



**CITY OF DURHAM  
PARISH COUNCIL**

Learning from the past.  
Building for the future.

Jennifer Jennings  
Durham County Council  
Planning Development Central/East  
Room 4/86-102  
County Hall  
Durham  
DH1 5UL

City of Durham Parish Council  
Office 3 D4.01d  
Clayport Library  
8 Millennium Place  
Durham  
DH1 1WA

25 January 2021

Dear Ms Jennings,

**Planning application DM/19/03313/FPA | Temporary change of use until end of August 2021 from C3 to C4. | 3 The Bowers Durham DH1 4EH**

This planning application was considered by the Parish Planning Committee at its virtual meeting on 22 January 2021 and it was resolved to object for the reasons set out below. Since there is a fresh application and a revised expiry date we consider that both the site notice and press notice need to be updated, and also the neighbours reconsulted if this has not yet been done. (The original site notice is still in place.)

Since the original application was made the County Durham Plan has been adopted, and policy 16.3 applies in this case. The reported HMO data gives the percentage of properties benefiting from a Class N exemption as 84.4%, which is higher than the 60% calculated in 2019. This is probably due to the inclusion of 118 flats and studios at City Block (previously The Village @ The Viaduct). This figure is above the 10% threshold set out in clause (a) but below the 90% upper limit in clause (h) so the policy requires that the application to convert to Use Class C4 must not be permitted.

We consider that this paragraph in the Parish Council's letter of 10 December 2019 is still relevant:

The applicants have not submitted a planning case for allowing their property to be a temporary C4 HMO. However, the application form records them seeking pre-planning advice, asking "how to keep tenants in the building until the tenancy agreement ends in JUNE 2020 due to misinterpretation of clause". There is no note of any planning officer response to this query. The Parish Council finds it difficult to understand how the covenant could be misunderstood, especially as the Letting Agency is Durham City based and must be fully aware of the terms of such covenants and indeed of the strict planning controls in the City over creating additional HMOs. In any case, the purchase of this property by the applicants must have involved proper legal advice as to covenants and encumbrances on the property.

It is a pity that the original planning application was not determined and refused before June 2020. The applicants have now let a further tenancy agreement and, when doing so, they cannot have

been in any doubt as to the applicable planning policies because they must have seen the Parish Council's objection, amongst many, to their application. The new application form makes a case that the application should be permitted because the current tenants are junior doctors who are engaged in fighting the Covid-19 pandemic. This is not a valid planning ground and consequently the Parish Council believes this application should be refused.

However, the Parish Council also considers that the circumstances of the current tenants are relevant to what enforcement action should be taken after the application is refused. We suggest that such enforcement should be held in abeyance until August when the tenancy agreement comes to an end.

Yours sincerely,

**Adam Shanley**

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