

THE CITY OF DURHAM TRUST

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16th December 2022

Ms Lisa Morina
Planning Development Central/East
Room 4/86-102
County Hall
Durham City
DH1 5UL

Dear Ms Morina

**DM/22/03456/FPA: Conversion of first and second floors to form two 5-bed HMOs
(Use Class C4) including window changes to lightwell elevation, first floor and second floor,
84 Claypath, Durham DH1 1RG**

The Trustees of the City of Durham Trust considered the above planning application at our meeting held on 13 December 2022 and resolved to submit the following representation.

The Trust notes that within a 100m radius of, and including, 84 Claypath 85.4% of properties are Class N exempt student properties. This is not quite the 90% threshold beyond which County Durham Plan Policy 16.3 envisages that a change of use to Use Class 4 would not be resisted provided that (h) this high concentration is already having an unreasonable impact on current occupiers and the proposed conversion will not cause further detrimental harm to the residential amenity of surrounding occupants; or (l) commercial uses are predominant within the 100 metres.

This particular case does not quite qualify for exception (h) and there is potential for harm to the amenity of nearby residents, notably the elderly residents of Claypath Court and students living above most of the units in Lower Claypath. Nor is exception (l) clearly met - the locality is neither predominantly commercial nor predominantly residential.

County Durham Plan paragraph 168 in principle support proposals for residential accommodation in upper floors of commercial premises. Durham City Neighbourhood Plan Policy E3 supports such developments ***“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 application describes measures to protect the proposed new student bedrooms from external noise and gives assurances about management of household waste. The potential for noise nuisance arising from the proposed C4 use and adversely affecting nearby residents needs to be addressed, and the precise management arrangements for household waste are not detailed; large waste bins standing on Lower Claypath are already a familiar problem, obstructing pedestrians and especially people with prams, pushchairs or mobility vehicles, and indeed blocking the entrances of the ground floor commercial properties.

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In the light of all these considerations, the Trust considers that the proposal could be acceptable but objects under CDP Policy 16.3 and Neighbourhood Plan Policy E3 to the application for C4 use at 84 Claypath unless practical and effective measures to prevent noise and waste management nuisance are imposed so as to prevent negative impact on retail and commercial activities and protect the general amenity of neighbouring properties and residential amenity.

It further considers that a Construction Management Plan would be required that resolves the difficulties of accessing the site through the narrow archway into Moody's Yard. Work has begun on converting William Robson House and this is demonstrating that building materials have to be unloaded on the main thoroughfare of Claypath - a cement lorry obstructed traffic in this extremely busy location for a considerable length of time because the cement had to be poured into individual wheelbarrows on the street. This difficulty was pointed out at the time of the planning application for William Robson House and assurances were given at the time that it would be dealt with.

Yours sincerely,

Francis Pritchard

Secretary, City of Durham Trust