

THE CITY OF DURHAM TRUST

c/o Blackett, Hart & Pratt, LLP
Aire House
Mandale Business Park
Belmont
Durham, DH1 1TH
10 January 2022

Dear Ms Morina,

DM/21/04168/FPA Pizza Punks 12 The Riverwalk Millburngate Durham DH1 4SL

Change of use of amenity space to external seating area to the front of the unit and new shop front.

1. The Trust objects to the application based on lack of information, potential safety issues, detrimental impact on amenity use and failure in coordination with other walkway proposals.

Context

2. There is currently an application to make permanent the temporary outdoor seating areas along the extensive riverside walkway. This walkway was promoted as a key benefit of the development scheme – giving public access views of the city and the World Heritage Site. This is currently being eroded by the drive for outdoor eating and drinking areas. The main application, **DM/21/03052/FPA**, has failed to be supported by information identifying evacuation routes, impact on public access to views and negative impact on a listed building. This Pizza Punks application now adds to that in an apparently uncoordinated way. It is difficult to see why this separate application is needing to be dealt with as a standalone proposal.

Proposal and Impact

3. The application is wholly devoid of reasons for a permanent space allocation and increases safety issues for evacuation, environmental and heritage impacts. The proposal is not coordinated with the Turtle Bay or collective seating area applications. This is another contribution to a very substantial removal of circulation space. Had this been part of the initial major application it would have received very substantial attention – significantly lacking as submitted now.

4. 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.

5. The Terraces are believed to function as evacuation/access routes. This should be detailed. Impact on use by people with mobility or health impairments is not identified.

6. There is a collective loss of amenity for other users of the terraces by preventing clear views along the terrace.

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7. The layout is missing and the potential for outdoor heating is a factor in considering sustainability impact. There is no information on signage or lighting. The relationship with the brief and inadequate management proposals for the main application is unexplained.

8. In addition (as raised by Durham County Council, Design and Conservation) the shopfront element of the proposals fails to match the otherwise closely coordinated shopfront and signage strategy for the development.

Policies

9. 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.

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.

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

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 appraisal.

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

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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.

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,

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

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

Although recognising, in general terms, applications can 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