

CITY OF DURHAM PARISH COUNCIL

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Mr Henry Jones
Development Management Team Room 4/86-102
Planning Department
County Hall
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Dear Mr Jones

Planning application DM/18/02369/FPA:

Erection of office headquarters with associated car parking (inclusive of a multi-storey car park) with associated landscaping, highway and infrastructure works and demolition of existing structures, The Sands car park and Durham Sixth Form Car Park Site, Freemans Place, Durham City DH1 1SQ

I write in my capacity as Interim Clerk to the City of Durham Parish Council that was established on 1 April this year, whose area includes both the proposed site for the new County Headquarters on The Sands and also the other sites that were considered by the County Council's Cabinet at its meeting on 17 January 2018.

The Parish Council held an Extraordinary Meeting on 5 September 2018 to consider and respond to the planning application DM/18/02369/FPA that has been submitted by Kier Property Developments Ltd. The Council carefully considered the planning application and resolved unanimously to object to the proposals on numerous grounds, and authorised the Parish Planning Committee to finalise this formal written objection.

Summary of the Parish Council's objection

The Parish Council has heard from many residents of the City and beyond who are personally very familiar with The Sands and the traffic, environmental and heritage issues of the locality. The Councillors themselves live and work in the City and experience the realities of both its exceptional qualities and its problems. The overwhelming reaction to the proposed location and design of the new County Council Headquarters is that it is unsuitable and that

there are better solutions elsewhere. Now that there is a formal planning application, the City of Durham Parish Council submits this formal objection.

The Council's main objections to the development proposed in planning application DM/18/02369/FPA are on the grounds that it fails to comply with the sustainability and design requirements of the National Planning Policy Framework and the following policies of the Saved City of Durham Local Plan 2004:

- would be harmful to the World Heritage Site (E3)
- proposes development along the riverbanks where no development will be permitted except for minor development related to either the use of existing buildings or outdoor sport and recreational use (E5)
- proposes development that detracts from open spaces which possess important functional, visual or environmental attributes (E5a)
- fails to protect and enhance the Conservation Area (E6 and E22)
- endangers the wildlife corridor (E19)
- proposes a new business use that would adversely affect the character and appearance of the area in which it is to be located (EMP11)
- fails to provide adequately for the needs of people with disabilities, the elderly and those with children (Q1)
- generates traffic which would be detrimental to highway safety and/or have a significant effect on the amenity of occupiers of neighbouring property (T1)
- increases the risk to people and property from flooding (U10)

The full grounds of the objection are as follows.

Traffic and air quality

1. Claypath and Gilesgate are already registering above-safe levels of pollution: Gilesgate and Claypath are in the Durham City Conservation Area and should be declared a Clean Air Zone.
2. The top of Providence Row is also a peak pollution area: cars and buses coming up the hill and waiting at the lights provide high levels of petrol and diesel pollution. Buses coming up Providence Row are the main source of diesel pollution, as identified in the County Council's own Air Quality Action Plan (a plan required by all local authorities who have declared Air Quality Management Areas that are not expected to achieve the Government's objectives for air quality).
3. Recently, publicised evidence indicates that air pollution damages cognitive development and increase cognitive degeneration¹. There are hundreds of young people attending the Sixth Form Centre next to Providence Row and there is accommodation for retirement-age people in Claypath Court immediately adjacent to the Providence Row/Claypath junction. A new school has been proposed nearby on Claypath for children aged 5 to 9 years old. Thus, any proposals that increase vehicular traffic causing air pollution at this

¹ The impact of exposure to air pollution on cognitive performance by Xin Zhang, Xi Chen, and Xiaobo Zhang in the Proceedings of the National Academy of Sciences of the United States of America, August 2018.

junction endanger the health of vulnerable people here. The proposals in this planning application therefore run counter to the need to enhance air quality and mitigate adverse impacts stated in Paragraph 181 of the revised National Planning Policy Framework.

4. The increased traffic indicated by adding a further 1,000 employees to this area is worrying. Even if there are only 280 parking places for these 1,000 staff, many will be driven to work, causing additional journeys in and out. The accompanying documents to the planning application claim (Planning Statement states in 5.56. *"The proposed relocation of the Council's offices results in a reduction in overall parking provision."* This is in direct contradiction to the planning application itself which displays in Section 9 Vehicle Parking that the existing number of car parking spaces is 256 and the total proposed (including spaces retained) is 337, in other words an increase of 81.
5. The complete loss of the coach park means that coaches too will do this journey twice as often once to drop their passengers and again to collect them.
6. Claypath is a narrow street and currently the development of "Student Castle" is making traffic and pedestrian access much worse. It is anticipated that this will continue until September 2019. If construction begins on the new HQ in December 2018 this will bring many more large vehicles and workers (and associated danger, air pollution and delays) onto Claypath and Providence Row.
7. The proposal is contrary to Saved Policy T1: *"The council will not grant planning permission for development that would generate traffic which would be detrimental to highway safety and/or have a significant effect on the amenity of occupiers of neighbouring property."*
8. The proposal is also contrary to Saved Policy EMP11: *"Planning permission for new business or industrial use or extensions to existing industrial and business premises located within settlement boundaries but outside the sites designated in Policies EMP2, EMP3, EMP4, EMP5, EMP6, EMP8 and EMP9 will only be granted when it can be demonstrated that the proposal would not:*
 1. *have significant adverse impact on the amenity of neighbouring occupiers in terms of noise, dust, and general disturbance; and*
 2. *adversely affect the character and appearance of the area in which it is to be located; and*
 3. *result in an increase in traffic generation to the detriment of local amenity and highway safety."*
9. The Parish Council notes that, at the time of writing, a revised Transport Statement is pending; accordingly it may be necessary for an additional representation to be made on this topic once the revised Transport Statement is available.

Safety

10. The junction between The Sands and Freeman's Place is already busy and unsafe. The main road is to continue along the Sands so pedestrians believe cars will signal before turning into Freeman's Place; often they do not and there have been many near-collisions between pedestrians and cars. The Durham Sixth Form Centre has 1,300 students on roll; they travel on foot and in cars to two locations along Freeman's Place and The Sands. Those in cars are, by definition, new to driving cars and vulnerable to the hazards of the steepness of Providence Row and the deceptive T junction at the bottom.
11. This proposal will bring more pedestrians and cars up or down Claypath. Claypath above Providence Row is primarily a residential street, which is already so busy that it is often difficult and dangerous to cross the road.
12. Cars approaching the Walkergate slip road to access the new HQ will have arrived at speed, having been released by the traffic lights at the Leazes Road roundabout and emerge from the shadow of the Claypath overpass. They will be crossing the path of pedestrians going to and from the bus stops on Milburngate Bridge and pedestrians crossing the bridge once the Riverwalk is finished and opens that side of the bridge to pedestrians again. The slip road has a 40mph speed limit, the 30mph signs are at the end of the slope.
13. As well as dangerous for pedestrians, this increased vehicular traffic down the slip road is dangerous for cyclists. The slip road is part of Route 14 of the National Cycle Network.
14. Pedestrian access to the HQ from the city centre, and particularly disabled (wheelchair) access, is either via that risky slip road or via lifts in Walkergate which are privately owned and frequently closed due to breakdowns.
15. Tourists of various ages, mobilities and nationalities are dropped off near the Passport Office and do not expect to encounter vehicles at 40 mph suddenly turning off the A690 onto the slip road that they are walking up and usually looking around to see the architecture.
16. Similarly, as the Passport Office is the national office for the whole country, people visiting it are unfamiliar with the traffic hazards presented in this locality.
17. Accordingly, on these grounds too, the proposal is contrary to Saved Policies T1 and EMP11.

Environment

18. This is a Conservation Area, yet Durham residents and daily workers have been subjected to almost five years of continuous building noise, air pollution and restricted road/pavement space. The prospect of more adding to this, even temporarily, is distressing.

19. On a permanent basis, the proposed development will change the 'country' feel of the Sands, and adversely affect the riverside path with yet more buildings to hide the river.
20. The river banks are limited and beautiful. Many residents and visitors enjoy them every day in every season.
21. The wildlife (including rare birds) has been disrupted due to the recent building but is just beginning to return to this part of the river. Further disturbance in this site could mean many of them disappear not to return again.
22. Any additional night-time light pollution will severely disturb nocturnal wildlife.
23. Thus the proposal is contrary to Saved Policy E5: "*Not permitting any development at observatory hill or along the riverbanks except for minor development related to either the use of existing buildings or outdoor sport and recreational use.*"
24. It is also contrary to Saved Policy E5a: "*development proposals within settlement boundaries that detract from open spaces which possess important functional, visual or environmental attributes, which contribute to the settlement's character or to the small scale character of an area, will not be permitted.*"
25. The important need to protect and enhance the Durham City Conservation Area is expressed in Saved Policy E6, which this planning application fails: "*The special character, appearance and setting of the Durham (city centre) Conservation Area will be preserved or enhanced by encouraging all proposals for new building to:*
 - a) *Exhibit simple, robust shapes, have a clear predominance of wall surface over openings and be restricted to a limited range of external materials; and*
 - b) *Have simple traditional roofs which do not create long or continuous ridge or eaves lines and which do not include reflective surfaces such as glass; and*
 - c) *Reflect a quality of design appropriate to the historic city centre; and*
 - d) *Use external building materials which are the same as, or are sympathetic to the traditional materials of the historic city or an individual street; and*
 - e) *Fragment proposals for large buildings into blocks of visually smaller elements in a way which is sympathetic to the historic city centre.*"
26. It is in addition subject to Saved Policy E19 Wildlife Corridors: "*The Council will seek to protect the value and integrity of landscape features which contribute to the Wear, Browney and Deerness valley wildlife corridors by ensuring that commensurate measures are taken to minimise the adverse effects associated with development proposals and reasonable effort is made, by appropriate habitat creation or enhancement in the vicinity, to compensate for any unavoidable damage.*"
27. The river and its banks may well be a 'bat commuting corridor' and this should be the subject of an ecological investigation.
28. The proposed County Council headquarters site is in a flood risk zone. Indeed the accompanying documents state that a flood warning system will be needed for staff and visitors to evacuate the building when flooding is expected. The Radisson Blu hotel on the opposite side of the river has several times been inaccessible due to flooding.

29. The 'golden thread' running through NPPF and the Durham City Draft Neighbourhood Plan is sustainability. Paragraph 11 of the NPPF sets out how to apply the 'golden thread' of sustainability. It says that for decision-taking this means granting permission unless specific policies in this Framework indicate development should be restricted, and gives for example those policies relating to *"habitats sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 63); and areas at risk of flooding or coastal change."*
30. Saved Policy U10 states that *"Proposals for new development shall not be permitted in flood risk areas or where development may increase the risk of flooding elsewhere unless it can be demonstrated by means of a flood risk assessment and sequential test that:*
- 1. There is no alternative option available at no risk or at a lower risk of flooding;*
 - 2. There will be no unacceptable risk of flooding;*
 - 3. There will be no unacceptable increase in risk of flooding elsewhere, as a result of the development; and*
 - 4. Appropriate mitigation measures can be put in place to minimise the risk of flooding and these measures can be controlled by appropriate planning conditions or a section 106 agreement can be secured."*

The Parish Council considers that the proposal fails Saved Policy U10 because there are alternative locations at no or lower risk of flooding and that the risk of flooding is not minimised. The proposed new development should not be permitted in this notoriously flood-affected location.

31. The Parish Council notes that the Environment Agency has not, at the time of writing provided comments that are publicly available. Once they are available it may be necessary for the Parish Council to submit additional comments.

The buildings

32. The design of the building proposed is banal and not fitting for a World Heritage city; if there had been a design-led competitive tender we might have had a much more interesting, aesthetically pleasing and sustainable building. The new NPPF places increased emphasis on the need to achieve high quality design (Paragraphs 124 - 132). The City of Durham Parish Council considers that the proposed design falls well short of the expectations of the NPPF.
33. The building is not 100% "eco"sustainable; for example, there are no solar panels, nor use of the adjacent river to generate heating through water-sourced heat exchange pumps and electricity by a water turbine. This is despite the adjacent example of the Archimedes Screw serving the Passport Office and National Savings Office and selling surplus energy to the National Grid. The site is traversed by a former mill race, so there was once this very form of power generation here. It is extraordinary that the proposal for Durham County Council's headquarters is not an exemplar of BREAM zero carbon footprint and in accordance with the Passivhaus (German: Passive House, a standard for

ultra-low energy buildings (including offices) that require little energy for space heating or cooling) principles.

34. The height of the building will further block views of the City, and its footprint will fill almost all the entire area in front of the river leaving no rural area for tourists and residents to enjoy the freedom of the riverbanks. A much smaller building might have been proposed which could have left a "country feel" to this important area.
35. The five storey car park is most inappropriate for this site; this riverside, city centre site does not need a more built-up environment.
36. The proposal is contrary to Saved Policy E5: *"The special character, appearance and setting of the Durham (city centre) conservation area will be preserved or enhanced by encouraging all proposals for new building to:*
 - (a) exhibit simple, robust shapes, have a clear predominance of wall surface materials; and*
 - (b) have simple traditional roofs which do not create long or continuous ridge or eaves lines and which do not include reflective surfaces such as glass; and*
 - (c) reflect a quality of design appropriate to the historic city centre; and*
 - (d) use external building materials which are the same as, or are sympathetic to the traditional materials of the historic city or an individual street; and*
 - (e) fragment proposals for large buildings into blocks of visually smaller elements in a way which is sympathetic to the historic city centre."*
37. The proposal adversely impacts on the World Heritage Site, as strongly expressed by the Durham Castle and Cathedral World Heritage Site Coordinator in her representations, in which she concludes **"the summarised impact using the ICOMOS assessment system is large and adverse"**.
38. The proposal is contrary to Saved Policy E3: *Durham Cathedral and Castle World Heritage Site and its setting will be protected by: 1. Restricting development to safeguard local and long distance views to and from the cathedral and castle and Peninsula in accordance with policies E1, E5, E6, E10, E23 and E24"*.

The 'consultation'

39. The Aarhus Convention in Article 5 Clause 4 requires that each party shall **"provide for early public participation, when all options are open and effective public participation can take place."** The public engagement/consultation event held by Kier and the County Council falls chronically short of the Convention.
40. The "consultation"/exhibition at Freemans' Quay was held concurrently with the preparation of the application and has given no recognition to the hundreds of local and wider Durham County residents who have written, responded or signed a petition asking the County to rethink the proposal to locate the new HQ at The Sands. Indeed, there has been totally insufficient time to make any meaningful amendments as the planning application was submitted 22 days later. The Parish Council believes that this is indicative of a *'fait accompli'* with no intention of considering public opinion as to alternative sites or the adverse impacts of the proposal as exhibited.

41. The City of Durham Parish Council, the most recently democratically elected body representing the City, unanimously voted at its meeting on 27 July 2018 to request the County Council to pause or cease the development and carry out a meaningful consultation including alternative locations.
42. The timing of the planning application, being so rushed and in the school summer holidays, indicates no real commitment to community involvement.
43. The appointed developer Kier has currently been brought to the High Court by Unite for blacklisting trade union workers and those who speak their concerns.

Other locations

44. Instead of presenting to the people of County Durham that a decision was made at the start of 2018 that the new County Council headquarters will be at The Sands, other alternative locations and solutions should be publicly assessed, explained and consulted upon. For example, the Milburngate site would offer a new headquarters nearer the bus and railway stations and would also give employees direct access to businesses in North Road which desperately needs support.
45. Alternatively, the headquarters could stay somewhere within the Aykley Heads employment site where public transport access is much closer, car parking provision is greater, and a top-quality building could give impetus to attracting new businesses.
46. Indeed, the County Council's headquarters could be located in one of several of the County's towns and bring significant regeneration benefits to those areas, Spennymoor for example.
47. The 'hub and spoke' model is a good one and enables the County Council to overcome all of the above problems. It could reduce the size of the 'hub' to be a full civic presence in the County town, but with the back-up staff in back-up offices at Meadowfield, Belmont, Bowburn and any of the other 'spokes'.

Conclusions

48. The City of Durham Parish Council considers that planning application DM/18/02369/FPA must be refused or withdrawn, on the grounds set out above. The County Council is urged again to carry out a meaningful public consultation that includes assessments and explanations of the various locations and solutions and a rational and transparent justification for the choice of siting of the new headquarters.

Yours sincerely

Stephen Ragg