

# THE CITY OF DURHAM TRUST

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c/o Blackett, Hart & Pratt, LLP  
Aire House  
Mandale Business Park  
Belmont  
Durham, DH1 1TH  
7 June 2022

Dear Ms Hurton,

**DM/22/00961/FPA William Robson House Claypath Durham DH1 1SA**

*Conversion of parts of the ground, first and second floors to create 28 bed student accommodation (Sui Generis) with ancillary communal social area, plant room, cycle and refuse storage*

The Trust wishes to object to this application based on the loss of C3 residential spaces, unnecessary student accommodation and the failures in the justification for the switch to student use. There are also concerns about student use impacting on residential amenity.

**Context**

The previous approval that this application seeks to supersede was for C3 residential units – potentially useful accommodation to offset the losses of residential provision to student accommodation. There is an obvious need for affordable housing in Durham City. It is not accepted that there is a demonstrable overall shortage of student accommodation. It is unclear at present whether the application is to be dealt with as a Purpose Built Student Accommodation (PBSA) or as House(s) in Multiple Occupation (HMO).

The Trust would have strenuously objected to the initial application for this site had it been made on the basis of providing student accommodation. This is a prime inner-city location and remains a rare opportunity for providing general housing stock for year-round residents which offers good and sustainable access to local jobs and to city centre retailing and other services. This type of use would have provided more support for local services than intermittent student use.

There are existing large PBSAs whose student residents use Claypath for access to the City Centre and University buildings. There is Student Castle opposite, New Kepier Court behind Claypath and Chapel Heights behind Lower Gilesgate

There are currently issues resulting from refuse disposal using large wheelie bins for student accommodation. There also pavement access issues from bin collection where bins block both path and building frontages.

Noise nuisance from student premises is also a documented problem.

**Proposal**

The submission contains failures in factual information – the number of students is incorrect. There is no justification for asserting that there is a shortage of student accommodation.

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This is a large PBSA or HMO (depending on definition), and will add substantially to the numbers of students using the street. This noted as a negative impact under the supporting text to County Durham Plan Policy 16.

Noise impact on students is dealt with, but not the potential impact of student use on existing nearby residents. The method of control and collection of waste is not dealt with adequately in relation to this changed use to ensure that no rubbish collects in the bin store or that nuisance is not caused on bin collection day.

## Policies

### County Durham Plan

As it is uncertain whether **County Durham Plan Policy 16.2 or 16.3** applies; the Trust refers to both.

**Policy 16.2 a Purpose Built Student Accommodation (PBSA)** This requires that the applicant must demonstrate a need for additional student accommodation of this type in this location. The submission fails to do so.

**Policy 16.3 Houses in Multiple Occupation.** Under this policy permission will not be granted where, 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). It is assumed that this will be the case given the number of beds proposed for this development in combination with those of Student Castle PBSA opposite.

**Policy 16 – Supporting Text – Para. 5.164** PBSA, by its very nature, can house a large number of students. Whilst these forms of development are a distinct and separate form to HMOs, student populations returning to and from and accessing PBSA through a predominantly residential area can impact upon residential amenity. Cumulatively, alongside HMOs this can have an impact upon the character of an area. The policy therefore seeks to acknowledge the impact of student populations in a neighbourhood, for example the impact of comings and goings along primary access routes between PBSA and the town centre or a university campus.

### Policy 31 Amenity and Pollution

Development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living and that can be integrated effectively with any existing business. *(The proposal fails to demonstrate this)*

Proposals which will have an unacceptable impact such as through noise or privacy will not be permitted unless satisfactory mitigation measures can be demonstrated whilst ensuring that any existing business and/or community facilities do not have any unreasonable restrictions placed upon them as a result. *(The proposal fails to identify mitigation of student noise nuisance and nuisance from bins and bin collection)*

### Durham City Neighbourhood Plan

#### Policy E3: Retail Development

Development proposals that provide residential accommodation in upper floors of commercial properties will be supported, as long as they do not have a negative impact on retail, commercial and tourism activities and the general amenity of neighbouring properties and residential amenity including noise impact. *(The proposal is for accommodation converted from*

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*commercial premises and fails to demonstrate that there is no negative impact on retail or residential amenity).*

The Trust objects to the application, based on the above points.

Yours sincerely

John Lowe,  
Chair, City of Durham Trust