

THE CITY OF DURHAM TRUST

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

Dear Ms Hurton,

DM/22/01541/FPA Ebony Unit 8 Freemans Place Durham DH1 1SQ *Change use of open space to external beer garden including stools, shelving, parasols and metal barriers (Retrospective)*

1. The Trust objects to the application based on lack of information, potential safety issues, and detrimental impact on amenity.

Context

2. The deck of the Walkergate extension to Millennium Place provided amenity benefit – offering views across the river and access via steps down to Freemans Place. Unit 8 and its footprint were designed in relation to access, views, and architectural form. The approval of the covered area in front of the unit as originally built eroded the amenity space available and failed to coordinate with the design of the unit or the surrounding building. Although offered as a temporary provision the Trust considers this to more like a permanent construction – the same as that on the roof of the Revolution bar on Framwellgate Bridge. Any further loss of amenity space will be to add cumulative negative impact.

3. The main through route is down the Millennium Square steps and across the Ebony bar frontage. This is also the access down to the bars and restaurants on the lower deck.

4. There are safety concerns for intensity of use and safety issues for the deck area following the fatal incident at the unit opposite. Nighttime use is intense.

5. Previous applications to use the space to the intermediate deck next to the bar have consistently been refused. This was on access, visual and safety grounds. The placing of the seats and canopies without planning consent was a flagrant and provocative act.

Proposal and Impact

6. The proposal is sited to the side of the unit – in the route across the deck and close to the bar opposite.

7. The positioning of the seating causes even greater safety and access and visual concerns than the site to the side previously refused permission. The seating intrudes into access and helps block the view across the deck. It adds to the negative impact of the existing fixed canopy.

8. The Terraces function as evacuation/access routes. Impact on use is not identified, especially that by people with mobility or health impairments. In particular, the terrace acts as

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a holding area if the lower staircase to Freemans Place is blocked. There is greater potential for clashes between users, the seating and pedestrians. Emergency access can be impeded.

9. There is no management scheme made available for overseeing the external seating areas on the Walkergate Terraces.

10. There is no external heating or lighting (other than light festoons on the fixed canopy) at present but it is not excluded; there are therefore concerns about further introductions and their sustainability impact. Creating the seating area before obtaining permission does not encourage confidence that further transgressions will not occur.

Policies

11. 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.
- 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;
- 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 visual intrusion, visual dominance and noise without satisfactory mitigation measures.

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

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

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d) Fails to conserve the significance of the setting, character, local distinctiveness, important views, tranquillity and the contribution made to the sense of place.

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 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 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
- 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

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 submitted.

Yours sincerely

John Lowe,
Chair, City of Durham Trust