



**CITY OF DURHAM
PARISH COUNCIL**

Learning from the past.
Building for the future.

Mr Colin Harding
Planning Development Central/East
Room 4/86-102
County Hall
Durham City
DH1 5UL

City of Durham Parish Council
Office 3 D4.01d
Clayport Library
8 Millennium Place
Durham City
DH1 1WA

31 July 2020

Dear Mr Harding

Durham County Council planning application DM/20/01846/FPA:

Hybrid planning application comprising detailed planning application for an office block (Class B1) with associated parking and landscaping on land known as Plot C and an outline planning application, with all matters reserved apart from site access, for the demolition of the existing County Hall site and the development of a business park (Class B1) with supporting retail and leisure uses comprising uses within Class A1 (retail), Class A2 (financial and professional services), Class C3* (food and drink), Class D1 (non-residential institutions) and Class D2 (assembly and leisure) with associated landscaping, multi-storey and surface car parking, servicing and relevant infrastructure, Land at Aykley Heads, Durham City, County Durham DH1 5UQ

*(NB we believe this should be Class A3)

The City of Durham Parish Council considered the above application at its Zoom meeting held on 24 July 2020 and resolved to make the following representations.

At first sight it may seem to be a very straightforward proposal for planning permission for office development on a long-established strategic employment site to enable the creation of several thousand jobs here. Indeed, the City of Durham Parish Council is very supportive of the principle of Aykley Heads developing as a prestige business park and has confirmed this by allocating the site in its Neighbourhood Plan which is a stage ahead of the County Durham Local Plan. We acknowledge that COVID-19 has greatly increased the appetite for home working rather than office-working but nevertheless welcome any steps that might offer high-quality jobs for County Durham.

However, there are fundamental principles of due process in planning and governance at stake with this application. The County Council's Submitted County Durham Plan's policy for Aykley Heads included explicitly permitting ancillary service uses: A1 (convenience retail, sandwich bar); A2 (financial and professional services); A3 (restaurant, snack bar, café); A4 (drinking establishments); C1 (hotels); D1 and D2 (health facilities, crèche, gym). The Examination in Public Hearings on the Submitted Plan were completed in January of this year, and the Inspector for the Examination has required Main Modifications in order for the Plan to be found Sound. Clearly, the County Council is keen that the Plan is found to be Sound and has therefore prepared draft Main Modifications in full compliance with the Inspector's Action Points. Main Modification 24 strikes out from the policy all reference to permitting ancillary services on the Aykley Heads site. The Plan should reach adoption by the end of the year. Arguably it already has some weight in its Examined and proposed Modified form, but it will certainly have full weight once adopted.

The Parish Council is therefore very concerned that the County Council is advancing a planning application now that effectively subverts the Inspector's ruling and the County Council's own declared compliance. This planning application seeks permission for the entirety of the uses that Main Modification 24 strikes out. This makes nonsense of the process of public consultation on the Pre-Submission Plan, having the Plan examined by an Independent Inspector, and holding further public consultations on the proposed Main Modifications. Those public consultations were completed on 21 July. The City of Durham Parish Council and others welcomed Main Modification 24 on the very grounds put by the Inspector as to the importance of supporting town centres and ensuring that Aykley Heads is used for B1 office developments.

The Parish Council must also draw attention to the mis-statement in the consultant's Planning Statement about the Durham City Neighbourhood Plan. Paragraph 4.0 states that *"The pre-submission draft plan was published in October 2019 for consultation, but the plan has not yet been subject to examination. Given the plan is still at an early stage of preparation, it has not yet reached a stage where weight can be afforded to it."*

This is seriously in error; the Neighbourhood Plan was submitted to the County Council in October 2019 and the Regulation 16 Consultations were carried out by the County Council and completed in February 2020. The Plan was independently Examined in June and July, and the Examiner's Final Report was submitted to Durham County Council on 14 July. The Parish Council accepts all of the Examiner's recommendations and on that basis the Examiner is satisfied that the Plan can proceed to Referendum. The County Council too is expected to accept all of the Inspector's recommendations very shortly. Appropriate weight can be placed on the Plan's policies as modified in accordance with the Examiner's recommendations.

In particular, Neighbourhood Plan Policy E1 as modified states:

“Policy E1: The Aykley Heads Business Park

Proposals for development of B1a and B1b uses will be supported at the Aykley Heads site shown in Proposals Map 5 where these are in accordance with a masterplan or other design and development framework prepared under Policy S2.”

The supporting text explains that any proposals for ancillary uses such as a café, a crèche, or a gym would be considered but must pass a strict test of meeting the needs of those working on the site. This is the firm basis upon which the Parish Council is supportive of Aykley Heads as a strategic employment site but firmly opposed to the range of non B1 uses being set out for explicit planning permission in this application.

In addition, there is the Nolan Principle that decision making by public bodies must not only be objective, open and transparent but must be seen to be so. Public confidence in local government is damaged if decisions are perceived to be biased and self-interested. Planning authorities entirely legally make decisions on applications from their own Council for new schools and so on. However, in this particular case the application is by Durham County Council for uses which the County Council itself has removed from the policy for the site, as promised to the Examination in Public Inspector. It would be incredibly difficult for the public to understand that the County Planning Committee might refuse the application in which the County Council is so totally involved.

Notwithstanding the Parish Council Neighbourhood Plan’s support for Class BI development on this site, there are assertions in the application supporting documents that must be challenged. The consultants’ Planning Statement seeks to make a case of strong demand for top quality office space in the town centre, but the case as made is undermined in several ways:

- Paragraph 3.16 states that until The Fram Well and Milburngate office developments are completed *“there is a lack of good quality offices to satisfy current requirements that need to move within short timescales.”* Actually, one of those schemes is already completed and the other will be completed and available long before Site C, so this application is not required in order to meet needs to move within a short timescale.
- Paragraph 3.19 claims that the Passport Office, the NS&I office and the new County Council HQ on The Sands *“demonstrate that there is strong demand for grade A office space within the City Centre”*. In fact, all three are simply replacements for existing offices and do not demonstrate a strong demand for more office space within the city centre.
- Furthermore, the application is not in the city centre; paragraph 2.13 describes it as 25 minutes walk from the Durham city centre

The consultants' Planning Statement also undermines the case for the application by claiming in paragraph 3.26 that *"the existing undulating parkland, open lawns, woodland belts, water features and historic hedges and mature trees create pockets for building and the masterplan has been designed to integrate buildings within this unique setting"* but illustrating the scheme as a row of standard office blocks side by side in a regimented straight line. The Parish Council strongly supports the words but not the illustration, and trusts that the County Council takes the same view.

Paragraph 5.59 explains that maximum parameters have been set for each plot and tested in views. This needs to be examined very carefully, given the paramount importance of views to and from the World Heritage Site.

Plot A South for example (currently the Members, staff and visitors' car park) is set to have up to 4 storeys in height for office buildings. Given the site currently is flat open space, buildings that high cannot help but damage views from Framwellgate Peth of the green hills that set Durham in its landscape bowl.

The Planning Statement in Paragraph 2.5 erroneously claims that the Examination Inspector has not sought any modifications to the Plot A South part of the plan to ensure its soundness. In fact, Main Modification 23 is proposed in response to the Inspector's Action Point 13 and inserts into the policy *"In this area and in any areas bordering the green belt which are developed or redeveloped, the layout and design of development and associated landscaping will provide for the retention or creation of readily recognisable and permanent features delineating the boundary of the Green Belt."*

In turn, this points to another issue with the Planning Statement, which sets out landscaping requirements for Plot A South which are totally silent about retention or creation of readily recognisable and permanent features delineating the boundary of the Green Belt.

It is accordingly the view of the City of Durham Parish Council that Durham County Council should not determine this application at this time whilst the statutory development policies for Aykley Heads are on the brink of being finalised, because the relevant policy in the County Durham Local Plan - Policy 3 - is being Modified to remove the ancillary service uses proposed in this application. Instead it should await the conclusion (in September hopefully) of the current consideration of Main Modifications to the Submitted County Durham Local Plan and then determine the application in line with the outcome of that current process and in line with Policy E1 of the Durham City Neighbourhood Plan.

Finally, we consider that this is a major application of great significance for the City and the County, and we therefore ask that it be put to the County Planning Committee, not decided by an officer under delegated powers.

Yours faithfully,

Adam Shanley
Clerk to the City of Durham Parish Council