



## Planning Services

# COMMITTEE REPORT

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### **APPLICATION DETAILS**

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Application No:	DM/21/00669/FPA
Full Application Description:	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.
Name of Applicant:	Claypath Property Company Ltd
Address:	115 Gilesgate Gilesgate Durham DH1 1QG
Electoral Division:	Elvet and Gilesgate
Case Officer:	Leigh Dalby (Principal Planning Officer) Tel: 03000 261 959 Email: leigh.dalby@durham.gov.uk

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### **DESCRIPTION OF THE SITE AND PROPOSAL**

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#### The Site

1. The application site is located on the Southern side of the Gilesgate. The surrounding area is predominantly residential in character although there are also a number of commercial units near to the site to the East along Gilesgate and Sherburn Road.
2. The immediate area surrounding the site is typified by two and three storey buildings of varying designs dating from various periods during the evolution of the Gilesgate area. It is noted that to the North there is a modern 3 storey student accommodation facility.

3. The current application site area is approximately 1,345m<sup>2</sup> (0.13 hectare) in area which comprises a relatively level site, laid to hardstanding which is becoming increasingly overgrown, and a 2-storey dwelling with attached single storey building. Access to the current site is taken via Gilesgate Road to the north.

#### The Proposal

4. The proposal seeks planning permission for the conversion and change use of the current buildings from a single House in Multiple Occupation and office accommodation, to 4no. 2 bed self-contained residential apartments, including a single storey extension to the side, along with new vehicle access points, off-street parking and landscaping.
5. The proposed conversion would provide 1no. duplex apartment to the ground and first floor of the residential building, 1no. first floor apartment within the residential building and 2no. ground floor apartments within the former office building. Dedicated parking is proposed to the east of this adjacent to the main entrance to the accommodation. The proposal would introduce a new one-way access system taking a point of entry from St. Giles Close to the west with the point of egress onto Gilesgate Road. The proposal would also provide off-site parking spaces for 2no. cottages on St. Giles Close.
6. The application is reported to the Planning Committee at the request of the City of Durham Parish Council who consider that the application would result in adverse impact in terms of highway safety and as such should be determined by the committee.

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#### **PLANNING HISTORY**

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7. No relevant planning history

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#### **PLANNING POLICY**

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##### **NATIONAL POLICY**

8. 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 dependent.
9. 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'. The following elements of the NPPF are considered relevant to this proposal;
10. NPPF Part 2 Achieving Sustainable Development - The purpose of the planning system is to contribute to the achievement of sustainable development and

therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.

11. NPPF Part 4 Decision-Making - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
12. 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.
13. 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.
14. 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.
15. 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.
16. NPPF Part 15 Conserving and Enhancing the Natural Environment - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
17. 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.

**LOCAL PLAN POLICY:**

18. The following policies within the County Durham Plan are considered relevant in terms of this proposal:
19. Policy 1 (Quantity of Development) outlines the levels of employment land and housing delivery considered to be required across the plan period.
20. Policy 6 (Development on Unallocated Sites) supports development on sites not allocated in the Plan or Neighbourhood Plan, but which are either within the built-up area or outside the built up area but well related to a settlement will be permitted provided it: is compatible with use on adjacent land; does not result in coalescence with neighbouring settlements; does not result in loss of land of recreational, ecological, or heritage value; is appropriate in scale, design etc to character of the settlement; it is not prejudicial to highway safety; provides access to sustainable modes of transport; retains the settlement's valued facilities; considers climate change implications; makes use of previously developed land and reflects priorities for urban regeneration.
21. Policy 16 (Durham University Development, Purpose Built Student Accommodation and Houses in Multiple Occupation) seeks to provides a means to consider student accommodation and proposals for houses in multiple occupation in ensure they create inclusive places in line with the objective of creating mixed and balanced communities.
22. Policy 21 (Delivering Sustainable Transport) requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development should have regard to Parking and Accessibility Supplementary Planning Document.
23. Policy 25 (Developer Contributions) advises that any mitigation necessary to make the development acceptable in planning terms will be secured through appropriate planning conditions or planning obligations. Planning conditions will be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations must be directly related to the development and fairly and reasonably related in scale and kind to the development.

24. Policy 26 (Green Infrastructure) states that development will be expected to maintain and protect, and where appropriate improve, the County's green infrastructure network. Advice is provided on the circumstances in which existing green infrastructure may be lost to development, the requirements of new provision within development proposals and advice in regard to public rights of way.
25. Policy 27 (Utilities, Telecommunications and Other Broadcast Infrastructure) supports such proposals provided that it can be demonstrated that there will be no significant adverse impacts or that the benefits outweigh the negative effects; it is located at an existing site, where it is technically and operationally feasible and does not result in visual clutter. If at a new site then existing site must be explored and demonstrated as not feasible. Equipment must be sympathetically designed and camouflaged and must not result in visual clutter; and where applicable it proposal must not cause significant or irreparable interference with other electrical equipment, air traffic services or other instrumentation in the national interest.
26. Policy 28 (Safeguarded Areas). Within safeguarded areas development will be subject to consultation with the relevant authority and will be permitted where it can be demonstrated that it would unacceptably adversely affect public safety, air traffic safety, the operation of High Moorsley Meteorological Officer radar.
27. Policy 29 (Sustainable Design) requires all development proposals to achieve well designed buildings and places having regard to SPD and sets out 18 elements for development to be considered acceptable, including: positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals. Provision for all new residential development to comply with Nationally Described Space Standards, subject to transition period.

Provision for alterations and extensions to residential property to be sympathetic to existing building and character and appearance of area

Provision for signage, adverts, street furniture and public art to be appropriate and sympathetic to users and local setting and not detrimental to visual amenity or public highway safety

Provision for major developments to appropriately consider the public realm in terms of roads, paths, open spaces, landscaping, access and connectivity, natural surveillance, suitable private and communal amenity space that is well defined, defensible and designed to the needs of its users.

Provision for new major residential development to be assessed against Building for Life Supplementary Planning Document, to achieve reductions in CO2 emissions, to be built to at least 30 dwellings per hectare subject to exceptions. All new development to achieve BREEAM minimum rating of 'very good'.

28. Policy 31 (Amenity and Pollution) sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for locating of sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.
29. Policy 32 (Despoiled, Degraded, Derelict, Contaminated and Unstable Land) requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.
30. Policy 33 (Renewable and Low Carbon Energy) states that renewable and low carbon development energy development in appropriate locations will be supported. In determining planning applications for such projects significant weight will be given to the achievement of wider social, environmental and economic benefits. Proposals should include details of associate developments including access roads, transmission lines, pylons and other ancillary buildings. Where relevant, planning applications will also need to include a satisfactory scheme to restore the site to a quality of at least its original condition once operations have ceased. Where necessary, this will be secured by bond, legal agreement or condition.
31. Policy 35 (Water Management) requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. All new development must ensure there is no net increase in surface water runoff for the lifetime of the development. Amongst its advice, the policy advocates the use of SuDS and aims to protect the quality of water
32. Policy 44 (Historic Environment) seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets. The policy advises on when harm or total loss of the significance of heritage assets can be accepted and the circumstances/levels of public benefit which must apply in those instances.
33. Policy 45 Durham Castle and Cathedral World Heritage Site states that new development within or affecting the World Heritage Site and its setting will be required to sustain and enhance the significance of the designated asset, be based on an understanding of the Outstanding Universal Value of the site, having regard to the adopted World Heritage Site Management Plan and Statement of Outstanding Universal Value and protect and enhance the Outstanding Universal

Value, the immediate and wider setting and important views across, out of, and into the site. Development that would result in harm to the Outstanding Universal Value of the World Heritage Site or its setting will not be permitted other than in wholly exceptional circumstances.

## **NEIGHBOURHOOD PLAN POLICY**

34. Policy S1 - Sustainable Development Requirements of all Development and Re-development Sites Including all New Building, Renovations and Extensions seeks to sets out the economic, social and environmental criteria that development proposals will be required to meet.
35. Policy H1: Protection and Enhancement of the World Heritage Site requires development within the Durham Cathedral and Castle World Heritage Site to sustain, conserve and enhance its outstanding universal value and support the current adopted management plan. Development within the WHS must take account of the historical and present uses of the site, propose high quality design, use appropriate materials and seek balance in respect of scale, density, massing, form, layout, landscaping and open spaces. Development proposals within Our Neighbourhood will need to sustain, conserve, and enhance the setting of the WHS where appropriate, by carrying out an assessment on how the development will affect the setting, including views to and from the WHS, protect important views and take opportunities to open up lost views and create new views and vistas.
36. Policy H2: The Conservation Areas expects development within the City Centre Conservation Area to sustain and enhance its special interest and significance identified within the conservation area character appraisal taking account of sustaining and enhancing the historic and architectural qualities of buildings, continuous street frontages, patterns, boundary treatments, floorscape and roofscapes, avoiding loss or harm of an element that makes a positive contribution to its individual significance and surrounding area, using appropriate scale, density, massing, form, layout and materials, using high quality design sympathetic to the character and context, its significance and distinctiveness.
37. Policy T1 - Sustainable Transport Accessibility and Design seeks to ensure that development proposals will be required to demonstrate best practice in respect of sustainable transport accessibility and design.
38. Policy T2 – Residential Car Parking supports developments with or impacting on car parking provided that car parking is designed to reduce vehicle movements on residential streets and is in designated bays or small groups separated by landscaping or features and designed with safety in mind. Consideration should be given to communal off street parking for dwellings without garages. Any EV requirements should not hinder movement by pedestrians or disabled people and should be in keeping with area character. The policy supports the use of car clubs. Should the parking demand require parking controls these will need to be funded through developer contributions.

39. Policy T3 – Residential Storage for Cycles and Mobility Aids requires residential development including change of use to seek to provide storage facilities for cycles and, where appropriate mobility aids. Cycle parking should meet DCC standards and should be adaptable for other types of storage with access to electricity. Where there is communal storage and a travel plan this should be managed appropriately in terms of removal and capacity needs. Design and location of storage should accord with the style and context of the development
40. Policy D4 (Building Housing to the Highest Standards) states all new housing, extensions and other alterations to existing housing should be of high-quality design relating to the character and appearance of the local area, aesthetic qualities, external and internal form and layout, functionality, adaptability, resilience and improvement of energy efficiency and the reduction of carbon dioxide emissions.

*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>*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY CONSULTEE RESPONSES:**

41. The following comments were received following consultation with Statutory and Internal consultees.
42. DCC Highways – No objection after the applicant amended the proposal to introduce a one-way system which would only allow exit from the site onto Gilesgate. On this basis, the development is considered acceptable from a Highways perspective.
43. The Coal Authority – No objection.
44. City of Durham Parish Council – Whilst the Parish Council supports in principle efforts to regenerate this derelict area, it considers the scheme as proposed is completely unacceptable from a highway safety perspective and as such is contrary to key elements of the County Durham Plan, the Neighbourhood Plan and the NPPF. This application should therefore be refused without delay.

### **INTERNAL CONSULTEE RESPONSES:**

45. DCC Design and Conservation – Subject to the use of appropriate materials, and notwithstanding the schedule of works (SOW) to the main building that is currently unknown, the proposed scheme would regenerate this vacant and derelict site. This would provide an enhancement to the significance of the Non-Designated Heritage Asset (NDHA), the character and appearance of the surrounding Conservation Area (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 views towards, from or across the WHS or impact upon its Outstanding Universal Values conserving its significance in

this respect. It would therefore be suggested that the application would be in accordance with Sections 12 and 16 of the NPPF, Policies 29, 44 and 45 of the now adopted County Durham Plan, and Policies of S1, H1 and H2 of the Neighbourhood Plan.

46. DCC Env. Health Statutory Nuisance – No objections subject to conditions to ensure appropriate mitigation is incorporated within the development sufficient to mitigate impact from noise and to achieve appropriate noise levels within the residential accommodation. The scheme should be submitted to and agreed by the LPA prior to first occupation.
47. DCC Spatial Policy – Identify the principal policies relevant to the current proposal as being policies 6, 21, 29 and 31 of the CDP and that the impact on highways safety and the suitability of the vehicular access to the development should be assessed by the case officer in deciding upon the suitability of this location for residential development.
48. DCC Ecology – No objection subject to the inclusion of a bat informative.

#### **NON-STATUTORY RESPONSES**

49. The following comments were received following consultation with non-statutory consultees:
50. Durham Constabulary (Architectural Liaison Officer) – No objections to the proposal but recommends that the developer should consider the Secure by Design principles.
51. Durham University – No response.
52. City of Durham Trust – Property is a NDHA as such care must be taken in the means and materials of the renovation. Concerns are expressed in relation to the access road via St. Giles Close, and although we support the principle, we object to the dual access aspect of the proposal.

#### **PUBLIC RESPONSES**

53. The application has been publicised by way of site notice, press advert and 167no. notification letters sent to neighbouring properties, in response 7no. letters of objection, and 4no. representations were received, a summary of the points of objection are as follows:

#### **OBJECTION**

- Already enough Student accommodation in the city
- No bin storage
- Car parking is an issue in the area, more houses and students will increase this further
- Noise and disturbance
- Access to the site is too narrow and dangerous

- Residents of St. Giles Close will be in danger when leaving their homes
- Highway safety issues onto Gilesgate
- No access for Emergency vehicles and large delivery vehicles
- EV charging points no details provided

#### **APPLICANTS STATEMENT:**

54. The application is for the creation of 4no. two-bedroom apartments within the property of 115 Gilesgate, Durham. Currently, the property consists of an existing dwelling with an adjoining cottage extension, designated as a House of Multi Occupation (HMO). The dwelling and cottage are currently vacant and in need of significant renovations to prevent the property from falling into disrepair and to prevent further break-in attempts.

55. The application proposes to renovate the existing property, keeping the original façade and character of the buildings. The proposal includes the improvement of the visual appearance of the dwelling and cottage, therefore improving the surrounding streetscape. There are potential economic and employment benefits that would arise from the construction and occupation of the proposed apartments and the investment in the area and regeneration of the vacant site.

56. The conversion of the dwelling and cottage into 4no. two-bedroom self-contained apartments will provide high-quality living, suitable for professionals who are working in Durham. The apartments would also have the additional benefits of the off-street parking with gated access and individual entrances to the properties. The gated access provides security, while simultaneously aiding in minimising the number of cars obstructing the main street. Additionally, the proposal provides parking for two of the neighbouring properties 131 and 132, improving their parking facilities.

57. The proposal would provide rare to the market character property apartments, with off-street parking facilities in a historic part of Durham, adding to the overall mix of accommodation in the area. This would make a positive contribution to the housing supply, regeneration of the vacant property, and improving the surrounding streetscape.

*The above 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/search.do?action=simple&searchType=Application>*

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#### **PLANNING CONSIDERATIONS AND ASSESSMENT**

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58. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with Paragraph 47 of the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making. Other material

considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to the principle of the development, impact on non-designated heritage asset, the impact on residential amenity, the character and appearance of the area and visual amenity and highway safety.

### Principle of Development

59. Policy 6 of the County Durham Plan supports development on sites which are not allocated in the Plan or Neighbourhood Plan, but which are either within the built-up area or outside the built up area but well related to a settlement, stating that such development will be permitted provided it is compatible with uses on adjacent land; does not result in coalescence with neighbouring settlements; does not result in loss of land of recreational, ecological, or heritage value; is appropriate in scale, design etc to character of the settlement; it is not prejudicial to highway safety; provides access to sustainable modes of transport; retains the settlement's valued facilities; considers climate change implications; makes use of previously developed land and reflects priorities for urban regeneration.
60. As detailed above, policy 6 of the CDP permits development on unallocated sites within built-up areas provided it meets the criteria set out within the policy. The site lies within the built-up area of Gilesgate and as such policy 6 is relevant. In this regard it is considered that the proposal can draw support in principle from this policy given that the site is located within close proximity to other residential uses and would not be prejudicial to any existing or permitted adjacent uses, subject to the impact on residential amenity, which is considered in greater detail elsewhere in this report (criteria a), it is within the existing built framework of Gilesgate and would not lead to coalescence with neighbouring settlements (criteria b), would not result in a loss of open land that has any recreational, ecological or heritage value (criteria c) and has easy access to sustainable transport and local facilities (criteria f) and the site makes best use of previously developed land (criteria i). Consideration of the requirements of criteria d, e, g, h of policy 6 are considered elsewhere within this report. It is not considered that criteria j is appropriate in relation to this proposal.
61. It is therefore considered that the principle of residential accommodation in this location is acceptable subject to the relevant material considerations as set out below.
62. Given the proposal relates to residential accommodation which may be attractive to students, Policy 16 (Durham University Development, Purpose Built Student Accommodation and Houses in Multiple Occupation) of the County Durham Plan is also relevant which requires that such development, even if not intended for Students, should be assessed against the requirements of Policy 16(2). The fundamental aim in this regard is ensuring that communities create/maintain inclusive places in line with the objective of creating mixed and balanced communities.

63. Part 2 of Policy 16 states that new PBSA development on sites not allocated for student accommodation will be required to demonstrate the following:
- a) That there is a need for additional student accommodation of this type in this location
  - b) Consultation with the relevant education provider pursuant to the identified need
  - c) It would not result in a significant negative impact on retail employment leisure tourism housing or other of the council's regeneration objectives
  - d) The development is readily accessible to an existing university or college academic site or hospital and research site
  - e) The design and layout the student accommodation and siting of individual uses within the overall developments are appropriate to this location and in relation to the adjacent neighbouring uses
  - f) The internal design layout and size of the accommodation and facilities are appropriate standard
  - g) Activities of the occupants of the development will not have an unacceptable impact upon the amenity of the surrounding residents in itself or when considered alongside existing approved student housing provision prior to occupation in management plan or draft outline management plan appropriate to the scale of development shall be provided
  - h) the quantity of cycle and car parking provided has regard to the council's parking and accessibility guidelines: and
  - i) The applicant has shown that the security of the building and its occupants has been considered along with that of other local residents and legitimate users.
64. In taking each of these criteria in turn; with regard to criteria a) the supporting text for Policy 16 highlights that need can be considered in both quantitative and qualitative terms, with Paragraph 5.139 recognising that the student housing market is not static and that there needs to be choice in the market.
65. Durham University were consulted as part of the proposal, however did not respond directly to this application, however they have previously on a recent application for a PBSA provided the following information around the number of students living within the city and advises that there are 22,219 active students at Durham University as of 1st December 2021, and that of these 18,276 live within Durham City (DH1), 7,328 of which are residing in College affiliated accommodation (either owned by the University or leased from the private sector), and that for the next academic year they expect the numbers in College affiliated accommodation to rise to 7,528.
66. It should also be noted that the University have confirmed that 1,610 students have taken an option to study online for this academic year, which was an increase of 1351 from 259 students in December 2019 (pre-pandemic), but that the number of students studying online is expected to reduce post-pandemic.
67. The University Strategy 2017-2027 has a target of 21,500 active students by 2027 and the University acknowledges that it has exceeded this target for a short

period of time due to the outrun of the last two A-level cycles. However, they do note an expectation for this to return to the overall target in the coming years.

68. Whilst there is some question as to the likely quantitative demand for bedspaces covering the 2017 – 2027 period, supporting text to Policy 16 at 5.141 nevertheless advises that consideration of the need for additional student accommodation shall include, but not be limited to, University student growth forecasts and that PBSA can increase choice for the student population. Para. 5.146 recognises that PBSA should reflect the needs and aspirations of the student population.
69. The information provided by the University highlights that in quantitative terms need for student accommodation is currently met as student numbers are in excess of the universities projected figures for this period. However, the applicant has confirmed that whilst the proposal is not intended for students, (and as such consider that an assessment against student accommodation policies is unnecessary), nevertheless note that the properties last use was as a HMO, and as such if students were attracted to the site this would not create any significant adverse impacts and would provide a type of accommodation that would add to the choice and variety of housing accommodation on offer to the student market generally, providing an alternative to traditional HMO style housing or PBSA. Notwithstanding the above, the applicant has reiterated that student occupation is not the intended use.
70. In light of the above it is considered that whilst the proposal is unlikely to meet a quantitative demand, it would comply with policy 16a) of the CDP in that it would meet an identified need to broaden the choice and variety of student accommodation available within the city.
71. In relation to criteria b) it is noted that the applicant has consulted with Durham University and whilst the university did not respond to this, they have nevertheless provided comment in response to the formal consultation from the LPA. As such the requirements of policy 16 in this regard are considered to be satisfied.
72. With regard to criteria c) the proposal would see the reuse of a currently vacant building that would not impact on any retail, employment, leisure, tourism, housing or regeneration objectives within the city and as such it is considered to accord with this criterion of policy 16.
73. With regard to criteria d) the site is located approx. 350m from St. Hild and St. Bede College (Durham University Site) and is situated on a main bus route into and out of the city which provides readily available access to Durham University facilities. It is therefore considered that the proposal is acceptable in this regard.
74. Criteria e) relates to matters regarding the design and layout of the proposals which are considered in more detail elsewhere in the report.
75. In relation to criteria f) the internal layout of the accommodation and facilities are considered to be satisfactory and sufficient space provided.

76. Criteria g) relates to consideration of the impact of the development upon surrounding residents which is considered in detail elsewhere in the report. However, it is noted that the Council's Env. Health Statutory Nuisance team have raised no objections to the proposal subject to conditions requiring the submission and agreement of sound attenuation measures.
77. In regard to criteria h) the Council's Highway Engineers have considered the proposal and confirmed that the development is acceptable in highways safety terms although this is considered in more detail elsewhere in this report.
78. Having regard to criteria i) precise details of the security measures requested by the Durham Constabulary liaison officer are to be provided by way of an informative. Notwithstanding the above, precise details of the management of the units can be secured through the submission and agreement of a management strategy with details of all external lighting subject to agreement via planning condition.
79. The final element of Policy 16 for consideration is the impact of the proposal on designated and non-designated assets which is considered in greater detail elsewhere in this report.
80. In light of the above, and subject to consideration of compliance with criteria e and g of policy 16, and all other material considerations including the impact on heritage assets, the development is considered acceptable in principle, in accordance with Policy 16 of the CDP.

#### Impact on Heritage assets

81. When considering any application for planning permission that affects a conservation area, s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires a local planning authority shall have special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
82. Policy 16 of the CDP states that 'Where appropriate, 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 better reveal the significance and understanding of heritage assets whilst improving access where appropriate'.
83. The application site is located within Durham City Centre Conservation Area although the building itself is not a designated heritage asset. However, both the applicant and the Council's Design and Conservation Section are satisfied that the building should be classified as a non-designated heritage asset due to its historic interest.
84. Policy 44 of the County Durham Plan seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities

to enhance and, where appropriate, better reveal the significance and understanding of heritage assets. The policy advises on when harm or total loss of the significance of heritage assets can be accepted and the circumstances/levels of public benefit which must apply in those instances. In relation to non-designated heritage assets *'A balanced judgement will be applied where development impacts upon the significance and setting of non-designated heritage assets'*.

85. Policy H2 (The Conservation Areas) of the DCNP expects development within the City Centre Conservation Area to sustain and enhance its special interest and significance identified within the conservation area character appraisal taking account of sustaining and enhancing the historic and architectural qualities of buildings, continuous street frontages, patterns, boundary treatments, floorscape and roofscapes, avoiding loss or harm of an element that makes a positive contribution to its individual significance and surrounding area, using appropriate scale, density, massing, form, layout and materials, using high quality design sympathetic to the character and context, its significance and distinctiveness.
86. Policy 45 of the County Durham Plan states that the Durham Castle and Cathedral World Heritage Site is a designated asset of the highest significance. Development within or affecting the World Heritage Site and its setting will be required to a) sustain and enhance the significance of the heritage asset, b) be based on an understanding of the Outstanding Universal Value of the site and c) protect and enhance the Outstanding Universal Value, the immediate and wider setting and important views across, out of, and into the site. Development that would result in harm to the Outstanding Universal Value of the World Heritage Site or its setting will not be permitted other than in wholly exceptional circumstances.
87. Policy H1 of the DCNP (Protection and Enhancement of the World Heritage Site) requires development within the Durham Cathedral and Castle World Heritage Site to sustain, conserve and enhance its outstanding universal value and support the current adopted management plan. Development within the WHS must take account of the historical and present uses of the site, propose high quality design, use appropriate materials and seek balance in respect of scale, density, massing, form, layout, landscaping and open spaces. Development proposals within Our Neighbourhood will need to sustain, conserve, and enhance the setting of the WHS where appropriate, by carrying out an assessment on how the development will affect the setting, including views to and from the WHS, protect important views and take opportunities to open up lost views and create new views and vistas.
88. The Council's Design and Conservation Section has assessed the proposal and concluded that subject to the submission and agreement of a scheme of works to be secured through planning condition, the proposal would deliver an enhancement to the significance of the NDHA and the character and appearance of the Conservation Area and the townscape of the WHS through the reintroduction of a positive use to a currently vacant and unused NDHA which at present detracts from the visual amenity of area

89. In light of the above it is considered that the proposal would accord with s.72 of the Planning (Listed Building and Conservation Areas) Act 1990, sections 12 and 16 of the NPPF, Policies 16, 29, 44 and 45 of the County Durham Plan, and Policies of S1, H1 and H2 of the Neighbourhood Plan.

#### Impact upon Residential Amenity

90. Policy 29 (Sustainable Design) of the CDP requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out 18 elements for development to be considered acceptable, including: making positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals. Provision for all new residential development to comply with Nationally Described Space Standards, subject to transition period. Provision for major developments to appropriately consider the public realm in terms of roads, paths, open spaces, landscaping, access and connectivity, natural surveillance, suitable private and communal amenity space that is well defined, defensible and designed to the needs of its users.
91. The above policies and SPD are in broad accordance with paragraph 130 of the NPPF which requires that planning decisions should ensure that developments will create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
92. Having regard to criteria e) and f) of Policy 29 and the requirements of policy 31 (which supports new development where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that can be integrated effectively with any existing business and community facilities), the development is not considered to have any adverse impact in this regard.
93. The scheme proposes 4no. units of residential accommodation falling within Class C3 of the Town and Country Planning use Classes Order 1987, the details of which have been assessed by the Councils Env. Health Section who confirms that the scheme is acceptable in terms of residential amenity subject to the inclusion of a planning condition requiring the submission and agreement of a scheme of sound insulation prior to the first occupation of the apartments in order to protect future residents from the transfer of noise from surrounding uses.
94. Policy 29 also requires that new residential development to comply with NDSS requirements. In this regard the application has submitted details that confirm each of the units proposed meet the necessary NDSS requirements both in terms of overall size and individual bedroom space. However, it is noted that 1 unit is suitable only as a 2 bed 3 persons unit based upon the space requirements of 1 bedroom. However, there is no control to prevent this room being occupied by 2

persons. Nevertheless, the development is considered to meet minimum internal space requirements and as such accords with policy 29.

95. Crime, and fear of crime are material planning considerations with paragraph 92(b) of the NPPF stating that planning decision should aim to ensure that developments provide healthy, inclusive and safe places that are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. With regards to the fear of crime the courts have held that this is only a material consideration where the use, by its nature, would provide a reasonable basis for concern based on robust evidence.
96. In this regard it is of note that Durham Constabulary have not objected to the proposal but requested that the developer have regard to use of Secure by Design principles. Whilst general compliance with those principles cannot be secured through planning condition with many of the suggested measures falling outside of the scope of planning control, several of the suggested measures can easily be incorporated into the conversion such as those relating to the use of PAS compliant doorsets and window specification.
97. In terms of those measures relating to external lighting as already noted the submission and agreement of all external lighting can be secured through planning condition. Therefore, and noting that Durham Constabulary raise no objection to the application, it is not considered that there would be any material increase in crime as a result of the proposals, and with it the fear of crime, and as such these matters should be afforded limited weight in the determination of the application. It is therefore considered that the proposal meets the test of Paragraph 92 of the NPPF and would comply with Policy 29(m)(1 and 6) of the CDP in that it would provide a safe and defensible development.
98. Policy 31 (Amenity and Pollution) sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that they can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.
99. The Council's Env. Health Section has assessed the development and offers no objection subject to planning conditions as already noted in relation to the submission and agreement of a noise mitigation scheme. Therefore, subject to the inclusion of a planning condition in this regard it is considered that the proposal is acceptable and would not result in any unacceptable impact upon surrounding residents or future occupiers.
100. The design and layout of the proposal is such that privacy and separation distances between the direct facing habitable windows of the proposal to the residential units nearby dwelling exceed the minimum requirements set out by

the Council's Residential Design SPD and as such the scheme is considered acceptable and would sufficiently protect the privacy and amenity of future occupiers and existing residents in accordance with policies 16, 29 and 31 of the CDP.

101. Therefore, it is considered that the proposal would not have any adverse impact upon existing or future residents in accordance with the requirements of Policies 16, 29 and 31 of the County Durham Plan, the Council's Residential Design SPD, Policy S1 and D4 of the Durham City Neighbourhood Plan and Sections 8 and 12 of the NPPF.

#### Highway and Pedestrian Safety

102. Policy 21 of the CDP requires that all development ensures that any vehicular traffic generated by new development can be safely accommodated and have regard to Parking and Accessibility Supplementary Planning Document
103. DCNP Policy T1 - Sustainable Transport Accessibility and Design seeks to ensure that development proposals will be required to demonstrate best practice in respect of sustainable transport accessibility and design
104. DCNP Policy T2 – Residential Car Parking supporting developments with or impacting on car parking provided that car parking is designed to reduce vehicle movements on residential streets and is in designated bays or small groups separated by landscaping or features and designed with safety in mind. Consideration should be given to communal off street parking for dwellings without garages. Any EV requirements should not hinder movement by pedestrians or disabled people and should be in keeping with area character. The policy supports the use of car clubs. Should the parking demand require parking controls these will need to be funded through developer contributions.
105. DCNP Policy T3 – Residential Storage for Cycles and Mobility Aids requires residential development including change of use to seek to provide storage facilities for cycles and, where appropriate mobility aids. Cycle parking should meet DCC standards and should be adaptable for other types of storage with access to electricity.
106. Significant concern has been raised from local residents and the Parish Council in relation to the proposed access arrangements which would utilise a one-way system that takes an access from St Giles Close to the west and an egress onto Gilesgate Road to the north. Specifically, the concern is that vehicles entering the site would come into direct conflict with pedestrians entering and leaving those residential properties at St Giles Close as the front doors to some of these units directly abut the private access road. The scheme has undergone a number of amendments since its original submission at the request of the DCC Highway section who are satisfied that the proposed use of the one-way system would safely serve the development.
107. Whilst it is acknowledged that the point of entry from St Giles Close is narrow the Highway Authority nevertheless notes that this is acceptable. In addition, regard

must be had to the previous use as a single HMO and commercial unit which could be reintroduced without control and would itself generate vehicle movements re-using the current access point to the north onto Gilesgate Road. With this in mind it is considered that the movement of lighter vehicle associated with residential uses in a one-way system is considered an improvement to the historic use.

108. The site provides sufficient space to deliver EV charging points and cycle storage in accordance with appropriate planning policies and the submission and agreement of precise detail in this regard can be secured through planning condition. As such the development is considered to be acceptable in relation to Policy T1 of the DCNP
109. In light of the above it is considered that subject to the conditions detailed above it is considered that the proposal complies with Policies 16 and 21 of the County Durham Plan, Policies T1, T2 and T3 of the DCNP and Part 9 (Paragraph 112) of the NPPF.

#### Impact on the character and appearance of the streetscene

110. Policy 29 (Sustainable Design) of the County Durham Plan requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out 18 elements for development to be considered acceptable, including: making positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals.
111. Policy 29 states that all developments should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities.
112. The proposal would make some minor amendments to the existing building and where alterations are proposed these are considered sympathetic. As such it is considered that the character and appearance of the area would be maintained and as already noted this view is supported by the Council's Design and Conservation Section.
113. In light of the above it is considered that the proposal is acceptable in relation to Policies 16 and 29 of the CDP and S1 and D4 of the DCNP.

#### Ecology

114. The proposal has been considered by the County Ecologist who raises no objection to the application subject to the inclusion of the standard bat informative. It is therefore considered that the proposal is acceptable in regard to Policy 41 of the CDP

## Connectivity

115. Policy 27 of the CDP requires new residential development to be served by a high-speed broadband connection unless it can be demonstrated that this is not appropriate. The development would be located within close proximity to existing residential dwellings close to the centre as such it does not appear that there any significant constraints to delivering the connectivity in accordance with the requirements of policy 27 although the submission and agreement of precise detail in this regard could be secured through planning condition. Subject to the inclusion of a planning condition in this regard the development is considered to accord with the aims of policy 27 of the CDP.

## Public Sector Equality Duty

116. Section 149 of the Equality Act 2010 requires public authorities when exercising their functions to have due regard to the need to i) the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct, ii) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and iii) foster good relations between persons who share a relevant protected characteristic and persons who do not share that characteristic. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

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## **CONCLUSION**

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117. In summary, it is considered that the principle of the development is acceptable in planning terms and would accord with the broad aims of policies 6 and 16 of the CDP subject to the inclusion of appropriate planning conditions. Specifically, it is considered that the development is acceptable in terms of the impact on the designated and non-designated heritage asset in that it would deliver enhancement to the NDHA and the Durham City Centre Conservation Area, provides acceptable levels of amenity space and privacy, and maintains the amenity of the existing residents, is acceptable in terms of highway safety and ecology in accordance with Policies 1, 6, 16, 21, 27, 29, 31, 33, 41, 44 and 45 of the County Durham Plan, S1, H1, H2, T1, T2, T3 and D4 of the Durham City Neighbourhood Plan and Parts 2, 4, 8, 9, 11, 12, 15 and 16 of the National Planning Policy Framework.

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## **RECOMMENDATION**

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118. That the application be **APPROVED** subject to the following conditions;

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 that a satisfactory form of development is obtained in accordance with Policy(ies) 1, 6, 16, 21, 27, 29, 31, 33, 41 and 44 of the County Durham Plan, S1, H1, H2, T1, T2, T3 and D4 of the Durham City Neighbourhood Plan and Parts 2, 4, 8, 9, 11, 12 and 16 of the National Planning Policy Framework.

3. No unit hereby approved shall be occupied until such time as a scheme detailing the precise means of broadband connection to the site has been submitted to and agreed in writing by the local planning. Thereafter, the development shall be carried out in accordance with the agreed detail.

Reason: To ensure a high quality of development is achieved and to comply with the requirements of policy 27 of the County Durham Plan.

4. 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 and shall comply with the following levels:

- o 35dB LAeq 16hr bedrooms and living room during the day-time (0700 - 2300)
- o 30 dB LAeq 8hr in all bedrooms during the night time (2300 - 0700)
- o 45 dB LAmax in bedrooms during the night-time
- o 55dB LAeq 16hr in outdoor living areas

The scheme shall be fully installed and operational prior to the beneficial occupation of the development and shall be permanently retained thereafter.

Reason: To protect the amenity of residents in accordance with the aims of policy 31 of the County Durham Plan and Part 15 of the NPPF.

5. Notwithstanding any details of materials submitted with the application no development shall commence until details of the make, colour and texture of all walling and roofing materials, window details and rainwater goods, new surface treatment and landscaping have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with Policy 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

6. Prior to commencement of the development hereby approved a detailed schedule of works shall be submitted to and agreed in writing by the Local Planning Authority, setting out the current condition of the non-designated

heritage asset and the extent of the internal alterations, and thereafter the approved works shall be undertaken fully in accordance with the agreed details

Reason: To protect the significance of the NDHA in accordance with Policy 44 and 45 of the County Durham Plan and H1 and H2 of the City of Durham Neighbourhood Plan.

7. Prior to the first occupation of the development hereby approved, details of all means of enclosure of the site shall be submitted to and approved in writing by the Local Planning Authority. The enclosures shall be constructed and retained in accordance with the approved details thereafter.

Reason: In the interests of the visual amenity of the area and to comply with Policy 29 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

8. Prior to the first occupation of the development hereby approved details of all external lighting shall be submitted to and approved in writing by the Local Planning Authority. The detail provided shall demonstrate adherence to the ILP guidance notes for the reduction of intrusive light and shall thereafter, be installed and maintained in accordance with the approved details.

Reason: In order to minimise light spillage and glare and protect residential amenity in accordance with Policy 31 of the County Durham Plan and Local Plan and Part 15 of the National Planning Policy Framework.

9. Prior to the first occupation of the development hereby approved, details of bin stores shall be submitted to and approved in writing by the Local Planning Authority. The bin stores shall be constructed in accordance with the approved details and be made available prior to the occupation of the development to which they relate.

Reason: In the interests of visual amenity and highway safety in accordance with Policies 21 and 29 of the County Durham Plan and Parts 9, 12 and 15 of the National Planning Policy Framework

10. In undertaking the development that is hereby approved:

No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0730 to 1800 on Monday to Friday and 0730 to 1400 on Saturday.

No internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1700 on Saturday.

No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays.

For the purposes of this condition, construction works are defined as: The carrying out of any building, civil engineering or engineering construction work involving the use of plant and machinery including hand tools.

Reason: To protect the residential amenity of existing and future residents from the development in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 2015 (as amended) (or any revocation and re-enactment of that order), the premises shall be used only for the purposes of C3 residential accommodation and for no other use.

Reason: In the interests of the amenity of the area in accordance with Policies 29 and 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

12. Prior to the first occupation of the dwellings hereby permitted, a detailed management strategy scheme for the development (which shall include but not be limited to the one-way access system, a parking management strategy, details of the means of electronic vehicle charging and building security) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the agreed scheme shall be implemented in accordance and maintained for the lifetime of the development.

Reason: The applicants special circumstances allow this development to be approved in compliance with Policies 1, 6, 16, 21, 25, 26, 27, 28, 29, 31, 32, 33, 35, 36 and 44 of the County Durham Plan and Parts 2, 4, 8, 9, 11, 12 and 16 of the National Planning Policy Framework.

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority 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

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## **BACKGROUND PAPERS**

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

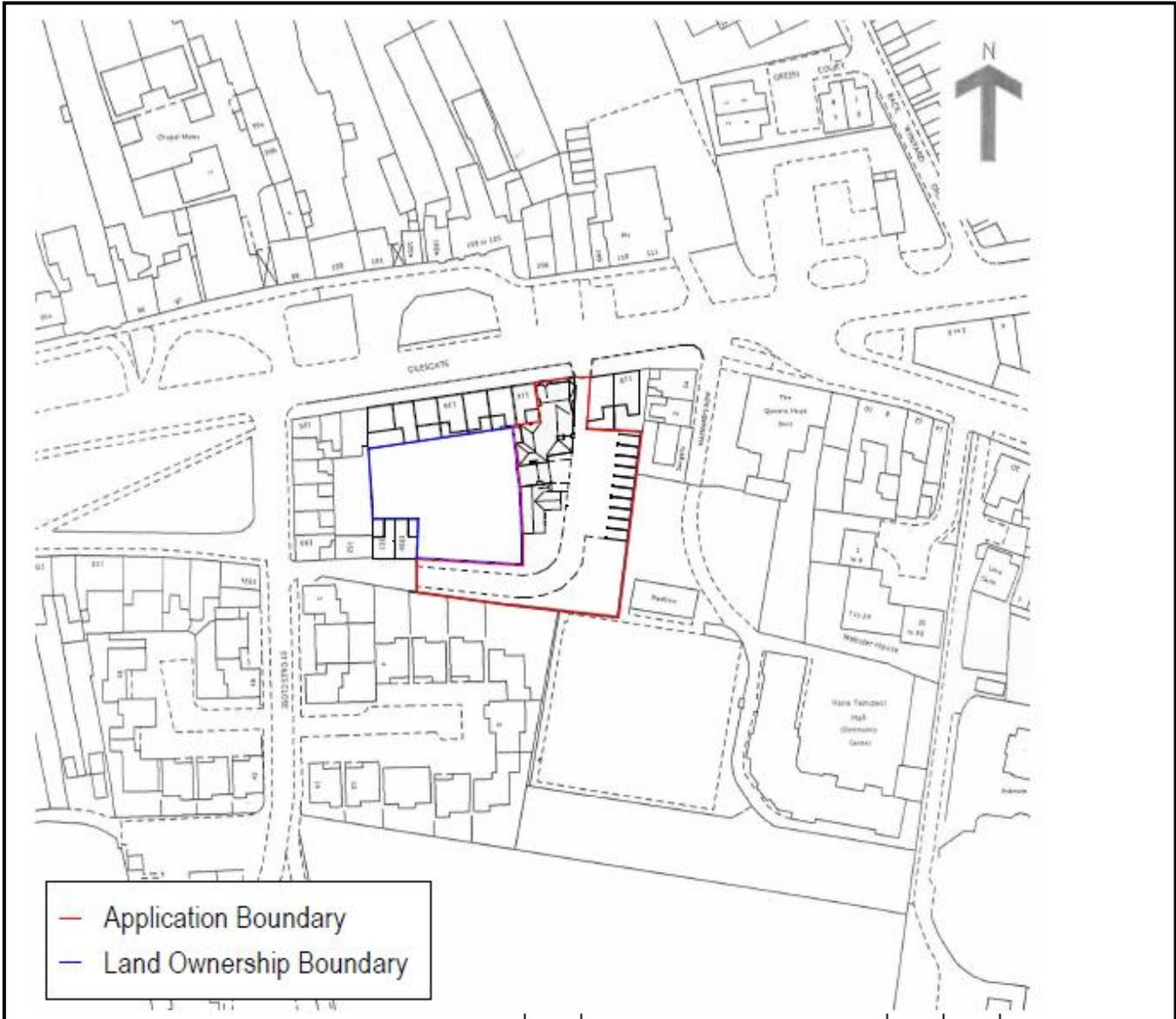
The National Planning Policy Framework (2021)

National Planning Practice Guidance Notes

County Durham Plan (2020)

Durham City Neighbourhood Plan (2021)

Statutory, internal and public consultation responses



— Application Boundary  
 — Land Ownership Boundary

<p><b>Planning Services</b></p>	<p>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.</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005</p>	<p>115 Gilesgate Durham DH1 1QG</p>	
	<p><b>Date June 2022</b></p>	<p><b>Scale NTS</b></p>