



**CITY OF DURHAM
PARISH COUNCIL**

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Building for the future.

Mr George Spurgeon
Planning Development Central/East
Room 4/86-102
County Hall
Durham City
DH1 5UL

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

4th September 2020

Dear Mr Spurgeon,

DM/20/02258/FPA and DM/20/02259/LB:

Change of use from hotel to student accommodation comprising of 8 one bed studio apartments and 7 bedrooms with access to communal facilities: 34 Old Elvet Durham DH1 3HN

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

The proposal is to change the use of the building from hotel to student accommodation comprising of 8 one bed studio apartments and 7 bedrooms with access to communal facilities

Not once does the applicant address the relevant policies designed to govern the ever expanding studentification of Durham City that has, by uncontrolled increment, had such a serious, detrimental and irreversible long-term impact on the welfare of the City and its permanent community.

To address this problem the Council has both inherited and developed its own raft of policies designed to protect the city, both now and in the future, from the ever-growing and damaging incursion of HMOs which will ultimately destroy the city entirely as a place in which families can reside and enjoy their lives.

The policies that require this application to be refused are both clear and straightforward. In addressing these policies, we note that:

(a) This coming Wednesday, 14 October, the Council's Cabinet is considering a proposal to recommend to full Council that the County Durham Plan, as amended by the Main Modifications, be adopted¹, and

(b) The County Council meets on 21 October to consider the Cabinet recommendation and will in all probability agree to adopt the County Durham Plan.

(c) The text of the Adoption Draft of the County Durham Plan² is in the papers for Cabinet.

Therefore, all that remains are the formal steps necessary for its adoption and, consequently, in accordance with paragraph 48 of the NPPF:

(sub clause a), its preparation is complete:

¹ <https://democracy.durham.gov.uk/mgAi.aspx?ID=46912#mgDocuments>

²

<https://democracy.durham.gov.uk/documents/s127502/CDP%20Appendix%203%20-%20County%20Durham%20Plan%20Adoption%20Draft.pdf>

(sub clause b), there are no unresolved objections

(sub clause c), the whole focus of the Examination was to ensure that the Plan was completely consistent with the NPPF

Consequently, we conclude that the County Durham Plan can now be given considerable weight. Indeed, if this application is determined after 21 October, the County Durham Plan will be in force, replacing the saved Policies of the City of Durham Local plan and the Interim Policy on Student Accommodation.

As a result:

First, the County Durham Plan Policy 16.3, which now carries significant weight, states that:

“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), [or] 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 of Class N exemptions within 100m of this property is 44.4%, a figure well in excess of the 10% proportion of student properties. The application should be refused.

Secondly, the Durham County Plan Policy 16.3, in the relevant section, states that the proportion of properties that are HMOs would have to be over 90% to justify consideration of allowing a further HMO and is the County Council’s formally adopted position. Therefore, the increase in student numbers at 34 Old Elvet, Durham City is not acceptable, because the 44.4% current proportion is below the County Council’s own 90%. The application should be refused.

Third, the definitive National Planning Policy Framework (NPPF) Paragraph 8b describes the key social objective of the planning system dedicated to supporting strong, vibrant and healthy communities. In particular, Paragraph 62 sets the objective of creating mixed and balanced communities; and Paragraph 192 seeks to create sustainable communities. Communities are people, not buildings, but planning policies must deal with physical development which ensure that the constraints of the NPPF are met. The proposed conversion in this application represents a further increase of additional students in this area which will be unoccupied for a significant proportion of the year and is therefore contrary to NPPF Paragraphs 8b, 62 and 192. The application should be refused.

Fourth, Saved Policy H9 of the City of Durham Local Plan 2004, which continues to carry full weight until the County Durham Plan is adopted, 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***

The proposal involves a major conversion of a current hotel to create a house with a mixture of studio apartments and rooms with access to communal facilities, i.e. a house of multiple occupation, to the detriment of the amenity of other residents and with no parking provision: it is thus contrary to parts 1, 2 and 4 of Saved Policy H9.

The City of Durham Parish Council has additional information regarding 34 Old Elvet, in that this building has, or perhaps had, intact early 18th Century panelling, early 18th Century 2 panel doors, and a staircase. This was one of the best preserved early 18C panelled interiors in Durham City, and excellent example of Durham craftsmanship. It may be that this was removed when the house (formerly university postgraduate accommodation) was converted into an hotel. If it is still present it should now be preserved.

In conclusion, the Parish Planning Committee urges that this application should be refused. It is contrary to the requirements of the County Durham Plan Policy 16.3, NPPF Paragraphs 8b, 62 and 192, and key elements of Saved Policy H9.

Yours sincerely,

Adam Shanley
Clerk to the City of Durham Parish Council