



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

Application No:	DM/24/01551/FPA
Full Application Description:	Conversion of lower ground floor and part of the ground floor from retail (E) to form 1 no small HMO (C4)
Name of Applicant:	XTRAVAGANT LIMITED
Address:	37-38 Silver Street Durham DH1 3RD
Electoral Division:	Elvet and Gilesgate
Case Officer:	Michelle Hurton (Planning Officer) Tel: 03000 261398 Email: michelle.hurton@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

The Site

1. The application site is a three storey building located on the north side of Silver Street situated within the Durham City Conservation Area (CA) and the setting of the World Heritage Site (WHS).
2. The lower ground and ground floor of the building is currently in retail use (Class E) with the upper floors being used as student accommodation (Class C4) which was previously granted planning permission.

The Proposal

3. The application seeks full planning permission for the change of use from the existing lower ground and part ground floor (Use Class E) into a small house in multiple occupation (Use Class C4). Cycle storage and bin storage provision are also proposed. The site would be accessed via the existing access at ground floor level from Silver Street.

4. The application is being reported to Central and East Planning Committee at the request of the City of Durham Parish Council on the grounds of unacceptable amenity for occupiers, inappropriate bin storage and escape window in accordance with the Council's Scheme of Delegation as it constitutes a request from a Parish Council for the application to be determined by the Planning Committee.

RELEVANT PLANNING HISTORY

5. The following planning applications are relevant to the current application:

DM/21/02271/FPA - Conversion of upper floors to form 1no. 4-bedroom dwelling (C4 HMO) and change of use to part ground floor to form separate entrance at 37 to 38 Silver Street approved 08th September 2021

DM/21/04085/FPA - Conversion of upper floors to form 1no. 5-bedroom dwelling (C4 HMO) and change of use to part ground floor to form a separate residential entrance (description amended) at 37 to 38 Silver Street approved 11th March 2022

PLANNING POLICY

National Policy

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 7 (Ensuring the Vitality of Town Centres)* Planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period.
12. *NPPF Part 8 (Promoting Healthy and Safe Communities)* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
13. *NPPF Part 9 (Promoting Sustainable Transport)* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
14. *NPPF Part 11 (Making Effective Use of Land)* Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
15. *NPPF Part 12 (Achieving Well-Designed Places)* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
16. *NPPF Part 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.
17. *NPPF Part 15 (Conserving and Enhancing the Natural Environment)* The Planning System should *contribute* to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing

development from contributing to or being put at unacceptable risk from Page 73 pollution and land stability and remediating contaminated or other degraded land where appropriate.

18. *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:

19. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to: design process and tools; determining a planning application; healthy and safe communities; noise; use of planning conditions.

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

Local Plan Policy:

The County Durham Plan (CDP)

20. *Policy 6 (Development on Unallocated Sites)* states the development on sites not allocated in the Plan or Neighbourhood Plan, but which are either within the built-up area or outside the built up area but well related to a settlement will be permitted provided it: is compatible with use on adjacent land; does not result in coalescence with neighbouring settlements; does not result in loss of land of recreational, ecological, or heritage value; is appropriate in scale, design etc to character of the settlement; it is not prejudicial to highway safety; provides access to sustainable modes of transport; retains the settlement's valued facilities; considers climate change implications; makes use of previously developed land and reflects priorities for urban regeneration.
21. *Policy 09 (Retail Hierarchy and Town Centre Development)* seeks to protect and enhance the hierarchy of Sub Regional, Large Town, Small Town, District and Local retail centres in the county
22. *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.

23. *Policy 21 (Delivering Sustainable Transport)* requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development should have regard to Parking and Accessibility Supplementary Planning Document.
24. *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.
25. *Policy 25 (Developer Contributions)* advises that any mitigation necessary to make the development acceptable in planning terms will be secured through appropriate planning conditions or planning obligations. Planning conditions will be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations must be directly related to the development and fairly and reasonably related in scale and kind to the development.
26. *Policy 26 (Green Infrastructure)* states that development will be expected to maintain and protect, and where appropriate improve, the County's green infrastructure network. Advice is provided on the circumstances in which existing green infrastructure may be lost to development, the requirements of new provision within development proposals and advice in regard to public rights of way.
27. *Policy 27 (Utilities, Telecommunications and Other Broadcast Infrastructure)* requires all residential and commercial development to be served by a high-speed broadband connection, where this is not appropriate, practical or economically viable developers should provide appropriate infrastructure to enable future installation.
28. *Policy 29 (Sustainable Design)* requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out 18 elements for development to be considered acceptable, including: making positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals. Provision for all new residential development to comply with Nationally Described Space Standards.
29. *Policy 31 (Amenity and Pollution)* sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that they can be integrated effectively with any existing

business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially polluting development.

30. *Policy 41 (Biodiversity and Geodiversity)* states that proposal for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or as a last resort, compensated for.
31. *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.
32. *Policy 45 (Durham Castle and Cathedral 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 value (OUV) 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.

Supplementary Planning Documents

33. Residential Amenity Standards SPD (2023) – Provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed.
34. Parking and Accessibility SPD (2023) – Provides guidance on parking requirements and standards.
35. Development Viability, Affordable Housing and Financial Contributions SPD (2024) – Provides guidance on how CDP Policy 25 and other relevant policies requiring planning obligations for affordable housing or other infrastructure will be interpreted and applied.

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

Neighbourhood Plan:

36. The application site is located within the City of Durham Neighbourhood Plan area.
37. *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.

38. *Policy H1 (Protection and Enhancement of the World Heritage Site)* requires development within the Durham Cathedral and Castle World Heritage Site to sustain, conserve and enhance its outstanding universal value and support the current adopted management plan. Development within the WHS must take account of the historical and present uses of the site, propose high quality design, use appropriate materials and seek balance in respect of scale, density, massing, form, layout, landscaping and open spaces. Development proposals within Our Neighbourhood will need to sustain, conserve, and enhance the setting of the WHS where appropriate, by carrying out an assessment on how the development will affect the setting, including views to and from the WHS, protect important views and take opportunities to open up lost views and create new views and vistas.
39. *Policy H2 (The Conservation Areas)* expects development within the City Centre Conservation Area to sustain and enhance its special interest and significance identified within the conservation area character appraisal taking account of sustaining and enhancing the historic and architectural qualities of buildings, continuous street frontages, patterns, boundary treatments, floorscape and roofscapes, avoiding loss or harm of an element that makes a positive contribution to its individual significance and surrounding area, using appropriate scale, density, massing, form, layout and materials, using high quality design sympathetic to the character and context, its significance and distinctiveness.
40. *Policy E3 (Retail Development)* states that development will be supported where it contributes to the lively and vibrant City Centre and enhance the character and attractiveness of the City Centre. It further states that development that provides residential accommodation in upper floors of commercial properties will be supported so long as they do not have a negative impact on retail, commercial and tourism activities and the general amenity of neighbouring properties and residential amenity including noise impact.
41. *Policy D4 (Building Housing to the Highest Standards)* states all new housing, extensions and other alterations to existing housing should be of high-quality design relating to the character and appearance of the local area, aesthetic qualities, external and internal form and layout, functionality, adaptability, resilience and improvement of energy efficiency and the reduction of carbon dioxide emissions.
42. *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.
43. *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.

CONSULTATION AND PUBLICITY RESPONSES

Statutory Consultee Responses:

44. *Highways Authority* raises no objection noting that the property is within a highly sustainable location.
45. *City of Durham Parish Council* notes that whilst the scheme would accord with Policy 9 and some criteria within Policy 16 of the CDP, concern is raised regarding internal space of bedrooms 2 and 3 as they consider it is not clear if the size includes the en-suite and corridor, the rooms will not provide adequate living conditions for future residents, would not receive adequate levels of daylight, or a safe means of escape and the bin storage is not shown on plans.
46. They further state that the area is covered by an Article 4 Direction restricting rights to control minor developments therefore the loss of the timber windows for uPVC would not preserve or enhance the conservation area.

Internal Consultee Responses:

47. *HMO Data* – confirms that within 100m radius of, and including 37 Silver Street, 67.8% of properties are Class N exempt student properties as defined by Council Tax records.

There are no properties which have unimplemented consents for the change of use to HMO within 100 metre radius and no applications pending determination.

48. *HMO Licensing* have confirmed that the property will not need to be licensed following completion of the works and advise how to comply with the relevant fire safety, amenity and space standards.
49. *Environmental Health Nuisance Action* have raised no objections subject to conditions relating to sound amelioration measures described within Section 6 of the noise assessment being implemented prior to the occupation of the use to achieve enhanced insulation options.

Public Responses:

50. The application has been advertised by site notice, press notice and individual notification letters sent to neighbouring properties. One letter has been received from The City of Durham Trust who consider a HMO in this location acceptable in principle according with policy 9 and 16 in this regard. Their objections relate to the scheme not according with NDSS as they do not meet room standards for double bedrooms, size of the escape window.

Elected Members

51. No comments have been received from local Councillors.

The above is not intended to repeat 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/search.do?action=simple&searchType=Application>

Applicants Statement:

52. The Proposed Development involves the renovation and conversion of the lower ground floor at 37-38 Silver Street, Durham, from retail use (Class E) to residential use (Class C3), resulting in the creation of a high-quality, 3-bedroom, 4-person apartment. This proposal aligns with local development needs and planning policies, while making effective use of previously underutilised space.
53. Key Considerations:
54. *Highly Sustainable Location:* The site is situated in a highly sustainable, central location, benefiting from exceptional access to local amenities, services, and public transport networks. Its proximity to essential facilities further underscores its suitability for residential use, contributing to the reduction of car dependence and promoting sustainable urban living.
55. *Minimal and Sympathetic External Alterations:* The proposed external changes are minimal and carefully designed to respect the heritage significance of the area. Located within a historically sensitive part of Durham, the development will preserve the architectural integrity and character of the surrounding built environment, while subtly enhancing the building's functional performance.
56. *Optimisation of Existing Space:* The lower ground floor currently serves no active purpose and remains an underutilised space. The Proposed Development seeks to revitalise this basement area, bringing it back into beneficial use and contributing a valuable residential unit to the local housing stock. This aligns with objectives of optimising land use within the city centre.
57. *Compliance with Planning Policies:* The proposal adheres to both local and national planning policies, particularly those encouraging the adaptive reuse of existing buildings in urban centres. By converting vacant commercial space to residential use, the development supports sustainable growth, addressing housing needs without contributing to unnecessary land consumption or urban sprawl.
58. This proposal offers significant benefits, including the enhancement of the urban environment, an increase in housing provision, and the efficient reuse of underutilised space. The Proposed Development represents a well-considered and policy-compliant project with negligible impact on the surrounding area. In light of these factors, we respectfully request that the application be approved.

PLANNING CONSIDERATION AND ASSESSMENT

59. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise.
60. In accordance with advice within the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision making, along with advice set out in the Planning Practice Guidance notes. Other material considerations include representations received.
61. In this context, it is considered that the main planning issues in this instance relate to the Principle of Development, Highway Safety, Impact on Character and Appearance of the Conservation Area, Residential Amenity, Other Matters, and Public Sector Equality Duty.

Principle of Development

62. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP) is the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at NPPF Paragraph 12. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035 and is therefore considered up to date.
63. Paragraph 11c of the NPPF requires applications for development proposals that accord with an up to date development plan to be approved without delay. Paragraph 12 states that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
64. 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 or services unless it has been demonstrated that they are no longer viable;
 - 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.
65. The site is within the built up area of Durham City and can therefore draw in principle support from Policy 6 of the CDP, subject to satisfaction of the detailed criteria. In relation to criteria a) and b), it is considered that the conversion of part of the ground floor of the building into a small HMO in this location would be compatible with adjoining residential and commercial uses and would not be prejudicial to any existing or permitted adjacent uses, subject to the impact on residential amenity, which will be considered in more detail elsewhere in this report. The site is located within the built-up area of Durham City within the Durham City Conservation Area 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 (criterion b).
66. The development would not result in a loss of open land that has any recreational, ecological or heritage value (criterion c) and the site is noted as being within a sustainable location, being located within the centre of Durham City where there is a wide range of facilities and access to sustainable modes of transport (criterion f). The site would not result in the loss of a settlement's or neighbourhood's valued facility or service (criterion g) given that the proposal relates to the loss of only part of the ground floor retail unit with the front element of the unit being retained, and therefore the development makes best use of previously developed land (criterion i). The requirements of criteria d, e, h of Policy 6 of the CDP are considered elsewhere within this report. It is not considered that criterion j is appropriate in relation to this proposal.
67. The development to change the use of part of the ground floor retail unit into a small HMO (C4) sited in a sustainable location would therefore be considered

to comply with Policy 6 and the principle of development can draw some support from Policy 6 in this regard.

68. In addition to Policy 6, Policy 9 (Retail hierarchy and Town Centre Development) of the County Durham Plan (CDP) is also relevant given the site location which defines a hierarchy of centres in the County, with Durham City identified as a Sub Regional Centre. This policy and the CDP looks to support new town centre development across all of the county's centres that will improve choice and bring about regeneration and environmental improvements. Policy 9 also states that "Within the Primary Shopping Areas, as shown on the policies map, A1 (retail) uses will be supported and other uses will be permitted where they preserve the vitality and viability of the Primary Shopping Areas."
69. Policy 9 of the CDP is consistent with the guidance within Paragraph 90 of the NPPF which requires a need for planning policies to define a network and hierarchy of town centres and promote their long-term vitality and viability - by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters. This paragraph also recognises that residential development often plays an important role in ensuring the vitality of centres and encourages residential development on appropriate sites. Policy E3 (Retail Development) of the DCNP states that development proposals that provide residential accommodation in upper floors of commercial properties will be supported, as long as they do not have a negative impact on retail, commercial and tourism activities and the general amenity of neighbouring properties and residential amenity including noise impact. Whilst this application relates to the lower ground floor and part of the ground floor, the active frontage of the retail unit will be retained and majority of the ground floor available for retail use. The application would see 102m² of retail floorspace retained on the ground floor, as well as the retention of the associated facilities on the lower ground floor and so is considered to accord with this policy.
70. As the proposal involves the conversion the lower ground floor into a C4 HMO, along with part of the ground floor, it should also be assessed under part 3 of Policy 16 of the County Durham Plan (Houses in Multiple Occupation). The policy states that in order to promote, create and preserve inclusive, mixed and balanced communities and to protect residential amenity, applications for new build Houses in Multiple Occupation (both Use Class C4 and sui generis), extensions that result in specified or potential additional bedspaces and changes of use from any use to a House in Multiple Occupation in Class C4 or a sui generis use (more than six people sharing) will not be permitted if:
 - a. including the proposed development, more than 10% of the total number of residential units within 100 metres of the application site are exempt from council tax charges (Class N Student Exemption);
 - b. there are existing unimplemented permissions for Houses in Multiple Occupation within 100 metres of the application site, which in

- combination with the existing number of Class N Student exempt units would exceed 10% of the total properties within the 100 metres area; or
- c. less than 10% of the total residential units within the 100 metres are exempt from council tax charges (Class N) but, the application site is in a residential area and on a street that is a primary access route between Purpose Built Student Accommodation and the town centre or a university campus.

In all cases applications for new build Houses in Multiple Occupation, change of use to Houses in Multiple Occupation or a proposal to extend an existing House in Multiple Occupation to accommodate additional bed space(s) will only be permitted where:

- d. the quantity of cycle and car parking provided has regard to the council's adopted Parking and Accessibility Supplementary Planning Document (SPD);
- e. they provide acceptable arrangements for bin storage and other shared facilities and consider other amenity issues;
- f. the design of the building or any extension would be appropriate in terms of the property itself and the character of the area; and
- g. the applicant has shown that the security of the building and its occupants has been considered, along with that of neighbouring local residents.

New build Houses in Multiple Occupation, extensions that result in specified or potential additional bedspaces or a change of use to a House in Multiple Occupation would not be resisted in the following circumstance:

- h. where an area already has a concentration in excess of 90% of council tax exempt properties (Class N), that this is having an unreasonable impact on current occupiers and that the conversion of remaining C3 dwellings will not cause further detrimental harm to the residential amenity of surrounding occupants; or
- i. where an existing high proportion of residential properties within the 100 metres are exempt from council tax charges (Class N), on the basis that commercial uses are predominant within the 100 metre area.

71. This is in line with Paragraph 96 of the NPPF which also seeks to achieve healthy, inclusive and safe places which promote social interaction and community cohesion, with Paragraph 135 seeking to ensure that development will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development, and create places that are safe, inclusive and accessible and which promote health and wellbeing, with a high standard of amenity for existing and future users.
72. Paragraph 5.155 of the supporting text of Policy 16 states that the Council's approach is to seek to maintain and create sustainable inclusive and mixed communities in Durham City and that residents have expressed concerns that concentrations of student accommodation in HMOs amongst the general

housing stock can negatively impact upon residential amenity and change the overall character of an area.

73. The most recent up to date Council Tax information identifies that if planning permission was granted for the change of use of part of the ground floor retail unit into a small HMO within 100 metre radius of, and including 37 – 38 Silver Street, 67.8% of properties would be class N exempt as defined by Council Tax records. There are no unimplemented consents or pending planning applications within the 100m radius.
74. This equates to more than two in three residential properties being occupied by students which is a significant proportion and clearly in excess of the 10% figure set out in Policy 16. However, as noted above there are certain circumstances where a higher than 10% would be acceptable.
75. In this instance, the proportion of Council Tax exempt properties is above 10% and below 90% and as such the development fails criteria (a) of Part 3 of CDP Policy 16 and also fails to meet the exception in (h). However, it is noted that the site is located within the defined town centre of Durham City and Silver Street so this is an area in which commercial uses are predominant in the relevant 100m area. Furthermore, a high proportion of existing residential properties within 100m radius are Council Tax exempt. Therefore, it is considered that the proposal meets the exception in (i) of Part 3 of Policy 16 and as such can be supported.
76. Comments have been received from the City of Durham Parish Council and the City of Durham Trust who consider the proposal acceptable in principle due to its location being within a predominantly commercial area.
77. Taking account of the above it is considered that the principle of development is acceptable, and the proposal would accord with the requirements of Policy 16 of the CDP and Paragraph 63 of the NPPF in this regard.

Developer Contributions

78. Policy 25 (Developer Contributions) advises that any mitigation necessary to make the development acceptable in planning terms will be secured through appropriate planning conditions or planning obligations. Planning conditions will be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations must be directly related to the development and fairly and reasonably related in scale and kind to the development.
79. The Local Planning Authority has recently adopted the Development Viability, Affordable Housing and Financial Contributions SPD (VHCSPD) which sets out the Council's approach to determining and securing developer contributions for new development (such as housing) across the county.

Open Space

80. Policy 26 (Green Infrastructure) states that proposals for new residential development are required to make provision for open space to meet the needs of future residents having regard to the standards of open space provision set out in the Open Space Needs Assessment (OSNA). Where it is determined that on-site provision is not appropriate, the council will require financial contributions secured through planning obligations towards the provision of new open space or the improvement of existing open space elsewhere in the locality. The OSNA sets out the most up to date position in respect to open space provision across the county and provides a formula for calculating requirements on a site-specific basis.
81. This scheme falls into the 1st category of Table 19 of the OSNA which confirms that a financial contribution should be sought for all typologies of open space.
82. The Spatial Policy officer notes that a scheme of 1 unit would usually generate at least 2.2 people (1 x 2.2) based on 2021 census data of 2.2 persons per household. However, as this development is for a 3-bed HMO, and given their lifestyles differ from that of a family dwelling, with each occupant living independent lives, the contribution levy is generated by the number of occupants rather than the usual 2.2 per dwelling which is based on the average household size in County Durham. Given this, the contribution would be a multiplier of 3. Therefore, the financial contribution required would be: $3 \times \text{£}790.50 = \text{£}2371.50$.
83. This new approach of seeking s106s for GI contributions on schemes of 9 units or less is now in force following the Council adopting the VHCSPD. The above financial contribution is required to be secured via a S106 legal agreement should approval be granted which has been agreed by the applicant and is required to be paid prior to occupation of the proposed HMO.

Impact upon Residential Amenity

84. Paragraph 135 of the NPPF requires planning decisions to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
85. Policy 31 (Amenity and Pollution) of the CDP displays broad accordance with the aims of NPPF Paragraph 135 in this regard and sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that they can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially polluting development. Similarly, potentially

polluting development will not be permitted near sensitive uses unless the effects can be mitigated.

86. In addition, Policy 29 (e) of the CDP requires development to provide high standards of amenity and privacy and minimise the impact of development upon the occupants of existing adjacent and nearby properties. Policy D4 (Building Housing to the Highest Standards) states all new housing, extensions and other alterations to existing housing should be of high-quality design relating to the character and appearance of the local area, aesthetic qualities, external and internal form and layout, functionality, adaptability, resilience and improvement of energy efficiency and the reduction of carbon dioxide emissions.
87. In this instance the application site is a three storey building located within a predominantly commercial area and is framed to the north, east, south and west by commercial properties, some with residential accommodation within the upper floors.
88. The development would fall within the thresholds associated with Council's Technical Advice Notes (TANS) relating to noise. The Environmental Health officer has commented noting that the information submitted was not sufficient to allow full consideration against the thresholds stated in the TANS (Noise TANS) as the information submitted to support the application related to noise and noise mitigation measures for the conversion of the upper floors in 2021, and therefore did not provide consideration for the conversion of the lower ground floor.
89. The proposed development will see the introduction of noise sensitive receptors below a retail unit Class E Use, there will be airborne sound and impact sound transmitting to the lower ground floor which is likely to impact upon occupants; additionally the area to the rear of the lower ground is surrounded by lively commercial premises, with outdoor entertainment areas, the use of which could be impacted upon by way of the introduction of residents in such close proximity. The entertainment venues can see people enjoying the outdoor areas into the late evening.
90. Given this the EHO requested a scheme of sound proofing measures be submitted for consideration. The aim of the scheme shall be to ensure that the noise insulation of walls, floors, windows, between the separate and adjoining properties be sufficient to prevent excessive ingress & egress of noise.
91. The applicants submitted an environmental noise assessment. The EHO notes that the Noise Assessment demonstrates that mitigation measures will be required to provide adequate acoustic mitigation for any future residential occupants in relation to protection against the ingress of external noise.
92. As such, a condition is recommended to be attached should planning permission be granted requiring sound amelioration measures described within Section 6 of the noise assessment are fully implemented to achieve the Enhanced Insulation Options detailed within Table 6.1 of the noise assessment

prior to the beneficial occupation of the development and permanently retained thereafter.

93. The Sound Insulation Measures report demonstrates that any future residential occupants should have adequate protection from noise transfer from the commercial operations above and those to the rear of the residential use and that no further mitigation is required between the two separate uses.
94. Notwithstanding the above, it is considered that the applicant will need to provide an effective plan as to how the property would be managed, taking into consideration issues around anti-social behaviour, issues that may arise at the property and how this would be remedied should any occur, and information relating to the tenancy arrangements for occupants. A condition can therefore be imposed requesting a management plan be submitted and agreed in writing by the Local Planning Authority prior to the beneficial use of the small HMO and to be adhered when the property is occupied.
95. In terms of providing safe and secure accommodation in accordance with Policy 16 Part 3 criterion g of the CDP, the accommodation can only be accessed via the existing access which was considered under the previous planning permission for the conversion of the upper floors and was considered acceptable, as there is no change to this access, there is no reason to dispute this.
96. The footprint of the building would remain as existing, with the only external changes relating to the replacement of existing windows or insertion of new windows, given the location of the windows being at lower ground floor level, there would be no impacts upon adjacent properties in terms of overlooking or loss of privacy as these changes would only be seen from within the rear yard area.
97. In light of the above, the development is not considered to have any unacceptable amenity impacts in terms of overbearing, overshadowing or loss of privacy and as a result will be in accordance with CDP Policy 31 and the RASSPD.
98. The property includes adequate space to accommodate sufficient bin storage facilities as shown on the proposed plans which will be located within the area of the ground floor of the retail unit. Part of the ground floor was converted into bin storage and cycle storage provision for the previously approved application to change the use of the upper floors into a small HMO. This proposal seeks to slightly increase this area to accommodate further bin and cycle storage and therefore accords with criterion e) of Part 3 to CDP Policy 16. In addition, it is noted that the rear of the property consists of a steep embankment, sloping towards Back Silver Street, which is densely populated with shrubs and mature trees. While access steps to Back Silver Street are present, the combination of the slope and thick vegetation renders the wider area of little practical use providing limited external space for use by occupiers of the proposed HMO as well as existing HMOs located within the upper floors, however, given the sustainable location of the site, being in very close proximity

to public rights of way, walkways and areas of open space within Durham City Centre, the lack of any in curtilage provision is not considered unacceptable.

99. In relation to internal space, the Nationally Described Space Standards (NDSS) is a government introduced nationally prescribed internal space standard which sets out detailed guidance on the minimum standard for all new homes and was created with the aim of improving space standards within new residential development across all tenures. Evidence compiled during formulation of the County Durham Plan identified that many new homes in the county were being built below NDSS and that this was having an impact on the quality of life of residents. As a result, the Council determined that it was necessary to introduce the NDSS in County Durham, with the aim of improving the quality of new build developments coming forward.
100. It is noted that the current application relates to a change of use to the lower ground floor and part of the ground floor of the existing retail unit which would result in a net increase in residential units. NDSS is a relevant measurement against which to assess the suitability of internal space provided within all residential development in the context of Policy 29(e) of the CDP which requires new development to provide high standards of amenity and privacy.
101. This proposed scheme incorporates 3no bedrooms, which all meet the minimum NDSS requirements. The City of Durham Trust and the City of Durham Parish Council have raised concerns over the amenity provided for future occupants due to the room layout and the room sizes for two of the bedrooms not meeting sizes required for a double room. The City of Durham Trust mentions that the NDSS states, dwellings with two or more bedspaces as reflected within the standards should have at least one double (or twin) bedroom where one bedroom (or twin) is at least 2.75m wide and every other double (or twin) bedroom is at least 2.55m wide therefore resulting in bedroom 1 being too small to be a double bedroom. The City of Durham Parish Council have concerns over the size of bedrooms 2 and 3 as they consider it not clarified whether the measurements being 10.9sqm for bedroom 2 and 10.6sqm for bedroom 3 includes the en-suites and corridors, and that the rooms would be largely taken up with furniture creating limited living space.
102. The proposal is for a small HMO in use class C4 not for a new C3 residential dwelling and whilst the standards are used to assess amenity under policy 29e of the CDP, they are not used rigidly. Each of the bedrooms will be occupied by one tenant, therefore applying requirement for at least one of the bedrooms to meet the minimum space standard for a double room is not considered appropriate. Furthermore, it is recommended that a condition be attached to limit the number of occupants to no more than 3 should approval be granted. Therefore, subject to each of the bedrooms meeting a single bedroom size standard, this is considered acceptable for HMO developments. Bedroom 2 and 3 measure 8.6sqm not taking into consideration the corridor and En-suites and have a width of 2.8m, therefore each of the bedrooms are considered appropriate sizes to accommodate one tenant in each room.

103. With regard to the total overall internal space provided across the dwelling as a whole it is noted that the NDSS does not provide guidance specifically relating to 3 bedspace, 3 person dwellings. However, it does include standards in relation to 3 bedspace 4 person dwellings and it is noted that this requires an overall area of no less than 84sq metres. As already noted, whilst the rigid application of NDSS is not considered appropriate for the reasons outlined above the proposed change of use would provide adequate internal space delivering approximately 100sq metres at lower ground floor level, not taking into consideration the additional floorspace at ground floor level to accommodate the bin and cycle storage provision.
104. In light of the above, the proposal is considered to comply with Policy 29(e) of the CDP in that it provides a suitable amount of internal space and whilst there is a limited amount of external amenity space, given the sustainable location it is considered to meet the needs of future occupiers and deliver a suitable quality of development in relation to Policy 29(e) and Policy 16.3 of the CDP and Paragraph 135 of the NPPF.

Parking and Highway Safety

105. Policy 16.3 of the CDP requires new HMOs to provide adequate parking and access and Policy 21 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 114 of the NPPF which requires new development to provide safe and suitable access to the site.
106. The Highway Authority offers no objection to the application noting the site is located in a sustainable location, therefore raise no objections over road safety.
107. Policy 16d states that in all cases changes of use to HMOs will only be permitted where: sufficient bike and car parking is provided in line with the adopted Parking and Accessibility Guidelines. In addition, Policy T3 of the Durham City Neighbourhood Plan also requires cycle parking to be provided at the rates required by the County Durham Parking and Accessibility Standards, with the space and access, if possible, being adaptable for storing other mobility aids, such as powered wheelchairs, mobility scooters, children's buggies and prams.
108. Provision is made for cycle storage behind the internal stairs to the front of the property at ground floor level. Parking provision is not provided, however, given the sustainable location being within the City Centre and walking distance to services.
109. The City of Durham Parish Council have raised concerns over bins being left out on Silver Street and this development would only increase the current issues. The applicant has confirmed that the bins would be collected from the front by a private contractor which is the same arrangement for the upper floors and other sites within the area, this was considered to be appropriate for the conversion of the upper floors and is still considered appropriate.

110. The cycle storage provision proposed, should be secured through the inclusion of a planning condition to ensure the provision of the cycle storage is available prior to the first occupation of the C4 use and is retained whilst the property is in use as a small HMO.
111. In light of the above, it is considered that the development would accord with the aims of Policies 16.3 and 21 of the County Durham Plan, Policy T3 of the Durham City Neighbourhood Plan and Paragraph 114 of the NPPF.

Impact upon the Character and Appearance of the Area

112. Paragraph 131 of the NPPF advises that the creation of high quality, beautiful and sustainable 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. Policy 29 of the CDP requires development to contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities. Paragraph 4.115 of Policy 6 states "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."
113. 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.
114. Policy 45 (Durham Castle and Cathedral 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.
115. In turn Policy H1 (Protection and Enhancement of the World Heritage Site) of the DCNP requires development within the Durham Cathedral and Castle World Heritage Site to sustain, conserve and enhance its outstanding universal value and support the current adopted management plan. Development within the WHS must take account of the historical and present uses of the site, propose high quality design, use appropriate materials and seek balance in respect of scale, density, massing, form, layout, landscaping and open spaces. Development proposals within Our Neighbourhood will need to sustain, conserve, and enhance the setting of the WHS where appropriate, by carrying out an assessment on how the development will affect the setting, including views to and from the WHS, protect important views and take opportunities to open up lost views and create new views and vistas.

116. 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. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires an LPA, in the exercise of its functions to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
117. Objections to the proposed development have been raised regarding the loss of the timber windows being replaced with uPVC due to the location of the site being within the Durham City Conservation Area and given the area is covered by an Article 4 Direction which removes permitted development rights for minor development such as replacement of windows.
118. The Article 4 Direction does not cover commercial properties and only relates to dwellinghouses within the conservation area and therefore is not a material planning consideration. Notwithstanding this, the Design and Conservation officer raises no objection noting that No 37-38 Silver Street is unlisted, does not meet the criteria to be considered a non-designated heritage asset but occupies an important position within the medieval street frontage near to its junction point with the Market Place, the historic commercial core of Durham City Conservation Area, and an integral part of the inner urban setting to Durham Castle and Cathedral World Heritage Site (WHS). However, it remains that the building does not make a particularly positive contribution to any of the heritage assets identified, forming part of a mid-20th century redevelopment (Nos 35-40) of limited architectural and aesthetic quality.
119. Within the rear elevation four new uPVC windows are proposed, two of which would be replacements of existing timber windows. While ordinarily timber would be expected, in this case the windows are within a modern rear basement elevation of low quality. The proposed alterations are restricted to the rear that is not so visually prominent in surrounding townscape and river corridor views and as such the use of UPVC can be supported in this context. The basement elevation is not obvious in views for example from Milburngate Road Bridge, Framwellgate Bridge, from lower riverside level along Lambton Walk, or from the public promenade at Riverwalk. The application confirms that the existing windows to the upper floors of the rear elevation are of uPVC and therefore the proposed basement windows would match the existing material and would be "in keeping" in this regard. As the building is modern, there would be no loss of any historic timber windows.
120. In terms of the resulting impact within the conservation area, setting of Durham WHS, and the setting of surrounding designated heritage assets, this would be

considered visually imperceivable and neutral thereby sustaining/conserving significance, character, and appearance, fulfilling requirements of Part 16 of the NPPF, Policies 44 and 45 of the CDP, and Policies H1 and H2 of the DCNP as well as Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

121. It is therefore considered that the proposed development would fit with the character and appearance of the area, would not have a detrimental impact on the appearance of the wider streetscene and the significance of the conservation area will be preserved. There would also be an associated beneficial impact of the proposed development by the reuse of the building.

122. Taking the above into consideration, it is considered that the proposed development would accord with Policies 6, 29, 44 and 45 of the CDP, Parts 12 and 16 of the NPPF, Policies H1 and H2 of the DCNP and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Biodiversity Net Gain

123. NPPF Paragraph 186 d) advises that opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

124. CDP Policy 41 (Biodiversity and Geodiversity) does not permit significant harm to biodiversity that cannot be avoided, or appropriately mitigated, or, as a last resort, compensated for and proposals for new development will be expected to minimise impacts on, and providing net gains for, biodiversity.

125. The application was submitted after the 12th of February 2024, the date on which the requirements of the Environment Act 2021, as inserted into Schedule 7A of the Town and Country Planning Act 1990, came into force. However, it is noted that there are a number of exemptions which if applicable, can remove a development from the legal requirement to deliver a minimum of 10% net biodiversity gain through the development. The Environment Act 2021 includes exemptions for development which does not impact on any onsite priority habitat or where there is an impact this must be less than 25 square metres of onsite habitat.

126. As the proposal relates to the change of use of part of the building which does not increase its footprint, the scheme would not impact any habitat and therefore BNG is not a requirement.

127. Taking the above into account, the development would be considered to accord with the aims of Part 15 of the NPPF, Policy 41 of the CDP and Schedule 7A of the Town and Country Planning Act 1990.

Other Matters

128. Concerns have been raised in relation to the scheme not having an acceptable size of window for a means of emergency escape and that it does not meet licensing requirements. These fall outside the remit of planning legislation, furthermore, the HMO Licensing officer has confirmed that the proposal does not need to be licenced. The size of the window would need to meet Building Regulations requirements, should the size need to be increased the applicants would need to bring any proposed amendments back to the Local Planning Authority for further consideration.

CONCLUSION

129. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.
130. In this instance, it is concluded that the principle of development is acceptable in planning terms and would accord with the aims of Policies 6, 9 and 16 of the CDP subject to appropriate planning conditions described within the report and listed below.
131. When assessed against other policies of the County Durham Plan relevant to the application, it is considered that the scheme would not result in an unacceptable impact upon the amenity of existing or future residents, would preserve the character and appearance of the Conservation Area and setting of the World Heritage Site and would not impact upon highway safety. Furthermore, the proposed development would not result in the loss of any ecological habitats and therefore does not require BNG.
132. The proposed scheme is therefore considered to be in accordance with Policies 6, 9, 16, 21, 25, 26, 27, 29, 31, 41, 44 and 45 of the County Durham Plan, the Parking and Accessibility, Residential Amenity and Developer Financial Contributions SPD's, Parts 2, 4, 5, 7, 8, 9, 11, 12, 14, 15 and 16 of the NPPF, Policies S1, D4, E3, H1, H2, T1 and T3 of the Durham City Neighbourhood Plan, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Schedule 7A of the Town and Country Planning Act 1990.
133. While objections to the application are acknowledged, for the reasons discussed within this report they are not considered sufficient to sustain refusal of the application. Considering the above, the application is reported to the Committee with a recommendation to approve the application, subject to conditions and a S106 obligation for an open space financial contribution.

Public Sector Equality Duty

134. 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.
135. 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 completion of a Section 106 obligation to secure the payment of £2371.50 for the provision or improvement of off-site open space and to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in accordance with the following plans:

Proposed Plans and Elevations drawing number 1010 Rev P03 received 14th August 2024

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 6, 9, 16, 21, 25, 26, 27, 29, 31, 41, 44 and 45 of the County Durham Plan and Parts 2, 4, 5, 7, 8, 9, 11, 12, 14, 15 and 16 of the National Planning Policy Framework.

3. The cycle storage provision as shown on the Proposed Plans and Elevations (Drg no. 1010 Rev P03), received by the LPA on 14.08.2024, shall be available for use prior to the first use of the property as a small HMO (Use Class C4) and shall thereafter be retained and shall not be used for any other purpose whilst the property is occupied as a small HMO.

Reason: To encourage sustainable transport modes of travel in accordance with Policy 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.

4. The bin storage provision shown on the Proposed Plans and Elevations (Drg no. 1010 Rev P03), received by the LPA on 14.08.2024, shall be available for use prior to the first occupation of the dwelling (Use Class C4) 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.

5. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, the development hereby approved shall not be occupied by more than 3 unrelated individuals.

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.

6. Prior to first occupation of the property for the use hereby approved, the sound amelioration measures described within Section 6 of the submitted noise assessment prepared by LA Environmental Consultants reference LAE 1303.1 received 11 September 2024 must be installed to achieve the Enhanced Insulation Options detailed within Table 6.1 of the noise assessment 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.

7. Notwithstanding the details submitted within the application the development shall not be occupied until a detailed strategy of precise management methods, approaches and techniques for the operation of the site has been submitted to and agreed in writing by the Local Planning Authority. The strategy shall include measures of CCTV coverage, 24-hour security or warden presence, student warden schemes or other management operations.

Thereafter the development shall be implemented in accordance with the agreed details, with adherence to the agreed management scheme during all periods of occupation.

Reason: In the interests of reducing the potential for harm to residential amenity, anti-social behaviour or the fear of such behaviour within the community having regards Policies 29 and 31 of the County Durham Plan

8. In undertaking the development that is hereby approved:

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

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

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

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

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

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents.

Town and Country Planning Act 1990

National Planning Policy Framework

National Planning Practice Guidance Notes

County Durham Plan (2020)

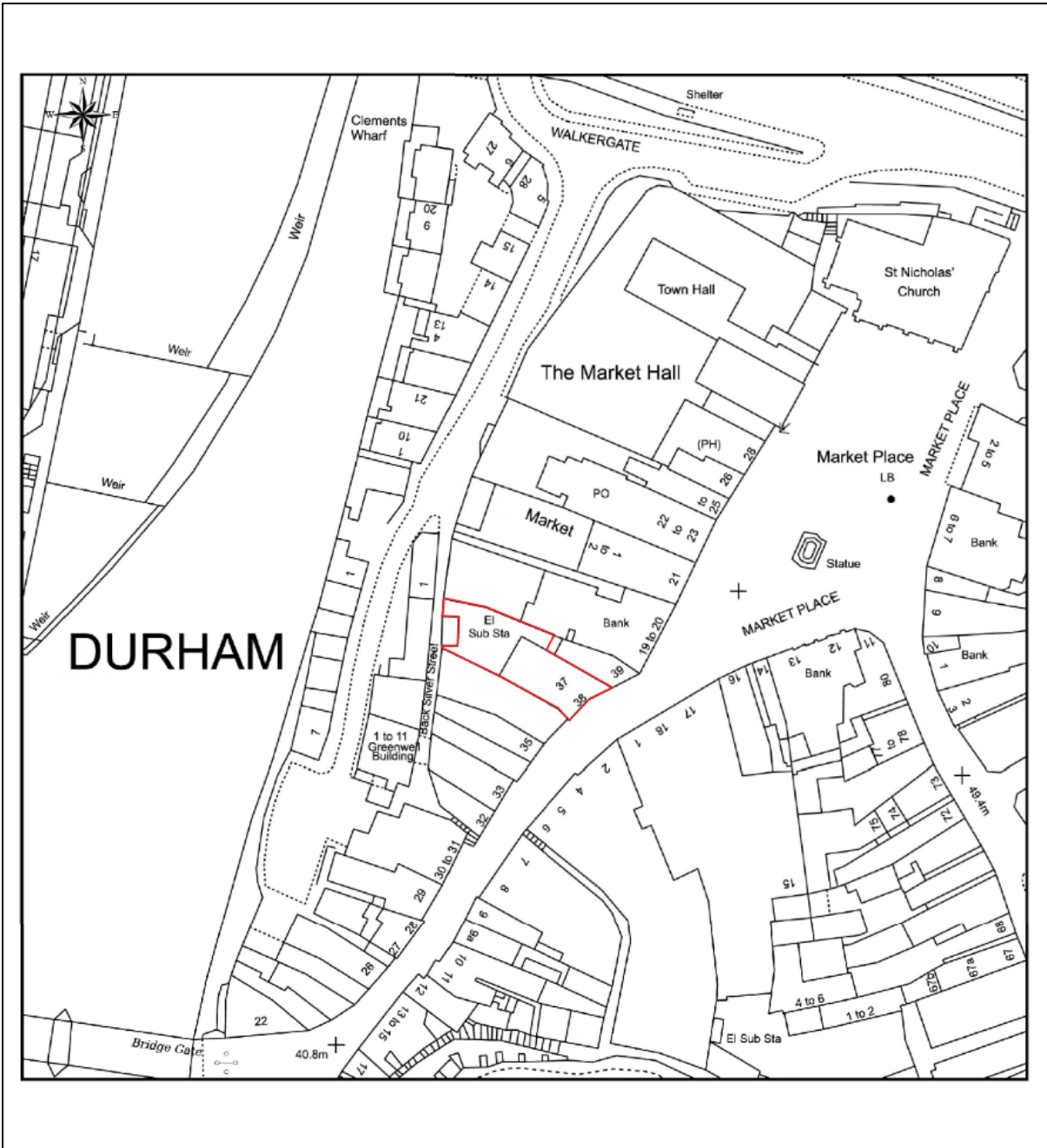
- Residential Amenity Standards SPD (2023)
- Parking and Accessibility SPD (2023)
- Development Viability, Affordable Housing and Financial Contributions SPD (2024)

Statutory consultation responses

Internal consultation responses

External consultation responses

Public comments



<p>Planning Services</p>	<p>DM/24/01551/FPA - 37 Silver Street Durham DH1 3RD - Conversion of part of the lower ground floor from retail (E) to form 1no small HMO (C4)</p>	
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	<p>Date:</p>	<p>12th November 2024</p>