



**CITY OF DURHAM
PARISH COUNCIL**

Learning from the past.
Building for the future.

Ms Lisa Morina
Planning Development Central/East
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County Hall
Durham
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City of Durham Parish Council
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26th July 2021

Dear Ms Morina,

DM/21/01858/FPA | Change of use from a dwellinghouse (C3) to a House in multiple occupation (C4) including installation of 2 roof lights and internal alterations. | 4 North End Durham DH1 4NG

The City of Durham Parish Council considered this application, along with the revised comments from the Spatial Policy team, on the 26th July 2021 and agreed to object to this application.

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) operates under a presumption in favour of sustainable development. It states that development proposals, which accord with the development plan, should be approved without delay. The adopted Development Plan where the site is located comprises the planning policies of the County Durham Plan (CDP) and the Durham City Neighbourhood Plan, which was formally adopted by the County Council on 23rd June 2021.

Firstly, as the proposal is for the conversion of a C3 dwelling into a C4 HMO, it should be assessed under part 3 of Policy 16 of the County Durham Plan (CDP). This part of the policy seeks to promote, create and preserve inclusive, mixed and balanced communities and to protect residential amenity. It makes clear that a change of use to a C4 HMO would not be permitted if *“less than 10% of the total residential units within the 100 metres are exempt from council tax charges (Class N) but, the application site is in a residential area and on a street that is a primary access route between Purpose Built Student Accommodation and the town centre or a university campus”*.

Whilst the Parish Council had originally considered that both Keenan House and Brackenbury House could not be classified as Purpose-Built Student Accommodation, the Parish Council has had regard to the revised comments from the County Council’s Spatial Planning Policy team and now agrees with the assessment that *“whilst the blocks are atypical PBSA, it is*

acknowledged that they do still classify as PBSA. As such their classification will be amended in the PBSA database and they can be considered as PBSA for the purpose of the assessment of the application.” The question therefore remains as to whether the application site is located *“in a residential area and on a street that is a primary access route between Purpose Built Student Accommodation and the town centre or a university campus”*. In considering this aspect of Policy 16, the Parish Council has taken into account the Town Centre Boundary, as defined in the context of Policy 9 of the County Durham Plan and can only conclude that the application site is indeed located in such a position as would render this application contrary to Policy 16.3. This application should therefore be refused immediately.

We trust that you agree with our assessment of these applications, however should you be minded to approve this application, the Parish Council wishes to have this application called into the Central and East Area County Planning Committee so that we may put our case to Members.

Yours sincerely,

Adam Shanley
Clerk to the City of Durham Parish Council