



**CITY OF DURHAM
PARISH COUNCIL**

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Building for the future.

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17th September 2021

Dear Ms Jennings,

DM/21/03050/FPA | Change of Use from 5 bed C4 HMO to 7 Bed Sui Generis HMO and two storey side extension | 1 Elvet Crescent Durham DH1 3AP.

The City of Durham Parish Council Planning Committee considered this application at its meeting on the 17th September 2021 and resolved 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.

As the proposal involves an increase in the number of bed spaces to this existing C4 HMO from 5 to 7 and thus a change of use from HMO to *Sui Generis*, 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 extensions to Houses in Multiple Occupation (both Use Class C4 and sui generis) that result in specified or potential additional bedspaces will not be permitted if...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).

This is in line with Paragraph 91 of the NPPF, which also seeks to achieve healthy, inclusive and safe places which promote social interaction and community cohesion, with Paragraph 127 seeking to ensure that development will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development, and create places

that are safe, inclusive and accessible and which promote health and wellbeing, with a high standard of amenity for existing and future users.

Paragraph 5.155 of the supporting text of CDP Policy 16 clearly states that the Council's approach is to seek to maintain and create sustainable, inclusive and mixed communities in Durham City and that residents have expressed concerns that concentrations of student accommodation in HMOs amongst the general housing stock can negatively impact upon residential amenity and change the overall character of an area. In this case, within a 100m radius of, and including 1 Elvet Crescent, 27.9% of properties are Class N exempt student properties as defined by Council Tax records. There are 104 properties within 100m of the application site and 33 currently benefit from a Class N exemption.

Paragraph 5.157 of the supporting text provides further guidance on the use of the 10% figure as it has been derived from section 2 of the 'National HMO Lobby Balanced Communities and Studentification Problems and Solutions', which was published in 2008. The policy approach recognises that it is the cumulative impact of HMOs that has an impact upon residential amenity and can change the character of an area over time. Where an area already has exceeded the 10% tipping point, it is considered that there is an existing imbalance between HMOs occupied by students and homes occupied by other non-student residents. Furthermore, Policy 16 defines the upper threshold for when an area is already so unbalanced by student occupied properties that the policy objective of achieving a balance is unlikely to be met as 90%.

Moreover, CDP Policy 16 clearly refers to the 100m criterion when considering proposals for extensions to HMOs. It is noteworthy that a Planning Inspector, at a recent appeal in our parish, fully supported the Council's use of the 100m criterion, considering: *"the 100-metre radius is a more suitable geographical denominator by which to measure the level of C4 properties than use of 'the street' since the latter would turn on the highly variable dimension of the length of the road and the number of dwellings along it, rendering it of limited use."* The Inspector went on to consider the use of the 100m radius to be: *"a sensible way to implement a policy that recognises that a householder's day to day social interaction with others is often dependent upon distance and not just street address"*.

With this specific application, the proportion of Council Tax exempt properties is above 10% and below 90%. Therefore, whilst the local area, as defined by the 100m criterion, is already imbalanced by a high proportion of student properties, this concentration of student properties has not yet reached a level of imbalance that would result in the policy objective of protecting a balance being unlikely to be achieved.

The proposed alterations of this existing C4 HMO property to allow additional bed room space are unacceptable due to 1 Elvet Crescent being located in an area already identified as exceeding the threshold set out in Policy 16 of the County Durham Plan. Nearby residents have already reported the detrimental impact on their local community caused by the anti-social behaviour of students housed within the immediate locality. The proposals would

therefore result in further imbalance in the community and have a detrimental impact on surrounding residential amenities through noise and disturbance in contravention of Policy 16(3a), 29(e) and 31 of the City of Durham Local Plan, and paragraph 127 (f) of the National Planning Policy Framework. This application should therefore be refused without delay. Should officers be minded to approve this application however, the Parish Council requests that this be called in to 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