



DRAFT STATEMENT OF COMMON GROUND

IN RELATION TO APPEAL BY PEVERIL SECURITIES AGAINST
THE REFUSAL OF DURHAM COUNTY COUNCIL TO PERMIT AN
APPLICATION FOR THE CONVERSION OF A FORMER HOSPITAL
AND ITS EXTENSION TO FORM 89 STUDENT STUDIOS; THE
ERECTION OF STUDENT ACCOMMODATION BUILDING TO
INCLUDE 309 BEDROOMS; DEMOLITION OF OUTBUILDINGS
AND EXTENSIONS AND CREATION OF CYCLE STORE; PARKING
AND ALTERED SITE ACCESS

FORMER COUNTY HOSPITAL SITE, NORTH ROAD, DURHAM



SIGNET PLANNING

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SECTION 1: INTRODUCTION

1.1 This Statement of Common Ground has been prepared in accordance with the 2014 Appeals Procedures Regulations between the planning authority, Durham County Council, and the appellant, Peveril Securities. It sets out the matters that are agreed between the planning authority and the appellant in connection with an appeal made against the Council's refusal of planning permission for development of a student accommodation scheme on the former County Hospital site North Road, Durham. In accordance with the Regulations the statement sets out the common ground on the following headings:

1. The drawings comprising the appeal proposals.
2. The appeal site description and planning history.
3. The consultation and determination process of the application.
4. Planning policies relevant to the appeal.
5. Matters agreed.
6. Matters in dispute.

1.2 The appeal arises from the refusal of planning permission for the development of the County Hospital site by Durham County Council at its planning committee meeting of 26 April. The officer's report to committee is within the appeal papers but is at Appendix 1. The Council committee members accepted the officer's recommendation and the two reasons for refusal it proposed. The reasons for refusal are therefore as follows:

- "1. The local planning authority considers that the proposed accommodation block fronting Waddington Street would, by reason of its height, scale and massing, fail to preserve or enhance the character and appearance of this part of the Durham (City Centre) Conservation Area and would therefore be harmful to its significance, and furthermore, would have an over dominant impact on a non-designated heritage asset to the detriment of its significance within its setting. This would be contrary to Policies E6, E21, E22, H13 and H16 of the City of Durham Local Plan and the objectives of Part 2 of the NPPF.**

2. **The local planning authority considers that the proposed accommodation block fronting Waddington Street would, by reason of its height, scale and massing, have an overbearing impact on those living closeby, diminishing the level of residential amenity that they can reasonably expect to enjoy. This would be directly contrary to the objectives of Policy H13 and H16 of the City of Durham Local Plan”.**

SECTION 2: THE APPEAL SCHEME

2.1 The drawings which formally comprise the appeal proposals are those that arose from amendments to the scheme that were made in April 2014. The application for the development of the County Hospital site was originally made by the appellant in January 2014 and was the subject of a number of amendments – these are discussed in section 4 of this statement.

2.2 The drawings therefore that are agreed to comprise the appeal are as follows:

Insert

2.3 The other documents that were submitted that comprised the application are included within the appeal papers and are the following:

Insert

2.4 The correspondence that accompanied the amendment process is attached in Appendix 2.

SECTION 3: THE APPEAL SITE DESCRIPTION AND PLANNING HISTORY

Note: Andrew – this section is a combination of the description of site in Peter Herbert’s report and the “site” section of the planning support statement.

- 3.1 The appeal site is __ hectares in size and is located in the north-western part of Durham city centre within 250m of the main railway station which is to the south-west. The main feature of the site is the vacant former hospital building in its central and northern part which has been the subject of various alterations and extensions dating back from 1850. This former County Hospital is an unlisted Victorian building and lies within the north-western corner of Durham City Centre Conservation Area. In its original form the hospital was typical of mid-19th Century institutional country house architecture reflecting the fashion of the time for Jacobethan building forms. The original building comprised an ‘H’ plan with prominent ornate gables, tall chimneys and a central bell tower, its setting enhanced by an open feel position within the terrace to the front.
- 3.2 The original hospital was extended to the west in 1867 to provide a convalescent wing and to the north in 1886 to provide additional wards whilst in 1896 a separate mortuary was constructed to the north of the main building. Nurses’ accommodation was added in 1914 in the form of a free standing building to the south-west of the main hospital (which is the northern part of the site) and an operating theatre extension was added to the east in 1919.
- 3.3 During the 1930s a number of adhoc extensions were added as a short term solution to accommodation needs whilst in 1938 the Rushford Wing and its linking buildings were erected. This three storey flat roof block runs along the south, west and southern site frontages masking the original building. More recently in the late 1960s a semi-circular projecting first floor lounge was added to the northern end of the Rushford Wing and a single storey flat roof plant room was built next to the vehicular entrance to the site adjacent to the junction between North Road and Sutton Street.

- 3.4 The site is broadly diamond shape with North Road running along the boundary from the eastern point to the northern point. Ainsley Street runs along the boundary from the northern point to the western point with Waddington Street running from the western point to the southern point and Sutton Street running from the southern point to the eastern point joining on to North Road. The site has heavy mature landscaping (deciduous trees) around its boundaries particularly those adjoining Waddington Street and Sutton Street to the south. The site rises approximately 15m in height between the southern-most tip up to the northern-most tip with the central section of the site being relatively level with steeply sloping sections adjacent to the site boundaries.
- 3.5 The area around the site comprises mainly residential properties which have mainly been built in the Victorian era. To the north of the application site terraced housing rises steeply at Western Hill; to the north-east large detached properties climb North Road with the elevated Victorian Wharton Park opposite. To the north-west lies open wooded area of Flass Vale which includes a local wildlife site with the Kings Lodge Hotel and the former Waddington Street Arriva bus garage currently under redevelopment for housing standing at the Vale's entrance. To the south-east runs Sutton Street with the 1855 Grade II listed railway viaduct beyond beneath which stand terrace properties. To the south-west runs Waddington Street containing the United Reform Church and further terraced housing. The Durham World Heritage site designated in 1986 runs just over 620m to the south-east. This includes Durham Cathedral, Durham Castle and many of the University buildings.
- 3.6 There is no relevant planning history specific to the application site. The officer's report to committee describes other applications in the vicinity of the site. It refers to an extant planning permission for the conversion of the Kings Lodge Hotel (immediately to the south-west of the site) for student accommodation. ***Andrew is there an update on this?***

SECTION 4: THE CONSULTATION AND DETERMINATION PROCESS

- 4.1 The Council and the appellant's consultants entered into a formal pre-application process and also there was a public consultation exercise carried out in relation to the potential development of the site. The Council's planning officers were consulted about the extent of the pre-application exhibition and meetings with key stakeholders that is described in the Statement of Community Involvement. This is agreed to be an accurate description of the pre-application consultation process.
- 4.2 The SCI refers to three options for the development of the site for student accommodation that were consulted upon. There was no clear support for any of the three options put forward; however the 'three block' option (option ___ in the SCI) was the one that received most support in principle from local residents and stakeholders.
- 4.3 There were though a number of differing views about the strategy for the potential redevelopment of the site arising from pre-application consultations with Durham County Council and the stakeholders. As a result it was agreed between planning officers and the appellant that to try and concentrate the disparate opinions about the development of the site a planning application should be submitted. The application was therefore submitted on ___ January 2014 and the layout of the submitted scheme (see the site layout plan in Appendix 3) was based upon the 'three block' option that formed part of the consultation exercise.
- 4.4 After the submission of the application planning officers expressed the view that they did not support this three block option and preferred a 'single block' solution which ran along the southern part of the site parallel to Waddington Street. The applicant, whilst not agreeing with this view decided to amend the application to provide the single block solution which officers had requested. This amended scheme was submitted to the Council on ___.
- 4.5 The Council consulted on the single block solution and it was clear there was considerable opposition to it, including from English Heritage. Further meetings were held between the appellant and officers in the light of this opposition. Officers

expressed a view that they did not support the scheme because of the scale and massing of the single block.

- 4.6 A meeting was held between the appellant and officers on ____ and a series of options were tabled to seek to overcome the officers' concerns about the single block solution, particularly its scale and massing. These options included the potential to split the single block into either two or three blocks but with the new built form remaining concentrated along the southern part of the site parallel to Waddington Street. The most potential was seen in the two block solution and further discussions took place on that prior to the submission of the formal amendment to the application in April 2014.
- 4.7 A meeting was held with the Chief Planning Officer and Chief Executive on 15 May 2014. The Chief Planning Officer expressed the view at that meeting that the April amended scheme was close to being acceptable and that it would be possible to make minor amendments to that scheme whilst maintaining the number of bedrooms for students that was important for the viability of the scheme. (See relevant correspondence in Appendix 4).
- 4.8 A further meeting was held with officers and English Heritage on 23 May 2014. This sought to establish what changes to the April 2014 scheme would be necessary to secure the support of planning officers. The meeting notes and correspondence relating to that meeting is attached at Appendix 5. A letter was sent from the Council to the appellant dated 19 June which stated that either the application should be withdrawn and discussions take place about further amendments or the application would be determined at the July planning committee meeting. The appellant responded to that letter and this led to the refusal of the scheme in July.

SECTION 5: PLANNING POLICIES RELEVANT TO THE APPEAL

5.1 The planning policies relevant to the appeal are contained in the National Planning Policy Framework. The Development Plan comprises the saved policies of the City of Durham Local Plan of May 2004. There is emerging policy in the County Durham Plan which is shortly to be the subject of an Examination in Public. The key elements of the policy documents regarded as relevant are as follows.

NPPF

5.2 The following sections of the NPPF (and related NPPG):

- Paragraphs 6 – 16 relating to sustainable development.
- Paragraph 17 – the core planning objections.
- Section 7 – Requiring Good Design.
- Section 12 – Conserving and Enhancing the Historic Environment.
- Paragraphs 186 – 206 – decision taking.
- Annex A – weight to be attached to existing and emerging plans.

2004 City of Durham Local Plan

5.3 Given the advice in Annex A of NPPF full weight cannot be given to the City of Durham Local Plan policies as they are not up to date. However, it is accepted that the policies relating to conservation are generally in accordance with the intentions of Section 12 of the NPPF. The policies considered relevant to the application are those set out in the planning officer's report to committee and are:

E4; E6; E14; E16; E21; E22; E23; H13; H14; H16; T1; T10; T20; T21; Q1; Q2; Q5; Q15; U5; U8A and U14.

The wording of the policies is attached at Appendix 6.

2014 Submitted County Durham Plan

- 5.4 The policies in this plan carry some weight as they have progressed through stages of public consultation to submission stage. The relevant policies are 1, 2, 6 and 32.

SECTION 6: MATTERS AGREED

6.1 Arising from the submission and determination process of the application, the following matters are agreed:

1. There is no policy objection to the principle of the development of the site to provide student accommodation.
2. The retention of the main County Hospital building and the appeal proposals for its conversion to student accommodation.
3. The principle of locating new build development as a replacement for the Rushford Wing in the southern part of the County Hospital site between the relevant hospital building and Waddington Street/Sutton Street.
4. The principle of a 'two block' scheme being sited to the southern part of the County Hospital.
5. The strategy for car parking, cycle parking, landscaping and tree retention.
6. There is no issue of the need for student accommodation of the level proposed between the appellant and the planning authority.
7. The internal layout of the blocks (both retained and new) is accepted as providing viable and operational student accommodation – the Council accepts the letter dated ____ from the potential operator of the facility - Victoria Halls.
8. The separation distance from the new blocks on the southern part of the site to the nearest properties on Waddington Street is ____m. The proposed new blocks and properties on Waddington Street are separated by a belt of deciduous trees. The new blocks are situated approximately 15m above the level of properties on Waddington Street. The Waddington Street properties lie to the south of the two proposed accommodation blocks.

9. The relative building heights as depicted on appeal drawing __ is accepted as being correct.

10. A model was prepared of the appeal scheme which is accepted as being accurate.

11. The scale and massing of block A – the block closest to the junction of Waddington Street and Sutton Street.

12. The external appearance of the two proposed new build blocks.

6.2 English Heritage was consulted throughout the determination process of the application and the appellant is endeavouring to complete a separate Statement of Common Ground with EH. It is accepted by both parties that the overall judgement of EH in its letters dated __ and __:

- EH objects for the reasons it gives in those letters.
- The scheme is though agreed not to significantly harm the setting of the listed railway viaduct to the south of the site.
- The proposed development causes less than substantive harm to heritage interests so therefore the process which should be undertaken in the determination of the appeal is that advised in paragraph 134 of the NPPF.

6.3 It is agreed that the economic benefits of the scheme are those set out in the appellant's statement on economic benefits dated __ and as listed in the letter from the appellant to the Council dated __.

SECTION 7: MATTERS IN DISPUTE

- 7.1 The key issue in dispute is that set out in the reasons for refusal which is the height, scale and massing of certain parts of the new build accommodation proposed to the south of the County Hospital building as a replacement for the Rushford Wing.
- 7.2 In this regard it is the upper most proposed new block (referred to as block B on plan and correspondence) which is of concern to the Council.
- 7.3 The specific difference between the parties are described in the notes of the meeting of 23 May (see Appendix 5). The Council considers the upper and middle sections of block B to be too high by one complete storey and are of the view that the remaining upper storey of those sections of the building should be set back – this difference is set out in plans attached in Appendix 7.
- 7.4 The difference between the parties is the impact of the height, scale and massing in cumulative terms and on to Waddington Street.

