

## COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	<b>DM/23/00241/FPA</b>
<b>FULL APPLICATION DESCRIPTION:</b>	<b>Change of Use from 6 Bed dwellinghouse to 2no. 2 bed flats. (amended description 09.02.2023)</b>
<b>NAME OF APPLICANT:</b>	<b>Mrs Gabrielle Moore</b>
<b>ADDRESS:</b>	<b>24 Nevilledale Terrace, Durham, DH1 4QG</b>
<b>ELECTORAL DIVISION:</b>	<b>Neville's Cross</b>
<b>CASE OFFICER:</b>	<b>Elinor Woodruff Planning Officer 03000 261059 <a href="mailto:elinor.woodruff@durham.gov.uk">elinor.woodruff@durham.gov.uk</a></b>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. The application site relates to a Victorian terraced property located within the western part of the Durham City Centre Conservation Area, on the south side of Crossgate Peth. The properties within the street form a sweeping terrace of three blocks that occupy an elevated position overlooking Crossgate Peth. There is no vehicular highway access to the front of the property, with the frontage providing pedestrian access along a footpath bordered with a grassed area with occasional trees. Parking and vehicular highway access exists to rear of the terraces.

#### The Proposal

2. The application seeks full planning permission for the conversion of the property from a dwellinghouse (Use Class C3) to 2 No. two-bedroom flats (also Use Class C3). Flat 1 would take access from the rear of the property, while Flat 2 would have an access from the front of the property. Flat 1 would have access to the ground floor external amenity space to the rear, while flat 2 would not benefit from any external amenity space.
3. The application is being reported to planning committee at the request of Durham City Parish Council who consider the application raises issues relating to residential amenity, parking, cycle storage and highway safety which require consideration by the committee.

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## PLANNING HISTORY

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4. DM/19/01418/FPA The change of use of a six-bedroom dwelling (Class C3) to a small House in Multiple Occupation (Class C4) or a six-bed dwelling (C3) Refused 2<sup>nd</sup> September 2019 Appeal Dismissed 27th February 2020.
5. DM/22/00369/FPA Change of use from C3 to C4 Refused 6<sup>th</sup> April 2022 Appeal Dismissed 2<sup>nd</sup> December 2022.

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## PLANNING POLICY

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### NATIONAL POLICY

6. A revised National Planning Policy Framework (NPPF) was published in September 2023 (with updates since). The overriding message continues to be that new development that is sustainable should go ahead without delay. 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.
7. In accordance with Paragraph 219 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
8. *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.
9. *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.
10. *NPPF Part 5 - Delivering a sufficient supply of homes.* The Government advises Local Planning Authority's to deliver a wide choice of high-quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
11. *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.

12. *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.
13. *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.
14. *NPPF Part 15 - Conserving and enhancing the natural environment* - Planning policies and decisions should contribute to and enhance the natural and local environment.
15. *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

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

16. 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; air quality; design process and tools; determining a planning application; flood risk; healthy and safe communities; land stability; land affected by contamination; housing and economic development needs assessments; housing and economic land availability assessment; natural environment; neighbourhood planning; noise; open space, sports and recreation facilities, public rights of way and local green space; planning obligations; travel plans, transport assessments and statements; use of planning conditions; Tree Preservation Orders and trees in conservation areas and; water supply, wastewater and water quality.

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

## **LOCAL PLAN POLICY:**

### The County Durham Plan

17. *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.

18. *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.
19. *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 the Parking and Accessibility Supplementary Planning Document and Strategic Cycling and Walking Deliver Plan.
20. *Policy 29 – Sustainable Design.* Requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out detailed criteria which sets out that where relevant development is required to meet including; making a positive contribution to an areas character and identity; provide adaptable buildings; minimise greenhouse gas emissions and use of non renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; providing suitable landscape proposals; provide convenient access for all users; adhere to the Nationally Described Space Standards.
21. *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.
22. *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.

#### The Durham County Council Parking and Accessibility Standards SPD

#### **DURHAM CITY NEIGHBOURHOOD PLAN:**

23. *Policy S1: Sustainable Development Requirements of all Development and Re-development Sites Including all New Building, Renovations and Extensions* - sets out the economic, social and environmental criteria that development proposals will be required to meet to: Promote economic well-being, to Conserve, preserve and enhance the neighbourhood, to increase resilience to climate change, and secure equity and benefit to the local community.
24. *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, impact and design.

25. *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.
26. *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.
27. *Policy H2: The Conservation Areas* – seeks to ensure development proposals within or affecting the setting of the Durham City Conservation Area sustains and enhances its significance as identified within the Conservation Area Appraisals.
28. *Policy D4: Building Housing to the Highest Standards* – states that all new housing and extensions and other alterations to existing housing should be of high-quality design.

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

29. *Highway Authority* – Raises no objection to the application. While the existing property would be divided into 2, the number of bedrooms would be decreased from the existing 6, to 3 between the 2 proposed flats. Therefore, the number of trips and parking demand from the proposed scheme would be similar, if not reduced, from the existing use. No further comments were provided following re-consultation when the additional bedroom was added.
30. *Durham Parish Council* – raise objection to the application, citing concerns regarding access, amenity and that the application has failed to supply sufficient evidence that there is a need for this type of accommodation. In addition, the Parish highlight the application sites history, with concerns that the flats will become a de-facto HMO and have a C4 use.

### **INTERNAL CONSULTEE RESPONSES:**

31. *Environment, Health and Consumer Protection (Nuisance Action Team)* raise no objection to the application subject to the inclusion of planning conditions to control works during the construction phase and secure the implementation of appropriate soundproofing measures.
32. *Spatial Policy Team* advise that whilst the subdivision of this residential dwelling (Use Class C3) into residential flats (also class C3) has scope to be compliant with the County Durham Plan, the design raises issues for consideration in relation to amenity, compliance with parking and accessibility standards, NDSS and provision of rubbish and recycling facilities. As such, the requirements of Policy 6 and 16 should be carefully considered.

## **PUBLIC RESPONSES:**

33. The application has been advertised by way of a site notice, press notice and individual notification letters to neighbouring residents.
34. Nineteen letters of objection have been received from neighbouring properties (including responses from the City of Durham Trust and Crossgate Community Partnership). Reasons for objection are summarised as:
- The site has a history of applications for the property to be changed into a HMO, all of which have been refused and dismissed at appeal. Neighbours have concerns that this circumvents planning policy, creating accommodation for students and thus create an HMO. If so, there are concerns that the tenants would not become a part of the community.
  - Impact upon parking and highway safety, specifically that the subdivision of the property would increase traffic and parking in an already congested area.
  - Impact upon existing residential amenity in that the proposal would adversely impact upon neighbouring properties from increased noise and disturbance. The area is predominantly for families and if this application is approved may set a precedent for other properties in the area to be subdivided into flats.
  - Adverse impact from increased volume of waste/recycling and that the site does not include sufficient space to accommodate refuse storage requirements for the two flats and as such would increase nuisance and vermin.
  - Concerns regarding access arrangements to the two flats and how deliveries are to be made to flat 2 if access is only from the front where it is pedestrian access only.
  - Poor layout plan internally, including the roof light which people in the first floor flat will look down into from the lounge/dining room, which will impact upon any future users of the property.
  - Concerns in regard to the impact the proposal would have on the character and appearance of the conservation area. Especially regarding the maintenance of external areas such as the garden to the front of the property.
  - The increase of carbon emissions with the installation of another boiler at the property to separate the heating systems for the two flats.

## **APPLICANTS STATEMENT:**

35. The proposals relate to the provision of 2 No. flats within a highly accessible location and could therefore appeal to a wide range of tenants seeking affordable rental accommodation in close proximity to Durham City Centre and it should be acknowledged that the County Durham Strategic Housing Market Assessment 2019 showed a need for smaller housing units driven by demographic change which is creating smaller household sizes. The proposals will widen the mix of housing in this highly accessible location and the provision of 2 No. flats in this established residential area in close proximity to the City Centre would fully accord with the Strategic Objectives of the adopted County Durham Plan and national guidance contained within the NPPF in regard to delivering new housing. It is however accepted that the proposed flats could also appeal to student tenants seeking smaller accommodation

and, accordingly, fall to be assessed against Part 2 of Policy 16 of the County Durham Plan.

36. There has been significant growth in student numbers over the course of the last decade and the need for further student accommodation has been acknowledged by the LPA in supporting recent applications for such accommodation within the City, further illustrated by the well-publicised difficulties for students in securing accommodation for the current academic year. The student housing market is not static and there are likely to be fluctuations in the population residing in the City, which could be influenced by factors including lower numbers of students choosing to reside at home / outside the DH1 postcode area or lower numbers studying away from Durham or online. It therefore remains evident that there is a quantitative need to provide headroom within the level of supply to ensure that a sufficient choice of accommodation options is available to students and to ensure that demands arising from any fluctuations in the student population can be met. This position is also supported by correspondence received from a number of local estate agents who have highlighted a need for additional one and two bedroom properties within the City for which there is likely to be demand from both student and non-student tenants. The applicant therefore remains firmly of the opinion that there is clear quantitative need for the type of accommodation proposed by the current application proposals.
37. The proposed flats will also meet a qualitative need providing modern, high quality residential accommodation occupying a highly accessible location relative to both the City Centre and the University, meeting the needs of students who may not wish to live in PBSA schemes or large HMOs. The proposals would clearly contribute to the provision of a range of high quality student accommodation options to support the growth of Durham University and ensure that students have access to modern, high quality accommodation over the course of their studies. The quality of the accommodation provided coupled with the highly accessible location of the site will clearly contribute to the student experience and quality of life of occupants during the course of their time at University, as residents will be living in modern, quality accommodation lying within extremely close proximity to the range of educational, leisure, retail, entertainment, health and community facilities that they will need to access during the course of their stay.
38. In respect of impact on neighbouring residents, the proposals relate to an existing six-bedroom terraced property and the proposals seek the conversion of the property to form 2 No. two-bedroom flats and will therefore result in a decrease in bedspaces within the building in comparison with the current situation. Moreover, the proposed two-bedroom units are likely to appeal to students who are seeking a different form of accommodation and lifestyle than that offered by PBSA or large HMOs and will primarily appeal to students seeking a quieter environment that is more conducive to study, such as final year students, postgraduates or foreign students. It is not therefore considered, given the type, size and nature of the accommodation provided, that the proposals will give rise to any significant impacts in terms of amenity and the number of comings and goings and general level of activity will not be materially different to those associated with a single household occupying this 6- bedroom property. It is therefore clear that the proposals will not give rise to unacceptable impacts on the amenities of nearby residents.
39. In summary, the proposed development would widen the mix of housing in this highly accessible location in line with established policy objectives, as well as meeting both a quantitative and qualitative need for student accommodation. Moreover, the application proposals will provide an appropriate standard of accommodation for both student and non-student residents and will not give rise to any unacceptable impacts in relation to residential amenity, highways or the Conservation Area. The application

proposals therefore represent a sustainable form of development that would fully accord with the adopted Development Plan in force for the area and the applicant would therefore request that Members resolve to grant planning permission in this context.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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40. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material planning consideration. The County Durham Plan (CDP) forms the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035.
41. 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 the character and appearance of the area, the impact on residential amenity and community balance/social cohesion and the impact on highway safety/parking.

### The Principle of the Development

42. The proposal relates to the change of use from a residential dwellinghouse (Use Class C3) to two, two-bed flats.
43. Policy 6 (Development on Unallocated Sites) of the County Durham Plan permits residential development within the built up area where it meets a number of relevant criteria including compatibility with adjacent land uses, is appropriate scale, design and layout for the character, function, form and setting of the settlement, will not be prejudicial to highway safety, is accessible to sustainable modes of transport and relevant services and facilities, is resilient to climate change (including flooding) and, where appropriate, reflects priorities for urban regeneration.
44. In the case of conversions, proposals should not significantly increase the size or impact of the original building where this would have an adverse effect on the character of the surrounding area or the amenity of neighbouring occupiers. Similarly, the subdivision and intensification of dwellings should not result in concentrations of such dwellings to the detriment of the range and variety of the local housing stock.
45. The application property is within the defined settlement boundary of Durham City and the application proposes internal reconfiguration only, with no extensions proposed to the building. As such, the proposal meets the criteria of CDP Policy 6.
46. In addition, CDP Policy 16(2) is also relevant, given that the proposal is likely to appeal to the student market. The supporting text for the policy makes clear that Purpose Built Student Accommodation (PBSA) is accommodation built, or converted, with the specific intent of being occupied by students, either with individual en-suite units or sharing facilities. In Durham City it is recognised that other forms of residential development such as, but not limited to, one (or two) bed apartments, may appeal to the student population and may ultimately be occupied by students, even though they are not developed specifically as PBSA/HMOs. For this reason, where it is considered that a proposal may appeal to the student population, based on the type of



accommodation proposed, the size of the units and the location, then it will be appropriate to assess the proposal against CDP Policy 16(2). In this case the property has already been refused permission for conversion to an HMO (C4) and an appeal against that decision was subsequently dismissed. It is likely that the resulting units would appeal to students and as such it is considered necessary to assess the application against Policy 16(2) of the County Durham Plan.

47. CDP Policy 16(2) states that all proposals including conversions to PBSA on sites not allocated for student accommodation, will be required to demonstrate:
  - 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 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 of the student accommodation and siting of individual uses within the overall development are appropriate to its location and in relation to adjacent neighbouring uses;
  - f. the internal design, layout and size of accommodation and facilities are of an appropriate standard;
  - g. the activities of the occupants of the development will not have an unacceptable impact upon the amenity of surrounding residents in itself or when considered alongside existing and approved student housing provision. Prior to occupation a management plan or draft outline management plan appropriate to the scale of the 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.
48. Paragraph 5.141 of CDP Policy 16 supporting text states that the consideration of 'need' for additional student accommodation which developers must undertake shall include, but not be limited to, the potential contribution of schemes with planning consent; and University student growth forecasts. Developers should demonstrate what specific need the proposal is aimed at and why this need is currently unmet, giving consideration to the type of accommodation proposed. In seeking to meet need, the council recognises that PBSA can increase choice for the student population and is an alternative to Houses in Multiple Occupation (HMO).
49. Objections have been received citing that the application fails to demonstrate need for accommodation of this type in this location and that there is a perceived surplus of student accommodation within the city as a whole.
50. The applicant has submitted a planning statement, as well as evidence from local estate agents that seeks to demonstrate there is a shortage of this type of accommodation within Durham City and testimony from tenants/students that currently reside in other similar 2 bed properties within the area.
51. Durham University has commented that it has a target of 21500 active students by 2027 as detailed in the University Strategy 2017-2027 and this target has been exceeded for a short period of time due to the outrun of the A-level cycles in June 2020 and 2021, and the expectation is to return to the overall target in the coming years as the 2020 and 2021 intakes graduate.

52. The University has provided the most current figures and confirm there are 22131 active students. Given the current circumstances, and whilst there is some question as to the likely quantitative demand for bed spaces covering the 2017 to 2027, regard should be had for the supporting text to policy 16 at paragraph 5.141 (outlined above).
53. The applicant's supporting statement seeks to address the issue of need, recognises estimated student figures and acknowledges that the University predict numbers will fall to target levels following the student population growth after covid-19. It also points to recent press coverage on this matter stating that students are having difficulty finding accommodation within the city and suggests that as the student population is only 3% higher than the stated target of 21500 by 2027, given the struggle by students to find accommodation, there is an insufficient supply of suitable housing for students.
54. Need must also be considered in qualitative terms and as such the statement also provides an assessment of 'qualitative need' and states that the proposal would add to the range of choice available to students who may not find large PBSA schemes or HMOs appealing, for instance, post-graduate students and other students that want to live in smaller households. Asserting that the proposed two bedroom apartments in this highly accessible location would meet the needs of such students and contribute to the provision of high quality accommodation options in the city.
55. The evidence submitted by the applicant comprises of correspondence from six estate/letting agents within Durham City that highlight that there has been an increase in overseas students looking for smaller accommodation types as they do not have a defined friendship group and as such do not want to live in housing with a large number of other people. There is also an opinion that reasonably priced 2 bed flats within that area would be suitable for first-time buyers and young professionals who are seeking to rent.
56. Evidence also includes testimony from several tenants/students that have lived in 2 bed properties within the City and cite the benefits of this type of accommodation as being reduced cost and that flats are generally quieter places to live and study having a lower number of bedspaces.
57. Concern is noted that proposed the subdivision of the existing dwelling to 2 No. self-contained flats is simply a method to circumvent the controls currently in place in relation to HMO development within Durham City. The proposed flats fall outside of the definition of an HMO for planning purposes and as such are not subject to control through CDP Policy 16(3). Notwithstanding this, the units would be attractive to students and as such the development must be assessed against CDP Policy 16(2). The information submitted the applicant provides evidence that there is a need for this type of accommodation in this part of the city centre and the level of information is considered commensurate with the scale of development proposed. The units would add to the range and variety of accommodation available to students within the Durham City although it is noted that they would also likely be attractive to young professionals seeking to live within a sustainable city centre location close to shops, services and leisure facilities.
58. Given the above, it is considered that the principle of the development is acceptable subject to all other relevant issues being considered. The proposal is therefore, considered acceptable in respect of Policies 6 and 16 of the County Durham Plan.

#### Impact on Residential Amenity

59. Paragraph 130 of the NPPF requires that planning decisions 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.

60. CDP Policy 31 (Amenity and Pollution) displays broad accordance with the aims of paragraph 130 in this regard and 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.
61. CDP Policy 29(e) further states that all development will provide high standards of amenity and privacy, and minimise the impact of development upon the occupants of existing adjacent and nearby properties.
62. In this instance the application site is a terraced property located within a residential area, with residential properties on either side of the application property and further properties to the southeast and across the A690 to the northwest.
63. The Council's EHO has been consulted and confirmed that the development would fall within the thresholds associated with Council's TANS.
64. The application site is located within a residential area predominantly characterised by family homes. The impact of the development upon residential amenity is a material consideration in determination of this application. In most cases it is held that C3 dwellinghouses/flats can be adequately accommodated where proposed within an existing residential setting.
65. The EHO notes that a bedroom will be on the ground floor next to the kitchen which could lead to a greater impact for the individual residing in this bedroom, as well as the potential increase of noise at nighttime. Therefore, to mitigate the EHO has requested that before any part of the development hereby approved is commenced, a scheme of sound proofing measures be submitted to and approved in writing by the local planning authority. The aim of the scheme shall be to ensure that the noise insulation of walls, floors, windows, roofs between the adjoining properties shall be sufficient to prevent excessive ingress, egress of noise. The approved scheme shall be implemented prior to the beneficial occupation of the development and shall be permanently retained thereafter.
66. In addition, the EHO raises concerns regarding the impact on nearby residential properties during the construction phase. Therefore, to help mitigate against relevant impacts have suggested a Construction Management Plan should be submitted based on set criteria. The submission, agreement and implementation of this can be secured through planning condition should planning permission be granted. Subject to the inclusion of a planning condition in this regard, the EHO is satisfied that the development is unlikely to cause a statutory nuisance.
67. Durham City Neighbourhood Plan, 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.

68. As such, in line with the above policy, the property includes adequate external space to accommodate sufficient bin and cycle storage facilities as shown on the proposed site plan. For flat 1, on the ground floor, the bin storage would be located within the rear garden and the cycle storage within the garage. For flat 2 located to first and second floor, temporary bin storage would be provided within the entrance hallway, next to the stairs. This would then be taken round to the rear and put in the bin storage in the garage. There is also a place for bike storage within the entrance hallway and space for bikes to be hung on racks on the wall and additional room in the garage.
69. However, it is noted that concerns have been raised by local residents regarding lack of space for bin storage and how the increased number of residents in the property would increase the volume of waste/recycling. There were also concerns regarding the likelihood flat 2 would walk around the terrace to access the rear to dispose of their waste and how this would be inconvenient for future tenants/owners. As such, residents are concerned that the above would have an adverse impact on the area, creating a nuisance and the potential for vermin. The points above have been considered, however given the above arrangements for bin storage for both flats mentioned above, this is considered to be suitable mitigation to avoid a significant impact on the amenity of the area. It is also worth noting that the two properties would have fewer bedrooms than the existing house and therefore there would be a reduction in the number of people living at the property. As such, it is considered that the property would have sufficient bin and cycle storage, mitigating any significant impacts on the amenity of the area, in line with DCNP Policy T3 and CDP Policy 31.
70. In regards to external amenity space, flat 1 would have sole access to the rear garden, providing a large area of external amenity space for future occupiers. Flat 2 would not have access to the rear garden, however, given the central location within the city, it is considered that there is public outdoor amenity space that can be utilised by the occupiers of flat 2. As such, it is considered there is sufficient external amenity space to serve the inhabitants and as in accordance with CDP Policy 16.
71. In relation to internal space, the Nationally Described Space Standards (NDSS) is a government introduced nationally prescribed internal space standard which sets out detailed guidance on the minimum standard for all new homes and was created with the aim of improving space standards within new residential development across all tenures. Evidence compiled during formulation of the County Durham Plan identified that many new homes in the county were being built below NDSS and that this was having an impact on the quality of life of residents. As a result, Council determined that it was necessary to introduce the NDSS in County Durham with the aim of improving the quality of new build development coming forward.
72. All of the bedrooms meet the minimum requirements of the NDSS being in excess of the required 7.5sq metres per room. With regard to the total overall internal space provided across flat 1 as a whole it is noted that the NDSS does not provide guidance specifically relating to 2 bedspace, 2 person dwellings. However, it does include standards in relation to 1 bedspace 2 person dwellings and 2 bedspace 3 person dwellings. Flat 1 has a total internal floor area of 64.6m<sup>2</sup>, which would be in accordance with the NDSS. Flat 2 is a two-storey property and has a total internal floor area of 86.8m<sup>2</sup>, which again would meet the requirements of the NDSS.
73. Therefore, based on the above the proposal is considered provide a suitable amount of internal and external amenity space to meet the needs of future occupiers and deliver a suitable quality of development in relation to Policies 16, 29(e) and 31 of the County Durham Plan, Policies T3 and D4 of the Durham City Neighbourhood Plan and Paragraph 130 of the NPPF.

## Impact on Character and Appearance of the Area

74. The NPPF sets out the Government's commitment to good design. Paragraph 124 states that, good design is a key aspect of sustainable development, creates better places in which to live and work and helps makes development acceptable to communities.
75. CDP Policy 29 (Sustainable Design) 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.
76. CDP Policy 44 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.
77. DCNP Policy H2 seeks to ensure development proposals within or affecting the setting of the Durham City Conservation Area sustains and enhances its significance as identified within the Conservation Area Appraisals.
78. Neighbouring residents have raised objections to the proposed development stating that 2no. 2 bed flats will have a negative impact on the residential area and surrounding conservation area. Stating that tenanted properties are not adequately maintained, and that students or tenants are short term occupiers with no stake in local community.
79. The application site is within a residential area and the proposal would involve the subdivision of an existing residential property into two separate residential units, which would not require any changes to the external appearance of the property. As such, it would not be considered that the proposal would have an adverse impact on the character of the area nor the character and appearance of the conservation area.
80. With regards to external maintenance, there is no compelling evidence to suggest that tenanted properties are poorly maintained or that this would be the case in this instance. In the event that the external appearance of the property was a to deteriorate through a lack of maintenance, the Planning Authority is able to take action through appropriate enforcement powers relating to untidy land and as such the matter is not considered sufficient to sustain refusal of the application.
81. Taking the above into consideration, it is considered that the proposed development would accord with Policies 29 and 44 of the County Durham Plan, Parts 12 and 16 of the NPPF, Policy H2 of the Durham City Neighbourhood Plan and Section 72 of the Planning Listed Building and Conservation Area Act 1990.

## Impact on Highways

82. Paragraph 110 of the NPPF advises that planning decisions should ensure development provides safe and suitable access to the site for all users.
83. Paragraph 111 of the NPPF advises that development should only be prevented or refused on highways grounds if there would be unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

84. CDP Policy 21 is broadly in accordance with the above and relates to the delivery of sustainable transport and states that the transport implications of development must be addressed as part of any planning application and [in part] that all development should deliver sustainable transport by ensuring that any vehicular traffic generated by the development, following the implementation of sustainable transport measures, can be safely accommodated on the local strategic highway network.
85. In addition, DCNP Policy T1 seeks to ensure that development proposals demonstrate best practice in respect of sustainable transport accessibility, impact and design. In addition, DCNP Policy T2 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.
86. Objections have been raised that the development does not provide sufficient in curtilage parking provision to serve the number of occupants proposed. Therefore, that this would create unsustainable additional pressure to existing on-street provision in a quiet area which is used by families, elderly residents and has already congested narrow roads.
87. The Highway Authority has been consulted and do not consider that there would be any adverse impacts in terms of highway safety as a result of the proposals. While the existing property would be divided into 2 self-contained flats, the number of bedrooms would decrease from 6, to 4 overall (2 per flat). Therefore, the number of trips and parking demand from the proposed scheme would be similar, if not reduced, from the existing use. The proposals have also been assessed against the requirements of the current County Durham Parking and Accessibility standards which require a 2-bed property to have one off street parking space. However, current parking standards are currently subject to review, assessment against those updated standards indicate that 2 parking spaces would be required per flat. The applicant is proposing to provide one off street parking space by providing the existing garage to tenants. As such, the current parking arrangement would not accord with the current DCC standards nor the updated standards. However, it is considered given the properties central location within the city, any future tenants would not be dependent trips by private car to access day to day services. In addition, there is also space for on street parking to the rear of Nevilledale Terrace and other public car parks within the area.
88. With regard to concerns that the development would increase vehicle movements in this area and the presence of parked vehicles would narrow the carriageway width, it is considered that the proposed use would not increase vehicle movements to an extent that it would adversely impact upon existing network capacity or on street parking. In instances where vehicles presently obstruct the adopted footway this is subject to legislative control via the Highways Act 1980 and cannot be afforded weight in determination of this application.
89. Therefore, notwithstanding the concerns raised by residents in relation to parking and access, it is not considered that the development would have a detrimental impact upon highway safety sufficient to sustain refusal of the application. In light of the above, it is considered that the development would accord with the aims of Policies 16 and 21 of the County Durham Plan and paragraph 110 of the NPPF.

#### Other Matters

90. Objections have been received citing that the development would have an adverse impact upon social cohesion and unbalance the community, given the property is likely

to be rented out to students. Whilst it is noted that tenants would likely change on a yearly basis this is unlikely to have any adverse impact capable of sustaining refusal of the planning application. As already noted the proposed flats are not restricted to student occupation and would also appeal to young professionals and as such would add to the range and variety of accommodation available within the City.

91. Objections from residents also had concerns in regard to deliveries to the occupiers of flat 2, given that the occupiers would not have direct access to the rear. This is noted; however, this can be controlled via a management plan which will be conditioned as part of the planning process.
92. In addition, an increase of carbon emissions was also raised due to the need for an additional boiler at the property due to the need to separate the heating systems. Although this point is noted, it is unlikely that there would be any unacceptable impact in this regard.
93. Further objections have been raised citing the history of the site, with concerns that this application is another way for the landlord to acquire an HMO, both applications of which have been refused and later dismissed at appeal. However, the most recent appeal was dismissed due to the imbalance already present in the area from a surplus of HMO's, with the main issue cited by the inspector as the effect of the proposal on the character of the street and surrounding area, with particular reference to the balance and mix of housing. This application does not seek permission for a change of use to a HMO but instead to subdivide the property into two, two bed flats. As mentioned in the report above, it is considered that the applicant has provided sufficient evidence that there is a need for this type of housing in the area and would contribute to providing a wide mix of housing.

#### Public Sector Equality Duty

94. 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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95. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan in this case relates to the County Durham Plan. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up-to-date development plan without delay (paragraph 11 c).
96. In summary, it is considered that the principle of development is acceptable in planning terms and would accord with the aims of CDP Policies 6 and 16 subject to appropriate planning conditions described within the report and listed below.

97. When assessed against other policies of the County Durham Plan relevant to the application, it is considered that the introduction of a 2no. 2 bed flat in this location would not unacceptably imbalance the existing community towards one dominated by this type of accommodation, and nor would it result in any unacceptable impact upon the amenity of existing or future residents, highway safety or the character and appearance of the conservation area in accordance with Policies S1, T1, T2, T3, D4 and H2 of the Durham City Neighbourhood Plan, Policies 6, 16, 21, 29, 31 and 44 of the County Durham Plan, Parts 9, 12, 15 and 16 of the NPPF and Section 72 of the Planning Listed Building and Conservation Area Act 1990.

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## **RECOMMENDATION**

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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 of the Decision Notice - Approved Plans.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies) 6, 16, 21, 29, and 31 of the County Durham Plan and Parts 2, 4, 8, 9, 12 and 15 of the National Planning Policy Framework.

3. Prior to the first occupation of the 2no. 2 bed flats hereby approved a scheme of sound proofing measures shall be submitted to and approved in writing by the local planning authority. The scheme shall ensure that the noise insulation of walls, floors, windows, roofs between the adjoining properties is sufficient to prevent excessive ingress, egress of noise. The approved scheme shall be implemented prior to the beneficial occupation of the development and shall be permanently retained thereafter.

Reason: In the interest of residential amenity in accordance with Policy 31 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

4. 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.

5. Prior to first occupation of the approved scheme, a property management plan is to be submitted and approved by the Local Planning Authority. It must include, but not be limited to, details of waste management and security. The approved management plan shall be implemented prior to the beneficial occupation of the development and shall be permanently retained thereafter.

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.

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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.
- The National Planning Policy Framework (2021)
- National Planning Practice Guidance notes.
- County Durham Plan 2020
- Durham City Neighbourhood Plan
- Statutory, internal and public consultation responses
- County Durham Parking and Accessibility Standards 2019



<p><b>Planning Services</b></p>	<p><b>Change of Use from 6 Bed dwellinghouse to 2no. 2 bed flats. (Amended description 09.02.2023)</b></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><b>Date:</b> September 2023</p>	<p><b>Scale</b> NTS</p>