents**. On this, the Trust points out that No.1 Boyd Street is the corner property for the proposed access to these three units of student accommodation. Planning application DM/22/01134/FPA for the change of use of 1 Boyd

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Street from dwelling-house class C3 to 4 person house in multiple occupation Class C4 was refused on appeal in May 2023 (reference APP/X1355/W/22/3312412). A copy of the Inspector's decision letter is attached to ensure that there is no issue of lack of details.

The Appeal Inspector concludes as follows.

"Students add to the culture, economy and vibrancy of the city, and the proposal would, provide a small, but valuable contribution to the delivery of high-quality student accommodation. However, I do not consider that despite the high level of C4 use within 100 metres of the appeal property, it is at a level that creating a further C4 house would make no difference to the balance of housing provision or the level of community cohesion. It would increase and therefore worsen the over-concentration of C4 properties within the 100-metre radius of the site, thereby affecting the living conditions and balance of communities within the area as set out in Policy 16 of the DLP. In conclusion, the proposal would be harmful to the creation of a mixed and balanced community in this location. Consequently, it would not accord with Policies 16, 29 and 31 of the DLP which cumulatively seek to achieve sustainable and balanced communities with no impact on amenity. It would also not accord with the Framework in seeking to create inclusive places."

Whilst that determination was for an adjacent proposed HMO, the increase in numbers of students is the issue. The Trust submits that the above conclusion applies to the current application.

There are also significant shortcomings in the provisions made for car parking. Requirement **(h) is that the quantity of cycle and car parking provided has regard to the Council's Parking and Accessibility Supplementary Planning Document (SPD)**. The adopted SPD would require six spaces but only three are provided. Furthermore, the parking area surface material is shown as gravel; this is absolutely unacceptable under the SPD. Also, cycle storage is shown as open-air, but the SPD requires enclosed, covered accommodation. The Trust also considers that the amount of bin storage is inadequate, and at quite a distance for the furthest away property.

There are also significant issues with the provisions made for car and cycle parking. Requirement **(h) is that the quantity of cycle and car parking provided has regard to the Council's Parking and Accessibility Supplementary Planning Document (SPD)**, and this is reinforced in Policy 21. The cycle storage is shown as open-air, but the SPD requires enclosed, covered accommodation. The parking area surface material is shown as gravel; this is absolutely unacceptable under the SPD.

On quantity of car parking, If judged as PBSA the SPD does not require any car parking as the site is within the CPZ. If considered as three separate HMOs a total of six spaces would be the starting point according to the SPD, but less car parking may be permitted "for reasons of sustainability, design or viability". The Trust considers that for student properties so close to the University, it would be best to discourage car use by providing no car parking for reasons of sustainability. Only around 5% of students travel to the university by car, so providing 3 spaces for 6 students would be considerably in excess of need.

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It is not clear how the proposed parking spaces would be managed, whether held privately or contributing to the on-street provision through being adopted as highway. Instead of car parking, the land could be used for planting. If car parking is not provided, these properties must be excluded from applying for residential parking permits. The Council's web site formerly advised that new developments built since 2000 in the CPZ would not generally be eligible for permits, but this advice no longer appears on the web site. The Trust would like assurance that such measures are being enforced.

The Trust also considers that the amount of bin storage is inadequate, and at quite a distance for the furthest away property.

Sustainable design

CDP Policy 29(e) requires **all development to provide high standards of amenity and privacy and minimise the impact of development upon the occupants of existing adjacent and nearby properties**. The pre-submission advice given to the applicant was that *“the separation distances are below the standards set out in the Residential Amenity Standards SPD, particularly dwelling 3 and further consideration of the impacts on neighbouring properties on High Wood View is needed.”* The applicant's response is that the existing terraced housing in the locality falls well below the standards set in the SPD and therefore his development should not be expected to meet the standard. This is a fallacious argument; planning authorities require new development to be up to current standards, not recreate the lower standard housing of previous centuries.

Amenity and pollution

CDP Policy 31 resists proposals that will **have an unacceptable impact such as through overlooking and loss of privacy**. As explained above in relation to Policy 29(e), the separation distances are inadequate: the proposed bedroom dormer windows will overlook the rear of the properties in High Wood View. The Trust regards this as a failure under Policy 31.

Trees, woodlands and hedges

CDP Policy 40 expects **proposals for new development to retain or replace trees within the site or the locality**. There are 11 individual trees and one group of trees in the site. Only one tree is to be retained, and four new trees installed. This is a considerable loss and does not meet the terms of Policy 40.

Habitat

It also represents a loss of habitat, which the applicant acknowledges: *“The post development impacts show a biodiversity loss of -0.34 habitat units and -0.03 hedgerow units. The assessment identifies that the predicted losses are unlikely to be fully compensated on-site and, as such, off-site mitigation is likely to be required. A Biodiversity Gain Plan can be secured by way of planning condition to ensure the required biodiversity net gains in accordance with Policy 41 of the adopted County Durham Plan.”* This accords with Policy S1(e) of the Durham City Neighbourhood Plan (DCNP) and the Trust supports the need for such a condition were the application to be approved.

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Conservation Area

The site lies within the Durham City Conservation Area. Both the DCNP and the County Durham Plan have policies that seek to sustain and enhance conservation areas (DCNP Policy H2 and CDP Policy 44 respectively). The tightly-packed 19th Century terraces with small yards that surround the proposed development form the context for this proposed development. The site appears to have remained undeveloped through all the phases of building in the area. It is a plot formed during or before the 1850's and is now the garden space of No. 7 Church Street Villas. While parts of the site may be unkempt, the greenspace is a welcome break between the close packed terraces, and the trees are a local amenity. This helps stop coalescence between the Boyd Street and Highwood View terraces. This has been part eroded by the insertion of three modern house units into the rear area that will be adjacent to the new development.

The Trust makes the case that this is a remnant open site from an earlier period and is an essential part of the development pattern in the immediate area and thus an important characteristic of this part of the conservation area. It has value as greenspace in its division of otherwise tightly-developed terraces and helps in creating the distinctiveness of the area. The existing adjacent modern development already alters the character of the area, and this would have a significant cumulative impact if the proposals are built immediately adjacent. The contemporary range of materials shown will amplify the alteration in the balance of new and older buildings. It will alter the character of this area. The point in establishing this is that the proposal will not be neutral in impact but will have a negative impact. It cannot be considered as enhancing or sustaining the area. Private gardens are included in the definition of green assets in the Durham City Neighbourhood Plan and the loss of the site to a substantial body of development will result in the loss of positive asset. The tree removal will be particularly character altering.

These elements cannot be considered a positive change and are not outweighed by any public benefit. They fail against the requirements of County Durham Plan Policy 29 Sustainable Design section (a), (f) and (h). They also fail against Durham City Neighbourhood Plan Policy S1: Sustainable Development sections (c) and (d), and Policy H2: The Conservation Areas, Durham City Conservation Area sections (e), (f), (i) and (l). In particular, the Trust draws attention to section (f) requiring the avoidance of loss of open space that contributes to character and appearance and (l) that requires avoiding cumulative impact by scale and mass.

Conclusion

On the above multiple failures of the proposal against County Durham Plan and Durham City Neighbourhood Plan policies, the Trust considers that this application should be refused.

Yours sincerely

John Lowe

Chair of the City of Durham Trust