

THE CITY OF DURHAM TRUST

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

c/o Blakett, Hart & Pratt, LLP
Mandale Business Park
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Durham, DH1 1TH

24 October 2024

David Richards
Durham County Council
Planning Department
PO Box 274
Stanley
County Durham
DH8 1HG

Dear Mr Richards,

DM/24/02655/FPA & DM/24/02656/LB - 32A Silver Street, Durham, DH1 3RD

Change of use of a restaurant (Use Class E) to a small house in multiple occupation (Use Class C4) and associated internal alterations

The City of Durham Trust considered this application at its meeting on 15 October 2024 and agreed to object on the basis that it fails against CDP Policy 29 (Sustainable Design) and Policy 31 (Amenity and Pollution).

Policy 29 of the County Durham Plan requires all new residential development to comply with the Nationally Described Space Standard. The NDSS requires a single bedroom to be at least 2.15m wide and the minimum floor to ceiling height to be 2.3m for at least 75% of the Gross Internal Area.

The proposed plans show Bedroom 4 as having a minimum width of 2.111m, failing the first requirement. Paragraph 5.25 of the applicant's Planning Statement confirms the ceiling height of the second floor to be only 2.15m. The Trust has measured the overall gross internal floor area (as defined by the NDSS) to be 132m² and that of the second floor to be 45.4m²; consequently, the percentage of the property with a compliant ceiling height is only 65% thus failing the second requirement.

Policy 29 also requires all developments to achieve well designed buildings having regard to supplementary planning documents and other local guidance documents. In that respect, the County Council's own adopted "Standards for Housing In Multiple Occupation" are relevant. Part 2 Section 1 of the Standards requires that "*All habitable rooms, kitchens, bathrooms and water closet compartments shall have a minimum floor to ceiling height of 2.3m except in the case of existing attic rooms*". This confirms that the 2.15m floor to ceiling height of the second floor is unacceptable for residential use and that Policy 29e is failed.

The Trust further considers that the proposed cycle storage cannot be described as "well designed" or providing a high standard of amenity. It is inappropriately situated up a flight of stairs on the first floor of the property and the size, shape and restricted access to the space are incompatible with use as a store for multiple cycles.

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CDP Policy 31 states that *“The proposal will also need to demonstrate that future occupiers of the proposed development will have acceptable living and/or working conditions”*. The Trust submits that the nature of the non-compliance with the NDSS and the Council’s HMO standards means that Policy 31 is additionally failed.

The Trust has concerns that the application contains no specific proposals indicating the amount and exact location of refuse and recycling bins to be provided. Paragraph 5.30 of the Planning Statement states that *“There is an existing bin storage area associated with the established restaurant use and it is anticipated that this area will accommodate the bins associated with the proposed HMO use. Nonetheless, the applicant would be willing to accept a planning condition requiring details of the bin storage arrangements to be submitted to the LPA for approval if deemed necessary”*. Given the rather vague nature of this statement and the problems previously associated with refuse bins in the vicinity of the rear of the property, the Trust would argue that detailed proposals must be provided for consideration prior to determination of the application.

In addition to the above points the Trust also has two areas of concern in relation to this listed building. This is an important building illustrating jettied construction and dating from the 17thC. Any alterations therefore should be very carefully considered, especially where they may impact upon the main structure. While the building has undergone much internal change there still exists the potential for damage to original material through internal renovation. It is not clear whether the proposed internal floor plan does reflect earlier uses and in particular whether the stud walling and internal servicing will impact on the structure.

The frontage windows are mentioned in the listing description of the building and require careful design for the installation of new secondary glazing. No detail is presented in the submission. The shaping of the first floor oriel does not lend itself easily to secondary glazing. The second floor window is protected by a balustrade visible from the street and that detracts from the quality of the window. Again, no details are submitted that show how this is to be adapted for student accommodation.

For the reasons given above, we ask the Authority to refuse this application.

Yours sincerely,

JOHN LOWE

Chair, City of Durham Trust