

City of Durham Parish Council

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23 August 2019

Dear Planning Committee Member,

In accordance with the Local Government Act 1972 I hereby give you notice that a meeting of the **Planning Committee** will be held in **Office 2, Clayport Library Building at 14:00 on Friday 30 August 2019** to transact the following business:

- 1. Welcome and apologies**
- 2. To receive any declarations of interest from members.**
- 3. To receive and approve as a correct record the minutes of the meeting on 16 August 2019.**
- 4. To receive any public participation comments on the following agenda items.**

5. Matters arising:

to approve the following responses (for text of letters see Parish web site):

DM/19/01810/FPA | Part two storey rear extension and part single storey rear extension, raising of ridge height and loft conversion, increasing from 4 to 6 bedrooms. | 22 Blaidwood Drive Durham DH1 3TD

DM/19/02199/FPA and **DM/19/02200/LB** | Erection of part two storey, part single storey extension to rear to form 1no. self-contained 5-bed house in multiple occupation (C4) to 1st and 2nd Floor and additional retail office, storage and welfare facilities to ground floor. | 21 Market Place Durham DH1 3NJ

DM/19/02244/LB | Repair and reinstate historic pump. Listed Building Consent was granted to dismantle the pump under application DM/14/00739/LB | College Green The College Durham

DM/19/02375/PNT | Prior notification for the installation of a 17.5m high HEL Phase 5 streetworks tower on D9-4 root foundation and associated works. | Land At Darlington Road Durham DH1 4PE

DM/19/02537/FPA | Single storey rear extension and a total of four dormer windows; two to rear and two to front roofslope | 9 Crossgate Peth Durham DH1 4PZ

- 6. Oversight of the work of the Neighbourhood Plan Working Party: progress report**
- 7. County Durham Plan**
 - a. Preparations for the Examination in Public
- 8. County Council consultation on Long Term Empty Property Council Tax (report included)**

9. Progressing the HMO investigations (report included)

10. Planning applications:

- a. Response to appeal against refusal of 36 The Hallgarth (reference DM/19/01683/FPA)
- b. To consider noting the following applications to upgrade paper advertising panels with digital advertising panels at the following bus stops:
 - DM/19/02488/AD** | Opposite Palatine Centre Stockton Road (4 September)
 - DM/19/02489/AD** | Opposite Old Dryburn Way Durham DH1 5SE (4 September)
- c. To consider making representations on the following (the date in parenthesis is the deadline to call the application to committee):
 - DM/19/00678/FPA** | Conversion of storage facility back to Christian church | Cemetery Chapel St Nicholas Graveyard Providence Row Durham DH1 1RS (10 September)
 - DM/19/01948/AD** | Non-illuminated fascia sign (retrospective) | 28 The Riverwalk Millburngate Durham DH1 4SL (6 September)
 - DM/19/02365/AD** | 5No Non-Illuminated Image Panels | 1 Freemans Quay Freemans Place Durham DH1 1SW (9 September)
 - DM/19/02467/AD** | Erection and Display of 2no illuminated fascia signs, 2no illuminated hanging signs, 2no illuminated menu cases and 1no Folded aluminium panel | The Slug And Lettuce Unit 7 Freemans Place Durham DH1 1SQ (4 September)
 - DM/19/02504/FPA** | Demolition of existing dwelling, and construction of 3no. detached new dwellings with associated access, parking and landscaping. | Tower Cottage The Avenue Durham DH1 4EB (12 September)
 - DM/19/02533/AD** | Illuminated and non-illuminated Riverwalk centre directional and car parking related fascia and hanging advertisements | The Riverwalk Millburngate Durham DH1 4SL (6 September)
 - DM/19/02553/FPA** | Demolition of former baths & construction of new Business School with associated infrastructure, refurbishment/alterations to Vennel Cottage as cafe (A3 Use), conversion of 42, 50 & 51 Old Elvet to 3no. dwellings (C3 Use) and refurbishment of 47-49 Old Elvet as start-up business incubator associated with Business School & Durham University (D1 Use) | Former Swimming Baths Durham DH1 3DA (5 September)
 - DM/19/02554/LB** | Internal & external alterations to 42, 50 & 51 Old Elvet associated with conversion to 3no dwellings & to 47-49 Old Elvet associated with conversion to start-up business incubator | 42, 47-49, 50 & 51 Old Elvet Elvet Waterside Durham (5 September)
 - DM/19/02578/LB** | To replace roof like for like with Welsh slate | 25 Crossgate Durham DH1 4PS (6 September)
 - DM/19/02586/LB** | The Demolition and Removal of 2no Non-Period Chimneys | St Cuthberts Society 12 South Bailey Durham DH1 3EE (11 September)
 - DM/19/02609/LB** | Dismantling & Re-Build of Existing North Gable Chimney Stack | St Cuthberts Society 12 South Bailey Durham DH1 3EE (11 September)
 - DM/19/02644/LB** | Listed Building Consent for Internal works including the removal of a minor partition and reinstating with associated doorways and internal ramped access. | 42 Old Elvet Durham DH1 3JF (11 September)
 - DM/19/02672/FPA** | First floor extension above garage to front | 60

Archery Rise Durham DH1 4LA (11 September)

DM/19/02673/FPA | Enclosed Decking Area to Existing Single-Storey Rear Extension | 74 Hastings Avenue Durham DH1 3QQ (10 September)

11. Dates of future meetings

13 September 2019 - 14.00 to 16.00 hrs – Office 2, Clayport Library Building.

27 September 2019 - 14.00 to 16.00 hrs – Office 2, Clayport Library Building.

Due to the confidential nature of the following items, in accordance with Section 100(A)(4) of the Local Government Act 1972, the press and the public will be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the LGA 1972 Act and section 1(2) of the Public Bodies (Admission to Meetings) Act 1960. At this point in time the press and the public will be asked to leave the room.

12. Proposed new County HQ on the Sands (planning reference DM/18/02369/FPA):

- a. Closure of the car and coach parks on The Sands
- b. De-registration of the Common land at The Sands.
- c. Trader reserved parking in Providence Row
- d. Any other relevant developments

And, pursuant to the provisions of the above-named Act, I Hereby Summon You to attend the said meeting.

Adam Shanley

Clerk to the City of Durham Parish Council

City of Durham Parish Council

Minutes of Planning Committee meeting held at 14:00 pm on Friday 16th August 2019 in Office 2, Clayport library building, 8 Millennium PI, DH1 1WA.

Present: Cllr R Cornwell (in the Chair), Cllr J Ashby, Cllr V Ashfield, Cllr L Brown, Cllr J Elmer and Cllr G Holland

Also present: Parish Clerk Adam Shanley, Hannah Shepherd and Laura Logan (Durham University), Kate Harvey (Artichoke), Cllr E Ashby, James Harrison (Sunderland Echo and Shields Gazette) and 1 member of the public.

1. Welcome and apologies

Apologies were received from Cllr C Reeves

2. To receive any declarations of interest from members.

Cllr R Cornwell declared an interest in planning application DM/19/02375/PNT and took no part in the discussion on this application.

3. To receive and approve as a correct record the minutes of the meeting on 19 July 2019.

The Minutes of the meeting held on 19th July 2019 were agreed as a true and accurate record of proceedings.

4. To receive any public participation

Kate Harvey from Artichoke spoke to the Committee about an application which Artichoke would soon be submitting to have illuminated signage on the side of the Clayport Library building saying "Only you can write the next page". The intent is not only to be the legacy piece from the 2019 Lumiere event but is also to act as a source of inspiration to those who see it. Kate advised that Artichoke had been working with the poet Anna Jane Walker and female prisoners to create the idea for the sign and remarked that this tied in nicely with the sign being on the side of the library and highlighted Durham as a centre for heritage, reading and a place of learning. Kate advised that the application was not yet submitted but she wished to come to the meeting today to discuss the idea with the Parish Council Planning Committee.

Cllr J Elmer and V Ashfield advised that they felt the signage may not resonate well with residents of Durham at this particular time as a large, controversial planning application had been passed and residents felt that were not in a position to write the next page on this.

Cllr J Ashby commented that previous Lumiere installations around the City such as at The Miners' Hall had been very inspiring and he considered that the proposal for Clayport library was the appropriate location.

Cllr L Brown remarked that she felt that the Lumiere heritage pieces were slightly too riverside centric and should be spread across Durham City.

The Chair thanked Kate for attending the meeting and for her time speaking with the Planning Committee. At this point, Kate left the meeting.

The member of the public present advised that he may wish to speak when the Committee came to consider application DM/19/02375/ PNT.

5. Proposed new County HQ on the Sands (planning reference DM/18/02369/FPA):

a. Closure of the car and coach parks on The Sands

In his opening remarks, the Chair condemned the actions of the County Council in closing off the Common land to members of the public.

The Clerk reported that preparation works had started on the new County HQ building and the car and coach parks have been fenced off since Monday 12th August. A number of trees have already been felled. The Clerk reported that the Chair of the City of Durham Parish Council had released a video on behalf of the Parish Council about the unexpected closure of the coach park along with other matters and this had attracted a significant number of views and press coverage. The Parish Council wrote to the County Council about the closure of the coach park and had requested that the fencing be removed immediately. The response from the County Council is that the coach park has been closed for public health and safety reasons.

Cllr J Elmer advised that he felt that the footpath currently fenced off ought to be registered as a public Right of Way.

Cllr G Holland advised that he felt that the Parish Council ought to seek legal advice on the closure of the car and coach park.

Cllr J Ashby proposed that, once the felling of the trees around the coach park had been completed, the Parish Council request that the fencing be removed around the coach park.

It was **agreed** that the Clerk should arrange for a meeting between the Parish Council and the Freeman to take place at the earliest possible opportunity to discuss this further with them.

b. De-registration of the Common land at The Sands.

The Chair reported that the land currently fenced off is still registered as common land, meaning that residents have the Right to roam on this land. The formal consultation on the de-registration of this land as common land has yet to commence.

c. Any other relevant developments

The Clerk reported that he had received a response from DCC on the requested pre-works ecological surveys of the site to state that this was carried out on 9th August. The Parish Council has requested a full copy of this report.

6. Matters arising:

a. to approve the following responses (for text of letters see Parish web site):

DM/19/01418/FPA | The change of use of a six-bedroom dwelling (Class C3) to a small House in Multiple Occupation (Class C4) or a six-bed dwelling (C3) | 24 Nevilledale Terrace Durham DH1 4QG. Members approved the response to this application.

DM/19/02144/FPA | Erection of part 2 storey, part single storey to rear of existing C4 House in Multiple Occupation. | 7 Mavin Street Durham DH1 3AU. Members approved the response to this application.

DM/19/02184/LB | Masonry Restoration | Railway Station Station

Approach Durham DH1 4RB. Members approved the response to this application.

b. Update on meeting with Stephen Reed to discuss potential SLA with DCC for a planning enforcement officer for the Parish Council.

The Clerk advised that he, Cllr R Cornwell and Cllr L Brown had met with Stephen Reed and Sarah Eldridge to discuss the possibility of entering into a Service level Agreement with DCC for one year to have a Planning Enforcement Officer specifically for the City of Durham Parish Area. The likely cost of this would be around £10,000 but it is hoped that the four County Councillors could fund half of this and the Parish Council the other half. At present, Stephen Reed is looking into this as a possibility and the Parish Council is awaiting an outcome on this.

7. Progressing the HMO investigation (verbal update from Chair).

a. Correspondence from Bill Free Homes

The Chair reported that he had received correspondence from the owner of Bill Free Homes to state that he is willing to share the data on student accommodation with the Parish Council and requesting that the Parish Council put him in touch with their researcher who carried out the investigation on HMO levels. On the latter point, the Chair advised that he had responded to state this would not be possible as the researcher had now completed her assignment on behalf of the Parish Council and was now currently away on holiday, however it was hoped that the Parish Council may still be able to access the data proposed to be shared from Bill Free Homes.

Cllr J Ashby advised that the owner of Bill Free Homes had recently completed his Masters and it may be an idea to request a copy of his thesis. It was agreed that the Clerk should request this as well as providing the owner of Bill Free Homes with a copy of the report commissioned by the Parish Council.

b. Progressing phase 2 of HMO investigation – SLA with Durham University.

The Chair welcomed Hannah Shepherd and invited her to speak on this matter. Hannah advised that she was aware of a number of meetings having taken place regarding this issue and she had received the request from the Parish Council regarding the sharing of data on student accommodation locations. Hannah advised that, at present, that request is sat with the legal team of Durham University who are considering the data protection issues of sharing such data with the Parish Council. Hannah advised that she was still awaiting a response from Legal on this but would update the Parish Council as soon as possible. Hannah also advised that the data was very much dependent on students completing the forms accurately, advising that there have been known to be issues with this in the past.

Hannah advised that this was something the Community Engagement Task Force had been looking into and in particular she wished to commend Cllr J Ashby for his amazing work and knowledge on this subject.

Hannah also recommended that the report from the research, commissioned by the Parish Council be shared with the new Sabbatical Officers of the Students Union (DSU). Hannah advised that housing is a massive issue for the DSU and

Durham University and it would be good to share this with the new Officers who have taken up post recently.

The Clerk advised that the Parish Council wish to access the aggregate data only of student HMOs within a 100-metre radius of new C4/ Sui Generis HMO planning application which the Planning Committee considers. It is hoped that the Parish Council may be able to enter into a Service Level Agreement with the University to have a point of contact within the University to be able to provide this data.

Cllr J Ashby commended Hannah Shepherd for her brilliant work and remarked how useful it is to have an internal contact within the University making the case for this and other issues the Parish Council and local residents bring up.

8. Oversight of the work of the Neighbourhood Plan Working Party

a. Correspondence with the County Council

The Chair reported that the Parish Council had received a response back from Stuart Timmiss following the letter sent about the feedback DCC had provided on the draft Neighbourhood Plan. The Chair reported that Mr Timmiss was not in agreement with a number of the matters raised in the letter from the Parish Council and it was therefore agreed that a meeting should be arranged at the earliest convenience between the Parish Council and Mr Timmiss.

Cllr J Ashby advised that this matter was time-sensitive and a meeting needed to take place with Mr Timmiss before the end of September.

The Chair advised that he would be referring Mr Timmiss' letter to the Neighbourhood Plan Working Party for their consideration a report would come back to the Planning Committee meeting on 30th August to discuss this further.

b. Progress report

The Chair advised that the Working Party had received hundreds of responses to the Regulation 14 Consultation on the draft Neighbourhood Plan. At present, the Working Party is working through these responses. Two-thirds of the comments had been very supportive and encouraging. The Chair reported that the timetable may have slipped by a week or so, however it is still hoped that a version of the Plan would come to the Planning Committee meeting on 4th October, with a final draft of the plan and all other documents going to Full Council on 24th October for approval.

9. County Durham Plan

a. To approve the schedule of appearances submitted to the Programme Officer

The Chair reported that the schedule of appearances had been circulated and, following agreement, had been submitted to the Programme Officer.

b. Preparations for the Examination in Public

The Chair advised that it is necessary to agree who would be speaking at which hearing and to co-ordinate the responses to each area.

Cllr J Ashby advised that the Examiner had submitted a number of questions to the County Council, and will issue questions to objectors in early September, each of which the respondent(s) have up to a maximum of 3,000 words to respond with.

The Committee remarked that the site for the Examination in Public was not ideal as it is not easily accessible.

10. Planning applications: To consider making representations on the following (the date in parenthesis is the deadline to call the application to committee):

DM/19/01749/AD and **DM/19/02372/LB** | To erect external hanging swing sign at first floor level on front elevation | 6 Old Elvet Durham DH1 3HL (22 August for DM/19/02372/LB). It was **agreed** to note this application.

DM/19/01810/FPA | Part two storey rear extension and part single storey rear extension, raising of ridge height and loft conversion, increasing from 4 to 6 bedrooms. | 22 Blaidwood Drive Durham DH1 3TD (held over from previous meeting) (24 July). It was **agreed** to object to this application. Cllr L Brown **agreed** to draft the response on this.

DM/19/02048/FPA | Retention of fence surrounding beer garden to rear. | The City 84 New Elvet Durham DH1 3AQ (29 August). It was **agreed** to note this application.

DM/19/02153/FPA | Replacement of iron railing of two storey balcony to front with 1.1m glazed balustrade | Rokeby Villa 1 Percy Terrace Durham DH1 4DY (22 August). It was **agreed** to note this application.

DM/19/02157/FPA | Internal refurbishment of MRI department, installation of external mechanical plant including air handling unit, air conditioning unit, heat pumps and erection of external support platform. | University Hospital Of North Durham North Road Durham DH1 5TW (22 August). It was **agreed** to note this application.

DM/19/02199/FPA and **DM/19/02200/LB** | Erection of part two storey, part single storey extension to rear to form 1no. self-contained 5-bed house in multiple occupation (C4) to 1st and 2nd Floor and additional retail office, storage and welfare facilities to ground floor. | 21 Market Place Durham DH1 3NJ (held over from previous meeting pending provision of Design & Access Statement) (15 August). It was **agreed** to object to this application. Cllr R Cornwell **agreed** to draft the response on this.

DM/19/02244/LB | Repair and reinstate historic pump. Listed Building Consent was granted to dismantle the pump under application DM/14/00739/LB | College Green The College Durham (15 August). It was **agreed** to commend this application. Cllr J Ashby **agreed** to draft the response on this.

DM/19/02253/LB | Listed Building Consent for replacement of 2 no. cast iron soil pipes to south elevation | 7 The College Durham DH1 3EQ (5 September). It was **agreed** to note this application.

DM/19/02255/FPA | Single storey rear extension and dormer window to side roofslope | 8 Whitesmocks Avenue Durham DH1 4HP (16 August). It was **agreed** to note this application.

DM/19/02258/FPA | Two storey extension and single storey extension with balcony above and detached carport to front, single storey extensions to side and rear, and alterations to ground levels including retaining walls, boundary fencing and entrance steps. | 51 Wearside Drive Durham DH1 1LE (22 August). It was **agreed** to note this application.

DM/19/02276/FPA | Erection of two storey and single storey extensions to front | 6 Valeside Durham DH1 4RF (22 August). It was **agreed** to note this application.

DM/19/02285/FPA | Installation of a solid ashlar stone bollard and extended stone paving at the front entrance. | Learning Resource Centre Site Of Former 17 South Bailey Durham DH1 3EE (29 August). It was **agreed** to note this application.

DM/19/02287/FPA | Part single part two storey rear extension | 3 Rhodes Terrace Nevilles Cross Durham DH1 4JW (8 August). It was **agreed** to note this application.

DM/19/02292/LB | To fit a door and frame to the archway at the back of the tinderbox coffee shop. | Hotel Indigo Durham Old Shire Hall 9 Old Elvet Durham DH1 3HP (5 September). It was **agreed** to note this application.

DM/19/02307/FPA | Basement conversion and small in-fill extension to porch (Re-submission DM/18/01670/FPA) | 3 Moor Edge Crossgate Moor Durham DH1 4HT (12 August). It was **agreed** to note this application.

DM/19/02325/RM | Application for reserved matters relating to appearance, landscaping, layout and scale for 6 dwellings (Plots 30-35, part of Phase 4 for 54 dwellings in total) pursuant to planning permission DM/15/03555/VOC. | Mount Oswald South Road Durham DH1 3TQ (29 August). It was **agreed** to note this application.

DM/19/02375/ PNT | Prior notification for the installation of a 17.5m high HEL Phase 5 streetworks tower on D9-4 root foundation and associated works. | Land At Darlington Road Durham DH1 4PE (27 August). It was **agreed** to object to this application. Adam Shanley (Clerk) **agreed** to draft the response on this.

DM/19/02426/LB | To replace the door frame and 3 windows within the front elevation | 68 Gilesgate Durham DH1 1HY (5 September). It was **agreed** to note this application.

DM/19/02440/FPA | Change of use from office building (B1 and A2) to Large House in Multiple Occupation (Sui-Generis) with shared facilities. | 4 Old Elvet Durham DH1 3HL (28 August). It was **agreed** to note this application.

DM/19/02451/LB | Listed Building Consent for the demolition of rear chimney and re-construct to a lower height | Hall Of Residence St Cuthberts Society 8 - 9 South Bailey Durham DH1 3EE (5 September). It was **agreed** to note this application.

DM/19/02471/LB | Re-Laying Slate Roof, Repair and Re-Pointing of External Stone Walls. Internal Works include Repairing of Water Damaged Plaster, Stabilising a Spiral Stair (Re-Submission DM/19/01023/LB) | Bishop Cosins Library Palace Green Library Palace Green Durham DH1 3RN (29 August). It was **agreed** to note this application.

DM/19/02472/LB | Pointing and Repair to Parapet Roof and 6No Windows (Re-submission DM/19/01032/LB) | Exchequer Building Palace Green Library Palace Green Durham DH1 3RN (5 September). It was **agreed** to note this application.

DM/19/02473/LB | Re-application of Waterproofing System to Flat Roof and Internal Plaster Repairs (Re-submission DM/19/01035/LB) | Durham University Palace Green Library Palace Green Durham DH1 3RN (5 September). It was **agreed** to note this application.

DM/19/02487/AD | To replace existing paper advertising unit with double sided digital advertising unit forming an integral part to a bus shelter | Bus Stop Newcastle Road Crossgate Moor DH1 4HX (28 August). It was **agreed** to note this application.

DM/19/02537/FPA | Single storey rear extension and a total of four dormer windows; two to rear and two to front roofslope | 9 Crossgate Peth Durham DH1

4PZ (5 September). It was **agreed** to object to this application. Cllr L Brown **agreed** to draft the response to this.

11. Request to purchase land adjacent 80-90 Claypath (report included).

It was **agreed** that the Clerk would write to DCC to confirm that the Committee had no objection to this request to purchase.

12. Dates of future meetings

30 August 2019 - 14.00 to 16.00 hrs – Office 2, Clayport Library Building.

13 September 2019 - 14.00 to 16.00 hrs – Office 2, Clayport Library Building.

There being no further business, the Chair thanked Members for their attendance and closed the meeting.

Signed,

Chair of the City of Durham Parish Council Planning Committee

ITEM 8: LONG TERM EMPTY PROPERTY COUNCIL TAX PREMIUM CONSULTATION

The county council is currently reviewing its policy relating to council tax charges for empty properties and is seeking views on proposals which would see the premium charge increased for long term empty properties.

BACKGROUND

Since April 2013, councils have been able to apply a maximum 50% Council Tax Premium on properties that have been unoccupied and unfurnished for more than 2 years.

In line with the majority of councils, Durham County Council introduced the Premium charge from April 2013. This resulted in an initial sharp reduction in the number of long-term empty properties (approximately 33% in the first 6 months), after which the numbers have been fairly static, along with an increase in revenue to the county council from those properties that were not brought back into use.

Following a change in legislation, which came into effect from April 2019, councils now have the power to charge a 100% Council Tax Premium for properties which have been unoccupied and unfurnished for more than 2 years and will be able to charge a 200% Premium on those properties which have been unoccupied and unfurnished for 5 years or more from April 2020.

To implement these powers the council would need to change its adopted policy on Long Term Empty Property Charges, the advantages of implementing these changes would be as follows:

There will be a further incentive for the owners of long-term empty properties to bring them back into use, potentially boosting the supply of properties available to rent in the County and making a positive impact on our Housing and Homeless strategies. The majority of long-term empty properties are in the lowest Council Tax band (A), often in the more deprived areas of the County and could therefore be a useful source of affordable housing.

In addition, where properties are not brought back into use there is a potential further increase in revenues to the council (£1.83 million if there was no reduction in the number of long-term empty properties), providing the opportunity for MTFP savings.

The county council could also consider applying the empty homes premium charge to long term empty properties which require or are undergoing major repair work to make habitable which the council currently charges at 100%, with no long-term empty property premium levied. Charging 200% Council Tax on these properties (i.e. applying a 100% premium) could generate a further £26,000 in revenue.

Applying a Long-Term Empty Property Premium encourages the owners of these properties to bring them back into use. This in turn makes a positive contribution to the Council Housing and Homelessness Strategies.

In April 2013, when the council introduced the current policy, there was a 33% reduction in the numbers of long-term empty properties. The empty property premium was first introduced in April 2013. By October 2013, 727 properties had been brought back into use. A third of all long-term empty properties are owned by absent landlords.

The county council is of the view that increasing the premium provides a further financial disincentive for absent landlords to retain long term empty properties. However, the potential benefits of the proposals need to be considered in the context that in some areas where there is low demand for rental properties, some owners may feel forced

into letting properties to avoid paying the premium. In turn, this could result in property management problems where properties are let to unsuitable tenants.

CHANGES PROPOSED

To encourage owners to bring empty properties back into use the county council is seeking views on increasing the premium on unoccupied and unfurnished homes as follows:

should empty the property premium be increased:

empty property for over 2 years would be charged 75% or 100% premium (a Band A property with a council tax of £1346 with the 100% premium would pay £2692 per year)

empty property for over 5 years would be charged 100% or 200% premium (the same Band A property with the 200% premium would pay £4038 per year)

premiums will apply to properties undergoing major repairs, removing the additional period of up to 12 months which allowed work to be completed before the premium applied

The proposed changes would come into force from April 2020 and the consultation runs until 6th October.

DECISION REQUIRED	Members are asked to consider the proposals as set out in the above report and agree a proposed response to this consultation to go forward to Full Council in September.
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ITEM 9: PROGRESSING THE HMO INVESTIGATIONS

Councillors are reminded that, at the Full Parish Council meeting in July, it was agreed that the report commissioned by the Parish Council and completed by the Parish Council's chosen researcher should be considered at a future Planning Committee meeting. It was also agreed that the Planning Committee should bring a recommendation forward on what next steps to take on this undertaking.

Councillors are reminded that the Planning Committee agreed a budget of £8,700 towards this priority; of which £1,200 has already been spent on the first stage of this project. The Clerk has also had a discussion with Hannah Shepherd who is keen to have a further meeting with representatives of the Parish Council to discuss the possibility of the Parish Council entering into a Service Level Agreement with the University, with a view that the University be able to provide the aggregate data on HMO levels with a 100-metre radius of certain new C4/ sui generis HMO applications in the Parish area. At present, this proposal is still under consideration with the University's legal team, who are assessing what implications such an arrangement would have on data protection.

A copy of the report carried out by the Parish Council's researcher is below:

Durham Parish Council HMO Research

1. Introduction

The aim of the research commissioned by Parish Councillors Roger Cornwell, John Ashby and Alan Doig, with the support of the Parish Clerk Adam Shanley, was twofold.

Firstly to examine the data used by DCC in 82 HMO and PBSA/DU college planning applications in order to scope out DCC student HMO density figures used when determining C3 to C4 planning applications – see separate documents and *Chart of 82 Planning Applications on Durham City HMOs and PBSAs 2017-2019* and *List of Planning Inspectorate Appeal Decisions on HMOs and PBSAs 2015-2019*.

Secondly to identify possible changes and improvements to policies, specifically the Interim Policy on Student Accommodation (IPSA), the Neighbourhood Plan and the Co Durham Plan – see below. The work below is 'work in progress' which incorporates and builds on existing ideas and information with the aim of contributing to the evidence base and providing the first draft of a discussion paper. Some of the facts and figures used need to be verified/updated.

2. Terminology

- DCC – Durham County Council
- DU – Durham University
- DPC – Durham Parish Council
- NPPF – National Planning Policy Framework
- DCNP – Durham City Neighbourhood Plan
- College – a hall of residence known as a 'college' in Durham
- PBSA – Purpose Built Student Accommodation
- HMO – House in Multiple Occupation
- IPSA – Interim Policy on Student Accommodation. Also known as Article 4.
- Class N council tax exemption - for people in dwellings occupied by one or more students and in PBSAs¹.
- Class M exemption from council tax – for people in halls of residence
- Class 3 – dwelling used as a principle or secondary residence
- Class 4 – shared houses occupied by 3-6 unrelated individuals
- Sui generis – large house in multiple occupation

¹ See Roger Cornwell's research and reference to <http://www.legislation.gov.uk/uksi/1992/558/made>

3. Background

As undergraduate and postgraduate student numbers in DU have increased over the past 15 years (from 12,477 during 2003-4 to 18,707 during 2018-19² - 1,067 of whom are part-time) the number of student HMOs, PBSAs and 1 & 2 bed student flats in the city has increased. Student HMOs are of greatest concern to long-term residents as they reduce the number of low-cost, starter, family and age-friendly retirement homes for homeowners and non-student tenants.

An Article 4 IPSA was introduced on 17 September 2016 in order to remove permitted development rights for change of use from C3 to C4 for part of Durham City. Part 3 specifies a threshold of 10% based on the proportion of Class N student exempt council tax properties within 100 metres of the application site. The policy has been effective in some cases but has been criticized for drawing exclusively on Class N data which has gaps eg: when landlords pay council tax. It has also been too weak to prevent extensions to properties and new build HMOs. Some developers are now converting properties into 1&2 bed flats in order to get around the policy eg: 22 The Avenue, 36 The Hallgarth.

An accurate knowledge base and effective legislation and enforcement is imperative given DU plans to increase the student population to 21,500 by 2027 (a doubling of numbers since university expansion began in 1997).

The precise number of 1 & 2 bed student flats, Class 4 and Sui Generis HMOs in Durham City, and also the % balance between properties occupied by temporary residents and properties occupied by long-term residents, is difficult to gauge. This is partly because interpretations of what constitutes the city and where the boundaries are vary³, the city is divided administratively into three different parish councils⁴ and one county council, and there are gaps in the specific data on the topic collected and put into the public domain by DCC⁵ and DU.

For instance, the DCC Public Register of HMO Licenses⁶ only covers houses with 5 or more tenants and only has 773 properties on it, which is widely viewed as an underestimate of the total number of HMOs containing 3+ tenants across Durham City. What the DCC data does tell us is the % of Class N (student) exemptions from council tax in HMOs and PBSAs (and also DU colleges) in a postcode area or within 100 metres of a property.

What the DCC data does not do is take into account future Class N (student) exemptions from council tax in PBSAs under construction in a postcode area or within 100 metres of a property⁷. Furthermore, it only covers properties, not people. Crucially, it also does not tell us the % of students living in within 100 metres of a property in 1 & 2 bed flats, HMOs, at home, as lodgers in a family home, in university college accommodation and in PBSAs.

What the DU data tells us is that out of 18,707 students, 9,292 students are living in rented accommodation (7,400 of whom are undergraduates), 6,825 are living in university college accommodation, 2,067 live at home and 523 are other.⁸

The DU data supplied to DPC also specifies the number of student homes/students in the postcode areas in the DPC geographic area. However, it does not give actual addresses, and if the number is less than 5 it shows <5 rather than the actual number.

² See DU website <https://www.dur.ac.uk/student.registry/statistics/summary/1.1summary/>

³ See DCC breakdown of 2011 census <https://www.durhaminsight.info/>

⁴ See DCC map of Parish Councils <https://maps.durham.gov.uk/OLBasic/Index.aspx?appid=24>

⁵ See DCC information and maps on HMOs <https://www.durham.gov.uk/article/2499/Multiple-occupancy-homes>

⁶ See DCC public register of HMOs <https://www.durham.gov.uk/article/2865/HMO-Licensing-Register>

⁷ See DCC report on waste collection, specifically section 18, for confirmation that PBSA occupants do not pay council tax and PBSA owners pay council tax on empty rooms.

<https://democracy.durham.gov.uk/documents/s98370/RLS%20-%20Waste%20Collection%20Student%20Prop.pdf>

⁸ <https://www.dur.ac.uk/resources/student.registry/statistics/summary/1.9ttaccomm/181-9.pdf>

What the DU data also does not tell us is what % of the 18,707 students live in Durham City, and how many student homes/students there are living in the neighbouring parishes of Belmont, Framwellgate Moor, Shincliffe and Brandon and Byshottles.

It is unclear from both the DCC and DU data what % of the students living in rented accommodation are in PBSAs. PBSA occupancy rates are not in the public domain and there is also no easily-accessible central list of PBSAs (along with location details, number of bed spaces, etc) in Durham City. It is also difficult to work out which buildings are private PBSAs and which buildings are DU-affiliated PBSAs.

One estimate is 13⁹ PBSAs in Durham with 2000+ bed spaces. These include: St Giles (Gilesgate), Chapel Heights (Ashwood), Elvet Studios (Green Lane), St Margaret's (St Margaret's Garth -150 beds), Three Tuns (New Elvet -140 beds?), Ruth First House (Claypath), Ernest Place (Renny's Lane), Kepier Court (Claypath), Rushford Court (North Road - 363 beds), Houghall Court (A177 - 165 beds), Dun Holm House (The Riverwalk - 253 beds), Student Castle (Claypath - 475 beds), Duresme (Nevilles Cross Bank - 277 beds).

It is also unclear what % of students living in rented accommodation are in HMOs and how many houses in Durham have become HMOs. The City of Durham Trust 2018 annual report estimate was 1800. This estimate could be refined by adding up the number of student homes/students listed on the DU data supplied to DPC.

In future DU aims to house 50% of the student population in DU colleges/licensed PBSAs and is building two new student colleges at Mount Oswald, with plans for further new colleges elsewhere.

What the data doesn't tell us is how successful DU colleges/PBSAs are at drawing students out of HMOs and enabling DU to achieve its 50% of students in DU colleges/licensed PBSAs. Student campaigners¹⁰ argue that college fees of approximately £7,500+ for a catered room and £5,000+ for a self-catering room are too high, and that HMO/PBSA rents (£70 to £110+ a week plus bills for HMOs and £150+ a week all inclusive for PBSAs) are also too high.¹¹

What the data also doesn't tell us is who the HMO landlords are. HMO landlords vary, from huge operators such as Hope Estates, to individuals who rent out one house that they may have lived in previously before moving to a new home. Some large operators have websites listing some of the properties they rent out. Again, there are no precise figures on which landlord owns which property, and which property management companies manage which properties on behalf of both themselves and small landlords. Judging from the information coming up on internet searches, UK student accommodation is a money-making opportunity for global investors.

What the data also doesn't clarify is the amount and impact of the loss of council tax on Durham City vs the benefits students and landlords bring.

What the data also doesn't tell us anything about is the sort of contact students and long-term residents have and how we can understand 'community cohesion'. There are figures on eg: how many hours of local volunteering DU students undertake, and on police call outs and interventions when anti-social student behaviour occurs. There is also data from a survey which produced the statistic that '90% of international students have never been inside a British house in Durham' (possibly a Ustinov College survey?). But generally, there is very little information.

4. Conclusions from analysis of planning applications and appeals

⁹ This figure needs to be checked and the data on PBSAs improved. How many rooms does a property need to be classified as a PBSA?

¹⁰ <https://www.durhamsu.com/su-campaigns/ripped-off-campaign-page>

¹¹ These figures need to be checked with Durham Students Union.

This section needs to be considered in conjunction with the separate document *Chart of 82 Planning Applications on Durham City HMOs and PBSAs 2017-2019*.

The chart lays out the numerical/factual results of my research for the Parish Council into the impact of IPSA on 82 planning applications for 66 properties & pieces of land (some properties/pieces of land have several applications attached to them).

Looking at the contrast between DCC's postcode density figures and our postcode density figures derived from University data and Valuations data, we can see firstly that 22 applications do not have a full set of figures linked to them. This seems to be because (1) the property has its own individual postcode because it was/is a shop eg: The Corner House, The White House, and (2) there is a confusing discrepancy (highlighted in turquoise on the chart) between the number of properties listed by the University and the number listed by the Valuations agency. This discrepancy sometimes stems from the fact that the Valuations Agency has not counted the number of sub-divided flats in properties in eg: the City Centre?

Secondly, 28 applications show that our data and DCC's figures are the same, particularly in the Viaduct area and in areas of dense studentification.

Thirdly, 5 applications (highlighted in purple) show that our figures are lower than DCC's - this is unexpected, but local knowledge might help eg: some students have moved out of the Three Tuns Hotel.

Fourthly, 27 applications show that our figures are higher than DCC's, sometimes because one extra house is clearly an additional HMO in already densely studentified streets, and sometimes because it looks like some houses in less studentified areas such as Neville's Cross /Merryoaks/ Wearside Drive/Highgate are operating as HMOs, even if they still pay council tax? Warwick Court in Merryoaks is an example - DCC states that the density rate is 15% but the density rate calculated in this research is 25%. That figure is based on the fact that 5 out of 20 houses are occupied by students according to Durham University.

One conclusion that can be drawn is that DCC figures are credible in some postcodes, but less so in others. It is very difficult to find enough weaknesses in DCC's data/strength in IPSA to protect heavily studentified areas from even more encroachment, but it is worth identifying flaws in the data on less studentified areas in order to protect them from further encroachment.

5. Reflections

This section needs to be considered in conjunction with the separate document *List of Planning Inspectorate Appeal Decisions on HMOs and PBSAs 2015-2019*.

- The IPSA has not always been applied consistently by DCC planners, even if delegated/committee reports generally begin with a list of policies underpinning the decision. It has been unclear when the spatial policy team has been consulted. The words HMO property/C4/student property have been used interchangeably. It can even be argued that IPSA has been 'used arbitrarily and applied wilfully' by DCC eg: in the Jackie Levitas/Waddington St 2017 Appeal.
- However, in the more recent 2019 officer reports there has been more rigour eg: the date the 100% figure was taken is increasingly referenced. This is due to pressure from both developers and local residents who have contested DCC's figures, and also from inspectors. For instance, in the 10 High Wood 2019 Appeal the appellant argued that the real density figure was as high as 87% when nearby empty university buildings were taken into account. This Appeal sheds light on DCC's efforts to protect Whinney Hill from further studentification, for which it must be given credit, even if it is unsuccessful in some appeals.
- A key issue in IPSA is clause (e). This is a 'get out' clause which exempts a developer from IPSA on the basis that one more HMO/an increase in

concentration of HMOs will not cause harm, or, to the contrary, that a locality is so saturated with HMOs that it is effectively not worth protecting.

- The first factor shaping decisions is the HMO density and saturation figures measured through the % of Class N (student) exemptions from council tax in HMOs and PBSAs (and also DU colleges) in a postcode area or within 100 metres of a property.
- There are no guidelines stating, for instance, that localities with 60% density need to be protected, whereas localities with 90% density do not merit protection.
- For instance, in the Pear Tree Cottages, High Wood View, 2017 Appeal, the impact of one more HMO in an area with a figure of 61.8% was considered 'negligible'. In contrast in the King's Lodge Hotel 2015 Appeal, with HMO figures as high as 89%, the 'cumulative harm' to the 'character of the city and living conditions of residents' was recognised.
- The second set of factors shaping decisions are adverse impact and detrimental effect on the neighbourhood – to the *character* and *appearance* of the area, to the overall *range and variety of local housing stock/mix* in the area, to the *amenity* of nearby residents, and to the living conditions for neighbours; to highway safety; and to the Durham City Conservation Area.
- These terms are drawn from the City of Durham Local Plan 2004. Firstly, Policy H13 (Residential Areas – Impact upon Character and Amenity) states *that planning permission will not be granted for new development or changes of use which have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them.* Secondly Policy H9 (Multiple occupation / student households)- *seeks to ensure that where houses are sub divided or converted to flats, bedsits or multiple occupancy, they do not adversely affect the character of the area, the amenity of nearby residents and the concentration of sub-divided dwellings to the detriment of the range and variety of the local housing stock.*
- The third set of factors shaping decisions is balanced communities/community cohesion.
- These sorts of terms are drawn from the NPPF. For instance, Paragraph 91 of the NPPF states that planning decisions should aim to achieve *healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.*¹² Paragraph 61 talks about creating and maintaining *sustainable, inclusive and mixed communities.*
- However, the way all these terms are interpreted is elastic, particularly the word 'sustainable', which is used to justify developments which are clearly not environmentally, socially and economically sustainable. It is unclear how the difference between 'significant but acceptable' and 'unacceptable' adverse impact is worked out. What is left out is as important as what is included.
- *Character* is judged on a purely material basis eg: in the Mistletoe St 2019 Appeal, and in planners comments in delegated & committee reports about the retention of architectural rhythm in Durham's townscape – as if the range and variety of the local people living in the street, the absence of students from the street for 3 months over the summer and the subsequent damage to the rhythm and character of everyday life, and community cohesion, is immaterial.

¹² As summarized by Susan Hyde in Committee Report on 51 Whinney Hill https://publicaccess.durham.gov.uk/online-applications/files/AE54A40ECBE16A2F16884E01E9F0695E/pdf/DM_19_00649_FPA-COMMITTEE_REPORT-2467858.pdf

- *Residential amenity* is judged as noise through party walls and by occupiers and visitors, disturbance, comings and goings, especially late at night and at unsocial hours; visual intrusion, overshadowing and the blocking of light; impact on private rights of access. Concerns about the potential for HMOs to harm residential amenity (based on longstanding local knowledge) are sometimes dismissed as 'conjecture' – with too little thought about the limitations/poor enforcement of property management plans/statutory nuisance legislation when residential amenity is (as predicted by local residents) harmed. The 10 High Wood View 2019 Appeal contained a condition that a property management plan had to be submitted to DCC 'in the interests of protecting the living conditions of the occupiers of other dwellings near the property' – how effective are property management plans?
- *Significant incremental change to/cumulative impact & harm* to character and appearance of areas and amenities of long-term residents/few remaining non-student residents of intensification is rarely mentioned.
- *The impact of transient citizens on community cohesion/sustainable communities* is rarely mentioned. Dr Richard Tyler and the National HMO Lobby have done valuable work ¹³ although it is important to challenge assumptions that all students are the same and that they all want to live noisily in student 'ghettos'.
- *The dearth of protections for long-term residents is rarely mentioned.* Even restrictive property covenants appear to be disregarded eg: in the case of the houses on the Sheraton Park estate, where some householders believed their neighbourhood was protected from studentification by property law.
- The Durham Constabulary Architectural Liaison Officer is a statutory consultee whose views hold some weight eg: in the 10 High Wood View 2019 Appeal Durham Constabulary is quoted as '*not objecting to the proposal*' which indicates that '*the problems which can arise in undermining settle communities would not occur*'. However in the case of the conversion of the Nevilles Cross Bank newsagent into an HMO, Durham Constabulary writes that an HMO '*could have an adverse impact on the amenity of existing residents*' as '*in our experience ...HMOs generate more noise, antisocial behaviour, nuisance in the form of litter ...linked to students wanting to hold parties in an HMO free from constraints of university accommodation.*' It is unclear what data the police draw on to formulate their comments and why 10 High Wood View is assessed differently to Nevilles Cross Bank. It might be, for instance, police statistics on call outs, warnings and prosecutions over anti-social behaviour in the vicinity of the property under consideration. This is not specified.
- Residents are not treated as full-blown legitimate consultees and their views can be arbitrarily dismissed as '*anecdotal evidence*' (as in the Mistletoe Street 2019 Appeal). Policymakers rely primarily on statistical, financial, and other forms of technical data as their basis for decision-making and disregard/underestimate the value of the narratives of the members of the public who are or will be affected by a particular piece of regulation, who have local knowledge. There is a gap between aspirations to effective civic engagement and engagement in practice. What sort of evidence from local residents would qualify as 'firm' and 'robust' – diary records, recordings, photos, police call outs, door to door surveys? In the Jackie Levitas/Waddington St 2017 Appeal the '*appellant's door to door survey*' was not considered independently verified therefore '*should be*

¹³ See Tyler's lecture on HMOs on YouTube <https://www.youtube.com/watch?v=1gJgsmAeaH8> and the National HMO Lobby publication 'Balanced Communities and Studentification' <http://www.hmolobby.org.uk/39articles.pdf>

treated with caution'. Similarly, in the case of 56 Dalton Crescent '*alternative means of data collection such as door knock style surveys*' were not '*sufficiently robust*'.

- Neighbourhood notifications are a waste of time if notifications are only sent to neighbouring houses occupied by students, who throw them in the bin. The value of placing notifications in the Northern Echo also has to be queried as the average circulation is now only 19,000 across the entire county¹⁴. Neighbourhood notifications need to be sent to property owners, landlords and letting agents, and neighbourhood groups, not short-term tenants/students. Is the notification system fit for the 21st century?

6. Policy suggestions

- Expert and comprehensive work is being done by NPF and DPC members with considerable expertise in planning. They have formulated additions and omissions to the draft Neighbourhood Plan IPSA policy ie: count the student population and apply IPSA if the student population exceeds 20% of the total population within 100 metres of an HMO application site, apply IPSA to new HMOs and extensions to HMOs, extend IPSA to cover the entire city.
- Clause (e) is really difficult. I come down on the side of taking the specific circumstances into consideration, rather than specifying a saturation % point, in order to protect the last remaining long-term residents and remnants of their neighbourhoods (such as Whinney Hill), and also to protect householders when they need to sell their properties and cannot unless they can sell them as C4 properties (such as Jackie Levitas, for instance).
- By saying this I am taking a stand in favour of remaining hopeful about rebalancing communities, and against assumptions that it is acceptable for parts of the city centre and areas around the university to be completely taken over by landlords.
- Ongoing work on strengthening the evidence base on people and on properties in Durham City is invaluable. The following might be helpful:
 - draw up a chart listing the DU colleges and total beds (5,700 beds), the PBSAs and total beds, the 5+ bed HMOs on the Public Register.
 - estimate the number of other HMOs – analyse DU data and landlord websites and carry out a formal DPC door to door survey
 - work out the % of C4 HMOs balanced against the % of C3 homes.
 - work out the % of student residents in the Durham Parish Council area balanced against the % of longterm residents. The DCNP stated the balance was 54% students in 2011 based on the census ¹⁵. Is the % now nearer 65%?
 - work out the loss of council housing built since the 1920s/1940s as decent and affordable housing for long-term Durham residents eg: Whinney Hill, Oswald Court, Elvet Crescent.
 - list the % of affordable rental and purchasable housing in Durham City centre in 2019 – is there any left? And age-friendly housing – how much is there?
- It would also be helpful to liaise with neighbouring parish councils about enhancing their knowledge bases. Can the 50+% statistic be extrapolated to Gillesgate and the parts of Framwellgate Moor closest to Durham City?

¹⁴ <https://www.abc.org.uk/product/9859-darlington-the-northern-echo>

¹⁵ <http://npf.durhamcity.org.uk/themes/housing/population/>

- It would also be helpful to construct an explicit, succinct, collective 'narrative' for councillors to share with residents/use in policy-making discussions eg:

The Parish Council does not want to demonise students and devalue the university. But the university has grown too large for the city, leaving residents feeling that they are living on a campus rather than in a residential city. Here is the evidence (see below). Students are also victims of the system in that they pay high rents. While landlords are needed, the balance of power, both legal and financial, has shifted too far in their direction. The losses and costs fall disproportionately on the community and students. This is what Parish Councillors have done in response. They presented cogent information at the EIP in 2014, helped DCC formulate a policy, monitored the policy. The policy has some weaknesses. Now Parish Councillors are currently working on improving the policy, drawing on evidence from other university towns and cities across the UK. The Parish Council challenges the assumption that parts of the city are 'lost' to landlords and that the only people who want to and are able to live in the city centre and near the university are students.

- It would also be helpful to construct some cogent visual representations of HMO density similar to the DCC Threshold map which depicts HMO density in the Article 4 area in shades of blue¹⁶. For instance, a map showing eg: all the houses within half a mile of the Bill Bryson library/Palatine Centre and all the streets with only 1 or 2 non-student residents left in them.
- Ongoing work on strengthening the evidence base on studentification across the UK is also very helpful. Could DPC work with the HMO lobby, DCC, DU and other organisations to hold a national conference on studentification?

7. Conclusions in brief

- Use the DU data to highlight the flaws in the DCC data in order to protect the remaining residential areas in Durham City from studentification.
- Explore ways of bringing ideas about the following into C4 objections – character shaped by people not just by buildings, the weakness of C4 property management conditions, the significance of incremental change and transient residents on community cohesion, the value of everyday lived experience, the ineffectiveness of the neighbourhood notification system.
- Continue to improve the evidence base and collaborate with neighbouring Parish Councils on a collective evidence base for the whole of Durham City.
- Work up a narrative and visual image to illustrate the scale of the problem and underpin policy-making.
- Consider arranging a national conference on student HMOs and PBSAs – Durham may qualify as the 'most studentified' city in the UK?

DECISION REQUIRED	Members are asked to consider what next steps to take in respect of the ongoing HMO investigation and formally agree a recommendation to go forward to Full Council
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¹⁶ <https://www.durham.gov.uk/article/2499/Multiple-occupancy-homes>