



**CITY OF DURHAM
PARISH COUNCIL**

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18 August 2020

Dear Mr Spurgeon,

DM/20/01402/FPA | Change of use from estate agents (A2) to HMO (C4) (amended) | 17 Old Elvet Durham DH1 3HL

The City of Durham Parish Council Planning Committee considered the above application at its meeting held 7 August 2020 and decided to object to this application.

17 Old Elvet (“the application site”) is a Grade II Listed Building (designated 30th April 1971) which is located at the eastern extent of the south range of mainly listed buildings on Old Elvet within an important section of the Durham City Conservation Area.

This application seeks permission for a change of use from a redundant commercial office building (Use Class A2) to a four bedroom House in Multiple Occupation (Use Class C4). This application also involves the introduction of dormer windows to each aspect of the main pitch of the roof, as well as the replacement of late 20th Century internal partitions and commercial interior elements and a total re-configuration of the internal layout of the property.

National Planning Policy Framework (NPPF) paragraph 8b describes the key social objective of the planning system as being to support strong, vibrant and healthy communities; paragraph 62 sets the objective of creating mixed and balanced communities, and paragraph 192 seeks sustainable communities. Communities are people, not buildings, but planning policies have to deal with physical development.

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; 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.....”

We understand that the percentage of Class N exempt properties within 100 metres of the application site is 49%. 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 extensions aspect of the Interim Policy.

The County Council’s proposed Main Modification to Examined County Plan Policy 16.3 is that the proportion of properties that are HMOs would have to be over 90% to justify consideration of allowing an extension to an existing HMO. Whether or not this proposed Main Modification is appropriate, it is the County Council’s formally adopted position. It should mean that an HMO extension in this location would not be acceptable, on the basis that the 49% current proportion is well below the County Council’s 90%.

The Parish Council also shares the concerns expressed by the resident(s) of number 16 Old Elvet in relation to the likely adverse impact in terms of noise that the use of this property as an HMO will have on them. In some areas, not least the attic which is proposed to be used as bedroom space in number 17, the dividing wall between the properties is only one brick thick and therefore the potential for adverse noise is considered unacceptable. Paragraph 180 of the NPPF is clear that: ***“Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: a) mitigate and reduce to a minimum, the potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life; b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason...”***

In addition, Paragraph 48 of the NPPF states that local planning authorities may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The Durham City Neighbourhood Plan has now undergone an Independent Examination and a Decision Notice giving approval for the Plan to proceed to referendum, subject to recommended modifications being made, was published by the County Council in August 2020. In his report, the Examiner concludes that the Durham City Neighbourhood Plan meets all the necessary legal requirements, including satisfying the Basic Conditions and can now carry significant weight in determining new planning applications within the designated Neighbourhood Area.

Policy S1 of the emerging Durham City Neighbourhood Plan clearly states: ***“All development proposals must, where relevant, conserve the tranquillity of our neighbourhood” and “secure a***

design and layout which is capable of...respecting privacy of occupiers of neighbouring properties". This application is clearly contract to Policy S1.

In conclusion, the Parish Council Planning Committee urges that this application be refused as it is contrary to the NPPF, Policy S1 of the emerging Durham City Neighbourhood Plan, the Interim Policy for Student Accommodation and Examined County Durham Plan Policy 16.3 with its proposed Main Modification. Therefore, no matter what stage the County Durham Plan has reached when this application is determined, there is a policy that should lead to its refusal.

Yours sincerely,

Adam Shanley
Clerk to the City of Durham Parish Council