

THE CITY OF DURHAM TRUST

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28th June 2024

Elinor Woodruff
Durham County Council
Planning Development
County Hall
Durham DH1 5UL

Dear Ms Woodruff,

DM/24/01150/FPA The Kiosk Freemans Reach Riverside Place Durham DH1 1SL

Retention of timber raised decking and stainless steel balustrade

The Trust objects to the retention of the inappropriate timber decking. It considers that the materials and design are wholly inappropriate to the location and contribute to blockage of the shared walkway/cycleway.

The original design of the walkway and open space beside the Kiosk was intended to provide a high quality pedestrian environment appropriate to the significant new buildings to house the NSI and Passport offices. They were part of the riverside walkway around the new buildings. More recently, the Riverside Walkway has been used as the site of three former Lumiere exhibits, the heron, illuminated benches and the giant Anglepoise.

The Trust considers that it was unfortunate that the extension of external seating into the lower walkway area was granted previously in 2014 (DM/14/02972/FPA). It notes that both the frontage seating area and the lower area are outside of the indicated ownership land and appear to be on land classed as highway. To complicate this situation the walkway has been designated as a shared walkway/cycleway, signed as forming part of route 14 of the National Cycle Network (NCR 14). The seating area and the existing decking take away a substantial part of the shared surface. While the width remaining (about 3.27m) exceeds the desirable minimum width of 3.0m for a 2-way cycle route, LTN 1/20 Table 5-3 requires additional width where paths are adjacent to vertical features. Considering the decking on one side and the steps below on the other, the desirable minimum would be calculated as 4.0m in this situation, and the presence of the decking represents a hazard to pedestrian and cyclist users of the highway. If the decking were to be retained, an alternative cycling route should be provided from Pennyferry Bridge southwards to connect to the on-carriageway contraflow lane on Fleshergate.

The area surrounding the Kiosk is in a very poor condition with the following issues being particularly evident (see photos below):

- The timber decking has been set on fire and, in consequence, part is fire and smoke damaged.

THE CITY OF DURHAM TRUST

- The area under the deck is used for storage of broken tables and chairs, parasol bases and rubbish, the presence of which may well have contributed to the fire damage and provides a continuing fire risk .
- There are deteriorating, poor condition wooden planters beside the deck.
- Large refuse wheelie bins, casks and recycling bins are stored on the walkway adjacent to the deck with poor quality timber screening.
- There is frequent car parking on the walkway beside the Kiosk accessed by avoiding the frontage bollard, completely blocking the riverside route that would otherwise be taken by cyclists using NCR14 and wheelchair users and forcing other users to have recourse to the steps.
- There is an A board and other signage on and beside the railings on the road frontage.
- The area has already suffered vandalism to the riverside concrete walls – splashed paint.



The decking is not of sufficient quality for this location. It can be considered a fire hazard based on the evidence of the previous fire. In combination with the other abuses, it creates an impression of a badly maintained rear yard not the high quality space as originally built.

The Trust therefore objects to the retention of the decking and suggests that it is removed as soon as possible. It notes that there are other highway or other issues beyond the scope of the planning application that need resolving with the occupant.

(The policies the proposal fails against are listed in the following appendix.)

Yours sincerely,

John Lowe,
Chair, City of Durham Trust

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Appendix - Policies

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

County Durham Plan

Policy 21 Delivering Sustainable Transport

Because the proposals impinge upon the highway to the extent that it does not meet the relevant design standards for a pedestrian/cycle shared use route, the following aspects of Policy 21 are relevant:

The proposal does not:

- a) deliver, accommodate, or facilitate investment in safe sustainable modes of transport prioritising those with mobility issues or disabilities, walking, cycling, or
- b) provide appropriate, well designed, permeable, and direct routes for walking or cycling.

The development does not have regard to the policies set out in the County Durham Strategic Cycling and Walking Delivery Plan, in that it does not uphold the design standards referenced in the Delivery Plan. Nor does it contribute to the development of a safe cycling and walking network or the routes set out in Local Cycling and Walking Infrastructure Plans. (Note that the route from Pennyferry Bridge to Fleshergate is designated as a primary cycling route in the Durham City LCWIP.)

Policy 29 Sustainable Design

- a. The proposals fail to contribute positively to an area's townscape.

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.
- h. The proposal fails to show respect for, and reinforcement of, the established, positive characteristics of the area in terms of appropriate design (including, features, materials, and detailing).

Durham City Neighbourhood Plan

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

The proposal fails because it does not:

- c) Harmonise with its context in terms of scale, materials.

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 historic and architectural qualities of buildings; and
- g) Protecting important views of the Durham City Conservation Area from viewpoints within the Conservation Area; and
- j) Having, materials and detailing appropriate to the context, and setting; and
- k) Using high quality design sympathetic to the character and context of the local area and its significance and distinctiveness.