

THE CITY OF DURHAM TRUST

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

Web site: <http://www.DurhamCity.org>

Dear Mr Spurgeon,

DM/21/04085/FPA 37 - 38 Silver Street Durham DH1 3RD

Amendments December 2021 - Conversion of upper floors to form 1no. 4-bedroom dwelling (C4 HMO) and change of use to part ground floor to form separate entrance.

The Trust wishes to raise its comment on this proposal to an objection. This is based on 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 still fail to fully offer positive enhancement of the conservation area. The Trust welcomes the previous proposal to paint the window frames with a recessive colour (Officers delegated committee report- *the frames are proposed to be finished in a mid-grey colour - RAL 000 55 00*). This should be required of the new application should it be approved.

The proposal changes the shopfront, and it is reasonable to seek improvement to it and it is not clear from the officers comments that this will be also be painted in the more recessive colour. The Trust therefore includes this in support of its objection until it is further clarified. It will also retain its concern until the fascia signage/treatment for a new tenant is known.

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. 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 lit adequately 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 windows are small. If this were an HMO it would fail the requirement that all habitable rooms shall be provided with an area of clear glazing equivalent in total area to at least 1/10th of the floor area of the room. The windows in the bedrooms are only 8% of the floor area. 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.

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The proposals remove the kitchen and toilet facilities for retail staff that were originally available. Toilet provision for retail premises is a regulatory requirement. The failure to allow adequate toilet facilities and reduction of storage space will reduce the viability and attractiveness of the retail unit.

These proposals are described as meeting the now applicable Nationally Described Space Standards (NDSS). Paragraph 1.10 of the NDSS says Drawings of at least 1:100 scale showing overall GIA, room dimensions and heights should be provided for plan checking purposes. However, while the scale is 1:100 the room dimensions aren't shown. The heights may be, if that is the meaning of the abbreviations BH and SCH. The Trust has therefore had to use the online tool to measure room dimensions. The proposals meet the space requirements for overall floor area (Paragraph 1.10 NDSS) and area of bedroom one if it is only a single bedroom (Paragraph 4.1c NDSS).

The Trust notes the following that indicates that the proposals fail to fully comply with these standards:

- NDSS paragraph 4.1b requires that every dwelling with two or more bedspaces provides at least one double (or twin) bedroom. Bedroom two is 13.7m² so it meets the standard of paragraph 4.1d for a minimum area of 11.5m². However it is 2.332m wide and the standard (paragraph 4.1e) is for a minimum width of 2.75m so this room is too narrow.

The proposals fail against the following policies:

NPPF

12. Achieving well-designed places

Para. 130 The proposals fail to ensure that the development:

f) creates a place that is inclusive and accessible and which promotes health and well-being, with a high standard of amenity for existing and future users

County Durham Plan

Policy 29 Sustainable Design

The development proposals fail to:

- a. contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities;
- b. create buildings and spaces that are adaptable to changing social, technological, economic and environmental conditions and include appropriate and proportionate measures to reduce vulnerability, increase resilience and ensure public safety and security;
- e. provide high standards of amenity and privacy;
- 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.

As supported by advice **Residential Amenity Standards, Para 5.303** - A high quality built environment should consider the amenity of both existing and future residents and consideration should be given to matters of natural lighting and ventilation.

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Policy 31

Amenity and Pollution

The proposed development fails to demonstrate that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions and that it can be integrated effectively with any existing business facilities (*through poor retail service provision*). The proposal fails to demonstrate that future occupiers of the proposed development will have acceptable living and/or working conditions.

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 and the conservation or enhancement of the asset;
- 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 (including 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.

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Yours sincerely

John Lowe, Chair, City of Durham Trust