

Web site: <https://durhamcity.org/>

11 April 2026

Ms Emma Price  
Durham County Council  
Planning Department  
PO Box 274  
Stanley  
County Durham  
DH8 1HG  
Dear Ms Price

**DM/26/00633/FPA: Change of use from Class E to form a C4 HMO  
through the incorporation of a second floor room previously used as commercial space,  
70 Saddler Street, Durham DH1 3NP**

The City of Durham Trust considers this proposal to be acceptable in principle (but with particular matters to raise – see later) in terms of the relevant policies of the County Durham Plan (CDP) and the Durham City Neighbourhood Plan (DCNP). This is consistent with the view we took on applications DM/26/00092/FPA and DM/26/00093/LB which were for the change of use of the top floors of number 71 Saddler Street to form a 6-bedroom apartment house in multiple occupation Use Class C4.

CDP Policy 16.3 concerns applications for HMOs and provides in criterion (i) that such proposals will not be resisted where commercial uses are predominant within the 100-metre area even though the proportion of residential properties with Class N Exemption from Council Tax exceeds the 10% threshold that otherwise would not permit additional HMOs. Paragraph 5.168 explains that HMO use above retail units may be appropriate. Saddler Street and the surrounding streets are in Durham city centre, and we consider that the proposal meets the terms of criteria (i).

The submitted Heritage, Design and Access Statement seeks to set out relevant planning policies but fails to include the Durham City Neighbourhood Plan. The Neighbourhood Plan has an important policy on accepting accommodation above ground floor retail uses. DCNP Policy E3 says that such proposals 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 Trust is very supportive of this approach, recognising that there are many examples of successful schemes in the city centre that have created well-located accommodation for students living out of college and also have provided significant financial support towards the viability of the ground floor retail and other commercial uses. This is ever-more championed nationally as one of the ways in which struggling high streets can be sustained. The Trust

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considers that the proposals at 70 Saddler Street would not have a negative impact on retail, commercial, and tourism activities and the general amenity of neighbouring properties and residential amenity including noise impact. We therefore also support the application in terms of DCNP Policy E3.

However, there are major issues with the documentation accompanying the planning application which must be addressed as follows.

Although unnecessary for proposals to create HMOs, the applicants submit a report and a letter on demand for city centre student accommodation as if it were for a PBSA under CDP Policy 16.2. Both the report and the letter are undated, both have been submitted in previous years and both are, perhaps deliberately, absurdly out-of-date as we explained when they appeared in the preceding applications. In any case, this application falls to be considered under Policy 16.3 on HMOs.

Policy 16.3 criteria (d) and (e) are concerned with adequate bicycle and waste bin storage. The application shows provision for both at the rear of the premises, with waste to be commercially collected from the street frontage. However, the shared storage area has been included in previous applications and we queried at the time whether it has sufficient capacity for the current proposal. This new application for 70 Saddler Street includes a drawing which includes a note stating: *“Bin store measures 1.8m x 3.3m internally (6m<sup>2</sup>). This currently houses 10 no. 80l bins, serving 24 residents. Bins are collected twice weekly. The bin store has capacity for additional bins if needed.”*

There are several problems with this:

- Firstly, the 'Design, Access & Heritage Statement' says that bins are collected daily, not twice weekly - so there is a discrepancy regarding frequency of collection.
- Secondly, 80 litre bins are unusually small – domestic wheelie bins are typically 160 litres or more. The provider of these small 80 litre bins states that they are *“one of the smallest wheelie bins used in the UK today. They hold one full black bag of waste and are used for individuals who live alone”*. Thus for 24 students in shared accommodation it would be expected that 24 rather than just 10 of these 80 litre bins would be required.
- Perhaps daily collections would solve this problem, but the drawing specifically dealing with waste and bicycle storage says twice weekly. It follows that the frequency discrepancy between the statements is a crucial issue to sort out if overflowing bins are not to be a direct consequence, exacerbated by the proposal to add another HMO that will generate a need for extra wheelie bins.
- The applicant claims that the bin store has capacity for extra bins, but neither the previous application nor the current one state how many bicycles are capable of being stored. At the normal rate of bicycle ownership and with 24 residents sharing one store, there ought to be space for some 9 bicycles; the current proposal for an extra HMO takes this up to 11. If the 'Shared bin and cycle store' is limited to a single area of 6m<sup>2</sup>, we cannot see how any bicycles can be securely stored, never mind 11. We consider that it is essential that a measured drawing of the store is provided demonstrating exactly how at least 11 80 litre waste bins and 11 bicycles could be accommodated.

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## Conclusions

Whilst the proposal in principle meets the terms of the relevant statutory planning policies, the Trust considers that the capacity of the shared storage area to accommodate yet more waste-bins and bicycles must be demonstrated through a measured drawing of the store showing how at least 11 bins and 11 bicycles could be accommodated. Without this information the application cannot meet the terms of CDP Policy 16.3.

Yours sincerely,

## John Lowe

Chair, City of Durham Trust

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