



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

Application No:	DM/23/02917/FPA
Full Application Description:	Change of Use from Offices (Class E) to an 8 bed House in Multiple Occupation (Class Sui Generis), including external alterations to the rear and cycle parking.
Name of Applicant:	Eade
Address:	7 Kensington Bishop Auckland DL14 6HX
Electoral Division:	Woodhouse Close
Case Officer:	Hilary Sperring Planning Officer 03000 263 947 hilary.sperring@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

The Site

1. The application site relates to a large, stone built mid terraced property, within the Cockton Hill area of Bishop Auckland. The property is currently vacant having last been in use as an office for an insurance company. The property includes three floors of accommodation (with rooms within the roof space). An area of hard surfacing separates the front of the property from the footpath and Cockton Hill Road. To the rear the property includes a two-storey rear addition and enclosed yard. This is separated from the rear lane by an existing brick wall, with gated access. The property is surrounded largely by residential properties, however commercial properties, including offices, and a children's nursery are contained within the terrace.
2. The property is not listed but is located within the Cockton Hill Conservation Area and is considered to be a non designated heritage asset.

The Proposal

3. Full planning permission is sought for the change of use of the property from offices (Class E) to an 8 bed House in Multiple Occupation (HMO)(Class Sui Generis).
4. In order to facilitate the proposed change of use external alterations are proposed to the rear. This includes the demolition of an existing rear extension and formation of a smaller single storey extension and associated external alterations.
5. The proposals also include the provision of bicycle parking to the front and refuse storage within the rear yard area.
6. The application is being reported to planning committee in accordance with the Council's Scheme of Delegation following a request from Councillor Jackson, with concerns raised over amenity, concentration of HMO's in the area and parking.

PLANNING HISTORY

7. There is no relevant planning history relating to this site.

PLANNING POLICY

National Policy

8. A revised National Planning Policy Framework (NPPF) was published in December 2023. 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.
9. *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.
10. *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.
11. *NPPF Part 5 Delivering a Sufficient Supply of Homes* - To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where

it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

12. *NPPF Part 6 Building a Strong, Competitive Economy* - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
13. *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.
14. *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.
15. *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.
16. *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.
17. *NPPF Part 14 Meeting the Challenge of Climate Change, Flooding and Coastal Change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
18. *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 Page 73 pollution and land stability and remediating contaminated or other degraded land where appropriate.
19. *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>

National Planning Practice Guidance:

20. 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; design process and tools; determining a planning application; healthy and safe communities; noise; planning obligations; use of planning conditions.

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

Local Plan Policy:

The County Durham Plan (CDP)

21. *Policy 6 (Development on Unallocated Sites)* states the 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.
22. *Policy 15 (Addressing Housing Need)* establishes the requirements for developments to provide on-site affordable housing, the circumstances when off-site affordable housing would be acceptable, the tenure mix of affordable housing, the requirements of developments to meet the needs of older people and people with disabilities and the circumstances in which the specialist housing will be supported.
23. *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.
24. *Policy 19 (Type and Mix of Housing)* advises that on new housing developments the council will seek to secure an appropriate mix of dwelling types and sizes, taking account of existing imbalances in the housing stock, site characteristics,

viability, economic and market considerations and the opportunity to facilitate self build or custom build schemes.

25. *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.
26. *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.
27. *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.

Any residential and commercial development should be served by a high-speed broadband connection, where this is not appropriate, practical or economically viable developers should provide appropriate infrastructure to enable future installation.

28. *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. Provision for all new residential development to comply with Nationally Described Space Standards.
29. *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.

30. *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.
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 36 (Water Infrastructure)* advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and wastewater infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.
33. *Policy 41 (Biodiversity and Geodiversity)* states that proposal for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or as a last resort, compensated for.
34. *Policy 43 (Protected Species and Nationally and Locally Protected Sites)* development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided or the proposal meets licensing criteria in relation to European protected species.
35. *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.

36. The Council's Residential Amenity Standards Supplementary Planning Document (SPD) 2023 provides guidance on the space/amenity standards that would normally be expected.
37. The Council's Parking and Accessibility Supplementary Planning Document (SPD) 2023 provides guidance on parking and access for new development.

<https://www.durham.gov.uk/cdp>

Neighbourhood Plan:

38. There are no neighbourhood plans which apply to this application site.

CONSULTATION AND PUBLICITY RESPONSES

Statutory Consultee Responses:

39. *Bishop Auckland Town Council* – Object to the application highlighting that while they are supportive of investment and development within Bishop Auckland, the Cockton Hill area of the Town already has increased Anti Social Behaviour, and issues surrounding housing, parking, fly-tipping etc, with a CAT Team currently operating in the area. Council Members have raised concerns regarding the application including -
 - The impact of additional vehicles in an area that is already very overcrowded and busy traffic area. Submitted information states that on street parking is sufficient for the area and Members feel that this isn't a true reflection.
 - Noise and the impact that an HMO may have on Anti Social Behaviour in the area.
 - Query how the impact of the HMO would be monitored, ensuring it would not exceed its designated number of tenants, become overcrowded and cause further impact on neighbouring properties.
 - The application states that this could be for working people however submitted information advises that the applicants are keen to use the opportunity to accommodate more social housing therefore having an undetermined clientele causes concern. The council seek some reassurances regarding whom the housing is going to support as the impacts on the neighbouring properties may differ.
 - Query if local people would be employed to carry out the renovation work.
 - Request that consideration be given to the concerns raised and how it is planned to mitigate the concerns if the application were to be granted.
40. *Highways Authority* – The proposed site is in a highly sustainable location adjacent to Bishop Auckland town centre. It is accessible by sustainable travel modes within walking distance to the town's bus and train stations and has regular bus routes. The site is in a well established commercial area with good links for pedestrians and cyclists to access the property. While there is no in-curtilage parking provided shared on-street parking is available which is typical of premises in these locations. The previous use as offices has been taken into consideration which will have generated a certain number of previous vehicle

trips and parking demand. As a result, this application raises no serious highway safety issues.

Non-Statutory Responses:

41. *Spatial Policy* – Outline the policy context relating to the application and conclude by advising that the site proposal will see the creation of an HMO within a predominantly residential area. The proposal can be considered to be an acceptable use under Policy 6 but will need to comply with the criteria contained within Policies 16, 21, 29 and 31 to be considered acceptable.
42. *Design and Conservation* - The proposed works would have a slight positive impact on the character and appearance of the Conservation Area due to the external alterations at the rear of the property, reducing the massing of the later modern built addition in the backyard. It is suggested that the cycle storage is put to the rear of the property, in the courtyard, from a safety perspective.
43. *Environmental Health Nuisance* – Advise that subject to conditions relating to the installation of soundproofing measures and construction working that the development is unlikely to cause a statutory nuisance.
44. *Environmental Health Land Contamination* – No adverse comments to make. There is no requirement for a contaminated land condition.
45. *HMO Licensing Officer* – Advice on legislation provided and confirmation that the property will be required to be licensed.
46. *HMO Data* - 0 % of properties within a 100 metre radius of the site (including the host property) were Class N exempt based on data derived from Council Tax information captured in October 2023.

External Consultees

47. *Police Architectural Liaison Officer* – Recommend that the principles of Secured by Design are adopted. HMOs can bring specific issues simply due to concentrating more single adults into a dwelling than an average household. HMOs that are poorly managed and badly maintained can put an extra burden on local services and have a negative impact on the area. A good management plan is essential should permission be granted.

Public Responses:

48. The application has been advertised by way of a site notice, press notice and individual notification letters.
49. Two letters of objection have also been received. Objections have been summarised below:
 - Objectors consider competition between HMO properties such as that proposed, and family housing, as compromising the housing market and Policy requirements to create mixed and balanced communities. The area as existing has anti-social behaviour and amenity issues related to the prevalence of rental properties. Cockton Hill features both official and

unofficial HMOs resulting in a transient population, so additional such units will increase the problems associated with such that have already resulted in involvement from the Community Action Team and others like Durham Police, with the area being within a designated Selective Licence Zone. There is no Management Plan to ensure neighbours amenity is maintained, with the proposal contended likely to have greater potential for amenity impacts on existing neighbours than a single-family dwelling, along with anti-social behaviour concerns.

- The potential for the application to provide affordable housing is questioned.
- Existing parking problems in the area. Insufficient car and cycle parking is proposed for residents and visitors, contrary to the Parking and Accessibility SPD. The response of County Highways Officers to the proposal is difficult to understand, considered as contrary to the SPD and Policy requirements.
- Outdoor space is restricted, with a suggestion that developer, OSNA contributions should be provided, likewise provision of funds for healthcare demands the scheme will generate.
- Safeguarding requirements are suggested for the proximity of the site to a nearby nursery, and likewise imposition of a Construction Management Plan to protect neighbours' amenity.

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/>

Applicants Statement

50. The existing building sits within the conservation area in Bishop Auckland on Cockton Hill Road.
51. The seller of the property has had this commercial premises for some time and in recent years with the working from home culture, has struggled to let out the property and decided to sell.
52. As with any proposal, the potential to develop needs to be viable and suitable to the building. This area has a mix of residential and commercial properties and therefore creating habitable living space would be suitable for this property. However, when considering proposals, converting to a residential house would not be financially viable. With current costs of development, any developer would spend more converting this building than what it would be worth as a large house. Therefore, converting to a HMO is a more viable option as it will provide habitable space for those who need it, and bring back what is a tired building into a better use.
53. The applicant is aware that there is a demand for this type of property in the area. From his experience, not all tenants drive cars and therefore is it unlikely that all tenants would have a car each. The proposal is to advertise the rooms

without parking to emphasise and promote there is no need for a car when there are good local transport links locally.

54. There is a lot of stigma around HMO's and we can see from some objections this is no different here. But not all HMO's create a negative impact. It is clear some objections have been raised referring to parking, anti-social behaviour, loss of amenity, management and construction works.
55. With the premises as an office, the amount of staff that could work in this building could number 15 or more as there is sufficient space to accommodate this number of people. The current property itself does not have parking and therefore as it is, there is more parking space required as an office than there is as an HMO. Indeed, along this street many of the properties do not have their own off street parking and thus rely on public roads for parking cars. We feel therefore it would reduce the parking requirements of the current building use.
56. Management is a big part of any HMO. This would be fully managed, and each tenant assessed according to normal tenant checks. When costs of living is increasing sharing bills and costs to live is attractive to people and living in a HMO will make living more affordable. It's important to note not everyone working can afford to buy a house and therefore renting is the best option, but with rent costs increasing year on year HMO's are more attractive. The running and condition of the HMO to a high standard is imperative as this will retain good tenants and avoid anti-social behaviour. The clients management approach is that the property is visited once a week from the management team to ensure standards are kept and any issues resolved.
57. One objection refers to loss of amenity as there will be unrelated adults living at the property. There would be no loss of amenity by people living at this property, whether a house or HMO.
58. As with any project there is a period of development that is carried out to complete the refurbishment and this project is no different. It is assumed by some that all contractors work the same and that they make living conditions for neighbours a nightmare. But in the wider view the limitation on hours of working which is standard in the construction industry will be applied to avoid affecting people outside of hours.
59. Overall, the approach to convert this building would avoid an empty building being left on the street and bring a building that is currently in poor condition into a better condition through full refurbishment. It is understandable that HMO's are not always welcome, but there is a demand and this type of conversion would service those do need a more affordable style of living.

PLANNING CONSIDERATION AND ASSESSMENT

60. 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 relate to the principle of development, community balance/ social cohesion, scale and design and impact upon the historic environment, parking and highway safety, impact upon residential amenity and other matters.

Principle of Development

61. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP) constitutes 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.
62. Paragraph 11c of the NPPF requires applications for development proposals that accord with an up-to-date development plan to be approved without delay. Paragraph 12 of the NPPF states that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
63. Turning to an assessment against relevant County Durham Plan (CDP) Policies. The application site is located on Cockton Hill Road, which is within the town of Bishop Auckland. The premises are not situated within a defined centre (town, district or local), although the location on Cockton Hill Road is approximately 580 metres from the edge of the defined town centre, Cockton Hill road is a main thoroughfare into the town. CDP Policy 6 sets out that the development of sites which are not allocated in the plan or a Neighbourhood Plan within a built-up area which accord with all relevant development plan policies, and which:
 - a. are compatible with, and not prejudicial to, any existing, allocated or permitted use of adjacent land;
 - b. do not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development;
 - c. do not result in the loss of open land that has recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigated or compensated for;
 - d. are appropriate in terms of scale, design, layout, and location to the character, function, form and setting of the settlement;
 - e. would not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity;
 - f. have good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement;
 - g. do not result in the loss of a settlement's or neighbourhood's valued facilities or services unless it has been demonstrated that they are no longer viable;

- h. minimise vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding;
 - i. where relevant, make as much use as possible of previously developed (brownfield) land; and
 - j. where appropriate, reflect priorities for urban regeneration.
64. It is considered that criteria a), d), e) and f) will be the most relevant in this case, all of which are covered in more detail in the main body of this report.
65. Turning to criterion (a), as above the surrounding land uses are a mix of commercial and residential within proximity of the town centre. In principle, subject to a detailed analysis of the impacts of the development, the use is commensurate with surrounding land uses. (a).
66. In regard to criterion (d), compliance with this will be assessed in detail under 'Scale/Design and Impact upon the Historic Environment' section of this committee report. In relation to criterion (e), this will be fully assessed under 'Parking and Highway Safety' section of this report along with criterion (f). The proposal will make use of previously developed land which would comply with criterion (i). Also the proposal will bring a building back into use which is recognised as a non designated heritage asset reflecting criterion (j) of Policy 6.
67. Further to this, CDP Policy 16, Part 3 is also relevant which relates to the conversion of houses for multiple occupation. The policy states that in order to promote, create and preserve inclusive, mixed and balanced communities and to protect residential amenity, applications for new Houses in Multiple Occupation will not be permitted if:
- a. *including the proposed development, more than 10% of the total number of residential units within 100 metres of the application site are exempt from council tax charges (Class N Student Exemption);*
 - b. *there are existing unimplemented permissions for Houses in Multiple Occupation within 100 metres of the application site, which in combination with the existing number of Class N Student exempt units would exceed 10% of the total properties within the 100 metres area; or*
- less than 10% of the total residential units within the 100 metres are exempt from council tax charges (class N) but, the application site is in a residential area and on a street that is a primary access route between Purpose Built Student Accommodation and the town centre or a university campus.*
68. The policy also sets out that in all cases applications to change of use to Houses in Multiple Occupation will only be permitted where:
- d. *the quantity of cycle and car parking provided has regard to the council's adopted Parking and Accessibility Supplementary Planning Document (SPD);*

- e. they provide acceptable arrangements for bin storage and other shared facilities and consider other amenity issues;*
- f. the design of the building or any extension would be appropriate in terms of the property itself and the character of the area; and*
- g. the applicant has shown that the security of the building and its occupants has been considered, along with that of neighbouring local residents.*
69. Objections highlight difficulties in finding affordable family housing, as speculative developers are picking properties to rent out. Mixed and balanced communities cannot be achieved through the proliferation of HMO and similar properties in the area. Often highly transient tenants have no links to the area. The area is already subject to selective licensing and the subject of a Community Action Team project, which highlights the existing problems experienced. Representations also highlight other properties in the area, either official or unofficial HMO, housing multiple households.
70. It is appreciated that the data provided in terms of HMO percentages, relates to student properties only. Council Tax information which includes the data extract from April 2023, identifying that within 100m radius of, and including the application site, 0% of properties are Class N exempt student properties as defined by Council Tax records.
71. It is acknowledged that this does not therefore include the percentage of non student HMO's or those that have been converted utilising permitted development rights or those that have been undertaken unofficially. A search of the Council's HMO Licensing Register (February 2024) revealed that there were 3 registered HMO's in Bishop Auckland, all of which are more than 100 metres from the application site. It is appreciated that there may be more HMO properties either unregistered or with less than 5 separate tenants, not in the same family group, living together within a property. There is however no requirement to demonstrate need within Part 3 of the CDP Policy 16 which relates to applications for changes of use to HMO and is the part of the Policy which is relevant to the current application.
72. Paragraph 63 of the NPPF states that within the context of establishing need, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. These groups should include (but not limited to) those who require affordable housing, families with children, older people (including those who retirement housing, housing-with-care and care homes), students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes.
73. The need to create mixed and balanced communities is reflected in the requirements of Part 3 of CDP Policy 16, which seeks to strike an appropriate balance through the threshold of no more than 10% of properties being in HMO use. It is considered that this proposal would therefore not be contrary to the NPPF or CDP in this regard. Whilst it is noted that tenants would likely change over time this is unlikely to have any demonstratable adverse impact capable of sustaining refusal of the planning application.

74. Overall whilst concerns are noted, it is considered that the proposals would not have an adverse impact upon social cohesion and unbalance the community to the extent where refusal could be sustained. The principle of the development could be supported subject to proper consideration of other material considerations and matters raised which are considered in more detail below.

Scale/Design and Impact upon the Historic Environment

75. Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservations Areas) Act 1990 sets out the duty as respects listed buildings and conservation areas in the exercise of planning functions. In considering whether to grant permission for development which affects a conservation area or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
76. Parts 12 and 15 of the NPPF also seek to promote good design, while protecting and enhancing local environments. Part 16 of the NPPF advises that heritage 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. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
77. CDP Policy 6 criterion d) requires that development on unallocated sites is appropriate in terms of scale, design, layout and location to the character, function, form and setting of the settlement.
78. CDP Policy 29 outlines that development proposals 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. In total, CDP Policy 29 sets out 18 elements for development to be considered acceptable, including: buildings being adaptable; 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.
79. The property is located on the east side of Cockton Hill Road, within the Cockton Hill Conservation Area. It is a late Victorian / early Edwardian town house of three storeys, constructed of buff brick on the façade and red brick to the rear, with a slate roof. The property includes prominent bay windows on the ground floor and is an intrinsic component of a terrace that contributes positively to the character and appearance of the conservation area, less so the rear street environment on account of later extensions and alterations to many of the properties. The property is considered a non-designated heritage asset.
80. There are no proposals to alter the front of the property itself, which is most visible from the public streetscene. It is however proposed to have bicycle storage in the foreground of the building. The Design and Conservation Officer questions whether this would be better situated to the rear from a safety

perspective. This has not been pursued during the consideration of the application and in the event of an approval it is suggested that a condition is attached to secure final details of the bicycle storage, with adequate space to the rear.

81. To the rear the proposed removal of an existing modern extension and replacement with a new addition, of a smaller footprint constructed with materials consistent with the rear of the host building's materials is considered acceptable, having a minor visual benefit. This change would be visible from the back lane but is not prominent. The Design and Conservation Officer considering that the proposals will have a slight positive impact on the character and appearance of the Conservation Area due to the removal of some of the later built forms in the rear yard. Other external alterations are considered acceptable.
82. Having regard to Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservations Areas) Act 1990, taking into account the above, it is considered that subject to conditions, the proposals would not have an adverse affect upon the character and appearance of the streetscene, or the significance of the Conservation Area. The proposals thus conforming to relevant CDP policies, in particular Policies 6d.,16f., 29 and 44 of the County Durham Plan, as well as Parts 12 and 16 of the National Planning Policy Framework in this regard.

Highway Safety

83. Part 9 of the NPPF requires new development to provide safe and suitable access to the site for all users and that significant impacts from development on the transport network or on highways safety should be mitigated to an acceptable degree.
84. In addition to CDP Policies 6 and 16, CDP Policy 21 outlines that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity, expecting developments to deliver well designed pedestrian routes and sufficient cycle and car parking provision. Similarly, CDP Policy 29 advocates that convenient access is made for all users of the development together with connections to existing cycle and pedestrian routes.
85. Development should also have regard to the recently approved Parking and Accessibility Supplementary Planning Document (October 2023), which sets out specific parking standards for different types of development. The Parking and Accessibility SPD does however recognise that applicable standards may be reduced on a case by case basis, particularly where a development is in an accessible location.
86. Para 115 of the NPPF, states that the development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
87. Objections received highlight the busy traffic area, existing overcrowded and parking problems, lack of parking proposed and highways safety issues. In addition, objectors also raise the issue that the proposal is not in compliance with the County Durham Plan and Parking and Accessibility SPD.

88. The application relates to a change of use from office to HMO. Part 4 of the Parking and Accessibility SPD relates to residential parking guidance. Para. 4.1 states that developers are expected to provide an adequate amount of safe parking which is appropriate in scale, location and reflects the context of the development. Table 5 of the Parking and Accessibility SPD states that dwellings of 6+ bedrooms, 4 in curtilage spaces per dwelling, along with 1 active charge point and where a garage is not provided, alternative secure provision must be made.
89. The property fronts the main road with parking possible to the area of the road to the front of the property. The development would not provide any in-curtilage parking spaces, bicycle hoops are proposed to the front amenity area of the property.
90. The Highways Authority have reviewed the proposal in light of the objections received. They advise that the site is in a highly sustainable location adjacent to Bishop Auckland town centre. The site is also accessible by sustainable travel modes within walking distance to the town's bus and train stations and has regular bus routes.
91. Whilst the lack of in-curtilage parking is noted, shared on-street parking is available which is typical of premises in these locations. The lawful use as offices has been taken into consideration, which will have equally generated previous vehicle trips and parking demand. It is also noted that the parking demand on Cockton Hill Road varies throughout the day, due to the mix of commercial and residential properties in the vicinity of the site.
92. Overall whilst the concerns and objections raised are fully appreciated, the site is considered to be located within an accessible location and given the lawful use of the site it is considered that a reduction in the parking standards set out in the SPD is appropriate. On the advice of the Highways Authority a loss of highway safety would not arise, certainly not to a level that would warrant refusal of the planning application. The development is therefore considered in accordance with the aims of Policies 16 and 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework in this respect.

Residential Amenity

93. Parts 12 and 15 of the NPPF require that new development should maintain a good standard of amenity for all existing and future users of land and buildings and that planning decisions should avoid, mitigate and reduce noise and other adverse impacts on health and quality of life as a result of new development.
94. CDP Policy 29 seeks to secure high standards of amenity and privacy and minimise the impact of development upon the occupants of existing adjacent and nearby properties; and linked to this policy Residential Amenity Standards Supplementary Planning Document 2023.
95. CDP Policy 31 states that all new development that has the potential to lead to, or be affected by, unacceptable levels of air quality, inappropriate odours and vibration or other sources of pollution, either individually or cumulatively, will not be permitted including where any identified mitigation cannot reduce the impact

on the environment, amenity of people or human health to an acceptable level. Proposals which will have an unacceptable impact such as through overlooking, visual intrusion, visual dominance or loss of light, noise or privacy will not be permitted unless satisfactory mitigation measures can be demonstrated whilst ensuring that any existing business and/or community facilities do not have any unreasonable restrictions placed upon them as a result.

96. In this instance the application site is a central terraced property, currently vacant, having last been in use as offices. The property, in Kensington, fronts Cockton Hill Road, a main route way into Bishop Auckland. The neighbouring properties in the terrace include both commercial and residential users, including a nursery at the end of the terrace.
97. Opposite the site are also residential properties, in the main, with further residential streets behind. Those objecting to the application, including the concerns of the Town Council, cite increased noise, disturbance and antisocial behaviour as a result of the development, particularly in terms of the size of the HMO proposed. Loss of amenity as a result of unrelated adults living in a single location, likely causing significantly more rubbish, noise and traffic than that of a single family home. Representations highlight existing problems within the area, with a Community Action Team currently operating to look to address some of the issues.
98. The impact of the development upon residential amenity is a material consideration in determination of the application.
99. In considering these matters the views of the Council's Environmental Health Officer have been sought. It is advised that following a review of the submitted information the application complies with the thresholds stated within the TANS. Given this the development is unlikely to lead to an adverse impact.
100. It is recognised that the generation of noise could be greater from an HMO use than a single dwelling. This is due to the increase in household numbers and activity to and from the property. The demographic that use this type of accommodation are often associated with great use of the night-time economy and as such an increased level of night-time noise may occur. However, it is anecdotal as the potential for impact is associated with the individuals residing there and as such might differ greatly.
101. The Police Architectural Liaison Officer has provided comment recommending that the principles of Secured by Design are adopted. HMOs can bring specific issues simply due to concentrating more single adults into a dwelling than an average household. HMOs that are poorly managed and badly maintained can put an extra burden on local services and have a negative impact on the area. A good management plan is essential should permission be granted.
102. The submission, agreement and implementation of precise details of a management plan could be secured through planning condition prior to the use being brought into use. Therefore, subject to the inclusion of a planning condition in this regard, the development is considered to accord with the requirements of Policies 16 and 31 of the CDP. It is also considered that it would be appropriate to limit the occupancy of the development to 8 persons.

103. No objection has been raised from the Council's HMO licensing team and given the number of bedrooms proposed the property will be required to be licensed and as such other issues, including internal layout, as well as appropriate sanitation and cooking/storage facilities will be further regulated.
104. The Town Council have queried how the impact of the HMO would be monitored, ensuring it would not exceed its designated number of tenants, become overcrowded and cause further impact on neighbouring properties. This however could be monitored and enforced through the Council's planning enforcement service.
105. The property includes adequate external space to accommodate sufficient bin storage facilities as shown on the proposed site layout plan which will be located to the rear of the property, and therefore accords with criteria e. of Part 3 to CDP Policy 16. In addition, noting the extent of the rear area contained within the curtilage it is considered, on balance, there is sufficient external amenity space to serve the inhabitants and as in accordance with CDP Policy 16. The rear space is considered reflective of the historic arrangements for properties within the area. In the event of an approval a condition will be added to ensure that this area is made available and retained for bin storage at all times for the duration of the use of the property as an HMO.
106. 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, the Council was 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.
107. The NDSS is a relevant measurement against which to assess the suitability of internal space provided within all residential development in the context of CDP Policy 29(e) which requires new development to provide high standards of amenity and privacy. The proposed bedrooms are considered to meet the minimum requirements of the NDSS. In respect of planning, it is not felt that a reason for refusal could be sustained in this instance based on the above and therefore the proposal is considered acceptable in respect of CDP Policy 29(e).
108. It should also be noted that bedrooms one and two will be added at ground floor level and may, therefore, lead to a greater impact for the individuals residing in those rooms from noise when the ground floor is in use. The Environmental Health Officer therefore request a scheme of sound proofing shall be submitted to and agreed by the Local Planning Authority, secured by way of planning condition, should planning permission be granted. It is also advised that considering, the scale of the development, the construction phase is likely to be relatively brief and assuming works are kept within suitable hours (via an appropriate condition).
109. The proposals include demolition of the existing rear extension and formation of a smaller single storey rear addition. In terms of these proposed works it is

not considered to have any unacceptable impact upon overbearing, overshadowing or loss of privacy in accordance with CDP Policy 31 and the Residential Amenity Standards Supplementary Planning Document relevant SPD.

110. Overall taking into account all of the objections and representations received and consultee comments, it is not considered that the introduction of a single additional HMO in this location would result in a level of cumulative impact that would be unacceptably detrimental to residential amenity. Consequently, the development is considered to accord in this respect with the requirements of Policies 6, 16, 29 and 31 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

Other Matters

111. CDP Policy 32 requires sites to be suitable for use taking into account contamination and unstable land issues. Paragraph 183 of the NPPF requires sites to be suitable for their proposed use taking account of ground conditions and any risks arising from land instability and contamination. The Council's Contaminated Land Team have been consulted and have no adverse comments to make. There is no requirement for a contaminated land condition.
112. It is appreciated that submitted information within the Design and Heritage Statement advises "*the tenants will be working tenants however there is a need for social housing in the area for those in need of affordable housing. Mears Group are keen to take up the opportunity of using the property as an HMO. Therefore there are options for either market rent or social housing.*"
113. This has been highlighted within the representations and queried. It is appreciated that the accommodation proposed does not meet the definition of affordable housing within the NPPF. However, the planning assessment and any potential approval can only control the type of accommodation and land use provision and not the nature of the occupancy or type of occupant.
114. Comments are also noted in respect of Open Space and developer contributions. CDP Policy 26 (Green Infrastructure) requires proposals for new residential development to make provision for open space to meet the needs of future residents having regard to the standards of open space provision set out in the Open Space Needs Assessment (OSNA). However, the approach of seeking contributions on schemes of 9 units or fewer will not come into force until the Council has adopted the "Development viability, affordable housing and financial contributions" Supplementary Planning Document (SPD). Therefore, no contributions are required at the present time.
115. Other concerns relate to difficulties in securing GP appointments, cumulative impacts of the proposals upon services and likewise provision of funds for healthcare demands the scheme will generate. Again, given the nature of the proposals there are no requirements to seek contributions in this regard.
116. Representations also highlight the proximity of the site to an existing nursery and ensuring that appropriate assessments and consultations with the police are completed to ensure that there are no safeguarding issues. As outlined above, the Police Architectural Liaison Officer has been consulted and it is

considered that there is other legislation in place, outwith the planning system, to address such matters.

117. Submitted information does not include whether local people would be employed to carry out the renovation work. However, it is not considered that this could be insisted upon or a reason to sustain refusal of the application.

Public Sector Equality Duty

118. 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.
119. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

CONCLUSION

120. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Council has an up-to-date development plan which is the County Durham Plan. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision making, this means approving development proposals that accord with an up-to-date development plan without delay.
121. In summary, the proposed change of use is considered acceptable in principle and would accord with the aims of CDP Policies 6 and 16, subject to appropriate planning conditions described within the report and listed below.
122. Fully taking into account the objections and representations received, when assessed against policies of the County Durham Plan relevant to the application, it is considered that the introduction of a HMO in this location would not unacceptably imbalance the existing community towards one dominated by HMOs, nor would it result in any unacceptable impact, either individually or cumulatively, upon the amenity of existing or future residents or highway safety in accordance with Policies 6, 16, 21, 29 and 31 of the County Durham Plan or Parts 9, 12 and 15 of the National Planning Policy Framework.
123. In addition it is considered that on balance the development is acceptable in that it provides appropriate levels of amenity space for residents, protects the privacy and amenity of existing and future residents and would also be acceptable in design terms and in terms of possible impacts upon the significance of the designated heritage assets, in accordance, in particular with Policies 6, 16, 21, 29, 31 and 44 of the County Durham Plan and Parts 2, 4, 5, 6, 8, 9, 11, 12, 15 and 16 of the National Planning Policy Framework.

124. The development is considered to accord with the development plan as a whole and there are no material considerations which indicate otherwise. The application is therefore recommended for approval.

RECOMMENDATION

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 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 Policies 6, 16, 29 and 31 of the County Durham Plan and Parts 8, 9, 12 and 15 of the National Planning Policy Framework.

3. Before any part of the development hereby approved is occupied, a scheme of sound proofing measures shall 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 aim of the insulation should be to ensure the requirements of BS 8233: 2014 in relation to sleeping areas are met within the rooms. An insulation scheme designed to the requirements of Document E of the Building Regulations should prove sufficient.

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 Policies 29 and 31 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

4. Prior to the first occupation of the HMO hereby approved, a tenant management plan shall be submitted to and approved in writing by the Local Planning Authority. The tenant management plan shall thereafter be implemented in its entirety and retained for the lifetime of the development.

Reason: In the interest of the amenities of the area in accordance with Policies 16, 29 and 31 of the County Durham Plan and the National Planning Policy Framework.

5. Prior to the installation, further details shall be provided of design, materials and colour finish for the proposed bicycle parking to the front of the property. The development shall thereafter be undertaken with the approved details and shall remain available for use for as long as the property is in use as a HMO.

Reason: To encourage sustainable modes of transport in accordance with Policies 21, 29 and 31 of the County Durham Plan and Parts 9, 12 and 15 of the National Planning Policy Framework.

6. Prior to the first use of the HMO hereby approved, the bin storage arrangements as shown on the proposed plans shall be fully installed and available for use. Thereafter, this provision shall remain available for use for as long as the property is in use as an HMO.

Reason: In the interests of residential amenity and in accordance with Policies 6, 29 and 31 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

7. The HMO as approved, shall be limited to 8 no persons in total.

Reason In the interests of the amenity of the surrounding areas in accordance with Policy 29 of the County Durham Plan and Part 12 and 15 of the National Planning Policy Framework.

8. 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.

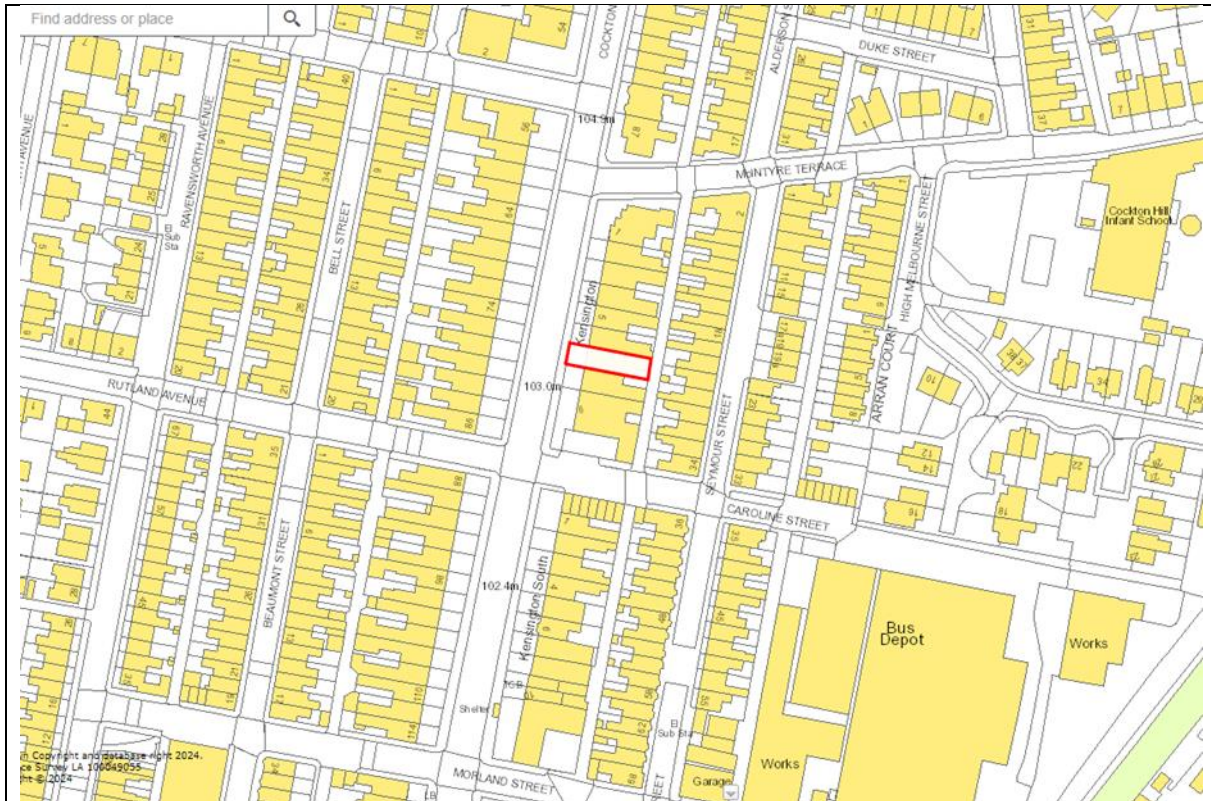
No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays.

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.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
National Planning Policy Framework
The County Durham Plan (CDP)
Parking and Accessibility SPD 2023
Residential Amenity Standards Supplementary Planning Document 2023
Statutory consultation responses
Internal consultation responses
External consultation responses



<p>Planning Services</p>	<p>7 Kensington, Bishop Auckland DL14 6HX</p>	
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