

# THE CITY OF DURHAM TRUST

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

Dear Ms Morina,

**DM/22/00760/FPA 12 North Road Durham DH1 4SH**

*Change of use from retail to adult gaming centre.*

1. The Trust objects to the application based on the failure to provide information about the application, and its retail and amenity impact.

**Context**

2. The building is part of a street character forming 19thC terrace. It has typical Durham oriel windows and an additional small curved bay to the side. There is already another gaming centre down the street that advertises itself as open 24 hrs Thursday - Saturday. The units in the street are steadily becoming leisure dominated or other uses with correspondingly less retail. There is an increasing trend towards a significant over-concentration of non-retail uses. North Road is a key approach into the City centre and the World Heritage Site. This building façade forms part of a view to the Castle.

**Proposal and Impact**

3. The submission fails to provide any information on retail impact (as required by Policy E4 of the Durham City Neighbourhood Plan for evening/nighttime uses). This is especially important as it is a use that may not, if following the existing example, conform to regular opening hours for either daytime use or the evening economy. It seems likely to create dead frontage, attracting little footfall. It does not sit well with other evening leisure uses. There is little to attract day visitors in the proposal. It does not demonstrate how it will preserve the vitality and viability of the retail street.
4. The submission also fails to identify whether there are noise impacts on the residents above the ground floor proposed gaming centre. As the opening hours are left completely open and the nearby gaming centre opens for '24hrs', this is a cause for concern for the amenity of those residents.
5. This proposal is accompanied by a follow-on proposal for unsuitable lit signage - this also has the potential to interfere with the residents as one sign is proposed between the two upper bay windows. The existing gaming centre blocks the pavement with a supplementary A board, in common with many North Road businesses.

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## Policies

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

### County Durham Plan

#### Policy 9 Retail Hierarchy and Town Centre Development

##### Primary Shopping Areas

The proposal is within the Primary Shopping Areas and, as an 'Other' use it should not be permitted because it fails to preserve the vitality and viability of that area.

##### Town Centre Boundaries

The proposal should be refused because it will have an adverse impact on investment or the vitality and viability of a town centre.

This is backed up in the supporting text excerpts:

**4.166** The Primary Shopping Area of the City Centre is where shoppers, visitors and tourists should experience the liveliest and most attractive environment, which will encourage return visits and maintain Durham City's role in the County's hierarchy of town centres. The retail sector in Durham City Centre is a key driver of the local economy..... it is important that a range of both independent and national retailers are represented to include a balanced mix of consumer goods, food and services within the Primary Shopping Area.

**5.63** Within defined Primary Shopping Areas, we aim to maintain the retail offer, but with an appropriate provision of non A1 facilities to enhance the town centre experience by offering a reasonable choice of services to shoppers and visitors. ...Proposals within the Primary Shopping Area will be assessed against the existing provision, vacancies and mix of commercial and retail uses. Harm to the retail character will be determined by assessing a proposal's contribution to the vitality and viability of a centre. Consideration will need to be given to whether a proposal would result in 'dead frontage' i.e. not require passing trade, and whether it would result in a significant over-concentration of non-retail uses within the defined Primary Shopping Area.

#### Evening Economy

**5.65** The Retail and Town Centre Uses Study identifies deficiencies in the evening and night-time economy in many of the county's town centres. It will be important to support appropriate proposals that can improve the evening economy in these towns.

**5.66** Proposals that relate to the development of the evening and night-time economy (e.g. pubs, clubs, restaurants, shops and night-time entertainment) will be supported as valuable additions to the vitality and viability of Sub Regional and Large Town Centres, provided that the operation of such activities can be controlled to address amenity impacts (in accordance with Policy 32 (Amenity and Pollution)) and take into account public safety. Such developments will be resisted where they have a detrimental impact on other uses or areas or otherwise undermine town centres.

#### Policy 29 Sustainable Design

a. The proposals fail to contribute positively to an area's heritage significance and townscape.

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## **Policy 31 Amenity and Pollution**

The change of use should not be permitted because it cannot be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on **living** conditions. The proposal does not demonstrate that future occupiers of the flats above will have acceptable living conditions. The change of use is a proposal which potentially will have an unacceptable impact through visual intrusion and noise and should not be permitted unless satisfactory mitigation measures can be demonstrated.

## **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 of heritage assets.

## **Durham City Neighbourhood Plan**

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

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.

## **Policy E3: Retail Development**

The proposal is within the Durham City Centre and should not be supported because it fails to:

Contribute to the creation of a lively and vibrant City Centre by development in the Primary Shopping Area for:

- a) other appropriate town centre uses (defined as retail, leisure, entertainment, sport and recreation, offices, and arts, culture and tourism).

## **Policy E4: Evening Economy**

This change of use does not promote or support the early evening and night-time economy activity related to food and drink, arts and cultural uses. It fails to contribute to the vitality and viability of the City Centre and add to, and improve, the cultural and diversity offer.

The proposals include no appropriate evidence that the development will have no significant adverse effect upon local amenity, including the amenity of local residents.

This is backed up in the supporting text excerpt:

**4.164** Proposals for development of the early evening and night-time economy will require a supporting statement to be submitted with the planning application to address the issues of public safety concerns and the negative impact on local and residential amenity including mitigation for noise. Development should be designed to be accessible for all users, including access to public toilets.

## **Policy H2: The Conservation Areas, Durham City Conservation Area**

The signage proposals negatively affect the Durham City Conservation Area by not

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taking into account, and meeting, the following requirements,

- a) sustaining and enhancing the historic and architectural qualities of a building and
- b) sustaining and enhancing a continuous frontage, and
- e) avoiding or harm to an element of an asset which makes a positive contribution to its individual significance and that of the surrounding area; and
- g) Protecting important views of the Durham City Conservation Area from viewpoints within the Conservation Area; and
- i) having appropriate scale, and form; and
- j) having materials, detailing and lighting appropriate to the vernacular, context and setting; and
- k) using high quality design sympathetic to the character and context of the local area and its significance and distinctiveness, and to the immediate landscape; and
- l) avoiding adding to the cumulative impact of development (schemes) which dominates by scale.

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

Yours sincerely

John Lowe,  
Chair, City of Durham Trust