

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/24/00402/FPA
FULL APPLICATION DESCRIPTION:	Change of use of ground floor office (E) to a 2 bedroom flat (C3) for student accommodation including replacement of 1no window for 1no door and window to rear
NAME OF APPLICANT:	Mr Gurpreet Jagpal
ADDRESS:	44 Claypath Durham DH1 1QS
ELECTORAL DIVISION:	Elvet and Gilesgate
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 terraced property in Claypath which is considered as a Non-Designated Heritage Asset (NDHA). The site is located within the Durham City Centre Conservation Area, positioned on the north side of Claypath, which is a broad street steeply climbing from the City Centre, and is lined with tightly packed houses of two and three storey height dating from the late 18th to the early 20th century. The unlisted property is of a traditional appearance and retains much of its character, forming part of a terrace of properties that incorporates a number of listed buildings.
2. No.44 Claypath incorporates a business use to the ground floor and a residential flat at first floor level looking out over a large, landscaped garden.

The Proposal

3. The application seeks planning permission for the conversion of the ground floor office (Use Class E) into 1No 2-bed self-contained flat (Use Class C3) which is understood to be intended for student accommodation.
4. The application is submitted following a previously withdrawn application that proposed a change of use of the ground floor office to a small HMO. However, this application was subsequently withdrawn as the concentration of Class N exempt Council Tax properties within the 100m radius of the was in excess of 10% and the property was not considered to be within a predominantly commercial area for the purposes of Policy 16(3) of the CDP.

5. The current application is reported to planning committee at the request of Durham City Parish Council who consider the application should be assessed against Part 3 of Policy 16 of the CDP and this should be considered by the planning committee.

PLANNING HISTORY

4/03/01010/FPA Change of use of first floor office to residential flat and construction of external fire escape to rear Approved 24th February 2004

DM/20/00111/PND Prior notification for the demolition of a block of five outhouses. Prior Approval Not Required 3rd March 2020

DM/24/00007/FPA Change use of ground floor office (E) into a small house in multiple occupation (HMO) (C4) for student accommodation Application Withdrawn 13th February 2024

PLANNING POLICY

NATIONAL POLICY

National Planning Policy Framework

6. The following elements of the National Planning Policy Framework (NPPF) are considered relevant to this proposal:
7. 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.
8. 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.
9. 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.
10. 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.
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.
17. NPPF Part 16 Conserving and Enhancing the Historic Environment - Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations

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

NATIONAL PLANNING PRACTICE GUIDANCE:

18. 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

19. The following policies of the County Durham Plan (CDP) are considered relevant to this proposal:
20. Policy 6 (Development on Unallocated Sites) supports development on sites not allocated in the Plan or Neighbourhood Plan, but which are either within the built-up area or outside the built up area but well related to a settlement will be permitted provided it: is compatible with use on adjacent land; does not result in coalescence with neighbouring settlements; does not result in loss of land of recreational, ecological, or heritage value; is appropriate in scale, design etc to character of the settlement; it is not prejudicial to highway safety; provides access to sustainable modes of transport; retains the settlement's valued facilities; considers climate change implications; makes use of previously developed land and reflects priorities for urban regeneration.
21. Policy 16 (Durham University Development, Purpose Built Student Accommodation and Houses in Multiple Occupation) seeks to provides a means to consider student accommodation and proposals for houses in multiple occupation in ensure they create inclusive places in line with the objective of creating mixed and balanced communities.
22. Policy 21 (Delivering Sustainable Transport) Requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development should have regard to the Parking and Accessibility Supplementary Planning Document and Strategic Cycling and Walking Deliver Plan.
23. 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.
24. 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.
25. 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.
26. 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.

27. 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.
28. 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.
29. 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.
30. Policy 45 (Durham Cathedral and Castle World Heritage Site) seeks to ensure that developments within the world heritage site sustain and enhance the significance of the designated asset, are based on an understanding of, and will protect and enhance the outstanding universal values (OUVs) of the site in relation to the immediate and wider setting and important views into, and out of the site. Any harm to the OUVs will not be permitted other than in wholly exceptional circumstances.
31. 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.
32. 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>

33. 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.
34. 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.
35. 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.
36. 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.
37. 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.
38. 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=637630042066500000>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

39. The Highway Authority raises no objection to the application given the sustainable location of the site and confirms there are no concerns over highway safety.
40. City of Durham Parish Council objects to the application, noting that the proposal amounts to a HMO use given it includes shared kitchen and lounge space, and as such should be assessed against Part 3 of Policy 16. In objection the Parish Council state that students lead independent lives from one another and their neighbours resulting in a detrimental impact on living conditions for neighbours from increased noise and disturbance.

INTERNAL CONSULTEE RESPONSES:

41. Environmental Health (Nuisance Action) raise no objections subject to a condition controlling environmental impact during the construction period.
42. Design and Conservation raise no objection to the application following confirmation that the internal ornate mid-C19 plaster cornices and ceiling beams would be conserved, and conclude that the reuse of what is currently a vacant building is welcomed.

PUBLIC RESPONSES:

43. The application was advertised by way of site notice, press notice and neighbour notification letters were sent to nearby properties. Two letters of objection have been received from The City of Durham Trust and the St Nicholas Community Forum. 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, due to students having different lifestyles. This is a residential area.
 - Impact upon social cohesion in that the proposal undermines the city's housing policy to create sustainable, inclusive and mixed communities. Proposal would result in short term, transient tenants who do not become part of the community.
 - This appears to be a way of getting around the Article 4 Direction limiting the number of HMOs within an area. This is for student accommodation therefore should be assessed against part 3 of Policy 16. There is 28% of HMOs in the area. The layout would allow 3 or 4 students to occupy the site making it a HMO (C4) not C3
 - There is no need for more HMOs, Durham university has advised there is enough accommodation for the number of students enrolled.

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 searching the application reference number at <https://publicaccess.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application>

APPLICANT'S STATEMENT:

44. Our application is to convert a dilapidated and outdated vacant former insurance brokers office to a spacious 2 bed, 2-bathroom apartment.
45. The former insurance broker had run their business from the premises for over 60 years and had remained on Claypath despite the offices not really being fit for modern business use over the last 20 years or so. They cited the lack of staff and customer parking and also the lack of open plan collaborative working space now demanded by most office occupiers. The business was recently sold, and the new owner immediately relocated the business to Belmont Business Park in a modern open plan office with dedicated parking for staff and visitors.
46. As we have related businesses operating within retail, offices and commercial property, we initially made enquiries to see what commercial demand there may be for this property. We approached parties we were aware of having an office requirement for Durham City and only one party viewed the property with the lack of dedicated

parking meaning all other parties rejected the offer of a viewing. The party who did view have since taken office space in a modern building with parking, 2 miles from Durham City Centre. The property benefits from a use Class E and we had limited demand for uses which we do not think are appropriate for the building. The main enquiries were for a Vape and E-cigs Shop and an enquiry for a Thai massage and spa.

47. Whilst retaining a commercial use of the building will require less capital investment, we do not believe it is the right thing to do for the building. This is a former residential property with residents living above and adjacent (both sides) and a small terrace of residential homes overlooking the rear outdoor space. A residential flat so close to the city also does not require parking (in our opinion) whereas a commercial operation will increase the demand on parking.
48. The demand for residential property is unquestionable and we have provided estate agents opinions. However, our experience on the demand from when we last marketed a 2-bed property nearby (January 2024) and the number of unsolicited enquiries we have received for accommodation (where we have nothing available in the city) indicate that this residential unit is much needed.
49. In fact, if this planning application was not delayed, we are confident that the build would now be nearing completion. In the last 4 weeks we have had through “word of mouth” an enquiry from a Mid 40’s Male science professor relocating to Durham from a London University and an early 40’s Female Professional relocating from Glasgow to work within Durham City in a public service. Both enquiries are really struggling to find somewhere to live in Durham City and need to move in June 2024. Accordingly, this apartment won’t be ready for them, when both indicated it was ideal for their requirement and it would have been ready if this application was not delayed.
50. We strongly hope you support our application for residential use and do not recommend this building remains in Use Class E whereby you support more low value commercial units.

PLANNING CONSIDERATIONS AND ASSESSMENT

51. 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 conservation area, impact on residential amenity, impact on highway safety and other matters.

Principle of the Development

52. 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.
53. 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.

54. 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.
55. In the case of conversions, proposals should not significantly increase the size or impact the original building where this would have an adverse effect on the character of the surrounding area or the amenity of neighbouring occupiers.
56. The site is located on Claypath, within the residential framework of Durham City and the built up area, therefore the proposal must be assessed against the criteria in Policy 6 of the CDP. In relation to criteria a) and b), it is considered that the conversion of the ground floor office into 1no. self-contained flat (in this instance to be used as student accommodation) is considered compatible in principle with surrounding uses. Impacts upon residential amenity are considered in more detail elsewhere in this report.
57. 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 with the development resulting 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.
58. 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 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 the ground floor of a terraced property, it would make best use of previously developed land in accordance with criteria i). 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 to the application.

59. The development to change the use of the ground floor office into a C3 flat, 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.
60. Objections have been raised to the application from interested parties including local residents' groups and the City of Durham Parish Council that the proposal is a way of circumventing the controls regarding total numbers of HMOs within the City. Whilst the applicant has confirmed there is an intention to lease the flat to students, 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 as well as others?. 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.
61. 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. Specifically, a position has been advanced that the proposal is in fact an HMO and should be assessed against part 3 of Policy 16 of the CDP as a consequence, which includes the 10% maximum threshold for the concentration of HMOs within 100 metre radius of the property. It is also noted that previous application which sought the change of use from Class E to Use as a small HMO (Class C4) was previously submitted and subsequently withdrawn, after the LPA advised it could not be supported given the obvious conflict with policy 16(3).
62. However, the current application proposes a layout which includes 2 bedrooms which are indicated as being single occupancy despite being of a footprint which could be considered suitable of double occupancy when assessed against National Minimum Space Standards. Therefore, in planning terms the property is considered to fall within Class C3, and this position is not in any doubt, and is clarified in the description of the proposal which specifically seeks permission for C3 use. Should the property be subject to occupation by between 3 to 6 unrelated individuals (noting the potential for double occupancy within each room, albeit unlikely that this would occur) then this would amount to a material change in use from C3 to C4 and be subject to planning control noting the Article 4 Direction which removes that permitted development right. Therefore, the application must be considered to fall within Class C3 and be determined against Part 2 of Policy 16 given it would remain that it would be attractive to occupation by students, along with other potential tenants (for example young professionals – and this is considered in more detail elsewhere in the report).
63. Notwithstanding the above the proposed development would accord with the requirements of policy 6 of the CDP.
64. 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.
65. 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.
66. Whilst the proposed conversion of the ground floor office into a 2-bed residential flat cannot strictly be considered to amount to purpose-built student accommodation, Part 2 of Policy 16 is still relevant noting that the supporting text to Policy 16 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.
67. 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.
68. 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).

69. 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.
70. 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.
71. 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.
72. In this regard evidence has been provided from a number of letting agents which highlights that 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.
73. 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 smaller accommodations, and that because of the high demand and the rarity for these types of accommodation becoming available, they are highly sought after. 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.
74. 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.
75. In relation to criteria b) the applicant has provided evidence of consultation with Durham University in the form of an email sent to the university. As a result, the requirement to engage with the education provider has been met.
76. The application site is located within a residential area and as such the introduction of 1No. C3 self-contained flat 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.
77. 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 in accordance with criteria d).
78. 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.

79. In regard to criteria h) the Highway Authority has confirmed that the development is acceptable in terms of its impact upon highway safety.
80. Having regard to criteria i) the applicant has stated that the proposed scheme would include a full locking system, security lighting and an alarm system. It is recommended that the security measures provided are to be secured via planning condition for their implementation prior to first occupation of the flat.
81. 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, it is not considered that the proposed development would have any adverse impacts upon the conservation area, however, this is considered in more detail elsewhere in this report.
82. 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.
83. 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

84. 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.
85. 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.

86. Objections have been received in relation to the impact the proposed development would have upon residential amenity from increased noise and disturbance due to students having different lifestyles and that the proposal undermines the city's housing policy to create sustainable, inclusive and mixed communities, as it would result in short term, transient tenants who do not become part of the community. Reference is made to a previous appeal decision relating to No. 4 North End, Durham City in which the planning inspector is stated as concluding that because of the position of the property and relationship with the street, late night noise and disturbance from car doors banging and other comings and goings are more likely to occur close to neighbouring properties.
87. It should be noted that this appeal related to a change of use from C3 to C4 and that it has been established, for reasons detailed elsewhere in this report, that the current application does not amount to a C4 use. As such, the referenced appeal case is not directly comparable to the current application. Similarly, in the case of the appeal this proposed a total of 6 bedrooms, and notwithstanding that the current proposal is not a HMO, a total of 2 bedrooms is proposed. Again, this represents a significant difference between the two arrangements and as such reduced weight must be afforded to the appeal decision.

In a recent appeal decision relating to No.24 Nevilledale, which sought a change of use from C3 to 2 No. 2 bed flats, the Planning Inspector when considering the impact upon residential amenity, concluded that although the converted property could be occupied by up to 8 people, this would reflect the likelihood that residents would be couples sharing a bedroom. The nature of such occupation would, to their mind, be notably different and less intensive than that of a traditional HMO containing entirely unrelated individuals and found no unacceptable impact would occur with regard to noise and disturbance. This decision can be afforded notable weight given it relates to a recent decision for similar development.

88. 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 notes 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), it is not expected that the impact of this phase is likely to lead to a breach of the levels stated in the TANS.
89. 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.
90. 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. The applicant has confirmed that all the property would be served by waste and recycling bins.
91. 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.

92. 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.
93. 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.
94. The application site is a terraced property within Claypath. The site faces onto the properties opposite which are within commercial uses, these being Claypath Dental Practice, Bistro 9 and The Capital Indian Restaurant. 72 – 73 Claypath is further to the southwest of the site with openings at an angle. The proposal does not seek to reduce the existing separation distances between the two terraces and the RASSPD states that the separation distances will be used as a guide were dwellings face onto commercial properties. Therefore, whilst the separation distance is short of the recommended distance at approximately 16m, this is an existing arrangement and given the property would face onto commercial premises, it is not considered that there would be any adverse impacts in terms of loss of privacy, overlooking, etc.
95. 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 2no flats, this being the existing first floor and proposed ground floor flats and will provide bike and bin storage facilities.
96. 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.
97. 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 flat as a whole, again this would be over the recommended requirements of the NDSS standard for a one storey, 2 bed, 3 or 4 person. As such it is considered that the proposed residential flat provides an acceptable amount of internal space in accordance with Policies 16.2f) and 29e) of the CDP.

98. 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.
99. As the proposed development is for 1no. self-contained C3 flat, whilst the end user cannot be controlled by the LPA, 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.
100. 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

101. 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.
102. 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.
103. 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.

104. 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.
105. 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.
106. 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.
107. The Design and Conservation officer has commented on the proposed scheme noting that No 44 Claypath is unlisted but would be considered to meet the criteria as a non-designated heritage asset that contributes positively to the surrounding designated heritage asset of Durham City Conservation Area in which it falls. The frontage is of 2-storeys and 2-bays and is rendered with a right-off-centre door set within a moulded doorcase under pedimented hood, it has plain sash windows, those to the ground floor with distinctive shouldered heads. The building is said to have been completely remodelled in the 1860, so pre-dates this at its core. There is documentary evidence identifying that the ground floor rooms have ornate mid-C19 plaster cornices with the rear outshot featuring heavy square ceiling beams that may be pre-C19.
108. The proposed external alterations are restricted to the rear elevation where the original historic building is significantly detracted by existing modern extensions. As such the proposed opening changes to the modern rear extension would not be harmful to the significance of the building as a NDHA, and due to being unseen would be neutral in terms of impact upon the surrounding conservation area. Although there would be a benefit in terms of bringing the existing vacant historic building back into sustainable active use that in theory is positive for its general upkeep. Internally, there is a range of works proposed, provided they conserve the ornate C19 plaster cornices and ceiling beams there would be no harm caused, however, this was difficult to determine based purely on the floor plans and further information was requested and provided to clarify the impact in this regard.
109. The additional information submitted confirmed that the C19 cornicing and pre C19 timber beams are preserved in-situ and that they would not be harmed as part of the internal works which are considered acceptable.

110. 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

111. 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).
112. 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.
113. 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 garden space.
114. The Highways Authority considers the proposal would be acceptable in terms of highway safety given being within the centre of Durham, therefore being in a sustainable location.
115. The property falls within the Durham City Controlled Parking Zone, therefore, occupants would be able to apply for a parking permit to park on street within the zone or pay for street parking. On this basis, the material impact on parking would be controlled, and therefore would not be a reason for refusal of the application.
116. Therefore, 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 be in accordance with the aims of policies 6, 16 and 21 of the CDP and paragraph 116 of the NPPF.

Drainage

117. 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.

118. 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.
119. 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

120. 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.
121. 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.

CONCLUSION

122. 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.
123. 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, would be in keeping with the character and appearance of the conservation area, would not adversely impact the non-designated and designated heritage assets and is not considered to have any detrimental impacts on the residential amenity of neighbouring properties, nor would it adversely impact upon highway safety.
124. It is therefore considered that the application is acceptable and complies with policies 6, 16, 21, 22, 27, 29, 31, 35, 36 and 44 of the CDP, Parts 2, 4, 5, 8, 9, 10, 11, 12, 14, 15 and 16 of the NPPF, S1, T1, T2, T3, H2 and D4 of the Durham City Neighbourhood

Public Sector Equality Duty

125. 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.
126. 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. Notwithstanding the details shown on the submitted application, the external building materials to be used shall match the existing building.

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

4. In undertaking the development that is hereby approved:

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

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

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

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

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

5. The cycle storage provision shown on the existing and proposed plans (Drawing No. DC/1A received 14 February 2024) shall be available for use prior to the first occupation of the flat (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.

6. The bin storage provision shown on the existing and proposed plans (Drawing No. DC/1A received 14 February 2024) shall be available for use prior to the first occupation of the flat (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.

7. Prior to commencement of development hereby approved, details of 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

8. Prior to the first occupation of the development 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

9. 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.

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

Technical housing standards – nationally described space standard (2015)

County Durham Plan (2020)

Durham County Council Residential Amenity Standards SPD (2022)

Durham County Council Parking and Accessibility SPD (2023)



Planning Services

DM/24/00402/FPA Change of use of ground floor office (E) to a 2 bedroom flat (C3) for student accommodation including replacement of 1no window for 1no door and window to rear at 44 Claypath Durham DH1 1QS

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Date 22 July 2024

Scale NTS