

# THE CITY OF DURHAM TRUST

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c/o Blakett, Hart & Pratt, LLP  
Aire House  
Mandale Business Park  
Belmont  
Durham, DH1 1TH  
7 February 2022

Dear Mr Russell,

**DM/22/00139/FPA** The Beauty Spot, Saddlers Yard, Saddler Street Durham DH1 3NP  
*Proposed 4 Bed HMO with accompanying communal living area and kitchen in existing loft spaces. A dormer link will be formed to connect the two loft spaces.*

The Trust wishes to object to this application based on insufficient information, negative impact on the retail unit on the ground floor, and lack of bin and bike storage.

## **Context**

Saddlers Yard is a particularly evocative retail area off Saddler Street. Its retail vitality is very important in preserving its contribution to the City's heritage. The vennel access and intimate scale are valuable remnants of Durham's historic street development and are only found in a few locations.

It is close to the World Heritage Site (WHS) and is part of the important roofscape remaining on the original burgage plot footprint – small scale and particularly relevant to the WHS setting. It is part of the same rear roofscape grouping that includes the three large blocks on Silver Street that cause substantial negative impact. This harm will be increased by the recent approval of the large discordant upper extension on top of the former Marks and Spencer building. The Castle's North Terrace overlooks this area and its outlook and setting are compromised. The roofscape of this plot is therefore important.

The Trust generally supports using vacant space over retail units to help with retail viability. This is only where there is adequate storage for bikes and access to bin storage and collection. Rear area bin clutter is a particular city centre issue, especially where so many students are living in relatively confined areas. The Trust also seeks to help with retail vitality by pointing out where proposals fail to make adequate provision for retail unit toilets and kitchen areas.

## **Proposal**

There is no clear demonstration of the need for more student accommodation (as this is assumed to be) or whether the development is necessary for supporting retail use. No public benefit is shown. The key issues caused by the proposals stem from a lack of storage, ground floor and access plans, and adequate detailing for the upper storey. These are important for this sensitive location. The Trust has had to make assumptions based on the submitted plans. Lack of information is a failure against planning policy.

A shared bin store nearby is shown on plans but otherwise is unreferenced – this has already been used for other student accommodation conversions and capacity needs to be

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analysed and justified. It is presumed to be outside the ownership of the applicant. There is no internal bin storage. There is also no allowance for bike storage.

Impact on the vential access is possible as the means of entry is not shown; it may clash with retail use or cause harm to the building elevation. The retail unit appears to use facilities on the upper floor, and this is presumed as being removed, leaving the retail unit with no toilets or kitchen. The alternative is to lose retail space. This could be made worse if bin and bike storage is inserted into the ground floor. The function of the lift shaft in bedroom 4 is not shown and, if it is not redundant, it may have implications for residents using this room.

The link between the two loft spaces is not well detailed and runs against the particularly important ridge line direction echoing the burgage plot layout. It is a sensitive location and better information and heritage analysis are needed. The existing/proposed windows are not analysed in the heritage statement. If the bedroom 4 new window is to match the existing, it should be demonstrated that this will be appropriate in style. If this conversion were an HMO there would be a need to for adequate light (10% of the floor area). In the absence of proof otherwise, the Trust notes that there will be negative impact on amenity and residents' wellbeing.

Sections of the loft conversion have not been submitted. A 1800mm head height is only shown for the communal lounge/kitchen and bedroom 4. It is not possible to verify whether these proposals meet national space standards when ceiling height is taken into account for all the rooms. The relevant standard is NDSS paragraph 10(i) which requires that *the minimum floor to ceiling height is 2.3m for at least 75% of the Gross Internal Area.*

Saddlers Yard can be secured from Saddler Street by door and gate. The management arrangements are not submitted and if the yard is locked outside of trading hours, means of access needs to be shown. The route for the emergency escape through No 68 saddler Street is not shown.

## Planning Policies

The Trust's objection is supported by failures 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 (retail unit and bin/bike arrangements for the conversion's residents)*

## 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;*
- b. create spaces that are adaptable to changing social and include appropriate and proportionate measures to reduce vulnerability;*
- e. provide high standards of amenity;*

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*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 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 utilities 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;*  
*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 E3: Retail Development**

*Within the Durham City Centre, as defined in Proposals Map 6, support will be given to proposals that enhance the character and attractiveness of the City Centre by:*

*c) improving the public realm including streets, back lanes, vennels and urban open space for all users. (Failure to demonstrate enhancement and to provide bin and bike storage and deal with ground floor access from vennel)*

*Development proposals that provide residential accommodation in upper floors of commercial properties will be supported, as long as they do not have a negative impact on retail, commercial and tourism activities and the general amenity of neighbouring properties and residential amenity including noise impact. (The Trust considers that negative impact is likely)*

## **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*

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

*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