



**CITY OF DURHAM
PARISH COUNCIL**

Learning from the past.
Building for the future.

Ms Jennifer Jennings
Durham County Council
Planning Development Central/East
Room 4/86-102
County Hall
Durham
DH1 5UL

City of Durham Parish Council
Office 3 D4.01d
Clayport Library
8 Millennium Place
Durham
DH1 1WA

30 September 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

This is an additional representation following our objection letter of 5 May 2020.

We note that (a) on 17 September the Inspector's Final Report on the Examination of the County Durham Plan was issued, and (b) on 21 September the Council issued a press release which said that "The plan with the modifications will go to our Cabinet and ultimately full council for adoption in the coming months". Therefore all that remains are the formal steps necessary for its adoption. Consequently, in accordance with paragraph 48 of the NPPF, its preparation is complete (sub clause a); there are no unresolved objections (sub clause b) and the whole focus of the Examination was to ensure that the Plan was completely consistent with the NPPF (sub clause c). We conclude that the County Durham Plan can now be given considerable weight.

Consequently we wish to make this further representation.

Policy 16.3 of the County Durham Plan is similar to the Interim Policy on Student Accommodation, but there are differences. This Policy, incorporating the Main Modifications, now reads:

3. Houses in Multiple Occupation

In order to promote create and preserve inclusive, mixed and balanced communities and to protect residential amenity, applications for new build Houses in Multiple Occupation (both Use Class C4 and sui generis), extensions that result in specified or potential additional bedspaces 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:

- a. including the proposed development, more than 10% of the total number of residential units within 100 metres of the application site are exempt from council tax charges (Class

N Student Exemption);

- b. **there are existing unimplemented permissions for Houses in Multiple Occupation** within 100 metres of the application site, which in combination with the existing number of Class N Student exempt units would exceed 10% of the total properties within the 100 metres area; or
- c. less than 10% of the total residential units within the 100 metres are exempt from council tax charges (Class N) but, the application site is in a residential area and on a street that is a primary access route between Purpose Built Student Accommodation and the town centre or a university campus.

In all cases applications for new build Houses in Multiple Occupation, change of use to Houses in Multiple Occupation or a proposal to extend an existing House in Multiple Occupation to accommodate additional bed space(s) will only be permitted where:

- d. cycle and car parking is provided having regard to policy 22 and the council's adopted Parking and Accessibility Supplementary Planning Document;
- e. they provide acceptable arrangements for bin storage and other shared facilities and consider other amenity issues;
- f. the design of the building or any extension would be appropriate in terms of the property itself and the character of the area; and
- g. the applicant has shown that the security of the building and its occupants has been considered, along with that of neighbouring local residents.

However, new build Houses in Multiple Occupation, extensions that result in specified or potential additional bedspaces or a change of use to a House in Multiple Occupation would not be resisted in the following circumstance:

- h. Where an area already has a concentration in excess of 90% of council tax exempt properties (Class N), that this is having an unreasonable impact on current occupiers and that the conversion of remaining C3 dwellings will not cause further detrimental harm to the residential amenity of surrounding occupants; or
- i. Where an existing high proportion of residential properties within the 100 metres are exempt from council tax charges (Class N), on the basis that commercial uses are predominant within the 100 metre area.

The calculation of the Council tax exempt properties pre-dates the Inspector's report, and in any case we note that it is due to be updated in September. We consider that a revised calculation should be carried out which, in accordance with the new Policy, should include both the proposed development and any unimplemented permissions for HMOs.

We refer you to our earlier submission (5 May) where we estimated there were 4 properties with Class N exemptions and 2 unimplemented permissions. To this can now be added the application site bringing that total to 7.

Referring to the Valuation Office Agency website¹, we note that there are now 14 properties² in Edmunds Vale DH1 1BW that are liable for Council Tax. It would not be correct, we submit, to include properties that are not yet on the valuation list, because these could be let students (there are one- and two-bedroom apartments which are use class C3).

Therefore the total number of properties to be used in the calculation would be the 36 properties in Wearside Drive and The Sands within 100 metres of 1 Wearside Drive (now including number 1), plus the extra 14 in Edmunds Vale, a total of 50. If the number of student properties proves to be 7 then the percentage would be 14% and Policy 16.3 would be engaged, and this change of use would not be permitted. However, the current figure of class N exemptions would of course be used.

The above representation augments the arguments relating to the Interim Policy on Student Accommodation advanced in our earlier letter. The other arguments stand.

Consequently we ask that this application be refused as it does not meet the requirements of Policy 16.3 of the examined County Durham Plan, 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

1 <http://cti.voa.gov.uk/cti/InitS.asp?lcn=0>

2 Numbers 1, 6, 7, 8 ,9, 10, 11, 14, 15, 16, 17, 19, 35 and 36.