

c/o Blackett, Hart & Pratt, LLP
Aire House
Mandale Business Park
Belmont
Durham, DH1 1TH

28 July 2023

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

Dear Mr Fenwick,

DM/23/01772/FPA Land to The East of Diamond Terrace Durham DH1 5SX
Car park with associated landscaping

The City of Durham Trust objects to this application. We first set out below our key objections in summary form so that you can incorporate them into your report. We hope this will be of assistance and ensure that Committee Members are informed of our major points without the risk that our objection letter has not reached the Council's Planning Portal in time for the Committee meeting. It is to be hoped that this risk is avoided, as it is important that not only Members but also that other objectors and indeed the applicant and supporters can see for themselves the views expressed by objectors such as the Trust as part of compiling their own representations.

Objection Summary

- 1. The new car park will create an intrusion into the Green Belt exacerbated by cumulative impact from nearby developments. It reduces openness. There are no very special circumstances to justify this inappropriate development.***
- 2. The development will impact negatively on the setting to Sidegate and on the Conservation Area, and it is in the inner setting of the World Heritage Site (WHS)***
- 3. Framwell House and the proposed St Cuthberts House development were approved without any proposals for a new car parking area as is now proposed. Five spaces originally allocated to Framwell House under its planning approval have been given over to Cuthberts House.***
- 4. Both planning applications required implementation of a Travel Plan, but no evidence has been provided regarding the Travel Plan and the measures that should have been implemented to manage parking demand. Parking was intentionally limited, as encouraged by Policy 21. Any "overcrowding" should be addressed initially through the Travel Plan.***
- 5. The access onto Framwellgate Peth is very difficult to use and more car parking will increase the frequency of its use. The Transport Statement contains a major flaw in its analysis of the traffic likely to be generated.***

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6. *The Trust objects to the proposals based on failures against National Planning Policy Framework (NPPF), County Durham Plan (CDP) and Durham City Neighbourhood Plan (DCNP) and policies.*

Objection Detail

1. In extending the car parking onto the Green Belt area a greater developed area is created over that previously occupied by the now demolished agricultural buildings. This can only be considered a loss of "openness" under the test under NPPF Para. 149 g) that proposals should not 'have a greater impact on the openness of the Green Belt than the existing development'. The proposal does not fit any of the exceptions to this test and is therefore automatically "inappropriate" and "harmful". The poor condition of the site is also no reason for it to be developed in the Green Belt area.

The area of Green Belt that stretches into Sidegate and surrounds Crook Hall is currently under pressure from previous planning approvals and the holiday lodge proposal north of the Industrial Estate on Frankland Lane that is pending consideration. The Trust considers that the area of this car park proposal is crucially placed at the point at which the Green Belt runs in to join the City. It is at the end of one of the green fingers of the Green Belt that touch on the settlement extent of the historic city core. It essential to maintain as a green space and ensure its appropriate management to act as the setting to the historic City (see para. 3 below).

2. There are good reasons why the car park is unneeded. Framwell House and St Cuthberts House office approvals clash in terms of car allocation. Framwell House showed 21 spaces on the plan that was referenced in the approval for its development (Condition, **DM/18/01115/FPA**, Plan Site Plan AL(0)17 rev D). The recent office approval for St Cuthberts House was for 5 spaces, but these were originally part of the Framwell House allocation, leaving only 16 for that building. The approval for Framwell House will have been made knowing this. This is no reason to now suggest extra parking given the excellent accessibility of the site. Alternative transport connections were stressed in the Committee Report (**DM/21/03682/FPA**) for the St Cuthberts House development noting:

"Highway Authority – Consider that the proposal for 5 spaces is acceptable given the location of the site, in close proximity to the centre of Durham and the train station."

Approval was granted in the full knowledge that the parking allocation had been reduced to reflect the accessibility of the site, as encouraged by Policy 21, which states that:

"car parking at destinations should be limited to encourage the use of sustainable modes of transport, having regard to the accessibility of the development by walking, cycling, and public transport"

The car parking at Framwell House was intentionally limited when that application was approved. What the Planning and Heritage Statement describes as "overcrowding" (para. 2.20) is the expected consequence if the occupiers of the building are not managing the car parking demand appropriately through a Travel Plan. Measures such as charging for parking permits, promoting car sharing, cycling to work, and subsidising public transport fares are all effective ways of reducing demand for car use.

As a further example, the NSI/Passport Offices on Freemans Place have no car parking. This was specifically referred to by Councillor Marshall in the Committee discussion of application **DM/21/03682/FPA**, who subsequently proposed the application be approved.

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It is very unclear why this car parking scheme is being promoted as being for 'both offices'. Both office blocks were approved with car parking felt to be appropriate by the County Council. In each case a condition of approving the application was to require a Travel Plan to be prepared and implemented, as encouraged by Policy 22. A Travel Plan will normally include regular surveys of users to assess demand and potential for sustainable transport, along with additional measures to implement if the planned modal shift away from car use does not materialise. The applicant has provided no evidence of the existence of a Travel Plan nor any information about the surveys or interventions undertaken.

In addition, Condition 6 of the Framwell House approval required the erection of a secure store for 20 cycles and 20 short-stay spaces prior to occupation of the offices. There appear to be 2 cycle hoops at the entrance and some secure storage at the rear, but nothing like provision for 40 cycles.

It is particularly concerning that the car parking issue was raised with the County Council by the Trust in its objection letter of the 15th December 2021. It seems to the Trust that the Framwell House approval was given with defined parking provision and that cycling or walking were to be encouraged. This has failed to happen and now 5 of those dedicated spaces have been utilised by the St Cuthberts House approval. The current "overcrowding" is a matter of management by the Probation Service (occupiers of Framwell House) and potentially a matter for planning enforcement. It does not constitute "very special circumstances" to justify car park expansion in the adjacent Green Belt.

3. Framwell House and Sidegate House have a cumulative negative impact on the setting to Sidegate. The enlargement of the former Main Street offices to create St Cuthberts House (if constructed) will effectively surround Diamond Terrace with new development. To this can be added the extensive car park constructed on the other side of the main line railway and the increased presence of the Milburngate development. This proposal will add to that negative impact and reduce green space. This affects Sidegate as an unlisted local heritage asset, the Conservation Area and also the inner setting of the WHS. Sidegate is important as an historic route leading to Finchale Priory. The value of this area is as part of the more extensive green valley sides to the River Wear. This is confirmed in planning policy by the designation as part of the Area of Higher Landscape Value. A car park is clearly not a positive addition to this greenspace.

4. The site access off Framwellgate Peth is onto a high speed corner and is difficult for users to negotiate. The applicant notes in the submitted Planning and Heritage statement in relation to current use of existing offices that it is: "dangerous reversing up the side access road due to the congestion and blocking residential access." These problems will increase when more car users are encouraged to park on the site. It should be a factor in refusing this application. Although the applicant notes no collisions within the last five year period, over the last 25 years there have been two collisions at this junction, including one involving a pedal cycle. For a considerable portion of the last five years the shared-use foot and cycle way along the A691 has been closed to allow construction on the former Milburngate House site, and this will have reduced the possibility of collisions involving vulnerable road users.

5. This shared-use route is identified as a primary cycle route and a primary walking route in the Durham City LCWIP. The LCWIP Technical Report states that for a primary cycle route there should

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be cycle provision at all junctions, with cycle priority where possible. When application **DM/21/00155/VOC** was considered, for access to the Milburngate House site further down the hill, the Highways officer advised against a cycle/pedestrian priority arrangement because of the increased likelihood of rear shunt collisions for vehicles turning left off the A691. It is clear that in order to comply with the LCWIP and provide cycle priority, the access junction to the proposed car park will need modifying, and effective speed reduction measures will be required on the A691 itself.

The Transport Statement purports to show that the impact of the additional traffic generated is minimal. The construction of Table 4.2 is, however, fundamentally flawed and does not model 100% occupancy of the car park, but only 38% occupancy, because the consultants have used the wrong scale factor. This is explained fully in our Appendix A. The correct calculation would have shown the number of traffic movements in the peak hours more than doubling, and there could be as many as three times the current number of movements, depending on the patterns of occupancy of the buildings. These additional movements would produce an increase in the southbound A691 traffic of about 2.3% in the peak hours. This is not negligible, especially considering the impact which will result from the neighbouring former Milburngate House site when it opens, and the cumulative impact on the Milburngate Roundabout which is within the Durham City Air Quality Management Area. In view of the flaws in the Transport Statement the Trust suggests that further analysis would be advisable before determining the application.

6. The cellular surfacing proposed does not fully provide continuous grass cover when used for regularly trafficked areas. It is not a solution to masking or disguising parking areas, if it is gravel filled it will be a very visible fully surfaced area, and if grass filled the structure will show through with extensive bare patches. It also not a solution to the retention of the large tree shown in the middle of the car park and construction is likely to prejudice the tree's survival. The significant sub-base required under these systems will necessitate substantial excavation or surface build up and is very unlikely to fulfil the submitted arboricultural report requirements for surfacing around the retained tree. A reduced dig system for installation would, for instance, be inappropriate for the most trafficked access areas of the car park close to the tree.

At least four sections of the "*shrubbery and mixed planting*" are too narrow to sustain any meaningful shrub screening. If kerbing were to be used, these areas would reduce in size even further. There is very little scope for new tree planting. If approved, the landscaping is insufficient to form an adequate boundary to the Green Belt area. Greater positive biodiversity impact could be achieved by management of the existing grass and tree areas, in particular the retained tree belt. These are important in providing the green backdrop within the Conservation Area, to Sidegate and the inner setting of the WHS not shown as being managed. They are apparently unmanaged at present and failure to adequately care for this Green Belt fringe boundary is no reason to allow its development as a car park.

The residents of Diamond Terrace experience negative amenity impact from the current car overcrowding and will suffer more if the car parking is increased. They suffer from noise, pollution and lighting. The nuisance caused by current office use is confirmed by the applicant (see Section 5 above). Much is made of the creation of car parking for existing residents, but the method of guaranteeing this for all residents and in the long term is not demonstrated in the application. Indeed, the parking licence offered to residents is only guaranteed for 6 years. Their need for car parking is minimal and the Trust can see no pressing need to alter the current status quo let alone to bring in charging for a relatively short period of agreed parking. The Trust therefore assumes

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that this is vulnerable in the future to financial pressures or decisions about office servicing. The additional car parking is an erosion of the Green Belt, and an extra 35 cars is a substantial increase over what could be the simple retention of 7 residents' spaces. Hanro propose 7 but in fact residents have only 4 cars, one of which has an in-curtilage space, so the residents only need the three spaces they already have.

7. The Trust considers that these proposals fail against planning policies that are detailed in the policy appendix below.

8. This objection is signed by me on behalf of the City of Durham Trust as our Chair is a resident of Diamond Terrace.

Yours sincerely

Francis Pritchard
Secretary/ Treasurer, City of Durham Trust

Appendix A: Transport Statement

The method used by the applicant's consultants to estimate traffic flows involved recording all traffic movements in and out of the site on a particular survey day. These are presented in Table 4.1 which showed a total of 67 arrivals and 71 departures. Totalling the quantities given in section 2.2, there are currently a total of about 30 car parking spaces on the site. It is clear that not all 67 vehicles are present at the same time. The consultants did not, however, give a running total during the day, which would have required a count of the vehicles present at the start of the survey period.

If we assume that seven residents' cars are present at the start of the day, corresponding to the information given in section 2.2, we can use the arrivals and departures data to produce a running occupancy figure during the day. Here is the effect of applying this calculation to Table 4.1:

Time	Arrivals	Departures	Occupancy	2-way movements
On site overnight (estimated)			7	
07:00 - 08:00	9	1	15	10
08:00 - 09:00	10	2	23	12
09:00 - 10:00	5	2	26	7
10:00 - 11:00	8	6	28	14
11:00 - 12:00	6	6	28	12
12:00 - 13:00	2	5	25	7
13:00 - 14:00	7	5	27	12
14:00 - 15:00	7	11	23	18
15:00 - 16:00	2	3	22	5
16:00 - 17:00	2	13	11	15
17:00 - 18:00	4	8	7	12
18:00 - 19:00	5	9	3	14
Total	67	71		138

The peak occupancy is in the morning, between 10:00 and 12:00, with a total of 28 cars, assuming only 7 residents were parked overnight. This is consistent with the total number of parking spaces currently being 30.

The applicants propose a car park which will provide an additional 35 spaces. One might expect the number of movements predicted by the modelling to be similar, but a check of Table 4.2 shows totals of only 34 arrivals and 34 departures. The consultants appear to have made the mistake of scaling the total movements to equal the additional car park capacity.

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If we use the figures from Table 4.2 to calculate the occupancy, we get the following result. We can safely assume that the additional spaces will be empty at the start of the day.

Time	Arrivals	Departures	Occupancy	2-way movements
07:00 - 08:00	5	0	5	5
08:00 - 09:00	5	1	9	6
09:00 - 10:00	3	1	11	4
10:00 - 11:00	4	3	12	7
11:00 - 12:00	3	3	12	6
12:00 - 13:00	1	2	11	3
13:00 - 14:00	4	2	13	6
14:00 - 15:00	4	5	12	9
15:00 - 16:00	1	1	12	2
16:00 - 17:00	1	6	7	7
17:00 - 18:00	2	4	5	6
18:00 - 19:00	3	4	4	7
Total	34	34		68

It is clear that the peak occupancy resulting from the movements in Table 4.2 would only be 13 vehicles, when the number of additional spaces is almost three times as many, despite paragraph 4.2.6 stating that the analysis assumed “100% occupancy to reflect a robust assessment”.

The Trust entirely supports the position that modelling should be on the basis of 100% occupancy of the car park, therefore this mistake should be rectified. As the proposed car park will encroach on the green belt, requiring very special circumstances for approval, it would surely be totally inappropriate to provide spaces in excess of the expected demand. (Needs to be Calibri 12pt)

Rather than generating only 6 additional two-way movements in the peak hours of 08:00 to 09:00 and 17:00 to 18:00, scaling the survey data correctly would give an estimate of an additional 16 movements, increasing the peak usage of the junction by about 133%.

Further inspection of the occupancy figures derived from Table 4.1 shows that the survey does not, in itself, offer any evidence of overcrowding. (This was not the stated purpose of the survey.) The movements between 10 am and 12 noon could be the result of vehicles turning into the site, finding no space to park, and leaving again, but they could equally easily be the result of the pattern of use of the existing buildings: many vehicles clearly leave in the period from 12:00 onwards and it is likely that at least some of the vehicles departing between 10 am and 12 noon were parked for a period. Equally the mid-morning arrivals and departures could represent cars turning in to drop passengers off, or deliveries.

Appendix B: Policy

The Trust has identified the following list of NPPF and CDP and DCNP policies that the application fails against.

National Planning Policy Framework

Section 9. Promoting sustainable transport

Para. 104.

- a) Addressing the potential impacts of development on transport networks;
- c) Ensuring opportunities to promote walking, cycling and public transport use are identified and pursued;
- d) Ensuring the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including avoiding and mitigating any adverse effects,
- e) Ensuring that patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places

Para 110

- a) Ensuring that appropriate opportunities to promote sustainable transport modes have been taken up.
- b) Ensuring safe and suitable access to the site can be achieved for all users;
- c) Ensuring that the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code,
- d) Ensuring that any significant impacts from the development on the transport network in terms of capacity and congestion or on highway safety are mitigated

Para 112.

- a) Give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second to facilitate access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services.
- b) Address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) Create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards.

Section 12. Achieving well-designed places

Para 130. Ensure that the development:

- a) Will function well and add to the overall quality of the area over the short term and the lifetime of the development;
- b) Is visually attractive as a result of good architecture, layout and appropriate and effective landscaping.
- c) Is sympathetic to local character and history.
- d) Will establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.

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- e) Will optimise the potential of the site support local facilities and transport networks.
- f) Will create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users

Section 16. Conserving and enhancing the historic environment

Proposals affecting heritage assets - Para 197

- (a) Ensure that the significance of heritage assets is sustained and enhanced.

Proposals affecting the Green Belt

(The County Durham Plan defers to the NPPF policies)

Para 149.

A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

County Durham Plan

Policy 21 Delivering Sustainable Transport

Ensure that the development will (*ensure*) sustainable transport by:

- a. delivering, accommodating and facilitating investment in safe sustainable modes of transport in order of priority: those with mobility issues or disabilities, walking, cycling, bus and rail transport, car sharing and alternative fuel vehicles;
 - b. providing appropriate, well designed, permeable and direct routes for walking, cycling and bus access, so that new developments clearly link to existing services and facilities together with existing routes for the convenience of all users;
 - c. ensuring that any vehicular traffic generated by new development, following the implementation of sustainable transport measures, can be safely accommodated on the local and strategic highway network and does not cause an unacceptable increase in congestion or air pollution and that severe congestion can be overcome by appropriate transport improvements;
 - d. ensuring the creation of new or improvements to existing routes and facilities do not cause unacceptable harm to the natural, built or historic environment.
- car parking at destinations should be limited to encourage the use of sustainable modes of transport, having regard to the accessibility of the development by walking, cycling, and public transport

Policy 22 Durham City Sustainable Transport

Demand Management

Encourage modal shift to more sustainable modes of transport by promoting and influencing changes in travel behaviour including:

- marketing and promotion programmes;

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- employer travel plans;
- school travel plans; and residential travel plans.

Policy 24 Provision of Transport Infrastructure

New and improved transport infrastructure will be permitted where it meets all of the following criteria: ...

c. makes safe and proper provision for all users which prioritises the movement of pedestrians, cyclists and public transport.

Policy 29 Sustainable Design

Ensure that the development:

a. Contributes positively to the area's character, identity, heritage significance, townscape and landscape features, and helps to create and reinforce locally distinctive and sustainable communities;

g. Respond creatively to topography and to existing features of landscape or heritage interest and wildlife habitats;

h. Respects and takes opportunities to create attractive views of and from the site;

Places and Spaces - Ensure that the development:

m. Creates a well-defined, easily navigable and accessible network of streets and spaces which respond appropriately to local context, to ensure that:

1. The public realm is designed to be functional, well-managed safe and durable, taking into account the lifetime needs of its users;
2. Convenient access is provided for all users whilst prioritising the needs of pedestrians, cyclists, public transport users, people with a range of disabilities, and, emergency and service vehicles;
3. That connections are made to existing cycle and pedestrian networks;

Policy 44 Historic Environment

Confirm that the development will sustain the significance of non-designated heritage assets and their setting.

Ensure that the development proposals will contribute positively to and enhance the built and historic environment.

Durham City Neighbourhood Plan

Policy S1: Sustainable Development Requirements of all Development and Redevelopment Sites Including all New Building, Renovations and Extensions

Conservation, preservation, and enhancement of Our Neighbourhood:

The proposals fail to:

c) Harmonise with its context in terms of materials,

d) Conserve the significance of the character, local distinctiveness, and the contribution made to the sense of place by the neighbourhood's non-designated heritage assets,

Policy H1: Protection and Enhancement of the World Heritage Site

The submitted information fails to show that they sustain, conserve, and enhance the setting of the World Heritage:

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e) There is a failure to carry out a full assessment of how the development will affect the setting of the World Heritage Site

Policy H2: The Conservation Areas - Durham City Conservation Area

The proposals fail to:

- a) Sustain and enhance the historic and architectural qualities of buildings,
- b) Sustain and enhance a continuous frontage,
- e) Avoid harm to an element of assets (*Framwell Head, Sidegate and the terraces*) which make a positive contribution to its individual significance and that of the surrounding area.
- g) Protect important views of the Durham City Conservation Area from viewpoints within the Conservation Area.
- j) Have materials and detailing appropriate to the vernacular and context.
- k) Use high quality design sympathetic to the character and context of the local area and its significance and distinctiveness.
- l) To avoid adding to the cumulative impact of development schemes which dominate by their scale, massing, and uniform design (*Framwell House, St Cuthberts House and railway Car Park and Milburngate*).

Policy T1: Sustainable Transport Accessibility and Design

The submitted information fails to show how the development proposals contribute to sustainable transport accessibility and design.

Accessibility

The proposals fail to show how approach routes to the site, and access within the development is accessible to all, or how they give the highest priority to walking, then cycling and public transport, and meet the travel needs of people with mobility impairments.

Impact

The submitted information and proposals fail to show whether adverse transport impacts are avoided. They fail to show how there is mitigation of adverse impacts or improvement to access by walking, cycling and public transport in the area around the development.