



**CITY OF DURHAM
PARISH COUNCIL**

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Planning Development Central/East
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Durham
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City of Durham Parish Council
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10th August 2021

Dear Mr Spurgeon,

**DM/21/02626/FPA | Change of use from small HMO (use class C4) to a sui generis HMO. | 9
John Street Durham DH1 4DE**

The City of Durham Parish Council Planning Committee discussed this application at its meeting on the 6th August 2021 and agreed to object to this application on the following grounds.

Firstly, this application fails to meet the criteria set down in County Durham Plan Policy 16.3 which states “Changes of use from any use to...a House in Multiple Occupation in a sui generis use will not be permitted if (a) including the proposed development more than 10% of the number of residential units within 100m of the application site are exempt from council tax charges (Class N Student Exemption)”. It goes on to say changes of use will not be resisted “where an area already has a concentration in excess of 90% of council tax exempt properties (Class N)”. According to the official HMO data 70.2% of properties within a 100m radius of this property are class N exempt so this application fails on these grounds. This Policy is supported by NPPF paragraph 130. The Planning Committee wish to emphasise that the criteria set down in the CDP refers to a distance of 100m from the application site – not the postcode as claimed by the applicant in the Design and Access/Heritage Statement, paragraphs 67 and 69.

Both the NPPF (in paragraph 92b) and the County Durham Plan (in Policy 29) support healthy and balanced communities free from crime and free from the fear of crime. As the applicant admits in paragraph 88 there were 5 incidents of crime in John Street between May 2019 to April 2021. However, while considering this figure, it must be remembered that John Street is a short street consisting of approximately 12 houses. It should be seen in the wider context of the Viaduct area, of which it is an integral part. In the same period there were 134 crime reports within the Viaduct area of which 83 referred to anti-social behaviour which is often associated with large student properties.

Furthermore, the applicants Design and Access/Heritage Statement states in paragraph 112 that “there is no change to the external envelope of the property”. The Planning Committee would like to draw officers’ attention to the fact that the part glazed door to the rear of the property is being enlarged to form a glazed door with side lights. Only a small change, but one which could lead to an increase in noise and disruption from this property which would affect the amenity of nearby residents.

In conclusion, the Parish Council Planning Committee wish to object to this application as being in breach of CDP Policy 16.3 and 29, and NPPF paragraphs 92 and 130. We ask that it be refused. If, however, officers are minded to recommend approval, we ask that it be called to the County Durham Central and East Planning Committee for members to determine.

Yours sincerely,

Adam Shanley
Clerk to the City of Durham Parish Council