



**CITY OF DURHAM
PARISH COUNCIL**

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25 November 2019

Dear Lisa,

DM/19/03447/FPA: Change of use of part ground floor and first floor of no. 90 to small HMO (Use Class C4) including two-storey extension to rear, single storey extension to no. 89 to provide workshop and change of use of land to rear to residential curtilage, 89-90 Claypath Durham DH1 1RG

The City of Durham Parish Council's Planning Committee considered this application at its meeting on 22 November 2019 and agreed to object. The proposal is to change and extend existing office/retail use into 6-bedroom C4 HMO use of a property which was given permission just 3 months ago under delegated powers to become a 5-bedroom C4 HMO.

The Parish Council is aware that the Submitted County Durham Plan policy for HMOs seeks to drop control over extensions to existing HMOs, but the County Council itself formally considers that the Submitted County Durham Plan carries no weight as yet. Accordingly, the application must be determined by the Interim Policy and by Saved Policies of the City of Durham Local Plan 2004.

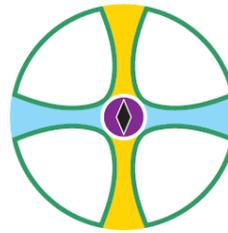
The County Council's Interim Policy on Student Accommodation states in the relevant section:

"HMO

In order to promote the creation of sustainable, inclusive and mixed communities and maintain an appropriate housing mix, applications for new build Houses in Multiple Occupation (both C4 and sui generis), extensions that result in additional bed-spaces, and changes of use from any use to:

- **a Class C4 (House in Multiple Occupation), where planning permission is required;**
- or**
- **a House in Multiple Occupation in a sui generis use (more than six people sharing)**

will not be permitted if more than 10% of the total number of properties within 100 metres of the application site are already in use as HMOs or student accommodation exempt from council tax charges....."



In the case of 89/90 Claypath, within a 100 metre radius some 29% of properties are student HMO properties, and immediately opposite is the 447-bed Student Castle PBSA. Clearly there are already well in excess of the 10% proportion of student HMO properties allowed under the Interim Policy, and therefore the application is contrary to the Interim Policy.

The County Council's proposed Main Modification to County Plan Submitted Policy 16.3 is that the proportion of properties that are HMOs would have to be over 90% to justify consideration of allowing a further HMO. Whether or not this is appropriate, it is the County Council's formally adopted position. It should mean that an additional HMO in Claypath would not be acceptable on the basis that the 29% current proportion is far below the County Council's 90%.

Saved Policy H9 of the City of Durham Local Plan 2004 states that:

“The sub-division or conversion of houses for flats, bedsits or for multiple occupation, or proposals to extend or alter properties already in such use will be permitted provided that:

- 1. Adequate parking (in accordance with policy T10), privacy and amenity areas are provided or are already in existence;**”

There is no parking provision and thus the application fails to meet the requirements of Saved Policy H9.

The County Council's HMO officer states that he is unable to support this application as the lounge and kitchen/diner are undersized. The Parish Council also wonders about bedrooms 3 and 4 as these appear to have sloping roofs with Velux windows; this needs to be checked as to whether any part of the room is below the minimum height of 1500mm.

In conclusion, the Parish Planning Committee urges that this application should be refused as contrary to the Interim Policy for Student Accommodation and Saved Policy H9.

Yours sincerely,

ADAM SHANLEY

Clerk to the City of Durham Parish Council