

THE CITY OF DURHAM TRUST

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

Dear Ms Eden,

DM/21/03117/FPA Millburngate Ltd 9 The Riverwalk Durham DH1 4SL
Partial change of use from E(a) (retail) to E(b) (restaurant) and new shop fronts

The Trust wishes to object to this application and its failure to demonstrate that it will not impact negatively on the adjacent residential units and to fully integrate with the concurrent application to make permanent the external seating spaces along the Riverwalk promenade.

Context

The Trust notes that Riverwalk development was promoted on the basis of including 23 refurbished retail units and linking these with a publicly accessible promenade offering views of the World Heritage Site. This is being eroded by units switching to restaurant/bar use and infilling the promenade with extensive, private seating areas. The latter use understandably originated during the Covid pandemic restrictions but is now being grasped as an additional opportunity to create cumulatively substantial areas of privatised outdoor space accessed by customers only.

Proposal

The amalgamated unit now proposed is large and close to the rear of the residential units on the riverside. There may be noise implications for the residential units from this restaurant combined with the outside seating. There is no indication of noise analysis or attenuation measures.

In this instance the restaurant is shown on plan as being accompanied (on plan but unlabelled) by outdoor seating space. This is on a restricted entrance from the promenade into the internal street. It is subject to the ongoing application (DM-21-03052-FPA, The Riverwalk, Circulation Space - Outside Seating). The Trust maintains its objection to this application on the basis that impact on evacuation of the Riverwalk premises and the circulation space is not analysed and made publicly available. It also fails to show where views remain for the public from the promenade to the WHS and city and to protect views of the remaining listed building. There have been further separate applications for outside seating. This application specifically fails to clarify its outside seating area use and whether this has any adverse impacts. Without clarification of evacuation requirements and their relationship to this large unit's seating area, public safety could be compromised.

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Planning Policies

The Trust's objection is supported by the following policies.

County Durham Plan Policy 29e Sustainable Design requires that proposals: *'provide high standards of amenity and privacy and minimise the impact of development upon the occupants of existing adjacent and nearby properties'*. Durham City neighbourhood Plan Policy E4 Evening Economy also 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'*. The application has not demonstrated these requirements; adverse impact on nearby residents is possible and public safety could be compromised.

In addition, the inclusion of an outside seating area serving this restaurant fails against the following policies as detailed in the Trust's objection to Application 21-03052 noted above.

County Durham Plan

Policy 7 Visitor Attractions

The proposals fail to raise the quality of the visitor experience because they cause negative impact on an accessible location (Clause a).

Policy 29 Sustainable Design

The proposals fail to include appropriate measures for public safety (Clause b) and consider the needs of existing and future users suffering from mobility or other impairments (Clause f).

The Trust therefore requests that this application is properly required to submit all relevant information and demonstrate that they meet the policy requirements. It also urges that this and the circulation application are properly coordinated - this is a centrally managed development. It requests that the outstanding issues with external seating areas are dealt with and that the piecemeal erosion of the promenade is dealt with before any further additional restaurant space is approved.

Yours sincerely

John Lowe,
Chair, City of Durham Trust