



**CITY OF DURHAM
PARISH COUNCIL**

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5 May 2020

Dear Jennifer,

DM/20/01018/FPA | Change of use from C3 Residential Property to C4 Student HMO for 5 Students | 1 Wearside Drive Durham DH1 1LE

The Parish Planning Committee considered the above planning application at its meeting on 1 May 2020, conducted using Zoom videoconferencing software. It resolved to oppose the application for the following reasons:

As an initial point, the following representations are not intended as a criticism of the owners as long-standing landlords, and should not be read as such. However, planning permission goes with the property and not with the owner. Should the property be sold on, perhaps many years in the future, any permission granted now would remain and could be exploited by a new owner.

First, 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 1 Wearside Drive, within a 100 metres radius we understand that it has been calculated that 5.7% of properties are claiming the Class N exemption from Council Tax, which rises to 8.6% if two recent permissions are taken into account. However, we contend that this calculation is erroneous, because the count of properties includes properties in Edmunds Vale (postcode DH1 1BW) which have only just come on to the market, few have been sold, and whose future occupants might be students or might not be.

In more detail, as a signatory to the Public Services Mapping Agreement (licence number 0100060997) the Parish has access to property locations. There are 35 long-standing properties

within 100 metres of 1 Wearside Drive. 32 of these are in Wearside Drive and the other three are in The Sands. The latest data (24 April 2020) from the Ordnance Survey lists just two residential properties in Edmunds Vale, plus a shop, which is presumably the site sales office. The Post Office postcode lookup has five addresses, the Valuation Office Agency lists eight properties, numbers 6-10, 14, 15 and 35. The Charles Church website¹ lists 24 properties for sale, 22 of them one- or two-bedroom flats. Only the County Council website² lists 35 properties (1-36, excluding 13). But the information given there offers no details for rubbish or recycling and we infer from this they have been uploaded in anticipation of these properties being occupied.

The percentages quoted must relate to a property count of 70, i.e. 35 long-standing properties and 35 from Edmunds Vale. 5.7% equates to 4/70 and 8.6% to 6/70. For the reasons given in the previous paragraph we contend that the total number of properties used in the calculation should be no more than 43, i.e. including only properties listed by the Valuation Office Agency. This would make the percentages 9.3% (4 student properties) and 14.0% (6 student properties). The correct approach would be to include the two extant but unimplemented permissions, and consequently use the 14% figure which brings this application well within the ambit of the Interim Policy on Student Accommodation.

In addition, the Interim Policy also requires the inclusion of HMOs that are not used as student accommodation. The Policy clearly states “HMOs **or** student accommodation”. Accordingly, the decision maker must count two kinds of properties:

- (a) those that are HMOs, and
- (b) those that are student accommodation exempt from Council Tax.

The Parish Council therefore firmly considers that reference only to the second measure falls well short of the requirements of the Policy, and that a count of HMOs is also required.

Consequently we ask that an assessment of the number of HMOs (whether licensed or unlicensed) within 100m of 1 Wearside Drive is included in your decision making.

Secondly, regardless of the Interim Policy, the statutory Development Plan must be applied. 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**

1 https://www.charleschurch.com/county-durham_durham/durham-sands-10895

2 <http://mydurham.durham.gov.uk/article/12689?Home=EMPTY&PostCode=DH1%201BW>

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.”

Given that the property has a garage and three additional parking spaces, we consider that there is adequate parking (point 1). We have considered the submissions from local residents and agree with them that their amenities will be adversely affected (point 2). While the scale of the property is not changing, the character of the surrounding properties is that of family homes, and this property will change to a student HMO (point 3). The property is not being subdivided (point 4) so that is not an issue. However, there is an alteration (point 5). The dividing wall between bedrooms 3 and 4 is being moved and consequently the width of bedroom 3 alongside the new wall will be about 1.75m. This is less than the Nationally Described Space Standard 10(c) for a single bedroom which requires a minimum width of 2.15m.

Consequently we ask that this application be refused as it does not meet the requirements of the Council’s Interim Policy on Student Accommodation and Saved City of Durham Local Policy H9. We note that Councillor Freeman has already called this to Committee and we intend to speak at that Committee, should your recommendation be to approve.

Yours sincerely,

Adam Shanley

Clerk to the City of Durham Parish Council