



**CITY OF DURHAM
PARISH COUNCIL**

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28 February 2020

Dear Ms Eden,

Planning application DM/19/03159/FPA | Change of Use of A3 (Restaurant) to Restaurant (Use Class A3) and Bar (Use Class A4) and external alterations to create a new shopfront | Units 35A-C The Riverwalk Millburngate Durham DH1 4SL

Further to our letter dated 30th December 2019 on the original application for this premises, the Parish Council wishes to maintain its objection to this planning application and asks that it be refused for the reasons set out below.

Firstly, since the site is in the City of Durham Conservation Area, a Design and Access Statement should have been provided as the floor area exceeds 100m². Without this essential document the planning application should not have been validated. The Heritage Statement does not address the necessary points. A D&A Statement should now be required and sufficient time allowed for the Parish Council and other interested parties to evaluate it. The statement should address the issues raised in this letter.

NPPF paragraph 180 requires that planning ... decisions should ... ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

The Parish Council maintains that the addition of a further licensed premises this close to the World Heritage Site is inappropriate.

As stated in our letter of 30th December, there are already three A4 premises within 30 metres of this site. They are Revolution, the Fighting Cocks and Old Tom's Gin Bar. The Three Bridges is 90 metres away. The upper storeys of Bridge House, opposite this development, are being converted from offices to residential accommodation under the terms of planning permission DM/19/02214/PNC, which included a requirement for noise mitigation measures to deal with disturbance from the *existing* premises.

The Parish Council wishes to echo the concerns raised in the report submitted by pollution control on this application. The Parish Council believes that the granting of this application in its current form has the potential to result in an unacceptable statutory nuisance being created.

It should be noted that the source noise used in the applicant's noise impact assessment was associated with the existing Old Tom's Gin Bar. The application site is far larger and has the potential for dance floors and associated loud music. There is also no lobby to limit the outbreak of noise from the premises and this is exacerbated by a lack of any structural noise mitigation measures to this premises. The fact that the applicant is applying for planning permission to operate outside the County Council's licensing framework hours further adds to the Parish Council's concerns about this premises creating a statutory noise nuisance (as defined by the Environmental Protection Act 1990). The Parish Council fully supports the conditions set out in the report by pollution control.

Furthermore, there is no lift shown on the plans and there are internal steps connecting some of the rooms on the first floor. The only DDA compliant toilet is on the ground floor, and its width appears to be around 1350mm which is narrower than the 1500mm minimum. This is such a comprehensive reworking of the internals of this building that it qualifies as new development, and saved Policy Q1 of the City of Durham Local Plan is engaged, and in particular subsection 2, which refers to "The access needs of people with disabilities, the elderly and those with children".

It is also unclear from this application where the cellar used to store the alcoholic beverages will be located. Should this application involve any ground works, the Parish Council also wishes to request that an archaeological assessment of the application site be carried out to ensure that there is no adverse impact on potential archaeological artefacts.

Consequently we ask you to refuse this planning application.

Yours sincerely,

Adam Shanley
Clerk to the City of Durham Parish Council