

# City of Durham Parish Council

Office 3 D4.01d Clayport Library  
8 Millennium Place  
Durham  
DH1 1WA

Telephone 07704 525630

Email: [parishclerk@cityofdurham-pc.gov.uk](mailto:parishclerk@cityofdurham-pc.gov.uk)

9 September 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 13 September 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 30 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 website):

**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

**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

**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

- 6. Oversight of the work of the Neighbourhood Plan Working Party: progress report**
- 7. To consider recommendations on the ongoing HMO investigation.**
- 8. Update on proposals for service level agreement with DCC for an enhanced planning enforcement service.**
- 9. County Durham Plan**

- a. Confirmation of arrangements for cooperation with the City of Durham Trust and the Friends of the Durham Green Belt

- b. Confirmation of the list of appearances at the Examination in Public
- c. Initial discussion about the Inspector's Questions (paper to follow)

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

- a. Trader reserved parking in Providence Row: report from Highways Committee on 12 September
- b. Enclosure of common land at The Sands
- c. De-registration of the Common land at The Sands.
- d. Any other relevant developments

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

**DM/19/02589/LB** | To repair and replace the roof of the property | 25 Hallgarth Street Durham DH1 3AT (26 September)

**DM/19/02669/VOC** | Variation of Condition 4 (Opening Hours) pursuant to DM/16/03376/FPA | 17 Hallgarth Street Durham DH1 3AT (26 September)

**DM/19/02714/LB** | Hand painted signage on masonry above front door to shop (Retrospective) | Abbey Wood Interiors Avenue Corner The Avenue Durham DH1 4ED (3 October)

**DM/19/02772/AD** | 1 No Fascia Sign (Retrospective) | Avenue Corner The Avenue Durham DH1 4ED (26 September)

**DM/19/02716/VOC** | Variation of condition no. 3 (Materials) pursuant to DM/19/01465/FPA to vary brick from Wienerberger Facing Brick Blended Red Multi Gilt Stock to Manchester common and door from Crafton Style to Kingston Style. | 32 Lawson Terrace Durham DH1 4EW (26 September)

**DM/19/02729/HPN** | Prior notification for the erection of a single-storey rear extension upon the existing south facing rear elevation 4.5m from the original dwellinghouse with an eaves height and overall height of 3.4m above ground level | 11 Richardby Crescent Durham DH1 3TY (18 September)

**DM/19/02734/FPA** | Installation of illuminated artwork to the South Elevation | Clayport Library 8 Millennium Place Durham DH1 1WA (26 September)

**DM/19/02845/FPA** | Single storey rear extension | 15 Kirkwood Drive Nevilles Cross Durham DH1 4FF (26 September)

**12. Dates of future meetings**

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

10 or 11 October 2019 - 14.00 to 16.00 hrs – Office 2, Clayport Library Building.

**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 30<sup>th</sup> 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 G Holland and Cllr C Reeves (arrived 14:11pm)

**Also present:** Parish Clerk Adam Shanley, Mr John Pacey and Mr Peter Jackson (both members of the public)

## **1. Welcome and apologies**

Apologies were received from Cllr J Elmer

## **2. To receive any declarations of interest from members.**

Cllrs J Ashby and V Ashfield declared an interest in planning application DM/19/00678/FPA.

Cllr L Brown declared an interest in all applications relating to the University Business School, DM/19/02673/FPA and DM/19/02504/FPA

Cllr R Cornwell declared an interest in application DM/19/02504/FPA and took no part in the discussions on this item. The Vice Chair also chaired discussion on this planning application at the Chair's request.

## **3. To receive and approve as a correct record the minutes of the meeting on 16 August 2019.**

The Minutes of the meeting held on 16<sup>th</sup> August 2019 were accepted as a true and accurate record of proceedings.

## **4. To receive any public participation comments on the following agenda items.**

Mr John Pacey and Mr Peter Jackson both advised that they were in attendance to discuss item 6 on the Agenda and were happy to wait until this item came under discussion to give their remarks.

Mr John Pacey also advised that he had an interest in item 12 on the Agenda and queried why this was in closed session. The Clerk advised that this was due to commercial sensitivity and any decisions arising from discussions on this item would be minuted.

## **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. Members unanimously **agreed** this letter.

**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. Members unanimously **agreed** this letter.

**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. Members unanimously **agreed** this letter. **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. Members unanimously **agreed** this letter and Cllr L Brown advised that she had called this application to the Central and East County Planning Committee.

**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. Members unanimously **agreed** this letter.

Cllr R Cornwell also advised that the Committee had received a notification of the amendment to the scheme in relation to application 19/01411/FPA. The Committee **agreed** that the alteration to the scheme did not address the original concerns expressed by the Committee and therefore it was **agreed** that the Clerk should respond stating that the original objection to the scheme still stood.

## **6. Oversight of the work of the Neighbourhood Plan Working Party progress report**

Cllr R Cornwell advised that the Working Party had been working on, and had largely completed, a review of the comments made during the Regulation 14 consultation stage. Cllr R Cornwell advised that a list of action points, as circulated ahead of the meeting today had been put together by the Working Party. Cllr R Cornwell advised that most of these had been resolved and agreed by the Working Party, and would form part of the package to be presented to the Full Parish Council via the Planning Committee.

Cllr R Cornwell advised that the designation of land at Observatory Hill had however drawn two sets of objections and it is necessary for the Planning Committee to consider these together with the views of the Working Party.

Cllr R Cornwell advised that objections had been received from Durham University and Durham Cathedral, who own land to the south and east of Potters Bank. Cllr R Cornwell also advised that the Cathedral are also objecting to the inclusion of the Chorister School Playing Field near the roundabout at the foot of Potters Bank. Cllr R Cornwell advised that the inclusion of this land was suggested by Durham County Council and confirmed by the consultants AECOM who carried out the sustainability appraisal on behalf of the Neighbourhood Plan Working Party. Cllr R Cornwell advised that the view of the Working Party is that this land ought not to be deleted from the designated area. Members considered this and unanimously **agreed** that the land as designated in the draft Plan ought to remain the same.

Cllr R Cornwell also reported that objections had been received from the Neville's Cross Residents' Association and two local residents in relation to the playing fields of Durham School as far north as Clay Lane – the objection being that the draft Neighbourhood Plan omits this from the Local Green Space. At this point, the Chair invited Mr Peter Jackson to speak on this matter. Mr Jackson advised that green lane is an important green corridor, it has a special local significance and he felt that this land ought to be included in the green land designated area.

The Chair reported that a majority of the Working Party did not agree with this view. Cllr J Ashby advised that this matter had been put to AECOM for consideration and a response would hopefully be received next week on this. It was **agreed** to defer

consideration of this matter until the next Planning Committee meeting where the response from AECOM could be considered fully.

The Clerk also reported that a meeting had been arranged with Stuart Timmiss, Director of Planning at Durham County Council following receipt of the County Council's feedback on the draft Plan.

## **7. County Durham Plan**

### **a. Preparations for the Examination in Public**

The Chair reminded Members that the Parish Council had responded to indicate which elements of the County Durham Plan the Council wishes to be represented at. The Chair also advised that a meeting had taken place between the City of Durham Parish Council, the City of Durham Trust and the Friends of the Durham Green Belt and an offer had been put to the Programme Officer that these three organisations combine into a single entity.- the Durham Coalition - for all Matters/Issues where there are more than 20 potential participants. This had come about following a request by the Inspector to limit the number of hearings where the views of the organisations were the same. The Chair advised that the organisations were of the same view on almost every aspect of the County Durham Plan.

The Chair also reported that it had become apparent that a number of those who had responded to the consultation on the pre-submission draft of the Plan had not received e-mail notification by the Programme Officer of the schedule for the Examination in Public. The Chair advised that his professional background is in computing and he had expressed the view to the County Council that this may be due to the change in e-mail servers used by the County Council. Cllr L Brown **agreed** to contact the Head of IT at Durham County Council about this and it was also **agreed** that the Clerk should also write a formal letter to the Programme Officer, copied to PINS, to express this view.

## **8. County Council consultation on Long Term Empty Property Council Tax**

Members considered the current consultation by Durham County Council to raise the tax premium on long term empty properties to 200%.

It was **agreed** that a recommendation should go before Full Council to express support for the proposals.

## **9. Progressing the HMO investigations**

Members considered the report by the PHD student on HMO levels relating to historical C4/ sui generis HMO applications in the City of Durham Parish area. Cllr J Ashby advised that he felt that this was a very good and balanced piece of work and felt that the Parish Council ought to write formally to the PHD student to thank her for her work on this.

The Clerk reported that a meeting was soon to be organised between representatives of the Parish Council and the University and in particular their legal team to try and set up a Service Level Agreement (SLA) between both organisations, such that the University may be able to provide the aggregate data on HMO levels on all new C4/ sui generis HMO applications in the City of Durham Parish area. At present, the legal team at Durham University were considering the data protection implications of sharing this data. The Clerk advised that he hoped to be able to arrange this meeting as soon as possible.

It was **agreed** that recommendations on next steps to progress this work should be brought to the next Planning Committee meeting.

## **10. Planning applications:**

- a. Response to appeal against refusal of 36 The Hallgarth (reference DM/19/01683/FPA)  
It was **agreed** that we had nothing to add to our previous comments, which would be forwarded to the Inspector.
- 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). It was **agreed to note** this application.  
**DM/19/02489/AD** | Opposite Old Dryburn Way Durham DH1 5SE (4 September). It was **agreed to note** this application.
- 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). It was **agreed to note** this application.  
**DM/19/01948/AD** | Non-illuminated fascia sign (retrospective) | 28 The Riverwalk Millburngate Durham DH1 4SL (6 September). It was **agreed to note** this application.  
**DM/19/02365/AD** | 5No Non-Illuminated Image Panels | 1 Freemans Quay Freemans Place Durham DH1 1SW (9 September). It was **agreed to note** this application.  
**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). It was **agreed to note** this application.  
**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). It was **agreed to object** to this application. Cllr G Holland **agreed** to draft the response to this application.  
**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). It was **agreed to note** this application.  
**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). It was **agreed to object** to this application. Cllr J Ashby **agreed** to draft the response to this application.  
**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). Members felt that these ought to have been separate applications. It was **agreed to support** this listed



building application and to add that, had a corresponding separate planning application been forthcoming, this would have been supported too. Cllr R Cornwell **agreed** to draft the response to this application.

**DM/19/02578/LB** | To replace roof like for like with Welsh slate | 25 Crossgate Durham DH1 4PS (6 September). It was **agreed to note** this application.

**DM/19/02586/LB** | The Demolition and Removal of 2no Non-Period Chimneys | St Cuthberts Society 12 South Bailey Durham DH1 3EE (11 September). It was **agreed to note** this application.

**DM/19/02609/LB** | Dismantling & Re-Build of Existing North Gable Chimney Stack | St Cuthberts Society 12 South Bailey Durham DH1 3EE (11 September). It was **agreed to note** this application.

**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). It was **agreed to note** this application.

**DM/19/02672/FPA** | First floor extension above garage to front | 60 Archery Rise Durham DH1 4LA (11 September). It was **agreed to note** this application.

**DM/19/02673/FPA** | Enclosed Decking Area to Existing Single-Storey Rear Extension | 74 Hastings Avenue Durham DH1 3QQ (10 September). It was **agreed to note** this application.

## 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 were 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 were asked to leave the room.*

Mr John Pacey and Mr Peter Jackson left the meeting at this stage. Cllr L Brown proposed that Standing Orders be suspended to allow the meeting to continue past 16:00pm, this was seconded by Cllr J Ashby and unanimously **agreed** by the Committee.

## 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

It was **agreed** that the Parish Council should seek a meeting with Lorraine O'Donnell to request that the fencing be removed and the trees on the boundary between the coach park and the Sands be preserved.

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

The Clerk reminded Members that there was a need to respond to the application by the County Council on the de-registration of the Common Land by the 24<sup>th</sup> September.

The Clerk advised that both he and Cllr R Cornwell had met with the Freeman and had discussed the possibility of requesting a Barrister to respond on both organisation's behalf to the application.

Cllr L Brown proposed that the Parish Council, in conjunction with the Freeman, should seek urgently the services of the Barrister and suspend Standing orders in order to do this given the timescales to respond to the application. This being on the basis that both organisations share the costs of this. This proposal was seconded by Cllr J Ashby and unanimously **agreed** by the Committee.

c. Trader reserved parking in Providence Row

The Clerk advised that he had been provided with a provisional date of 12th September for a meeting of DCC's Highways Committee where the Order for the introduction of Market Traders Permit Holder only parking on a Saturday would be considered. It was **agreed** that Cllr R Cornwell should represent the Parish Council at this meeting.

d. Any other relevant developments

The Clerk advised that he had not yet received a copy of the pre-works ecological survey as requested by the Parish Council. Correspondence from DCC advised that this had been undertaken by the developer on 9<sup>th</sup> August.

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 7: TO CONSIDER RECOMMENDATIONS ON THE ONGOING HMO INVESTIGATION.**

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. This item was deferred at the last Planning Committee meeting (30 August) with a view to considering recommendations at this Committee meeting (13 September).

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 PBSAs<sup>1</sup>.
- Class M exemption from council tax – for people in halls of residence

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

- 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

### 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 2018-19<sup>2</sup> - 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 vary<sup>3</sup>, the city is divided administratively into three different parish councils<sup>4</sup> and one county council, and there are gaps in the specific data on the topic collected and put into the public domain by DCC<sup>5</sup> and DU.

For instance, the DCC Public Register of HMO Licenses<sup>6</sup> 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 property<sup>7</sup>. 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.<sup>8</sup>

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

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

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

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

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

<sup>7</sup> 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>

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

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.

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 13<sup>9</sup> 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 campaigners<sup>10</sup> 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.<sup>11</sup>

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.

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<sup>9</sup> 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?

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

<sup>11</sup> These figures need to be checked with Durham Students Union.

#### 4. Conclusions from analysis of planning applications and appeals

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.*<sup>12</sup> 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

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<sup>12</sup> 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](https://publicaccess.durham.gov.uk/online-applications/files/AE54A40ECBE16A2F16884E01E9F0695E/pdf/DM_19_00649_FPA-COMMITTEE_REPORT-2467858.pdf)

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.

- *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 <sup>13</sup> 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

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<sup>13</sup> 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>



'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 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 county<sup>14</sup>. 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 <sup>15</sup>. 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?

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

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

- It would also be helpful to liaise with neighbouring parish councils about enhancing their knowledge bases. Can the 50+% statistic be extrapolated to Gilesgate and the parts of Framwellgate Moor closest to Durham City?
- 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 blue<sup>16</sup>. 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?

<b>DECISION REQUIRED</b>	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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<sup>16</sup> <https://www.durham.gov.uk/article/2499/Multiple-occupancy-homes>