

Ms Michelle Hurton
Durham County Council
Planning Development Central/East
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Durham DH1 5UL

City of Durham Parish Council
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10 July 2019

Dear Ms Hurton,

DM/19/01411/FPA | Two storey extension to rear of the existing C4 accommodation to create additional amenity space and 2no. 1-bed apartments and 1no. 2-bed apartment (C3 housing), 12 North Road Durham DH1 4SH

The City of Durham Parish Council's Planning Committee considered this application at its meeting on 5 July 2019 and agreed to object on the following grounds.

The 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; 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 all cases proposals will only be permitted where:

- a) The quantity of cycle and car parking provided is in line with the Council's adopted Parking and Accessibility Guidelines and;
- b) They provide acceptable arrangements for bin storage and other shared facilities and consider other amenity issues; and
- c) The design of the building or any extension would be appropriate in terms of the property itself and the character of the area; and
- d) The applicant has shown that the security of the building and its occupants has been considered along with that of other local residents and legitimate users."

In the case of 12 North Road, within a 100 metre radius at least 72% of properties are student HMO properties. Clearly there are already well in excess of the proportion of student HMO properties allowed under the Interim Policy. In this particular case the application is for an extension providing C3 accommodation. This in principle is acceptable; however the nature of the proposal makes it conceivable that it will be occupied in fact as C4 HMO student accommodation and that would be contrary to the Interim Policy. The Parish Council is aware that the Submitted County Durham Local Plan policy for HMOs seeks to drop this control over extensions to existing HMOs, but the Submitted County Durham Local Plan carries no weight as yet. Accordingly, if the County Council is minded to approve this application it should be made clear that the approval is only for the submitted use namely C3.

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....."**

Saved Policy Q8 of the City of Durham Local Plan 2004 states that:

The layout of new residential development will be required to:

- 1. Have a clearly defined road hierarchy which should be designed to exclude through traffic, excluding cyclists and public transport, and incorporate appropriate traffic calming measures; and**
- 2. Provide adequate amenity and privacy for each dwelling, and minimise the impact of the proposal upon the occupants of existing nearby and adjacent properties; and....**

The Parish Council notes that the County Council's Nuisance Action Team advises that: "*Having considered the information submitted with the application I am of the opinion that the granting of planning permission for the development may potentially result in a statutory nuisance being created, as clarified below:*

The development is in the town centre, adjacent to nightclubs and in close proximity to other commercial units.

However I consider that the following conditions are sufficient to mitigate the potential of a statutory nuisance and therefore if affixed will remove my objection to the development."

The Parish Council supports the proposed conditions, otherwise the proposal is in conflict with Saved Policies H9 and Q8. The Parish Planning Committee is aware of the history of this planning application since 2016 and the repeated concerns of planning officers that the proposals were in conflict with Policy Q8.

Given the location of the site on the busy North Road it will be vital to require a Construction Plan and to require full restoration of the pavement, especially as it has recently been given speciality cleaning and treatment on behalf of the Parish Council.

In conclusion, the Parish Planning Committee urges that this application should be refused as contrary to Saved Policies H9 and Q8 unless the conditions advised above are imposed, and the applicant is explicitly told that the approval is only for C3 use, not C4 HMO use.

Yours sincerely,

ADAM SHANLEY
Clerk to the City of Durham Parish Council