



**CITY OF DURHAM  
PARISH COUNCIL**

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Building for the future.

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17 June 2020

Dear Henry

**DM/20/01332/VOC: Variation of condition 23 of DM/18/02924/FPA to permit works between 7am-9pm Monday-Friday & 8am-9pm on Saturdays until 13/05/2021, Millburngate House, Framwelgate Waterside, Durham City DH1 5TL; and DM/20/01333/VOC: as above, for condition 20 of DM/18/00894/FPA; and DM/20/01334/VOC: as above, for condition 29 of DM/18/00896/FPA**

The City of Durham Parish Planning Committee considered the above three applications at its Zoom meeting held on 12 June 2020 and resolved to object on the following grounds.

The Parish Council appreciates that the Government has now relaxed rules around working hours on construction sites and is now expecting Local Planning Authorities to permit construction work up until 9pm in residential areas and after 9pm in non-residential areas. We were pleased to receive the clarification from you that *“despite the background of the Government direction on these matters, the Parish and local residents do of course still have the ability to raise points or objection in just the same manner as any other type of formal planning application.”*

The residential areas of Highgate, Diamond Terrace and Sidegate are located immediately adjacent to the Milburngate House redevelopment site and experience noise, dust and disturbance generated at the site. The level of noise has been described as intolerable during the day and there are fears that to extend this till 9pm every day but Sunday will make some rooms unusable.

It transpires from your colleague that in fact the applicants Tolent have already been granted hours of work of *“7am – 9pm Monday to Friday and 8am to 9pm on a Saturday. However, the following works are prohibited between 7am-7.30am or 6pm-9pm Monday to Friday (inclusive): piling operations; pile cropping; bulk earthworks; and the use of any tools listed on page 157 of the Construction Management Plan and of all piling and earth moving plant equipment, including; vibrating rollers, piling rigs and generators.”* There is no mention in this information as to any prohibition of these operations on Saturdays.

The application form states that the explanation for seeking planning permission for these extended hours until May 2021 is in a covering letter, but unfortunately that is not on the Planning Portal. We assume that it invokes the Government's reasoning, namely 'to make up for time lost due to COVID-19'. This is difficult to justify in this particular case as the site has been working throughout the lockdown. The letter apparently also says how Tolent wish the condition to be varied, and again it is impossible to know any detail of the variation sought.

In such an open-ended and ill-defined situation, taken together with the experience of nearby residents, the Parish Council considers that the three applications should be refused as failing to provide the safeguards needed to protect residential amenity.

The Parish Council has been advised by the Sidegate Residents' Association (SRA) that Tolent have failed to liaise with local residents on these proposals. Condition 6 of the planning permission requires a Construction Management Plan to include "*Detail of any planned measures for liaison with the local community and any procedures to deal with any complaints received.*" SRA state that Tolent have made no attempt to communicate with SRA about these proposed variations that will impact directly on residents of Sidegate and Diamond Terrace. Furthermore, as far as Diamond Terrace in particular is concerned, SRA say that they have recently endured months of noise and dirt during the demolition and construction of Framwell House immediately behind them, and currently they can hear the noise from the construction of the new station car park. The disturbance from Milburngate House is not an isolated problem but compounds what they have to experience.

SRA also point out that the requirement for a Construction Management Plan is Condition 6 of the approval of DM/18/02924/FPA. This states "*No development shall take place until a Construction Management Plan (CMP) has been first submitted to and approved in writing by the Local Planning Authority.*" According to the Planning Portal, this is still "*pending consideration.*" It may be that the Planning Portal has simply not been updated but if it is correct then it is a serious matter that construction has started and is well advanced without Condition 6 being discharged.

The Parish Council is aware that County Councillor David Freeman has asked for these three applications to be referred to Committee. We request that we be permitted to address Members on these applications.

Yours sincerely,

ADAM SHANLEY

Clerk to the City of Durham Parish Council