



**CITY OF DURHAM  
PARISH COUNCIL**

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14 April 2021

Dear Mr Dalby,

**DM/21/00669/FPA | Conversion of vacant dwelling to provide 4no. 2 bedroom residential apartments (C3), single storey extension to side, various external alterations, associated dual vehicle access points, off-street parking and landscaping. | 115 Gilesgate Durham DH1 1QG**

The City of Durham Parish Council considered this application at its meeting on Thursday 1<sup>st</sup> April 2021 and agreed to object to this application.

### **Description of the proposal**

Full planning permission is sought for the conversion and extension, as well as associated access, parking and landscaping works of this site.

Although unlisted itself, 115 Gilesgate is a non-designated heritage asset, which dates back to the 19th Century and is located within the boundary of the Durham (City Centre) Conservation Area and Character Area 5, Gilesgate (St Giles Borough).

The application site is also located with close proximity of several listed buildings and sits within the townscape setting of the Durham Cathedral and Castle World Heritage Site (WHS). The area has a dramatic setting resulting from the steeply rising land within Gilesgate from which the World Heritage Site monuments can be seen from numerous vantage points.

Although the rear of this site is in a derelict condition, the main building still contributes positively to the street scene of this part of the conservation area along a principal route into the city centre.

From the documentation submitted, it is unknown if any external alterations are proposed to the main building. Furthermore, the application does not contain any information on the proposed materials to be used as part of this development nor any specific details of the proposed re-surfacing and landscaping to the rear of the main building.

## **Planning Policy**

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) operates under a presumption in favour of sustainable development. It states that development proposals, which accord with the development plan, should be approved without delay. The adopted Development Plan where the site is located comprises the planning policies of the County Durham Plan (CDP).

In accordance with paragraph 48 of the NPPF weight may be given to the policies in emerging plans, depending on: the stage of preparation of the plan, the extent to which emerging policy aligns with the NPPF and the extent of unresolved objections to the emerging plan. The Durham City Neighbourhood Plan has undergone an Independent Examination, a Decision Notice has now been published by the County Council and a referendum date set for 6<sup>th</sup> May 2021. Consequently, in accordance with the Coronavirus regulations, the Neighbourhood Plan can be given significant weight in decision-making, so far as the plan is material to the application.

## **Development Plan**

The following Policies are considered relevant to this proposal:

### *County Durham Plan (2020)*

Policy 6 – Development on Unallocated Sites in the Built Up Area

Policy 21 – Delivering Sustainable Transport

Policy 29 – Sustainable Design

Policy 31 – Amenity and pollution

Policy 44 – Historic Environment

Policy 45 - Durham Castle and Cathedral World Heritage Site

## **Emerging Policy**

### *Durham City Neighbourhood Plan (2021)*

Policy H1 - Protection and Enhancement of the World Heritage Site

Policy H2 - The Conservation Areas

Policy S1 - Sustainable Development Requirements of all Development and Re-development Sites Including all New Building, Renovations and Extensions

Policy T1 - Sustainable Transport Accessibility and Design

## **National Planning Policy Framework (NPPF)**

The revised National Planning Policy Framework 2019 (NPPF) sets out the Government's Planning Policy for England, replacing the previous NPPF (March 2012). The NPPF is a material consideration and significant weight is given to this Policy Document.

The following elements of the NPPF are considered relevant to this proposal:

NPPF Part 9 Promoting Sustainable Transport - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.

NPPF Part 11 Making Effective Use of Land - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.

NPPF Part 12 Achieving Well-Designed Places - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.

NPPF Part 16 Conserving and Enhancing the Historic Environment - Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

## **Appraisal**

115 Gilesgate is currently vacant and the (redundant) rear outbuildings and surrounding land are in a very poor state of repair, following the demolition of former industrial buildings in 2013. The rear outbuildings have also been developed haphazardly over the years. As a result, the Parish Council fully supports in principle an opportunity to have the site regenerated in a sympathetic manner which ensures that the main building holds dominance and its distinctive 19th century Gothic detailing and architectural character are retained.

As stated previously, the building is a non-designated heritage asset. Policy 44 of the County Durham Plan is clear that: *“development will be expected to sustain the significance of designated and non-designated heritage assets, including any contribution made by their setting. Development proposals should contribute positively to the built and historic environment and should seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets whilst improving access where appropriate.”*

This approach displays a broad level of accord with the aims of the NPPF, paragraph 197 of which clearly states that: *“the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”*

Based on the information in front of us at present, the Parish Council fully endorses the conclusions of the County Design and Conservation Officer on this proposal, specifically that: *“this will provide an enhancement to the significance of the non-designated heritage asset, the character and*

*appearance of the surrounding CA and the setting of nearby listed buildings. By default, the proposal would provide a slight benefit within the townscape setting of the WHS. It would not harm view, towards, from or across the WHS or impact upon its Outstanding Universal Values conserving its significance in this respect. The application is therefore considered to be in accordance with Sections 12 and 16 of the NPPF, Policies 29, 44 and 45 of the County Durham Plan and Policies of S1, H1 and H2 of the Neighbourhood Plan”*

Policy 31 of the CDP is clear that: *“Proposals which will have an unacceptable impact such as through...noise...will not be permitted unless satisfactory mitigation measures can be demonstrated.”* This approach displays a broad level of accordance with the aims of the NPPF, paragraph 180 of which clearly states that: *“Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should...avoid noise giving rise to significant adverse impacts on health and the quality of life.”*

The Parish Council notes the conclusion of the Nuisance Action Team to this proposal and specifically that: *“Prior to beneficial occupation of the premises a scheme of sound proofing measures shall be installed in compliance with Approved Document E - Resistance to the passage of sound The aim of the scheme shall be to ensure that the noise insulation of walls/floors between the adjoining room shall be sufficient to prevent excessive ingress of noise.”* The Parish Council fully supports this conclusion and believes that this can be easily dealt with through the introduction of an appropriate planning condition.

The main planning consideration for this development however relates to the accessibility to and from the site. In terms of the site layout, the proposed design shows dual access is being planned as part of this development, with the applicant intending to retain access / egress to the site from the A181 Gilesgate and from St Giles Close leading from the A181. The through road exits at St Giles Close onto a very narrow road and the front doors of the properties at St. Giles Close step out directly onto the highway. Objection letters from local residents in this area highlight this issue.

Policy 6 of the CDP clearly 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 will not be prejudicial to highway safety”*

Furthermore, Policy T1 of the Neighbourhood Plan states that: *“New access roads and residential streets, and alterations to existing ones, should include, where appropriate...measures to minimise car traffic and should exclude through-routes for motor vehicles”*

The County’s Highways Development Management team has given a clear verdict on this application. It states: *“I have significant concerns about the proposed use in relation to road safety and congestion. Should a vehicle enter from the A181 Gilesgate and be met by an opposing vehicle it may as a result reverse into the A181. Given the volumes and type of traffic this would not be acceptable.*

*Additionally a vehicle may wait to turn right from the A181 Gilesgate (east bound) and be prevented from doing so by a vehicle waiting to turn out of the access. This could quickly create queuing and delay on Gilesgate A181 east bound given the p.m. peak hour flows. In order to address this issue it is recommended that access to the site is only taken from St Giles Close, and egress only permitted onto A181 Gilesgate. (i.e. a one way system). For this strategy to be workable the applicant would need to demonstrate how a service vehicle (including a fire tender) could negotiate the narrow access. The access road to the front of units 131 and 132 is unadopted. It is narrow and in poor condition. It is noted that residents use this access for parking vehicles. It is not included in the applicants red line boundary and therefore the applicant should clarify how he is to secure access and how parked vehicles are to be addressed. Any potential for this access to be obstructed could not be supported. I would require further detail of use of the St Giles Court access before I could support the application”.*

In view of the responses from both Highways and Durham Police, it is clear that this proposal is contrary to CDP Policy 6 and Neighbourhood Plan Policy T1 and is therefore completely unacceptable from a highways perspective. These Policies are supported through the NPPF, paragraph 108 (b) of which clearly states that: *“in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that safe and suitable access to the site can be achieved for all users”*. Paragraph 109 of the NPPF continues: *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.”*

## **Conclusion**

The main planning considerations in determining this application have been set out and considered above. Whilst the Parish Council supports in principle efforts to regenerate this derelict area, it is clear that the scheme as proposed is completely unacceptable from a highways perspective and is contrary to key elements of the County Durham Plan, the Neighbourhood Plan and the NPPF. This application should therefore be refused without delay.

However, should you be minded to approve this application, we would wish this application to be called in to the Central and East Area County Planning Committee so that we may put our case to Councillors.

Yours sincerely,

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