

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

Dear Ms Morina,

DM/22/00468/FPA & DM/22/00406/AD 20 The Riverwalk Millburngate Durham DH1 4SL
Installation of new shop front and change of use of open space at front to an external seating area (extension to The Food Pit).

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 a more extensive approval to make permanent the temporary outdoor seating areas along the riverside walkway. This failed to deal with public access and heritage impact adequately. This and other separate applications for outside seating have failed to make clear how and where public access is allowed and whether emergency access is impacted. Visual and other impacts from umbrellas, heating and lighting are not adequately dealt with. These and other issues are not fully covered under an overall management code. 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 application also covers an area that already has approval but again fails to submit enough information or indicate how management will be coordinated.

Proposal and Impact

3. There is no Design and Access Statement. The application lacks reasons for a permanent open space allocation and potentially increases safety issues for evacuation, environmental and heritage impacts. The submitted heritage statement fails to mention the external seating area and cover cumulative impact with other seating areas.

4. 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.

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

6. The potential for outdoor heating is a factor in considering sustainability impact. There is no information on lighting or heating. The relationship with the previously submitted inadequate management proposals for the main application is unexplained.

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Policies

7. 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 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).

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 Our 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

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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.

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

Yours sincerely

John Lowe,
Chair, City of Durham Trust