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PARISH COUNCIL**

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Ms Jennifer Jennings
Planning Development Central/East
Room 4/86-102
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Durham City
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17 June 2020

Dear Ms Jennings

DM/20/01237/FPA: Change of use from dwellinghouse (Use Class C3) to small house in multiple occupation (Use Class C4) with associated external alterations, 9 Station Lane, Gilesgate Durham DH1 1LJ

The City of Durham Parish Council Planning Committee considered the above planning application at its Zoom meeting held on 12 June 2020 and resolved to object on the following grounds.

The proposal is to convert and sub-divide a one-bedroom residential property (C3) to form a three bedroom house in multiple occupation (C4). National Planning Policy Framework paragraph 8b describes the key social objective of the planning system as being to support strong, vibrant and healthy communities; paragraph 62 sets the objective of creating mixed and balanced communities, and paragraph 192 seeks sustainable communities. Communities are people, not buildings, but planning policies have to deal with physical development. The conversion and subdivision proposed here represents the loss of a home for year-round residents, replaced with a student HMO which will be unoccupied for a significant proportion of the year.

The County 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; 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 applicant provides percentage figures for a 100 metre radius of around 58%. Clearly there are already well in excess of the 10% proportion of student HMO properties allowed under the Interim Policy, and therefore the application is contrary to the Interim Policy.

The County Council's proposed Main Modification to Examined County Plan Policy 16.3 is that the proportion of properties that are HMOs would have to be over 90% to justify consideration of allowing a further HMO. Whether or not this proposed Main Modification is appropriate, it is the County Council's formally adopted position. It should mean that an additional HMO in this location would not be acceptable, on the basis that the probable 58% current proportion is well below the County Council's 90%.

The applicant's Planning Statement at paragraph 3.14 asserts that the Main Modifications carry no weight. This assertion is wrong. They do now have the weight of being Main Modifications required by an Independent Planning Inspector at an Examination in Public and are now the subject of ongoing statutory public consultations ending on 21 July 2020. The Submitted Policies and proposed Main Modifications thus in fact have some material weight which they must be given.

The Parish Council is aware that the applicant's Planning Statement prays in aid an appeal decision at Peartree Cottages. This is a well-rehearsed case which, on examination, does not assist here. Quite apart from the fact that all planning applications must be determined on the individual facts of the case, it is clear that the Inspector in the Peartree Cottages case had taken individual and specific circumstances into account. That case concerned a new build specifically intended for students in a location near the main University Campus. One of the aims of the Interim Policy on Student Accommodation and the Examined Policy 16.3 of the County Durham Plan is to save C3 family properties. There was no loss of a year-round family home at Peartree Cottages as there is in respect of the current application for a student HMO use in Station Lane.

The Planning Statement indicates that about 58% of properties within a 100 metre radius of 9 Station Lane are let to students, which means that about 42% are not. One should not, indeed must not, write off an area where over 40% of houses are still family homes. As an indication of the direction of travel, we would repeat that a Main Modification to the County Durham Plan suggests the upper threshold should be 90%.

In any case, that Peartree Cottages appeal decision pre-dates the Examination of the County Durham Plan and the specific endorsement of the policy as carried forward into Policy 16.3 along with the County Council's formal re-affirmation in a Main Modification which continues to oppose additional HMOs in an area with the percentage HMO level at Station Lane.

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"

The proposal involves the sub-division of the existing upstairs lounge/dining area to form second and third bedrooms, and the conversion of the garage to form a lounge/dining area. The house currently has adequate parking in the shape of the garage and by converting that into living space there will no longer be adequate parking. Thus what is being proposed is the sub-division and conversion of a house to create a house in multiple occupation, to the detriment of the amenity of

the remaining year-round residents and with no parking provision; it is thus contrary to parts 1, 2 and 4 of Saved Policy H9.

In conclusion, the Parish Planning Committee urges that this application should be refused as contrary to Saved Policy H9, the Interim Policy for Student Accommodation, and Examined County Durham Plan Policy 16.3 with its proposed Main Modification. Therefore, no matter what stage the County Durham Plan has reached when this application is determined, there is a policy that should lead to its refusal.

We trust that you will agree with our objection but if you conclude that you are minded to approve then the Parish Council wishes that the application be referred to the County Council's Planning Committee so that we may put our case to Members.

Yours sincerely,

Adam Shanley
Clerk to the City of Durham Parish Council