

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/19/00371/FPA
FULL APPLICATION DESCRIPTION:	Change of use from C3 dwelling to HMO Sui Generis (Student Accommodation)
NAME OF APPLICANT:	Mr Nick Swift
ADDRESS:	Corner House Potters Bank Durham DH1 3PS
ELECTORAL DIVISION:	Neville's Cross
CASE OFFICER:	Jennifer Jennings Planning Officer Telephone: 03000 261057 jennifer.jennings@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is located to the west of Durham City Centre, at the junction between Potters Bank and the A167. It is a large property, set within a triangular shaped corner site and has a prominence overlooking this busy road junction.
2. The property is currently a four bedroom house, with the downstairs space accommodating a large lounge area, family room, kitchen/diner, study and conservatory, along with a utility room and garage offshoot. Outdoor space is located to the two side gables, with a large paved driveway adjacent to the garage on the north east side, and grassed lawn area by the conservatory to the south west side. The rear elevation overlooks a narrow paved area adjacent to the fenced south boundary, beyond which lies neighbouring property 'Russet Grey'.

Proposal

3. The proposal seeks full planning permission for the change of use of the property from C3 family home to a large house in multiple occupation for 7 people (sui generis use). Works to facilitate the proposed change of use would be largely internal, with downstairs rooms converted to create four bedrooms in addition to three of the four upstairs bedrooms, accommodating 7 students in all. One upstairs bedroom would be converted to a kitchen / lounge / dining room. External alterations include the removal of the balcony access and decking area and the erection of a two metres high fence along the south boundary with 'Russet Grey'.

4. The application is referred to Committee at the request of the City of Durham Parish Council who requested it on the grounds that the methodology for calculating the density of student households was flawed and the principle of making a planning decision on this needed to be considered by the Planning Committee.

PLANNING HISTORY

5. In 1997, planning permission was granted for the change of use of the existing dwelling to a mixed use of residential and bed and breakfast.

PLANNING POLICY

NATIONAL POLICY

6. The following elements of the National Planning Policy Framework (NPPF) are considered relevant to this proposal:
7. NPPF Part 5 Delivering a Sufficient Supply of Homes - To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
8. NPPF Part 8 Promoting Healthy and Safe Communities - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
9. 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.
10. 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.

<https://www.gov.uk/guidance/national-planning-policy-framework>

NATIONAL PLANNING PRACTICE GUIDANCE:

11. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; conserving and enhancing the historic environment; design; and use of planning conditions.

<https://www.gov.uk/government/collections/planning-practice-guidance>

LOCAL PLAN POLICY:

The City of Durham Local Plan (2004) (CDLP)

12. *Policy H9 – Multiple occupation / student households* - seeks to ensure that where houses are sub divided or converted to flats, bedsits or multiple occupancy, they 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.
13. *Policy H13 – Residential Areas – Impact upon Character and Amenity* – protects residential areas from development that would have a significant adverse effect on their character or appearance, or the amenities of residents within them.
14. *Policy T1 – Traffic Generation – General* – states that development proposals which would result in a level of traffic generation detrimental to highway safety should not be granted planning permission.
15. *Policy T5 – Public Transport* – The council will encourage improvements to assist public transport services including the provision of suitable facilities and ensuring new development can be conveniently and efficiently served by public transport.
16. *Policy T10 – Parking* – States that vehicle parking should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development.
17. *Policy T21 – Walking* – states that existing footpaths and public rights of way should be protected.
18. *Policies Q1 and Q2 - General Principles Designing for People and Accessibility* – states that the layout and design of all new development should take into account the requirements of all users.
19. On the 15 July 2015, Cabinet approved consultation on an Interim Policy on Student Accommodation. The consultation took place during September and October 2015. Responses received during the consultation period were considered and amendments were made to the Policy. On the 16 March 2016, Cabinet recommended that full Council adopt the revised Interim Policy. As the Interim Policy has been adopted, it can be afforded weight in the decision making process, although the weight to be afforded to it must be less than if it were part of the statutory Development Plan for the area.

RELEVANT EMERGING POLICY:

20. Paragraph 48 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. An 'Issues & Options' consultation was completed in 2016 on the emerging the County Durham Plan (CDP) and the 'Preferred Options' was approved for consultation at Cabinet in June 2018. However, the CDP is not sufficiently advanced to be afforded any weight in the decision making process at the present time.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.cartoplus.co.uk/durham/text/00cont.htm>.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

21. Highways Authority comment that sufficient parking is available on the site for the number of bedrooms provided. In addition it is suitably located on a major bus route and within cycling and walking distance of local amenities. No objection to this proposal is offered on highways grounds.
22. City of Durham Parish Council – objects on the basis that the methodology for calculating the number of students within 100 metres radius is flawed and that there are circumstances where landlords pay the Council Tax even though students reside in the premises so as not to come to the attention of the Council. The Council's methodology is therefore considered to underestimate the number of houses let to students. On this basis it is requested that the methodology be revisited and the University approached for further details.

INTERNAL CONSULTEE RESPONSES:

23. Environment, Health and Consumer Protection (Nuisance Action Team) – have no concerns with regards the application. The house is considered to have sufficient space to accommodate 7 people. They do not consider that the proposals would create a statutory nuisance.
24. Spatial Policy – comment that 8.8 per cent of properties within a 100 metre radius are in use as HMOs.
25. HMO Section –comment that the property would need to be licensed under the Housing Act 2004 Part 2 and provide further details on the criteria associated with this legislation.

PUBLIC RESPONSES:

26. The application has been advertised by means of site notice on site and by notifying neighbouring residents by letter. 7 letters of objection have been received, including one from the local ward member, raising the following points:
 - Objects to the loss of a family home and loss of housing stock for families
 - Concerns that the change of use will impact on the social balance in the area and community spirit as students less likely to engage with neighbours
 - Concerns regarding volume of student pedestrians walking along streets to the college.
 - Observations that substantial amount of student housing being built in the area, within Sheraton Park and Mount Oswald.
 - Comments regarding large number of HMOs around the Duke of Wellington PH.
 - Observations on number of properties already in HMO use within 100 metres of application site which is considered to already exceed 10 per cent.
 - Issues raised with regards impacts on neighbouring property due to low level boundary fencing and a balcony at the rear elevation. Concerns that letting out to 7 students would impact on privacy
 - Concerns raised that insufficient parking available for 7 residents at the site.

One further comment was received following reconsultation making the following points:

- The amendments do not address the concerns raised by objectors regarding the loss of a family home

- The distribution of neighbour notification letters is too limited and puts the onus on residents to constantly check the Council's website
- The way in which the percentage figure of student housing calculated by the County Council has been achieved is unclear and does not tally with calculations undertaken by neighbouring residents themselves.

APPLICANT'S STATEMENT:

27. This application is for a Change of Use from an existing C3 dwelling to a 7 bed student HMO property under the Sui Generis use class for larger HMOs. The property lies in an area where the percentage of the existing properties used as student property is 0% as defined by DCC's own HMO map and thus the proposal is not contrary to the direction of the new interim policy falling below the 10% threshold. This interim policy seeks to maintain balanced and mixed use/tenure communities and housing stock.
28. *City of Durham Local Plan Policy H9 – Multiple occupation / student households* – also seeks to ensure that where houses are sub divided or converted to flats, bedsits or multiple occupancy, they 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. Policy H9 also states that proposals to extend or alter properties which are already an established HMO use class will be permitted provided that there is adequate parking, there is sufficient privacy and amenity areas for occupiers, the proposal would not adversely affect the amenities of nearby residents and the extension would be in scale and character with the host dwelling and surrounding area.
29. The Interim Policy on Student Accommodation includes similar criteria. However the Interim policy goes further than policy H9 as it states that extensions that result in additional bed spaces will not be permitted if more than 10 per cent of the total number of properties within 100 metres of the application site are already in use as HMOs.
30. The council's own HMO map shows the percentage of properties within the 100 metres radius of the application site equates to **0 (zero) per cent**. It should also be noted that no extension is proposed to the existing dwelling therefore these policies should be afforded reduced rate when examining the proposal
31. The property has a large remaining garden that will be used for external amenity, but will also have areas for the refuse bins and the provision of cycle storage as required in the garage or garden. The property has a large private drive for adequate off street parking. No additional windows are proposed and therefore the levels of privacy and amenity of local residents remains unchanged by the proposal.

The above is not intended to list every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=P8X9C0GDL8J00>

PLANNING CONSIDERATIONS AND ASSESSMENT

32. 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 in this instance relate to the principle of the development, impact on residential amenity, highway safety and concentration of students.

Principle of Development

33. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The City of Durham Local Plan (CDLP) remains the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF. However, the CDLP was adopted in 2004 and was intended to cover the period to 2006 and, whilst the NPPF advises at Paragraph 213 that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF, it is considered nonetheless that a policy can be out-of-date if it is based upon evidence which is not up-to-date/is time expired depending on the circumstances. In such circumstances the weight to be afforded to existing Local Plan policies should depend upon their degree of consistency with policies of the NPPF.

34. In consideration of the above, saved policy H9 relating to multiple occupation and student accommodation is directly relevant to the proposal as it deals with conversion of houses to HMO use. In addition, policy H13 of the Local Plan is also relevant as it relates to changes of use and seeks to minimise their impacts on the character and amenities of residential areas. The approach contained within these saved policies is considered consistent with the general aims of the NPPF which requires the planning system to support strong, vibrant and healthy communities by ensuring a sufficient number and range of homes can be provided to meet the needs of present and future generations. The policies are therefore deemed up to date policies and can be attributed full weight accordingly in the determination of this application. Paragraph 11 of the NPPF is therefore not engaged.

35. Policy H9 of the City of Durham Local Plan states that proposals to convert houses to HMO use will be permitted provided that there is adequate parking, there is sufficient privacy and amenity areas for occupiers, the proposal would not adversely affect the amenities of nearby residents and would not involve significant extensions that would unacceptably alter the scale and character of the host dwelling and surrounding area in compliance with Policy Q9. The policy further requires that conversion should not result in concentrations of sub divided dwellings to the detriment of the range and variety of the local housing stock. The various points within Policy H9 are covered in the relevant sections of the report below.

36. In addition to policy H9 of the Local Plan, the Council's Interim Policy relating to student accommodation is also relevant and states that the Local Planning Authority will not support the change of use of properties in instances where there is in excess of 10 per cent of properties within 100 metres of the site already used as student accommodation. Whilst the Interim Policy has less weight than the saved policies of the City of Durham Local Plan it is nevertheless a material consideration and has been endorsed by cabinet subject to a 6 week consultation period ending April 2016. The threshold of 10 per cent was derived from section 2 of the 'National HMO Lobby Balanced Communities and Studentification Problems and Solutions', 2008 and in this respect is considered up to date and accords with the aims of the NPPF.

37. The Council's Spatial Policy section advises that the most recent up to date Council Tax information identifies that 8.8 per cent of those properties within 100 metres of the site are currently occupied as student let accommodation. This concentration falls below the 10 per cent threshold stated in the Interim Policy. In consideration of this, the proposals are therefore considered to accord with the Interim Policy and with policy H9 which is permissive in principle of conversion of properties to C4 use.
38. However a number of objections have been received where objectors have provided their own assessments of the number of HMOs within 100 metres of the house, citing that there appeared to be in excess of 10 per cent within this radius. However, having assessed the information provided and the properties referred to, it is noted that a number of the properties fall just outside the 100 metres radius. As part of the agreed standard methodology, in determining the 100 metres radius, the Council measures this from the central point of the dwelling house.
39. Further reference is made within objection letters with regards the large quantities of purpose-built student accommodation being constructed or completed within the wider area. However, because these residences fall outside the 100 metres radius they do not form part of the percentage figure used to determine whether proposals are in accordance with the Interim Policy. Nonetheless the concerns raised regarding the loss of a family home given the extent of new purpose-built student accommodation being made available elsewhere is acknowledged but does not render the current proposal refusible on this basis alone.
40. In terms of the City of Durham Parish Council response to the proposals, they consider the methodology to be flawed as it relies solely on Council Tax exemption data. In their view, such a methodology does not take into consideration the possibility that landlords may choose to pay Council Tax whilst renting out to students to avoid coming to the attention of the Council. On this basis the Parish Council suggest that the percentage figure determined by the Council is considered to be an under estimate and in the particular circumstances associated with this case, an under estimate of just one property would bring the percentage total above 10 per cent and in conflict with the Interim Policy. As a result the Parish Council request that this Council deploys a strengthened and more effective methodology and approaches the University for an up to date and accurate analysis of where students live, prior to making this planning decision.
41. As background, the Interim Policy on Student Accommodation was developed by the Council in response to residents' concerns in respect of concentrations of students in certain areas. The policy was developed alongside an Article 4 direction to remove permitted development rights associated with changes of use from C3 (dwelling houses) to C4 (HMOs). The draft policy included a methodology that would be used to determine student numbers within an area through use of the council tax exemption data, and was endorsed by Durham County Council Cabinet in July 2015 for consultation which subsequently took place for a period of six weeks between 17 September and 20 October 2015. The consultation was publicised through the website, and through notifying people who had previously commented on the Student Accommodation Policy as part of the former draft County Durham Plan. In addition 'drop in' events were held around the city. All representations received were carefully considered and an updated version of the Interim Policy was developed, which was finally considered and adopted by the County Council in April 2016. This process means the Interim Policy is a material consideration in decision making.

42. The Interim Policy, at Paragraph 11 of the supporting text, specifically notes the use of the Council Tax data in determining the percentage. Paragraph 11 of the Interim Policy states: *In order to assess the percentage of HMOs or student exempt properties within 100m of an application for an HMO, the Council will use Council Tax information consisting of those properties with Class N exemption mapped using the Council's GIS system.*
43. It is acknowledged that the council tax exemption data may not provide a perfect record of student occupancy. It is recognised, for instance, that there may be circumstances in which student occupied HMOs are not registered as being a Class N exemption, a situation that can occur where one tenant in a student HMO is in employment. Nonetheless, the use of council tax data provides a consistent basis upon which decisions can be made. The dataset is updated twice yearly to ensure it remains up to date and reflects term time occupancy.
44. It is also noted that the use of this dataset for determining student numbers was endorsed in a planning Appeal (reference APP/Y1110/W/15/3005030) where it was considered by the Inspector that it suitably served to provide an indicator of the presence of student populations within the housing market. Since being adopted by Durham County Council, the Interim Policy and associated methodology and use of the council tax dataset has been regularly used for every planning application and planning enquiry associated with HMOs. A review of this methodology for the purposes of determining this particular application is therefore not considered to be required or appropriate.
45. The Parish Council have noted that there are known instances where houseowners (the landlord) continue to pay council tax whilst renting out their property to students. This may constitute a change of use and in such circumstances a planning application would be required. Where such cases are brought to the council's attention, they would be investigated. The request that the Council approach the University for an up to date analysis of where students live is not considered proportionate or in line with the requirements of the Interim Policy.
46. Concerns have been raised by objectors about the loss of a family home and the effects on social balance and community spirit. Whilst these are acknowledged as broader issues in the Interim Policy, it is not considered that the change of use of one dwelling to HMO as proposed could be demonstrated to have sufficient adverse impacts to justify a refusal of planning permission, given the current housing mix in the locality.
47. As a further point of clarity, it is noted within the applicant's statement at Paragraph 30 that reference is made to the Council's Student Exemptions Map, appended to the Interim Policy, and from this map the applicant has identified the application site as being located within an area where no properties are in HMO use. On this basis, it is suggested that potentially 0 per cent of properties within the immediate area are in HMO use. For clarification, the data referred to within the Student Exemptions Map (dating from July 2015 and produced to assist the development of the Interim Policy) relates to postcode areas and is intended to provide a broad overview of student accommodation within the Durham City area. The postcode areas provide a more anonymised data set preventing individual HMOs from being identified as required by data protection laws. As discussed above the Council uses an up to date dataset that identifies specific properties falling within the 100 metre radius to inform decision making and does not make use of the more generalised Student Exemptions Map.

48. Accordingly, the principle of the development in the policy context of both local plan policy H9 and the Interim Policy is supported and deemed acceptable in principle subject to further consideration in terms of the impact on residential amenity and parking arrangements as discussed in detail below.

Impact on residential amenity

49. Saved policies H9 and H13 of the Local Plan both seek to protect residential amenities. These align with NPPF paragraph 180 which requires planning decisions to ensure that new development is appropriate for its location taking into account the likely effects of pollution on health and living conditions.

50. The application site is a large two storey detached property located at the corner of a busy road junction to the west of Durham City. The nearest residential property is Russet Grey located to the south of the site, whilst property Beckwood is located to its east. The Duke of Wellington Public House is located across the A167 to the west. The surrounding area is largely residential in character.

51. The objections received in relation to the proposals raised concern over the loss of a family home and the impact this has on the availability of housing stock for local families and the subsequent community imbalance this creates. A further issue was raised by neighbouring property in terms of noise and overlooking.

52. Environmental Health were consulted for their views in terms of noise impacts. The development was considered to fall outside threshold assessments associated with the Technical Advice Notes (TANS) in terms of noise nuisance, as the development constituted a continued residential use within a residential area. The property was also noted as being of sufficient size to accommodate 7 occupants. No concerns were raised and the development was considered to be unlikely to cause a statutory nuisance.

53. Notwithstanding these comments, it is accepted HMOs have an increased likelihood of leading to an increase in noise over and above a C3 use, due to differing patterns of activities to that of a standard family household. With regards this particular application, the property is a large standalone dwelling, and due to its corner plot it sits at a 45 degree angle relative to its nearest neighbours, both detached properties to the east and south. Due to this alignment, there is a degree of separation between the application site and adjacent properties, although they are still relatively close. Main windows within the property at first floor level are located on the front and two side gable elevations and there is no issue with overlooking or loss of privacy with neighbouring properties as the blank side gables of these properties overlook the application site. However a single window/doorway exists on the rear elevation at first floor level by the main stairwell in the property and provides access to an outdoor balcony which overlooks the rear garden area of the property to the south. There is no indication that planning permission was granted for this balcony and google earth imagery suggests it has been in situ for more than four years. Whilst no complaints are on record with regards this during its use as part of a family home, it is considered that the use of the balcony as part of a large HMO has a greater potential for noise and disturbance to neighbours. On this basis it would not be acceptable given its position and close proximity to the neighbour some 5 metres away. The applicant was requested to remove this element from the plans. Amended plans were received with the balcony, decking and doorway access removed and a new obscure glazed window proposed to be installed in place of the doorway. Subject to approval, this plan will form part of the approved plans and a further condition will be applied requiring that prior to occupation, the works to remove the balcony should be complete.

54. Boundary treatments around the application site were originally proposed to remain unchanged, with low brick wall, railings over and established hedgerow measuring 1.5 to 1.8 metres to the front and timber fencing along the rear boundaries up to a height of approximately 1.6-1.7 metres. One objection stated that the rear boundary was too low and would allow views into the neighbouring property to the south. The applicant has agreed to remedy this and replace this section of fencing with two metres high boundary fencing to protect mutual privacy.
55. In consideration of the details above and given the particular layout on site, any increase in noise or activity over and above current activities at the house as a C3 use is not expected to be so excessive as to have a significant adverse effect on neighbouring amenity, given the degree of separation and its location next to a busy road and junction, with regular pedestrian and vehicle traffic passing.
56. In line with policies H9 and H13, it is not considered that the proposed change of use from C3 to a HMO for 7 occupants would significantly compromise the amenities of nearby residents or result in increased activity that would materially affect the residential character of the area or amenities of the nearby neighbours. The proposal is therefore considered to accord with the aims of policy H9 and H13 of the Local Plan and relevant parts of the NPPF.
57. The submitted details also address the requirements of the Interim Policy in making satisfactory provision for cycle and car parking (discussed below), bin storage and other shared facilities.

Highway Safety and Access

58. Saved local plan policy T1 requires that the council should not grant planning permission for development that would generate traffic which would be detrimental to highway safety and have a significant effect on occupiers of neighbouring properties. Policy H9 and the Council's Interim Policy both require that new HMOs provide adequate parking and access.
59. The property is served by a garage and large drive to the side of the house served by a dropped kerb from Potters Bank. Objections were raised regarding the limited amount of parking that would not be sufficient to cater for the seven occupants if each had a car. The Council's Highways team assessed the site and estimated that up to five vehicles could be accommodated with suitable parking on site. This is considered acceptable for a seven-bed unit given that it is highly unlikely that each occupant would have a car, particularly as the property is well located on a major bus route and within cycling and walking distance of local amenities. No objections were raised from a highway perspective. The proposals are therefore considered to accord with Local Plan Policies T1 and H9 and the Interim Policy.

Other matters

60. Concerns have been raised in relation to the distribution of neighbour notification letters, which is deemed too limited. However publicity for this application has been in excess of what is required under the Town and Country Planning (Development Management Procedure) Order 2015 (as amended) and included the posting of a site notice at the site and the posting of neighbour letters to all adjoining properties and a number beyond the site boundary.

CONCLUSION

61. In conclusion, the proposed change of use would accord with the requirements of the Council's Interim Policy relating to student accommodation as currently there are not more than 10 per cent of the properties within 100 metres of the site already in use as HMOs exempt from council tax charges, and the proposal needs to be considered in this context. It is not considered that the introduction of a HMO use in this area would result in any significant adverse impact on residential amenity in accordance with the aims of policy H9, H13 and T1 of the City of Durham Local Plan or conflict with the aims of the NPPF and the Council's Interim Policy.
62. The proposal has generated public interest, with letters of objection submitted from residents and the City of Durham Parish Council. The objections and concerns raised have been taken into account and addressed within the report. On balance the concerns raised were not felt to be of sufficient weight to justify refusal of this application.

RECOMMENDATION

That the application be **APPROVED**, subject to the conditions detailed below:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in strict accordance with the approved plans listed in Part 3 – Approved Plans.

Reason: To define the consent and ensure a satisfactory form of development is Obtained in accordance with Policies H9, H13 and T1 of the City of Durham Local Plan 2004.

3. Prior to the occupation of the dwelling as HMO as hereby approved, the doorway, balcony and decking area located on the south elevation at first floor level shall be completely removed in accordance with approved drawing 'Proposed Plans and Elevations' no. 1050-03A received 10 April 2019, and that area shall cease to be used as outdoor amenity space accordingly.

Reason: In order to protect neighbouring amenities in accordance with policy H9 and H13 of the City of Durham Local Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to approve the application has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.)

BACKGROUND PAPERS

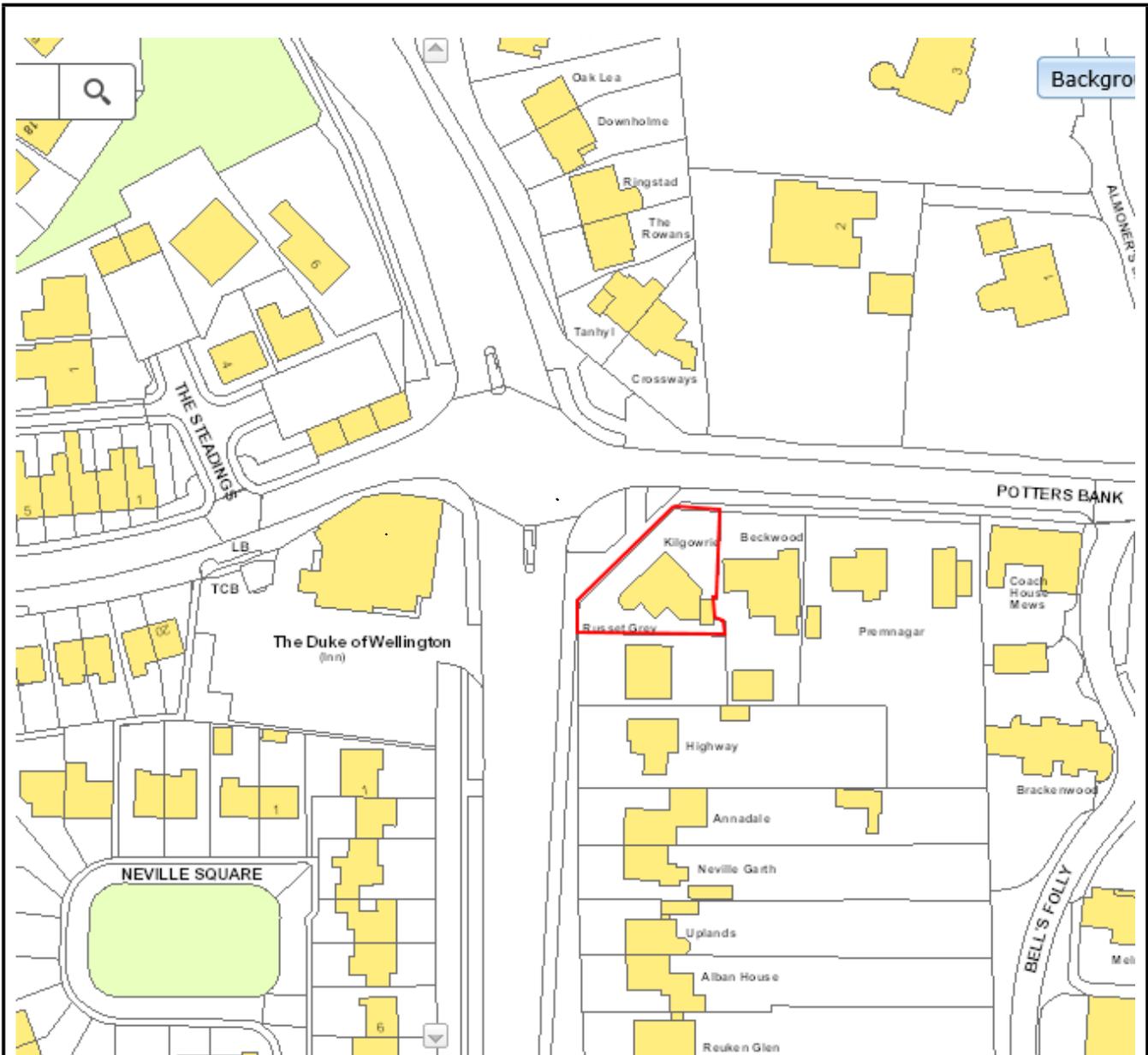
Submitted application form, plans, supporting documents and subsequent information provided by the applicant

The National Planning Policy Framework (2018)

National Planning Practice Guidance Notes

City of Durham Local Plan

Statutory, internal and public consultation responses



Planning Services

Change of use from C3 dwellign house to HMO Sui Generis (Student Accommodation) at Corner House, Potters Bank, Durham.
Application Number DM/19/00371/FPA

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Comments

Date 14 May 2019

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