



**CITY OF DURHAM
PARISH COUNCIL**

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3 December 2020

Dear Mr Spurgeon,

**DM/20/02258/FPA: Change of use from hotel to student accommodation
comprising of 8 one bed studio apartments and 7 bedrooms with access to communal
facilities: 34 Old Elvet Durham DH1 3HN**

At its Zoom meeting held on 27 November 2020 the City of Durham Parish Council Planning Committee considered the above application again in the light of the now Adopted County Durham Plan and decided to maintain our previous objection while replacing our previous letter with this letter.

The proposal is to change the use of the building from hotel to student accommodation comprising of 8 one bed studio apartments and 7 bedrooms with access to communal facilities.

The Adopted County Durham Plan includes Policy 16.3 which is designed to protect the city, both now and in the future, from the ever-growing and damaging incursion of HMOs which will ultimately destroy the city entirely as a place in which families can reside and enjoy their lives.

County Durham Plan Policy 16.3 states that:

“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), extensions that result in specified or potential additional bedspaces and changes of use from any use to:

- a Class C4 (House in Multiple Occupation), where planning permission is required;
- or a HMO in 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).....

New build HMOs or change of use to an HMO 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.”**

The percentage of Class N exemptions within 100m of this property is 44.4%, a figure well in excess of the 10% proportion of student properties and well below the 90% point above which changes of use to HMO would not be resisted. It means that over half of the residential properties are occupied by non-students and that the locality is not so far down the ‘studentification’ path as to invoke any consideration of abandoning the Council’s statutory policy to protect the amenity of residents in this balanced community. This application should be refused as contrary to County Durham Plan Policy 16.3.

Our second ground is that paragraph 5.136 of the Adopted County Durham Plan sets out circumstances where particular forms of residential development can constitute Purpose Built Student Accommodation:

“5.136 Purpose Built Student Accommodation (PBSA) is accommodation built, or converted, with the specific intent of being occupied by students, either with individual en-suite units or sharing facilities. PBSA is a building which is not classified as Use Class C4 or anything licensable as an HMO. In Durham City it is recognised that other forms of residential development such as, but not limited to, one bed apartments, may appeal to the student population and may ultimately be occupied by students even though they are not developed specifically as PBSA. For this reason, where it is considered that a proposal may appeal to the student population, based on the type of accommodation proposed, the size of the units and the location of the proposal, then it will be appropriate to assess the proposal against Part 2 of the Policy.”

With that in mind, given that this application is for a change of use from hotel to student accommodation comprising of 8 one bed studio apartments and 7 bedrooms with access to communal facilities, the terms of Policy 16.2 on PBSAs apply. These include:

“All proposals for new, extensions to, or conversions to, Purpose-Built Student Accommodation on sites not allocated for student accommodation, will be required to demonstrate:

- a. **that there is a need for additional student accommodation of this type in this location;**
- b. **consultation with the relevant education provider pursuant to the identified need;”**

The applicant’s Planning Statement paragraph 6.5 acknowledges these requirements:

“It is noted that the University’s recently published Estate Masterplan estimates that the University will have an extra 4,000 students by 2026/27 and therefore there will be a pressing need for more student accommodation in the short-to-medium term future. Consultation undertaken with the University confirms that this remains the case with a sufficient pipeline of student accommodation required over the next 5-10 years to accommodate the anticipated increase in the number of students able to attend the University.”

Unfortunately, that statement does not constitute any evidence of meeting the terms of Policy 16.2 (a) or (b). There have been 3,889 additional student bed-spaces in PBSAs created in the city since the 2016 base-date of the University Masterplan, with another 168 under construction; 906 in the pipeline of PBSAs with planning permission; and a further 2,100 to 3,200 in PBSAs allocated at the University’s request in the Adopted County Durham Plan (see attached schedule). As well as these numbers there are a great many additional bed-spaces in new HMOs created since 2016. The applicant has made no attempt to demonstrate his claimed shortfall nor to consult with the University as to whether supply is adequate. The application fails the terms of County Durham Plan Policy 16.2.

The National Planning Policy Framework (NPPF) Paragraph 8b describes the key social objective of the planning system dedicated to supporting strong, vibrant and healthy communities. In particular, Paragraph 62 sets the objective of creating mixed and balanced communities; and Paragraph 192 seeks to create sustainable communities. Communities are people, not buildings, but planning policies must deal with physical development which ensure that the constraints of the NPPF are met. The proposed conversion in this application represents a further increase of additional students in this area which will be unoccupied for a significant proportion of the year and is therefore contrary to NPPF Paragraphs 8b, 62 and 192. On these grounds too the application should be refused.

We also noted additional information regarding 34 Old Elvet, in that this building has, or perhaps had, intact early 18th Century panelling, early 18th Century 2 panel doors, and a staircase. This was one of the best preserved early 18C panelled interiors in Durham City, and excellent example of Durham craftsmanship. It may be that this was removed when the house (formerly university postgraduate accommodation) was converted into an hotel. If it is still present it should now be preserved.

In conclusion, the Parish Planning Committee urges that this application should be refused as being contrary to the requirements of the County Durham Plan Policies 16.2 and 16.3 and NPPF Paragraphs 8b, 62 and 192.

Yours sincerely,

Adam Shanley

Clerk to the City of Durham Parish Council

LARGE RESIDENCES FOR STUDENTS

The following tables set out the position as at December 2020 regarding large purpose-built student residences since 2016. This is a constantly changing area and this table needs to be updated regularly.

The summary position is set out below, followed by a detailed list of each property.

(Note that ‘apartments’ have been counted as 1 bed but may in fact have 2 or even more beds).

Up and running at start of 2020/21 academic year:	3,889 beds
In the pipeline: <ul style="list-style-type: none"> • under construction, expected to open for 2021/2022: 168 beds • with outline planning permission: 906 beds Total in the pipeline	1,074 beds
TOTAL ADDITIONAL BED-SPACES CREATED OR APPROVED SINCE 2016:	4,963 beds
Allocated in County Durham Plan Policy 16.2 as PBSA sites	2,100 to 3,200 beds
GRAND TOTAL	7,063 TO 8,163 BEDS

Name / location	Status: Up and running as at December 2020	Numbers
St Margaret’s Flats	Built by St John’s College in 1994, sold on to Empiric Student Property and refurbished in 2017.	109 bedrooms, in 22 flats in 5 blocks
Elvet Studios (Green Lane)	Opened September 2013. Managed by Unite Students.	112 apartments
City Block, Ainsley Street	Opened October 2014.	223 beds
Ward Court	Opened autumn 2015.	36 apartments
Chapel Heights	Opened September 2016.	198 beds
St Giles Studios (110 Gilesgate)	Opened September 2016.	109 beds
New Kepier Court	Opened September 2017.	214 rooms
Ernest Place, Renny’s Lane	Opened August 2017 NB This site is outside the Parish NP area.	345 beds
Neville House/Sheraton House	Ustinov College relocated to here. Opened 2017.	418 beds
Duresme House, Nevilles Cross	Opened Autumn 2018.	A 277 room student “eco village”
Dunholm House, The Riverwalk	Opened Autumn 2018.	253 beds
Rushford Court (Unite)	Opened Autumn 2018.	363 beds

Houghall Court (Unite)	Opened September 2018.	222 beds
Student Castle, Lower Claypath	Opened September 2019.	473 beds
The Mint Studios, 33 Silver Street (part of former Post Office)	Conversion approved to provide 7 self-contained apartments. Opened July 2019 but with only 6 apartments.	6 apartments
The Greenwell Building, Back Silver Street (part of former Post Office)	Conversion approved to provide 11 self-contained apartments. Opened July 2019 with 11 apartments.	11 apartments
Mount Oswald (Durham University)	South College (496 beds) and John Snow College (504 beds), both opened in September 2020.	1,000 beds
Total up and running as at December 2020		3,889 beds

Name / location	Status: In the pipeline, expected to open in the Academic year 2020/21	Numbers
The Three Tuns, New Elvet	Former hotel, planning application to increase the capacity from 50 to 168 beds approved June 2019. Under construction.	168 beds
Total in the pipeline, expected to open in the Academic year 2020/21		168 beds

Name / location	Status: In the pipeline with outline planning permission	Numbers
Mount Oswald (Banks)	Outline planning application approved in January 2018 for land adjacent to the University's site (above).	850 beds
Back Silver Street	13 flats and 5 studio apartments, to be managed by Q Student, approved 16 November 2016. Construction has not started but some ground clearance is evident.	56 beds
Total in the pipeline with outline planning permission		906 beds

Name / location	Status: County Durham Plan allocations	Numbers
University Masterplan	Six sites in County Plan Policy 16.2: <ul style="list-style-type: none"> ▪ Leazes Road 800-1,000 beds ▪ Howlands 100-500 beds ▪ James Barber House 100-200 beds ▪ Elvet Hill car park 400-500 beds ▪ St Mary's College 100-200 beds ▪ Mill Hill Lane 600-800 beds 	These figures are from the University's response to the EiP Inspector's SQ 19 and amount to between 2,100 and 3,200 additional beds.
Total County Durham Plan allocations		2,100 and 3,200 additional beds.