

THE CITY OF DURHAM TRUST

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c/o Blackett, Hart & Pratt, LLP
Aire House
Mandale Business Park
Belmont
Durham, DH1 1TH
28 September 2021

Dear Ms Eden,

DM/21/03052/FPA The Riverwalk Millburngate Durham DH1 4SL
Change of use of circulation/amenity space to outdoor seating areas

1. The Trust objects to the application based on lack of information, potential safety issues, detrimental impact on amenity use and negative impact on the setting of a listed building.

Context

2. The creation of the terraces when Riverwalk (formerly The Gates) was developed is considered by the Trust to be one of the more positive additions to Durham's townscape. While being a privately controlled space, it is open for public use and offers an amenity to both residents and visitors. There is also public seating at the north end of the terrace. It is not unreasonable to see this as needing to be both understood and protected during any change in layout or use of the terraces. They offer views across the river, city, historic townscape and up to the World Heritage Site. The southern end of the terrace at the entrance from Framwellgate Bridge also acts as the immediate setting of a Grade 2 listed building - the 17thC former half timbered house (Old Toms currently). This area also forms part of the setting to Framwellgate Bridge – proposed as part of the expanded WHS and a Scheduled Monument and Grade 1 listed building. Without further information the terraces also act as means of evacuation during emergencies for residents, users of the various leisure and retail units and pedestrians. There is a potential for impact upon residents of Riverwalk and nearby from noise and lighting. Sustainability concerns are also potentially triggered by the heating of outdoor spaces into winter months.

3. The change in attitude to outdoor areas for eating and drinking is an effect of the substantial increase in this type of use during the Covid restrictions. This is understood by the Trust as often both beneficial and necessary but not if there are negative impacts or amenity and safety concerns.

Proposal and Impact

4. The proposal is based on previous temporary uses but also now expands the outdoor spaces by nearly a third, including Units 19,20 and 21 plus an area adjacent of them. The application is wholly devoid of any analysis of use during the pandemic, reasons for permanent allocations and increases, safety issues for evacuation, environmental and heritage impacts. The proposal is not coordinated with the recent Turtle Bay outdoor seating/canopy area. This is not a minor windfall based on easily available space but a very substantial removal of

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circulation space. Had this been part of the initial major application it would have received very substantial attention – significantly lacking as submitted now.

5. There have been previous Environmental Health concerns relating to a previous application and suggestions for restriction of hours of use. The Trust sees this needing greater analysis and information before any approval is considered. This is because of the potential for negative impact on residents of the complex. Noise from other raised terraces in Durham is very noticeable over some distance and this should also be considered.

6. The Terraces act as evacuation/access routes and there is particular crowding around the upper and lower levels at Thai River, BizR and Old Toms. There is also a pinch point at Brighthouse, the unit opposite, and also at Units 19-21. This should be detailed and analysis of use around the Framwellgate Bridge entrance presented based on experience of the temporary uses. Impact on use by people with mobility or health impairments is not identified.

7. There is loss of amenity for other users of the terraces by preventing clear views across the city – this is increased in the current application. This affects Units 19-21 and adjacent plus the northern end of the terrace where access to public seating appears to be cut off by the proposed private seating areas.

8. Layouts are missing and the potential for outdoor heating is a factor in considering sustainability impact. There is no information on signage or lighting.

9. The small, listed half timbered building housing Old Toms is easily obscured by large parasols and this is negative heritage impact. There is potential for cumulative negative impact from street furniture clutter on the setting to Framwellgate Bridge and in a minor way the WHS. There is particular concern about nighttime lighting and its cumulative impact. This has already been raised in connection with the Turtle Bay proposals by the Parish Council.

Policies

10. The Trust considers that the proposals fail against the following planning policies:

County Durham Plan

Policy 7 Visitor Attractions

The proposals fail to raise the quality of the visitor experience, and the expansion of an existing attractions because they:

- a. Impact negatively on an accessible location and its sustainability.
- b. Are inappropriate to the site's location in terms of scale, design, layout and materials with reference to heritage assets.

Policy 29 Sustainable Design

- a. The proposals fail to contribute positively to an area's, heritage significance and townscape
- b. The proposals fail to create spaces that include appropriate measures to ensure public safety and security;
- c. The proposals fail to minimise greenhouse gas emissions by minimising outdoor heating.
- e. The proposals fail to provide high standards of amenity and privacy, and minimise the impact of development upon the occupants of existing adjacent and nearby properties.
- f. The proposals fail to consider the health impacts of development and the needs of existing and future users, including those with dementia and other sensory or mobility impairments.

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Policy 31 Amenity and Pollution

The proposals will have an unacceptable impact such as through overlooking, visual intrusion, visual dominance, and noise without satisfactory mitigation measures. The development does not minimise light pollution and demonstrate that the lighting proposed is the minimum necessary for functional or security purposes.

Policy 44 Historic Environment

Listed Buildings

b. The proposals fail to demonstrate respect for the historic form, setting, including curtilage, which contribute to the significance of listed building and structures.

The development proposals fail to contribute positively to the built and historic environment.

Conservation Areas

f. The proposals fail to 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 and the conservation or enhancement heritage assets.

g. The proposal fails to respond positively to the findings and recommendations of a conservation area character appraisals.

Policy 45 Durham Castle and Cathedral World Heritage Site

The development affects the World Heritage Site setting and (c.) fails to protect and enhance the immediate setting.

Durham City Neighbourhood Plan

Policy S1: Sustainable Development Requirements of all Development and Redevelopment Sites Including all New Building, Renovations and Extensions

c) Fails to harmonise with its context in terms of scale, layout, density, massing, height, materials.

d) fails to conserve the significance of the setting, character, local distinctiveness, important views, tranquillity and the contribution made to the sense of place by the Neighbourhood's designated heritage assets.

The proposals fail to ensure responsible use of resources and increase in resilience to climate change by:

h) Failing to minimise energy consumption and carbon emissions.

Policy H1: Protection and Enhancement of the World Heritage Site

The development proposals to a minor degree do not sustain, conserve, or enhance the setting of the World Heritage Site by causing negative impact on the setting.

e) There is no assessment of how the development will affect the setting of the World Heritage Site, including views to and from the World Heritage Site

f) The proposals fail to protect (for other terrace users) important views

Policy H2: The Conservation Areas, Durham City Conservation Area

The development proposals negatively affect the Durham City Conservation Area by not taking into account, and meeting, the following requirements,

a) Sustaining and enhancing the historic and architectural qualities of buildings, and

e) Avoiding harm to an element of an asset which makes a positive contribution to its individual significance and that of the surrounding area; and

f) Avoiding loss of open space that contributes to the character and appearance of the surrounding area; and

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- g) Protecting important views of the Durham City Conservation Area from viewpoints within the Conservation Area; and
- j) Using materials, detailing, and lighting appropriate to the vernacular, context and setting.

Policy E4 Evening Economy

In supporting in general terms applications that support the evening economy, this Policy requires that proposals should include a strategy regarding public safety and appropriate evidence that the development will have no significant adverse effect upon local amenity, including the amenity of local residents. This is not submitted.

Based on these policy failures the Trust objects to the proposals as currently submitted.

Yours sincerely

John Lowe,
Chair, City of Durham Trust