



**CITY OF DURHAM
PARISH COUNCIL**

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13 August 2020

Dear Mr Jones

DM/20/01332/VOC: Variation of condition 23 of DM/18/02924/FPA so as to permit works between 7am-8pm Monday-Friday & 8am-6pm on Saturdays until 13/05/2021, Millburngate House, Framwelgate Waterside, Durham City DH1 5TL

The City of Durham Parish Planning Committee considered the above amended application at its Zoom meeting held on 7 August 2020 and resolved to make the following representations, following on from the comments made in our letter of 17 June 2020 about the preceding application in May 2020 to vary the conditions on working hours set in Condition 23.

We have to say that the requests from the applicant are confusing and lacking essential information. The preceding application on 28 May sought to permit a variation in working hours but referred for details to a 'covering letter' which was not available on the Planning Portal until 26 June. This 'covering letter' turned out to be a report by consultants DPP Planning asking for working to be permitted from 7 am to 9 pm on weekdays Monday to Friday inclusive and from 8 am to 9 pm on Saturdays. However, this was apparently an error, and the Saturday working was actually intended to be 8am to 1 pm.

It then transpired that in fact the applicants Tolent had 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.

It is not surprising that people in the locality have been puzzled and frustrated about Tolent's actual intentions. This is quite apart from public comments on the Portal alleging failures to comply with the planning conditions set by the County Council.

If the current amended application is to be taken at face value which it must as there is no accompanying amended 'covering letter' then the working hours now sought would mean ceasing work 1 hour earlier in the weekday evenings (i.e. 5 hours less over the five days) but working an extra 5 hours each Saturday. Frankly, this is a zero-sum amendment in which is difficult to see any merit other than the advantages to Tolent as the darker winter evenings approach.

The Parish Council is fully aware that the Government has relaxed rules around working hours on construction sites and is expecting Local Planning Authorities to permit construction work up until 9 pm in residential areas and after 9 pm in non-residential areas. We assume that Tolent are invoking 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 residential areas of Highgate, Diamond Terrace and Sidegate are located immediately adjacent to the Milburngate House redevelopment site and experience significant noise, dust and disturbance generated at the site.

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

Our letter of 17 June pointed out that a Construction Management Plan is required under 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 in June that was "*pending consideration.*" Today the Portal still says "*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 asks for this current application to be referred to Committee so that we may address Members on these matters.

Yours sincerely,

ADAM SHANLEY

Clerk to the City of Durham Parish Council