

THE CITY OF DURHAM TRUST

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Ms Yvonne Raine
Senior Licensing Officer
Durham County Council

Licensing Application for STACK, 4-6 Silver Street, Durham

Dear Ms Raine

Many thanks for your message of 21 December asking me to provide further information about the Trust's objection to this licensing application. I hope this letter satisfactorily amplifies the letter I sent on 19 December.

The City of Durham Trust is a local civic society and registered charity. It was founded in 1942 and has this year celebrated its 80th anniversary.

Our purpose is to celebrate, protect and enhance the heritage and landscape of the City.

The Trust is dedicated to giving a strong and independent voice to ordinary people who:

- care about where they live and everything that makes the City of Durham such a special place;
- have a store of knowledge and want to make a meaningful contribution;
- want to participate in and influence planning in order to keep the City distinctive and liveable;
- are keen to balance heritage and growth and to put sustainability at the heart of planning for the City.

The Trust has nearly 400 members, most of whom live in and around the City and who know the location well. The former Marks and Spencer store and its vicinity were extremely well known to them. The Trust has a primary focus on the heritage of the City and the application site is very close to the World Heritage Site and in the heart of the Conservation Area. As such members of the Trust are particularly interested in commercial developments in this area.

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The site is significantly unlike STACK's former premises in Newcastle and its current premises in Seaburn. These are both large sites with ample space in their vicinity. The proposed Durham premises in Silver Street open directly on to a narrow medieval thoroughfare and shopping street that is a primary pedestrian route to the Market Place from the bus and train stations. Such a location is not conducive to accommodating large crowds entering and leaving the premises. It would thus not assist the objectives of the prevention of public nuisance, the prevention of crime and disorder, and public safety.

Another significant difference is that the site in Silver Street has a great deal of residential accommodation in close proximity, mainly for students and particularly in the Castle which also houses visitors during university vacations. The proposed outdoor seating area and plaza on the roof of the premises will be a source of noise and disturbance for nearby residents. The applicant's Operating Schedule (para 16) states that "Noise from the licensed premises, including noise from patrons or amplified regulated entertainment, shall not be audible beyond the boundary of the premises so as to cause nuisance to nearby residents." It is difficult to envisage how noise from the external area can be prevented from being "audible beyond the boundary of the premises". This external area would thus run counter to the objective of the prevention of public nuisance. It is also possible that lighting from this area would have an adverse effect on the setting of the World Heritage Site and by causing light pollution would also run counter to the objective of the prevention of public nuisance

In our first letter stated that we fully endorse the objections submitted by the Crossgate Community Partnership. We not only endorse the simple fact that they are objecting to the application on the grounds that it fails to fulfil the four key objectives of the Council's Licensing Policy. We also fully agree with the detailed reasons they have given for their objections concerning each of the four objectives.. It seems unnecessary to repeat them in detail here.

However, it is worth emphasising our agreement with their view that Moatside Lane, one of the City's historic vennels, is totally unsuitable as an emergency exit. It is far too narrow and roughly paved. It is deliberately equipped with low-level lighting because of its proximity to the World Heritage Site and brighter lighting would therefore be unacceptable. The use of Moatside Lane as an emergency exit would thus run counter to the objective of public safety.

In addition to these particular objections, the Trust is also concerned about the cumulative impact of this application. Durham city centre already has a large number of licensed premises for food and drink. The addition of this particularly large venue in one of its primary shopping streets will increase this imbalance of retail outlets. This will have an adverse effect on the historic character of the city centre which the Trust is dedicated to preserve and enhance.

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Another general point that we made in our first letter is our concern that the granting of a licence to STACK in general will make it harder to ensure that the owners and managers of individual outlets fulfil the four key policy objectives. It is stated in paragraph 9 of the Operating Schedule that they will all have a radio link to inform security staff of any problems in their particular outlet, but this is not a sufficiently rigorous system that will provide central control of those outlets to ensure that they fulfil the four key policy objectives.

Furthermore, paragraph 3.3 in the Planning Statement from the planning application for this site says "... the Site will provide a mix of food and beverage offerings. These food kiosks and bars will change over the course of the lifetime of the Site with other tenants occupying these facilities to ensure that the Site is kept fresh and attractive to changing consumer requirements." Such changes will exacerbate the difficulty of exercising overall control of the individual outlets

Yours sincerely

John Lowe

Chair, City of Durham Trust