



**CITY OF DURHAM
PARISH COUNCIL**

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13 October 2020

Dear Ms Morina,

DM/20/02491/FPA | Change of use of part of ground floor and first and second floors to 9 studio apartments (use class C3) and one small house in multiple occupation (HMO) (use class C4). | 18 Silver Street Durham DH1 3RB

The City of Durham Parish Council considered this application at its meeting on 2nd October and agreed to respond as follows.

The application site and proposal

The application site occupies a corner site at the lower end of Silver Street where it approaches Framwelgate Bridge and is situated within one of the City's oldest and historically most important streets connecting the medieval Market Place to the outer borough of Crossgate. The building has non-designated heritage asset status due its contribution to the group value of the city's medieval context and the street includes a number of listed buildings and others of historic and architectural interest. The building's heritage contribution is primarily due to its façade value to Silver Street and its proximity to the World Heritage Site boundary which it touches along the east and south sides of the plot. The site is located within the Durham City Conservation Area.

The building has two three-storey sections with a two-storey section to the rear. There are three separate roof spaces. All the exterior walls are rendered and painted white, two of the roofs are lined slate and the third, the two-storey section is unlined slate.

The application proposes to alter three floors of the building; the intention being to retain a commercial space to the front of the ground floor with residential use to the rear and multiple residential use on floors two and three.

National Planning Policy Framework

The following elements of the National Planning Policy Framework (NPPF) are considered relevant to this proposal:

NPPF Part 6 Building a Strong, Competitive Economy - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.

NPPF Part 9 Promoting Sustainable Transport - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.

NPPF Part 11 Making Effective Use of Land - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.

NPPF Part 12 Achieving Well-Designed Places - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.

NPPF Part 16 Conserving and Enhancing the Historic Environment - Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

County Durham Plan (CDP)

We note that on 14 October the Council's Cabinet recommended that the full Council on 21 October should adopt the County Durham Plan, and assuming that is agreed the relevant policies will be those in the CDP. We have referred to the texts of these policies in the papers for the Cabinet meeting.

Planning considerations

The Parish Council understands that 85.39% of properties within 100 metres of the site are currently occupied as student let accommodation. Whilst this clearly exceeds the 10% threshold included in Policy 16.3 of the County Durham Plan, the site is nevertheless situated within the commercial heart of the city in an area characterised predominantly by commercial uses. As such, the introduction of residential dwellings to the upper floors of this retail unit is not considered to have any unacceptable or fundamental impact upon the achievement of balanced communities which Policy 16.3 seeks to ensure.

Policy 9 of the County Durham Plan also relates to Town Centre development and is also relevant in the determination of this application. Para 5.64 states: ***"In some instances town centres may provide suitable locations for residential uses, contributing to the overall housing supply and also to a centre's vitality and viability, whilst also increasing footfall. Residential uses will be***

encouraged within Sub Regional, Large and Small-Town Centres, where it complies with relevant policies in the Plan. The Parish Council believes that the use of the upper floors of this site for residential purposes would not give rise to conflict with existing uses in the area and is therefore consistent with the aims of Policy 9. Added to this, the Parish Council welcomes the fact that this proposal does not involve significant extensions, alterations to the exterior or rebuilding which would unacceptably alter the character or scale of the original building.

As the development proposes residential use of the second and third floor, it can draw some support from Policy 9, subject to the proper consideration of the impact of the development upon the character of the area and the amenity of nearby occupiers.

With regard to the impact upon the vitality and viability of the city centre it is noted that Policy 9 of the CDP seeks to protect and promote the vitality and viability of the city centre and that this approach displays a broad level of accord with the aims of the NPPF which require local plan policies to recognise town centres as the heart of their communities and Local Planning Authorities (LPAs) to pursue policies to support their vitality and viability.

It should also be noted that the decline of the retail offer now features a proliferation of retail voids along Silver Street. It is the Parish Council's view that any proposal which seeks to retain and support the continued retail use of this area ought to be supported. Such an approach also displays a broad level of accord with the aims of Parts 6 and 11 of the NPPF.

The NPPF requires that planning decisions avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development; and mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions. In this case, the Noise Nuisance Team has been consulted on these proposals and has provided the following assessment: ***"the application relates to the introduction of several noise and odour sensitive receptors into an area of commercial businesses, with several hospitality businesses in close proximity to the development, a restaurant is close by and there are public houses in the vicinity. The city can have a vibrant nightlife and Silver Street can be a busy thoroughfare both during the day and night with revellers moving between businesses; whilst at present Covid-19 will be having an impact, this will not always be the case. There can be a risk to the existing businesses, particularly the hospitality sector by introducing sensitive receptors who may complain about noise and odour associated with food businesses."*** The Parish Council shares the concerns of the Noise Nuisance Team in this regard and considers it essential that the applicant introduces measures as proposed by the Officer in order to mitigate any adverse impacts on health and quality of life arising from noise and odours.

Furthermore, this application is for change of use from retail sales and storage to Use Class C3 on part of the ground floor and C3 and C4 on the other floors. The application was validated on 10th September and therefore falls to be determined under the new Use Class E(a) and C3 (a) and (c). The Parish Council believes it is essential to ensure that, if permission is granted, it is specifically for **Class E(a) - Display or retail sale of goods, other than hot food** on the ground floor, in order to further mitigate against any adverse noise or odours impacting on the health and quality of life of future residential occupants.

The Parish Council welcomes the method of refuse removal outlined in this application as a means of avoiding street clutter to affect Moatside Lane.

As stated earlier, the application site sits within the Durham City Conservation Area and within close proximity of the World Heritage Site boundary. As such, part 16 of the NPPF is relevant which requires an LPA when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important an asset, the greater the weight should be. In instances where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefit of the proposal, including securing its optimum viable use.

The Parish Council notes the additional comments submitted by the World Heritage Site Co-ordinator on 6th October, which set out the following set of suggested conditions to be attached to this application in order to ensure it has no adverse impact on the surrounding locale:

- 1. As a minimum a basic age/character analysis is needed for the building given its sensitive location in order to guide the minor changes. It should include age, style and condition of external windows and doors, noting that even basic applications for replacement doors and windows on heritage assets are including this level of information.***
- 2. The analysis should be used to guide the new window and doors or replacements It should deal with an appropriate style for the shopfront, other traditional replacement designs can be seen elsewhere in the city centre. The shopfront design should include details of placement of advertising pending a tenant. As proposed, the first-floor frontage replacement window incorporates a discordant mullion arrangement.***
- 3. The condition and treatment of the Moatside Lane tunnel and walls and riverside footpath boundaries should be detailed.***
- 4. The proposed tree works should be identified.***
- 5. The two rear yards appear to rely on the Castle retaining wall for a backdrop, any implications for the development resulting from their superficially inspected condition should be identified. The treatment of the yards needs identifying.***
- 6. To avoid lighting impact the yard lighting should be down facing and the rear rooflights light spillage minimised.***

The Parish Council fully endorses these conditions being applied to this application.

Policy 21 of the County Durham Plan deals with delivering sustainable transport. The County Council will not grant planning permission for development that would generate traffic which would be detrimental to highway safety and/or have a significant impact on the amenity of surrounding occupiers. This approach displays a broad level of accord with the NPPF which requires that plans and decisions ensure developments which generate significant vehicle movements are located where the need to travel will be minimised and the use of sustainable transport modes maximised.

The building is located within the commercial centre of Durham City and is therefore well served by public transport, several city centre car parks and the Council's Park and Ride Scheme. As such the

Highway Authority has been consulted and offers no objection to the application which is considered to accord with the requirements of policy 21 of the CDP and Part 4 of the NPPF.

With appropriate conditions relating to the development's impact on the World Heritage Site, the Use Class of the ground floor unit and noise and odours being applied to this application, the Parish Council finds merit in this application and sees no reason why it should not be approved.

Yours sincerely,

Adam Shanley
Clerk to the City of Durham Parish Council