



**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 City
DH1 5UL

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

27 January 2020

Dear Jennifer,

DM/19/03806/FPA: Change of use of dwelling (Use Class C3) to small House in Multiple Occupation (Use Class C4), 7 Wearside Drive Durham DH1 1LE

Further to our submission of an objection letter regarding the above application, the Planning Committee of the City of Durham Parish Council again considered the application at its meeting on 24 January 2020 and resolved to make the following additional comments in the light of discussions that both I and residents of Wearside Drive have had with County Council officers.

Those discussions were reported to the Parish Planning Committee as suggesting that reliance is being placed on the percentage figures derived from Class N Exemptions from Council Tax, which give a figure of 4.3%, well below the 10% threshold in the Interim Policy. On that basis, the application would have to be approved.

If that is an accurate representation of the discussion, the Parish Planning Committee must draw attention to two vital matters.

The first is that the actual wording of the County Council's Interim Policy on Student Accommodation requires that two measures are included in assessing whether the 10% threshold is engaged. Specifically, ".....applications for new build Houses in Multiple Occupation (both C4 and sui generis) 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.**" (our emphasis).

Accordingly, it is incumbent on the decision-maker to count two kinds of properties; (a) those that are HMOs, and (b) those that are student accommodation exempt from Council Tax.

The Parish Council therefore firmly considers that reference only to the second measure fall short of the requirements of the Policy, and that a count of HMOs is also required. We respectfully ask that an assessment of the number of HMOs (whether licensed or unlicensed) in Wearside Drive is included in your decision-making.

The second vital matter is that, regardless of the Interim Policy, the statutory Development Plan must 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; 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 Parish Council has already pointed out that the creation of a four-bedroom new HMO at 7 Wearside Drive capable of accommodating eight student occupants would introduce the very real threat to nearby residential amenity that Part 2 of Saved Policy H9 is specifically designed to prevent. The twenty-six objections lodged by residents of Wearside Drive are testimony to the need to uphold this policy.

Assertions on behalf of the applicant that a management plan will solve the problem is of no assistance given the experience both in Wearside Drive and across the city. As both the applicant and the writer of the single letter of support live far distant from Wearside Drive it is unsurprising that they do not appreciate the concerns of the residents.

The application is therefore 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. The Parish Planning Committee urges that this application should be refused as contrary to Saved Policy H9 and, if the true facts were established, very probably contrary to the Interim Policy on Student Accommodation.

These matters are central to making the correct decision on this planning application and the Parish Council urges that the fullest and most careful consideration be given to them. Simply to assert that the Class N Council Tax exempt properties within 100 metres of 7 Wearside Drive are only 4.3% of all the properties and that consequently the application has to be approved would be fatally deficient.

Yours sincerely,

Adam Shanley
Clerk to the City of Durham Parish Council