



**CITY OF DURHAM  
PARISH COUNCIL**

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Building for the future.

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2 December 2020

Dear Ms Hurton,

**DM/20/02161/FPA | Erection of first floor extension and internal alterations to an existing mixed use C3/C4 building to provide additional C4 accommodation including the addition of 3no C4 apartments overall creating 5no self-contained C4 apartments for student accommodation (Amended Description) | Magdalene Heights Gilesgate Durham DH1 1SY**

The City of Durham Parish Council Planning Committee considered the above application at its meeting on 27<sup>th</sup> November 2020 and agreed to object to this application.

This proposal involves a link extension, conversion and enlargement of the existing garage as well as internal alterations to the existing building which currently has a mixed C3 and C4 Usage, with small HMOs to provide additional accommodations with proposed C4 use only. If approved, the site will accommodate at least 25 students and will in effect become a PBSA (Purpose Built Student Accommodation) in all but name.

The applicant's Heritage Statement states that the site itself is located in a very important setting within the Durham City Conservation Area, in a highly elevated and prominent position within the Area of High Landscape Value. The site borders the Green Belt to the north and east and the Ancient Monument the Chapel of St Mary Magdalene lies to the east of the application site.

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.”

Within a 100m radius of, and including Magdalene Heights, 56.5% of properties are Class N exempt student properties as defined by Council Tax records. There are 69 properties within 100m of the application site and 38 benefit from a Class N exemption. This figure is 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~~ very nearly 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 would effectively turn this dwelling into a 25-bedroom property 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;”

There have been over 3,900 additional student bed-spaces in PBSAs created in the city since the 2016 base-date of the University Masterplan, with another 168 under construction; 900 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 below 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 any 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 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.

It should also be noted that a number of the bedrooms proposed as part of the plans illustrated as *Student Accommodation 3* only just meet the minimum size requirements as set out in the Public Protection HMO Response. These Standards state that a bedroom in a dwelling of this type must be at least 6.51m<sup>2</sup>, bedrooms 5 and 6 are only 6.53m<sup>2</sup> and 6.65m<sup>2</sup> respectively, which adds further to our concerns about this development since a variance of just a few mm in the position of the walls could bring it below the standard.

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.

We presume that this matter must go before the Central and East Planning Committee to be determined. However, if you are minded to approve it under delegated powers then we wish this application be called to committee.

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"> <li>• under construction, expected to open for 2021/2022: 168 beds</li> <li>• with outline planning permission: 906 beds</li> </ul> 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
<b>Total up and running as at December 2020</b>		<b>3,889 beds</b>

<b>Name / location</b>	<b>Status: In the pipeline, expected to open in the Academic year 2020/21</b>	<b>Numbers</b>
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
<b>Total in the pipeline, expected to open in the Academic year 2020/21</b>		<b>168 beds</b>

<b>Name / location</b>	<b>Status: In the pipeline with outline planning permission</b>	<b>Numbers</b>
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
<b>Total in the pipeline with outline planning permission</b>		<b>906 beds</b>

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