

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/23/02236/FPA
FULL APPLICATION DESCRIPTION:	Sub-divide dwelling (C3) into 3no flats (Part Retrospective)
NAME OF APPLICANT:	Mr Michael Mollon
ADDRESS:	1 Beech Crest Durham DH1 4QF
ELECTORAL DIVISION:	Nevilles Cross
CASE OFFICER:	Michelle Hurton Planning Officer Michelle.hurton@durham.gov.uk 03000 261398

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site relates to an unlisted two storey end of terraced property occupying an elevated position at the top of Briarville, with Blind Lane to the south. The site is located within Durham City Centre Conservation Area, where it makes a positive contribution as an integral part of a late C19 early C20 terraced block, described in the adopted conservation area character appraisal as having Edwardian period frontage. The elevated nature of this part of the city gives rise to views across to Durham Cathedral and Castle World Heritage Site (WHS).
2. The dwelling has a garage which is detached from the property, forming part of the garage block located to the rear (northwest) of the site. To the south and west of the site is outside garden amenity space and to the east the site adjoins the remaining terraced properties.

The Proposal

3. The application seeks planning permission for the conversion of the property from a dwellinghouse (Use Class C3) into 3 No. self-contained flats (Use Class C3) comprising 2 No one bed flats and 1 No two bed flat. Section 55(3) of the Town and Country Planning Act 1990 states 'for the avoidance of doubt, the use as two or more separate dwellinghouses of any building previously used as a single dwellinghouse involves a material change in the use of the building.'
4. The application is part retrospective given that works to create the 2 No one bed flats have already been undertaken. The application seeks the retention of these units and

the creation of a further flat. The Council was made aware that the property had been sub-divided into 2 no flats via the receipt of an enforcement complaint which is currently held in abeyance pending determination of this application.

5. The application is reported to the central and East Area Planning Committee at the request of Durham City Parish Council who consider the application to be a de-facto PBSA, requiring it to be assessed against Part 2 of Policy 16 of the CDP, to which they consider it does not accord. They consider that these issues are such that they require consideration by the planning committee.

PLANNING HISTORY

6. None relevant to the current application.

PLANNING POLICY

NATIONAL POLICY

National Planning Policy Framework

7. The following elements of the National Planning Policy Framework (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 - 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.
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 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.
14. 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.
15. 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.
16. NPPF Part 15 Conserving and Enhancing the Natural Environment - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

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

NATIONAL PLANNING PRACTICE GUIDANCE:

17. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single suite of Planning Practice Guidance. This provides planning guidance on a wide range of matters.

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

LOCAL PLAN POLICY:

The County Durham Plan

18. The following policies of the County Durham Plan (CDP) are considered relevant to this proposal:
19. 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.

20. 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.
21. 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.
22. Policy 22 (Durham City Sustainable Transport) seeks to reduce the dominance of car traffic, address air quality and improve the historic environment within the Durham City area.
23. 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 sites 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 the proposal must not cause significant or irreparable interference with other electrical equipment, air traffic services or other instrumentation in the national interest.
24. 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.
25. 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.
26. 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.

27. Policy 36 (Disposal of Foul Water) 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 waste water 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. Proposals for additional flood defences will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.
28. 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.
29. The Council's Residential Amenity Standards Supplementary Planning Document (RASSPD) sets out guidance for all residential development across County Durham and will form a material planning consideration in the determination of appropriate planning applications. It sets out the standards Durham County Council will require in order to achieve the Council's commitment to ensure new development enhances and complements existing areas, in line with the aims of the County Durham Plan.
30. The Council's Parking and Accessibility Standards Supplementary Planning Document (PASPD) supports Planning Policy 21 (Delivering Sustainable Transport) of the County Durham Plan and should be read in conjunction with the Councils Building for Life SPD, Residential Amenity SPD and the Highway Design Guide. The PASPD sets out guidelines for car and cycle parking that are to be applied equally across the county and for development to be situated within an accessible location.

<https://www.durham.gov.uk/media/34069/County-Durham-Plan-adopted-2020-/pdf/CountyDurhamPlanAdopted2020vDec2020.pdf?m=637424969331400000>

NEIGHBOURHOOD PLANNING POLICY:

Durham City Neighbourhood Plan

31. 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.
32. 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.
33. 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.

34. 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.
35. 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.
36. 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.

<https://www.durham.gov.uk/media/36020/Durham-City-adopted-neighbourhood-plan/pdf/DurhamCityNeighbourhoodPlan.pdf?m=63763004206650000>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

37. The Highway Authority raises no objection to the application noting that the site falls within the Durham City Controlled Parking Zone and therefore parking would be adequately controlled.
38. City of Durham Parish Council objects to the application which they consider to be application for a de-facto PBSA. They also consider that the proposed scheme would not accord with the relevant policies within the CDP including policy 16.

INTERNAL CONSULTEE RESPONSES:

39. Environmental Health (Nuisance Action) Team raise no objections subject to the noise insulation being incorporated into the development which would meet the requirements of Building Regulation Document E.

PUBLIC RESPONSES:

40. The application was advertised by way of site notice, press notice and neighbour notification letters to nearby properties. One letter of representation and twenty five letters of objection have been received in response, this includes The City of Durham Trust, Nevilles Cross Community Association and the MP. Reasons for objection are summarised as:
 - Impact upon residential amenity in that the proposal would adversely impact upon neighbouring properties from increased noise and disturbance, the house only having 1 recycling and 1 waste bin. Results in overcrowding and increased density of the area
 - Impact upon parking and highway safety, specifically that the site would increase number of cars in an area which has limited access/turning space for residents and emergency service vehicles. The parking SPD requires parking spaces, EV charging points and secure enclosed cycle storage which aren't provided.

- The application is retrospective having been converted into two separate dwellings prior to submitting the application. Neighbours not aware of any formal planning permissions in place for the conversion of the dwellinghouse into 2 no flats. As no permission is in place, the application cannot be properly assessed.
- Impact upon social cohesion in that the introduction of 3 no flats would degrade the cohesion of the community due to the number of HMOs in the locality and reduced numbers of property owners. Proposal undermines the city's housing policy to create sustainable, inclusive and mixed communities. Proposal would result in short term, transient tenants.
- This appears to be a way of getting around the Article 4 Direction limiting the number of HMOs within an area. This is proposing a de-facto PBSA. There is already enough HMOs in the area.
- Planning Statement mentions the flats won't be rented to students, however, the information submitted relates to the need for student properties and proximity of the location to colleges.
- Applications to convert housing to flats were refused at 24 Nevilledale Terrace and 4 North End, this should also be refused on same grounds.
- Level of public consultation undertaken was insufficient.

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

APPLICANT'S STATEMENT:

41. Having been born in Durham and lived here all of my life I'm very much aware of the many positives and some negatives of the area. Having gone to school just down the steps from Beech Crest at St Margaret's Primary I have known the direct area for many many years and was always in awe of the grand scale of No 1.
42. When myself and my family saw that 1 Beech Crest was up for sale and had been for quite some time (even failing to sell at auction) we relished the chance to preserve and upgrade the house. Due to this circumstance, we believed that due to the size of the house and awkward access/parking that it no longer suited one large family like it once did. In my opinion, young families now seek houses with large drives and gardens.
43. Our goal was always to create excellent living standards/amenities but within smaller units in the house - I believe we have achieved that with no external alterations and very minimal changes to the interior. We don't seek to create 'just another HMO' but cost effective apartments for young professionals, couples etc. I hope this can be seen when having previously listed with Ben Charles whose main target market is this demographic and the house being currently occupied by an astute tenant that works at Durham University.
44. We've always sought good relations with our neighbours and have always been open and honest with our plans for the house. The feedback that we have received during this consultation has not been taken lightly and have made several adjustments to try and resolve the concerns that have been raised including lowering the amount of bedrooms and altering the layout to ensure all apartments are self-contained.

45. We also share the concerns about parking within the direct local area and this application would not alter the current situation with the amount of parking permits allowed staying the same with any potential future tenants being made aware of the situation.
46. If permission is granted, we will ensure that this development will add to the local community and not detract and making the upkeep of the property as a top priority.

PLANNING CONSIDERATIONS AND ASSESSMENT

47. As identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004 the key consideration in the determination of a planning application is the development plan. Applications should be determined in accordance with the development plan unless material considerations indicate otherwise. In assessing the proposals against the requirements of the relevant planning guidance and development plan policies and having regard to all material planning considerations it is considered that the main planning issues in this instance relate to the principle of development, impact on the character and appearance of the area, impact on residential amenity and community balance/social cohesion, impact on highway safety and other matters.

Principle of the Development

48. The County Durham Plan (CDP) was adopted in October 2020 and as such represents the up-to-date local plan for the area and the starting point for the determination of this planning application. Consequently, the application is to be determined in accordance with relevant policies set out within the CDP.
49. The NPPF is a material planning consideration. 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 local plan without delay.
50. Policy 6 (Development on Unallocated Sites) of the CDP states that the development of sites which are not allocated in the Plan or in a Neighbourhood Plan which are either (i) within the built-up area; or (ii) outside the built-up area (except where a settlement boundary has been defined in a neighbourhood plan) but well related to a settlement, will be permitted provided the proposal accords with all relevant development plan policies and:
 - a) is compatible with, and is not prejudicial to, any existing, allocated or permitted use of adjacent land;
 - b) does not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development;
 - c) does 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) is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of, the settlement;
 - e) will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity;
 - f) has 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) does not result in the loss of a settlement's or neighbourhood's valued facilities services unless it has been demonstrated that they are no longer viable; or

- h) minimises vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding;
 - i) where relevant, makes as much use as possible of previously developed (brownfield) land; and
 - j) where appropriate, it reflects priorities for urban regeneration.
51. 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.
52. The site is within the residential framework of Durham City built up area and therefore the proposal must be assessed against the criteria in policy 6. In relation to criteria a) and b), it is considered that the conversion of the existing terraced dwellinghouse into 3no self-contained residential flats is considered compatible in principle with surrounding uses. Impacts upon residential amenity, are considered in more detail elsewhere in this report.
53. The site is located within the built-up area of Durham City and therefore would not lead to the coalescence of settlements and there are no concerns that the development would result in inappropriate ribbon development, nor that it would be considered inappropriate backland development, as the site has an independent highway access (criteria b). The development would accord with the relevant criteria in this regard.
54. The development is considered to accord with criteria c) and f) of Policy 6 in that whilst it is located within Durham City Centre Conservation Area, it would not result in a loss of open land that has any recreational, ecological or heritage value (criteria c) and the site is noted as being within a highly sustainable location, within Durham City Centre where there is a wide range of facilities and the site has access to sustainable modes of transport (criteria f). The site would not result in the loss of a settlements or neighbourhoods valued facilities or services in accordance with criteria g), as the site relates to a terraced dwellinghouse, it would make best use of previously developed land in accordance with criteria i). Consideration of the requirements of criterion d), e) and h) of policy 6 are considered elsewhere within this report. It is not considered that criteria j) is applicable.
55. The development to change the use of the dwellinghouse into 3no self-contained residential flats sited in a sustainable location would therefore comply with Policy 6 of the CDP and the principle of development can draw support from Policy 6 in this regard.
56. Objections have been received that the details submitted within the application are inconsistent. The Planning Statement mentions that the flats won't be rented to students, however, the information submitted relates to the need for student properties and proximity of the location to colleges. Objection has been raised to the application from interested parties including local resident's groups and the City of Durham Parish Council that the proposal amounts to a de-facto PBSA and the subdivision a way of circumventing the controls regarding total numbers of HMOs within the City. In response the applicant has confirmed there is no intention to lease the flats to students. However, it is noted that this cannot be controlled, and it remains that the nature of the accommodation offer is such that it would appear attractive to student occupation. The application must therefore be considered on this basis and assessed against the requirements of Part 2 of Policy 16. Assessment of the proposal against Part 2 of Policy 16 follows elsewhere in this report.

57. Notwithstanding the above the proposed development would accord with the requirements of policy 6 of the CDP.
58. Part 2 of Policy 16 (Durham University Development, Purpose Built Student Accommodation and Houses in Multiple Occupation) is also relevant in relation to the principal of development. The policy states that all proposals for new, extensions to, or conversions to, Purpose-Built Student Accommodation 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 Supplementary Planning Document (SPD); 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.
59. Where appropriate, development will be expected to sustain the significance of designated and non-designated heritage assets, including any contribution made by their setting. Development proposals should contribute positively to the built and historic environment and should seek opportunities to enhance and better reveal the significance and understanding of heritage assets whilst improving access where appropriate.
60. Whilst the proposed conversion of the existing dwellinghouse into 3no self-contained residential flats does not fall within the definition of new purpose-built student accommodation as detailed within the Housing Act 2004, Part 2 of Policy 16 is still relevant noting that the supporting text to Policy 16, which confirms that any development which would be attractive to students will be assessed under this part of the policy. Given the nature of the proposed development and location, it is considered that the development would be attractive to students and therefore Part 2 of Policy 16 would apply in this instance.
61. Paragraph 253 of the County Durham Plan Inspectors report highlighted that it is possible that purpose-built student accommodation schemes will also be proposed on non-allocated sites during the plan period, and parts (a) to (i) set out the criteria of part 2 of Policy 16 will manage such developments. It is acknowledged that by providing a range of accommodation including HMOs, university affiliated colleges and privately run PBSA allows for individual choice and variety within the market, which can potentially also alleviate pressure on the residential housing market.

62. Letters of objection have been received in relation to there not being a need for more student accommodation given the number of unlet student rooms within the market.
63. In taking each of the criteria in turn; with regard to criteria a) the supporting text for Policy 16 highlights that need can be considered in both quantitative and qualitative terms, with Paragraph 5.139 recognising that the student housing market is not static and that there needs to be choice in the market. Paragraph 5.141 of the 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).
64. The University's student intake for 2020 and 2021 was higher than anticipated and this continued in 2022 due to the unexpected shifts in the grading of A-levels and other Level 3 qualifications.
65. It is understood that the number of active students for 2023/2024 is down from previous years, and that this is expected to continue to meet the overall expected target of 21,500 active students by 2027.
66. Whilst there is some evidence to suggest that the quantitative demand for bedspaces covering the 2017 – 2027 period is currently met when comparing bedspaces to existing student numbers, supporting text to Policy 16 at 5.141 is clear that consideration of need shall include variety in the market and the range of accommodation on offer.
67. In this regard evidence has been provided from a number of letting agents which highlights that one and 2 bed accommodation in this location is highly sought after by both students and young professionals, in particular postgraduate students. Responses from letting agents have highlighted that there are a greater number of HMOs / PBSAs bedspaces in comparison to 1 and 2 bed properties. Therefore, there appears to be a demand for this type of accommodation in this part of the city and that this would be attractive to a range of potential tenants and not solely attractive to students. Responses from letting agents also identified that these types of accommodation are usually tenanted within a short period of time after being offered to market.
68. Evidence submitted included current waiting lists and correspondence from several letting agents demonstrating that a high number of students, usually postgraduates and young professionals regularly enquire about 1-bed apartments/studios, and that because of the high demand and the rarity for these types of accommodation becoming available. In addition, evidence demonstrates that this type of accommodation can be subject to higher rental costs which have increased within the past 24 months pointing to a relative shortage of this type of accommodation.
69. In light of the above it is considered that whilst the proposal is unlikely to meet a quantitative demand, it would comply with policy 16 Part 2 criteria a) of the CDP in that it would broaden the choice and variety of accommodation available within the Durham City area for which there appears to be demand.
70. In relation to criteria b) the applicant has provided evidence of their consultation with Durham University in the form of an email sent to the university, which the applicant

has forwarded a copy to the LPA. As a result, the requirement to engage with the education provider has been met.

71. The application site is located within a residential area and as such the introduction of 3No. C3 self-contained flats would not result in a significant negative impact on housing, retail or employment, nor would it adversely impact upon leisure, tourism or the Councils regeneration objectives in accordance with criteria c) of policy 16.2.
72. The site is located within an accessible location within Durham City and therefore is readily accessible to existing university or college academic sites or hospital and research sites. It is therefore considered that the proposal is readily accessible to existing university and college academic sites in accordance with criteria d).
73. Criteria e) relates to matters regarding the design and layout of the proposed student accommodation being appropriate to its location and in relation to adjacent neighbouring uses which is assessed elsewhere in this report. In relation to criteria f) the internal layout of the accommodation is considered to be satisfactory, with sufficient space provided and criteria g) relates to consideration of the impact of the development upon surrounding residents and again, assessment against criteria f) and g) is considered in more detail elsewhere in this report. However, it is noted that the Council's Environmental Health Statutory Nuisance team have raised no objections to the proposal subject to planning conditions.
74. In regard to criteria h) the Highway Authority has confirmed that the development is acceptable in terms of its impact upon highway safety.
75. Having regard to criteria i) the applicant has stated that the proposed scheme would include a full locking system and CCTV would also be installed. It is recommended that the security measures provided are to be secured via planning condition for their implementation prior to first occupation of the flats.
76. Finally, Policy 16 requires where appropriate, development to sustain the significance of designated and non-designated heritage assets, including any contribution made by their setting. Development proposals should contribute positively to the built and historic environment and should seek opportunities to enhance and better reveal the significance and understanding of heritage assets whilst improving access where appropriate. The application site is located within Durham City Centre Conservation Area; however, it is not considered that the proposed development would have any adverse impacts upon the conservation area as no external works are proposed to the building. It therefore preserves the character and appearance of the Conservation Area, in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
77. Whilst concerns have been raised from neighbouring residents, the Parish Council and other interested parties regarding the self-contained residential flats being a method to circumvent the controls currently in place in relation to HMO development within Durham City. The proposed flats fall outside the definition of an HMO for planning purposes and as such are not subject to control through CDP Policy 16(3).
78. As noted above, the information submitted by 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.
79. In light of the above, and subject to consideration of compliance with criteria e and g of policy 16 and all other material considerations, including the impact on heritage

assets, the principle of development is considered acceptable in accordance with Policy 16 of the CDP.

Impact on residential amenity

80. Policy 31 (Amenity and Pollution) of the CDP states 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 the development can be integrated effectively with any existing business and community facilities. The proposal will also need to demonstrate that future occupiers of the proposed development will have acceptable living conditions. In turn, proposals which will have an unacceptable impact such as overlooking, visual intrusion, visual dominance or loss of light, noise or privacy will not be permitted unless satisfactory mitigation measures can be demonstrated. In addition, policy 6a) of the CDP requires new development to be compatible with, and not prejudicial to, any existing, allocated or permitted use of adjacent land.
81. Paragraph 135 and 191 of the NPPF require new development to function well and add to the quality of the overall area and prevent both new and existing development from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution respectively.
82. Objections have been received in relation to the impact the proposed development would have upon residential amenity from increased noise and disturbance and that the development would be served by only 1 recycling and 1 waste bin.
83. The Environmental Health officer (EHO) have commented stating the proposal is a noise sensitive development which is within a residential area. The information submitted demonstrates that the scheme would comply with the thresholds stated within the TANS and therefore would indicate that the development would not lead to an adverse impact. However, the EHO recommends there to be a reasonable degree of noise insulation incorporated into the development. The aim of the insulation would be to ensure that the requirements of BS 8233: 2014 in relation to sleeping areas are met within the rooms. An insulation scheme should be designed to the requirements of Document E of the Building Regulations standards.
84. Furthermore, the EHO has assessed the environmental impacts which are relevant to the development in relation to their potential to cause a statutory nuisance, as defined by the Environmental Protection Act 1990 and are satisfied, based on the information submitted with the application, that the development is unlikely to cause a statutory nuisance. Given this, a planning condition is recommended to be attached to any approval granted in relation to the submission and agreement of sound mitigation measures.
85. It is acknowledged that there will be some disruption caused by the development whilst the dwellinghouse is being converted however this would only be for a short period of time. In terms of the site only having 1 no waste and recycling bin, and the applicant has confirmed that all 3 no properties would be served by their own individual waste and recycling bins.
86. Policy 16.2f) of the CDP requires the internal design, layout and size of the accommodation and facilities to be of an appropriate standard. In addition, Policy 29e) of the CDP requires new development to provide high standards of amenity and privacy.

87. Concerns have been raised that the proposed scheme would result in overcrowding and increased density of the area. Paragraph 2.1 of the Residential Amenity Standards - Supplementary Planning Document (RASSPD) states that it is important that the amenity of adjacent properties is protected in relation to the over-dominance, loss of privacy and loss of daylight, of the dwelling. Paragraph 3.1 and 3.2 of the RASSPD states that all development will have some bearing on neighbouring properties, and it is therefore important to ensure that the impact does not result in a significant loss of privacy, outlook or light for occupiers of new and existing dwellings. Therefore, the design and layout of new development should ensure that reasonable privacy and light is provided for surrounding residents and occupiers particularly in relation to residential use and enjoyment of dwellings and private gardens. In order to achieve this spacing between the windows of dwellings should achieve suitable distances for privacy and light whilst also preventing cramped and congested layouts.
88. The required minimum separation distances between habitable room windows to habitable room windows between two storey buildings should be 21m and 18m between bungalows and for habitable room windows to a blank gable which does not contain habitable room windows the minimum separation distance required is 13m to two storey and 10m for single storey.
89. The application site is an end terraced property within Beech Crest where the only other neighbouring properties are located to the east of the site. There is a large, detached property to the west of the site, however, this is at a lower level and accessed off the A690. Therefore, as there are no residential properties facing onto the habitable rooms of the application site, there would be no adverse impacts in terms of loss of privacy, overlooking, etc.
90. In turn, the residential amenity standards SPD expects new developments to incorporate usable, attractively laid out and private garden space conveniently located in relation to the properties it serves. The garden areas should be of an appropriate size, having regard to the size of the dwelling and the length of gardens and should be no less than 9 metres. The outdoor amenity space will be retained and subdivided between the 3no flats to provide bike and bin storage facilities.
91. An objection has been received in relation to the proposed bike storage facilities not being within an enclosure as the Parking and Accessibility Standards SPD (PASSPD) states bike stores are to be enclosed, therefore, the scheme does not comply with planning policy. Paragraph 4.18 of the PASSPD states that for residential flats, it will be expected that every dwelling should have enclosed, secure and sheltered parking for a cycle, mobility scooter or motorbike but there is room for flexibility and bespoke design solutions in how this is provided within shared accommodation. It would be recommended that this provision is at ground floor level and should be in a well observed location with CCTV coverage encouraged. The cycle storage is proposed to be sited at ground floor level within the rear enclosed yard space. Confirmation from the agent has been received and the rear yard area will be secured by a lockable gate.
92. 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, it was considered necessary to introduce the NDSS in County Durham with the aim of improving the quality of new build development coming forward. The plan included a 12-month transition period for the adoption of the plan in

October 2020 to allow house builders sufficient time to adjust their products according to meet those standards.

93. In this regard, it is noted that the bedrooms would meet the minimum requirements of the NDSS. With regard to the total overall internal space provided across the 3no flats as a whole, again these would be over the recommended requirements of the NDSS standard for a one storey, 1 bedspace, 1 or 2 person flat and a one storey 2 person, 3 or 4 bedspace. As such is considered that the proposed 3no residential flats provide an acceptable amount of internal space in accordance with Policies 16.2f) and 29e) of the CDP.
94. Policy 16.2g) of the CDP states that 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.
95. As the proposed development is for 3no. self-contained C3 flats, whilst the end user cannot be controlled by the LPA, therefore, there is the potential for the flats to be occupied by students, it is not considered reasonable or necessary to attach a planning condition in this regard. This approach was addressed within a recent appeal decision where the Planning Inspectorate allowed an appeal at 24 Nevilledale Terrace which related to a similar development in a similar location to change the use of a 6-bed dwellinghouse into 2no self-contained C3 flats. In allowing the appeal the Planning Inspector concluded that such a condition would not be enforceable or necessary.
96. Therefore, the proposed development is considered to comply with policies 6, 16, 29 and 31 of the CDP and Parts 5, 12 and 15 of the NPPF.

Impact on the character and appearance of the area

97. Paragraph 124 of the NPPF advises that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development, creating better places in which to live and work, helping to make development acceptable to communities.
98. Policy 6d) of the CDP states that development should be appropriate in terms of scale, design, layout and location to the character, function, form and setting of the settlement. Policy 16.2e) states that 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. With Policy 29 relating to sustainable design which states that all proposals will be required to achieve well designed buildings and places having regard to supplementary planning documents and contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities; and create buildings and spaces that are adaptable to changing social, technological, economic and environmental conditions and include appropriate and proportionate measures to reduce vulnerability, increase resilience and ensure public safety and security.
99. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Policy 44 (Heritage Assets) of the CDP states that development will be expected to sustain

the significance of designated and non-designated heritage assets, including any contribution made by their setting. Development proposals should contribute positively to the built and historic environment and should seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets whilst improving access where appropriate. In relation to non-designated heritage assets a balanced judgement will be applied where development impacts upon the significance and setting of non-designated heritage assets. Paragraph 203 of the NPPF states that LPA should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. Paragraph 209 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

100. In addition, Policy S1 (Sustainable Development Requirements of all Development and Re-development Sites Including all New Building, Renovations and Extensions) of the DCNP seeks to promote economic well-being by contributing to a mix of uses and to preserve and enhance the neighbourhood by harmonising with its context in terms of scale, layout, density, massing, height, materials, colour, and hard and soft landscaping; and conserving the significance of the setting, character, local distinctiveness, important views, tranquillity and the contribution made to the sense of place by designated and non-designated heritage assets.
101. Policy H2 (The Conservation Areas) of the DCNP expects development within the City Centre Conservation Area to sustain and enhance its special interest and significance identified within the conservation area character appraisal taking account of sustaining and enhancing the historic and architectural qualities of buildings, continuous street frontages, patterns, boundary treatments, floorscape and roofscapes, avoiding loss or harm of an element that makes a positive contribution to its individual significance and surrounding area, using appropriate scale, density, massing, form, layout and materials, using high quality design sympathetic to the character and context, its significance and distinctiveness.
102. Policy D4 (Building Housing to the Highest Standards) of the DCNP seeks to ensure that all new housing must be of a high-quality design relating to the character and appearance of the local area, aesthetic qualities, external and internal form and layout, functionality, adaptability, resilience and the improvement of energy efficiency and the reduction of carbon dioxide emissions.
103. The proposed development is for the conversion of an end terraced dwellinghouse. There are no external changes proposed to facilitate the development apart from the introduction of bike and bin storage areas within the rear yard area. Therefore, the proposed scheme would preserve the character and appearance of the non-designated heritage asset and conservation area.
104. Therefore, the proposed development is considered to comply with policies 6, 16, 29 and 44 of the CDP and Parts 12 and 16 of the NPPF and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Highway Safety and Access

105. Policy 21 of the CDP states that new development should ensure that any vehicular traffic generated can be safely accommodated on the local and strategic highway network. This displays broad accord with paragraph 116 of the NPPF which requires

new development to provide safe and suitable access to the site. Policy 6e) of the CDP requires the proposed development to not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity. Policy 16.2h) of the CDP requires the quantity of cycle and car parking provided to have regard to the council's Parking and Accessibility Supplementary Planning Document (PASSPD).

106. Policy T2 (Residential Car Parking) of the DCNP 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. Policy T3 (Residential Storage for Cycles and Mobility Aids) of the DCNP 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.
107. Objections have been received from neighbouring residents and another interested party in relation to the proposed change of use of the dwellinghouse to create 3no self-contained flats would result in an increase in the number of cars in the area which has limited access and turning space for residents and emergency service vehicles. Other highway concerns are in relation to the PASSPD requires parking spaces, EV charging points and secure enclosed cycle storage which isn't being provided.
108. The Highways Authority considers the proposal would be acceptable in terms of highway safety and notes that the property falls within the Durham City Controlled Parking Zone. This allows the existing single property 2 permits to park on street within the zone. However, when properties are subdivided, the additional properties are not eligible for any additional permits, and so the 3 proposed properties would only be eligible for the 2 permits between them. On this basis, the material impact on parking would be controlled, and therefore would not be a reason for refusal of the application.
109. In terms of the enclosed cycle storage not being provided, this has been addressed earlier in the report.
110. Therefore, notwithstanding the concerns raised 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 accordance with the aims of policy 6, 16 and 21 of the CDP and paragraph 116 of the NPPF.

Drainage

111. 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.
112. 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 waste water 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.

113. The proposed development will be connected to the mains sewer for the disposal of surface water and foul sewage. It is therefore considered that the development would accord with Policies 35 and 36 of the CDP.

Other Matters

114. Policy 27 of the CDP requires new residential development to be served by a high-speed broadband connection unless it can be demonstrated that this is not appropriate. The development would be located in a residential area. Similar requirement in terms of broadband connectivity and broadband connectivity would be delivered in this wider context. As such it does not appear that there would be any significant constraints to delivering the connectivity in accordance with the requirements of policy 27 of the CDP. However, that said, a condition would be attached to any approval granted for specific details to be submitted and agreed in writing by the Local Planning Authority prior to the occupation of the dwelling.
115. Policy 29 of the CDP criteria c) and d) require that developments should seek to minimise greenhouse gas emission by seeking to achieve zero carbon buildings and provide renewable and low carbon energy generation and should minimise the use of non-renewable and unsustainable resources. The applicants have agreed to submit details prior to the commencement of the development; therefore, a pre-commencement condition would be attached to any approval granted.
116. Some respondents have raised concern at the extent to which the Council publicised the planning application noting that they did not receive a letter notifying them of the application and found out via a neighbour. Whilst the concerns are noted the application was advertised by means of a site notice adjacent to the application property, an advertisement within the Northern Echo and letters sent to adjoining occupiers which exceeds the minimum statutory requirements as contained in the Town and Country Planning (Development Management Procedure) (England) Order 2015.
117. Comments have been raised in relation to previous applications to convert housing to flats have been refused at 24 Nevilledale Terrace and 4 North End, and that this application should also be refused on same grounds. Whilst each application must be considered on its own planning merits weight should be attached to previous appeal decisions, depending upon the nature of the proposals and their proximity to the current application. In relation to No. 24 Nevilledale Terrace it is noted that this related to a similar development within close proximity to the current application site and was allowed upon appeal having originally been refused by the Local Planning Authority.
118. Comments have been raised in relation to the application being submitted on a retrospective basis given that the dwellinghouse had already been converted into 2no. separate dwellings prior to submitting the application and that neighbours were not aware of any formal planning permissions in place for the conversion of the dwellinghouse into 2no flats. As no permission is in place, the application cannot be properly assessed. Whilst the conversion of the dwellinghouse into 2no flats was unauthorised, provision exists within planning legislation for planning permission to be sought retrospectively and the fact that a development has been undertaken, in full or in part, does not amount to reason to refuse any such retrospective application. There

is no reason why the retrospective nature of the application should mean that the proposal cannot be properly assessed.

119. Comments have been raised in relation to the study within the 2no bed flat being turned into a bedroom resulting in the flat becoming an HMO. The size of the two studies both in flat 1 and flat 2 do not meet NDSS standards and therefore, it is recommended that a planning condition be attached to any approval granted to ensure both studies cannot be used as bedroom accommodation.

CONCLUSION

120. It is considered that the principle of the development is acceptable. The proposed scheme would be compatible with surrounding uses, would not result in the loss of open land, is located within a highly sustainable location and would not be prejudicial to highway safety in accordance with Policy 6 of the CDP.
121. Sufficient information has been provided to demonstrate that there is a need for this type of accommodation within this local area, consultation with the education provider has been carried out, the site is accessible to local colleges and universities, would include adequate cycle storage facilities, the internal design is of an appropriate standard and the proposal would be in keeping with the character and appearance of the area.
122. Furthermore, the proposal is not considered to have any detrimental impacts on the residential amenity of neighbouring properties, nor would it adversely impact upon highway safety.
123. It is therefore considered that the application is acceptable and complies with policies 6, 16, 21, 22, 27, 29, 31, 35 and 36 of the CDP, Parts 2, 4, 5, 8, 9, 10, 11, 12, 14 and 15 of the NPPF and S1, T1, T2, T3, H2 and D4 of the Durham City Neighbourhood Plan.

Public Sector Equality Duty

124. 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.
125. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

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 strict accordance with the approved plans listed in Part 3 - Approved Plans.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with 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 first occupation of the flats hereby approved, a scheme of sound mitigation measures that accords with the requirements of Approved Document E (Resistance to the passage of sound) of the Building Regulations 2004 (As Amended), shall be submitted and approved in writing by the Local Planning Authority.

The approved scheme shall be implemented prior to the beneficial occupation of the development and shall be permanently retained thereafter.

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

4. The cycle storage provision shown on the proposed floor plans (Drawing No. 38252MO003A Rev B received 24 May 2024) shall be available for use prior to the first occupation of the flats (Use Class C3) hereby approved and shall be retained in perpetuity.

Reason: To promote sustainable modes of transport in accordance with policies 6 and 16 of the County Durham Plan.

5. The bin storage provision shown on the proposed floor plans (Drawing No. 38252MO003A Rev B received 24 May 2024) shall be available for use prior to the first occupation of the flats (Use Class C3) hereby approved and shall be retained in perpetuity.

Reason: In the interest of residential amenity and in accordance with policies 6 and 16 of the County Durham Plan.

6. The study rooms shown on the proposed floor plans (Drawing No. 38252MO003A Rev B received 24 May 2024) within flats 1 and 2 shall be not be used as bedroom accommodation.

Reason: In the interest of residential amenity and in accordance with Policy 29e of the County Durham Plan and Part 12 of the National Planning Policy Framework.

7. 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.

8. Prior to first occupation of the flats hereby approved, a scheme to minimise greenhouse gas emissions, with the aim of achieving as close as possible a zero carbon building, shall be submitted and approved in writing by the Local Planning Authority. The scheme shall include, but not be limited to, provision of renewable and low carbon energy generation. The renewable and low carbon energy measures shall be installed in accordance with the approved details thereafter.

Reason: To comply with requirements to minimise greenhouse gas emissions in line with details set out in policy 29c and d) of the CDP

9. Prior to first occupation of the flats hereby approved, a scheme detailing the precise means of broadband connection to the site shall be submitted to and agreed in writing by the local planning. Thereafter, the development shall be carried out in accordance with the agreed detail.

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

10. The security measures detailed with emails received 18th June 2024 shall be implemented prior to the occupation of the C3 flats hereby approved.

Reason: In the interest of residential amenity and in accordance with Policy 16 and 31 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

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

Statutory, internal, and public consultation responses

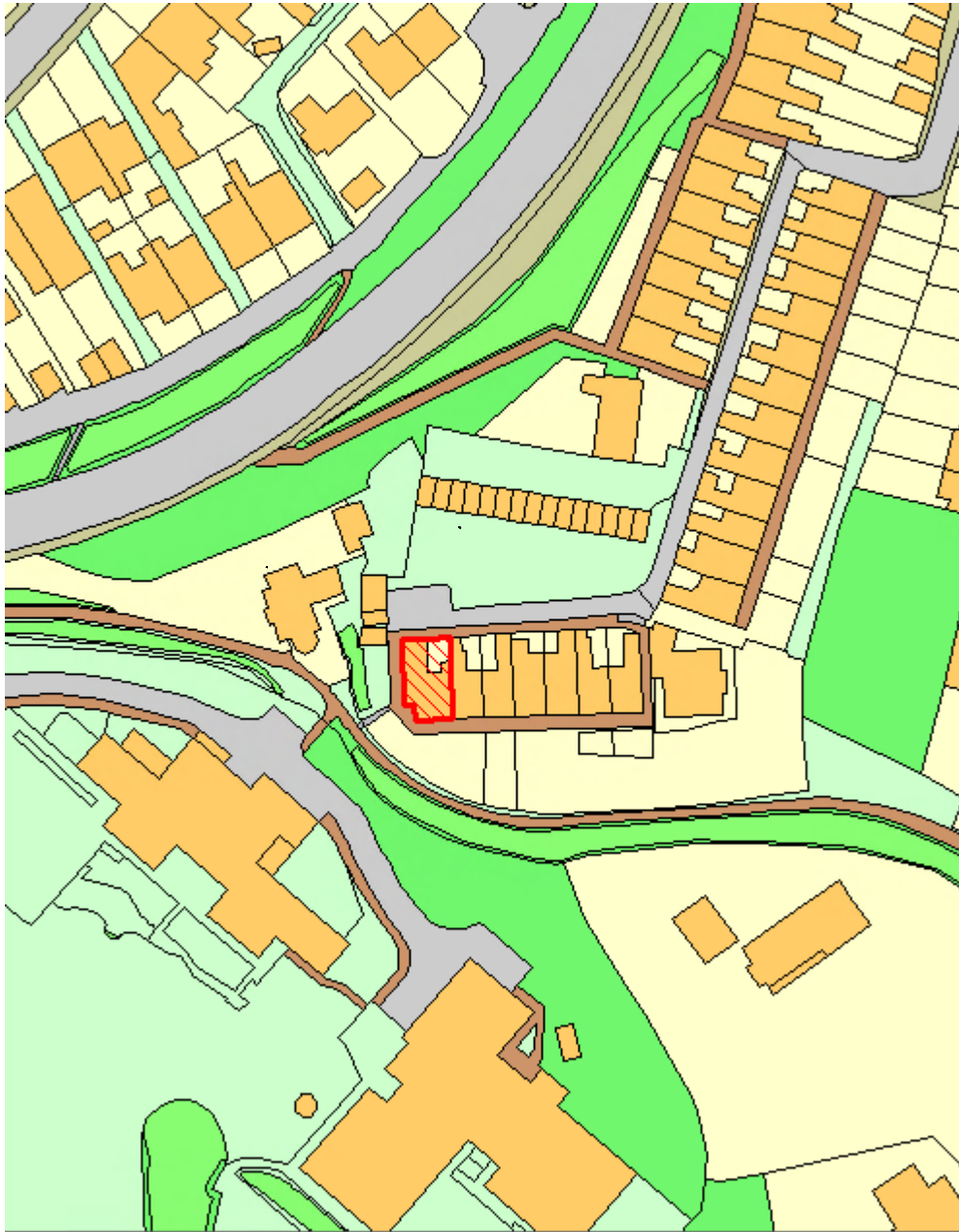
The National Planning Policy Framework (2023)

National Planning Practice Guidance Notes

County Durham Plan (2020)

Durham County Council Residential Amenity Standards SPD (2022)

Durham County Council Parking and Accessibility SPD (2023)



Planning Services

DM/23/02236/FPA Sub-divide dwelling (C3) into 3no flats (Part Retrospective) at 1 Beech Crest Durham DH1 4QF

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Date 22 July 2024

Scale NTS