



**CITY OF DURHAM
PARISH COUNCIL**

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2 June 2021

Dear Mr Dalby,

DM/21/01636/FPA | Change of use of upper floors, part basement and part sub-basement from ancillary retail use (Class E) to 2no. 6-bed self-contained flats (C4 use) and 1no. 1-bed flat (C3 Use). | 25-26 Silver Street Durham DH1 3RD

The City of Durham Parish Council considered this application at its meeting on 28th May 2021 and agreed to support this application.

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) operates under a presumption in favour of sustainable development. It states that development proposals, which accord with the development plan, should be approved without delay. The adopted Development Plan where the site is located comprises the planning policies of the County Durham Plan (CDP). In addition, the Durham City Neighbourhood Plan successfully passed Referendum stage on 6th May 2021 with 85.6% in favour and is now expected to be formally adopted by the County Council in July 2021. The Neighbourhood Plan policies are therefore a material planning consideration in so far as they relate to this application.

The Parish Council understands that, within a 100m radius of, and including 25-26 Silver Street, 47.8% of properties are currently Class N exempt student properties as defined by Council Tax records. There are 46 properties within 100m of the application site and 21 currently benefit from a Class N exemption. Whilst this clearly exceeds the 10% threshold included in Policy 16.3 of the County Durham Plan (CDP), 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 and indeed could add to the sustainability of the city centre.

Policy 9 of the CDP 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.

As the development proposes residential use of the upper floors, 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.

More crucially however, Policy E3 of the emerging Durham City Neighbourhood Plan deals with retail development and is clear that: *“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”*. It is the Parish Council's view that this proposal conforms with the requirements of this Policy and indeed will result in more, smaller retail premises on offer.

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 the Local Planning Authority, when considering the impact of a proposed development on the significance of a designated heritage asset, to give great weight 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.

Policy 44 of the County Durham Plan is also relevant to this proposal. This Policy deals with the Historic Environment and is clear in giving *“great weight to the conservation of all designated heritage assets and their settings in a manner appropriate to their significance, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance”*. The Parish Council concurs with the assessment of the County's Design and Conservation Officer that the proposal will result in a benefit impact by bringing the building into

full active re use, giving the building the capacity to contribute positively to the vibrancy and vitality of this part of city, where there is clearly a recognised need.

Policy H2 of the Durham City Neighbourhood Plan is also relevant to this proposal. This Policy deals with the Conservation Areas and expects *“development within the City Centre Conservation Area to sustain and enhance its special interest and significance identified within the conservation area character appraisal taking account of sustaining and enhancing the historic and architectural qualities of buildings, continuous street frontages, patterns, boundary treatments, floorscape and roofscapes, avoiding loss or harm of an element that makes a positive contribution to its individual significance and surrounding area, using appropriate scale, density, massing, form, layout and materials, using high quality design sympathetic to the character and context, its significance and distinctiveness”*. As per the assessment of the Design and Conservation Officer, this scheme conforms with Policy H2.

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 application is considered to accord with the requirements of policy 21 of the CDP and Part 4 of the NPPF. The Parish Council also very much welcomes the introduction of cycle storage as part of this scheme.

The main planning considerations in determining this application have been set out and considered above stating accord with relevant Development Plan Policies. The application has also been considered against the relevant sections within the NPPF and there is not considered to be any conflict between the local policies and the NPPF on the matters of relevance in this case.

This application should therefore be granted without delay.

Yours sincerely,

Adam Shanley
Clerk to the City of Durham Parish Council