



Appeal Decision

Hearing held on 8 December 2015

Site visit made on 8 December 2015

by Y Wright BSc (Hons) DipTP MSc DMS MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 7 March 2016

Appeal Ref: APP/X1355/W/15/3127950

Former County Durham Hospital, North Road, Durham, DH1 4ST

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Peveril Securities Ltd against the decision of Durham County Council.
 - The application Ref DM/14/03694/FPA, dated 5 December 2014, was refused by notice dated 7 April 2015.
 - The development proposed is conversion of former hospital to accommodate 82 student studios, demolition of associated buildings, erection of 2 student accommodation blocks containing 281 student flats with associated communal living spaces, new student hub building and landscaping, cycle storage, parking and access alterations.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of former hospital to accommodate 82 student studios, demolition of associated buildings, erection of 2 student accommodation blocks containing 281 student flats with associated communal living spaces, new student hub building and landscaping, cycle storage, parking and access alterations at Former County Durham Hospital, North Road, Durham, DH1 4ST in accordance with the terms of the application, Ref DM/14/03694/FPA, dated 5 December 2014, subject to the conditions set out in the attached schedule.

Procedural Matters

2. I have used the description of the development as set out on the Council's decision notice as the number of student flats was reduced from 282 to 281 during the application process. In addition I have also included the full postcode of the site within the site address as referred to by the Council.

Main Issues

3. The main issues are:
 - The effect of the proposal on the character and appearance of the Durham (City Centre) Conservation Area and the County Hospital building; and
 - The effect on the living conditions of occupiers of neighbouring properties in relation to outlook.
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Reasons

Character and appearance

4. The appeal site includes the derelict buildings of the former Durham County hospital and is located within the Durham (City Centre) Conservation Area. This is a large conservation area which encompasses the mediaeval core of the City including the Cathedral and Castle World Heritage Site.
5. The Council's emerging Durham City Centre Conservation Area Character Appraisal (Appraisal) defines the conservation area as being of architectural, religious and historic significance. This includes being due to the area's continuity of use as a religious site for over 1000 years, the distinct views and vistas, the mediaeval street pattern in the historic core and the survival of extensive architectural details and other features such as the cobbled floorscapes, boundary treatments and the City walls. Also of significance are a number of prominent landmark buildings and structures, the combination of different architectural styles and the juxtaposition of historic buildings with contemporary development.
6. The Appraisal divides the conservation area into sub areas. The appeal site is within the Crossgate area and the significance of this is described as being the drama of the viaduct, the railway line and the two and three storey terraced built form which due to the topography of the area produces a stepped roofline. The hospital building is noted as a key landmark of high architectural value. Furthermore it recognises the aesthetic qualities and importance of the landscaped grounds at the appeal site which link to the adjacent green spaces at Flass Vale and Wharton Park and identifies traditional forms of surfacing and boundary treatments as being significant.
7. I saw on my site visit that there is quite a distinct difference in the character and appearance of the appeal site compared to the adjacent streets which comprise predominantly of small terraced properties which face onto the highway. The existing buildings within the site are of a much larger scale, there is a green and spacious character due to existing mature trees and landscaping around the site and due to the position and orientation of the buildings, the site appears as inward looking and quite private. This more distinct character is recognised by Historic England.
8. The hospital building is identified as a non-designated heritage asset by the Council. As such, and in accordance with the National Planning Policy Framework (the Framework) and Planning Practice Guidance (PPG) it has a degree of significance meriting consideration in this decision. The Council indicates the significance of this building as including its attractive architectural form, its importance as part of the history of health provision in the area and as a prominent building within the community.
9. As set out within the first reason for refusal, the Council's main concern with the development in relation to both the effect on the significance of the conservation area and the original building, relates to the proposed height, scale and massing of accommodation blocks B/C within the appeal site. This was confirmed by the Council at the Hearing. Whilst I consider the proposal on this basis I also nevertheless consider the effect in relation to the conservation area as a whole. The National Planning Policy Framework (the Framework) recognises that heritage assets are an irreplaceable resource that should be

- conserved in a manner appropriate to their significance. Great weight should be given to the conservation of designated heritage assets, including any harm or loss of significance through development within their setting.
10. In relation to the effect of the proposal on the significance of the conservation area, the prominence of the site as a green and spacious area would remain as many of the trees would be protected and the existing rather neglected landscaping would be enhanced. In addition spaces within the site would be opened up by the demolition of inappropriate extensions and additions, which currently detract from the building and the site as a whole. In addition historic boundary treatments and surfacing would be retained and reinstated where appropriate. Importantly the landmark building would be restored and converted to a viable use which would ensure its long-term preservation. There would also be no adverse impact on the character of the adjacent viaduct and terraced properties, which would remain unaltered.
 11. There are currently no views of the original building from Waddington Street as the existing additions currently extend as a continual built form along this side of the site. The proposed separate accommodation blocks would provide a significant gap through which glimpsed views of the hospital building would be visible from Waddington Street. This would be an improvement within the conservation area reflecting the significance of its vistas and views. Furthermore the evidence indicates that when viewed from the elevated viaduct and trains using the railway line, the development would provide improved longer distance views of the main building and site in general, particularly as accommodation block A would be constructed substantially below the level of existing buildings.
 12. I recognise that the design of the accommodation blocks would be contemporary and significantly different to what is there at present, but this does not necessarily mean that this change would be harmful. In fact the Council considers that the design would not be detrimental to the significance of either heritage asset and based on the evidence before me and my observations on site, I see no reason to disagree.
 13. I recognise that accommodation blocks B/C would be significantly elevated above Waddington Street and adjacent properties, but they would be set back by approximately 26m from the boundary. Whilst the Council in its statement of case disputed the height measurements of these accommodation blocks as referred to by the appellant, at the Hearing I was informed that there was no longer any objection to the measurements provided by the appellant. In considering the appeal on this basis, I note that block C would be higher than the existing structures it would replace. I consider that this factor in itself would result in this block appearing as a larger scale and mass within the streetscene which would to some limited extent be harmful to the character and appearance of the conservation area.
 14. In reaching this conclusion I recognise that the existing trees and additional landscaping would provide a partial screening of Blocks B/C, the roofline would appear stepped and the top floors would be inset from the front elevation by around 1.4m. In addition the accommodation blocks would overall have a subordinate relationship with the hospital building as they would be lower than its ridge height and would be separated by an open space. Notwithstanding these factors I am not satisfied that this would reduce the prominence of the

block C within the streetscene completely. The harm identified would be less than substantial.

15. Paragraph 134 of the Framework indicates that where there is less than substantial harm to the significance of the conservation area, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The Council has queried whether the development proposed would be the site's optimum viable use. However no other alternative schemes or options have come forward for the site and none are before me. I must therefore determine the appeal on its own merits.
16. The benefits put forward by the appellant are substantial. The regeneration of the derelict site would include the restoration and long-term conservation of the original hospital building. Furthermore there would be the creation of economic benefits through job opportunities; the provision of managed purpose built student accommodation and the efficient use of a highly sustainable location within close proximity to a bus station and everyday facilities.
17. Consequently, taking all the above into account, I conclude that the less than substantial harm to the conservation area I have identified, would not be sufficient to significantly and demonstrably outweigh the substantial public benefits to the significance of the Durham (City Centre) Conservation Area. As such the development would overall enhance the significance of the conservation area and the hospital building. The appeal proposal would therefore accord with the City of Durham Local Plan 2004 (LP) Policies E21, E22 and E6 which all seek development that preserves and enhances the historic environment.
18. In addition the development would also comply with LP Policy H13 which includes seeking development that does not have a significant adverse impact on the character and appearance of residential areas and LP Policy H16 which permits student halls of residence where, amongst other things, such development is well related to facilities and public transport and does not detract from the character and appearance of the surrounding area.
19. In addition the appellant, Council and Historic England all consider there would be no harm to the setting of the adjacent grade II* listed viaduct or the setting or Outstanding Universal Value of the World Heritage Site, the boundary of which is approximately 640m from the site. Nonetheless, I have had special regard to the statutory duty to pay special attention to the desirability of preserving the setting of the listed structure and the World Heritage Site. In these respects, due to the development's location and distance from these heritage assets, I am satisfied that it would preserve this interest.

Living conditions

20. LP Policy H13, amongst other things, seeks development that would not have a significant adverse effect on the amenities of residents. LP Policy H16 includes seeking student halls of residence developments where they do not detract from the amenities of existing residents and would not lead to a concentration of student accommodation in a particular area that would adversely detract from the amenities of existing residents. The Framework seeks, amongst other things, to secure a good standard of amenity for all existing and future occupants of buildings.

21. Due to the topography of the area the site is significantly elevated above Waddington Street. Whilst the proposed accommodation block B/C would be at a substantially raised height when compared to properties on Waddington Street, I have already concluded above that it would generally be of a similar scale, height and mass of the existing buildings which are proposed to be demolished. As such and based on the evidence before me, including the daylight and sunlight assessment carried out by consultants on behalf of the appellant, I do not consider that the development would cause significant loss of light or overshadowing of neighbouring properties. Due to the inset of the top floors of blocks B/C, the creation of a significant green gap between blocks B/C and block A and the intervening distances of around 38m between blocks B/C and neighbouring properties, I also consider that the proposal would not have an overbearing impact on neighbours.
22. Whilst I note local residents' concerns about the likelihood of adverse affects of noisy behaviour of future students living on the site, I also recognise that the appellant proposes to provide continuous 24 hour management of the site. I see no reason why this would not ensure that the living conditions of occupants of neighbouring properties were not prejudiced.
23. Whilst I accept that this measure would not manage noise and behaviour when students entered and exited the site, this would be mainly limited to the access on North Road, a busy main road leading to the adjacent bus station and shopping area. I consider that this would be likely to limit any potential disturbance. Furthermore the appeal site is close to existing shops and take-away establishments and there is no substantive evidence before me to support concerns that the development would result in significant increases in both hot food outlets and litter levels within the locality. In any case if any such applications were to come forward they would need to be assessed on their own individual planning merits. Furthermore I note that the Council does not object to the proposal on these grounds.
24. Local residents have drawn my attention to an appeal decision APP/X1355/W/14/3002049 for student accommodation at the Kings Lodge Hotel, which was dismissed by the Inspector. I do not have full details of this scheme, but note that the hotel is located at the northern end of Waddington Street adjacent to the appeal site, which I saw on my site visit. In his appeal decision the Inspector found that the development would lead to a concentration of student accommodation which would be detrimental to the character of the area and the living conditions of neighbouring residents. However in paragraph 13 of his decision he refers to the development before me and cites that the schemes are not directly comparable, due to the significant heritage benefits that would be gained from the conversion and re-use of the vacant County Hospital site. In any case I must consider this appeal on its own individual planning merits.
25. I acknowledge that the area already has a very high concentration of properties used for student accommodation and the proposed development would add further student numbers to the local population. However I have found that the development would not result in a significant adverse impact on the living conditions of existing residents. In addition, whilst the Framework at paragraph 50 supports the creation of sustainable, inclusive and mixed communities, it also seeks sustainable development that preserves and

enhances heritage assets and brings empty, derelict buildings and brownfield sites back into viable use.

26. Consequently, taking all the above into account, I find that the proposal would not make a significant material difference to the living conditions of the occupiers of neighbouring properties and would therefore not conflict with LP Policies H13 and H16 or the Framework in this regard.

Other matters

27. A signed Section 106 Agreement was submitted to me at the Hearing (document 3). This includes the provision of a Targeted Recruitment and Training Scheme and improvements and enhancements to Wharton Park. The Agreement sets out the specific details of what the different contributions would provide.
28. I am satisfied that the provision of a Targeted Recruitment and Training Scheme would be appropriate for this large scale development, as it would be designed to create additional employment and training opportunities during the construction and/or end use of the development. I am also satisfied that future occupiers of the development would be likely to use the adjacent Wharton Park. I therefore conclude that the obligations set out within the Section 106 Agreement are necessary to make the development acceptable in planning terms, are directly related to the proposal and are fairly and reasonably related in scale and kind to the scheme, which satisfies the tests in the National Planning Policy Framework and Regulation 122 of the Community Infrastructure Levy 2010.
29. I recognise that many local residents would prefer that an alternative use for the site was considered such as the provision of family housing or a hotel. However no such alternative scheme is before me. I am only able to consider the scheme proposed and must determine it based on the evidence provided. Furthermore the Council has not objected to the proposal in this regard, unlike the Kings Lodge Hotel proposal, where it was one of the reasons for refusal. In any case I must consider this appeal on its own individual planning merits.
30. It has also been put to me by local residents that there is no need for this development as there is sufficient student accommodation within Durham. My attention has been drawn to the Council's emerging interim policy on student accommodation. Whilst I acknowledge local frustrations on this matter, this policy is only at an early stage of production and I was informed by the Council at the Hearing that it would not be formally examined as part of the Local Plan for some time. This emerging policy can therefore carry no weight in my decision.
31. There is no policy requirement to demonstrate need within existing LP Policy H16 and as such I am unable to consider need as a specific issue. In addition the Council does not object to the development on these grounds. Whilst reference has been made by third parties to Durham University's letter of objection, this relates to the previous planning application for the site. Whilst the developments proposed are similar, I note that the objection relates predominantly to character and appearance and is in fact supportive of the development of the site for purpose built student accommodation and the restoration of the original building.

32. I have no evidence that this development would free up existing housing currently used by students, which could then be used for families. However I recognise that the provision of a self-contained site with purpose built student accommodation and integral facilities would be likely to be an attractive proposition for students.
33. I was informed at the Hearing that land contamination is not an issue within the site and that surface water run off can be adequately managed through an appropriate drainage scheme. I also have no substantive evidence that highway safety or wildlife would be adversely affected by the development. In addition I note that the statutory organisations responsible for these matters have not raised any objections and I see no reason to disagree.
34. Concerns have been raised by local residents about the level of consultation and community involvement carried out by the appellant. Nevertheless I am satisfied that the necessary consultations and notifications as prescribed under planning legislation have been carried out by the Council.
35. I recognise that there would likely be noise and disturbance to existing residents from the demolition and construction works. However this would be temporary and the works could be adequately managed through the imposition of a condition requiring adherence to an agreed Construction Method Statement.
36. In relation to concerns raised that the proposed accommodation for the students would be cramped, the appellant informed me at the Hearing that the size of the rooms was to an acceptable standard and I have no reason to disagree.

Conditions

37. I have considered the conditions suggested by the Council in light of the advice given in the Planning Practice Guidance (PPG). As such I impose all of them with some slight amendments where necessary in the interests of precision and enforceability. I have also added a landscaping condition as discussed at the Hearing. I am satisfied that the conditions set out in my decision meet the tests within the PPG.
38. I attach a condition specifying the approved plans for the avoidance of doubt and in the interests of proper planning. A condition requiring details on the materials to be used for the development is necessary in the interests of the character and appearance of the area. Furthermore I impose conditions in relation to landscaping to ensure that appropriate planting is provided, trees and hedges to be retained are protected during construction and boundary treatments are appropriate, also in the interests of the character and appearance of the area.
39. I attach a condition requiring the inclusion of measures for bats and birds in the interests of conserving and enhancing nature conservation.
40. I attach conditions to ensure the site is adequately drained, noise levels are acceptable, opening hours for use of the student hub are restricted, lighting details are provided and the accommodation is properly managed so that the living conditions for existing neighbouring residents are protected. In addition a condition requiring a Construction Method Statement is necessary to

safeguard the living conditions of existing neighbours during the construction period.

41. Conditions requiring strategies for cycle parking and on-site refuse vehicle management are necessary in the interests of encouraging the use of sustainable transport and highway safety respectively.
42. I impose conditions requiring an archaeological investigation scheme and the completion of the restoration of the hospital building in the interests of preserving the historic environment.

Conclusion

43. For the reasons given above, and having considered all other matters raised, I conclude that the appeal should be allowed.

Y. Wright

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 13020 (08)001, 13020 (08)010 REV C, 13020 (06)010 REV A, 13020 (06)100, 13020 (06)101, 13020 (06)102, 13020 (06)103, 13020 (06)201, 13020 (06)202, 13020 (06)203, 13020 (06)204, 13020 (06)205, 13020 (06)206, 13020 (08)100, 13020 (08)101, 13020 (08)102 REV A, 13020 (08)103, 13020 (08)104 REV A, 13020 (08)110 REV B, 13020 (08)111 REV B, 13020 (08)112 REV B, 13020 (08)113 REV B, 13020 (08)114 REV B, 13020 (08)115 REV A, , 13020 (08)116 REV D, 13020 (08)117 REV C, 13020 (08)118 REV C, 13020 (08)119 REV B, 13020 (08)120 REV A, 13020 (08)201, 13020 (08)202, 13020 (08)203, 13020 (08)204 REV A, 13020 (08)205 REV A, 13020 (08)210 REV D, 13020 (08)211 REV B, 13020 (08)213 REV C, 13020 (08)214 REV C, 13020 (08)215 REV A, 1504-1-1 REV E AND 1504-1-2 REV E.
- 3) No development shall take place until samples of the materials to be used in the construction of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until full details of the location of the proposed bat loft and a scheme for the provision of 10 house sparrow terraces, have been submitted to and agreed in writing by the local planning authority. Thereafter the approved schemes shall be implemented prior to the development hereby permitted being brought into use. Mitigation and compensation contained within Part E of the submitted Breeding Bird Assessment shall be implemented in full.
- 5) No development shall take place until a scheme of noise mitigation that addresses sound emanating from the hereby permitted development including the student hub, has been submitted to and agreed in writing

- by the local planning authority. Development shall be carried out in accordance with the agreed scheme.
- 6) The student hub shall not be used, other than for maintenance, outside the hours of 0900 and 2200 on any day.
 - 7) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall include measures to control the emission of dust and noise, light mitigation, tree protection, compound location, traffic management and hours of working.
 - 8) No development shall take place until details of the proposed foul and surface water drainage for the site, including flow rates, oil interceptors and the method of disposal, have been submitted to and approved in writing by the local planning authority, taking full account of sustainable drainage principles and the hierarchy of preference, supported by a permeability test in accordance with BRE Digest 365. Reference should be made to the County Council's Surface Water Management Plan. The development shall not be occupied until the works have been carried out in accordance with the approved scheme.
 - 9) No development shall be carried out until an archaeological investigation scheme, including a work programme and timetable, has been submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme. The scheme shall provide for:
 - i) the identification and evaluation of the extent, character and significance of archaeological remains to evaluate areas of new build (post demolition in the case of the additions to Building 1 etc.);
 - ii) an assessment of the impact of the proposed development on any archaeological remains identified in the evaluation phase;
 - iii) proposals for the preservation in situ, or for the investigation, recording and recovery of archaeological remains and the publishing of the findings, if the evaluation identifies any significant archaeology;
 - iv) methodologies for an English Heritage style photographic survey incorporating photographic levels 1-2, 4-8 for buildings identified as significant in the supporting reports;
 - v) sufficient notification and allowance of time to archaeological contractors nominated by the developer to ensure that archaeological fieldwork as proposed in i) and iii) above is completed prior to the commencement of permitted development in the area of archaeological interest; and
 - vi) notification in writing to the County Durham and Darlington County Archaeologist of the commencement of archaeological works and the opportunity to monitor works.
 - 10) Prior to the occupation of the development hereby permitted, a copy of the report on any heritage analysis and/or publication shall be deposited at the County Durham Historic Environment Record and archiving

- required as part of the mitigation strategy shall be deposited at an agreed repository. This may include full analysis and final publication.
- 11) No site clearance, preparatory work or development shall take place until all trees and hedges indicated on the approved Landscape Masterplan to be retained, are protected by the erection of fencing, placed as indicated on the plan and comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts and supporting temporary welded mesh fencing panels or similar approved in accordance with BS 5837:2005. This protection shall remain in place for the duration of the construction period. No operations including the alteration of ground levels or storage of materials are to take place inside the fences and no work is to be done such as to affect any tree. No removal of limbs of trees or other tree work shall be carried out without the prior written agreement of the local planning authority. This protection shall remain in place for the duration of the construction period.
 - 12) No development shall take place until a tree protection strategy relating to the root protection area of tree T12, as identified on Landscape Proposals Drawing No 1504-1-2 Rev E is submitted to and approved in writing by the local planning authority. Development shall be implemented in accordance with the approved strategy.
 - 13) No part of the development hereby permitted shall be occupied until the completion of the restoration and conversion of the County Hospital building in full accordance with the approved plans.
 - 14) Prior to occupation of the development hereby permitted, an Accommodation Management Plan and Waste Management Strategy shall be submitted to and approved in writing by the local planning authority, and thereafter shall be implemented and adhered to at all times.
 - 15) Prior to occupation of the development, a refuse vehicle on-site management strategy shall be submitted to and agreed in writing with the local planning authority and thereafter implemented in accordance with the approved scheme.
 - 16) Prior to the occupation of the development hereby permitted, details of internal and external lighting, including fitting types, locations, illumination levels and light spill, shall be submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme.
 - 17) Prior to occupation of the development hereby permitted, details of cycle parking, including enclosure, security and cover shall be submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme.
 - 18) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the local planning authority.
 - 19) No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected, including railings protecting level changes associated with Blocks

B and C. The boundary treatment shall be completed before the buildings are occupied in accordance with the approved details.

APPEARANCES

FOR THE APPELLANT:

Mr A Williamson	Walker Morris LLP
Mr J Kitson	Walker Morris LLP
Mr S Chadwick	Planning consultant, Signet Planning
Mr C Fish	Sladen Estates Ltd
Mr N Hammond	Heritage Consultant, Archaeo-Environment
Mr A Walker	Architect, DLG Architects LLP
Mr J Freeman	Church Linkas
Mr J Bhogal	Unite Students

FOR THE LOCAL PLANNING AUTHORITY:

Mrs S Dyer	Historic Building Consultant
Mr P Herbert	Durham County Council
Miss L Renandon	Durham County Council
Cllr N Martin	Durham County Council
Cllr G Holland	Durham County Council

INTERESTED PARTIES:

Mr M Tanertine	Reporter for the Northern Echo newspaper
Mr R Cornwell	City of Durham Trust
Ms B Ravelhofer	Local resident
Mrs J Levitas	Local resident
Mr M Reed	Local resident
Mr K Turrington	Local resident
Mr N Rippin	On behalf of local MP Roberta Blackman-Woods

Mr A Gemmill	Local resident
Mrs G Gemmill	Local resident
Ms J Brown	Local resident
Ms M Pearson	Local resident
Mr B Kelly	Local resident
Ms J Murrell	Local resident
Dr R Fong	Local resident
Mr M Sales	Local resident
Ms J Gill	Local resident
Mr J Ashby	Local resident
Mr D Pocock	Local resident
Ms J Hixson	Local resident
Ms S Ogilvie	Local resident
Mr S Priestley	Local resident
Ms F Armstrong	Local resident
Ms A Allington-Smith	Local resident
Ms S Knowles	Local resident
Mr J Lowe	Local resident
Ms A Evans	Local resident
Mr G Pearson	Local resident
Ms J Rogers	Local resident

DOCUMENTS SUBMITTED AT THE HEARING:

- 1 Legal Update Note submitted by the appellant regarding the use of potential alternative schemes as a material planning consideration
- 2 Evidence showing dimensional discrepancies in the Council's statement of case
- 3 Signed Section 106 agreement
- 4 Comments on the Statement of Common Ground from the City of Durham Trust and the Crossgate Community Partnership