



**CITY OF DURHAM
PARISH COUNCIL**

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13 September 2020

Dear Ms Jennings,

DM/20/02394/FPA | Change of use from two bed dwelling (C3) to five bedroomed HMO (C4) including single and two storey rear extensions | 19 Mistletoe Street Durham DH1 4EP.

The City of Durham Parish Council Planning Committee considered the above application at its virtual meeting held on 4th September 2020 and decided to object on the following grounds.

Mistletoe Street is a Victorian terrace built in the late 1800s situated in what is known as the Viaduct area. It is bordered by other similar terraces on three sides and by the East Coast Main Line to the north. No 19 is a mid-terrace house in the centre of the block. Neither of the adjoining properties appear to have been converted into student accommodation. This proposal is to extend the property and change the use of the building from C3 use to a 5 bedroomed HMO.

The policy position for objection is straightforward. National Planning Policy Framework 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 conversion proposed here represents the increase of an additional student HMO in this area which will be unoccupied for a significant proportion of the year.

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

***“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.....”

The percentage figure of Class N exemptions within 100m of this property is 77.5%, a figure well in excess of the 10% proportion of student properties allowed under the Interim Policy

The County Council’s proposed Main Modification to Examined 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 Old Elvet would not be acceptable, on the basis that the 77.5% current proportion is below the County Council’s 90%.

It is of course possible that there may be an Inspectors final report on the County Durham Plan before this application is determined, in which case the most up to date policy should 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

This proposal involves the conversion of a family home into student accommodation which may well affect the amenity of nearby residents, contrary to part 2 of H9. The proposed extensions to change a two bedroomed house to a five bedroomed house will leave very little external amenity space for residents and could therefore be said to be in breach of H9 part 3.

We would ask also that officers take into account the Inspectors appeal decision (Appeal Ref: APP/X1355/W/20/3249227) regarding a similar application for Lawson Terrace, the next street along and roughly 50m away from this property. This application, 19/03408, was refused at committee against officers’ recommendations and this decision was upheld by the Inspector. The student percentage in this case slightly lower at 68.9%. Paragraph 13 of Inspector Robbies’ report states “Furthermore, the presence of at least one, and perhaps both, adjoining properties being occupied as non-HMO family housing confirms the broad pattern of the available figures and suggests that there remains more than just a token non-HMO community within Lawson Terrace.” The figures may be slightly different but the principle remains the same, slightly less than a quarter of these houses remain in family use.

In conclusion, the Parish Planning Committee urges that this application should be refused as contrary to the Interim Policy for Student Accommodation, Examined County Durham Plan Policy 16.3 and Saved Policy H9. If you are minded to approve this application the Committee asks that it be called to the Durham Central and East Planning Committee to be determined.

Yours sincerely,

Adam Shanley
Clerk to the City of Durham Parish Council