

THE CITY OF DURHAM TRUST

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

c/o Blackett, Hart & Pratt, LLP
Mandale Business Park
Belmont
Durham, DH1 1TH

30 January 2024

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

Dear Ms Hurton

DM/24/00007/FPA: Change use of ground floor office (E) into a small house in multiple occupation (HMO) (C4) for student accommodation, 44 Claypath Durham DH1 1QS

The Trustees of the City of Durham Trust considered the above application at our meeting on 16 January 2024 and resolved to object on the following grounds.

The proposal is to create a new House in Multiple Occupation (HMO) for students in Claypath. Such proposals are resisted by Policy 16.3 of the County Plan (see below). We note that within a 100m radius of, and including 44 Claypath, 28.0% of properties are Class N exempt student properties as defined by Council Tax records. This is well over the 10% threshold set by Policy 16 and on that basis the proposal is contrary to the purpose of the Policy to preserve inclusive, mixed and balanced communities and to protect residential amenity. Moreover, part (c) of Policy 16.3 does not permit new HMOs in cases where the percentage is below 10% if the application site is in a residential area and on a street that is a primary access route between Purpose Built Student Accommodation and the town centre or a university campus. In the case of 44 Claypath it is on a main walking route into and out of the city centre for three PBSAs - New Kepier Court, Chapel Heights and St Giles' Studios. Thus, even if the percentage were below 10% the application should be refused.

Policy 29 on sustainable development requires all development to provide high standards of amenity and privacy, minimise the impact of development upon the occupants of existing adjacent and nearby properties, and contribute towards healthy neighbourhoods. The proposed new internal layout offers poor levels of privacy in the shared corridors and access to the shower-room: the occupant of bedroom 4 will have to walk through the kitchen/lounge with its street-facing ground floor window to reach the shower/bathrooms, and that any person visiting an occupant of bedrooms 1, 2 or 3 will have to be taken past the shower/bathroom access to reach them. It is also likely that occupation by students could have an adverse impact upon the

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occupants of the existing C3 residential flat above. Furthermore, the proposed student HMO would not contribute towards a healthy neighbourhood.

Policy 31 on amenity and pollution permits development where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions. The application is for four student bedrooms below a residential flat and does not demonstrate how it ensures no unacceptable impact on the living conditions in that flat.

Accordingly, the Trust considers that this application should be refused.

Yours sincerely

John Lowe

Chair of the City of Durham Trust

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Policy 16.3 Houses in Multiple Occupation

In order to promote create and preserve inclusive, mixed and balanced communities and to protect residential amenity, applications for new build Houses in Multiple Occupation (both Use Class C4 and sui generis), extensions that result in specified or potential additional bedspaces and changes of use from any use to:

a Class C4 (House in Multiple Occupation), where planning permission is required; or
a House in Multiple Occupation in a sui generis use (more than six people sharing)
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);
- b. there are existing unimplemented permissions for Houses in Multiple Occupation within 100 metres of the application site, which in combination with the existing number of Class N Student exempt units would exceed 10% of the total properties within the 100 metres area; or
- c. less than 10% of the total residential units within the 100 metres are exempt from council tax charges (Class N) but, the application site is in a residential area and on a street that is a primary access route between Purpose Built Student Accommodation and the town centre or a university campus

In all cases applications for new build Houses in Multiple Occupation, change of use to Houses in Multiple Occupation or a proposal to extend an existing House in Multiple Occupation to accommodate additional bed space(s) will only be permitted where:

- a. the quantity of cycle and car parking provided has regard to the council's adopted Parking and Accessibility Guidelines;
- b. they provide acceptable arrangements for bin storage and other shared facilities and consider other amenity issues;
- c. the design of the building or any extension would be appropriate in terms of the property itself and the character of the area; and
- d. the applicant has shown that the security of the building and its occupants has been considered, along with that of neighbouring local residents.

Policy 29 Sustainable Design

All development proposals will be required to achieve well-designed buildings and places having regard to supplementary planning documents and other local guidance documents where relevant, and:

- e. provide high standards of amenity and privacy, and minimise the impact of development upon the occupants of existing adjacent and nearby properties; and
- f. contribute towards healthy neighbourhoods and consider the health impacts of development and the needs of existing and future users, including those with dementia and other sensory or mobility impairments.

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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 or working conditions or the natural environment and that can be integrated effectively with any existing business and community facilities. The proposal will also need to demonstrate that future occupiers of the proposed development will have acceptable living and/or working conditions. Proposals which will have an unacceptable impact such as through overlooking, visual intrusion, visual dominance or loss of light, 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.