

## COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	DM/17/01555/FPA and DM/17/01556/LB
<b>FULL APPLICATION DESCRIPTION:</b>	Conversion of the existing building into 17 self contained student apartments and a reduced commercial/retail floorspace.
<b>NAME OF APPLICANT:</b>	Mr Sarania, Starstruck Limited
<b>ADDRESS:</b>	Former Post Office, Albert House, 33 Silver Street, Durham
<b>ELECTORAL DIVISION:</b>	Elvet and Gilesgate
<b>CASE OFFICER:</b>	Barry Gavillet, Senior Planning Officer, <a href="mailto:barry.gavillet@durham.gov.uk">barry.gavillet@durham.gov.uk</a> 03000 261958

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### Site:

1. This application site is located within Durham City Centre, within the Durham City Conservation Area and is a Grade II Listed Building. It is the site of the former Post Office which has recently moved to smaller premises within the WH Smith store, a few units away from the application site on Silver Street and close to the market square. The surrounding uses are mostly comprised of a mix of retail and commercial units along with public houses, cafes, restaurants etc. There are no residential properties nearby apart from a few student apartments above shops. The site is very close to public transport links and is close to all University buildings in the city centre.
2. In terms of its historic interest, the significance derives from, evidential values, and its architectural/aesthetic merits while it makes a significant positive contribution to the diverse historic streetscape and conservation area. The building appears to be early 19<sup>th</sup> century, said to have been remodelled in 1887, and features a fine 19<sup>th</sup> century shop front, first floor pillars with date stones (left, Victoria AD 1837; right, Victoria AD 1887) sash windows set in raised stone surrounds, eaves band and gutter cornice etc. The historic core connects to a late 19<sup>th</sup>/early 20<sup>th</sup> century rear building within Fowlers Yard; this possesses a degree of historic interest by forming part of a collection of Victorian industrial warehouse style buildings at the riverside.

#### Proposal:

3. These applications seek permission for both full planning permission and listed building consent for the conversion of the former post office building into 17 self contained student apartments, the only communal element would be a laundry to the rear of the ground floor. The development would be largely internal works although the exterior of the building would also have some sensitive refurbishment works. The retail/commercial use would remain at the ground floor/street level facing Silver Street.

4. This application is being reported to committee as it is classed as a major application.

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## **PLANNING HISTORY**

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5. None relevant

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## **PLANNING POLICY**

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### NATIONAL POLICY:

6. *Part 1* - 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 of a low carbon future.
7. *Part 4* - Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
8. *Part 7* - 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.
9. *Part 8* - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible, Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
10. *NPPF Part 12 – Conserving and Enhancing the Historic Environment*. Working from Local Plans that set out a positive strategy for the conservation and enjoyment of the historic environment, LPA's should require applicants to describe the significance of the heritage asset affected to allow an understanding of the impact of a proposal on its significance.

### LOCAL PLAN POLICY:

#### City of Durham Local Plan

11. Policy CC1 (Vitality and Viability of the City Centre) seeks to protect and enhance both the vitality and viability of the city centre.
12. Policy E3 (World Heritage Site) Protection seeks to safeguard the site and setting from inappropriate development that could harm its character and appearance.

13. Policy E6 (Durham City Centre Conservation Area) states that the special character, appearance and setting of the Durham (City Centre) Conservation Area will be preserved or enhanced as required by section 72 of the Planning (Listed Building and Conservation Areas) Act 1990. The policy specifically requires proposals to use high quality design and materials which are sympathetic to the traditional character of the conservation area.
14. Policy E22 (Conservation Areas) seeks to preserve or enhance the character or appearance of conservation areas, by not permitting development which would detract from its setting, while ensuring that proposals are sensitive in terms of scale, design and materials reflective of existing architectural details.
15. Policy E23 (Listed Buildings) seeks to safeguard listed buildings and their settings.
16. Policy H8 - Residential uses of upper floors seeks to encourage the use of upper floors of retail units.
17. Policy H16 (Residential institutions and Student Halls of Residence) provides for purpose-built accommodation provided that they are well related to local facilities and are not likely to impact adversely on adjacent development or lead to community imbalance.
18. Policy T1 (Traffic – General) states that the Council will not grant planning permission for development that would generate traffic likely to be detrimental to highway safety and / or have a significant effect on the amenity of occupiers of neighbouring property.
19. Policy T10 (Parking – General Provision) states that vehicle parking should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development.
20. Policies Q1 and Q2 (General Principles Designing for People and Accessibility) states that the layout and design of all new development should take into account the requirements of all users.
21. Policy Q8 (Layout and Design – Residential Development) sets out the Council's standards for the layout of new residential development. Amongst other things, new dwellings must be appropriate in scale, form, density and materials to the character of their surroundings. The impact on the occupants of existing nearby properties should be minimised.

## **RELEVANT EMERGING POLICY:**

### The County Durham Plan

22. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that report was quashed by the High Court following a successful Judicial Review challenge by the Council. As part of the High Court Order, the Council has withdrawn the CDP from examination. In the light of this, policies of the CDP can no longer carry any weight at the present time.

## Interim Student Policy

23. On the 15 July 2015, Cabinet approved consultation on an Interim Policy on Student Accommodation. The consultation took place during September and October 2015. Responses received during the consultation period were considered and amendments were made to the Policy. On the 16 March 2016, Cabinet recommended that full Council adopt the revised Interim Policy and Council adopted the Policy on 13 April 2016. As the Interim Policy has been adopted, it can be afforded weight in the decision making process, although the weight to be afforded to it must be less than if it were part of the statutory Development Plan for the area. This is a material consideration in the decision making process. Paragraph 200 of the NPPF supports the use of Article 4 directions where it is necessary to protect local amenity or the wellbeing of the area.

*The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.cartoplus.co.uk/durham/text/00cont.htm>.*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

24. None.

### **INTERNAL CONSULTEE RESPONSES:**

25. Ecology officers have no objections.

26. Highways officers have no concerns stating that the site is a highly sustainable location for student accommodation.

27. Design officers are in support of the proposals, stating that the development would keep the listed building in active use, in a highly prominent location in the conservation area. The building would retain its retail/commercial use at street level and the proposed alterations would have no detrimental impact on the listed building or the conservation area.

### **PUBLIC RESPONSES:**

28. Norhumbrian Water has no comments.

29. Durham University have no comments.

30. City of Durham Trust are concerned about the loss of retail or commercial floorspace and that cycle provision should be provided.

31. Durham City Neighbourhood Planning Forum are also concerned about the loss of retail and commercial floorspace.

32. Two letters from residents of Durham City have been received who share the views of the Durham City Trust and the Neighbourhood Planning Forum.

## APPLICANTS STATEMENT:

33. Albert House, formerly the Durham City Centre Post Office, is a grade II listed building. It consists of two separate buildings [Silver Street & Fowlers Yard], which were linked by an enclosed footbridge in the late 19th/early 20th C.
34. The building is currently empty, with the Post Office relocating and vacating their tenancy. Following unsuccessful re-marketing of the whole building, it is deemed to be too large and the layout too unconventional to be occupied by a single retailer.
35. The proposal is for the conversion of the existing building into 17 self-contained student apartments and a reduced retail floorspace.
36. The benefits to the scheme include the active re-use of a vacant listed building, which will again contribute to the vitality of Silver Street. The shop front will be sympathetically restored and enhance Silver Street. In addition, much needed accommodation will be provided at the heart of Durham City centre with close links to education, transport and amenities.

*The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://82.113.161.89/WAM/showCaseFile.do?action=show&appType=planning&appNumber=10/00955/FPA>*

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## PLANNING CONSIDERATIONS AND ASSESSMENT

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37. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, , it is considered that the main planning issues in this instance relate to the principle of development, impact on heritage assets and highways issues.

### Principle of the development

38. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The City of Durham Local Plan remains the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF. However, the NPPF advises at Paragraph 215 that weight to be afforded to existing Local Plans will depend upon the degree of consistency with the NPPF.
39. As stated previously, the Council adopted an Interim Student Policy on 13 April 2016. As the Interim Policy has been adopted, it can be afforded weight in the decision making process, although the weight to be afforded to it must be less than if it were part of the statutory Development Plan for the area. This is a material consideration in the decision making process.
40. In relation to Purpose Built Student Accommodation the Interim Policy states:  
  
Any proposal for new, extensions to, or conversions to, Purpose Built Student Accommodation (PBSA), will be required to demonstrate:
  - a) that there is a need for additional student accommodation;
  - b) it would not result in a significant negative impact on retail, employment, leisure, tourism or housing use or would support the Council's regeneration objectives.
  - c) consultation with the relevant education provider.

Proposals for development will not be permitted unless:

- 1) The development is readily accessible to an existing university or college academic site, or hospital and research site;
- 2) The design and layout of the student accommodation and siting of individual uses within the overall development are appropriate to its location in relation to adjacent neighbouring uses.
- 3) The internal design, layout and standard of accommodation and facilities is of appropriate standard;
- 4) The impacts from occupants of the development will not have an unacceptable impact upon the amenity of surrounding residents in itself or when considered alongside existing and approved student housing provision. Prior to occupation a management plan or draft outline management plan appropriate to the scale of the development shall be provided.
- 5) The quantity of cycle and car parking provided is in line with the Council's Parking and Accessibility Guidelines; and
- 6) The applicant has shown that the security of the building and its occupants has been considered along with that of other local residents and legitimate users.

Where appropriate, proposals in accordance with the above requirements should contribute to the re-use of listed buildings, heritage assets and other buildings with a particular heritage value.

41. Both the planning authority and the applicant have consulted Durham University but no response has been received. The applicant has stated that Durham University set out in the Residential Accommodation Strategy (2012), its ambition to increase student numbers in the City from 13,500 to 15,300 by 2020 (a 13% increase over 6 years). The number of students based in Durham, in 2014/15 was 13,482 projected to rise to 13,841 in 2019/20. As part of this process it was noted that of the 13,482 students in 2014/15, 6,392 were accommodated by the University leaving 7,090 to be housed elsewhere. The provision of bed-spaces in PBSA may assist in enabling students to choose managed accommodation rather than HMOs. On this basis, the level of need identified within Durham University's Residential Accommodation Strategy is not considered to be a 'ceiling'. In addition to this the applicant states that there would be a positive impact on retail, employment and leisure as the scheme includes the active re-use of a vacant listed building, which will again contribute to the vitality of Silver Street and would sympathetically restore the historic shop front, enhancing Silver Street.
42. In addition to the above, it is considered that the location of the proposal is readily accessible to all University buildings by foot or by way of other sustainable transport. It is appropriate in relation to neighbouring uses and would not harm the balance of the community as there are very few (if any) C3 residential properties nearby. It would also contribute to the re-use of a listed building in a prominent location in the conservation area. Saved policies H8 and CC1 of the City of Durham Local Plan seeks to encourage the use of upper floors of retail units and considers that this assists with maintaining the vitality of the town centre, this proposal would be in accordance with these policies.

43. Overall, the principle of conversion is considered to have a beneficial impact by virtue of securing the re-occupation of a vacant grade II listed building within a prominent city centre location and reducing the potential for it to fall into a state of disrepair. Where the original use has ceased a change can give a sustainable future, and in this respect conversion to form student accommodation undertaken in a sensitive manner, would be considered to represent sound use moving forwards. Additionally retaining the ground floor as a commercial space would not undermine the retail function of the area while maintaining the active frontage and allowing the building to once again contribute to the vitality and viability of the street. It is considered that the proposals would not lead to a community imbalance in accordance with saved policy H16 of the City of Durham Local Plan or the aims of creating mixed and balanced communities as set out in the National Planning Policy Framework and would also accord with the Interim Policy.
44. In the context of paragraph 14, there are no adverse impacts that would significantly outweigh the benefits. There would be improvements to the shopfront which would preserve and enhance the conservation area and the currently vacant building would be brought back into use in accordance with both saved local plan policies and the NPPF.

### **Impact on heritage assets**

45. The former post office in Silver Street is a very prominent building within the Durham City Conservation Area and is also a Grade II Listed Building. The application should be determined in accordance with the National Planning Policy Framework (NPPF) and saved City of Durham District Local Planning Policies, the following are considered relevant to the consideration of this application from a heritage and design perspective; NPPF Section 12 Conservation and Enhancement of the Historic Environment, and saved local planning policies E6 Durham (City Centre) Conservation Area, E22 Conservation Areas and E23 Listed Buildings in addition to the duty in Section 72 of the Listed Building Act to pay special attention to the desirability of preserving or enhancing the character or appearance of the area and the duty in Section 66 of the Act to have regard to desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
46. During the application process several requests for amendments have been made by the Design and Conservation team and these have been received accordingly. The revisions to the historic shop frontage were welcoming due to the omission of the initially proposed secondary entrance doorway and removal of the existing post-box infill and solid panel surround. It is also now proposed to reinstate the shop window glazing which will return the shop front back to its original form and appearance which will enhance the significance of the designated heritage asset.
47. The rendering of the lift tower to the rear would be welcomed due to masking the poor quality modern brickwork while contrasting acceptably against the historic masonry. Render can be seen elsewhere around the riverside/back Silver Street environment so it would not look out of place in the wider townscape.
48. The other proposed alterations to the external elevations to the rear would involve the removal of the bridge connection and infilling the openings within brickwork to match the existing, removing and infilling two existing window openings and inserting new timber double-glazed windows. The above works are limited and sympathetic in nature ensuring that the differing industrial character of the 19<sup>th</sup> century rear buildings would be maintained. Removal of the bridge connection would be acceptable as this is a later add-on of no significance while allowing the original separation of the buildings to be re-established. Furthermore, no objections would be raised to the modifications proposed to the existing covered entrance and provision of a new timber boarded bin store adjacent.

49. No internal alterations would be made to the building which would harm the historic fabric of the building, especially with regard to subdivision of rooms and new openings. Within the main part of the listed building the majority of the internal works would affect non-historic material such as areas heavily remodelled in the 20<sup>th</sup> century and again more recently, and stripping out modern features and fixtures associated with the previous use. On the basis of the above it is considered that the proposals would retain or enhance the external appearance of the listed building and would not harm the historic fabric of its interior. The continued use of the whole of the building would avoid it from falling into disrepair and would retain its use for retail on the street level. The proposals would preserve and enhance the conservation area given the improvements to the shopfront and bringing the building back into use and are therefore considered to be in accordance with NPPF Section 12 Conservation and Enhancement of the Historic Environment, and saved local planning policies E6 Durham (City Centre) Conservation Area, E22 Conservation Areas and E23 Listed Buildings.

### **Highways issues**

50. Highways officers have stated that the proposed development is in a highly accessible and sustainable location for student accommodation. It has good links to all city centre amenities and public transport facilities.
51. Servicing from the front of the building is restricted through Traffic Regulation to 6pm to 10am only but there is an adequate service yard to the rear of the building which is acceptable.
52. No car parking provision is required given the central city centre location. However it would be expected that cycle parking facilities would be provided for a city centre student accommodation. Enclosed, covered and secure cycle parking should be provided with a minimum of 4 cycle parking spaces required. Cycle users would not be expected to carry cycles up steep stairs to store within the accommodation.
53. On the basis of these comments, plans have been amended to show an adequate amount of secure, covered, cycle storage space to the rear of the building on Fowlers Yard near the entrance, which is in accordance with the requirements of highways officers.
54. The proposals are considered to be acceptable in highways terms given its highly sustainable location, with good access to amenities, university buildings, public transport and sufficient cycle bay provision in accordance with saved policy T1 of the City of Durham Local Plan and part 4 of the NPPF.

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### **CONCLUSION**

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55. The conversion of the former post office on Silver Street would result in the building being kept in an active use and would retain the retail/commercial use at the ground floor level. The alterations to the building both internally and externally would be sensitive and would not result in any harm to the listed building or the conservation area. It is considered that the proposals would actually be of benefit to both the listed building and conservation area and would ensure that the heritage asset is enhanced and preserved in accordance with both local planning policy and the NPPF.

56. The location of the development in the city centre is highly sustainable and the use of the building for occupation by students would have no impact on the mix or balance of communities given that there are very few (if any) C3 residential properties nearby.
57. The proposals would keep the building in use, including a retail use at street level and would prevent the potential for the listed building to become redundant and fall into a state of disrepair. The proposals are in accordance with the interim planning policy on student accommodation. In terms of paragraph 14 of the NPPF it is considered that there are several benefits to the scheme and no harm has been identified. The scheme is therefore considered acceptable from a planning point of view and there are no reasons to recommend refusal.

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## **RECOMMENDATION**

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That the planning application DM/17/01555/FPA be **APPROVED** subject to the following conditions;

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

*Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.*

2. The development hereby approved shall be carried out only in accordance with the approved plans and specifications contained within:

Location Plan R4270\_1.00  
Proposed Floor Plans R4270\_1.03 rev F  
Proposed Elevations R4270\_1.04 Rev B

*Reason: To meet the objectives of saved Policies CC1, E3, E6, E22, E23, H8, H16, T1, T10, Q1, Q2 and Q8 of the City of Durham Local Plan and parts 1, 4, 7 and 12 of the NPPF.*

3. No development shall commence until a scheme for cycle provision in the location shown on drawing R4270\_1.03 is submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and available for use before any residential occupation and shall remain in perpetuity while the building remains in its hereby approved use.

*Reason: To meet the objectives of saved Policies, T1 and T10 of the City of Durham Local Plan and part 4, of the NPPF.*

4. No development shall commence until a scheme showing details of external render, including texture and colour has been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed scheme.

*Reason: To meet the objectives of saved Policies E3, E6, E22, E23 of the City of Durham Local Plan and part 12 of the NPPF.*

5. No development shall commence until a scheme showing details of secondary glazing has been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed scheme.

*Reason: To meet the objectives of saved Policies E3, E6, E22, E23 of the City of Durham Local Plan and part 12 of the NPPF.*

6. Notwithstanding the details submitted within the application no development shall commence until a detailed strategy of precise management methods, approaches and techniques for the operation of the site has been submitted to and agreed in writing by the Local Planning Authority. The strategy may include measures of CCTV coverage, 24 hour security or warden presence, student warden schemes or other management operations. Thereafter the development shall be implemented in accordance with the agreed details, with adherence to the agreed management scheme in perpetuity while the building remains in its hereby approved use.

*Reason: In the interests of reducing the potential for harm to residential amenity, anti-social behaviour or the fear of such behaviour within the community having regards Policies H16 of the City of Durham Local Plan 2004 and Part 7 of the National Planning Policy Framework.*

That the listed building application DM/17/01556/LB be **APPROVED** subject to the following conditions;

1. The works to which this consent relates must be begun not later than the expiration of three years beginning with the date on which the consent is granted.

*Reason: In accordance with Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.*

2. The development hereby approved shall be carried out in strict accordance with the following approved plans:

Location Plan R4270\_1.00  
Proposed Floor Plans R4270\_1.03 rev F  
Proposed Elevations R4270\_1.04 Rev B

*Reason: To define the consent and ensure that a satisfactory form of development is obtained.*

3. No development shall commence until a scheme showing details of external render, including texture and colour has been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed scheme.

*Reason: To meet the objectives of saved Policies E3, E6, E22, E23 of the City of Durham Local Plan and part 12 of the NPPF.*

4. No development shall commence until a scheme showing details of secondary glazing has been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed scheme.

*Reason: To meet the objectives of saved Policies E3, E6, E22, E23 of the City of Durham Local Plan and part 12 of the NPPF.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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The Local Planning Authority in arriving at its decision to approve the application has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015)

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## **BACKGROUND PAPERS**

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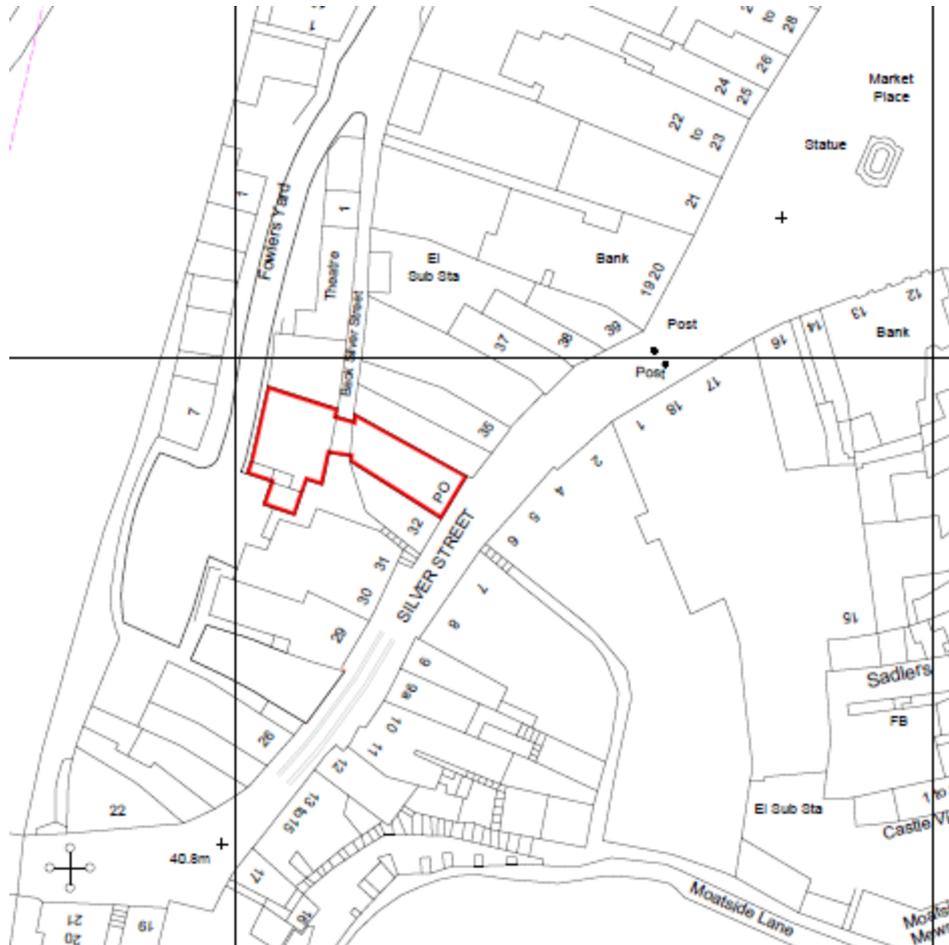
Submitted application form, plans supporting documents and subsequent information provided by the applicant.

The National Planning Policy Framework (2012)

National Planning Practice Guidance Notes

Statutory, internal and public consultation responses

City of Durham Local Plan



**Planning Services**

**Conversion of former post office building to self contained student accommodation with retail/commercial unit on ground floor**

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**Comments**

**Date** December 2017