

THE CITY OF DURHAM TRUST

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28 October 2022

Ms Louisa Ollivere
Durham County Council
Planning Development
Central/East Room 4/86-102
County Hall
Durham City DH1 5UL

Dear Ms Ollivere,

DM/22/02347/LB DM/22/02346/FPA
Demolition of listed police telecommunications mast,
Durham Constabulary Police Headquarters, Aykley Heads, Durham DH1 5TT

Further to our letter of 7 October and email of 19 October, the Trust offers the following narrative of what we believe to involve a lamentable saga of neglect, failure, and breach of planning obligations that lies behind the above current applications and has led to a Grade II listed structure designed by Ove Arup Partners presently lying unappreciated in its constituent parts behind Heras fencing adjacent to the new Police Headquarters.

We have made our formal objections on planning grounds in our letter of 7 October but the context and history are central to a full appreciation of this matter.

The year 2012

The Office of the Police and Crime Commissioner (OPCC) obtained planning permissions and listed building consent in 2012 for a residential development at the site of the then existing Police Headquarters at Aykley Heads and for a new Police Headquarters on land to the south together with the relocation of the Grade II listed telecommunications tower from the existing Headquarters site to a site adjacent to the proposed new Headquarters.

The accompanying report concluded that:

“the proposed relocation of the tower would sustain and enhance the asset more than if the asset was retained in its current location within a new housing development. Furthermore, in its new location the tower would continue to contribute to the character and distinctiveness of the Aykley Heads area. It would also help to create a sustainable community within Durham by allowing the redevelopment of the existing site for new housing, allowing the creation of a new Headquarters and its associated community safety benefits and in terms of the contribution that it will continue to make to Durham City’s cultural heritage.”

The designers of the mast - Ove Arup Partners - provided a detailed technical study at the time for the Police Authority on how the mast should be dismantled and re-erected. Clearly this advice should have been and now should be followed (see further below).

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The year 2016

There are two outstanding 'Reserved Matters' applications submitted in 2016 (DRC/16 /00259 and DRC/16/00344). RC/16/00259 seeks to discharge Planning Condition No 3 on how to dismantle the mast and DRC/16/00344 seeks to discharge Planning Condition No 4 on the mast relocation programme. Both these 2016 Reserved Matters applications are stated as being "under consideration"! As these conditions have not been satisfied, we believe that the Grade II listed structure has been demolished without the appropriate consent. It would be an extraordinary occurrence if the Office of the Police and Crime Commissioner (OPCC) was found to have flouted planning law.

The year 2017

The mast was dismantled in February 2017 and left lying in an area of long grass near the new HQ. The mast components are partially covered by blue sheeting inadequate to prevent the corrosion and frost damage that the application documents report.

The year 2020

Following enquiries and a formal complaint by the City of Durham Trust, an enforcement notice (EN/20/00566) was served by Durham County Council for breach of the planning condition to re-erect the mast. Evidently, the OPCC has not obeyed this enforcement order.

We have been advised by the County Planning Department that it will await determination of the current applications before a decision is made on the enforcement complaint. We believe that position to be untenable - the complaint is of failure to comply with the enforcement notice, and that failure is in plain sight and cannot be remedied by whatever decisions are made on the current applications.

The year 2022

The OPCC has submitted the current applications to demolish the mast, as if none of the forgoing chronicle of events had ever happened. It is particularly unfortunate that a public body responsible for upholding lawful conduct has behaved in this way. The relocation of the mast enabled the OPCC to gain planning approval for housing development which maximised the consideration received for their land. An uplift in value if the mast was demolished or moved from the proposed residential area of at least £900,000 is referred to in a Lichfield Report in 2012 which accompanied the original applications. The mast was moved, the land was granted planning permission for the construction of 18 additional dwellings, and the OPCC gained the additional significant uplift in value thus created. Sufficient of that sum ought to have been earmarked for the cost of re-erection in the approved new location.

The current applications are accompanied by a report discussing four options which concludes *"Cognisant of the options appraisal conducted above, and subject to the outcomes of any subsequent studies, it is considered at this time that Option 4 - Demolition - is currently the only viable option. This conclusion has been reached, taking into consideration heritage, cultural, planning, and financial factors."*

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In contradiction of the above, Ove Arup Partners, in a message on 13 October 2022 (copy sent to you by email on 19 October) have assured the former Secretary of the Trust that:

“Having reviewed the mast condition report as the original designers, there is nothing contained in it that cannot be locally repaired to allow re-construction as required and proposed by the original planning submission. The study we provided at the time regarding take down and re-build identified that it may be necessary to cut back and recast or repair areas at the connection positions and that it may be necessary to make a new key block and cast-ins. We understood the report was to be used to prove feasibility and allow evaluation of an adequate budget to be set aside for the dismantling and re-erection of the mast. We would be happy for you to quote our views in any correspondence you share.”

In conclusion, the Trust considers that the above narrative demonstrates that the current applications should be refused and that the conditions imposed when the 2012 applications were approved must be implemented.

Yours sincerely

John Lowe

Chair of the City of Durham Trust