



**CITY OF DURHAM
PARISH COUNCIL**

Learning from the past.
Building for the future.

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22 May 2020

Dear Mr Spurgeon,

Planning application DM/20/01107/FPA | Erection of single House of Multiple Occupation (Use Class C4) | Land to The West of The White House Newcastle Road Crossgate Moor Durham DH1 4HZ

This planning application was considered by the Parish Council Planning Committee at its zoom meeting on 15th May 2020 and it was resolved to object to it for the reasons set out below.

This application, in all but detail, is very similar to one submitted by the applicant on 13th February to which this committee objected and for which you refused planning permission on 23rd April 2020 giving very adequate reasons for your decision.

This new application simply replaces the two Houses in Multiple Occupation with one House in Multiple Occupation on the same site as the more northerly of the two previously proposed. The principles of our objection to the earlier application (DM/20/00387/FPA) submitted as recently as 20th February 2020 were given in our letter to you dated 12th March 2020 and remain precisely the same, Appendix 1 below. The full range of our objections are already embedded in that letter and remain valid.

On the 23rd April the County Council refused this application giving good reasons for this refusal.

In essence the presently proposed construction of a large dwelling at this location on a site which, as the delegated report for the previous application noted, is backland to existing backland adjacent to and west of the White House, would significantly alter the character of the area contrary to Policies H10, H13 and Q8 of the City Local Plan 2004 and Paragraphs 70 and 122 of the National Planning Policy Framework (NPPF).

A further 5-bedroom HMO on a backland site behind the original house, already an HMO, would simply intensify the use of land designed as a garden area to the White House thereby adversely affecting the amenity that surrounding residents could reasonably expect to enjoy to an

unacceptable degree. Such disturbance and loss of amenity does not meet the test of Policies H10, H13 and Q8 of the City of Durham Local Plan 2004 and Paragraph 127 of the NPPF.

Furthermore, an even earlier planning application for this site (DM/16/02170/FPA) from the same applicant, was also for a single large building on a similar site to the west of The White House. This application was also refused by the Council and, on appeal. the Inspector considered “that the main issues in this case are the effect of the proposal on the living conditions of neighbouring residents, with particular reference to outlook, light and privacy; and, the character and appearance of the surrounding area.”

The Inspector’s conclusion, at paragraph 18, was “Nonetheless, I conclude overall that the proposal would be likely to have a significant detrimental effect on the living conditions of neighbouring residents, with particular reference to outlook. In this regard it would conflict with LP Policies H10, Q8 and H13. Insofar as these policies seek to secure the provision of a good standard of amenity for all existing and future occupants of land and buildings, they are consistent with the aims of the National Planning Policy Framework.”

While there are some differences between that application and this current one, the impact on neighbouring properties would be similar and the Inspector’s findings must therefore carry considerable weight.

Furthermore, it is regrettable that the applicant has failed to take into account and addressed the reasons for the earlier refusal, which therefore forces us to reiterate the relevant points we made in our previous letter of objection to DM/20/00387/FPA and which we give in full in Appendix 1 below in order that the file is complete in terms of this fresh but very similar application following so closely on its heels.

In summary, we believe that this application should be refused because it is contrary to Policies H10, H13 and Q8 of the City of Durham Local Plan 2004 and Paragraphs 70, 122 and 127 of the NPPF.

Yours sincerely,

Adam Shanley
Clerk to the City of Durham Parish Council

Appendix 1

Mr George Spurgeon
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12th March 2020

Dear Mr Spurgeon,

Planning application DM/20/00387/FPA | Erection of two detached Houses in Multiple Occupation (Use Class C4) | Land To The West Of The White House Newcastle Road Crossgate Moor Durham DH1 4HZ

The above planning application was considered by the Parish Council Planning Committee at its meeting on 6 March 2020 and it was resolved to object to it for the reasons set out below. We hope that you find these persuasive and will refuse the application **However, if you are minded to approve, we would like to call this to committee so that we can put our case to Members.**

References below to policies are to the Saved Policies of the City of Durham Local Plan 2004. References to the applicant's statement are to the Design and Access Statement prepared by his agent.

This is backland development. Indeed The White House is itself backland development (though built before there were policies covering this). The applicant's agent (2.7) claims that backland development is not uncommon in this area. However no examples are offered. We have examined high resolution aerial photographs of the area and can find possibly just one. In any case this application must be determined on its own merits.

This development raises issues which Policies H10, Q8 and H13 address. An earlier planning application for this site, DM/16/02170/FPA, was refused by the Council and also on appeal (Reference APP/X1355/W/16/3164690). A copy of the appeal decision is attached for ease of reference. This was for a single large building not two smaller ones, but it was as in the present case on a similar site to the west of The White House. The Inspector considered "that the main issues in this case are the effect of the proposal on the living conditions of neighbouring residents, with particular reference to outlook, light and privacy; and, the character and appearance of the surrounding area."

While the applicant has cited appeal decisions elsewhere in the City, he has not cited this one, nor addressed the issues raised in it. The Inspector's conclusion, at paragraph 18, was

Nonetheless, I conclude overall, that the proposal would be likely to have a significant detrimental effect on the living conditions of neighbouring residents, with particular reference to outlook. In this regard it would conflict with LP Policies H10, Q8 and H13. Insofar

as these policies seek to secure the provision of a good standard of amenity for all existing and future occupants of land and buildings they are consistent with the aims of the National Planning Policy Framework.

While there are some differences between that application and this current one, the impact on neighbouring properties would be similar and the Inspector's findings must carry considerable weight.

The applicant's Design and Access Statement also raises a number of issues which we will deal with in turn:

The statement at 2.6 that "students have far fewer cars than families or professionals" is an assertion without proof. Local Parish Councillors are well aware of the high level of car ownership among Durham students, to the extent that in the parts of the City within the Controlled Parking Zone there is a black market in scratch cards because two permits per house are simply not enough. The proposal is for two five-bedroom houses, and consequently ten adults. Even if car ownership is lower, ten adults will almost certainly have more cars than the two families that would typically live in two adjacent houses.

The discussion on HMOs at paragraphs 4.1-4.5 and again at 31.1-31.4 refers to the SHMA. This is a County-wide document and the section that refers to HMOs (which can be found on page 32 of the SHMA) does not refer at all to students but focusses instead on low income young people who can only afford to live in shared accommodation. Given the rents being asked for student accommodation (Bill Free Homes list a house directly opposite The White House at £106/week per person, i.e. £2,756 per month for the property) these paragraphs are of no value in determining this application.

Paragraphs 13.1 to 14.5 claim that the development does not fall foul of Policy H13 because the change would not be significant. In determining the earlier application, cited above, the Planning Inspector specifically quoted Policy H13 as a reason for refusing the appeal. The circumstances are so similar that we consider that weight has to be given to the Inspector's findings and this application has to be turned down on the same grounds.

A common complaint to Parish Councillors and to the Clerk is that students do not take their bins back in once they have been emptied, and to say (paragraph 14.3) that appropriate controls can ensure that this happens flies in the face of experience. Paragraphs 15.1 to 15.5 advocate the use of a management plan and points out at paragraph 15.5 some wording that the Council had put forward in connection with appeal reference APP/X1355/W/19/3234988. However, the applicant has neglected to quote what the Inspector in that case made of this suggestion:

22. The appellant contends that she actively manages her properties and supervises her tenants with a view to reducing instances of anti-social behaviour. That may be the case, but a grant of planning permission is not personal to the appellant but is based on the use of the property. There would be no guarantee that the property would remain in the appellant's control in future or that similar management arrangements would continue to exist. Whilst I note reference to the Code of Conduct for students at the University limited information is

before me of how this is enforced. In any event, tenants at student properties change frequently and any action taken by the University in relation to specific tenants would not mean that future problems would not re-occur when new tenants moved into the property.

Paragraph 16.3 quotes from paragraph 20 of appeal reference APP/X1355/W/17/3168117 but stops in mid-paragraph just before:

Furthermore, whilst I agree with the appellant that it is unlikely that future occupants would have significant car ownership, in any event I recognise that the limited availability of parking on the appeal site to meet parking standards, would in itself restrict the likely number of vehicular movements, as would accessibility to the University and other services and facilities within the local area.

This is different to the current application, where parking is not restricted in the same way.

Paragraphs 17.1 to 17.8 contend that anti-social behaviour can be dealt with through management plans and the University's Code of Conduct. Local residents know only too well that this is not the case, as countless complaints to the Parish Council and Parish Councillors show. The inspector in appeal reference APP/X1355/W/19/3234988 also rejected this argument.

The layout of the site shows a communal garden to which the residents of the two new houses and of course the students also resident in The White House would have resort. There would be 15 students living in these three properties and parties on summer evenings could well attract between 50 and 100 party-goers.

We would also draw attention to the Parking and Accessibility Standards referred to in paragraphs 21.1 to 21.12 that came in for criticism at the Local Plan Examination in Public. As a result, the County Council has now undertaken to produce a Supplementary Planning Document in order to deal with this topic.

The decline in driving licences referred to at paragraphs 22.1 to 22.4 is irrelevant because it is a nationwide meta-study and no attempt is made to relate it to the local situation in Durham.

The County Durham Plan is now at an advanced stage of preparation, with the Examination in Public having now ended. It may be that at the point when this application is determined it carries weight, in which case we would point out a change from the Interim Policy:

New build HMOs 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);

The highlighted words (CDP Policy 16.3) are new, and the calculation would change from 1 out of 14 = 7.1% to 3 out of 16 = 18.75% and consequently the application should be refused on these grounds as well as the others set out in this letter.

Consequently, we ask that this application be refused because it fails the tests of Saved Local Plan Policies H10, Q8 and H13, and potentially County Durham Plan Policy 16.3.

Yours sincerely,

Adam Shanley
Clerk to the City of Durham Parish Council