



**CITY OF DURHAM
PARISH COUNCIL**

Learning from the past.
Building for the future.

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Planning Development Central/East
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County Hall
Durham
DH1 5UL

City of Durham Parish Council
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8 Millennium Place
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30th December 2021

Dear Ms Morina,

DM/21/04168/FPA | Change of use of amenity space to external seating area to the front of the unit and new shop front. | Pizza Punks 12 The Riverwalk Millburngate Durham DH1 4SL

The City of Durham Parish Council Planning Committee writes to object to this application.

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) operates under a presumption in favour of sustainable development. It states that development proposals, which accord with the development plan, should be approved without delay. The adopted Development Plan where the site is located comprises the planning policies of the County Durham Plan (CDP) and the Durham City Neighbourhood Plan.

Material considerations include: the National Planning Policy Framework (NPPF updated July 2021) and the National Planning Practice Guidance (NPPG).

Firstly, there is absolutely no information about the quantity and layout of outdoor seating to this premises, though the applicant does state that the proposal will form a 10.7m x 2.8m outdoor seating area.

Secondly, as set out in our correspondence to you on 24th December 2021, there appears to be a problem with the following documents in that they are too small to be viewed on screen: a) EXISTING AND PROPOSED FRONT ELEVATIONS; and b) PROPOSED EXTERNAL PLANTERS AND SCREEN DETAILS. Alternative plans clearly need to be provided.

Thirdly, Planning Guidance: 024 Reference ID: 14-024- 20140306 (Revision Date: 06.03.2014) clearly states: *"A location plan should be based on an up-to-date map. The scale should*

typically be 1:1250 or 1:2500, but wherever possible the plan should be scaled to fit onto A4 or A3 size paper. A location plan should identify sufficient roads and/or buildings on land adjoining the application site to ensure that the exact location of the application site is clear.

The application site should be edged clearly with a red line on the location plan. It should include all land necessary to carry out the proposed development (e.g. land required for access to the site from the public highway, visibility splays, landscaping, car parking and open areas around buildings). A blue line should be drawn around any other land owned by the applicant, close to or adjoining the application site”

The applicant’s submitted site location plan makes it difficult to ascertain where exactly this premises is located within the Riverwalk development in relation to neighbouring premises. The site location plan boundary also only includes the internal space of the premises and not the external space.

There is also no indication that the applicant will be complying to the Centre’s Management Plan for outdoor area use (submitted in support of application DM/21/03052/FPA) which sets out a clear operating statement for premises within this development which use the outdoor circulation area.

On 2nd October 2020, the County Council granted permission for a temporary change of use of the part circulation/amenity space to allow outdoor seating areas for the following premises at Riverwalk: Biz R, Old Tom's, Thai River, Flip and Stack, Delaney's Donkey and El Pincho (DM/20/01718/FPA). Condition 1 of the Approval Notice states: *“This permission is granted for a temporary period until 30th September 2021, thereafter the site shall be City of Durham Parish Council Office 3 D4.01d Clayport Library 8 Millennium Place Durham City DH1 1WA Type reinstated to its former use and condition. Reason: The development is only considered suitable for a temporary period in response to the ongoing Covid-19 situation.”*

Given that a number of the existing units already benefit from outdoor seating, the key consideration is whether the additional areas proposed would have any adverse impact on amenity and/ or safety of the site. When considering DM/20/01718/FPA, the Environmental Health team were clear that the use of outdoor seating at a number of premises at Riverwalk needed to be restricted in terms of the hours of operation, given their proximity to sensitive receptors and the Parish Council believes it is imperative that this condition be maintained should the Council be minded to approve this application for permanent use.

Moreover, Paragraph 95 of the NPPF states that planning decisions should promote public safety and the layout and design of developments should be informed by the most up to date information available from the police. In turn, Policy E4 of the Durham City Neighbourhood Plan states that all development proposals, including those for a change of use, that would promote and/or support the early evening and night-time economy activity related to food and drink, arts and cultural uses, including later trading, will be supported provided that they contribute to the vitality and viability of the City centre and add to, and improve, the cultural

and diversity offer by including a strategy regarding public safety, proving that the development would have no significant adverse effects upon local amenity, including amenity of local residents. The Local Planning Authority has a duty to consider public safety and take into account any third-party views from interested parties. It is imperative that the Police take a view on whether the provision of additional outdoor trading areas at the location proposed would be at the detriment of public safety and the ease of evacuation of the site.

In conclusion, the application lacks very relevant information to be able to make a determination on the merits of this application. For the reasons set out above, it is also imperative that both Environmental Health and the Police take a view of this application. If further information is submitted in support of this application, the Parish Council would expect to be re-consulted on this scheme.

Yours sincerely,

Adam Shanley
Clerk to the City of Durham Parish Council