

Dear Mr Hopper,

DM/20/03760/FPA First to Third Floors 4 - 6 Silver Street Durham DH1 3RB

Partial change of use to create 70 bed Student Accommodation Facility to include the erection of a two storey extension to existing roof and associated access arrangements

The Trust wishes to object to this proposal.

Use

1. This is the first of the recent city centre retail to student accommodation conversions that is a large, usable, upper retail space. Others have been smaller storerooms, staff rooms or unused space. Strategically it is a significant and measurable change in the function of the retail core. The impact of retail changes is taking its toll, it is exacerbated by the current pandemic and continuing alteration in retail patterns. The difficulty in commercial letting is understood but the overall lack of a strategic response to city centre uses and alternatives to ensure continuing vitality is becoming obvious. To switch to basic student use, especially when the pattern of accommodation for the University is itself potentially going to change, is short sighted for the heart of the city.

2. The Trust therefore regrets the change in use to student accommodation. Its objection is to the extension to the second floor and the addition of two further floors of student rooms that it sees as unnecessary and has substantial design and heritage impacts. The problems with letting the first floor may be demonstrated but there is no submitted justification for adding such a large new block on top of the existing building, especially considering its sensitive location. Why it should be so necessary to provide extra student accommodation here is not explained.

Planning Statement and Bed Space Report

3. The Planning Statement contains inaccuracies and both it and the Bed Space Report contain omissions in base data that skew the results for estimates of student PBSA need. There is acknowledgement for parts of the various relevant policy requirements but key omissions in identifying impact on the core of the city as a primary retail centre.

4. The Planning Statement has failed to keep up with the completion and adoption of the County Durham Plan (CDP) – it is out of date in its references. The Bed Spaces Report, although dated 30th October 2020, has specifically failed to note the final version of **CDP Policy 16.2** adopted on 21 October 2020. The proposal sits outside of the CDP allocations. The policy makes it obligatory to provide evidence of (a) a need for additional student accommodation of this type in this location; and (b) to undertake consultation with the relevant education provider pursuant to the identified need. On need, the applicant's Statement constructs a need for about 1,000 additional bedspaces, but it does so by setting aside all six PBSAs proposed by the University and allocated in the County Durham Plan for 2,100 to 3,200 additional bed-spaces.

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This is a wholly misguided approach and disrespects the very welcome work by the University and the County Council. On consultation with the University about need, no evidence is provided by the applicant, merely some references to discussions about design. This policy also contains specific requirements in relation to heritage impact – see the Heritage Assessment section below.

5. Durham is the Primary Shopping Centre and the supporting text to ‘*Ensuring Vitality of Existing Retail Centres*’ **CDP Para. 5.63** requires assessment of a proposal’s impact on vitality and viability. The concentration of non-retail uses also needs assessment for impact. In this instance there is both a significant loss of retail floor space and a continuing concentration of student accommodation conversions, especially in Silver Street. The Trust considers that student accommodation adds nothing to year-round city centre vitality, especially when set against the CDP’s support for alternative uses such as art and cultural facilities. It is not clear whether there is any retro-conversion potential for the first floor proposal if other alternatives were to be possible in the future. Is this locked out by the nature of the conversion, representing a large permanent loss of retail space? Collectively this is a serious omission from the Planning Statement. If this were to be compounded by the addition of extra floor space specifically designed to student accommodation floorspace standards, this would create a substantial additional financial obstacle to reversion of the site to retail or to other city-centre uses.

Design and Access Statement

6. This includes the inaccurate statement about the development being screened adequately from the WHS – this is not the case, see Heritage Assessment section below.

Heritage Assessment

7. The submitted heritage and design and access statements are incomplete and inaccurate. They lack any consideration of how the proposed extensions relate to the Castle and its North Terrace. The Terrace was created to form a promenade with cross city views over the Silver Street rooftops, city, river and onward to the City’s green setting. Windows in the Castle overlook the city in a similar way. The topography of the Peninsula creates extensive views over the application site from the Castle’s prominent position, something the 17th/18th century Terrace exploited. The growth of trees (only since 1948) and general inaccessibility of the Terrace have led to its views, its role and significance being underestimated. The view is in part obscured by the self-regenerated trees that are managed as urgent need arises rather than being under planned maintenance. However, there are views through the trees. A tree management plan would balance the green setting to the Castle against views out – offering selected views out across the city. The current situation cannot be regarded as permanent.

8. The impact of the original Marks and Spencer building, extensions and rooftop additions is not fully assessed. Cumulative impact together with the adjacent Tesco building and former Burton’s building is missed. Current negative impact on Moatside Lane is underplayed. The historic townscape pattern of development and influence on Silver St. buildings is not fully assessed. The burgage plot dimensions, elevation ratios, general concordance of heights of buildings and traditional materials have formed the basis for the centre’s townscape/roofscape and this is not fully acknowledged.

9. The application building and two adjacent buildings, although following some of the burgage plot divisions, have collapsed individual plots together and inserted common frontage

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treatments – directly working against the burgage plot ratios nearby where single and double plots result in a more vertical elevation ratio rather than horizontal. The break in the existing building frontage as it follows the curve of Silver Street reflects the burgage plot division. This should have been recognised in any assessment and the proposals do not reflect this or the building breaks as it returns down Moatside Lane.

10. The existing building is almost the same footprint as the Castle’s Northern Range. The proposed three storey extension is approximately 50% of that. This is a size coupled with height that should have merited a more intensive and detailed scrutiny of impact. Unfortunately, this does not seem to be reflected in the Historic England and County Council pre-application responses as quoted by the applicant.

11. Nighttime assessment is missing. There has been very substantial investment in the lighting of the Castle and Cathedral as implemented by the County Council. There will be impact caused by the lighting from increased numbers of windows and the external spaces intruding into the Castle’s surrounding roofscape. The effect of the WHS lighting scheme was to give dominance of the Castle at night and this proposal weakens it.

12. The impact on Moatside Lane is not accurately assessed and the height increase will further overshadow the narrow Vennel. Benefits are minimal or non-existent.

13. Generally, negative impact is underrated. Assessment is wholly based on visibility from public places, missing some and failing to assess the impact of inherent design quality and the full relationship to the historic townscape. The property’s proximity to the WHS and its boundary should have increased the level of sensitivity in relation to heritage impact. The essential attribute is the dominance of the Castle and Peninsula set against the subordination of the foreground townscape. This is under recognised.

14. The current roof with its various plant and other intrusions may be unsightly but changing it is a very slim justification for such a massive change and this benefit is overrated.

15. ICOMOS (the body that advises UNESCO on WHS issues) specifically warns against separating out heritage assets, views or attributes and missing the way in which cumulative impact can register against the ‘overall ensemble’ of WHS attributes. Having missed WHS assets/attributes/views and separated out impacts the assessment also does not use the ICOMOS WHS impact methodology.

16. The **CDP Policy 16.2** final paragraph also states the following:

‘Where appropriate, development will be expected to sustain the significance of designated and non-designated heritage assets, including any contribution made by their setting. Development proposals should contribute positively to the built and historic environment, and should seek opportunities to enhance and better reveal the significance and understanding of heritage assets whilst improving access where appropriate.’

The Trust considers that the failures of the Heritage Assessment lead on to a misleading assessment of the proposals against this requirement. It should have been clear that the location next to the WHS and in the Conservation Area would have triggered the need for any new development to sustain their obvious significance. The Trust maintains that the proposals do not.

17. Also, of concern is whether this application will trigger a similar comment by ICOMOS as with the Elvet Business School proposal:

'This proposal (Business School) highlights the high vulnerability of the immediate setting of the property (WHS) and ICOMOS advises that a reappraisal of regulations for the immediate setting of the property should be undertaken urgently to ensure that development is limited and, where appraise (sic), is of a size and from that is compatible with supporting attributes of OUV.'

Design

18. The proposal inserts an extension to the existing second floor staff accommodation, an approximately 50% increase in footprint over the original. It caps this 'box' design with a mansard fronted additional storey and then a further box top storey. This is also finished with a stair tower facing the WHS adjacent to Moatside Lane. At the Silver Street frontage, it represents an approximately 30% increase in height, to the rear due to the rising ground, it represents close to a 200% increase in height (without considering plant). The rear is not fully screened from the Castle's N. Range and N. Terrace by the rear building on Moatside Lane because of the Terrace's relative height and the 'dog-leg' of the building as it follows Moatside Lane.

19. There are three approaches to the extension design, the simple 'box' design of the second and third storey, the sandwiched, more traditional mansard elevations to the third and a separate materials approach for the rendered rear stair tower. These fail to relate well to each other or the original Marks and Spencer corporate styling. Some of the bricked up windows facing Moatside Lane are kept, other windows are opened up and unsightly external pipework appears to be proposed for removal. There are more windows inserted in the rear building's Moatside Lane elevation. The mansard is in slate and the 'box' has lead facing. The oversized, very prominent, and unsightly shop facias remain and are excluded from the application.

20. There are no visible mansard roofs along the historic core streets and few dormers except for part of the Prince Bishops Centre and the application's rear building. The newer buildings have flat roofs, but most existing buildings are earlier with traditional pitched roofs. Marks and Spencer's corporate designs had no mansards. The proposed dormers line up with front elevation windows but are otherwise of a different, more contemporary box styling.

21. The steep streets lead to buildings stepping up the slopes – creating a fragmented roofscape and elevation relationship. Even the existing application building and two adjacent buildings step up the slope of Silver Street. The effect of the proposal is to 'flatten' the stepping by raising them to the height (and more) of the adjacent Tesco's building. The original Marks and Spencer frontage had stepping in the shopfront but none in the upper storeys.

22. The Trust believes that any design in the conservation area and in proximity to the WHS should be of a high quality, irrespective of whether it is on view to the public. Design quality is a requirement of the CDP and Neighbourhood Plan. The design of the proposals is extremely poor, it fails to establish a relationship between its various parts and to the original building. It fails to relate to other buildings within the historic streets of the retail core of the City. It has substantial negative townscape and roofscape impacts that cause heritage concerns and detract from the WHS.

Access

23. Although the post pandemic lecture provision for students has yet to evolve, based on previous patterns there may well be rush before lectures start as students exit the building onto Silver Street. This may cause some short term congestion and is of concern.

Impact

24. The large size of the extension and increase in height have a major impact in respect of the Conservation Area and World Heritage Site. Such a large addition into the townscape and roofscape close to the WHS and in the core of the historic City is of obvious concern. The Trust believes it has demonstrated that the rear is on view from an important sector of the WHS and the extensions are also seen in cross-views from elsewhere. Design quality does not in any demonstrable way relate to its location, it is extremely basic and adding traditional materials cannot mask this. The render of the stair tower is especially intrusive and has little or no justification in relation to its setting.

25. The proposals specifically weaken the dominance of the Castle set against the subordinate surrounding townscape. It negatively impacts on the view from the Castle's N. terrace and N. range. They impact negatively in the townscape in views of the WHS across the City, notably from Crossgate and the Station.

26. The current WHS management Plan identifies the attributes of the WHS in relation to its Statement of Outstanding Universal Value (SOUV). Significances 2 and 3 explain why the physical domination of the WHS buildings is so important. They draw attention to the relative subordination (at the date of original drafting) of new development to the ranges of buildings that have evolved on the WHS:

Significance 3 - 'the fact that they have not been overshadowed by modern construction and development, reflects the pre-eminence of the prince-bishopric as the most important position in Durham's history.

Negative impact will weaken these attributes.

27. The poor design fails to enhance the Conservation Area and works against the small scale and fragmented character of its buildings. Their character reflects the underlying topography and emphasises the dominance of the large WHS buildings that overshadow them. This will be weakened by the proposal.

28. The night view of the WHS will be weakened by the intrusion of lighting of the extensions, external areas, and entrances into the townscape/roofscape of the city.

29. Moatside Lane remains dominated by the building and its poor appearance, the new extensions will overshadow the narrow vennel making it even less attractive for pedestrians.

Policies

30. The proposals fail against the following policies:

County Durham Plan

Policy 9 Retail Hierarchy and Town Centre Development - *Failure to protect and enhance the retail hierarchy. Primary Shopping Area - failure to protect vitality.*

Residential Uses – *Failure to accord with other policies.*

Policy 16 Durham University Purpose Built Student Accommodation. Section 2. - a. *Failure to prove need* **b.** *Failure to prove University consultation* **c.** *Failure to show lack of negative impact on retail.*

Policy 29 Sustainable design *Fails against a. by not contributing positively to character, identity, heritage significance and townscape. Is not locally distinctive* **Extensions and Alterations** – *Fails to be sympathetic to existing building, and character and appearance of existing area by poor design and scale.*

Policy 31 Amenity and Pollution – *Fails against supporting text* **Para. 5.325** *causes damage to setting of a heritage asset without an adequate assessment of need.*

Policy 44 Historic Environment. Conservation Areas f. and h. *Failure in understanding significance and setting, fails to respect and reinforce positive characteristics particularly design quality, mass and height.*

Policy 45 Durham Castle and Cathedral WHS – **a.** *Fails to maintain the significance.* **b.** *Fails to understand OUV and regard WHS Management Plan.* **c.** *fails to protect or enhance immediate setting and views out.*

Neighbourhood Plan (now material to applications)

Policy S1 – *Fails against c) and d) by not harmonising with context or conserving and enhancing setting, character, local distinctiveness and view.*

Policy H1 – Protection of World Heritage Site – **a)** *Fails to take account of historic use (of N. Terrace)* **b)** *Is not high quality design harmonising with WHS.*

d) *Conflicts with WHS by overbearing mass and lacking balance.* **e)** *Has failures in assessment, including a failure to avoid cumulative impact – through height and mass and space between buildings* **f)** *Fails to protect views*

Policy H2 Conservation Area – **b)** *Fails to retain roofscape without demonstration of adequate benefit.* **g)** *fails to protect views in Conservation Area* **i)** *lacks sensitivity scale, height* **j)** *inappropriate lighting* **l)** *fails to avoid cumulative impact through size, mass and uniform design*

Policy E3 Retail Development – *Falls outside of supportable changes because of negative impact on retail, commercial and tourism activities and the general amenity of neighbouring properties, and the positive uses listed at sub-paragraph (a); c) its detrimental effect on the back lane and vennel.*

Summary-

31. Based on the failure of the proposals against a range of policies, as demonstrated, the Trust objects to the application. It objects based on the failures in adequate heritage, retail impact assessment and establishing the need for student bed spaces. There is a failure to uphold the attributes of the World Heritage Site.

Yours sincerely

John Lowe

Chair, The City of Durham Trust