



**CITY OF DURHAM
PARISH COUNCIL**

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24 January 2020

Dear Jennifer,

DM/19/03806/FPA: Change of use of dwelling (Use Class C3) to small House in Multiple Occupation (Use Class C4), 7 Wearside Drive Durham DH1 1LE

The Planning Committee of the City of Durham Parish Council considered the above application at its meeting on 10 January 2020 and resolved to object on the following grounds.

The Council's Interim Policy on Student Accommodation states:

"In order to promote mixed, sustainable and balanced communities and maintain an appropriate housing mix, applications for new build Houses in Multiple Occupation (both C4 and sui generis) 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 7 Wearside Drive, within a 100 metre radius the Council Tax records used by the County Council for assessing HMO planning applications is reported as finding that 4.3% of properties are student HMO properties as at 1st October 2019. However, this source of data has been revealed to be unreliable, for example because some landlords prefer to pay Council Tax so as to keep percentages below the threshold: also because the date of 1st October is before the new Academic Year started and not all applications for exemption from Council Tax will necessarily have been made and approved by that date. Planning Inspectors have criticised the County Council for providing changing figures in and out of term-time.

The Parish Council considers that Durham University is a far more reliable source of data on where their students reside. The University has provided its figures as at January 2020, and these are that there are 5 properties in Wearside Drive that are student properties, containing 22 students.

An on-the-ground survey by residents of Wearside Drive has resulted in there being at least 6 student houses. Thus, as there are some 57 properties within 100 metres of 7 Wearside Drive, the percentage is far more likely to be between 9% and 11%. If the application were approved the threshold would definitely be exceeded. The Parish Council considers that in a situation where an application poses a severe test as to the true situation it is incumbent on the Planning Authority to take a precautionary stance and give great weight to the objections that arise on grounds of loss of residential amenity.

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; and**
- 2. It will not adversely affect the amenities of nearby residents; and**
- 3. It is in scale and character with its surroundings and with any neighbouring residential property; and**
- 4. It will not result in concentrations of sub-divided dwellings to the detriment of the range and variety of the local housing stock; and**
- 5. It will not involve significant extensions having regard to policy Q9, alterations or rebuilding which would unacceptably alter the character or scale of the original building.”**

The creation of a four-bedroom new HMO capable of accommodating eight student occupants will introduce the very threat to nearby residential amenity that Part 2 of Saved Policy H9 is designed to prevent. The twenty-four objections lodged by residents of Wearside Drive are testimony to the need to uphold this policy. In fact, all of the properties have covenants restricting their occupation to a single family, but clearly student landlords disregard these covenants. Assertions on behalf of the applicant that a management plan will solve the problem is of no assistance given the experience both in Wearside Drive and across the city. As both the applicant and the writer of the single letter of support live far distant from Wearside Drive it is unsurprising that they do not appreciate the concerns of the residents.

The application is therefore in direct conflict with the NPPF and Durham County Council’s objectives and policies to promote create and preserve inclusive, mixed and balanced communities and to protect residential amenity, and so fails Saved Policy H9. The Parish Planning Committee urges that this application should be refused as contrary to Saved Policy H9 and, if the true facts were established, very probably contrary to the Interim Policy on Student Accommodation.

Yours sincerely,

ADAM SHANLEY

Clerk to the City of Durham Parish Council