

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO: 4/12/00791/FPA
FULL APPLICATION DESCRIPTION: Erection of 3 no. two storey terraced dwellings
NAME OF APPLICANT: Mr Paul Copeland
ADDRESS: Land Between 24 and 25 The Avenue
Durham
DH1 4ED
ELECTORAL DIVISION: Nevilles Cross
CASE OFFICER: Tim Burnham, Planning Officer, 03000 263963
tim.burnham@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

SITE

1. The application site is a 473m² parcel of land which sits between 24 and 25 The Avenue, within the Durham (City Centre) Conservation Area. The land is garden space associated with 24 The Avenue which sits immediately to the north east and which has remained undeveloped following the sporadic construction of the surrounding terraces that began in the 1800's. Site levels slope downwards from south east to north west, this being particularly pronounced at the front and rear of the site where the land drops sharply from The Avenue towards the rear of the site where the garden then drops steeply to the rear lane. Site clearance has recently taken place at the site, with tree works taking place in relation to the previous approval. Archaeological investigation has also recently been carried out at the site.

2. In wider perspective, further terraced properties of varying scale and mass sit to the north, north east and south west, while larger properties sit in an elevated position to the south on the opposite side of the street. Trees would be maintained to the northwest corner.

PROPOSAL

3. The application proposes the erection of 3 properties, each providing 9 bedrooms, with the proposed dwellings constituting Houses in Multiple Occupation in planning terms. Externally, the scheme proposed is the same as the one which was granted planning approval at the site in 2009, with the exception of upvc windows which are proposed to the rear elevations of the properties. That application originally showed 4 labelled bedrooms, with 2 reception rooms, which Officers acknowledged could be used as bedrooms, potentially taking total bedrooms to 6.

4. This application proposes to provide 9 bedrooms within each dwelling. This would be achieved by internal changes at ground and first floor level. At ground floor level, two reception rooms would each be utilised as bedrooms. A bedroom would be placed where a bathroom was proposed with a relocated bathroom and two ensuite bathrooms provided. 4

bedrooms would be provided at first floor level, which would be achieved by sub dividing the front bedroom, borrowing hall space, enlarging and utilising bathroom space and relocating the bathroom with the provision of en suites. The attic floor plans remain unchanged where the provision of two bedrooms is proposed.

5. The dwellings would appear modest in scale from the front elevation, but greater from the rear elevation, taking advantage of the drop in land levels to offer basement accommodation. Living space would also be provided in the attic with light being provided through dormer and velux style windows.

6. From the front south east facing elevation, the properties would measure 7m to eaves level and 10.4m in height to the ridgeline. Bay windows would be provided at street and basement level. Small velux style windows would be fitted to the front roof slopes.

7. From the North West facing rear elevation the properties would appear greater in mass. They would measure 10m to eaves level and 13.3m in height to the ridgeline. Rear off shots would be incorporated at basement, ground and first floor levels. These would measure 3.5m in width and 2.6m in projection. Basement level storage rooms would also be incorporated to all but the middle property which would measure 2m in projection and 2.5m in width. 1 velux style window would be incorporated to each main rear roof slope on the properties.

8. This scheme is being reported to the Planning Committee at the request of Councillor Martin who suggests that there is arguably an excess of student rented properties in this Conservation Area setting that are undermining the amenity of other residents. Councillor Martin suggests that the proposals are an attempt to build Houses in Multiple Occupation under the guise of family accommodation and notes that the accommodation levels are increased from those originally proposed.

PLANNING HISTORY

9. Planning permission for the development of three dwellings with a maximum of 6 bedrooms each was granted in 2009. Applications have been approved in 2010 and 2012 to discharge conditions associated with the original permission. An application is currently pending consideration for an extension of time to implement the original permission.

PLANNING POLICY

NATIONAL POLICY

10. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.

11. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'

12. The following elements are considered relevant to this proposal;

13. *NPPF Part 7 – Requiring Good Design*. The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.

14. *NPPF Part 12 – Conserving and enhancing the historic environment*. Part 12 sets out the governments aims in relation to the conservation and enhancement of the historic environment and gives guidance in relation to matters concerning heritage assets.

REGIONAL PLANNING POLICY

15. *The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008*, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale.

16. In July 2010 the Local Government Secretary signalled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This was successfully challenged in the High Court in November 2010, thus for the moment reinstating the RSS. However, it remains the Government's intention to abolish Regional Spatial Strategies. Both the RSS and the stated intention to abolish are material planning considerations and it is a matter for each Planning Authority to decide how much weight can be attached to this stated intention, having regard to the evidence base which informs the RSS. Policies of particular relevance to this application are as follows:

17. **Policy 4 (The Sequential Approach to Development)** states that development priority should be given to previously developed land in order to identify the most appropriate development sites. Top priority is given to previously developed sites within urban areas, particularly those in close proximity to transport nodes.

18. **Policy 8 (Protecting and Enhancing the Environment)** seeks to promote measures such as high quality design in all development and redevelopment and promoting development that is sympathetic to its surroundings.

19. **Policy 24 (Delivering Sustainable Communities)** refers to the need to concentrate the majority of the Region's new development within the defined urban areas, and the need to utilise previously developed land wherever possible.

20. **Policy 32 (Historic Environment)** stipulates that planning proposals should seek to conserve and enhance the historic environment.

21. **Policy 54 (Parking and Travel Plans)** seeks to apply guidance set out in national planning policy on residential parking standards, reflecting local circumstances.

LOCAL PLAN POLICY:

22. **Policy E6 (Durham City Centre Conservation Area)** states that the special character, appearance and setting of the Durham (City Centre) Conservation Area will be preserved or enhanced as required by section 72 of the Planning (Listed Building and Conservation Areas) Act 1990. The policy specifically requires proposals to use high quality design and materials which are sympathetic to the traditional character of the conservation area.

23. **Policy E14 (Trees and Hedgerows)** requires development proposals to retain individual and important groups of trees where appropriate.

24. **Policy E22 (Conservation Areas)** seeks to preserve or enhance the character or appearance of conservation areas, by not permitting development which would detract from its setting, while ensuring that proposals are sensitive in terms of scale, design and materials reflective of existing architectural details.

25. **Policy E24 (Scheduled Ancient Monuments and Archaeological Remains)** requires that in areas of archaeological interest appropriate conditions are in place to ensure an appropriate programme of investigation takes place.

26. **Policy H2 (New Housing in Durham City)** requires that new housing is in keeping with the traditional character and setting of the City.

27. **Policy H9 (Multiple Occupation/Student Households)** seeks to ensure that buildings in multiple occupancy do not adversely affect the character of the area and do not require significant extensions or alterations having regard to Policy Q9.

28. **Policy H13 (Residential Areas – Impact upon Character and Amenity)** states that planning permission will not be granted for new development or changes of use which have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them.

29. **Policy H16 (Residential Institutions and Student Halls of Residence)** relates to the appropriateness or otherwise of such developments.

30. **Policy T1 (Traffic – General)** states that the Council will not grant planning permission for development that would generate traffic likely to be detrimental to highway safety and / or have a significant effect on the amenity of occupiers of neighbouring property

31. **Policy T10 (Parking – General Provision)** states that vehicle parking should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development.

32. **Policies Q1 and Q2 (General Principles Designing for People and Accessibility)** states that the layout and design of all new development should take into account the requirements of all users.

33. **Policy Q8 (Layout and Design – Residential Development)** sets out the Council's standards for the layout of new residential development. Amongst other things, new dwellings must be appropriate in scale, form, density and materials to the character of their surroundings. The impact on the occupants of existing nearby properties should be minimised.

34. **Policy U8A (Disposal of Foul and Surface Water)** requires that development proposals include satisfactory arrangements for disposing foul and surface water discharges.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.cartoplus.co.uk/durham/text/00cont.htm>.

CONSULTATION AND PUBLICITY RESPONSES

CONSULTEE RESPONSES:

35. Councillor Martin has expressed his concern in relation to the development.

36. Roberta Blackman Woods, MP for the City of Durham has expressed her opposition to the proposed development. This opposition is put forward on the basis that the granting of this application would see around 60 student beds in a very short stretch of the street. Concerns are expressed over parking issues in and around the site. The lack of on site management for the dwellings causes concern. It is suggested that the application would contravene the aims of the national planning policy framework which aims to create 'sustainable, inclusive and mixed communities' and that family housing would be much more appropriate to the site. Opposition is raised to the proposed inclusion of upvc windows to the rear elevation of the properties. Concerns are raised that the properties would not provide a good level of amenity to the future occupiers of the buildings. It is suggested that the application would be contrary to Policy H13 of the City of Durham Local Plan. It is stated that the application would be in direct contravention of Policy 18 of the County Durham Plan, preferred options. It is suggested that refuse arrangements would be inadequate for the dwellings and that litter issues relating to the site would be more problematic than those existing residents currently experience.

37. The Police Architectural Liaison Officer has objected to the application as he considers that the development of student accommodation in this location would adversely affect the amenity of existing residents. Durham Constabulary consider that the application would contravene the National Planning Policy Framework which suggests that planning decisions should create safe and accessible environments where crime and disorder and the fear of crime do not undermine quality of life or community cohesion and suggests that planning decisions should address the connections between people and places and the integration of new developments into the natural, built and historic environment.

38. Northumbrian Water has considered the application in the context of their ability to accommodate and treat the anticipated flows from the development. They have no comments to make on the application at this stage.

INTERNAL CONSULTEE RESPONSES:

39. Planning Policy have objected to the application on the basis that they consider the proposal will have a significant impact of the local area given that it would significantly increase the concentration of houses in multiple occupation in the street. Policy Officers consider that the application raises concerns in relation to Policies H9 and H16 of the City of Durham Local Plan, although these Policies relate to the sub division of houses or flats to HMOs and also to residential institutions and student halls of residence. Officers do not consider these policies highly relevant to the determination of this application, but consider that they should be given a degree of weight. Policy Officers consider that the principle of the development of the site may be acceptable as the site could be considered sustainable in line with the National Planning Policy Framework despite representing a departure from City of Durham Local Plan Policy H2. Policy Officers have raised concerns in relation to the application in terms of Policy H13 of the City of Durham Local Plan.

40. Pollution control wishes to be informed of details of the building programme. They state that a suitable scheme to mitigate dust and noise emissions from the development will be required. They suggest that working hours should be limited on the site and seek to ensure best practice to reduce noise and emissions from plant and machinery.

41. Environmental Health has made observations relating to requirements for shared student housing.

42. Ecology has raised no objection to the application stating that trees on site are unlikely to host bat roosting opportunities.

43. Landscape and Trees Officers do not offer any objection to the application.

44. Design and Historic Environment have raised no objection to the application and they consider that the proposals would preserve the character and appearance of the Conservation Area. They consider that the benefits of pursuing a high quality design scheme at the site would outweigh the slight impact that the use of UPVC to the rear would have as they consider that the rear of the properties would be less sensitive in terms of the character and appearance of the Conservation Area.

STATUTORY RESPONSES:

45. Highways development management has offered no objection to the application but have stated that the new development would not be eligible for any on street parking permits.

PUBLIC RESPONSES:

46. The City of Durham Trust has expressed concern in relation to the development. The Trust considers that the amount of bedroom accommodation proposed would be excessive in comparison to the amount of minimal amenity space proposed. The trust questions whether it would be appropriate to place 27 students onto the street.

47. 23 Letters of public objection have been received, including a representation from the Crossgate Community Partnership. A large feeling of concern amongst objectors comes from the basis that the dwellings are not proposed as, and could not be converted to be family accommodation. Objectors feel that further student accommodation would serve to drive permanent residents away from living in the city centre. Residents feel that the site should be utilised for family housing.

48. Contributors fear that this application would tip the balance in the street from a mixed area to one dominated by student properties. It is feared this development would clear the way for further development of student properties in a domino effect. Objectors point to student accommodation that is being planned elsewhere on a larger scale and that there may be a surplus of requirement for student lets. Objectors consider that student dwellings should be mixed in with other types of housing and should not predominate one particular area.

49. Contributors have concerns over the density of the proposed internal accommodation and the limited internal amenity space that is proposed. Objectors note that it would be difficult to convert the dwellings to more traditional family style accommodation. It has been observed that the dwellings would resemble halls of residence rather than dwellings.

50. Infringement of the amenities to permanent residents is a primary concern. Objectors have concerns surrounding late night noise and disturbance, anti social behaviour, excess rubbish and problems in relation to vermin. Fears are raised surrounding a possible increase in petty crime associated with the dwellings. There is a fear that an increased burden would be put on Durham Police. There are concerns that arrangements for the removal of waste would not be appropriate. Concerns are expressed that the properties would be vacant for large periods of the year. There is concern that the properties would be poorly maintained, detracting from the appearance of the area.

51. Many objectors are frustrated that council tax revenue would not be generated from the dwellings in student use. Objectors consider the application contrary to Policy 18 of The County Durham emerging plan and policies H13 and E6 of the City of Durham Local Plan.

52. Objections are put forward on the basis that the dwellings would not complement the character of the surroundings and that the development would lead to a reduction of Green Space within the City. Concerns are expressed that views will be impacted on in and around The Avenue. Objections are expressed over the use of UPVC windows to the rear of the properties.

APPLICANTS STATEMENT:

53. The principle of the development of this site for residential use has been established through the granting of consent 09/00756 on 16th December 2009 and the subsequent approval of the conditions attached to this consent. This application retains the physical appearance and scale of the approved scheme with no increase in footprint or height to the approved building. The front elevation remains the same and only minor alterations to window positions occur to the rear elevation. There is an increase in the number of proposed bedrooms within the building and this increase required approval through the planning process. The proposed use of the building does not remove existing residential houses from the wider public market as none currently exist on the site. The site adjoins an existing student residence to one side so the direct impact of students on immediate neighbours is restricted. The wider area around The Avenue and May Street is popular with students and houses many student residences to which the proposal would contribute. The applicants have been landlords for many years and are an established company with a good reputation for providing quality houses to rent. At present the rental market favours students but this would not exclude others in the rented sector if market conditions change. It is recommended that this high quality development is approved for the amended floor plan layout to accommodate additional bedrooms, subject to the necessary conditions to regulate its construction and use.

54. The owners personally manage all of their student properties and do not hand the properties over to a third party (i.e. lettings agents) to manage, therefore personally keeping control of any issues and managing the properties to a very high standard in keeping with the values of the Durham University accommodation department's code of practice.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://82.113.161.89/WAM/showCaseFile.do?action=show&appType=planning&appNumber=10/00955/FPA>

PLANNING CONSIDERATIONS AND ASSESSMENT

55. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development of the site, the impact of the proposed scheme on the character and appearance of the Durham City Centre Conservation Area, the layout and design of the proposed development, potential impacts upon the residential area and Highways Issues.

The Principle of the development of the site

56. The site proposed for development is garden land which is associated with the adjacent 24 The Avenue, to the north east. The site appears never to have been developed and sits as a gap in the long terrace of properties which works its way up The Avenue. The site has recently been cleared in association with pre commencement works in relation to the previous approval at the site. No Archaeological interest has been found at the site following a completed scheme of investigation.

57. The site is not considered to represent previously developed land as it comprises of a private residential garden in policy terms in line with the National Planning Policy Framework.

58. Policy H2 of the City of Durham Local Plan seeks to direct new residential development to previously developed land and conversions, therefore this application represents a departure from Policy H2 of the City of Durham Local Plan.

59. The National Planning Policy Framework encourages building on brownfield sites and discourages building on gardens by encouraging the effective use of land through reusing land that has been previously developed. However, the matter does need to be given careful consideration and at paragraph 55, the National Planning Policy Framework states Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. Officers consider that the change in definition of garden land was designed to mitigate against potential harm.

60. The site does not appear to represent a garden in its traditional sense. It has direct frontage to the Avenue and represents a relatively stark break in the terrace which offers little visual contribution to the character of The Avenue. The site has more of the appearance of an undeveloped plot of land rather than a residential garden.

61. The NPPF puts forward strongly a 'presumption in favour of sustainable development'. Officers consider that the development site would be sustainable due to its proximity to Durham City Centre. Officers also consider the site to be sustainable as through being a gap site, it does not make a significant visual contribution to the character of the Avenue, whose character, particularly to the north east side of the street is drawn from sweeping terraced dwellings. On balance, Officers consider this a sustainable site for development by reason of its character and by reason of its central in settlement location. Officers do not consider that the principle of the development of this site would represent inappropriate development which would harm the local area.

The character and appearance of the Conservation Area

62. Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires that Local Planning Authorities shall pay special attention to the desirability of preserving or enhancing the character and appearance of Conservation Areas. Policy E22 states that proposals should enhance or preserve the character of the Conservation Area. Policy E6 relates directly to the Durham (City Centre) Conservation Area and requires that developments exhibit simple and robust shapes, incorporate traditional roofs, reflect an appropriate quality of design and use appropriate external materials. Policy E14 requires that important trees should be retained on site. These have been key considerations during consideration of this application.

63. The National Planning Policy Framework at Part 12 requires that the impact of any development is considered against the significance of the Heritage Asset, which in this instance is Durham City Centre Conservation Area.

64. The site represents a break in the built form of The Avenue which has always been in existence. However, the infilling of the site with a development that reflects the style, scale and pattern of development within the surrounding area is considered acceptable.

65. The style and detailing of the proposed development reflects that of the surrounding terraced properties. The nature of The Avenue is of stepped properties due to the changing ground level although the street flattens out briefly in front of the application site. The ridgeline would be set down against no. 24 The Avenue and would match that at no. 25.

66. To the front and rear roof slopes, proposed dormer windows reflect the style and appearance of those within the surrounding street scene and as such would be considered appropriate. Similarly, a velux style window to the front and rear of each property would be an appropriate addition, which would punctuate the roof slopes and would be conditioned to be conservation in style.

67. The rear elevation of the dwellings exhibits simple and robust shapes. The elevation would be broken up by the presence of a three storey extension to each property with a bin store at ground floor level to all but the middle property. This serves further to break up the large elevation while the punctuation of the elevation with the rear elements and the retention of a strong vertical emphasis within the fenestration pattern are considered appropriate. The stepped nature of the projecting extensions reflects a traditional form of development to the rear of terraced properties.

68. The materials which are proposed would serve further to make the development appropriate to its Conservation Area setting. The proposed use of natural stone heads and cills, natural slate and timber framed windows is considered appropriate. Projecting eaves courses with dog tooth detailing and chimneys of typical Victorian proportions serve further to suggest a high quality design.

69. The trees on the site undoubtedly contribute to the character of the immediate locality and Conservation Area. Various trees have been removed at the site in line with the original consent. An Ash tree sits to the rear of 25 The Avenue, while a Swedish Whitebeam and Ash tree sit within the development site. These trees are to be retained with sympathetic crown reductions. An arboricultural implications assessment with tree protection measures has been submitted at the site and is deemed appropriate, landscape Officers offering no objection to the application. Maintaining and protecting these trees to the rear of the site would contribute towards preserving the character of the Conservation Area.

70. A retaining wall would be incorporated, but would be outside of the root protection area of the maintained trees. In the root protection area the boundary treatment between the properties would be close boarded timber fence. The rear wall would be brick, built on top of that existing. All boundary treatment would measure 1.8m in height. A simple landscaping scheme is proposed to the rear with random flagged, block paved, gravel and grass surfaces.

71. Officers consider that the appearance of the properties would rationalise the site and improve the aesthetics of the immediate area. The site itself is not prominent in longer views from surrounding viewpoints. The properties would also not seriously restrict views to the north and west and would not have a significant impact upon the outlook of properties on the opposite side of the road which sit on an elevated position above.

72. Officers consider that the benefits of pursuing a high quality design scheme at the site would outweigh the slight impact that the use of UPVC windows to the rear would have as the rear of the properties is considered to be less sensitive in terms of the character and appearance of the Conservation Area.

73. Officers consider that the appearance of the development would preserve the character of the Conservation Area, while reflecting an appropriate standard of design and materials in accordance with Section 72 of the Planning (Listed Building and Conservation Areas) Act, Part 12 of the National Planning Policy Framework, Policy 32 of the Regional Spatial Strategy and Policies E6 and E22 of the City of Durham Local Plan.

The layout and design of the proposed development

74. The external appearance of the development is proposed to remain unchanged from the previous approval.

75. Policy Q8 requires that new residential development should be appropriate in scale, form, density and materials to the character of its surroundings. It requires that adequate amenity space and privacy should be afforded to each dwelling and outlines appropriate separation distances between properties.

76. There are habitable room windows and an entrance door to the southwest facing elevation of 24 The Avenue which overlooks the application site. This property is within the control of the applicant and it is proposed to block up the windows which serve two bedrooms and a bathroom and internal alterations would see the bedrooms served by down lighting from the front of the property in a similar manner in which the lounge on the north east side of this property is served with light. The entrance door would remain and would be accessed from a passageway beneath the proposed north east dwelling. If planning permission is granted for the current proposal, these works, the principles of which have been agreed through an earlier discharge of conditions application, would need to be required by way of a Grampian Condition as set out under circular 11/95 relating to a requirement for off site works.

77. It is acknowledged that there would be a reduction in amenity space to the occupants of the flats at number 24. However the site has now been cleared in association with pre commencement works, while such a large garden area would be in excess of the amenity space offering of most properties of this type.

78. Policy Q8 requires separation distances of 21m between habitable room windows. This distance would be easily achieved to properties opposite on The Avenue and would also comfortably be achieved in relation to properties on Hawthorn Terrace, to the rear. There is residential accommodation above the rear garage associated with 24 Hawthorn Terrace which would sit closely to the proposed north east dwelling. However, this accommodation is conditioned to be non-habitable and taking into account these factors, it is considered that the proposed positioning of the properties would not infringe the residential amenity of neighbouring occupiers in accordance with policy Q8 of the Local Plan.

79. On balance, officers consider that the physical appearance and positioning of the properties would be appropriate in terms of Policy Q8. The proposed development would allow adequate separation distances between properties which would ensure privacy and prevent overlooking, while the dwellings would be suitable in scale, form, density and materials to their surrounds.

Highways Issues

80. Policy T1 requires that new development should not be detrimental to highway safety or generate traffic which would have a significant effect on the amenity of occupiers of neighbouring property. Policy T10 states that Vehicle parking off the public highway should be limited in amount so as to promote sustainable transport choices and reduce the land take of development.

81. Since the original planning approval at the site, changes have been made in regard to the issuing of parking permits. The dwellings would now not be eligible for any parking permits; therefore vehicular parking would be limited to that provided within the curtilage of the dwellings at a level of two spaces for the three dwellings. Officers consider it unlikely that any significant additional vehicular movements or parking would be associated with the dwellings as the street has permit parking only or time limited meter parking.

82. Highways Development Management has offered no objection in relation to the application and Officers consider that the development would be appropriate in terms of Policies T1 and T10.

The impact upon the residential area

83. Policy H13 states that planning permission will not be granted for new development or changes of use which would have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them.

84. Policy H9 of the City of Durham Local Plan relates to the sub division of houses for flats, bedsits, multiple occupation or proposals to alter or extend properties already in such use. It states that this would be appropriate provided that adequate parking, privacy and amenity areas are provided or are in existence; it would not adversely affect the amenities of nearby residents; it would be in scale and character with its surroundings; and it would not result in a concentration of sub divided dwellings to the detriment of the range and variety of the local housing stock. Policy H16 is concerned with residential institutions. It requires that residential institutions should provide satisfactory standards of amenity and open space for residents and states that such uses should not detract from the character or appearance of the surroundings or from the amenities of existing residents. Although not directly relating to new build, Officers feel that these policies are partly relevant and consider that they can be given a degree of weight.

85. The National Planning Policy Framework states that planning decisions should create safe and accessible environments where crime and disorder and the fear of crime do not undermine quality of life or community cohesion and states that planning decisions should address the connections between people and places and the integration of new developments into the natural, built and historic environment.

86. Policy 18 of the County Durham Plan preferred options states that in order to protect the amenity of people living and working in the vicinity of a proposed development, permission will not be granted for development proposals which would have a significant adverse impact on amenity, by way of noise, overlooking, privacy, vibration, odour, dust, fumes/emissions, light pollution and loss of light, and visual intrusion. This plan is however at a very early stage, and Officers consider that this Policy can be given only limited weight.

87. Officers understand that there are around 22 properties in The Avenue which are licensable HMO's under the Housing Act 2004 and that there are approximately a further 11 properties in The Avenue which are occupied by students but do not need to be licensed. There are a number of sub divided properties in the immediate area. 24 The Avenue was granted planning approval in 2007 for the formation of four flats providing a total of 22 bedrooms. 26 The Avenue was granted approval for use as a 9 bedroom HMO in 2009.

88. The Council is currently considering a longer term strategy in relation to Houses in Multiple Occupation within Durham City and the matter is still under review. At present there is no clear and direct planning policy to define the amount of shared houses, small houses in multiple occupation or larger, sui generis houses in multiple occupation that would be acceptable in any particular area.

89. However, concerns over the habitation of the properties by students are noted. It is acknowledged that students may have different lifestyles to many other residents on the street. Officers are aware that by reason of a possible increase in student beds the concern of residents over an increase in alcohol related anti-social behaviour is prevalent.

90. Officers are concerned that the internal works and sub division to the properties would mean that it would be highly unlikely that these dwellings could practicably be converted back to family use. Officers consider this key, as the reversibility of the originally approved scheme was seen as paramount in making a recommendation of approval on the application in 2009.

91. Officers consider that the development of three 9 bedroom dwellings has the potential to have a significant adverse effect on the character or appearance of the residential area and the amenities of residents within it. Accommodation of the density proposed in this mixed area could cause increased incidence of disturbances which are sometimes associated with high concentrations of sub divided accommodation. The development could serve to increase fear of crime and anti social behaviour for residents in the area.

92. As a consequence of the high level of sub division, internal amenity space would be limited at the dwellings in relation to the number of occupants that the properties would accommodate. Many of the bedrooms have been reduced in size from the original proposal and the communal living space available to residents would be fairly limited. Policy H9 seeks to ensure that adequate amenity space would be provided. Policy Q8 also seeks adequate amenity for dwellings.

93. Officers consider that the provision of this number of bedrooms in such density would be problematic. The proposals would see 58 beds provided across 6 houses between 24 The Avenue and 26 The Avenue, a level which Officers consider too intense. The provision of 9 bedrooms compared to 6 would represent a 50% increase in accommodation per dwelling, an increase that Officers consider significant both in terms of the community perception of the development and in relation to potential disturbance.

94. Officers consider that the resultant density of accommodation proposed in this part of The Avenue would contravene the aims of the National Planning Policy Framework which aims to create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.

95. Officers consider that this proposal would represent a level of development which would have a significant adverse effect on the character of the residential area, and the amenities of residents within it.

CONCLUSION

96. Officers are able to accept the principle of the development of the site and consider that a departure from City of Durham Local Plan Policy H2 would be acceptable. The development would also be considered acceptable in terms of the impact upon the Conservation Area and in terms of the scale and external design.

97. However, the proposal along with planning approvals previously granted, would see 58 bedrooms for Multiple Occupation accommodation provided across 6 houses between 24 The Avenue and 26 The Avenue which is only a short stretch of the street. The provision of 9 bedrooms in comparison to 6 would represent a 50% increase in accommodation per dwelling, an increase that Officers consider significant both in terms of the communities perception of the development and in relation to potential disturbance. Officers consider

that this represents a significant difference between the two proposals for this site, in terms of their acceptability.

98. The properties proposed would exhibit an intense level of sub division which would make it unlikely that these dwellings would ever be able to be used as family residences without substantial reconfiguration. The level of reversibility was seen as a key reason for recommending approval of the original scheme.

99. The National Planning Policy Framework states that planning decisions should create safe and accessible environments where crime and disorder and the fear of crime do not undermine quality of life or community cohesion and suggests that planning decisions should address the connections between people and places and the integration of new developments into the natural, built and historic environment.

100. Policy H13 of the City of Durham Local Plan states that planning permission will not be granted for new development or changes of use which have a significant adverse effect on the character or appearance of residential areas or the amenities of residents within them.

101. Officers consider that this proposal would contravene the National Planning Policy Framework at Paragraphs 58 and 61 and would contravene Policies H13 and Q8 of the City of Durham Local Plan 2004.

RECOMMENDATION

That the application be **REFUSED** for the following reason;

1. The proposal would result in an intensive level of multiple occupancy that would adversely affect the amenities of adjacent and nearby occupiers in terms of noise and disturbance and fear of crime, and would provide unsatisfactory standards of living accommodation for the occupants of the properties, particularly with regards to internal and external amenity space. As such the proposal would be contrary to Policies H13 and Q8 of the City of Durham Local Plan and Paragraphs 58 and 61 of Part 7 of the National Planning Policy Framework.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents

National Planning Policy Framework

North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008

City of Durham Local Plan 2004

Response from MP

Response from Councillor Martin

Responses from City of Durham Trust

Response from Crossgate Community Partnership

Response from Objectors

Response from Police Architectural Liaison Officer

Response from Planning Policy

Response from Northumbrian Water

Response from Ecology

Response from Design and Historic Environment

Response from Highways Development Management

Response from Pollution Control



Planning Services

Erection of 3 no. two storey terraced dwellings

This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005

Date 11th December 2012