

Ms Jennifer Jennings
Durham County Council
Planning Development Central/East
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County Hall
Durham DH1 5UL

City of Durham Parish Council
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26 June 2019

Dear Ms Jennings,

**DM/19/01683/FPA: The change of use of dwelling (Use Class C3) to a small HMO (Use Class C4) and the erection of a dwelling in small HMO use (Use Class C4),
36 The Hallgarth Durham DH1 3BJ**

The City of Durham Parish Council's Planning Committee considered this application at its meeting on 21 June 2019 and agreed to object on the following grounds.

The Council's Interim Policy on Student Accommodation has been incorporated with modification into the Submission County Durham Local Plan, approved by the County Council at its meeting on Wednesday 19 June. The Policy as approved for submission states in the relevant section:

"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) 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); "

In the case of 36 Hallgarth Street, within a 100 metre radius there are 97 properties of which 38 are already student HMOs according to the Council Tax Student Exemption records. Thus at least 39% 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 and Submission Policy.

The applicant's Design and Access Statement seeks to set this aside by arguing that the proposal would only increase the total by 2.6%. This is in complete denial of how an application must be

assessed under the Policy - once the 10% threshold has been reached, the Policy does not then say that 12% is acceptable, it says the applicant will not be permitted.

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; and**
- 5. It will not involve significant extensions having regard to policy Q9, alterations or rebuilding which would unacceptably alter the character or scale of the original building.”**

The creation of two five-bedroom student HMOs capable of accommodating ten student occupants is in direct conflict with the NPPF and Durham County Council’s objectives and policies to promote create and preserve inclusive, mixed and balanced communities and to protect residential amenity, and so fails Saved Policy H9.

Finally, the Parish Planning Committee is aware of the history of planning applications at 36 The Hallgarth and concurs with the objections submitted by neighbouring households.

In conclusion, the Parish Planning Committee urges that this application should be refused as contrary to Saved Policy H9 and the Interim Policy on Student Accommodation and County Durham Local Plan Submission Policy 16.3. **Should you be minded to approve this application, we would wish this application to be called to Committee so that we can put our case to Councillors.**

Yours sincerely,

ADAM SHANLEY

Clerk to the City of Durham Parish Council