



**CITY OF DURHAM  
PARISH COUNCIL**

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21 May 2020

Dear Mr Hopper,

**DM/20/00873/FPA | Demolition of the former North East Motorcycles showroom and construction of a three storey building, and construction of a three storey residential building on the land to the rear to create 16 self-contained C3 apartments | North East Motor Cycles Darlington Road Durham DH1 4PE**

The City of Durham Parish Council considered this application at its meeting on 15<sup>th</sup> May and agreed to object to this application.

The application seeks permission for the demolition of the (vacant) former North East Motorcycles showroom, which forms part of the street of buildings on Cross View Terrace facing the A167 Darlington Road. The application also seeks permission for the development of two three storey residential buildings; one ("site A") proposed to be located on the site of the former showroom and the other ("site B") on the area of waste ground to the rear (south west) of the terraced properties on Cross View Terrace. Site B is overlooked on two sides by the rear of houses on both Cross View Terrace and A690 Neville's Cross Bank.

First, the City of Durham Local Plan policy Q8 requires new residential development to provide, amongst other things, adequate amenity for each dwelling and to minimise the impact of the proposal upon the occupants of existing nearby adjacent properties. The gable elevation of site B would be within very close proximity of the gable elevation to the rear of the properties on Cross View Terrace and Neville's Cross Bank where there are ground floor and first floor windows to the rear of all of the properties.

The Parish Council also believes that the scale and bulk of the proposed building at site B would have a significant adverse impact upon the amenities of occupants of the existing and adjacent properties and would fail to provide adequate amenity for those occupants, as required by policy Q8 and its supporting text.

The supporting text to Local Plan policy Q8 further states that the required distance standards between buildings where elevations with windows oppose blank **two storey gable elevations** should

be 13 metres and windows opposing windows should be 21 metres. This distance is imperative both in the interests of privacy and to prevent intrusive overlooking and, more widely, but of equal importance, in terms of providing adequate sunlight and daylight. Indeed, that same paragraph continues, stating that main rooms should “also receive adequate sunlight and daylight”. The proposed buildings are even higher which further adds to the Parish Council’s belief that this breaches policy Q8. It should also be noted that the map provided on page 5 of the applicant’s own Design and Access Statement clearly illustrates how, at various points, site B comes closer than the prescribed 13 metres distance from opposing and adjacent properties which have been extended to the rear. Whilst the space between the opposing gable elevations does open up at various stages of site B, the distance between site B and the rear of properties on Cross View Terrace and Neville’s Cross Bank would nevertheless remain limited.

Furthermore, the Parish Council understands that the windows to the rear of all properties on Cross View Terrace and Neville’s Cross Bank serve the kitchen / dining / living room of each property and it seems reasonable that these rooms can be considered to be main rooms. Thus, in the context of Local Plan policy Q8, they should receive adequate sunlight and daylight in line with the supporting text to Local Plan policy Q8.

The orientation of the existing residential properties and site B relative to each other, and to surrounding buildings and landform, is significant in this instance and exacerbates the effects of the limited space between each other.

Secondly, site B is backland and tandem development. Local Plan policy H10 clearly states that: “development of backland and tandem sites will not be permitted unless the amenities of both the new and existing dwellings are not adversely affected and it is in keeping with the character, density, and scale of surrounding or adjacent development”. The Parish Council believes that site B is clearly contrary to the objectives of this policy.

Thirdly, the Parish Council is concerned that the applicant is looking to take advantage of the private student rental market that exists in Durham City. It is the Parish Council’s view that the use of these sites for yet more student properties would fail to promote the creation of sustainable, inclusive and mixed communities and maintain an appropriate housing mix in this part of our Parish. It is therefore contrary to policy H13 of the City of Durham Local Plan which states that *“planning permission will not be granted for new development or changes of use which have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them.”*

Furthermore, part B of the Interim Policy on Student Accommodation deals specifically with the issue of PBSAs. The Interim Policy states: *“any proposal will be required to demonstrate that there is a need for additional student accommodation. Developers should demonstrate what specific need the proposal is aimed at and why this need is currently unmet”*. This application does not specifically mention students and there is no sign that the applicant has consulted with the University to assess the need for such accommodation.

It should also be noted that the proposed development is located within very close proximity to the two Purpose Built Student Accommodation (PBSA) buildings known as *Duresme Court* and *Ward Court*. Nearby residents have already reported the detrimental impact on their local community

caused by the anti-social behaviour of students housed in these PBSAs within the immediate locality. Paragraph 91 of the National Planning Policy Framework (NPPF) encourages policies that *“achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion”*. The Parish Council believes that allowing further student accommodation in this case would further propagate an unbalanced population to the detriment of the character of this area and is therefore contrary to Paragraph 91 of the NPPF. In order to overcome this, the Parish Council believes that a condition must be attached to both sites which stipulates that all first and future occupancy of each of the proposed dwellings is restricted to residents over the age of 55 only, should you be minded to approve this application.

Whilst it is accepted that the proposed development would achieve the required car parking standards for the number of dwellings proposed, it should be noted that none of these car parking spaces includes the provision of electric vehicle charging points. The 2019 revision of the County Durham Parking and Accessibility Standards covers requirements for provision of electric vehicle charging points (and Policy T3 of the emerging City of Durham Neighbourhood Plan extends this to other personal electric transport modes). Section 2.4.2 of the Parking and Accessibility Standards clearly states: *“to help us (the County Council) plan for the increased adoptions of EVs whilst meeting sustainable travel objectives, a proportion of the total parking provision in new developments (residential and non-residential) will be allocated to EV charging points (EVCPs)”*. It should be noted that there is currently no public provision for EVCPs at all in the Neville’s Cross area.

In addition, section 14 of the NPPF states that 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 and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development. Therefore, provision should be made for EVCPs for this development should you be minded to approve this application.

Moreover, the provision of secure long-term cycle storage for only 6 bikes is inadequate for a scheme which proposes 3 x 1-bed and 13 x 2-bed flats in total. The 2019 revision of the County Durham Parking and Accessibility Standards clearly states that: *“where residential units form a block (such as flats or purpose built student accommodation), a minimum of 2 long stay cycle spaces per 5 bedrooms (40%) should be provided as well as 1 visitor space per 10 bedrooms (10%)”*. It further adds: *“where offsite provision cannot be provided such as on flats and PBSAs, 20% of available spaces are to be fitted with an active 'slow' charge point”*. This application contains no recognition of this requirement and is therefore contrary to policy T3 of the emerging City of Durham Neighbourhood Plan which states: *“cycle parking should be provided at the rates required by the County Durham Parking and Accessibility Standards. The space and access should, if possible, be adaptable for storing other mobility aids, such as powered wheelchairs, mobility scooters, children's buggies and prams. Electric power must be available to allow recharging of powered mobility aids and e-bikes.”*

As noted earlier, both sites A and B are located within very close proximity to nearby existing residential properties. If you are minded to approve this development, the Parish Council would

expect the application to include a demolition and construction working practices strategy that includes (but not exclusively) dust, noise and light mitigation; compound location (if applicable); traffic management and hours of working, etc. This is imperative in the interests of public health, highway safety and amenity and in accordance with the objectives of Local Plan policies E14 and T1.

If you are minded to approve this application, it will also be imperative that the applicant provides a noise mitigation scheme to protect future occupiers and nearby residents from excessive noise. The development must not be occupied until full details of this noise mitigation scheme has been submitted to and approved by Durham County Council. The approved scheme must be permanently retained thereafter in the interests of residential amenity in accordance with Local Plan policy H16.

The Parish Council notes that a Preliminary Ecological Appraisal (PEA) of the site has been submitted with the application in order to identify any adverse ecological effects arising from the proposed development. This PEA has identified that the existing showroom building has multiple bat roost features. The Parish Council agrees that the proposed number of bat activity surveys are needed to identify any potential roosts and species present in and around the development area and the existing building during the bat activity survey season which runs from April – September prior to any demolition or construction taking place.

A Phase 1 Site investigation has also been carried out ahead of this application being submitted. It concludes that the site may have been exposed to some contamination with construction/demolition waste being the most likely source. The Parish Council believes that a condition ought to be attached to this development should you be minded to approve this that a ground gas assessment as well as Phase 2 intrusive investigations must be carried out ahead of any development taking place.

The Parish Council also believes that a development of this size and scale should be accompanied with a Section 106 obligation on the developer, specifically to address the growing urbanisation of the locality and the loss of green infrastructure as a result.

As a final point, the online planning portal does not yet include a list of neighbours consulted on this application. If not do so already, the Parish Council asks that a consultation letter also be sent to the landlords of the sheltered housing on Neville's Cross Bank.

In conclusion, in applying the requirements of paragraph 11 of the National Planning Policy Framework, the Parish Council considers the adverse impacts of this proposal on the living conditions of nearby residents would significantly and demonstrably outweigh the limited benefits. This application should therefore be refused.

Yours sincerely,

**Adam Shanley**  
**Clerk to the City of Durham Parish Council**