

Web site: <http://www.DurhamCity.org>

Elinor Woodruff
Durham County Council
Planning Development
Central/East Room 4/86-102
County Hall
Durham DH1 5UL

Dear Ms Woodruff,

DM/23/02988/FPA | The material change of use of a dwellinghouse (Use Class C3) to a small House in Multiple Occupation (Use Class C4) | 10 Mavin Street Durham DH1 3AU

The City of Durham Trust objects to this planning application because it fails the test in Policy 16.3(a) of the County Durham Plan, and none of the exceptions in the remainder of Policy 16.3 apply. The reconfiguration of the house to provide extra bedrooms also brings the house below the Nationally Described Space Standard, which is now a requirement of Policy 29 of the Plan.

The Research and Intelligence Officer now reported that within a 100m radius of, and including 10 Mavin Street, 65.1% of properties are Class N exempt student properties as defined by Council Tax records. Policy 16.3 of the County Durham Plan says that changes of use from any use to “Class C4 (House in Multiple Occupation), where planning permission is required ... will not be permitted if: a. 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)”. 10 Mavin Street is in the Article 4 area, so planning permission is required and given the percentage is 65.1% it should be refused.

The applicant advances several arguments in his *Design and Access Statement*. None of them have any weight:

Paragraphs 3-5 refer to a shortage of student accommodation in Durham, “widely reported in the press in late 2022.” No reference is given. There is a reference to a blog post by Dr Toby Parsloe of Savills but in that article¹ (which we had to search for) the reference to Durham is limited to the single sentence quoted, with no information about the source of this claim.

Paragraph 6 asserts that the University does not have comprehensive information about the private rental market because “only HMOs with four or more beds are required to be registered with the County Council.” In fact it is a condition of being a student at Durham University that students register their term-time address with the University. Consequently the University knows precisely where its students live and this means that, while the details are confidential

¹ <https://www.savills.co.uk/blog/article/350763/residential-property/which-student-rental-markets-are-most-squeezed-.aspx>

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private information, it can make authoritative statements on this matter. The Appendix has been copied from a recent news item on the University website². As may be seen, it states that “a detailed assessment of the housing market shows that there will be enough student accommodation to meet anticipated demand for the 2024/25 academic year.”

And looking further into the future, planning permission has been granted for more than 1,000 places in PBSAs³, at The Printworks (49 beds, under construction), Apollo Bingo (128 beds, opening 2025/26) and Mount Oswald (850 beds, approved July 2023, work yet to start).

Paragraph 7 of the *Design and Access Statement* concludes, on outdated information, that “there could be a shortfall of 2000 bed spaces”. The Housing Hub⁴ on the University website says

There’s enough student housing. There has been enough accommodation in the city for everyone who wanted it this year, and our analysis suggests that there will be enough housing in Durham to meet demand for 2024/25. Housing supply is remaining roughly the same for 2024/25, and there will be fewer students overall at the University.

Paragraph 9 quotes “The CBRE” without saying who they are or giving any provenance for the text quoted. Again, we had to resort to Google. CBRE is an international real estate company, see www.cbre.co.uk. The two paragraphs come from different documents by different authors. The first⁵ is about a “significant shortage of PBSA beds” and makes no reference to Durham. The second⁶ selectively quotes a paragraph, which in full reads

Lack of student accommodation supply is already a major challenge and some students have had to defer their studies as a result. This is particularly prevalent in Scottish university cities like Glasgow, Edinburgh, and St. Andrews, where the open tenancy/no fault evictions regulation is already in place. Some students have been forced to live in a different city to that of their studies due to lack of available accommodation – including English markets such as York, Bristol, Manchester and Durham. Students are also moving to displace other community groups in build-to-rent accommodation, where it is reported that 16% of tenants are now students.

Read in full, this paragraph is referring to an issue which CBRE opines is ‘particularly prevalent’ in a number of Scottish University cities.

While it is certainly the case that some Durham students do not live in the DH1 postcode area, this will be for a number of reasons including those who prefer to live at home and commute into the University. It cannot therefore be inferred that such students have been ‘forced out’ of the Durham market by a lack of accommodation and no such data is given to support such an assertion.

² <https://www.durham.ac.uk/news-events/latest-news/2023/10/campaign-launched-to-reassure-students-on-housing-supply/>

³ See <https://info.durhamcity.org.uk/housing/pbsa/>

⁴ <https://www.durham.ac.uk/colleges-and-student-experience/housing-hub/>

⁵ <https://news.cbre.co.uk/major-uk-university-towns-facing-shortage-of-more-than-350000-pbsa-beds/>

⁶ <https://www.cbre.co.uk/insights/articles/challenges-to-the-hmo-market-could-lead-to-increased-pressure-in-the-pbsa-market>

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Paragraph 10 falls back on “many sources” without quoting what they are. Durham is among the 35% of authorities that has an up-to-date Local Plan. The County Durham Plan was agreed only three years ago after extensive consultation culminating in a rigorous Examination in Public, which the Trust participated in. Policy 16 was discussed on 14 November, 2019. The outcome was that Policy 16.3 was strengthened in a number of places.

Given the relatively large size of the University in relation to that of the city, it is not surprising that Durham’s approach may be considered “over-restrictive” when compared to other University cities. It is however a proportionate response to the challenge of providing suitable accommodation for all of the City’s residents, students and non-students alike. It has been upheld in many appeal decisions.

Paragraphs 11 to 28 of the *Design and Access Statement* are essentially descriptive or irrelevant and do not need any comment.

Paragraphs 29 to 33 have been overtaken by events. As noted above, 65.1% of the relevant properties are Class N exempt from Council Tax, which engages part (a) of Policy 16.3 as the applicant is not claiming either parts (h) or (l) apply. It is not necessary therefore to consider criteria (d) to (g). These are not “more general policies” they are contingent on the proposal having passed criterion (a), which this one has not.

Nevertheless, the analysis at paragraphs 37 to 53 is outdated because the Council’s new Parking and Assessability SPD⁷ was adopted on 9 October 2023. We do not consider it necessary to provide a detailed critique.

Paragraphs 75 and 76 claim conformity with Policy 29. This requires all new residential development to comply with the Nationally Described Space Standard (NDSS), now that the transition period has passed. Table 1 in that Standard gives a minimum gross internal floor area for a two-storey, four bedroom house as 97m². Using the IDOX measuring tool we find that each of the floors has an internal area of 46.6m², totalling to 93.2m², which is 3.8m² short of the requirement. Also, Bed 4, at 7.19m², falls short of the standard of 7.5m² for a single bedroom.

Paragraph 81 refers to appeal reference APP/X1355/W/20/3255962. The Council’s reference for this application is DM/20/01018/FPA. This was decided on the basis of the recently-adopted County Durham Plan. On reading the Decision Letter⁸ we discover that the HMO percentage was 7.1%, which means that criterion (a) was not engaged and the Inspector was able to go on to consider the other criteria. This distinguishes it from the current application.

Paragraph 102 asserts that there are grounds to approve the application by virtue of paragraph 11(d) of the Framework. This really is clutching at straws. To claim that a three-year-old development plan is out of date is unsustainable. As we have shown, the grounds advanced in paragraph 103 are in any case based on a misunderstanding of the current position as evidenced by strong and recent statements by Durham University.

⁷ <https://www.durham.gov.uk/media/43186/Parking-and-Accessibility-Supplementary-Planning-Document-2023/pdf/ParkingAndAccessibilitySupplementaryPlanningDocument2023.pdf?m=638324411438670000>

⁸ <https://acp.planninginspectorate.gov.uk/ViewDocument.aspx?fileid=40434095>

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In conclusion, we urge the Authority to refuse this application for the reasons set out in our opening two paragraphs.

Yours sincerely

John Lowe
Chair, City of Durham Trust

Appendix

Source: <https://www.durham.ac.uk/news-events/latest-news/2023/10/campaign-launched-to-reassure-students-on-housing-supply/>

Campaign launched to reassure students on accommodation

5 October 2023



We're reassuring students that there is enough student housing to meet anticipated demand in Durham for the next academic year, and we're supporting them to take their time in choosing accommodation.

We've launched an information campaign for students reassuring them that a detailed assessment of the housing market shows that there will be enough student accommodation to meet anticipated demand for the 2024/25 academic year.

As part of the campaign, we've launched an online Housing Hub, with information and resources to support students through the house hunting process.

Working together

Aware that in previous years students have felt pressure to sign increasingly early, over the past year we've worked with City of Durham MP Mary Kelly Foy, Durham Students' Union, letting agents, landlords, City of Durham Parish Council and Durham County Council with the aim of ensuring a student housing market that works for everyone in Durham.

A multi-agency Housing Group has also developed a Student Lettings Code of Practice for landlords and letting agents.

This enables responsible agents and landlords to demonstrate their commitment to putting student welfare at the heart of their practices.

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Student numbers

In the period to 2019, we grew our student numbers, in a carefully planned and managed way, focusing on certain key departments.

Our intake was higher than anticipated in 2020 and 2021 due to unexpected shifts in A-level grading, but we responded by reducing our intake for 2022.

Earlier this year we undertook a refresh of our ten-year Strategy.

This reaffirmed that we would manage student intake and accommodation mindful of its impact on Durham City.

In coming years, we will not grow our student numbers significantly, but will diversify its social and international mix.

We remain committed to our collegiate model under which most first-year undergraduates live in University accommodation, and we're aiming that 40-45% of our students will live in University-owned or -managed accommodation by 2027.

Find out more

- More information on the University Strategy Refresh is available [here](#)
- Browse our Housing Hub [webpages](#)
- Learn more about the [Student Lettings Code of Practice](#)