



**CITY OF DURHAM  
PARISH COUNCIL**

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8 October 2020

Dear Mr Dalby,

**Planning applications DM/19/02199/FPA and DM/19/02200/LB | Erection of part two storey, part single storey extension to rear to form 1no. self contained 5-bed house in multiple occupation (C4) to 1st and 2nd Floor and additional retail office, storage and welfare facilities to ground floor. | 21 Market Place Durham DH1 3NJ**

The Parish Council wishes to update its response to this application, which has taken 14 months to come to Committee. Our original letter was written in August **2019** (NB this needs to be clarified in Paragraph 50 of the Committee report) and was in the context of the City of Durham Local Plan and the Interim Policy on Student Accommodation.

Our current position is that we maintain our objection to the development on the grounds of its adverse impact on the setting and views of the World Heritage Site, and more generally the Conservation Area policies. As well as the Saved Local Plan Policies E3, E6 and E22 that were mentioned in our original letter of objection, we consider that this proposal conflicts with Policies 44 and 45 of the County Durham Plan, and H1, H2, H4 and D6 of the City of Durham Neighbourhood Plan. Having now seen the HMO percentage we also object on the grounds that the development would be contrary to Policy 16.3(h) of the County Durham Plan, which now carries more weight than the corresponding clause in the Interim Policy on Student Accommodation.

The Council's Cabinet meets on Wednesday 14 October to consider the Inspector's final report into the County Durham Plan and it is proposed to recommend to full Council that the Plan be formally adopted on 21 October. With only these formal steps remaining, the County Durham Plan carries a far greater weight than is ascribed to it in the Committee report.

Furthermore, the City of Durham Neighbourhood Plan now carries significant weight since there are no unresolved objections and a Decision Notice was issued on 30 July 2020 that the Plan in its now amended form should go forward to a referendum. According to planning guidance issued under the Coronavirus Regulations, "Where the local planning authority has issued a decision statement (as set out under Regulation 18 of the Neighbourhood Planning (General) Regulations

2012) detailing its intention to send a neighbourhood plan to referendum, that plan can be given significant weight in decision-making, so far as the plan is material to the application.”

We do not feel that there are any further relevant policies to be added to the list in paragraphs 9 to 38 of the committee report. We would however point out that the website linked at the foot of page 7 (after paragraph 38) is no longer in existence and [www.cartoplus.co.uk](http://www.cartoplus.co.uk) now carries a series of car-related advertisements.

Paragraph 41 quotes the Design and Conservation team’s comments but these were not put on the public portal until Wednesday 7 October 2020. They were however dated 25 July 2019 and pre-date the comments from the City of Durham Trust and the WHS Coordinator which we endorsed. It is regrettable that these comments have not been updated to include the Neighbourhood Plan policies and the County Durham Local Plan policies, nor have the important points made by the WHS Co-ordinator and the City of Durham Trust been responded to.



The photographs above show the rear of the site which is frankly an eyesore. You will note the direction signs for tourists. This is Back Silver Street and is in the Conservation area. This issue has not been addressed. We would remind you that the wording of the County Durham Plan 45 is not to avoid harm, as the Design and Conservation advice summarises, but as part (c) puts it, to *protect and enhance the Outstanding Universal Value, the immediate and wider setting and important views across, out of, and into the site*. There is a positive duty to enhance and this has not been done.

Paragraphs 50-52 record the Parish objection as a Public response. The Parish Council is a statutory consultee and ours is a Statutory Response.

Paragraphs 56 to 60 of the Committee report relate to the Interim Policy on Student Accommodation (IPSA). This has been reaffirmed, with some important changes, in Policy 16 of the County Durham Plan. We are surprised at the sentence “Inspectors have indicated that a concentration of 61.8 per cent or above is deemed to be the point at which an area is already imbalanced”, because the Area Planning Committee considered this argument in January in case DM/19/03408/FPA at 29 Lawson Terrace, where the HMO percentage was 68.9%, and refused the application. This decision was upheld at appeal. The Parish Council’s argument then was that Inspectors’ decisions will vary according to the circumstances of individual cases. In the current

case the HMO percentage is 66.7% which means that one third of the relevant properties are not let to students. The 29 properties in Clements Wharf, Back Silver Street, lie between 50 and 75 metres from the application site and they will be affected by this development.

The IPSA supplements the saved policies of the City of Durham Local Plan. Planning Inspectors have said that its weight is akin to that of a Supplementary Planning Document. The County Durham Plan is going to Cabinet on Wednesday 14 October, with a recommendation that the full County Council on 21 October agrees to adopt it. Thus when this planning application comes to be determined at the Area Planning Committee the County Durham Plan will be eight days away from its formal adoption and the text is settled and printed in the papers for Cabinet. We contend that it carries very considerable weight already, certainly more than the IPSA.

Its Policy 16.3(h) was alluded to but not elaborated on in the Committee report. It reads:

New build Houses in Multiple Occupation, extensions that result in specified or potential additional bedspaces or a change of use to a House in Multiple Occupation would not be resisted in the following circumstance:

h. where an area already has a concentration in excess of 90% of council tax exempt properties (Class N), that this is having an unreasonable impact on current occupiers and that the conversion of remaining C3 dwellings will not cause further detrimental harm to the residential amenity of surrounding occupants;

This figure of 90% is not dependent on the different circumstances of the various cases, but is a figure introduced as the result of a main Modification to the County Durham Plan. The justification for this modification was *To make the policy effective, by quantifying the point at which an exception to the 10% threshold can be considered alongside other factors in the policy.* The percentage here is 66.7% which is 23.3% short of the figure where the exception comes into play.

Consequently we ask you to amend the committee report and to recommend this application for refusal on the grounds set out in our second paragraph. It does not enhance the setting of the World Heritage Site or the Conservation Area, and it is contrary to Policy 16.3 of the County Durham Plan.

Yours sincerely,

**Adam Shanley**  
**Clerk to the City of Durham Parish Council**