

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/16/01896/FPA
FULL APPLICATION DESCRIPTION:	Erection of three terraced 6 bedroom properties for either occupation as houses in multiple occupation use (use class C4) or as family houses (use class C3) with associated alterations (amended description)
NAME OF APPLICANT:	Mr Paul Copeland
ADDRESS:	24 The Avenue, Durham, DH1 4ED
ELECTORAL DIVISION:	Neville's Cross Susan Hyde
CASE OFFICER:	Planning Officer 03000 263961

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is a parcel of land extending to 473 square metres that sits between 24 and 25 The Avenue, within the Durham City Centre Conservation Area. The land is garden space associated with number 24 which has remained undeveloped following the sporadic construction of the surrounding terraces that began in the 1800's. Site levels slope downwards from south east to north west with the dwellings on this part of The Avenue having an additional storey on the rear elevation due to the change in levels. Terraced properties align the west side of the street while the opposite side of the street to the east has larger detached and terraced dwellings set within gardens.
2. In the wider perspective, further terraced properties of varying scale and mass sit to the north, north east and south west, while larger properties sit in an elevated position to the south on the opposite side of the street. A mature tree would be maintained to the northwest corner.

The Proposal

3. This application proposes the construction of three 6 bedroom terraced properties in between the existing properties numbers 24 and 25 with the terraced properties being physically attached to numbers 24 and 25. The proposed properties are two storeys on the front elevations with a bay ground floor window and a dormer window in the roof space. On the rear elevation they are three storeys with a dormer window in the roof.

4. The proposal is for each of the dwellings to be occupied as either a C4 dwelling in multiple occupation or a C3 family dwelling. Internally each of the properties provides 6 bedrooms and 8 bathrooms with combined living and dining rooms at basement level. The internal floor plan reflects a C4 house in multiple occupation rather than a C3 family house due to the room arrangements. The application is a resubmission of two earlier similar planning permissions for the same development in 2009 and 2012. Both of these earlier consents have expired.
5. The application is before Members at the request of Councillor Nigel Martin on the grounds that this is a substantial site in the local area that has remained undeveloped for some time. There is concern about whether this site should be occupied as an HMO as this area requires more family housing. In addition there are concerns about parking and access to the rear of the site near May Street.

PLANNING HISTORY

4/09/00756/FPA Erection of 3 no. two storey terraced dwellings with basement and attic accommodation. Approved 16th December 2009

4/12/00936/FPA Proposed extension of time limit for implementation of 09/00756 for three terraced dwellings. Approved 19th December 2012. This consent included a condition that limited the occupation of the buildings to C3 family dwellings only.

PLANNING POLICY

NATIONAL POLICY:

- 6 The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
- 7 The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'.
- 8 The following elements are considered relevant to this proposal;
- 9 NPPF Part 4 Promoting Sustainable Transport. Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
- 10 NPPF Part 6 Delivering a wide choice of high quality homes. To boost significantly the supply of housing, local planning authorities should use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period.

- 11 NPPF Part 7 Requiring Good Design. The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 12 NPPF Part 11 Conserving and Enhancing the natural Environment. The planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 13 NPPF Part 12 Conserving and Enhancing the Historic Environment. The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

The above represents a summary of the NPPF considered most relevant the full text may be accessed at: <http://www.communities.gov.uk/publications/planningandbuilding/nppf>

LOCAL PLAN POLICY:

City of Durham Local Plan

- 14 Policy E6 Durham City Centre Conservation Area sets out the Council's aim to preserve the character, appearance and setting of the Durham City Conservation Area by ensuring high quality design.
- 15 Policy E14 Existing Trees and Hedgerows sets out that a full tree survey will need to be carried out to accompany planning applications when development may affect trees inside or outside the application site.
- 16 Policy E14 existing Trees and Hedgerows requires development proposals to retain important groups of trees.
- 17 Policy E22 Conservation Areas sets out that the Local Authority seeks to preserve and enhance the character and appearance of the conservation area by ensuring that development proposals should be sensitive in terms of siting, scale, design and materials where appropriate reflecting existing and architectural features.
- 18 Policy H2 New Housing in Durham City requires that new housing is in keeping with the traditional character and setting of the city
- 19 Policy H9 Multiple Occupation/Student Households seeks to ensure that buildings in multiple occupancy do not adversely affect the character of the area, the amenity of nearby residents and the concentration of sub-divided dwellings to the detriment of the range and variety of the local housing stock.
- 20 Policy H16 (Residential Institutions and Student Halls of Residence) relates to the appropriateness or otherwise of such developments.
- 21 Policy H13 The Character of Residential Areas sets out that planning permission will not be granted for new development or changes of use that will have a significant adverse effect on the character and appearance of residential areas, or the amenities of residents within them.
- 22 Policy H14 Improving and Creating More Attractive Residential Areas sets out that the Council will encourage developments and initiatives which secure environmental improvements within existing housing areas.

- 23 Policy T1 General Transport Policy sets out that the council will not grant planning permission for development that would generate traffic which would be detrimental to highway safety and/or have a significant effect on the amenity of occupiers of neighbouring property.
- 24 Policy T10 Parking sets out that vehicles parking should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development
- 25 Policy Q1 and Q2 Designing for People and Accessibility sets out that the layout and design of all new development should take into account the requirements of all users.
- 26 Policy Q8 Layout and Design – Residential Properties sets out criteria for new build properties

Interim Policy on Student Accommodation

- 27 Part A HMO's – In order to promote the creation of sustainable, inclusive and mixed communities and maintain an appropriate housing mix, applications for new build houses in Multiple Occupation (both C4 and sui generis), extensions that result in additional bedspaces, and changes of use from any use to:

- A Class C4 (House in Multiple Occupation), where planning permission is required or;
- A House in Multiple Occupation in a sui generis use (more than six people sharing)

Will not be permitted if more than 10% of the total numbers of properties within 100 metres of the application site are already in use as HMO's or student accommodation exempt from council tax charges.

RELEVANT EMERGING POLICY

The County Durham Plan

- 28 Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 15 February 2015, however that report was quashed by the High Court following a successful Judicial Review challenge by the Council. As part of the High Court Order, the Council has withdrawn the CDP and a new plan is being prepared. As the new plan progresses through the stages of preparation it will begin to accrue weight.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

- 29 The Highway Authority – Raises no objection.

INTERNAL CONSULTEE RESPONSES:

- 30 Design and Conservation – No objection in principle, however has suggested conditions to secure the quality of the scheme.
- 31 Landscape Section (Trees) – Raise no objection to the proposed development and note six trees would need to be removed to facilitate this proposed development and tree root protection introduced to protect the mature tree adjacent to the site.

- 32 Ecology – after a bat risk assessment was carried out, no objections were raised.
- 33 Noise Action Team – no objections subject to conditions to minimise the environmental impacts.
- 34 Environmental Health – requires a scheme to deal with contamination.
- 35 Spatial policy – the proposal is in an area with a 44% concentration of students which is above the 10% that would normally be the threshold at which HIMO development would not be permitted.
- 36 Drainage and Coastal Protection – no objection in principle, however an adequate infiltration should be installed to discharge rainwater where practical and verified with building control.

PUBLIC RESPONSES:

- 37 There were 10 letters of objection received which included one from the Crossgate Community Partnership (CCP) and Neville's Cross Community Association.

The main concerns raised are:

- The proposal is contrary to the Interim Policy on Student Accommodation, the NPPF and saved policies in the City of Durham Local Plan
- The proposal includes two car parking spaces for 18 students and there is no indication of how parking would be managed with more cars for the property
- The adjacent house 24 The Avenue is a large house in multiple occupation that is the focus of noise, people gathering on the street and anti social behaviour. The police are called out regularly to 24 The Avenue. To have an additional 18 students on the application site will create even more problems.
- The internal layout of the property is only suitable for a student house in multiple occupation.
- The tree survey is from 2009 and should be considered out of date – (this tree report has since been updated).
- The lane at the rear of the proposed site is narrow which could cause problems when materials are delivered in terms of blocking access for neighbours and being intrusive
- The Crossgate Community Partnership would welcome a similar proposal for a C3 development if there are suitable construction conditions.

APPLICANTS STATEMENT:

The applicant has been provided with the opportunity to submit an applicant's statement but no statement has been received.

PLANNING CONSIDERATIONS AND ASSESSMENT

- 38 Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues relates to the principle of development, the character and appearance of the conservation area, residential amenity, highways and environmental health.

Principle of Development

- 39 The site lies within a residential area within half a mile of Durham City Centre and as such has excellent access to a wide range of commercial and recreational facilities

and the bus and train stations. In addition primary and secondary schools are located within half a mile of the site. As such the location is considered a sustainable location for additional housing, and would thus accord with one of the main aims of the National Planning Policy Framework.

40. The second issue on the principle of development relates to the site being a garden area. The NPPF excludes gardens from the definition of Previously Developed Land (PDL). Therefore, the site is classed as being greenfield and saved policy H2 from the City of Durham Local Plan states that new housing development will only be permitted on windfall sites comprising of previously developed land. Policy H2 is only partially consistent with the NPPF as it is consistent with paragraph 14 and 49 in supporting sustainable development and objectively assessed housing need. However the NPPF does provide the opportunity to support greenfield sites in sustainable locations. Paragraph 17 of the NPPF also states that 'planning should: encourage the effective use of land by reusing land that has been previously developed.' However, this greenfield/PDL issue is balanced with the fact that the site is also in a sustainable location where there is a 'presumption in favour of sustainable development.' (paragraph 14 of the NPPF). Recent appeal decisions have supported development within a sustainable location on greenfield land. As such no objection is raised to this issue.
41. The third issue on the principle of development relates to houses in multiple occupation being introduced into The Avenue. An Article 4 Direction came into force on 17th September 2016 withdrawing permitted development rights relating to changes of use from class C3 to class C4 in Durham City. Clearly the aim of this is to exercise control over further HMOs in the area covered by the Direction. Saved Policy H13 states that planning permission will not be granted for new development or changes of use which would have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them.
42. Policy H9 relates to the conversion of houses for multiple occupation. It states that such development will be permitted provided that adequate parking, privacy and amenity areas are provided, provided it will not adversely affect the amenities of nearby residents, provided it is in scale and character with its surroundings, provided it will not result in concentrations of sub divided dwellings to the detriment of the range and variety of the local housing stock and provided it will not involve significant extensions or alterations. Policy H16 supports new residential institutions and care homes where they relate well to shops, community facilities and public transport, there is a satisfactory standard of residential amenity, they do not detract from the amenities of existing residents, and with student halls of residence they would not result in a concentration of student accommodation that detracts from residential amenity.
43. In addition the Interim Policy on Student Accommodation does not support new properties in C4 use when there is over 10% student properties within 100 metres of the application site. The Council's Spatial Planning Policy Team have confirmed that the percentage of properties in HMO accommodation within 100 metres of the application site is 44 %. Based on the criteria detailed in Part A of the Interim policy and given the percentage of student properties within 100 metres of the application site is 44%, this suggests that the C4 house in multiple occupation element of the application should be refused in order to promote sustainable, inclusive and mixed communities, maintain an appropriate housing mix and to protect the residential amenity of neighbouring properties.
44. In addition to the area being above the 10% specified in the Interim Policy the objections from local residents have referred to existing problems with anti social behaviour from the property in the applicants ownership at 24 The Avenue that is

detracting from the residential amenity of the area. 24 The Avenue was granted planning approval in 2007 for the formation of four flats providing a total of 22 bedrooms and a further 3 bedrooms in 2009. 26 The Avenue was granted approval for use as a 9 bedroom HMO in 2009. The Interim Student Policy refers to the impact of having a high concentration of HMO's in one area exacerbating problems. The objections received to the application claim that the existing concentration of students in this one particular area of The Avenue is detrimental to residential amenity due to noise and disturbance and anti social behaviour. Officers consider that additional housing in multiple occupation immediately adjacent to the existing HMO would detrimentally affect residential amenity by adding an additional 18 students to the existing 34 bed spaces adjacent to the site in a location where there are existing anti social issues. This application provides limited communal facilities and outdoor space for the HMO and the adjacent properties are similar, leading to the potential for greater on-street disturbance.

45. Paragraph 50 of the NPPF seeks to 'deliver a wide choice of quality homes ...and create sustainable, inclusive and mixed communities.' The Interim Policy on Student Accommodation, Policy H13, Policy H9 and H16 are all considered to be consistent with this aim. As such the C4 occupation of the house as a house in multiple occupation is not supported in planning terms. Although the application is submitted for either a C3 family house or a C4 house in multiple occupation, the internal floor layout of the properties, due to the room arrangements proposed, clearly reflects a C4 house in multiple occupation use only with the layout including 8 bathrooms and 6 / 7 bedrooms. The communal living space is located in the basement rather than on street level with The Avenue as other C3 dwellings are internally arranged in the immediate vicinity. In addition the communal living space is limited in size as well as outlook. Cumulatively all these factors lead Officers to consider that the proposed dwellings only reflect a C4 house in multiple occupation.
46. With regard to the application being also for a C3 family dwelling Policy Q8 of the Local Plan requires properties to provide adequate amenity and privacy for each dwelling. In this case the internal layout of the property provides the only communal space within the basement. The location of the communal facilities in the basement contrasts with the existing C3 dwellings in The Avenue that tend to have the lounge on the ground floor to facilitate access directly from the principal street The Avenue and to take advantage of the views to the rear of the house. In addition the communal facilities of the combined kitchen, living and dining room are so limited on the submitted floor plan indicating that it would be constrained for four people to sit together to eat in a house with six designated bedrooms and a seventh room labelled as a 'study' but benefitting from en-suite facilities. The limited internal space provides no flexibility for a large family to sit together. The lounge is similarly limited with insufficient space shown to seat over 5 people. The internal layout also allows inadequate space for the normal paraphernalia to be provided within a C3 living / communal space for book shelves, children's toys, instruments etc. In addition it is noted that the rooms benefitting from the best light, outlook, and views are bedrooms. This would not be the normal arrangement for a family dwelling. Therefore the internal layouts are considered to conflict with Policy Q8 as the floor plans do not provide adequate amenity space for communal living due to the substandard communal living facilities for future residential occupiers.
47. The applicant was given the opportunity to provide amended floor plans for a C3 family dwelling that could potentially be supported in principle but he has chosen not to submit alternative layouts and requested the application is determined on the basis of the submitted plans. Objectors have noted that there is a latent demand for family housing in this part of Durham City and C3 residential dwellings that are for

sale at a realistic price are sought after. As the proportion of HMO's in this area is 44% the area currently has a predominance of family housing – and this is the type of area that the Interim Policy on Student accommodation is trying to maintain and protect for family housing. Objectors including the Crossgate Community Partnership would support the introduction of C3 family housing on this site.

48. As such the application is not considered acceptable in principle as the proposed occupation of the dwellings for C4 houses in multiple occupation would lead to a concentration of student accommodation in The Avenue that would harm the character of the area and amenities of other residents; and would fail to promote the creation of sustainable, inclusive and mixed communities. It would also fail to maintain an appropriate housing mix. The proposal would therefore be contrary to policies H9 and H13 of the City of Durham Local Plan, paragraph 50 of the NPPF and Part A of the Interim Policy on Student Accommodation.
49. Although a C3 use could be acceptable in principle the application that has been submitted has internal layouts that Officers consider provide inadequate internal communal facilities commensurate with the six bedrooms proposed. For comparison the combined communal living space provided on this application is 32 square metres and a current housing association scheme for low cost housing has an internal communal floorspace of 43.8 metres for a 2 bedroom house.

Character and Appearance of the Conservation Area

50. Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires that Local Planning Authorities shall pay special attention to the desirability of preserving or enhancing the character and appearance of Conservation Areas. Policy E22 states that proposals should enhance or preserve the character of the Conservation Area. Policy E6 relates directly to the Durham (City Centre) Conservation Area and requires that developments exhibit simple and robust shapes, incorporate traditional roofs, reflect an appropriate quality of design and use appropriate external materials.
51. The existing garden site at The Avenue does not appear to represent a garden in its traditional sense. It has direct frontage to The Avenue, has not been tended for many years and represents a relatively stark break in the terrace which offers little visual contribution to the character of The Avenue or the wider Conservation Area. As such Officers raise no objection in principle to the loss of this green space in the Conservation Area.
52. The design and position of the proposed development is considered to be acceptable in principle, as the terraced block would be aligned with the front and rear building lines of the adjacent properties. In addition the roofs of the properties are stepped which reflects the rise in the height of the street.
53. The proposal incorporates appropriate detailing such as the four panelled timber front doors, ground floor bay windows, chimneys complementing the existing pattern and dormer windows that reflect the style and appearance of other dormer windows in the street.
54. It is noted that the materials proposed are not adequately specified so the materials to be used for the roof, walls, fenestration and rainwater goods would need to be provided and agreed by condition in the event of planning permission being granted

55. The proposal would require six trees to be removed, including 1 Swedish whitebeam, 2 Holly and 3 Ash, as well as two groups of low value scrub including Bramble, nettle, ivy, holly, ash, bramble cotoneaster and elder to allow the development to go ahead. The County Tree Officer has considered the trees on site and considers that they were self-seeded and of little value and has raised no objection to their removal. A mature tree lies to the south west of the site and the root protection area of the tree would need to be protected by condition in the event of planning permission being granted.
56. Officers consider that in terms of design and appearance, the application would preserve the character of the conservation area, while reflecting an appropriate standard of design in accordance with the saved policies of E6 and E22 of the City of Durham Local Plan. Trees would be maintained on the site in accordance with policy E14.

Residential Amenity

57. The application site follows the existing pattern of development within the street so the windows in the front and rear elevations follow the conventional layout. There is a distance of over 21 metres to the front elevation and over 21 metres to the rear elevation of the dwellings on Hawthorne Terrace. To the rear of 24 Hawthorne Terrace there is a garage with a room above that looks onto the application site and two similar garages with a room over that looks onto the neighbouring site at 24 The Avenue. This is at a distance of 15 metres. The room above the garage is for ancillary accommodation to the dwelling and is below the 21 metres required in the policy. However this is an ancillary residential space and is not considered to detrimentally impact on the residential amenity of the proposed dwelling due to the difference in height and the size and location of the window.
58. On the side elevation of 24 The Avenue are three windows that are proposed to be blocked up. A pedestrian access is retained into the side elevation of 24. To compensate for the loss of these windows a light well is proposed into the basement level facing The Avenue. This is a traditional feature on the terraced dwelling on the Avenue and the small external boundary wall is retained. The light well will illuminate bedroom accommodation within the flat at basement level.
59. The three proposed terraced dwellings are built with 2.5 metre deep extensions that extend the full height of the property. Due to the difference in the depth of the properties this appears as a 3 metre deep extension adjacent to the rear elevation of no. 25. This is considered to be an acceptable depth with respect to the impact on the residential amenity of the neighbouring windows. Due to the orientation of the property no material overshadowing would occur from the extension. A further external store is proposed on the ground floor.
60. Notwithstanding the positive external design aspects of the proposals, however, Policy H13 states that planning permission will not be granted for new development or changes of use which would have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them. As explained earlier in this report, the two adjacent properties to the application site provide 35 bedrooms as houses in multiple occupation.

Based on the submitted C4 layouts, this proposal would add a further 18 bedrooms to this number providing 53 bedrooms in a concentrated area, as well as adding to the overall number of students in the street. This is likely to lead to an increase in the complaints that residents are currently raising from the existing student occupation from noise, people gathering in the street (particularly as there is little

communal indoor or outdoor space) and anti-social behaviour. This concentration of HMO properties is therefore considered to conflict with Policies H9 and H13 and the Interim Policy on Student Accommodation as it would detract from the amenities of neighbouring properties.

61. Residents have provided evidence of existing noise and anti-social behaviour resulting in disturbance to residents in the houses close to the application site, particularly in the late evening and early hours when groups of students are going to bars, parties or other social activities. The risk of disturbance from adding a further 18 bed spaces adjacent to existing houses in multiple occupation that residents have voiced complaints about is likely to increase the level of noise disturbance to local residents. It is noted that controlling this kind of noise and disturbance is challenging because of its moving nature, identifying who is responsible and where they live. Indeed objectors have commented that the police are called out regularly to the existing anti-social behaviour that occurs on The Avenue from the houses in multiple occupation. As such it is considered that adding a further 3 HMO's would add to the concentration of HMO properties on The Avenue and add to the existing levels of noise, anti-social behaviour and disturbance to residents which would conflict with Policy H13 and H9 of the City of Durham Local Plan and Part A of the Interim Policy on Student Accommodation.

Highways

62. The proposed residential development is in a highly accessible location close to public transport interchanges and city centre facilities. It is noted limited parking is to be provided off street with the submitted scheme. The site lies in the Council's Controlled Parking Zone and the County Highway Officer has advised that the operational policy states no parking permits will be issued to residents of new development in the controlled parking zone. The County Highway Officer raises no objection to the proposal from a highways perspective.

Environmental Health

63. The County Environmental Health Officer has raised no objection to the application but has advised a condition to deal with contamination needs to be submitted to and approved by the Local Planning Authority before development can commence.

Comments on neighbour's objections

64. The objections raised by local residents are addressed in the main body of this report except for the impact of the development on the rear lane.
65. Residents have garages and rear access onto the lane to the rear of Hawthorn Street and The Avenue and although it is narrow it is well used. If consent was granted on the application a condition should be imposed requesting a construction management plan to be submitted to the Local Planning Authority. The purpose of this would be to ensure the applicant considers how best to organise construction activities so as to minimise disruption to the local area, including preventing the back lane from being obstructed. Notwithstanding any agreed details, however, blockage of the back lane would normally be a matter to be addressed outside of the planning process.

CONCLUSION

66. This application has been fully assessed and considered in relation to policies H13 and H9 of the City of Durham Local Plan, criteria detailed in the NPPF and the Council's Interim Policy on Student Accommodation. In reaching a recommendation on this application, comments submitted with the application have been fully considered along with comments received from consultees and local residents.
67. Although the application is submitted for either a C3 or a C4 use Officers consider that the internal floor layouts are substandard for a C3 family use. This is due principally to the communal living accommodation in the basement being substandard in location, size and layout to provide adequate facilities for six bedrooms which is contrary to Policy Q8 of the Local Plan
68. Given the submitted layouts and notwithstanding the description of the application, the Local Planning Authority is left with no other option than to assume the intention of the applicant is to implement a C4 use. In assessing the proposals on this basis, it is considered that the development would lead to a concentration of student accommodation in the vicinity of The Avenue such that it would harm the character of the area and amenities of other residents. In addition it would fail to promote the creation of sustainable, inclusive and mixed communities and also fail to maintain an appropriate housing mix. The proposal would therefore be contrary to policies H9 and H13 of the City of Durham Local Plan, paragraph 50 of the NPPF and Part A of the Interim Policy on Student Accommodation. Although a C3 use would be acceptable in principle, the submitted layouts do not provide satisfactory or acceptable arrangements for family occupation. The positive design comments and the suggestion of a number of conditions to control various aspects of the development do not override or mitigate the serious harm that would result from the implementation of the proposals.

RECOMMENDATION

That the application be refused for the following reasons:

- 1. The proposed internal layout of the development is considered to be synonymous with a C4 House in Multiple Occupation Use. The introduction of additional houses in multiple occupation would lead to a concentration of student accommodation in the vicinity of The Avenue that would harm the character of the area, have adverse impacts on the amenities of the remaining residential occupiers, and would fail to promote the creation of sustainable, inclusive and mixed communities. It would also fail to maintain an appropriate housing mix. This is contrary to policies H9 and H13 of the City of Durham Local Plan, paragraph 50 of the NPPF and Part A of the Interim Policy on Student Accommodation.**
- 2. The proposed internal layouts of the properties provide unsatisfactory and unacceptable living arrangements for C3 family occupation due to the limited floorspace of the communal facilities to serve the number of bedrooms proposed. This is considered to provide substandard levels of residential amenity, contrary to Policy Q8 of the City of Durham Local Plan 2004.**

STATEMENT OF PROACTIVE ENGAGEMENT

In dealing with the application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising during the application process. Unfortunately a positive outcome has not been possible to negotiate on this application.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documentation

City of Durham Local Plan 2004

National Planning Policy Framework

Internal consultee responses

Public responses

Responses from statutory and other consultees

National Planning Policy Guidance



Planning Services

Erection of three terraced 6 bedroom properties for either occupation as houses in multiple occupation use (use class C4) or as family houses (use class C3) with associated alterations (Amended description) on 24 The Avenue (Amended description)

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Date
November 2016