

THE CITY OF DURHAM TRUST

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c/o Blackett, Hart & Pratt, LLP
Aire House
Mandale Business Park
Belmont
Durham, DH1 1TH
17 December 2021

Dear Mr Spurgeon,

DM/21/02271/FPA 37 - 38 Silver Street Durham DH1 3RD

Amendments December 2021 - *Conversion of upper floors to form 1no. 5-bedroom dwelling (C4 HMO), conversion of lower ground floor to form 1no.2-bedroom dwelling and change of use to part ground floor to form separate entrance.*

The Trust wishes to raise its previous comment on this proposal to an objection. This is based on the failure to improve issues related to our previous comments and the inclusion of a two bed unit into the basement space below the retail floor.

Generally, the Trust is becoming increasingly dismayed at the wholesale change in use along the key historic city centre without a clear strategy. Allowing this to proceed application by application is to fail to look at the cumulative impact of the conversions for student accommodation and to mitigate against this and ensure at least minimum positive enhancement of the conservation area.

Specifically, these proposals fail to offer positive enhancement of the conservation area. The building is a modern and discordant development, and its negative impact could be reduced by small scale changes to the front elevation and windows. The Trust's suggestions remain as our original comment dated 23 July 2021.

Unfortunately, the applicant now seeks to create a two bed unit on the floor below the retail/street level. This both removes the kitchen and toilet facilities for retail staff that were originally available and creates an inferior quality, permanently dark living space. Toilet provision for retail premises is a regulatory requirement. The two bed apartment has only windows in the lounge /kitchen/diner and the two bedrooms. These extend back under the retail floor and are very unlikely to be adequately lit at their far ends. In turn these are serviced from lobby spaces without windows, and these allow access to the utility/bathroom and toilet – all also without windows. The apartment entry will only be lit with artificial light. This represents an extremely low standard of accommodation that is potentially harmful to an occupant's mental health. The failure to allow adequate toilet facilities and reduction of storage space will reduce the viability and attractiveness of the retail unit.

The proposals fail against the following policies:

County Durham Plan Policy 29 Sustainable Design

The development proposals fail to:

a. contribute positively to an area's character, identity, heritage significance, townscape helping to create and reinforce locally distinctive and sustainable community;

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- b. create spaces that are adaptable to changing social and include appropriate and proportionate measures to reduce vulnerability;
- e. provide high standards of amenity;
- f. contribute towards healthy neighbourhoods and consider the health impacts of development and the needs of existing and future users, including those with dementia and other sensory or mobility impairments.

Policy 44 Historic Environment

Conservation Areas

The proposals fail to:

- f. demonstrate understanding of the significance, character, appearance and setting of the conservation area and how this has informed proposals to achieve high quality sustainable development, which is respectful of historic interest, local distinctiveness;
- g. demonstrate the manner in which the proposal responds positively to the findings and recommendations of conservation area character appraisals and
- h. show respect for, and reinforcement of, the established, positive characteristics of the area in terms of appropriate design (features, materials and detailing).

Durham City Neighbourhood Plan

Policy S1: Sustainable Development Requirements of all Development and Redevelopment Sites Including all New Building, Renovations and Extensions

The proposals do not demonstrate the following principle.

Conservation, preservation and enhancement of the Neighbourhood by:

- d) Conserving the significance of the setting, character, local distinctiveness, important views, tranquillity and the contribution made to the sense of place by Our Neighbourhood's designated and non-designated heritage assets.

Policy H2: The Conservation Areas Durham City Conservation Area

The proposals are within and affect the setting of the Durham City Conservation Area and fail to sustain and enhance its significance as identified within the Conservation Area Appraisals.

The development proposals do not take into account, and meet, the following requirements,:

- b) They fail to sustain and enhance a continuous frontage.
- g) They fail to protect important views of the Durham City Conservation Area from viewpoints within the Conservation Area.
- j) They fail to have detailing appropriate to the vernacular, context and setting.
- k) They fail to use high quality design sympathetic to the character and context of the local area and its significance and distinctiveness.

Policy D4: Building Housing to the Highest Standards

As a new housing adaptation, the proposals are not of high quality design relating to:

- a) the character and appearance of the local area; and
- c) internal form and layout; and
- d) functionality; and
- e) adaptability.

Yours sincerely

John Lowe, Chair, City of Durham Trust