



County Planning Committee

Date Tuesday 5 March 2019
Time 1.00 pm
Venue Council Chamber - County Hall, Durham

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest
4. Minutes of the meeting held on 5 February 2019 (Pages 3 - 8)
5. Applications to be determined
 - a) DM/18/02369/FPA - The Sands Carpark And Durham Sixth Form Car Park Site, Freemans Place, Durham, DH1 1SQ (Pages 9 - 90)

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.
 - b) DM/18/03002/FPA - Former East Durham and Houghall Community College, Burnhope Way, Peterlee, SR8 1NU (Pages 91 - 142)

Redevelopment of former college site to provide a mixed use scheme with three retail units (use class A1) and a restaurant with drive-through (use class A3/A5) and coffee house with drive-through (use class A3) and associated infrastructure.
 - c) DM/18/02937/OUT - Land To The South East of Fieldfare Court, Crookgate Bank, NE16 6LW (Pages 143 - 170)

Outline planning application for up to 105 dwellings (97 shown on indicative plan) with all matters reserved except access (amended description 20/12/2018).
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration
7. Any resolution relating to the exclusion of the public during the discussion of items containing exempt information

Part B

Items during which it is considered the meeting will not be open to the public (consideration of exempt or confidential information)

8. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

Helen Lynch

Head of Legal and Democratic Services

County Hall
Durham
25 February 2019

To: **The Members of the County Planning Committee**

Councillor J Robinson (Chairman)
Councillor F Tinsley (Vice-Chairman)

Councillors A Bell, J Clare, K Corrigan, K Hawley, I Jewell, C Kay,
A Laing, L Maddison, G Richardson, A Shield, A Simpson, H Smith,
M Wilkes and S Wilson

Contact: Ian Croft

Tel: 03000 269702

DURHAM COUNTY COUNCIL

At a Meeting of **County Planning Committee** held in Council Chamber - County Hall, Durham on **Tuesday 5 February 2019 at 1.00 pm**

Present:

Councillor J Robinson (Chairman)

Members of the Committee:

Councillors J Clare, I Jewell, A Laing, L Maddison, G Richardson, A Shield, A Simpson, F Tinsley (Vice-Chairman), M Wilkes and S Wilson

1 Apologies for Absence

Apologies for absence were received from Councillors A Bell, K Hawley, C Kay and H Nicholson.

2 Substitute Members

There were no substitute Members in attendance.

3 Declarations of Interest

There were no declarations of interest.

4 Minutes

The Minutes of the meeting held on 8 January 2019 were confirmed as a correct record and signed by the Chairman.

5 Applications to be determined

a DM/16/00107/OUT - Land To The South Of Three Ways, Hurworth Burn Road, Trimdon Village, TS29 6LX

The Committee considered a report of the Senior Planning Officer regarding an application for outline planning permission (including means of access) for the erection of up to 150 dwellings, provision of open space and associated infrastructure on land to the south of Three Ways, Hurworth Burn Road, Trimdon Village (for copy see file of Minutes).

S Pilkington, Senior Planning Officer provided a detailed presentation of the application, which included a site location plan, aerial photograph, illustrative masterplan, proposed main access, view of approach into Trimdon, and views from the eastern side and western side boundaries.

Members of the Committee had visited the site the previous day and were familiar with the location and setting.

The Senior Planning Officer referred the Committee to Paragraph 89 of the report and reported that the proposed development would result in an 11% increase in the size of Trimdon Village and not 4% as stated.

Councillor Hovvels, local Member, addressed the Committee. While she welcomed the development in the area and had no objection to it, the area did have problems regarding healthcare provision and it was unclear how the £200,000 voluntary contribution towards healthcare in the village would be spent. Councillor Hovvels asked whether consultation had taken place with the NHS and CCG. Councillor Hovvels welcomed the proposed s106 payment of £661,000 towards increasing primary school capacity on the area.

The Senior Planning Officer replied that there was an ongoing discussion with the CCG regarding the model for the provision of healthcare in the area. The voluntary contribution would allow for this discussion to continue and was ring-fenced for the delivery of healthcare in the village.

Councillor J Grant, local Member, addressed the Committee. Councillor Grant supported the proposed development because there was a need for such properties in the area for aspirational families and the development would attract new families to the area. There were no sites identified in the area for development in the 10-year plan.

Councillor P Brookes, local Member, addressed the Committee. Councillor Brookes fully supported the application. In 2013 a similar application was received which attracted the support of a 1,000 signature petition of support. The development, which had the support of the Parish Council, was desperately needed within the community and would improve the social and economic wellbeing of Trimdon. The proposed funding of £200,000 and education and open space contributions were welcome, and access to the site was good with a protected right turn. Councillor Brookes informed the Committee that the application had his full support and he hoped the Committee would approve it.

Mr J Wainwright, local resident, addressed the Committee to object to the application, for which he considered the economic case was not evidence-led. Medical care in the village was stretched and the offer of £200,000 from the applicant towards the delivery of health care provision in the village was voluntary and therefore would not be enforceable. The proposed development would cause a significant harm to a conservation area and would involve the removal of hedgerows. The site had a history of applications for housing being refused, the most recent being in 2013. The development would result in a disproportionate 11% increase in the size of the village which would have an impact on the density of the village core. It was not supported by planning policies and Mr Wainwright asked the Committee to refuse the application.

Mr J McLachlan, local resident, addressed the Committee to object to the application. An application for development of this site was refused in 2006 and withdrawn last year. The site was not poor quality agricultural land and was used for growing crops and therefore building on it would contravene Policy E16 in the Sedgefield Local Plan.

The development would have a detrimental impact on the Magnesian Limestone escarpment which was an area of national unique structure and soil composition, resulting in the presence of many rare and protected species, with Redwings being observed in the area. There was no shortage of dwelling spaces within the village of Trimdon, which was a low cost housing area.

The proposed development was a considerable walk from the nearest bus stop and village amenities and Mr McLachlan asked the Committee to refuse the application.

Mr Sedgwick, agent for the applicant addressed the Committee. The report to Committee was very detailed and had been prepared by professional planning officers. The applicant had worked closely with planning officers and the community and the application had the support of the Parish Council which recognised the issues the village faced and also recognised that the proposed development would be beneficial to the village.

The application was for an increased number of properties than previous applications because it now included land owned by the council between the original site and existing development off Swainby Road.

Healthcare was originally proposed to be dealt with by on-site provision of a medical centre. However, the intention to providing healthcare in the locality was changing and this led to the revised scheme now before committee. Although significant work had been put in on behalf of the applicant in working with the council, the Parish Council, the Doctor's practice and the PCC to facilitate construction of a new health centre and a number of meetings had been attended. However, important questions about the provision of health care in the Trimdons, Fishburn and Sedgefield remained unresolved and therefore it had been agreed that the cost of on-site provision be converted to a commuted payment available on sale of the land which could be flexibly applied to whatever health care solution was agreed to benefit existing and future residents of Trimdon.

Councillor Wilkes referred to the previous application which had stated there was a clear demand for a health facility in the village and that the village had a high proportion of elderly and chronically ill patients. The development would further disadvantage the local community because of the lack of access to health provision and a new medical centre should be a pre-requisite for the proposed development. There was a lack of doctors and GP practices in the area and an additional 150 houses would mean people having to travel a significant distance to find a doctor. There was no need for the development because the County already had a 6 year housing land supply. Although the application was proposing a £200,000 contribution towards the delivery of health care provision in the village, it was not clear where or how this would be spent. Councillor Wilkes added that the original

application proposed a new health centre and asked how much contribution would have been made towards this.

Councillor Hovvells replied that there was a problem with the provision of health facilities and doctors across the area and this was not isolated to Trimdon.

The Senior Planning Officer informed the Committee that the original application mentioned the provision of a health centre although there was no detail regarding size and costs. Healthcare provision in the area was an evolving situation and the proposed £200,000 contribution, which was voluntary, would be available when a scheme came forward.

Councillor Wilkes suggested that a build cost would have been available for the proposed medical centre for the previous application. There were 2 GP's in the area for the 8 needed and the proposed £200,000 contribution was not enough to address the problem of health provision in the area. This application would leave local people with nowhere to go for a doctor.

Councillor Robinson informed the Committee that the argument of overstressing GP provision had been used for an application at Sedgefield, which was refused by Committee but was then overturned by a planning inspector at appeal.

Councillor Shield informed the Committee that there were no objections from statutory consultees and no internal consultee objections. However the site location was outside of the curtilage of the village and on greenbelt land and therefore breached Policies E1 and E18 of the Sedgefield Borough Local Plan and was not compliant with NPPF15 and 16. Councillor Shield was concerned that this had not been raised by internal consultees and informed the Committee that he had concerns and reservations about the application.

The Senior Planning Officer replied that the report set out the landscape and heritage harm of the development. The impact on the conservation area was considered to be less than substantial.

Councillor Robinson reminded the Committee that all internal consultees would have considered the NPPF when providing their opinion on the proposal.

Councillor Jewell informed the Committee that the site visit the previous day had been very interesting. While some Members were looking at the previous application, each application should be judged on its own merit and circumstances changed. It was important for the Committee to consider the application before it today. Improved infrastructure would never be introduced prior to a development taking place but often came after it had been finished. This development would lead to an increased population for the village and make it more viable. This was a sound application, and any development would always bring with it issues to be addressed. The proposed mitigation would address any negatives and Councillor Jewell **moved** approval of the application.

Councillor Tinsley informed the Committee that the NPPF had identified Planning Policies in the Sedgefield Local Plan as being out of date. If the development had

significant conservation, agricultural and healthcare issues then he would have expected objections from statutory consultees. Health provision was an issue across the County. There was a need for housing and service provision often followed after developments had taken place. There was currently development on over 50% of the perimeter of the site. While the development did have negatives, when applying the planning balance, these were outweighed by the positives. Councillor Tinsley **seconded** approval of the application.

Councillor Clare sought clarification on whether the site was greenbelt. The Senior Planning Officer replied that it was not greenbelt but was greenfield in that it had not been previously developed.

Councillor Clare congratulated the objectors on the clear and powerful presentation they had put forward. The application brought with it a significant s106 contribution to address issues which may arise and the issues raised by objectors would happen when a development took place on a field. However, although there would be negatives, the benefits in this application would outweigh those negatives.

Councillor Richardson informed the Committee that while the application would lead to the loss of agricultural land he had listened to the local Members and the needs of the area and would support approval of the application.

Upon a note being taken it was

Resolved:

That the application be approved subject to the completion of a Section 106 Legal Agreement to secure the provision of:-

- 10% Affordable housing
- £152,995 towards open space and sporting provision within the Electoral Division
- £661,635 towards increasing primary school capacity in the area

and the voluntary contribution of:-

- £200,000 towards to the delivery of health care provision in the village.
- A Targeted Training and Recruitment Plan

and the conditions contained in the report.

Councillor Tinsley left the meeting.

b DM/18/03642/WAS - Unit 9 Admiralty Way, Seaham, SR7 7DN

The Committee considered a report of the Principal Planning Officer regarding an application for the change of use of Unit 9, Foxcover Distribution Park, from B1/B8 to B2 to enable the installation and operation of a plastics recycling and processing facility and ancillary infrastructure at Unit 9, Admiralty Way, Seaham (for copy see file of Minutes).

C Teasdale, Principal Planning Officer provided a detailed presentation of the application, including a site location plan, aerial photograph, aerial overview of the building, existing plant layout and proposed site layout.

Councillor Laing **moved** approval of the application. Councillor Shield **seconded** approval of the application, which would aid with the recycling of plastic material and create 70 jobs.

Upon a vote being taken it was

Resolved:

That the application be approved subject to the conditions contained in the report.

6 Proposed amendment to the Code of Practice for Members and Officers dealing with Planning Matters

The Committee considered a report of the Head of Legal and Democratic Services which presented proposals for the revision of the Council's Code of Practice for Members and Officers dealing with Planning matters (for copy see file of Minutes)

Resolved:

That the report be noted.

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/18/02369/FPA
FULL APPLICATION DESCRIPTION:	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
NAME OF APPLICANT:	Kier Property Developments Ltd
ADDRESS:	The Sands Carpark And Durham Sixth Form Car Park Site Freemans Place Durham DH1 1SQ
ELECTORAL DIVISION:	Elvet and Gilesgate
CASE OFFICER:	Henry Jones, Principal Planning Officer 03000 263960 henry.jones@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site comprises two parcels of land on the eastern and western sides of Freemans Place within Durham City Centre. One parcel of land comprises the existing Sands car park/coach park, on the western side of Freemans Place. In the south, the site borders the recent Freemans Reach development, to the west is the River Wear and in the north the open land of the Sands. The coach park is registered as Common Land.
2. The second parcel of land relates to land adjacent to Durham Sixth Form Centre (DSFC), currently used as a car park by DSFC and this is located on the eastern side of Freemans Place. To the south are the grounds and buildings of the DSFC. To the east is Providence Row, which runs on a north west/south east alignment, which rises on the approach to Claypath where it forms a signalised T junction. North of this part of the site is the Sands open space.
3. Freemans Place is approximately 500m in length and runs on a north/south alignment between the car parks. It forms a priority junction with Providence Row to the north east of the application site and extends southwards where it meets the A690. The section of the route adjacent to Walkergate is one-way only.
4. The site lies within the designated Durham (City Centre) Conservation Area. There are no Public Rights of Way (PRoW) within or abutting the site, though footpath 77 (Durham City) is located opposite the DSFC car park.

5. Relevant planning history is detailed elsewhere in this report. Historically the land subject to the proposals has been subject to development with an industrial laundry dating from the early 20th Century being located on the Sixth Form Centre car park. Historical evidence highlights a mill race being located on the Sands car park dating from the 18th Century with an incinerator located on the site up until the mid 20th Century.

Background and the Proposal

6. The Council's proposal to relocate their Headquarters (HQ) has emerged from Cabinet decisions. Cabinet have agreed that the Council would adopt a distributed model of accommodation, with strategic sites comprising of existing Council facilities at Crook, Green Lane at Spennymoor, Meadowfield and Spectrum at Seaham. The proposed HQ site would compliment the strategic sites.
7. To facilitate these objectives a programme of work, called Inspire is underway within the Council to transform the strategic sites including physical work where required and a programme to modernise how the Council works, to include more flexible and agile working practices.
8. The new HQ would not be of a like for like scale in comparison to the existing County Hall. County Hall is approximately 35,000 sqm in size and can accommodate a maximum of approximately 1,980 staff (currently in use by around 1,840 staff). The proposed HQ would be the base for approximately 1000 workers; however, there would only be 700 workstations, with staff working from the strategic sites together with home working.
9. The proposed HQ building would have approximately 10,500 sqm of floorspace and would be located on the Sands car park site. Main public pedestrian entrance into the building would be taken from access doors in the south facing elevation opposite a civic square external space. The entrance level (Level 00) would contain a reception area and entrance atrium with break-out meeting spaces. Key civic facilities in the form of the Council Chamber, committee meeting rooms and break-out external terrace space would be located on this level positioned adjacent to the River Wear. Level 00 would contain a café space for use by staff, visitors and would be publically accessible. Ancillary kitchen, servery, servicing and WC spaces would also be located on this level. A secondary pedestrian entrance into the building is proposed on the north facing elevation opposite the adjacent car parking. Within the building and immediately upon entrance from this secondary pedestrian access the changing, shower and secure cycle parking facilities (20 no.) would be located.
10. At level 01 large open-plan office accommodation is proposed together with break-out and cellular meeting spaces, ancillary toilet, kitchenette, locker and print spaces. Level 02 would comprise of a floor of very similar nature and layout to 01. Level 03 would principally contain office accommodation and Member accommodation though of reduced floorspace in comparison to the levels below as those areas immediately adjacent to the river would not rise to four storeys in height. Level 04 would comprise of a civic suite including a small roof terrace space and plant accommodation.
11. The roof would step up from the river towards Freemans Place and would comprise of a cascading flat roofed design with an enclosing parapet wall. The roof space would contain areas of screened and enclosed plant.
12. The HQ surface level car park would be located to the north of the building on the site of the existing coach park, providing 56 parking spaces (with a further 4 on street

parking bays), of which 10 would be accessible spaces and 8 allocated for electric vehicles. Otherwise, this car park is proposed for use by Elected Members of the Council during daytime hours. Vehicular access would be provided from Freemans Place via a priority junction arrangement. A dedicated servicing bay is proposed on Freemans Place which would also act as a taxi drop-off/pick-up location.

13. The footpath along Freemans Place across the front of the HQ site is proposed to be widened. Ancillary structures to serve the development are proposed north of the HQ building with further cycle parking (30 no spaces) and a smoking shelter located close to the secondary pedestrian entrance. The building is proposed to utilise a fire safety sprinkler system and this necessitates the provision of an external tank and this is proposed within the surface car park area north of the building.
14. The erection of the building would result in tree losses and this is discussed in greater detail elsewhere in the report. In terms of the proposed soft and hard landscaping scheme to the surrounds of the building, upon arrival from Pennyferry Bridge a pedestrian would enter a civic square space. This civic square space would provide access to an area of riverside public realm to the immediate north comprising of pedestrian routes and outdoor seating areas in a terraced format. Both a stepped and accessible ramped route down to the riverside public realm are proposed. North of this riverside space and to the west of the proposed surface car park is an area comprising of a wooded riverside character and would essentially remain unaffected.
15. The building would be between 3 and 5 storeys in height with a maximum height of 24.8m. In terms of external appearance, the facades of the building would principally comprise of reconstituted stone cladding in a sandstone tone arranged with a strong vertical emphasis. Recessed behind this stone would be a polyester powder coated aluminium window system. The entrance areas of the building would be wrapped with stone columns to form a colonnade type feature. The Council chamber area adjacent to the riverside would be largely glazed utilising a curtain walling system. The roof finish would principally comprise of an inverted ballasted system.
16. On the existing car park adjacent to the DSFC, a multi storey car park (MSCP) is proposed. The MSCP would provide 277 parking spaces, this would include 14 accessible bays and 16 surface level spaces proposed for DCC pool cars with 4 spaces for electric vehicle use. The entrance to the MSCP for both vehicles and pedestrians would be from Freemans Place to the west, with vehicular access formed via a priority junction. The footpath around the perimeter of the MSCP is proposed to be improved. The vehicular route through the structure would be by means of separate up and down ramps. For pedestrian circulation two staircores located on the east and west elevation would provide access to all levels by means of both stairs and lift.
17. In terms of external appearance, the MSCP would incorporate a perforated brick plinth, grounding the structure and screening the car park at the pedestrian level. The MSCP would have steel structural frame but the external envelope would comprise vertically proportioned timber fins with a small area of curtain walling. The MSCP would have a maximum height of 13m.
18. The erection of the MSCP would entail further tree losses, again discussed in more detail elsewhere in this report. An area of open space would be retained between Freemans Place and its north facing elevation, which would be developed as an area of open space/soft planting.
19. The development proposals subject to the application constitute Environment Impact Assessment (EIA) development having regards to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations) and the

application is accompanied by an Environmental Statement (ES). This report has taken into account the information contained in the ES and subsequently submitted details and that arising from statutory consultations and other responses.

20. During the course of the determination of the application additional information and amended plans/documentation has been received. These submissions are summarised as follows;

- Additional geoenvironmental/site contamination appraisal
- Submission of and subsequent amendment to a traffic generation sensitivity test
- Amendments to plans including but not limited to; revisions to hard and soft landscaping features including realignment of riverside walk and river edge walls; identification of temporary flood defence barrier and associated repositioning of bollards; amends to cycle and smoking shelter feature; identification of inlets within flood defence plinth to HQ building; adjustment to surface level car park access design, incorporation of an extra wide accessible parking space, barriers to MSCP entrance/egress
- ES Addendum Report
- Supplementary discussion within ES Chapter 1 Introduction and Purpose regarding cumulative development proposals and competent expertise
- Amended ES Chapter 2 on Site, Surrounds and Proposals with discussion on design amends and reasonable alternatives
- Supplementary discussion within ES Chapter 4 Socio Economics to discuss the cumulative impacts of the Milburngate House site amendments so as to include an office block (Block 1E) at the site
- Supplementary discussion within ES Chapter 5 Cultural Heritage to discuss the cumulative impacts of the Milburngate House site Block 1E
- Supplementary discussion within ES Chapter 7 Landscape and Visual impact to discuss the cumulative impacts of the Milburngate House site Block 1E
- Supplementary discussion within ES Chapter 8 Flood Risk and Drainage with updates regarding inherent design mitigation and additional mitigation discussion
- Amended ES Chapter 9 on Transport including additional discussion on cumulative impacts with other developments, further explanation on predicted vehicular trips and clarifications regarding the traffic generation sensitivity test submission
- Supplementary discussion within ES Chapter 10 Air Quality to discuss the cumulative impacts with other developments and discussion on the implications of the traffic generation sensitivity test
- Supplementary discussion within ES Chapter 11 Summary of Cumulative Effects, Residual Effects and Mitigation
- Revised technical appendices to the ES in the form of; an additional consideration of alternatives and archaeological methodology appendix; Flood Risk Assessment (FRA) addendum; revised Travel Plan; revised traffic generation sensitivity test (mentioned above); revised air quality appendix on traffic data; revised air quality assessment results appendix; revised air quality sensitivity analysis results appendix
- Amended Non-Technical Summary to the ES

21. Some of the above summarised amended information has constituted Further or Any Other Information having regards to Regulation 25 of the EIA Regulations and has been publicised and consulted upon as such.

22. The application is being presented to County Planning Committee as it constitutes a major non-residential development proposals involving in excess of 10,000 sqm floorspace.

PLANNING HISTORY

23. No relevant planning history relates to the site of the Sands car park.
24. The Sixth Form Centre car park was occupied by the Sorting Office until its relocation in 1995. Since this time the following planning history has occurred at the site.
25. In January 2004 planning permission was granted for the creation of a public surface car park for a temporary period (04/00009/FPA). This permission was then renewed in October 2006 (06/00726/FPA).
26. Planning permission for a temporary construction compound was approved in July 2013 (13/00484/FPA).

PLANNING POLICY

NATIONAL POLICY

27. A revised National Planning Policy Framework (NPPF) was published in July 2018. The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
28. In accordance with Paragraph 213 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
29. *NPPF Part 2 - Achieving sustainable development.* The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
30. *NPPF Part 4 - Decision-making.* Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

31. *NPPF Part 6 – Building a strong, competitive economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
32. *NPPF Part 7 - Ensuring the Vitality of Town Centres.* Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.
33. *NPPF Part 8 – Promoting healthy and safe communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
34. *NPPF Part 9 – Promoting sustainable transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
35. *NPPF Part 11 – Making effective use of land.* Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
36. *NPPF Part 12 – Achieving well-designed places.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
37. *NPPF Part 14 – Meeting the challenge of climate change, flooding and coastal change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
38. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
39. *NPPF Part 16 Conserving and Enhancing the Historic Environment* - Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

40. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; before submitting an application; climate change; conserving and enhancing the historic environment; consultation and pre-decision matters; design; determining a planning application; ensuring the vitality of town centres; environmental impact assessment; flood risk and coastal change; health and well-being; land affected by contamination; land stability; light pollution; natural environment; neighbourhood planning; noise; open space, sports and recreation facilities, public rights of way and local green space; planning obligations; travel plans, transport assessments and statements; tree preservation orders and trees in conservation areas; use of planning conditions and; water supply, wastewater and water quality.

<http://planningguidance.planningportal.gov.uk/>

LOCAL PLAN POLICY:

The City of Durham Local Plan (May 2004) (CDLP)

41. *Policy E3 – World Heritage Site Protection.* Seeks to safeguard the WHS site and its setting from inappropriate development that could harm its character and appearance.
42. *Policy E5 - Open Spaces within Durham City.* Seeks to protect particular open spaces in Durham City, which form a vital part of its character and setting.
43. *Policy E6 – Durham (City Centre) Conservation Area.* States that the special character, appearance and setting of the Durham (City Centre) Conservation Area will be preserved or enhanced as required by section 72 of the Planning (Listed Building and Conservation Areas) Act 1990. The policy specifically requires proposals to use high quality design and materials that are sympathetic to the traditional character of the conservation area.
44. *Policy E10 – Areas of Landscape Value.* States that development which would have an unacceptable adverse impact upon areas of high landscape value will be resisted and requiring that development respects the landscape it is situated within.
45. *Policy E14 – Existing Trees and Hedgerows.* Sets out the Council's requirements for considering proposals which would affect trees and hedgerows. Development proposals will be required to retain areas of woodland, important groups of trees, copses and individual trees and hedgerows wherever possible and to replace trees and hedgerows of value which are lost. Full tree surveys are required to accompany applications when development may affect trees inside or outside the application site.
46. *Policy E15 – New Trees and Hedgerows.* States that the Council will encourage tree and hedgerow planting in major development sites.
47. *Policy E16 – Nature Conservation – The Natural Environment.* This policy is aimed at protecting and enhancing nature conservation assets. Development proposals outside specifically protected sites will be required to identify any significant nature conservation interests that may exist on or adjacent to the site by submitting surveys of wildlife habitats, protected species and features of ecological, geological and geomorphological interest. Unacceptable harm to nature conservation interests will

be avoided, and mitigation measures to minimise adverse impacts upon nature conservation interests should be identified.

48. *Policy E18 – Site of Nature Conservation Importance.* The Council will seek to safeguard sites of nature conservation importance unless the benefits from the development outweigh the nature conservation interests of the site, there are no alternatives sites and measures are undertaken to minimise adverse effect associated with the scheme and reasonable effort is made by appropriate habitat creation or enhancement to compensate for damage.
49. *Policy E19 – Wildlife Corridors.* Seeks to protect the value and integrity of landscape features which contribute to existing wildlife corridors and create new wildlife corridors as opportunities arise.
50. *Policy E21 – The Historic Environment.* This requires consideration of buildings, open spaces and the setting of these features of our historic past that are not protected by other legislation to be taken into consideration.
51. *Policy E22 – Conservation Areas.* This policy seeks to preserve or enhance the character or appearance of conservation areas, by not permitting harmful development and protecting features which positively contribute to the conservation area.
52. *Policy E23 – Listed Buildings.* This policy seeks to safeguard Listed Buildings and their settings from unsympathetic development.
53. *Policy E24 – Ancient Monuments and Archaeological Remains.* This policy sets out that the Council will preserve scheduled ancient monuments and other nationally significant archaeological remains and their setting in situ. Development likely to damage these monuments will not be permitted. Archaeological remains of regional and local importance, which may be adversely affected by development proposals, will be protected by seeking preservation in situ or requiring investigation and evaluation where preservation in situ is not necessary.
54. *Policy EMP12 – Office Development – General.* Encourages new office development within or adjacent to Durham City Centre and within district and local centres.
55. *Policy T1 – Transport – General.* This policy states that the Council will not grant planning permission for development that would generate traffic likely to be detrimental to highway safety and/or have a significant effect on the amenity of occupiers of neighbouring property.
56. *Policy T5 – Public Transport.* Encourages improvements to assist public transport including by ensuring that new developments can be conveniently serviced by public transport.
57. *Policy T10 – Parking – General Provision.* States that vehicle parking should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development.
58. *Policy T11 – Parking in the City Centre.* Supports a car parking strategy in the City Centre.
59. *Policy T12 – Management of Off-Street Car Parks.* States that the Council will encourage the management of off-street car parks including The Sands.

60. *Policy T13 – City Centre Parking New Sites.* New public parks will be approved where the need has been established as part of a coordinated strategy for parking in the City Centre and the following should be taken into account; effectiveness on the vitality and viability of the City Centre; the need to encourage alternatives to the private car; the need to discourage long stay commuter parking in the City Centre.
61. *Policy T20 – Cycling – Provision of Cycle Parking.* Sets out a requirement to encourage the provision of facilities for parking cycles in the City Centre and at other appropriate locations.
62. *Policy T21 – Walkers Needs.* States that existing footpaths and public rights of way should be protected.
63. *Policy S1a – Retail Hierarchy.* Seeks to protect and promote the vitality and viability of all centres within the local retail hierarchy of the City of Durham area.
64. *Policy S10 – Food and Drink.* Encourages food and drink uses within settlement boundaries subject to specific criteria.
65. *Policy R11 – Public Rights of Way and other Paths.* Public access to the countryside will be safeguarded by protecting the existing network of PROW's and other paths from development which would result in their destruction.
66. *Policy CC1 – Vitality and Viability.* Seeks to protect and enhance the vitality and viability of the City Centre (reference is made to mixed uses, active street frontages, use of upper floors, residential occupation, environmental improvement and a safe, accessible and friendly public realm).
67. *Policy CC2 – Development Opportunities Specific Uses.* Identifies land at Framwelgate Waterside for a hotel and at Wakergate for a mixed use development.
68. *Policy CC3 – Development Opportunities – Range of Uses.* Allocates a range of City Centre sites for particular uses. The Sixth Form Centre car park is allocated for residential and/or office development.
69. *Policy Q1 – General Principles Designing for People.* Requires the layouts of developments to take into account the requirements of users including: personal safety and security; the access needs of people with disabilities and the elderly; and the provision of toilets and seating where appropriate.
70. *Policy Q2 – General Principles Designing for Accessibility.* The layout and design of all new development should take into account the requirements of users and embody the principle of sustainability.
71. *Policy Q3 – External Parking Areas.* Requires that car parks should be landscaped, adequately surfaced, demarcated, lit and signed. Large exposed areas of surface, street and rooftop parking are not considered appropriate.
72. *Policy Q4 - Pedestrian Areas.* Requires public spaces and such areas to be well designed and constructed with quality materials. Public realm and lighting to ensure community safety are referred to.
73. *Policy Q5 – Landscaping – General.* Requires all new development which has an impact on the visual amenity of the area in which it is located to incorporate a high level of landscaping in its overall design and layout.

74. *Policy Q6 – Landscaping – Structural Landscaping.* Requires all new development located on the outer edge of settlements or exposed sites will be required to include peripheral structural landscaping within the site in order to minimise any adverse visual impact of the proposal.
75. *Policy Q7 – Layout and Design – Industrial and Business Development.* Requires the siting, design and external appearance of all new industrial and business development to; be of a standard appropriate to the designated area within which it is located; and have regard to policies Q1 and Q2.
76. *Policy Q15 – Art in Design.* This policy states that the Council will encourage the provision of artistic elements in the design and layout of proposed developments. Due regard will be made in determining applications to the contribution they make to the appearance of the proposal and the amenities of the area.
77. *Policy U5 – Pollution Prevention – General.* Planning permission for development that may generate pollution will not be granted if it results in; an unacceptable adverse impact upon the quality of the local environment; the amenity of nearby and adjoining land and property or; will unnecessarily constrain the development of neighbouring land.
78. *Policy U8a - Disposal of Foul and Surface Water.* Requires developments to provide satisfactory arrangements for disposing foul and surface water discharges. Where satisfactory arrangements are not available, then proposals may be approved subject to the submission of a satisfactory scheme and its implementation before the development is brought into use.
79. *Policy U9 – Watercourses.* States that development which may affect watercourses will only be permitted provided that they do not result in flooding or increase flood risk elsewhere; or they do not result in the pollution of the watercourse; or they do not adversely affect nature conservation interests; or they do not adversely affect the visual appearance of the landscape; and their environmental impact is properly assessed.
80. *Policy U10 - Development in Flood Risk Areas.* States that proposals for new development shall not be permitted in flood risk areas or where an increased risk of flooding elsewhere would result unless; it can be demonstrated that alternative less vulnerable areas are unavailable; that no unacceptable risk would result; that no unacceptable risk would result elsewhere; or that appropriate mitigation measures can be secured.
81. *Policy U11 - Development on Contaminated Land.* Sets out the criteria against which schemes for the redevelopment of sites which are known or suspected to be contaminated will be assessed. Before development takes place it is important that the nature and extent of contamination should be fully understood.
82. *Policy U12 – Development Near Contaminated Land.* Seeks to ensure that development proposed near land which is contaminated are adequately protected.
83. *Policy U13 – Development on Unstable Land.* Advises that development on unstable land will only be permitted where there is no risk resulting from that instability or where the instability can be remediated.
84. *Policy U14 - Energy Conservation – General.* States that the energy efficient materials and construction techniques will be encouraged.

EMERGING PLAN:

The County Durham Plan

85. Paragraph 48 of the NPPF states that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. An 'Issues & Options' consultation was completed in 2016 on the emerging the County Durham Plan (CDP) and the 'Preferred Options' stage CDP was subject to consultation in summer 2018. On the 16th January 2019, Cabinet approved the 'Pre Submission Draft' CDP for consultation. However, the CDP is not sufficiently advanced to be afforded any weight in the decision-making process at the present time.

Durham City Neighbourhood Plan

86. The pre submission draft of the Durham City Neighbourhood Plan was subject to its first formal public consultation, which closed on 18th December 2017. The Council made representations on that pre submission version of the plan and the associated Strategic Environmental Assessment, which raised a number of significant issues which were considered to require resolution in order that the plan would meet the prescribed Basic Conditions.
87. Since this time the designated area of the Durham City Neighbourhood Plan has been amended to coincide with the newly-formed Town Council area and as a result a further consultation on the pre submission draft is in the process of preparation. In light of this, and given the stage of preparation, it has not yet reached a point where weight can be afforded to it.

The above represents a summary of those policies considered most relevant. The full text, criteria, and justifications of each may be accessed at:

<http://www.durham.gov.uk/ldf> (City of Durham Local Plan)

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

88. *City of Durham Parish Council* – Raise objections. Objections are raised to the impacts upon traffic and air quality. The claim within the application that traffic levels will reduce would only occur if the parking at County Hall was extinguished but this is not the case as it is proposed for redevelopment. Providence Row is already a peak pollution area. Evidence exists that air pollution damages cognitive development and increases cognitive degeneration. A new school is to open in the area so vulnerable groups such as children will be exposed to the pollution. Contradictory information on parking provision is contained within the application. The loss of the coach park will result in coaches making trips twice. Some coach visits may not have the time to go to Belmont between dropping off and picking up and some tourist coach visits will be put off entirely due to the absence of coach parking in the City with the comments of other relevant representations on these grounds cited. Some of the comments of Visit County Durham in respects to the impacts on coach visits are contested and it is highlighted that no final location for a pick-up/drop-off has been placed on the public file. Surrounding roads are narrow and will be affected by both the operational phase but also the construction traffic including cumulative impacts with the Student Castle development. Concerns are raised in regards to pedestrian and cycle safety including with regards to the high numbers of Durham Sixth Form students in the area.

Pedestrian accessibility is poor including for the disabled. Cumulative amenity impacts from several years of City Centre redevelopment is raised. Harmful transformative impacts would occur upon the character of the Sands. Harm to ecology will result including at night time due to light pollution. The site lies within a flood risk zone. Local Plan Policies and elements of the NPPF which the proposals are considered in conflict with are cited. The design and scale of both the HQ and MSCP and lack of embedded sustainability measures contained therein are criticised. The development will harm the Conservation Area and WHS. Public consultation is considered to have been inadequate and poorly timed during the summer holidays. Inadequate consideration has been given to alternative sites, and alternative sites more appropriate for the development are cited, including Milburngate House site, Aykley Heads or another town such as Spennymoor. Adopting a hub and spoke model would permit a smaller civic building being required. It is highlighted that many businesses have submitted objections and this includes that larger vehicles will have their parking opportunity removed and no longer be able to attend the farmers market. It is urged that the proposals are paused and further public consultation undertaken.

89. Under the instruction of the City of Durham Parish Council, Richard Buxton Solicitors have also submitted a letter of representation. The letter considers that insufficient/inadequate information is contained within the Environmental Statement (ES) accompanying the application and to determine the application on the basis of these submissions would be in breach of its obligations under the EIA Regulations. The principal elements of the ES and application which the Richard Buxton letter contends to be inadequate are; the transport assessment, air quality analysis, consideration of reasonable alternatives and failure to assess this development proposal and the Aykley Heads Strategic Employment Site as one EIA project. The Transport Assessment is criticised on the grounds of underestimating the vehicular trips to the development site and trips associated with the Sixth Form Centre, analysis of cumulative impact with other committed developments, assessment of highways impact against 2028 base flows rather than the proposed 2021 opening year and the inclusion of a traffic generation sensitivity test which is not included within the ES and presents differing traffic impacts to that within the TA. In respects to air quality the letter contends that as traffic and air quality are intrinsically linked, the air quality analysis within the ES is also flawed. In respects to the assessment of alternatives the letter contends that no proper assessment of the likely environmental impacts of delivering the development at an alternative site has been undertaken. The analysis of the one alternative site which appears realistic is Milburngate House and the letter considers that this assessment is limited to a cumulative visual impact analysis only. Furthermore a number of alternative options considered previously by the Council via their business case analysis have not been considered by the ES. Due to the linkages between this proposal and the redevelopment of Aykley Heads the letter considers that it is incumbent upon the Council to consider the environmental impact of the whole development. The letter also highlights a number of key material planning considerations and sensitivities applicable to the site and development and that as the Council are the moving force behind the development and the decision maker it is particularly incumbent upon them to ensure that they act in good faith and comply with all relevant legal requirements.
90. Under the instruction of the City of Durham Parish Council, Vectos Transport Planning have also submitted a letter of representation providing commentary on the transport related submissions contained within the planning application. The submission contends that the transport work submitted in support of the planning application is flawed in a number of areas, resulting in an inaccurate assessment of the impact of the proposed development upon the operation and safety of the highway network. As a result it cannot be concluded that the development would not result in a severe highways impact. Vectos submit that an erroneous trip forecasting methodology has

been applied whereby the existing County Hall trips have been discounted which leads to a conclusion that an application for additional office floor space will result in a reduction in trips which would not be the case. In turn these erroneous trip forecasts will affect the air quality assessment. Wider concerns regarding the trip generation methodology are expressed that are likely to have underestimated the trip impact of the proposed development. It is considered that the application lacks appropriate consideration of the impact of the proposed development on the demand for public car parking in Durham City Centre, impacts of parking displacement (and impacts on visitors/tourists as a result) and the operational highway impacts of additional vehicles seeking to access this provision during network peak times. It is submitted that the application contains inadequate assessment of the impact of the loss of coach and long-stay car parking in the City Centre, with no consideration of the impact of this upon highway capacity and highway safety. Vectos consider that a potential substantial underestimation of the proportion of staff who will be likely to travel by car to the proposed site has been made under the application, and the impact of these additional vehicle movements on the safe and efficient operation of the surrounding highway network. Vectos express concerns with baseline traffic flow data used to inform the Transport Assessment with some having dated from 2014. It is also stated that there is an absence of existing staff travel information which would not only help to inform the Travel Plan targets but also enable a further assessment of the claims made by the Applicant regarding the significant modal shift expectations for staff travel to the new site.

91. *Durham City Neighbourhood Planning Forum* – Raise objections. The Forum's comments on this application are drawn from the public's clearly expressed priorities for Durham City in the consultations carried out for the Neighbourhood Plan. It is noted that the submitted planning statement is contradictory in that it states the CDP should be afforded no weight yet assesses the development against its policies. The proposal would generate significant additional vehicular traffic using the Leazes Bowl/Milburngate Bridge slip road and the Claypath/Providence Row T junction. Traffic documentation fails to appreciate the realities of the situation and the proposed 200 extra car parking spaces will clearly make the amount of traffic and congestion worse. The new Passport Office and National Savings Office have a similar number of staff to the proposed HQ and have no staff car parking provision whatsoever, the HQ should do the same. The loss of coach parking will result in coaches making repeated trips in and out of the City with harmful consequences upon traffic and air pollution. The impacts of the proposal upon the coach parking is likely to detrimentally affect coach tourism. Visit County Durham evidence identifies that day trip visitation make a 89% contribution towards expenditure tourist spend in the City, the impacts of deterring coaches is a major negative aspect of the proposal. There are significant and vulnerable pedestrian flows which would be placed at risk due to the additional vehicular traffic that the proposal would introduce namely pupils, tourists and other potentially vulnerable pedestrians. The Providence Row/Claypath junction is within the designated Air Quality Management Area and the additional traffic will worsen pollution levels and in a location where more vulnerable young people will be exposed to them.
92. The design and scale of the proposed HQ and MSCP are inappropriate and would unacceptably urbanise the area. Concerns are expressed having regards to the sites location within a flood risk zone. Sustainability is the golden thread running through the NPPF and the draft NP and the Council should set the standard for good sustainable development and a full Sustainability Appraisal would find these proposals unacceptable. The decision making processes via the January 2018 Cabinet report to relocate to the site are considered confusing and obscure. The pre-application consultation exercise was not meaningful and is considered a "fait accompli". Whilst it is perfectly legal for the County Council Planning Committee to determine the planning

application, public perception is another matter and it would be more robust for the decision to be made by an independent body and the Secretary of State should be asked to “call in” the application. More suitable alternative sites exist and should be considered with the Milburngate House site and Aykley Heads cited as examples in the City whilst other towns in the County are named that could benefit from the regeneration benefits of the proposal. The proposals would conflict with policies within the CDLP.

93. *Highway Authority* – Raise no objections. Key application submissions have been considered and reviewed including the relevant ES chapter, Transport Assessment and a traffic generation sensitivity test report and amendments made during the course of the application. The degree of public objection on highways and transport related grounds is acknowledged. The Highway Authority note the existing parking provision at County Hall and at the application site, that the application does not propose to re-provide the level of parking at County Hall but that an increase of 81 parking spaces is proposed within the bounds of the overall application site in comparison to the existing situation. The Highway Authority have considered the likely occupancy levels of County Hall and the proposed HQ.
94. The new in curtilage and multi storey car park replaces some existing parking currently provided within The Sands car park and parking adjacent to Durham Sixth Form Centre. Existing trips are made to these car parks. As such, the limited opportunity for long stay employee parking at the development results in a significant net reduction in overall vehicular trips driving on the network through Durham City to park at the proposed HQ. Those currently accessing County Hall from the A690 (east) will no longer drive through the city centre. A limited number of new movements at the A690 Milburngate will be offset by the reduction in movement presently taking place to access County Hall.
95. The parking available to staff at the proposed development will be controlled by the use of parking permits and therefore only staff with a permit will continue to drive to the site. Additionally, there is only a limited amount of other long stay parking available within the City Centre and much of this is subject to a punitive pricing policy to encourage sustainable travel.
96. The transport submissions within the application have been prepared, on the basis of a number of surveys around the local network. The baseline situation against which future development is assessed includes not only current traffic on the network to which a growth factor in accordance with National Government published data has been applied, but also a number of committed developments in the City which have the potential to generate traffic. The analysis, which includes committed development and growth (8.9%pm 2014-2021), is a very robust prediction given there will be an element of double counting of base traffic on the network. In addition, the amended assessment submissions have included potential traffic generation from two further developments – the Milburngate House Office (DM/18/02924/FPA) and Kepier House flats (DM/16/02285/FPA). In considering the magnitude of effect of traffic generated by the proposed development across the highway network, account has been taken of the cumulative effects of consented development.
97. An assessment of the net change in demand throughout the network has been undertaken which indicates that, in the design year 2028, the highest increase in demand will be at the Providence Row/Claypath junction with all other junctions experiencing either a reduction or a limited degree of change and one which would be remain within the expected daily variation for such junctions. The revised sensitivity test methodology resulted in an addition of 32 two way trips (total additional 72-75 trips) at Providence Row above that level in the initial Transport Assessment. This

modest level of trip increase at all junctions on the network is within the expected daily and peak hour variations in traffic flows and would not be noticeable on the network. Modelling of the Providence Row/ Claypath signalised junction at a design year of 2028 shows that the junction would operate well within capacity with the addition of the development traffic and the Highway Authority are satisfied that queues will discharge satisfactorily. A review of the personal injury accident data has also been undertaken for the study area, which has shown that there are no specific accident concerns.

98. In terms of accessibility, the site is located within a sustainable location with good pedestrian links to amenities within the City Centre including good links to public transport provision at Claypath. Its proximity to the City's rail and bus station will be improved with pedestrian links to be established on the opposite side of the river linking the site via the Millennium pedestrian bridge. Overall the Highway Authority are satisfied that there will be no significant negative transport impacts as a result of the proposed development and no objections could be raised on transport grounds.
99. *Historic England* – Raise no overall objections. The development comprises of two distinct elements – the HQ itself and the MSCP. Overall, the proposed HQ and the car park will have a strong impact on the character of the Freemans' Place and Sands areas of the Durham (City Centre) Conservation Area. The HQ promises to be a successful piece of civic architecture, part of a long tradition of such buildings but in a very contemporary form. It would help define and add interest to this modern quarter of the city, though it would also have an urbanising impact on the Sands and the river banks. Likewise a view from across the river to the WHS would be lost, one of a series of reveals along this section of riverside. Some improvements to the space between the HQ and the Sands could be made.
100. Historic England consider the car park to be the less successful element of the overall development and would sit poorly against the edge of the Sands and the historic buildings around the junction with Providence Row with consequential harm to the Conservation Area that could be mitigated to a degree by better design.
101. On balance the impact of the HQ is positive because it's promised design contribution would be stronger than the harm caused through urbanisation and loss of views. The MSCP offers no such balance and the harm it would cause to the significance of this part of the Conservation Area needs to be weighed against the public benefits of the proposal in line with paragraph 196 of the NPPF. The potential to amend the design and reduce the harm of the MSCP should be considered.
102. *Coal Authority* – Raise no objections. Coal Authority records indicate that the site is likely to have been subject to historic unrecorded shallow underground coal workings associated with thick coal seams that outcropped across the site. Site investigation undertaken has revealed no evidence of either coal or old coal mine workings, however.
103. *Environment Agency* – Raise no objections subject to conditions relating to; ensuring that the development is implemented in accordance with the submitted flood risk assessment and drainage strategy and subsequent flood risk assessment addendum; that a long term maintenance scheme of the flood storage voids is devised; and a final flood risk management plan is devised. Advice is provided in regards to ensuring the devising of the robust flood risk management plan and emergency procedures consulting as necessary with the emergency planning team and emergency services. Advice is also provided in regards to in-built flood resilience and flood proofing measures and separate Environmental Permitting requirements having regards to the Environmental Permitting (England and Wales) Regulations 2016.

104. *Drainage and Coastal Protection* – Raise no objections. The principles of the surface water disposal design are acceptable, though a condition would be necessary to refine the final details.
105. *Natural England* – No objections or detailed comments. No significant impacts on statutory designated nature conservation sites or landscapes are considered likely to result. Advice in respects to the application processes pursuant to the Common Land within the application site is also made.

INTERNAL CONSULTEE RESPONSES:

106. *Spatial Planning* – Raise no objections. The application site is located within the functioning city centre and as a result an office development is considered acceptable in principle. It is highlighted that there is a degree of conflict with the CDLP Policy CC3 due to the MSCP being located on land allocated for office and residential use although the existing land use is already established as car parking. Key material planning considerations and relevant policy considerations are highlighted including in respects to heritage, transport, design and flood risk. Policies most important in determining the application are highlighted as being out of date and as a result the application should be considered in the context of presumption in favour of sustainable development at paragraph 11(d) of the NPPF.
107. *Visit County Durham* – Raise no objections. It is confirmed that Visit County Durham has a dedicated group travel and travel trade partnership group – Discover Durham. Research has been undertaken with coach operators to gauge responses to the proposal, inclusive of the relocation of coach parking facilities. A range of points within the feedback was received but a main point expressed in response was the need to retain effective drop-off and pick-up locations in the City and so long as this can be facilitated, operators would not appear perturbed by the potential for an out of town parking facility, such as at Belmont, and it would still permit their programmes and itineraries to function. Research into other historic cities indicates that out of town parking facilities are used for coaches with Cambridge and Lincoln identified as examples. A breakdown of the various forms of tourist visitors to Durham and the economic impact that they have is also disclosed.
108. *Regeneration and Development* – Support the proposals. The physical infrastructure of the City Centre will be improved. The development including riverside walkway and external events space will encourage greater use of the riverside. The benefits of the development are cited as; securing public sector employment in the City Centre; creating employment opportunities in the City Centre and Aykley Heads; an enhanced riverside attractive with public realm, open space and leisure use; helping to unlock the potential of the Riverwalk, Milburngate House and Millennium Place; appropriate visual and heritage impact; and significant Council staff numbers in the City Centre will help the sustainability of shops and services year round.
109. *Employability Team* – Raise no objections. Targeted recruitment and training provisions are requested under condition or a S106 legal agreement.
110. *Environment, Health and Consumer Protection (Contaminated Land)* – Raise no objections. In regards to the land associated with the HQ building itself a condition so as to ensure a Phase 4 verification report is submitted to demonstrate remediation proposals have been fully completed is necessary. In respects to the MSCP land a condition requiring pre-commencement submissions in respect to gas protection measures followed by the submission of Phase 3 remediation proposals and Phase 4 verification report will be necessary.

111. *Environment, Health and Consumer Protection (Noise, Light, Odour and Dust)* – Raise no objections. The application is accompanied by a noise impact assessment which has been undertaken to an appropriate methodology. Consideration has been given to the impacts of noise emanating from the development, noise from the existing environment affecting the use of the proposed development and impacts during the construction phase of the development. In regards to noise resulting from the operational phase of the development an appropriate indicative impact has been assessed but further assessment will be needed when final plant is known. Conditions can control this, however. Noise entry into the building will meet applicable guidance with no specific mitigation required. A construction management plan accompanies the application, however, it would require further refinement under condition. Noise from additional traffic movements associated with the development are not considered under the assessment, however, having considered potential impacts and relevant guidance the existing ambient noise would not be altered.
112. *Environment, Health and Consumer Protection (Air Quality)* – Raise no objections. A Dust Action Plan should be devised in relation to the construction phase of the development to incorporate measures to suppress and mitigate dust emissions and this can be conditioned in the event of an approval. Predicted Heavy Duty Vehicle (HDV) movements during the construction phase of the development are predicted to be below the relevant air quality guidance thresholds. Consideration to the selection of non-road mobile machinery, particularly diesel powered plant should be made. With regards to the operational phase of the development the submitted Air Quality Assessment (AQA) and subsequent amended submissions demonstrate that the impacts of the development are either neutral, negligible or beneficial depending upon the location. It is noted that a combined heat and power system, biomass or boiler plant may be utilized within the development and the impacts of these elements should be screened and as necessary more detailed assessment undertaken. To mitigate the development a travel plan should be devised and cycle parking and electric vehicle charging infrastructure should be installed.
113. *Ecology* – The site has a low overall ecological value, however, the mature tree cover on the river edge and around the coach park provide good sheltered bat foraging habitat. Invasive species are also present, however, it is understood that they are identified for eradication/removal. Light spill from the development has the potential to affect the habitat of the river corridor and a sensitive lighting scheme must be ensured.
114. *Landscape* – The site lies on the interface between town and countryside and the impacts of the development are primarily those of townscape rather than landscape. There would, in some views, be a substantial and transformative impact and there would be a more urbanizing impact as a result of the development. In terms of impacts on landscape features, the development would result in the removal of the majority of trees within the existing Sands car park together with further removals in the 6th form car park. A further arboricultural impact assessment (AIA) should be undertaken to define final proposed works necessary, together with an arboricultural method statement to define final measures to ensure the retention of the attractive London Plane tree within the 6th form centre car park, both of which could be conditioned. If deemed necessary, off-site compensatory planting could be implemented, with bankside areas north of the development a potential candidate. The site lies outside of the Area of High Landscape Value to the north and would not affect it to a substantial degree.
115. The screening effect of tree planting would be relatively limited in the short to medium term but would provide some mediation in the medium and longer term between the

urban character of the new buildings and the open rural character of the Sands. Conditions would be required to resolve final hard and soft landscaping proposals and detail of particular areas which would require refinement are provided, namely; the riverside retaining wall treatment; civic square and river frontage; and, planting adjacent to the MSCP and HQ car parks.

116. It is added, in respects to a number of plan amendments made during January, that the amendments would likely affect a number of other plans and consideration should be given to the need to update these drawings to reflect the changes as well.
117. *Design and Conservation* – Raised no objections, though some heritage harm would result. In design terms, the contemporary aesthetic of the HQ building is welcome, in keeping with this quarter of Durham and the detailed design approaches adopted will add to the overall aesthetic, an aesthetic that would appear more interesting and evident in close and medium views where it would be read more clearly. However, the scale of the building would overall, change the character of the area and would, to an extent, represent a hard intervention at this transition point between rural and urban, which occurs at this point of the City.
118. The proposed MSCP will result in the demolition of the non-designated heritage asset of the laundry/stable block. The scale and mass of the MSCP will harden the edge of the built environment and would be somewhat out of context with this part of the Conservation Area. The design detailing will help assimilate the MSCP in closer vantage points but would be less effective at longer distances.
119. The HQ would block a partial view of the WHS from the opposite side of the river with some harm to significance as a result. The harm of the HQ building needs to be balanced against the positive aspects of the proposal including its contribution to the architecture of the city and creation of place. The MSCP is clearly identified as being more harmful to the significance of the CA than the HQ building.
120. The overall effect of both developments on the significance of the setting of heritage assets is probably one of less than substantial harm when considered in the context of the NPPF. The NPPF advises that harm to the significance of designated heritage assets requires a clear and convincing justification and the harm must be weighed against the public benefits of the proposal. Consideration should be given to the potential for amendments to the design of the MSCP and implementation of an enhanced landscaping scheme.
121. *Access and Rights of Way* – Raise no objections. No recorded public rights of way are located within the application site. An unregistered footpath is located between the River Wear and existing parking areas, and the development proposes to accommodate a route in this area. The existing coach park is Common Land, which means it is also designated as open access land under the Countryside and Rights of Way Act 2000 and thereby, there is a right to roam across the land, though in reality, given the existing use such activities will be limited. If the Common Land is deregistered then similarly so would this access land status.
122. *Business Durham* – Support the proposed development. The development will generate increased footfall and spend in the City Centre. The proposals form a key part of the regeneration of the City Centre linked to other major projects in the vicinity. The proposal will serve as an enabling development for Aykley Heads which has made a positive start at the Northern Quarter via Atom Bank and Waterstons.
123. *Archaeology* – Raise no objections. The site of the office building is known to contain the remains of a mill race of 18th century origin, whilst cut features interpreted as

boundary ditches or drainage channels were found south of the proposed multi-storey car park in 2006 demonstrating the potential for archaeological features to be present beneath made ground. A programme of archaeological works in accordance with a Written Scheme of Investigation (WSI) would be required under condition. It is noted that the submitted ES includes an assessment of the archaeological potential of alternative sites Milburngate House, Elvet Waterside and Aykley Heads and the potential is low.

124. *Sustainability* – Raise no objections. Sustainability have been involved with the project team to ensure the development incorporates sustainable and low carbon technologies. The HQ would have an A rated Energy Performance Certificate, will be built to BREAM Very Good standard, will have a fabric first solution to assist in passive cooling and a natural ventilation system, whilst all lighting will be high efficient LEDs. Solar PV has been fully considered within the proposal. Whilst Solar PV is not part of the current proposal it is envisaged that it could potentially be incorporated at a later date. The option could provide the baseload electricity requirements for the HQ and may in the summer generate enough to charge the EV pool cars.
125. *Sustainable Travel* – Raise no objections to the development though a final version of the travel plan will require resolution under condition. It is highlighted that some pedestrian and vehicle conflicts occur along pedestrian routes across the City.
126. *Equality and Diversity Team* – Confirm that the Equality Act requires that the LPA , in their decision making pay due regard to the public sector equality duty to;
 - Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act;
 - Advance equality of opportunity between people who share a protected characteristic and those who do not; and
 - Foster good relations between people who share a protected characteristic and those who do not

In relation to the consultation issues raised within the application, the Act is engaged in particular with regard to people with a disability, but the issues of level access may also affect other building users covered by other protected characteristics such as older people with mobility issues (age) and users with pushchairs (pregnancy and maternity, sex). The LPA must consider the potential impacts on disabled people and other groups, and the mitigating factors in place or agreed, as part of the determination of the application. One of the key potential impacts to be considered is whether disabled people are potentially disadvantaged by the location of the new site. The LPA need to be aware of and consider mitigating arrangements that are in place or are planned with regard to access to the new HQ building. These mitigating arrangements centre around; existing lift access at Walkergate and the Indoor Market including their design and availability for use; additional lifts which are planned at the Riverwalk and former Milburngate House sites; the provision of disabled parking as part of the development including an increase in provision in comparison to the existing Sands car park and the provision of an extra wide Wheelchair Accessible Vehicle bay; the 40A Cathedral bus service bus stop is proposed to be retained but relocated as part of the development; a layby is to be provided adjacent to the HQ building which can act as a taxi drop-off and; evidence of engagement with disability groups during the consultation processes on the application and inclusive access/equality considerations have been built into the design of the development. With regards to the impacts of potential increases in traffic this is unlikely to result in a disproportionate risk on vulnerable groups whilst the relocation of the coach parking to Belmont will still entail a drop off and pick up in the City Centre to enhance convenience for all coach travellers. Overall, the relocation of the HQ to the application site does have some

potential impacts in terms of level access for disabled pedestrians who use wheelchairs or mobility scooters, for older users with restricted mobility and potentially also persons with prams and push chairs. However there are a number of mitigating factors already in place, or to be put in place, as part of the development to be taken account of which will reduce the impact on disabled and other users by providing alternative means of accessing the site which avoid the steep pedestrian routes from the higher parts of the town centre.

127. *Emergency Planning/Civil Contingencies Unit* – Raise no objections. It is confirmed that they have been consulted upon the content of the flood risk management plan accompanying the application. Further collaboration will be required to work this document into its final form.

EXTERNAL CONSULTEE RESPONSES:

128. *Durham Constabulary Architectural Liaison Officer* – Raise no objections though some suggestions and observations in relation to the proposed MSCP from a designing out crime perspective are made. An appropriately designed perimeter fence of 2.4m in height is advised. Defensive planting is suggested to the western boundary to prevent unwanted desire lines being formed. Some conflict between vehicles and pedestrians entering and leaving the car park could occur and signage and lighting should be utilised to resolve this. A New build car park guidelines document is enclosed.
129. *Business Fire Safety Manager* – Raise no objections stating that the fire service has been working with Durham County Council on the design of the proposal and alterations have been made to fire safety elements to protect the occupants of the building and those passing. Acceptable fire service access has been devised. The potential for increases in traffic would not be a viable reason for concern, emergency vehicles can utilise their traffic law exemptions to pass more easily through traffic and congestion can be an issue at certain times of the day.
130. *Northumbrian Water* – Raise no objections subject to the development being implemented in accordance with the submitted Flood Risk Assessment and Drainage Strategy which amongst its content identifies that foul flows shall discharge to the combined sewer at manhole 4901. Final surface water discharge should be agreed with the Lead Local Flood Authority.

PUBLIC RESPONSES:

131. The application has been publicised by way of press notice, site notice and individual notification letters to neighbouring residents and occupiers. Following the submission of Further or Any Other Information further consultation exercises were undertaken, involving further press and individual notifications to neighbouring occupiers and those who had made representations at that time. A total of 964 letters of representation have been received, of which 956 are letters of objection to the development. Of these letters whilst concluding in opposition to the scheme, some do include points of support to elements of the proposal. 8 letters of support have been received. Comments are summarised below, where supportive comments within letters of objection have been received those points have been summarised under the comments of support.

Objection

Principle of the Development

- Alternative more appropriate developments should occur on the site such as cultural facilities, a riverside park, housing including affordable housing, a

dedicated coach car park with electric vehicle charging points, ice rinks and other leisure proposals

- Alternative sites for the development are suggested namely; redevelopment on the existing County Hall site; Milburngate House site; Aykley Heads including Salvus House; the DLI; the Gala Theatre and that which adjoins; Sidegate car park; land at Green Lane; the old swimming baths site; integration with the Town Hall, Miners Hall, Police, Land Registry or other HQs; former M&S; Bede College at Gilesgate; Chester le Street cricket ground, Dragonville, Meadowfield, Belmont, Mount Oswald; County Hospital site; adjacent to a park and ride; Sniperley; whilst locations in general across the County which would benefit more from the development should be considered with Bowburn/Tursdale; Sacriston; Newton Aycliffe; Consett; Bishop Auckland; Chester-le-Street; Thinford, Easington; Horden; Blackhall, Peterlee and Spennymoor/Durham Gate cited as examples
- The submitted assessment of alternative sites highlights that a new HQ at Aykley Heads would be preferable in environmental impact terms than the chosen site
- Redevelopments such as at the former County Hospital and Old Shire Hall demonstrate that existing buildings/sites can be redeveloped without being prohibitively expensive
- Inadequate and unclear information has been provided as to why this site above others has been chosen and a full sustainability appraisal of all potential sites should have been undertaken
- A more robust cost/benefit analysis of the proposals is required and the short term financial incentive for the Council should be needs to be considered against longer term impacts such as repair and infrastructure costs, increase in vehicles and accidents, potential for loss of income due to a reduction in visits to the City Centre due to the traffic implications
- There is adequate office accommodation within Durham City
- This site has likely been chosen just because the Council own it
- Inadequate information has been presented as why the new development would be more cost effective than redevelopment of the existing County Hall
- Objection that the plan to move the Council offices and the redevelopment of County Hall has been a long term proposal and is described as undemocratic
- Poor use of public/ratepayers money at a time of austerity
- The money should instead be spent regenerating parts of the County most in need
- There is no requirement for the move
- Key functions of the Council could be devolved across the County so there is only need for a smaller strategic hub and IT capabilities, negating the need for a single large headquarters to be located within the City Centre – a hub and spoke model should be adopted
- The proposals do not address the fundamental problems which the City faces and should be rejected and replaced with a sustainable regeneration proposal for the City and County as a whole
- The proposals are contrary to the content of priorities within the County Durham Plan
- The proposals are premature – the Inspector on the County Durham Plan may not agree with the proposals to redevelop County Hall
- The site is identified as a Safeguarded Area in the CDP
- The development is described as a vanity project
- The application of the presumption in favour of sustainable development in the planning submissions are made out of context
- The land will be expensive to build upon

Highways, Transport and Accessibility Issues

- Access via surrounding streets eg Providence Row and Claypath is narrow, steep, contains pinchpoints and is unsuitable with particular problems in snowy/icy weather. This relates to both the operational and construction phases
- There is only one way in and one way out of Sands area which contributes to the highways issues and emergency access
- The congestion resulting from the development will be widespread effecting existing congestion hotspots across the City eg the A690 roundabout and the Milburngate roundabout
- Provision of a multi storey car park is regressive and emphasis should instead be placed on measures to reduce car dependency
- The MSCP should be restricted to short stay use only to prevent Council workers utilising it
- Cumulative impacts will occur with other development including the flats on The Sands and the proposed independent school at Christchurch
- Cumulative impacts with existing users of the same vehicular routes would occur eg residential properties, delivery vehicles to shops and services for example the indoor market, Premier Inn, leisure centre etc
- Coach parking at Belmont park and ride is unsuitable and the park and ride is closed on Sundays whilst the logistics of dropping off and picking up in the City and then travelling to Belmont would also be problematic/harmful
- It is stated that there are over 1000 parking spaces at County Hall including over 200 for visitors indicative of the movements which potentially could occur
- Vehicles will travel to the site, fail to find a parking space and be forced to return on the same routes
- The traffic signals system in the City has changed since some of the survey data which has informed the transport submissions were made
- Comments include personal experiences of accidents and near accidents on the road network in the immediate surrounds of the site
- The proposals are a means to further justify the Council's relief road aspirations
- It is considered likely that the Highway Authority are unaware of all accidents which have occurred in the area and not all accidents are reported within the documentation
- The location of the MSCP entrance so close to a tight corner is hazardous
- The barrier system within the MSCP will cause bottlenecks
- Hot desk proposals will exacerbate issues as different staff will arrive and depart at different times
- No significant public transport or road improvements are proposed to mitigate for the development and improvements will be needed
- Detailed references are made to the submitted Transport Assessment and Traffic Generation Sensitivity Test which are considered to underestimate the likely flow of traffic
- Staff will be dropped off at the HQ by others
- The Sands car park provides a safe and popular pedestrian short cut to other destinations in the City, whilst the riverside path provides a pleasant walk
- The proposal will exacerbate pedestrian safety concerns including the need to cross the road to access a footpath when travelling between the HQ building and the MSCP
- Requests made for further traffic reports/surveys
- A planning appeal for flats near Ferens Close/Ferens House site was dismissed with part of the objection being the traffic implications

- Queries are raised as to whether a survey of the geographical spread of Council workers has been undertaken
- Council workers will park in nearby residential streets
- The Council are proposing relief roads on the grounds that there is too much traffic and yet this scheme would contribute further to this traffic
- The loss of the Sands car park will have a negative impact upon the business of tradesman and market traders with certain van sizes as these vans are too large for the City Centre MSCPs it will also impact on major events for the same reason such as the Remembrance Day parades
- Park and Rides are already busy/full
- More vehicles will place more pressure upon local roads including Milburngate Bridge which will require more repair/maintenance work
- Pedestrian access routes to and from the site are poor including due to the topography and lift access is frequently unavailable and unsuitable for the disabled, those with pushchairs etc
- The proposal will result in the removal of parking at the Sands which is appropriate and readily accessible for the disabled
- The existing County Hall has level access from bus stops for the disabled
- Pedestrian access will be restricted during the construction phase of the development with cumulative impacts with closed footpaths from other City Centre developments
- The local area has a varied demographic and therefore movements during the construction phase will always affect one group or more at any time
- Council workers will have a more difficult and lengthy commute to the building and this will affect their productivity
- Queries on whether buses have capacity to cater for increased demand
- The location of the proposed car park is considered less attractive than the current Sands car park whilst its multi-storey nature will deter some users
- There is mention to cycle routes in the City Centre but there is no space/width of carriageway to improve such routes nor for drivers to have adequate space to overtake in accordance with revisions to the highway code
- The reference to the 40A Cathedral Bus route within the documentation is irrelevant as its purpose is to link the Cathedral to the existing car and coach parking whilst the bus stops location would have to alter as a result of the proposal and the relocated bus stop would be situated on the opposite side of the road to the car park requiring pedestrians to cross the busy road
- Loss of the Cathedral Bus would affect the disabled
- The costs of providing a MSCP in comparison to surface level car parking will be substantial and it is generally accepted that a commercially competitive parking charge will be inadequate to meet the costs. Such expensive parking spaces including for Council staff is an inappropriate application of Council tax income and it would be unacceptable should tax payers be paying for a hidden subsidy for the provision of parking for Council staff who drive to work rather than use sustainable transport modes
- The loss of coach parking will mean tired elderly visitors will not be able to return to their coaches early whilst the drivers will be more distant from the City making the situation less appealing for them
- The comments of Visit County Durham in respects to the opinions of coach companies are disagreed with
- Current traffic problems must be resolved before adding more traffic to the City – a ring road is suggested
- The MSCP would not be suitable to the claustrophobic for whom an open car park is more suitable
- Criticisms are made of the content submitted alternative sites assessment in respects to transport and accessibility related matters

- The submitted Travel Plan is inadequate reflected in some requests for amends under condition provided for in the consultation response
- The development would infringe on the ability for coach drop-offs to use facilities including the leisure centre and for children's swimming lessons

Design, Townscape and Heritage

- The design and scale of the development is inappropriate and will harm the Conservation Area and World Heritage Site and nearby Green Belt
- Specific submissions are made in regards to how the development would affect the Outstanding Universal Values (OUVs) of the WHS including reference to the International Council on Monuments and Sites (ICOMOS) assessment system
- Reference is made to the Conservation Area Appraisal and elements of it which the proposals are considered to conflict with
- Impacts upon the WHS would include the loss of a view from the opposite riverbanks, part of the historic pilgrimage and represents the first city view of the WHS
- The quality of panoramic views across the City will be detrimentally affected
- The HQ appears larger rather than smaller than the existing County Hall
- The MSCP is a large functional box inappropriate to the location and out of keeping with other MSCPs in the City
- The proposal will detract from the open space and green buffers in the vicinity of the Sands, impinge on riverside views and change the townscape/landscape
- Loss of mature trees and queries in regards to how many trees will be lost and whether they are protected. The tree loss will also exacerbate tree losses which have occurred at other sites
- Potential overspill including parking into adjacent green spaces during the construction phase
- The building should be a flagship development procuring materials from within the County befitting its industrial and engineering heritage
- The development cannot be described as infill because there is no existing development on both sides
- The comments of Historic England are considered confusing whilst more information on exchanges between the Council and Historic England are requested
- Archaeology state that the site is of high interest potential
- Specific design and landscaping amends are proposed
- The proposal would be another inappropriate development in the City Centre
- Durham is becoming modern not historical

City Centre Impacts and Tourism

- Benefits of an office HQ are disagreed with, more permanent residents in the City Centre would better support the City
- Lack of evidence that the proposals would help the City Centre economically
- Workers do not have time at lunchtime to visit City Centre shops and restaurants
- Lowering rents and car parking charges is what would benefit the City not this proposal
- The likelihood of the economic benefits at Aykley Heads coming into fruition are challenged, it is considered that there is a current economic downturn and an uncertain future

- The development will harm rather than help the retail, leisure and tourism offer in Durham City Centre due to lack of available parking after HQ workers utilise the spaces
- Durham Indoor Market will be harmed
- The loss of the coach parking facility will have a detrimental economic effect as such visitors contribute significantly to the economy and should an accident occur to an elderly person because of an absence of a safe coach park then it will have a serious impact upon such coaches visiting
- Queries are raised as to whether an assessment of the loss of coach parking has been undertaken
- The MSCP will be a more unattractive car park to park in and will deter visitors
- In harming the area in visual and heritage terms including the WHS the proposal will detrimentally affect Durham as a tourist destination and its attraction to students
- The existing Sands car park provides a location for food and drink stalls and equipment during special events such as Lumiere, and for vehicles with bulky recreational equipment such as kayaks etc
- The proposal includes another café which Durham does not need
- County Hall provides parking to support events such as Lumiere and Colourama

Air Quality

- Harmful impacts upon air quality in a location where air quality is already poor exacerbated by the impact of vehicles making hill starts at the traffic lights on Providence Row
- The documentation on air quality and the assessment by Environment, Health and Consumer Protection are challenged
- The Council has air pollution reduction targets contained within its Air Quality Action Plan. In some instances pollutants have increased since the publication of the Action Plan
- Several areas of the City exceed EU air pollution maximum levels
- Placing such a development in the City Centre is contrary to the Council's Air Quality Action Plan
- The health risks of poor air quality relates to not only breathing related difficulties and illnesses but links to dementia, lung cancer, sudden infant death syndrome, cognitive function, cardiovascular, strokes, impacts on placentas and thereby potentially foetuses
- Requests made for reports to be provided on existing traffic pollution
- The area around Freemans Quay is bowl shaped and this will slow the dispersal of air pollutants
- Questions are raised as to what the Council will do in the event that they are sued because air pollution may deteriorate rather than it be a neutral impact as suggested in the documentation
- It is irresponsible of the Council to harm the air quality of its residents, examples are cited of action being taken against Bristol City Council are provided
- Criticisms are made of the content of the submitted alternative sites assessment in relation to air quality

Other Amenity/Pollution Issues

- The area will become more congested with people with cumulative impacts with the students in the lower Claypath redevelopment
- Disruption and nuisance pollution during the construction phase of the development
- Invasion of privacy
- Loss of light
- Increase in litter as a result of the increase in footfall
- Noise pollution from the increase in traffic
- Cumulative disruptive impacts with other developments in the City Centre will occur and has occurred for a number of years
- Harmful light pollution during the construction phase
- The pollution control team state that remedial works for gas risks and other contamination will be necessary
- Historic mapping indicates the presence of an incinerator and chimney on the site suggesting that there will be expensive remediation costs

Consultation and Determination Matters

- Public consultation generally including the pre-application public consultation is considered to have been poor with inadequate consideration to alternative sites
- Inadequate time periods have been provided for parties to comment on proposals
- Public opinion and interested parties is/are overwhelmingly opposed to the development and reference is made to the calls of the Parish Council and Constituent Labour Party to halt the proposals
- Concerns raised with the legality of appointing a builder before planning permission has been granted
- The Council would essentially be approving their own development which seems inappropriate and it is hoped that the Secretary of State call the application in for their determination
- Concern and confusion is expressed as to whom is the applicant, the developer or the Council and where relevant responsibilities and liabilities (including financial) lay
- The Council should be more honest and have stated that they are the applicant and that they can gain financially utilising their own land in the City Centre and releasing land at Aykley Heads for private redevelopment
- The timing of the application during the summer holidays is objected to
- Opposition to the questions raised within the pre-application consultation exercise
- Letters have been issued to non-postal addresses/unoccupied premises
- Local residents were not informed of the ground investigation works or appointment of the Council's contractor for the development which is considered unacceptable
- Formal application soon followed the pre-application consultation process – demonstrating how issues raised cannot have been adequately taken into account
- Any future proposals which may be linked to this development should be transparently brought into the public domain including a new road past Kepier and onto the A690 or other significant highways proposals to cater for the development and the aid City's congestion
- The application is considered invalid with inaccurate submissions including; absence of the applicants address; incorrect statements regarding public

- rights of way and accesses; inaccurate descriptions of the development; postcode of the site is incorrect
- Pre-application comments have not been placed on website

Ecology

- Loss of trees and a green corridor which act as a wildlife corridor will affect nesting birds
- Loss of light due to the height of the building harming ecology
- Concerns over impact on the River Wear including the impacts of light upon nocturnal wildlife
- Harm to birds/waterfowl
- Should birds leave the area an educational resource would be lost

Flood Risk and Drainage

- The site and access routes around it are at risk of flooding
- In accordance with planning guidance alternative sites at less risk of flooding are readily available for the development and the justification for the choice of site is challenged
- Drainage system in the highway in the vicinity of the site is poor
- The existing car park provides flood water storage
- The costs of flood damage and loss of productivity would fall upon the tax payer and potentially affect the delivery of essential services for months
- Sewerage system is inadequate
- The building may be uninsurable

Other

- Concerns over the impacts of the development on the stability of neighbouring properties having regards to their age and nature of foundations
- Development should not be permitted to occur on Common Land
- Lack of energy reduction/renewable energy measures including solar panels and rainwater harvesting systems, it is stated that public buildings now have near zero energy emission requirements due to changes in building regulations
- If Council workers are reimbursed their parking charges this will be an additional cost
- The site is bound to be unstable
- There would be no benefits for local residents
- The City is currently blighted by an economic, social and infrastructural imbalance and dominance by a University
- The positive comments of Regeneration and Development in regards to the impact of the development are disagreed with
- The application at times states that no weight is being afforded to the CDP but that at other times and to the contrary partly relies upon the CDP to justify the proposals
- The site could not be more difficult to develop which the contractor will no doubt require additional monies for from the Council
- Documents supporting the application have been devised by or on behalf of Kier. These documents cannot therefore be trusted and the Council should have undertaken/devised its own documentation
- Concerns are raised that if the total workforce based at the site would be 1000 but with only 700 workstations that potentially the building may be shared with another occupier

- The Council's proposals to introduce more flexible and home working practices are criticised as workers need the benefits of team working
- The longer and more difficult commute for Council workers will affect their wellbeing, stress and anxiety levels
- It is stated that an amended proposal at the site which addresses some key concerns could be acceptable – this would require amendments to matters such as scale, design, sustainability measures and reductions in parking proposals
- Objections are raised to the separate proposals of delivering relief roads for the City and in regards to the broader content of the emerging County Durham Plan
- Objections raised to the signage erected at County Hall advertising 6,000 jobs to be coming soon
- Objections are raised to the impacts of the Councils proposals to redevelop Aykley Heads particularly the traffic impacts
- Developments in Durham in recent years have been a form of social engineering based upon the United Nations Agenda 21/2030
- The proposal restricts and inhibits Common Land. Even if the land was deregistered as Common Land the right of access and exercise on the land under the Law and Property Act 1925 would still apply
- Criticisms are made of the content of the submitted alternatives sites assessment in regards to the socio-economic and city centre related impacts including the suggestion that refurbishment of the Aykley Heads site would be more expensive

132. *Roberta Blackman-Woods (MP)* – Has not submitted a letter of objection but has enclosed the letter of objection from the City of Durham Parish Council and requests that the points raised within are taken into account in the consideration of the application.
133. *Cllrs Freeman and Ormerod (Elvet and Gilesgate ED)* – Raise objections. Objection is raised to the scale and design of the development and its transformative impact upon this open area. The MSCP taking into account its scale is too close to residential properties. Concerns are expressed regarding flood risk. Concerns are expressed regarding traffic impacts on nearby junctions/the highway network and in turn pedestrian safety and air quality. The loss of coach parking is referenced with concerns over the tourism implications and increases in traffic and air quality impacts due to the need for two way trips for drop offs. The site is considered the wrong choice for the HQ relocation. Public consultation is criticised and concerns are expressed in regards to the public perception of the County Council determining its own proposal with it considered more robust for the Secretary of State to be the decision maker. The proposals are considered contrary to CDLP policies.
134. *Cllr Ivan Cochrane (Shotton and South Hetton ED)* – Raises objections on the following grounds; the building will be built on a known floodplain; accessibility is poor; traffic congestion would result; and the site is served by only one entrance and exit.
135. *Cllr John Shuttleworth (Weardale ED)* – Raise objections on the following grounds; traffic congestion particularly on Milburngate Bridge and access routes to the site; degree of accessibility for the disabled; flood risk; and the HQ should be more appropriately located on the outskirts of the City for ease of access.
136. *World Heritage Site Coordinator* – Raise no overall objections though a number of concerns are expressed in regards to the impact of the development upon the WHS. These concerns extend to; the loss of a view of the WHS from the opposite side of the river, a view which is part of a historic pilgrimage route and represents the first City view of the WHS; loss of defining green buffer within the inner setting of the WHS and

increase in urbanising effect; lighting impacts at night; loss of quality to panoramic views across the City; scale and specific design of the development as proposed. Further concerns are expressed in regards to the loss of coach parking and impacts upon tourism. The summarised impact using the ICOMOS assessment system is deemed to be large and adverse. The specific references within the application to the prominence of verticality in Durham's buildings are challenged.

137. *City of Durham Trust* – Raise objections. It is surprising that the County Council are not identified as the applicant. Alternative sites are suggested for the development including Aykley Heads where the Council could lead the development potential in the area with their own iconic building. Land at Framwellgate Waterside and Milburngate House are cited as other options. The submitted planning statement is criticised in respects of assessing the development against the CDP Policies and the reasoning behind the reduction in weight of relevant CDLP policies. The proposals are in conflict with several CDLP policies.
138. The conclusions of the flood risk assessment sequential test are disagreed with. The proposals are in conflict with elements of the Conservation Area appraisal. Pre-application consultation exercises were unacceptable, contrary to the NPPF with the devised questionnaire biased. A series of material planning considerations are cited which in the planning balance the proposals would result in negative impacts namely; design and layout; landscape, visual impact and trees; ecology; noise and air pollution; traffic and parking and details on each are provided. Benefits associated with the development would apply to any proposal and are not specific to this site or proposal.
139. *Sidegate Residents Association* – Raise objections. Particular concern is expressed with the impacts of the development upon air quality and traffic congestion. The loss of the coach parking facility and alternative coach trips to and from Belmont park and ride is unacceptable. Durham is being asked to cope with too much development – this proposal, in addition to the significant student, office, leisure and entertainment proposals, is too much. The decision making behind the choice of site is questioned with Cabinet originally insisting that the risk should be shared with a private developer but then the decision taken to build on Council land. No sustainability assessment for the choice of site has been published.
140. *Elvet Residents Association* – Raise objections. The proposals are considered to contravene elements of the NPPF and the CDLP. The degree of public consultation is criticised. Concerns are expressed in regards to the increase in traffic and associated impacts upon air quality. Concerns are expressed at the impacts of the proposal upon day tourist visits to the City, which may be reduced due to the coach parking removal and less convenient alternative coach travel arrangements. The appropriateness of the Council determining its own application is questioned.
141. *City of Durham and Easington Conservative Association* – Raise objections. To locate 1000 staff in this location would add to longstanding road congestion problems, pollution, environmental and reputational damage, which will deter visitors. Over-development, including by the Council, is destroying the character of the City. The building could be situated in Seaham or Peterlee or another accessible location where the investment of the development would have a more transformative effect and regenerate these locations, whilst the consensus in Durham is opposition to development of this nature.
142. *Nevilles Cross Community Association* – Raise objections on a number of grounds though the benefits of the influx of workers into the City Centre is acknowledged. Objections are raised to the determination process – that the Council invites a contractor to apply on their behalf and can determine the application themselves. The

degree of public consultation is criticised. The degree of appraisal of the site chosen and other options is considered inadequate. With ICT capabilities there is no need for a building of such a scale within a city centre and other suitable sites are available. The size of the building is inappropriate. The access arrangements are unsatisfactory with limited car parking and traffic congestion will be an issue including cumulative impacts. The proposals are contrary to the CDLP.

143. *Durham City Freeman* – Raise objections. The design and massing of the building is harmful to the Conservation Area with particular concern raised at the mass adjacent to Freemans Quay and the servicing areas of the development being within this elevation. It would be naïve to assume that users of the building will use public transport and the inevitable consequence will be parking pressures on local streets with harm to pedestrian safety and a compounding of problems at junctions. Further deterioration of air quality will result. The application contains only cursory consideration to alternative sites. The context and a major economic justification for the development is the release of land at Aykley Heads as a strategic employment site. There are concerns that the projected rental values are considered high potentially Aykley Heads could therefore remain undeveloped and County Hall become derelict. The position of the former City swimming pool and abandonment of the former DLI museum provide some justification for this concern. Should the application be approved the first phase should be the building of the MSCP so as to avoid any loss of parking. Public consultation on the application has been limited and a hard copy of all the documentation should have been made available at Clayport Library. The proposals are considered contrary to policies within the CDLP.
144. *St Nicholas Community Forum* – Raise objections. The public consultation exercise is considered inadequate, being too short, coinciding with holiday periods and lack of discussion on appropriate sites. The formal application was submitted shortly after the consultation event. The Statement of Community Involvement accompanying the planning application is considered biased. The distribution of notification letters on the planning application is considered to be flawed. Objection is raised in regards to the potential traffic implications of the development with the vehicular movements considered to compound existing congestion hotspots. Pedestrian safety will be placed at risk due to the increase in traffic movements including vulnerable groups. The new school at Christchurch will bring rush hour drop-offs and pick-ups. Loaded construction vehicles will struggle to navigate the access roads and damage to roads will occur. The loss of coach parking will double coach trips in and out of the City and damage tourism.
145. The Council has a moral and legal duty to improve air quality and this proposal will have a worsening affect. Harmful impacts upon wildlife will occur including habitat destruction and harmful effects of light at nighttime. A harmful loss of open space will occur including tree loss, which will threaten the WHS status of the City. Harmful overshadowing and loss of light impacts will result. Harmful impacts upon amenity and damage to property will result from the construction processes. The relocated car parking is less convenient for the likes of the elderly and disabled access poor.
146. The proposed relocation will affect the wellbeing of staff, being moved from their accessible and spacious County Hall to a less accessible and cramped HQ with detrimental impacts upon their journey times working practices.
147. The scale and design of the building is inappropriate in a WHS setting. The sustainability credentials of the building are inadequate. The alleged economic benefits of staff being closer to the City Centre are unproven, many staff do not/cannot take lengthy lunch breaks to visit shops etc. A real increase in retail spend would occur from permanent family housing being developed. The assumption that the whole

of the Aykley Heads site would be quickly occupied is challenged. Given such a significant use of public money the Council has a duty to publically debate the suitability of the move.

148. St Nicholas Community Forum also state that a petition with 840 signatures including 69 different traders and shop workers in Durham City is to be submitted. However, at the time of the completion of this report, the petition had not been submitted. The letter referencing the petition states that the concerns expressed by those who have signed the petition relate to traffic and pedestrian safety, impacts on the natural and built environment, the visitor economy, the City Centre retail offer and staff well-being.
149. *Durham Pointers* – Raise objections. Durham Pointers are the mobile information and signposting service based in Durham city centre. Services provided include a meet and greet service to coaches visiting the City and concerns are raised that the loss of the coach park will have a hugely detrimental impact on the visitor experience of coach tourists. Insufficient consideration has been given to potential impacts upon coach tourism and requiring coach drivers to park remotely from the City could reduce coach visits to the City.
150. *Campaign to Protect Rural England* – Raise objections. The reasoning behind the Council's wish to relocate from the County Hall building are recognised. Reference is made to the Cabinet report presenting relocation options with only sites in the City Centre and Aykley Heads considered. A site outside the City Centre location sought should be considered where it would not add to existing congestion and air quality issues.
151. Though some of the potential economic benefits are recognised they are also challenged, namely, that increase in City Centre expenditure would not be significant, the loss of the coach parking is a potential negative consequence and the redevelopment aspirations at Aykley Heads could occur should the Council move to any alternative location. In respects to social considerations it is considered that taking into account the use and occupation of the building that it will likely draw significant public visitation and the car is likely to be the most common form of transportation. The public's concerns over traffic congestion and air quality related issues due to the concentration of vehicular trips appears well founded.
152. At a time when the CDP is proposing a relief road it is described as odd to propose a development that may significantly increase traffic in the City Centre. Links between air quality and dementia have been reported. In respects to matters of heritage the concerns of Historic England in relation to the design of the MSCP and the World Heritage Site Coordinator in relation to the HQ building itself are supported. There is an absence of photomontages within the application to aid in demonstrating visual impact. In respects to flood risk the need for effective emergency procedures is emphasised and it is highlighted that the building will be occupied by visiting members of the public unfamiliar with the protocols. No consideration is given within the sequential test to sites close to but outside the City Centre. Some conflict with relevant policies within the CDLP is referenced namely in relation to flood risk matters and heritage assets.
153. *Peterlee Town Council* – Raise objections considering that the proposals would fail to safeguard local and long distance views to and from the WHS contrary to relevant policies within the CDLP.
154. *Durham City Access For All Group* – Raise objections. It is considered that the proposals will be significantly disadvantageous to disabled people with access to the site poor for wheelchairs and mobility scooters and being reliant on lift access which

is not always available. The Cathedral bus service does not operate in the evenings or on Sundays. It is considered that the proposals would be discriminatory and a violation of the Equality Act.

155. *Confederation of Passenger Transport* – Raise objections on the grounds that the existing coach parking facilities would be lost as a result of the development with no identified centrally located replacement facility. Should the coach parking be relocated to Belmont concerns are raised that it would make visits to the City less attractive and if a drop-off/pick location is identified within the City Centre there would be the requirement to double run. Concerns are also expressed in regards to the level of consultation.
156. *Durham Bird Club* – Raise objections. It is considered unsatisfactory for the application to seek to only mitigate impacts upon birds via the avoidance of works within the bird nesting season and should be seeking enhance biodiversity. A scheme of habitat improvement should be implemented along the riverside with specific mitigation/enhancement measures proposed.

Support

- New jobs to the city centre will bring benefits to the City
 - The development will be more accessible to more people and bring the Council closer to the public
 - Movement of County Hall to the City Centre will bring increased footfall with economic benefits
 - Support for both the HQ proposals and the CDP are expressed which will improve the external perception of the area, economic activity and sense of well-being in the area
 - The site is a good location for the development and will benefit from good public transport links
 - County Hall needs replacement
 - The design is appropriate
 - Cycle parking provision is excellent
 - The Sands car park is a blight on the riverbanks
 - A municipal building is a welcome addition to the City Centre
 - It is hoped that the Norman Cornish murals are relocated to the new site
157. *Durham BID* – Supports the proposals. Durham County Council should be applauded for actively pursuing a relocation to the City Centre. With 1000 employees in the City Centre the injection into the economy will be considerable providing an example of repurposing space within the City Centre so as to avoid the potential threat of City Centre decay in a time of changing consumer habitats namely the online economy. The injection into the economy will not only be a financial one but one of confidence assuring private investors of the City's future.
158. *Durham Markets Company* – Support the proposals. The relocation of County Hall and its staff would only be a benefit to a City Centre suffering from decreasing footfall. A replacement surface car park should be made available simultaneously as the Sands car park closes. Thought should also be given to the relocation of the coach parking facilities.

APPLICANTS STATEMENT:

159. This planning application is founded upon the principles of driving inward investment and jobs, whilst returning the Council to the civic heart of the city and facilitating a sustainable future for Council service provision.
160. The development of a modern and sustainable new headquarters, will bring significant benefits to the city of Durham. The new headquarters project, as defined within this planning application, has a number of core benefits:
- a state of the art piece of civic architecture which responds sensitively to the unique and world class setting of Durham - a building of Durham, and for Durham;
 - improvements to the riverside walkway and a seamless transition between urban and rural Durham;
 - minimised car parking, reflecting the central nature of the site which makes the proposed headquarters highly sustainable and accessible – the significant drop in car parking numbers from the existing County Hall provision will actually mean an overall decrease in traffic numbers across the city along principal routes;
 - a more energy efficient building that will provide a high quality and sustainable environment for employees, elected representatives and visitors;
 - accommodation for 1,000 council personnel utilising 700 desks, adopting the principles of ‘Smarter Working’ to create more efficient and modern working practices;
 - a building location which creates the opportunity for 1,000 council personnel to be able to access Durham’s retail and leisure offer, supporting jobs and investment in the city centre for the long term
161. The project is aligned with council strategic objectives, namely the stimulation of economic investment in Durham City and the introduction of circa 1,000 staff within the heart of the city centre. Indeed, support received from bodies such as Durham BID, Durham Markets and Business Durham have confirmed that the proposed development would encourage additional spending in the city centre and increase private investor confidence. The relocation of the headquarters also opens up possibilities for redevelopment of the wider Aykley Heads site for alternative employment uses, subject to separate assessments and associated planning consents.
162. The proposals accord with the objectives of both the Durham City Local Plan (2004) and the revised National Planning Policy Framework (2018) through the delivery of main town centre uses on land within the defined City Centre, part of which has been identified as a future development opportunity (Policy CC3). Compliance with the sequential tests for development in the flood zone has also been demonstrated.
163. The application has been subject to extensive consultation with key stakeholders, statutory bodies and the local community. Whilst some concerns were noted amongst the community ahead of submission on matters such as conservation, flood risk, highways impact and air quality, the application has been accompanied by an Environmental Impact Assessment. This assessment has included a full visual and heritage impact assessment plus modelling in relation to highways, flood risk and air quality all of which has been subject to review by statutory consultees including Historic England and the Environment Agency. This process has confirmed there are no technical objections to the proposals including, in particular, conservation and flood risk. It is clearly demonstrated that the highways network can adequately accommodate the relocated traffic and that the subsequent impact on the Air Quality Management Area is neutral.

164. A number of consultees welcomed the opportunity for 1,000 workers to be based in the heart of Durham. At present, council workers rarely have time to reach the city centre during the working day and their commute does not take them into Durham. At a time when city centre retail is in marked decline, the proposed development presents a great opportunity to make a positive step change for Durham.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at:

<http://publicaccess.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application>

PLANNING CONSIDERATIONS AND ASSESSMENT

165. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that, in regard to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) and the policies contained therein are material considerations that should be taken into account in decision-making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to; the principle of the development; visual, townscape, landscape and heritage impact; transport, highways, accessibility and equality issues; air quality; other pollution and amenity; socio-economic and city centre impact; flood risk and drainage; ecology and consultation and determination matters.

The Principle of the Development

166. The application site is located within Durham City Centre. The CDLP includes a dedicated chapter on the City Centre advising on the range of issues which affect its environment, character and health. The chapter includes reference to a range of policies which are considered relevant to City Centre issues and three policies covering site allocations and general guidance on vitality and viability. One of these City Centre site allocations covers part of the application site and is discussed below. Furthermore, since the adoption of the CDLP a more recent Retail and Town Centre Study was undertaken in 2009, reviewed and updated in 2013 and again in 2018. The findings of these studies are that, since the adoption of the CDLP in 2004, city centre developments have expanded in the city (such as Walkergate and the Radisson hotel, for example) and the functional boundary of the city centre identified within those studies includes the application site.
167. Part 7 of the NPPF provides advice on ensuring the vitality of town centres advising that decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.
168. A Local Authority HQ building is considered sui generis rather than falling into the B1 Business use class (which is the use class many offices fall within), due to its particular public/civic functions and use. It is an office building, however. The NPPF identifies office development as a main town centre use and advises that main town centre uses should be located in town centres, then in edge of centre locations; and, only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered. Therefore, the NPPF effectively establishes a presumption in favour of office development being located within a town centre location above a more peripheral location (albeit allocated locations elsewhere, where those allocations are still appropriate/ up to date would also be sequentially preferable

locations). A sequential test is required for office development outwith a town centre location in order to demonstrate why that office cannot be located within a town centre.

169. CDLP Policy CC1 seeks to protect and enhance the vitality and viability of Durham City Centre, in particular, by providing a mixture of uses within that area and promotes the sequential approach to site selection. The thrust of the policy is largely consistent with the NPPF, however, it is not fully consistent or thereby up to date as the policy explains that the sequential approach will be applied to retail and leisure developments whilst the NPPF requires a broader application of this test.
170. CDLP Policy EMP12 relates to office development and advises that, in principle, such development will be encouraged within or adjacent to the City Centre and within district and local centres. The justification to the policy highlights that Policy CC2 identifies specific sites within the City Centre for office development but the policy does not restrict office development to only those sites. With the application site located within the City Centre, the HQ proposal is, in principle, considered to draw support from Policy EMP12. The policy is not fully consistent or thereby up to date with the NPPF as the NPPF is clear that an in centre location is sequentially preferable to an edge of centre location, a distinction not made under EMP12.
171. The NPPF also advises that a Local Plan should define a network and hierarchy of town centres and promote their long-term vitality and viability, a hierarchy of town centres from the most significant centres in the locality down to smaller district and local centres.
172. CDLP Policy S1a does not clearly define a hierarchy of town centres as such, and it does not extend to the whole of the County but it does, within the former City of Durham District, identify Durham City Centre at the head of the retail hierarchy, and this is considered generally consistent with the content of the NPPF as a result.
173. The development includes a café space, which is proposed to be open to the public. The principle of the provision of food and drink uses would be in accordance with CDLP Policy S10, which identifies that within settlement boundaries, such development will be permitted (subject to a range of criteria). Again, this policy is only partially consistent with the NPPF and thereby not fully up to date as, unlike the NPPF, it does not reference the need to adopt a sequential approach to site selection for some food and drink uses.
174. The Sands car park has no specific land use allocation under the CDLP. It is referred to in Policy CC2 as the location of retained car parking and relocated coach parking as a result of the Walkergate mixed use redevelopment. The car park itself, is not in the allocation, however. Furthermore, the Walkergate and Framwelgate Waterside hotel developments (the Radisson Hotel) subject to the policy have now been built out and in that regard the policy is out of date.
175. Policy CC3 of the CDLP specifically allocates the carpark adjacent to DSFC for either residential use or main town centre uses. As the policy promotes a mixture of town centre and residential use on sites within the City Centre, the policy exhibits consistency with the NPPF. However, the evidence upon which the policy is based, is out of date. Given the age of the CDLP and housing supply figures that informed it, housing allocation policies within the CDLP do not reflect an up-to-date objective assessment of need. The introduction to the City Centre chapter within the CDLP also explains that the policies are, in part, informed by a retail study dating from 1997, and as discussed above, more recent evidence has been obtained.

176. The application proposed to develop an MSCP on the site. Whilst CDLP Policy CC3 does not expressly state that other uses would be unacceptable, it nevertheless allocates the land for residential and office use, and as the MSCP would constitute neither, there is conflict with the policy. However, the land has been in use as a surface level car park for a number of years and the MSCP would be consistent with the existing land use.
177. A MSCP is not defined as a main town centre use within the NPPF and there is no clear direction in the NPPF on where they should be located. Paragraph 106 advises in general terms on parking in town centres, and states that local authorities should seek to improve the quality of parking, so that it is convenient, safe and secure, alongside measures to promote accessibility for pedestrians and cyclists.
178. There are relevant CDLP policies that relate to car parking provision and parking strategy, however, as this is linked so closely to the transport and highways implications of the development, these policies are discussed in the dedicated section on these matters in this report rather than here.
179. Significant public objection to the development concerns matters which relate to the principle of the development, considering that the Council could choose an alternative site deemed more appropriate, with requests for more information and demonstration/disclosure as to why the Council is pursuing this site above others and, whether the business case for the development stacks up with several responses summing the proposals up as a vanity project.
180. In planning terms, and as discussed above, the proposal seeks the erection of a main town centre development within a city centre location. The thrust of national and local planning policy is that office based development, such as that proposed, is appropriate in the proposed location. Particular support is drawn from Part 7 of the NPPF, whilst also adhering to the key principles within Part 9, which states that significant development should be focused on locations that are, or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.
181. Due to the sites location in an area of higher flood risk there is a requirement for the proposal to undertake a sequential test and this is discussed elsewhere in this report. Otherwise, and in sheer principle terms, neither the CDLP nor NPPF require the proposal to demonstrate a clear need to be situated at the proposed site as such. Nor is there a requirement for the application to demonstrate a business case as such for the proposed relocation to the site or to demonstrate through a form of (nonflood related) sequential test or similar such assessment, as to why the application site has been pursued. There is no requirement under the NPPF for an impact assessment to be undertaken to determine the impact of one office proposal upon another existing, committed or planned office development elsewhere.
182. There is a requirement under the Environmental Impact Assessment Regulations for the ES to include a description of the reasonable alternatives (for example, in terms of development design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects.
183. In this regard, Chapter 2 of the ES (updated during the course of the determination of the application including technical appendices) includes a section on the consideration of alternatives. The consideration of alternatives focuses on two options – the “do nothing” approach and consideration of a differing design approach or differing site. The consideration of alternative sites is focused upon the following options:

- Renovation of the existing County Hall site at Aykley Heads;
 - Newbuild proposal at Aykley Heads;
 - Newbuild option at Sidegate car park in Durham City Centre;
 - Newbuild option at former Milburngate House site in Durham City Centre (from the Council's business case considerations); and,
 - 13 additional sites which also form the sites assessed via the flood risk sequential test.
184. Reference is also made to the two further sites at the Sands car park and land adjacent to DSFC which were part of the Council's business case considerations but these have collectively formed the application site.
185. The ES highlights that Sidegate car park is too small to deliver the development sought. The Council requirements for site selection are explained within the ES Chapter, with Durham City Centre identified for its locational accessibility and the contribution that an HQ could make to the City Centre, whilst relocation from Aykley Heads would aid in facilitating separate redevelopment aspirations at Aykley Heads.
186. The residual list of reasonable alternatives is identified within the ES as being:
- Renovation of the existing County Hall site at Aykley Heads;
 - Newbuild proposal at Aykley Heads;
 - Former Milburngate House option; and,
 - Newbuild at a site at Elvet Waterside.
187. A fully detailed development proposal at each of the identified reasonable alternatives has not been devised but the ES compares the likely significant environmental impacts of each. Key conclusions contained within the ES on reasonable alternatives include that; a Durham City Centre location met the objectives of the Council in regards to its HQ; renovation of the existing County Hall would require significant investment to bring it up to modern standards suitable for evolving business needs and a new building would more appropriately cater for the working practices of the Council moving forward; the Milburngate House site was considered to not meet the requirements of the Council HQ; the Elvet Waterside site is considered unavailable and would be subject to its own particular environmental effects.
188. Consideration of alternative designs on the same site are also explained within the ES with three main design approaches described as being considered for the HQ building itself together with alternative mixed use development proposals in relation to the MSCP.
189. Overall, it is considered that the ES has considered reasonable alternatives and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects.
190. It is appreciated that the cost effectiveness and business case for the proposed development is of significant public interest, and that the proposal to relocate the Council's HQ is intrinsically linked to the public purse and during a period of public sector austerity. The Proposal and Background sections of this report outlines some of the background to the submission of the planning application and Council decisions on strategic estate approaches, including consideration to the business case.

Conclusion on the Principle of Development

191. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions.
192. The principle of the development is considered compliant with, and draws support from several key relevant policies within the CDLP, namely, CC1, S1a, EMP12 and S10. There is conflict with Policy CC3, however.
193. The NPPF advises that weight to local plan/development plan policies adopted prior to the publication of the NPPF (in its revised form) should be attributed according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given). Existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Equally, however, where evidence, which informed a policy, has been superseded by more up-to-date evidence or is otherwise out of date, this can also be a reason to conclude the policy itself is out of date.
194. So that sustainable development is pursued in a positive way, at the heart of the NPPF is a presumption in favour of sustainable development and this is detailed at paragraph 11 which states;

For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

195. In this instance, and having regards to the above discussion on key CDLP policies relevant to the principle of the development, the policies most important for determining the planning application, are considered out-of-date. Accordingly, the acceptability of the application should be considered under the planning balance test contained within Paragraph 11 (d) of the NPPF. Such an assessment is undertaken in the concluding sections of this report, following consideration and assessment of all the key material planning considerations.

Visual, Townscape, Landscape and Heritage Impact

196. Key documentation submitted within the application in respects to visual, townscape, landscape and heritage impacts includes ES Chapters on Cultural Heritage, Archaeology and, Landscape and Visual Impact, along with associated figures and technical appendices including a Landscape/Townscape Visual Impact Assessment (LVIA), Heritage Statement (HS), Archaeological Evaluation and Archaeological Written Scheme of Investigation (WSI). As explained, amended information has been received during the course of the determination of the application, including pursuant

to the ES. Other documentation submitted which is key to the assessment of these issues are the suite of plans, Design and Access Statement (DAS) and tree report.

197. Significant public objection to the development relates to the visual, townscape, landscape and heritage impacts of the development. The concerns relate to a broad range of related issues fully summarised earlier within this report, but include impacts upon the WHS, including its outstanding universal values (OUVs), the Conservation Area and, the general impact of the development upon its surrounds, and the adequacy of the design.
198. As is the case with Durham City Centre in general, due to its outstanding heritage, the site is located within an area of sensitivity in terms of the potential for a development to affect the townscape and heritage assets. The site is located within the Durham (City Centre) Conservation Area, and is within the setting of the Durham Castle and Cathedral World Heritage Site (WHS), the boundary of which is situated approximately 400m to the south. The WHS site itself contains a host of listed buildings including the grade I listed Cathedral and Castle and several individually listed associated features and structures. The car park adjacent to DSFC contains a former laundry building dating from around 1919-23 and is a non-designated heritage asset in NPPF terms.
199. Beyond the application site are a range of designated and non-designated heritage assets. This includes, but is not restricted to, Crook Hall (grade I) and adjacent barns (grade II), 11 Providence Row (grade II), United Reformed Church Hall and Offices (grade II) and 32 Claypath (grade II) all within 250m of the site. Other notable heritage assets include Durham Railway Station (grade II), and concentrations of listed buildings around the Market Place, including St Nicholas Church (grade II), Durham Town Hall and Guild Hall (grade II*) all of which are within 400m of the site.
200. In assessing an application, regard must be had to the statutory duty imposed on the Local Planning Authority at section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character and appearance of a conservation area. In addition, section 66 imposes a statutory duty that, when considering whether to grant planning permission for a development that affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest that it possesses. If harm is found this must be given considerable importance and weight by the decision-maker.
201. Durham (City Centre) Conservation Area (CA) is large and, as a result, varied in both its character and significance. The way in which a rural character penetrates close into the centre of the City along the edge of the River Wear is an important aspect of the significance of the CA and is reflective of the historic extent of the City. The application site occupies a point of transition where the character moves from that characterised by modern largescale developments such as Freemans Reach and the Freemans Quay Leisure Centre to the open green space of the Sands.
202. In terms of the WHS, the application site as a whole is within the inner setting of the WHS. Within the bounds of the site of the proposed HQ and its immediate surrounds, visual associations are limited. The Cathedral can be seen at specific points within the site but views are generally more glimpsed and not strongly expressive of the WHS's exceptional and innovative architecture and its special setting.
203. A better view of the WHS across the application site can be found on the opposite banks of the river on Frankland Lane and in the vicinity of Sidegate carpark. Such a view does allow for a good appreciation of the Castle and Cathedral alongside the

river and the City and so more communicates its special setting and the OUVs visual drama and romantic beauty. This is best considered as one of a series of views that are revealed along the river bank leading into the City, where the sense of drama and, therefore, the importance of the view is gradually increased.

204. The numerous designated, and indeed non-designated, heritage assets located within relative close proximity of the site all contribute to the heritage significance of the locality and the CA. The special qualities of which, as a whole, include its time-depth; quality and architectural coherence of the historic buildings; the preserved Medieval core centred on the peninsula including the WHS; the dramatic topography; and, extensive greenery. The various individual listed buildings and designated heritage features within the CA are, however, physically and visually divorced from the site and, therefore, the key implications upon above ground heritage assets principally rest upon the impacts upon the CA and WHS.
205. Key consultee responses informing upon this include Historic England and the Council's Design and Conservation Section. The conclusions of both are strongly aligned, and highlight that the proposed HQ building itself would represent a successful piece of civic architecture, as part of a long tradition of such buildings in the City but in a contemporary form. The contemporary approach of the building fits well with this modern part of the City Centre, particularly with the Freemans Reach office development immediately adjacent, which itself comprises contemporary buildings. The proposed building would incorporate the use of fins in front of glazing providing both an openness and solidity, whilst it's strong vertical emphasis and the more pronounced sections give it presence and status. The proposed use of reconstituted sandstone is somewhat at odds with the material language established by the likes of the Raddison Hotel and Freemans Reach in the immediate surrounds, but it would reflect the status given to materials in civic buildings and in that respect, would reflect the traditional hierarchy of materials in the City. Variations within the rhythm of the fins and the texture and tone of the sandstone would give the building subtlety and interest, particularly at close range. The area of public realm before the building would act as a focus and focal point along Freeman's Place and at the landing place of Pennyferry Bridge.
206. In these respects, the design and contribution of the HQ building to the locality is welcomed by Historic England, and Design and Conservation, and would enhance the significance of the Conservation Area to this end.
207. However, conversely, the scale and impact of the development including tree losses would change the character of the area and result in an urbanising impact at this transition point between urban and rural. This impact would be a harmful one upon this characteristic of the CA at this point, though not significantly so.
208. As the view of the WHS from the opposite side of the river would be obscured by the development there would be a minor degree of harm to the significance of the WHS.
209. Neither Historic England nor Design and Conservation consider that the MSCP creates some of the positive impacts that the HQ building itself does. The use of timber fins and a brick base gives some softness of tone to the structure but overall it would not replicate the quality of the HQ and would present a broad and somewhat uniform mass to the Sands and again at this transition point in the CA between urban and rural character.
210. Both Historic England and Design and Conservation consider that refinement and adjustment to the landscaping proposals within the development to both the MSCP

and the HQ would to a degree reduce the more negative consequences of the development.

211. Durham is sensitive to light pollution and Durham has a lightness and darkness strategy. The adjacent river, on ecological grounds, is also sensitive to light pollution and this is discussed further in the ecology section of this report. The development would be required to be subject to a final sensitive lighting scheme.
212. As the former laundry building on the carpark adjacent to DSFC would be demolished this would result in the loss of a non-designated heritage asset and the loss of a building which makes some positive contribution to the CA. The DSFC school building itself, dating from 1913, is of some historic value and can also be considered a non-designated heritage asset. As the MSCP would introduce a significant building in close proximity to the school with an obscuring effect, a minor degree of harm to the appreciation and setting of the school would result.
213. Officer's conclusions are that the HQ building would result in a positive overall impact, by contributing positively in design terms to this particular corner of the City. In this respect, the proposal draws support from Paragraph 192 of the NPPF which advocates development making a positive contribution to local character and distinctiveness.
214. There would, nevertheless, be some harmful impacts upon the significance of the CA and WHS through that urbanising impact and loss of the view of the WHS. The MSCP would then contribute more significantly to any harmful impacts upon the CA and would also result in some harm/loss of non-designated heritage assets. Overall, and in the context of the NPPF, the harm to the designated heritage assets in the round is considered to be less than substantial.
215. In respects to cumulative heritage impacts the ES considers impacts together with other City Centre development sites with principal focus upon the former Milburngate House site and the Student Castle development on Claypath. The ES addendum updates received during the course of the application in part consider the implications of the now approved office block 1E at the former Milburngate House site. When planning permission was granted for the block 1E building it was done so in the knowledge that some less than substantial harm to the Conservation Area and setting of the WHS would result. The ES thereby considers that there would be some cumulative harm with that recent commitment and the ES states that the previously assessed neutral cumulative affects changed to minor adverse as a result of the Block 1E approval.
216. CDLP Policy E3 seeks to protect the WHS and its setting and this includes through restricting development to safeguard long distance and local views to and from the WHS. The identified obscuring of a view that contributes to the understanding and thereby significance of the WHS would result in a degree of conflict with Policy E3. Both the Castle and Cathedral ranges are individually listed as well, so the harm to the setting of the WHS is considered to extend to harm to the setting of the Castle and Cathedral as listed buildings. This would bring the development into some conflict with CDLP Policy E23. In their assessment of the heritage implications of the development and aside from the individually listed ranges of the WHS Design and Conservation identify no specific harm to other listed buildings and nor do Historic England (where the listed building grade would fall within their remit to comment).
217. Due to the harm identified to the CA there is considered to be some conflict with CDLP Policies E6 and E22 which seek to preserve conservation areas including that in the City.

218. In regards to archaeology, Archaeology officers have assessed the submitted archaeological information. It is known that the site of the proposed HQ building contained a mill race of 18th century origin running along its south-eastern boundary. This was filled in during the 1950s and the extent to which remaining elements of the feature survive, is unknown. Archaeology confirm that there is the potential for deposits and features associated with activity on the outskirts of the Medieval City to survive beneath made ground. The archaeological submissions identify that, in addition to the above ground laundry building, and the aforementioned mill race, that surviving features of archaeological interest could be located within the site including riverside revetments, a network of paths and a footbridge and, remains of the wider laundry complex.
219. CDLP Policy E21 is relevant to the loss of the non-designated former laundry building and any impact upon the school building. The policy seeks to minimise adverse impacts on features of historic interest and encourage their re-use and repair.
220. CDLP Policy E24 relates to archaeological remains and advises that nationally significant archaeological remains should be preserved in situ and development likely to damage such features will not be permitted. The policy advises that less significant archaeological features should also be preserved in situ unless it is justifiable to preserve via record and following the necessary archaeological evaluation.
221. Both the application submissions and Archaeology consider that any potential loss of features would be adequately mitigated through a programme of archaeological work and in the case of the former laundry building, a building recording, both of which can be secured by way of planning condition in the event permission is granted. The additional archaeological knowledge gained from these mitigation measures would significantly compensate for any direct impacts upon the features themselves in accordance with Policies E21 and E24.
222. CDLP Policies E3, E6, E22, E23 and E24 are considered to be more restrictive than the NPPF, in that they do not permit flexibility in decision-making where harm is found to the heritage assets, with no public benefit tests referenced as per the NPPF. As a result, these policies are not fully consistent with the NPPF and this reduces their weight in the decision making process. Policy E21 is considered consistent with the NPPF.
223. The NPPF advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
224. In this instance, some less than substantial harm to designated heritage assets has been identified and, therefore, paragraph 196 of the NPPF advises that this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
225. In respect to the affected non-designated heritage assets, the NPPF advises at paragraph 197 that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. In this instance, measures via recording are proposed for the former laundry building and should further archaeological assets be found, thereby mitigating impacts substantially. Impacts upon the adjacent school building are considered minor.

226. Reverting back to the NPPF paragraph 11(d) planning balance, the guidance at paragraph 196 of the NPPF represents a policy which protects assets of particular importance. Therefore, it is necessary to establish whether the public benefits of the proposal outweigh the less than substantial harm to the designated heritage assets. If these public benefits are not established then this suggests that there is clear reason to refuse the development on these heritage grounds. This planning balance exercise is undertaken later in the report.
227. Given the City Centre location of the application site, impacts of the development are principally those of a townscape nature rather than a landscape nature and the heritage discussion above addresses this. In terms of impacts on landscape features, the development would result in the removal of the majority of trees within the existing Sands car park together with further removals on the car park adjacent to DSFC.
228. CDLP Policy E5 seeks to protect particular open spaces in Durham City that form a vital part of its character and setting. The policy principally relates to particular designated parcels of open space which are clearly identified on the proposals map but not exclusively so. The policy is considered consistent with the NPPF. The justification to the policy includes discussion on the wooded banks of the River Wear which are integral to the character and setting of the City and the WHS, and advises that in such locations development must be sympathetic. The HQ building is proposed beside the riverside, however, the land is predominantly car park land not open space and it is considered that the application site is not one of the parcels of land which Policy E5 applies. Irrespective, those key factors of the setting of the City and WHS which the policy seeks to protect are being considered within this section of the report.
229. In terms of impacts upon designated landscapes, a locally designated Area of High Landscape Value (AHLV) lies immediately to the north, commencing at the Sands open space. This also marks the commencement of the Durham City Green Belt. The application site is not part of the AHLV and the proposed development would not affect it to any substantial degree. The impacts of increased mass adjacent to open and green land are, again, principally considered to be part and parcel of the heritage discussion on the transition from urban to rural. Accordingly, it is considered that the proposed development would not have an unacceptable adverse impact upon the AHLV, and that the impact upon the site (acknowledging there are impacts upon landscape features themselves) is essentially one of townscape impact. The development is, therefore, considered to remain compliant with CDLP Policy E10, which itself is considered largely consistent with the NPPF. The application site is not situated within the designated Green Belt.
230. Amongst its advice in regards to trees and hedgerows, CDLP Policy E14 seeks to retain important groups of trees and hedgerows wherever possible, and seeks that those lost are replaced. The NPPF does recognise the intrinsic value of trees and the policy is considered consistent with its content. As discussed, tree losses would result from the development and the degree of loss would be quite substantial.
231. To seek to mitigate the visual impacts of the development, and help in assimilating the development into its setting, add design quality and to compensate for tree loss, a soft and hard landscaping scheme is proposed. The submitted landscaping proposals define particular areas of the site and present the particular approach taken to each. Much of this is well considered and the civic square and river frontage areas of the development in particular promise to be attractive public realm features, which contribute positively to the scheme, with Historic England referencing some of this potential. Landscape Officers have identified areas where the scheme would require refinement and further detail, which can be secured by way of a planning condition in the event permission is granted.

232. Amendments submitted during the course of the determination of the application have included some further refinement of the landscaping proposals with some bolstering of tree planting on the periphery of the HQ surface car park and to side of the MSCP would help to reduce that urbanising impact of the development to a degree. Ultimately, the screening effect of tree planting would be relatively limited in the short to medium term but would provide some greater mediation in the medium and longer term between the urban character of the new buildings and the open rural character of the Sands.
233. In respects to cumulative landscape impacts, the ES chapter on landscape and visual impact focuses upon combined effects with the Student Castle scheme at Claypath, the Riverwalk redevelopment, former Milburngate House site, Durham Sixth Form Centre and Old Shire Hall. The ES addendum updates received during the course of the application, in part, consider the implications of the now approved office block 1E at the former Milburngate House site, and acknowledges there would be some cumulative harm with that recent commitment, and the ES states that previously assessed neutral cumulative affects changed to minor adverse as a result.
234. Conditions would be necessary to resolve final tree works, tree protection measures and, to refine and improve the hard and soft landscaping proposals. However, in the main, the landscape and public realm surrounds to the development would provide attractive and appropriately designed spaces in compliance with CDLP Policies E15, Q4, Q5, Q6 and Q7, all of which are consistent with the NPPF. Policy Q3 relates to the design of external parking areas and given some of the earlier discussion on the detrimental visual impact of the MSCP, there is conflict with this policy, which itself is largely consistent with the NPPF.
235. Amongst its advice, Part 8 of the NPPF seeks to ensure that development is safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion, whilst design should take appropriate and proportionate steps to reduce vulnerability, increase resilience and ensure public safety and security from potential malicious threats. The Police Architectural Liaison Officer (PALO) has been consulted on the application and no objections have been raised. They have suggested appropriately designed perimeter enclosures and defensive planting in relation to the MSCP to prevent unwanted desire lines being formed. Final landscaping details would be secured by planning condition, whilst the MSCP itself has a solid brick plinth, so access would be difficult to gain other than via the pedestrian and vehicular routes. The PALO considers some conflict could occur between vehicles and pedestrians entering and leaving the car park but signage and lighting can mitigate this.
236. Public concerns include that a potential overspill car park into the adjacent Sands would be formed as part of the construction phase. Although a construction management plan accompanies the application, it would require refinement under condition in the event of permission is granted, and would be expected to include details of parking for workers etc. The plans as submitted do not propose parking on the Sands, and regardless, the Sands is outwith the application site and, as such, if a proposal for parking for the duration of the construction of the development would require its own planning permission.

Transport, Highways, Accessibility and Equality Issues

237. Key documentation submitted within the application in respects to highways issues includes an ES Transport Chapter and associated technical appendices in the form of a Transport Assessment (TA) and Travel Plan (TP), a Traffic Generation Sensitivity

Test and Design and Access Statement (DAS). As discussed, amendments have been received during the course of the determination of the application and this includes updates to the ES Transport Chapter, the TP and Traffic Generation Sensitivity Test. Collectively, the submitted documentation considers the potential impacts of the development and the adequacy of the site for the development in respects to a range of highways and transport related issues.

238. These issues include the potential effects on local roads and the users of these roads, including public transport users, pedestrians and cyclists and potential effects on land uses, relevant occupiers and users. Within such evaluation, consideration and assessment is given to matters such as, existing and future predicted traffic flows and trip distribution, assessment of accident data, accessibility of the site, potential impacts of traffic associated with the demolition and construction phases of the development.
239. Transport and Highways related matters are amongst the most significant issues of concern amongst public respondents to the application. The concerns relate to a broad range of related issues which are fully summarised earlier within this report, but primarily, they relate to the impact of traffic congestion and inadequate parking provision to cater for increases in staff, and conversely opposition to the provision of parking within the application is also highlighted with the view being that such a measure is regressive.
240. Part 9 of the NPPF provides advice in respects to transport and highways related matters. Paragraph 103, advises that significant developments should be focused on locations which are, or can be made, sustainable, through limiting the need to travel and offering a genuine choice of transport modes.
241. Paragraph 108 advises that development should ensure that; appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; safe and suitable access to the site can be achieved for all users; and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
242. Paragraph 109 then advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
243. A key CDLP policy is the general traffic Policy T1, which advises that development should not be permitted where it results in a detrimental impact upon highway safety and/or has a significant impact upon the amenity of neighbouring occupiers and is generally consistent with the NPPF and can be attributed full weight.
244. In terms of the operational phase of the development, a key conclusion drawn under the submitted transport related documentation is that the relocation of the Council HQ building to the site would result in a reduction in parking provision and overall reductions in traffic volumes in the City Centre in general terms.
245. County Hall currently has 1,028 parking spaces. Of these parking spaces 848 are for staff and 50 for Members with the remaining being visitor spaces, accessible spaces and helpdesk spaces. This quantum of parking provision would not be re-provided as part of the redevelopment proposal.
246. It should be noted that the occupancy of the existing County Hall building is around 1,840 staff (with a maximum capacity of 1,980. The proposed HQ would be the main office base for a maximum of 1000 staff. However, it is proposed to contain only 700

workstations and as such, its operating capacity would be closer to 700, albeit informal/flexible working areas would provide further space for staff to work from. The use of other staffing hubs, home working, remote working and flexible working practices would be promoted as part of the proposed HQ move, thereby limiting the need for all staff to be in work in the one location at the same time. There would, therefore, be a significant reduction in the staff capacity of the proposed HQ when compared to the existing County Hall.

247. The total number of parking spaces proposed within this development proposal would be 337. Furthermore, not all these spaces would be dedicated to staff, Members or HQ visitors. The MSCP would provide 277 parking spaces, which the submitted TA states would comprise 136 short stay spaces as replacement for those lost on the Sands carpark, 125 long stay spaces (for staff) and 16 pool car spaces. The HQ building itself would incorporate a further total of 60 parking spaces with a 56 space car park and 4 additional on-street bays.
248. The existing Sands car park provides 136 short stay spaces together with 11 coach parking spaces. The car park adjacent to DSFC provides 120 long stay spaces. There would be a net increase of 81 car parking spaces provided in comparison to the existing (70 taking into account the 11 coach parking spaces).
249. The vehicular movements associated with the existing higher occupancy County Hall with its significant unrestricted parking provision occur along key routes across the City such as; Southfield Way to Sniperley roundabout; Milburngate Bridge and Leazes Road; Gilesgate roundabout to/from the A690 (A1M J62 direction); and Gilesgate roundabout to/from A181 Gilesgate Bank. This trip distribution has been informed, in part, by analysis of Council staff home addresses.
250. The application highlights that future vehicular trips inclusive of the development (year 2028 predictions) at the key City Centre locations above, would reduce from existing due to the reduction in car parking and the redistribution of traffic that would occur. This would include traffic reductions at Gilesgate Roundabout, Leazes Bowl Roundabout and Milburngate Roundabout.
251. More locally, increased vehicular trips would occur at some locations, principally due to the net increase in parking spaces at the site itself. This would include the Claypath/Providence Row junction; the Claypath/A690 off-slip and the A690 Overbridge/Leazes Road/Silver Street. The most significant increases in vehicular trips are predicated at the Claypath/Providence Row junction; this is to be expected given that this junction is essentially the only egress point to the wider road network as the southern section of Freemans Place/Walkergate is one way. The application thereby presents a more detailed junction capacity assessment in relation to the Claypath/Providence Row junction. The results demonstrate that in future years, the junction would continue to operate within capacity with only a minor worsening effect upon queuing and operation, and below a threshold which would necessitate the implementation of mitigation measures.
252. The submitted documentation includes a Traffic Generation Sensitivity Test which has been amended during the course of the application. The purpose of this test was to present an alternative peak hour assessment. The scenario therein, involved greater traffic flows and, in that sense, presents a more robust assessment.
253. The Highway Authority have considered the impacts of the development at these key junctions and have raised no objections inclusive of the increased impacts presented in the sensitivity test scenario. The Highway Authority confirm that they consider that the Claypath/Providence Row junction, that most affected by the development

proposals, would operate within its maximum capacity and that queues would discharge satisfactorily.

254. Coupled with the overall reduction in building occupancy in comparison to County Hall, it is considered that some transport modal shift would occur from the car to alternative transport choices. The proposed HQ would not have the benefit of significant unrestricted free car parking on site as is currently the case, while the site is located within a City Centre location with the availability of alternative transport options (discussed in more detail below). The parking strategy for Durham City Centre is essentially short stay orientated with high costs for all day parking in most of the City Centre car parks, limited capacity for further parking and a controlled parking zone is in operation within the City Centre. Such factors would collectively encourage staff to adopt other means of travel to and from work.
255. There is recent experience to demonstrate how significant office development can occur effectively in the City Centre and without problematic parking situations occurring. The Milburngate House building now demolished contained significant on site private parking, which was not re-provided at the new Passport and NS&I offices at Freemans Reach, which have no dedicated parking provision for the approximate 1,200 staff that work in these buildings.
256. In terms of public transport accessibility, key service provision would include the bus stops at Leazes Road and Millennium Place, both of which are within 400m of the proposed HQ building. These bus stops provide service access to major settlements such as Hartlepool, Bishop Auckland, Seaham, Peterlee, Sunderland and South Shields together with the three Park Rides at Belmont, Sniperley and Howlands. The concentration of bus stops at Milburngate and Durham bus station itself are located within 800m of the HQ building. Durham rail station, on the East Coast mainline with regular services to Newcastle and Darlington, is located approximately 800m from the proposed HQ building.
257. The Highway Authority have stated the site is located within a sustainable location with good pedestrian links to amenities within the City Centre, including good links to public transport provision. The Highway Authority have raised no objections to the development on the grounds of concerns over traffic congestion, detrimental impacts upon highway safety, or the level of parking provision within the development. In the event of an approval, it is considered appropriate to add conditions that would define the number of short stay and long stay spaces and, to agree a management plan for the use of the spaces. This, for example, can define control measures (such as use of permits etc) in relation to the long stay car parking spaces. The use of permits would ensure that only Council staff with a permit would park within the long stay spaces at the proposed MSCP.
258. A Travel Plan would also contribute to promoting sustainable means of travelling to the HQ. Cycling to work would be encouraged via the provision of 50 cycle parking spaces with shower and changing facilities within the HQ building together with staff discounts on cycling equipment available via the Cycle2Work scheme, as well as the promotion of cycle loan and cycle pool schemes. Public transport would be promoted via the use of discounted bus and train season tickets, and car sharing would be promoted with the aid of the Liftshare programme together with the car club access.
259. The City Centre location of the development would draw support from NPPF Part 9, in that it would locate a significant development in a location with a choice of transport modes.

260. As summarised above a key conclusion drawn within the transport submissions accompanying the planning application is a general reduction in vehicular movements due to the relocation of the Council HQ from the present County Hall site to the application site. This conclusion is therefore reliant upon the present County Hall site being closed and unavailable for occupation. This is clearly the Council's intention as ultimately the Council are seeking to demolish the existing County Hall building, freeing up the site for future redevelopment proposals. A future redevelopment proposal to replace the existing County Hall building would require planning permission together with an assessment of the highways implications of that proposal. The transport submissions under this application are therefore reflective of the Council's intentions that the current site is closed for the purposes of a Council HQ and the proposed HQ opens in its new location.
261. Though not the intention of the Council it is acknowledged that a scenario could potentially occur whereby the proposed HQ/MSCP are built, occupied and the existing County Hall building is not demolished and remained in situ. The existing County Hall building is considered sui generis in use (a use class of its own kind) though this does not mean planning permission would be necessary for any form of re-occupation. Potentially, dependent upon the materiality of the change of use, the building could be re-occupied without planning permission. If the existing County Hall was occupied a scenario would have developed whereby the vehicular movements of both the existing County Hall and the proposed development were on the highway network. The transport submissions accompanying the application do not assess this scenario for the reasons outlined above.
262. In these particular circumstances it is considered appropriate and necessary that any planning permission includes a condition which would ensure the phased closure of the existing County Hall site upon occupation of the new HQ.
263. In respects to parking, the NPPF advises that in town centres, local authorities should seek to improve the quality of parking so that it is convenient, safe and secure, alongside measures to promote accessibility for pedestrians and cyclists.
264. CDLP Policy T12 relates to the Sands car park and advises that the car park should be managed as a long stay car park. Since this time, the focus of the Sands has changed towards short stay visitor parking, and in that sense the policy is now somewhat outdated. Policy T13 relates to the provision of new car parks in the City Centre. The policy advises that new car parks will only be approved where the need for additional parking has been established as part of a co-ordinated strategy in the City Centre. In determining need the policy advises that impacts upon the vitality and viability of the City Centre, the need to encourage alternatives to private vehicles and the need to discourage long stay commuter parking should be considered.
265. CDLP Policy T11 advises on the parking strategy for the City Centre. The supporting justification to the policy outlines the aims of the policy which are stated as: increase the availability of short-stay spaces for visitors at the expense of commuter parking; enable residents to park more easily; improve traffic flow and conditions for buses; improve facilities for cycling and walking; divert long-stay parking and some short-stay from the City Centre to more remote locations, such as park and ride and park and walk sites; increase modal change to reduce reliance on the private car; and, co-ordinate off and on-street parking provision.
266. The thrust of advice within Policies T11 and T13 is generally considered consistent with that within the NPPF, however, some of the evidence which has informed the policies is outdated.

267. The proposal does provide for some private parking spaces, which Policy T11 is seeking to limit. However, the majority of the parking is re-providing spaces which would be lost to development. Overall, only a net increase of 81 would result (70 if taking into account existing coach parking) and within the development, private parking space is relatively limited and only a small proportion of the occupiers of the building would have any form of dedicated parking. The degree of parking provision proposed within the development is considered generally compliant with Policy T11 and related advice with the NPPF, and aligns itself with several of the objectives within Policy T13.
268. Policy T10 seeks to minimise the level of provision within new development including setting maximum parking guidelines for residential development. However, this is considered contrary to the more up to date advice within NPPF Part 9, which advocates a more flexible approach and advises against maximum parking standards unless there are compelling reasons for doing so. As a result, very little weight is attributed to Policy T10.
269. Overall, the amount of parking would be appropriate having regards to the accessibility of the development; use and scale of the development; the availability of, and opportunities for, public transport versus likely private vehicular trip demand.
270. Public objections raise a number of concerns directly relating to matters of highway safety. The submitted ES Transport Chapter includes specific consideration of the potential effects on the following safety and amenity considerations; effects on the community associated with severance caused by an increase in traffic levels; effects on drivers associated with driver delay caused by additional traffic; effects on pedestrians and cyclists associated with delays caused by changes in traffic volume or speed of traffic; pedestrian and cycle amenity caused by an increase in traffic, traffic composition and footway width/separation from traffic; effects on pedestrians and cyclists associated with fear and intimidation caused by an increase in volume of traffic; and effects on highway safety due to increases in traffic. No significant effects are identified within the ES in these regards and the effects are classified as being neutral.
271. The submitted transport documentation evaluates accident data. The Highway Authority have raised no objections on such grounds. The vehicular access/egress arrangements to the HQ and MSCP are deemed suitable and safe. It is acknowledged that the immediate locality of the site has a relatively heavy footfall and this does include more vulnerable groups such as the elderly (for example, residents of Claypath Court) and school children. However, taking into account the current highways infrastructure and the anticipated increases in vehicular movements above current levels, it is considered that no significant increases in pedestrian safety concerns would emerge.
272. Public objections are raised in regards to the potential for cumulative impacts with other developments in the City. The submitted transport documentation makes reference to a number of committed developments. Amendments received during the course of the determination of the application including an extension of this consideration to include consideration of the office block approved at the former Milburngate House development (DM/18/02924/FPA) and 35 apartments approved at appeal at the Kepier House site (DM/16/02285/FPA). Discussion on the commitments are made within the application submissions and it is highlighted that a number of the developments, given their City Centre location, had very low parking provision and others such as the Gates/Riverwalk retained its existing pre-development onsite parking provision. Therefore, key cumulative impacts have been taken into account under the application and the Highway Authority highlight that a growth factor in

accordance with National Government published data has also been applied and this is a robust approach as it is likely than an element of double counting occurs.

273. Public comments specifically reference the Independent Grammar School Durham, a primary school located at the Christchurch building on Claypath, newly opened this academic year. Discussions have been held with the Principal who has informed Officers that September enrolment at the school was 10 pupils and that school capacity due to fire regulations was stated as 65. Such levels of occupation would not result in associated vehicular movements of significance.
274. The ES assessment of the impact of construction traffic concludes that the traffic generated during the construction phase of the development would be less than the traffic generation of the site once occupied, particularly during peak periods, and considers that impacts of the construction traffic upon potentially affected junctions and users of the highway network as minor adverse.
275. The application documentation sets out within the ES and appendix Construction Method Statement, a series of mitigation measures which can be devised to mitigate the highway impacts of the demolition and construction phases of the development. These would include a construction/site traffic management plan and delivery plans that could include ensuring major deliveries only occur outside peak hours, use of gatemen and marshalling of vehicles, cleaning mud from roads etc. Such measures can be further refined and controlled under condition in the event of an approval.
276. It is noted that cumulative impacts with construction traffic could occur including with nearby sites at Kepier House and the student development at 18-29 Claypath and other City Centre redevelopment sites. One of the most significant of these at the Riverwalk is now drawing close to completion. Redevelopment of sites also impacts upon pedestrian routes through footpath closures for example and not just via construction vehicle movements, it is proposed to keep Pennyferry Bridge open throughout construction works and a route to it from Freemans Place. Again, it is accepted, as is highlighted in public responses, that roads such as Providence Row and Claypath are steep, with Claypath somewhat winding and it includes quite significant on street parking provision. However, the impacts of demolition and construction traffic would be temporary and it is considered that the impacts of this phase of the development would not result in highway related impacts that would be so significant as to warrant objection.
277. Public responses include a comment that the MSCP should be constructed first before the main HQ building as otherwise a temporary loss of parking would occur. The construction phasing details included within the application set out that the HQ building would be constructed prior to the MSCP. The Highway Authority have raised no objections to this approach, considering that in the shorter term whilst the construction of the MSCP is completed, existing City Centre parking provision would be able to absorb and cater for the temporary loss of spaces.
278. Much public objection relates to the loss of the coach car parking. These objections relate to the highways implications, air quality implications and tourism implications. The tourism and air quality related implications are discussed elsewhere in this report. Planning permission has been granted for the replacement of the existing coach park with one of 30 spaces at the Belmont park and ride (DM/18/02710/FPA). Regardless of the decision on the HQ proposals the Belmont scheme is likely to be progressed to provide coach drivers with better facilities to wash down the vehicles, clean the vehicles internally, have wash and restroom facilities for the coach drivers and provide additional coach spaces when there are events (like the Miners Gala, Christmas market and Lumiere).

279. It is proposed that this would be coupled with a drop-off location within the City Centre. Movements associated with comings and goings of the coaches in and out of the City would not be significant in the context of existing traffic flows through the City Centre. Under application DM/18/02710/FPA it was highlighted that the annual average number of coaches that visit Durham City was averaged at 5.4 coaches (rounded to 6) Durham per day. It should be noted that the Transport (and Air Quality) assessments undertaken are based upon fully classified traffic survey data of the local highway network, which captured the existing activity associated with the coach park. All traffic within the study area has then been 'growthed' up to a future design year 2028 for the Transport Assessment and opening year of 2021 for the Air Quality Assessment. Therefore, all assessments undertaken are based on traffic flow data which has been increased (including the existing coach trips) to allow for background traffic growth and, as such, represents a robust assessment scenario for this application.
280. Public objections include concerns in respects to the potential impacts upon Council staff including their journey to/from work times and their well-being in part due to this. As the crow flies, the relocation of the HQ from County Hall to the proposed site is approximately 900m and, therefore, in sheer distance terms those staff who would continue to travel to the HQ would have a similar distance to contend with. Those staff would not have the benefit of free, unrestricted parking provision. However, the site would be considered accessible by a wide range of transport modes, including public transport hubs or walking/cycling for those for whom this is a feasible option. As discussed, the Council is adopting a hub and spoke accommodation model with other offices available to staff for working, whilst home and flexible working practices are to be promoted. Many staff will not be required/expected to travel to and from the new HQ five days a week as is currently commonplace at County Hall.
281. Concerns are expressed regarding the ability of the existing park and ride facilities in the City to cater for the potential increase in demand due to the proposals be that as a result of Council staff requirements or visitor requirements staff utilising more City Centre parking provision. The Highway Authority have not raised concerns with the capacity of the park and ride facilities or identified that there is a specific need for capacity increases as a direct result of this proposal.
282. Objections also submit that particular scenarios could occur which will contribute to congestion problems at the site. This includes concern that significant numbers of staff would be dropped off at the site which it is stated the application documentation is not factoring in, whilst it is also stated that vehicles would travel to the site seeking to find a parking space, fail to do so and be forced to turn around and leave in the direction which they came.
283. Both of these scenarios could occur to an extent but it is considered that neither are likely to occur to such a frequency or degree that they would raise a significant highway issue. Staff parking at the site is to be controlled via a permit system so only those staff with a permit would be travelling to the MSCP in a morning for work.
284. The application proposes 50 cycle parking spaces and 12 electric vehicle parking spaces. The Highway Authority have confirmed that this provision is acceptable.
285. Access and Rights of Way confirm that no recorded public rights of way are located within the application site. An unregistered footpath is located between the River Wear and existing parking areas and the development proposes to accommodate a route in this area and, as a result, no objections are raised.

286. The Business Fire Safety manager has confirmed that acceptable fire service access has been devised into the development.

Equality Issues

287. Public representations received on the application include comments and concerns which relate to the adequacy of the sites accessibility, including for the disabled, elderly and those with pushchairs and impacts that the redevelopment of the site may have upon these groups. The particular concerns raised are summarised as follows;

- The topography of the locality is such that access to the site via the surrounding area includes steep gradients which are unsuitable for the disabled, elderly and those with pushchairs
- Existing lift access notably at Walkergate and Durham Indoor Market are not available all of the time
- That the development would result in increases in traffic which may put particularly vulnerable groups such as the elderly or young at risk
- The redevelopment of the Sands car park will remove parking at the Sands car park which is appropriate to and readily available for the disabled for accessing services and facilities in the City
- The existing County Hall site has level access from conveniently located bus stops for the disabled
- Concerns that the existing 40A Cathedral bus service will cease and this would affect the disabled
- The loss of the current coach parking facility will detrimentally affect the elderly as they may not be able to readily return to the coaches as they currently can do and there is a risk that an accident will occur to an elderly person due to having inadequate coach parking facilities in the City

288. The Council acknowledges that in exercising its functions it has a legal duty under the Equality Act 2010 to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations. This duty applies to all people defined as having protected characteristics under that legislation. The particular considerations of the accessibility of the site and impacts of redeveloping car park land is considered most relevant to the protected characteristics related to age, disability, and pregnancy/maternity. More generally, local and national planning advice also seeks to ensure that developments are accessible with the CDLP advising that the access needs of users should be taken into account under both policies Q1 and Q2, which are both considered consistent with the NPPF.

289. The comments of the Council's Equality and Diversity Team have been sought during the determination of the application having regards to the aforementioned issues and are summarised earlier in this report.

290. In general terms, the application documentation makes reference to the sites City Centre location and substantial pedestrian and cycle infrastructure in the locality of the site. Distances to key public transport hubs are highlighted above and more generally the significant array of City Centre services and facilities are within short distances of the site.

291. Durham, by its very nature, is a relatively steep location and changes in levels are encountered when travelling around the City. It is acknowledged that when traveling across the City there are traffic lights to contend with and variations in the footpath widths and surface materials etc.

292. It is also acknowledged that principal bus services are located on higher ground or require higher ground to be traversed to reach them from the site, for example, the bus stops on Claypath.
293. However, it is considered that there are mitigating arrangements which are in place, and further planned, which affect access to the proposed HQ for the disabled, elderly and indeed those who may be pregnant and/or have pushchairs.
294. The 40A bus service operates from outside the Sands car park to the Cathedral via the Market Place. A connection from the Market Place can be made via the 40 service to the train station and bus station. The application plans show that a bus stop for the 40A service currently located just north of the entrance to the Sands car park would move approximately 25m farther north. The 40A service is somewhat limited in its operating hours (approximately 9am to 4.30pm Monday to Saturday) with no current service in the early morning/into evening or on Sundays. However, such times would align with the general office operation hours of the proposed HQ.
295. Lift access is an option to aid in traversing the local topography. The Walkergate development contains a lift which grounds on Freemans Place opposite the Freemans Reach development. It is located approximately 100m from the application site boundary and 140m from the main public entrance to the HQ building itself. This provides access to various levels of the Walkergate development, including its car park, which includes accessible parking spaces and the Millennium Square level where, for example, more principal bus stop provision is available. A further lift is located within Millennium Square close to the Gala Theatre and, whilst it provides access to various levels, again including parking at Walkergate, it does not have a direct access/egress down onto Freemans Place. A third main lift option within the vicinity of the site is located within the Durham Indoor Market, which exits onto Back Silver Street. The application site can be reached from this lift via footways and at a distance of approximately 325m to the HQ main public access. The Durham Indoor Market lift is available for use during market hours which are Monday to Saturday 9am – 4.30pm which would align well with HQ office hours. All three lifts are of a design and dimensions which can cater for most wheelchair access, albeit wheelchairs vary greatly dependent upon the particular disability and the lifts may not be suitable for all.
296. In the opposite direction, level access can be gained onto Pennyferry Bridge with a ramped access down onto Framwelgate Waterside. It should be noted that a lift access is proposed within the Gates/Riverwalk redevelopment, a development at an advanced stage. This lift is to ground beneath Milburngate Bridge and would provide access up to the development level where level routes would continue onto the likes of North Road and Framwelgate Bridge. The Milburngate House development would provide further lifts within that development which, should the site be developed, would provide further lift options to help traverse the steep land adjacent to Durham's riverbanks, albeit this site is at a very early stage of development, and less advanced than the Riverwalk. It is noted that all the above-mentioned lifts are/would be privately run and, therefore, beyond the control of both the applicant and indeed, the Council.
297. Public objections raised include reference to the existing Sands car park containing parking spaces including accessible spaces on a level surface which provide a convenient location for visitors including the disabled and elderly to access the City and nearby services which would include the leisure centre. A re-provision is proposed within the MSCP which includes on its lowest level 14 accessible spaces from which access can be taken onto Freemans Place. Lift provision is contained within MSCP to aid in movement around the MSCP. It is acknowledged that dependent on where a visitor may be travelling to the journey from the MSCP car park spaces may be longer than from the existing Sands car park for instance if they were heading towards the

Millennium Square or the Market Place. As there is a break in the footpath on the eastern side of Millennium Place the user would need to cross the road onto the western side as well.

298. In regards to the HQ building itself measures have been integrated within the development proposal to help ensure the accessibility of the development. Accessible parking spaces are included in close proximity to the building entrances both within the surface car park to immediate north and immediately adjacent to the Freemans Place carriageway. An oversized accessible bay is included to help cater for vehicles and disabled users needing greater space than provided for in a standard accessible bay. A layby beside these spaces is to act as a drop off location for taxis.
299. Building Regulations control more specific disabled access criteria for the building itself and these are separate processes to the grant of planning permission. However, it is known that during the devising of the development and following consultation on accessibility issues including with accessibility groups, reasonable adjustments to the design of the building and development have been made in order to make the development more accessible.
300. Discussions on the implications of the development upon traffic in overall terms are made in this section of the report. The public concerns relating to equality matters include concerns that the increases in traffic will put more vulnerable groups such as the elderly and indeed young at more risk. As discussed, in general, reductions in traffic are predicted. The immediate surrounds of the site are predicted to receive some increases in traffic due to the net increase in parking space provision, however, the Highway Authority have advised that differences would be within the expected daily and peak hour variations in traffic flows. Increases in traffic in the immediate site surrounds would not, it is considered, be significant and thereby in turn, not increase risks significantly for differing groups.
301. Public concerns raised include that the removal of the coach parking facility would remove opportunity for the elderly to return more easily to coaches for rest. As discussed elsewhere in this section of the report in more general terms, a drop-off/collection point is still proposed within the City Centre. Whether flexibility permits for coaches to come back early to collect particular coach users could well depend on the coach firm and particular circumstances and ultimately is beyond planning control. However, tourist coach visitors for instance would likely be visiting the sights of the City Centre where cafes etc. can provide an alternative rest location.
302. In conclusion, the relocation of the Council HQ under these proposals would have some potential accessibility impacts upon some groups with protected characteristics as defined under the Equality Act; most notably those who use wheel chairs or mobility scooters, for older users with restricted mobility and, potentially persons with prams and push chairs. However, there are a number of mitigating arrangements already in place, or to be in place as part of the development, to be taken account of, which would reduce the impact on disabled and other users.
303. Overall, in regards to all transport, highways and accessibility related issues no objections to the development are raised on transport and highways related grounds with the development considered compliant or generally compliant with CDLP Policies T1, T5, T11, T13 T20, T21, R11, Q1 and Q2. These policies are considered either fully (T1, T5, T20, T21, R11, Q1, Q2) or partially (T11, T13) consistent with the content of the NPPF and each can be attributed weight in the decision making process. The proposal are considered to be accordance with Part 9 of the NPPF.

Air Quality

304. Key documentation submitted within the application in respects air quality includes an ES Air Quality Chapter and associated technical and figures to which supplementary and amended information has been received during the course of the application. Transport submissions are also relevant as the impacts on air quality are linked to vehicular movements. Assessments consider the impacts upon air quality during both the construction and operational phases of the development together with consideration to cumulative impacts.
305. Durham City has a declared Air Quality Management Area (AQMA). Within the AQMA there are particular “hotspots” locations where air quality is identified as being at its worst – with New Elvet (in the vicinity of the junction of Church and Hallgarth Streets), Highgate, Gilesgate Bank and on Alexandra Crescent/Sutton Street identified particularly. The application site is not within the AQMA though it is approximately 200m away.
306. As discussed above, the key conclusion drawn under the submitted transport related documentation is that the relocation of the Council’s HQ building to the site would result in a reduction in site occupancy, parking provision and overall reductions in traffic volumes in the City Centre in general terms.
307. In respects to the operational phase of the development a quantitative assessment of the impact of the proposal on air quality at receptors at hotspot locations across the AQMA has been undertaken. The assessment involves detailed dispersion modelling to determine predicted levels of air quality pollutants that occur from vehicle exhaust emissions (nitrogen dioxide and particulates-PM10). In addition, assessment of the impact on air quality from the provision and use of a multi-storey car park has also been carried out.
308. Environment, Health and Consumer Protection have analysed the results of the modelling in accordance with the relevant UK guidance and these have been compared with the relevant Air Quality Objectives and the change in magnitude of levels of air quality pollutants determined. The outcome of the modelling shows that the magnitude of change in levels of air quality pollutants is beneficial (decrease in the levels of air quality pollutant with the development) at some locations and negligible or neutral (no change or negligible increase in the levels of air quality pollutant) at the remainder. This applies to the predicted change in levels of both nitrogen dioxide and particulates-PM10 at all of the receptor locations selected for the model. In addition, the predicted results of the modelling are well below the annual mean air quality objective and below the short term air quality objectives.
309. The application submissions include a ‘sensitivity test’. There are a number of uncertainties and assumptions that arise when carrying out dispersion modelling and these are explained in the air quality assessment. A sensitivity test provides confidence and supports the results of the dispersion modelling study as in this case, it presents a scenario where in future years there is no improvement in the emissions from vehicles that is expected to occur in reality. The carrying out of a sensitivity test, therefore, increases the confidence in the results of the dispersion modelling. Even within the sensitivity test scenario the results also show a change in levels of nitrogen dioxide and PM₁₀ with the development that are ‘beneficial’ at some locations and ‘negligible’ or ‘neutral’ at other locations. The predicted modelled results for the sensitivity test exceed the annual mean air quality objective (40 µg/m³) at Receptor 21 (57 Gilesgate) but this can be expected since this was, regardless, the case for the baseline year of 2017.

310. As discussed in the transport and highways section of this report there is a proposal with planning permission to relocate the coach parking facility to Belmont park and ride, coupled with a drop-off location within the City Centre. Under application DM/18/02710/FPA it was highlighted that the annual average number of coaches that visit Durham City was averaged at 5.4 coaches (rounded to 6) Durham per day. It was discussed under that application that anticipated movements would be well below the threshold that necessitated an air quality assessment. It should be noted that the Air Quality (and Transport) assessments undertaken are based upon fully classified traffic survey data of the local highway network, which captured the existing activity associated with the coach park. All traffic within the study area has then been 'growthed' up to the proposed opening year of 2021 for the Air Quality Assessment and a future design year of 2028 for the Transport Assessment. Therefore, all assessments undertaken are based on traffic flow data which has been increased (including the existing coach trips) to allow for background traffic growth and, as such, represents a robust assessment scenario for this application.
311. As discussed in the Highways, Transport, Accessibility and Equality Issues section of this report the general reduction in vehicular movements due to the relocation of the Council HQ from the present County Hall site to the application site is reliant upon the present County Hall site being closed and unavailable for occupation. This is clearly the Council's intention as ultimately the Council are seeking to demolish the existing County Hall building, freeing up the site for future redevelopment proposals. A future redevelopment proposal to replace the existing County Hall building would require planning permission together with an assessment of the air quality implications of that proposal. The air quality submissions under this application are therefore reflective of the Council's intentions that the current site is closed for the purposes of a Council HQ and the proposed HQ opens in its new location.
312. Though not the intention of the Council it is acknowledged that a scenario could potentially occur whereby the proposed HQ/MSCP are built, occupied and the existing County Hall building is not demolished and remained in situ. The existing County Hall building is considered sui generis in use (a use class of its own kind) though this does not mean planning permission would be necessary for any form of re-occupation. Potentially, dependent upon the materiality of the change of use, the building could be re-occupied without planning permission. If the existing County Hall was occupied a scenario would have developed whereby the vehicular movements of both the existing County Hall and the proposed development were on the highway network. The air quality submissions accompanying the application do not assess this scenario for the reasons outlined above.
313. In these particular circumstances it is considered necessary and appropriate that any planning permission includes a condition which would ensure the phased closure of the existing County Hall site upon occupation of the new HQ.
314. Environment, Health and Consumer Protection advise that measures to reduce air quality impacts could include the incorporation of a Travel Plan and incorporation of cycle parking and electric vehicle parking spaces, all of which the development would incorporate.
315. The application documentation identifies that a combined heat and power system, biomass or boiler plant may be utilized within the development and the impacts of these elements should be screened and assessed as necessary, as such features can also impact upon air quality. A condition can be imposed to undertake this screening exercise should those features be sought for implementation.

316. In respects to the construction phase of the development, Environment, Health and Consumer Protection advise that the predicted background levels of dust particulates are well below the long and short-term national air quality objectives for the location of the proposed development and, therefore, it is very unlikely both of these would be exceeded at receptors. The risk of larger, visible fractions of dust impacting on the amenity of surrounding receptors during the earthworks and construction stages is assessed as medium and for demolition and track-out as low. There are assessed risks of emissions of larger, visible fractions of dust that may impact on surrounding receptors.
317. Predicted Heavy Duty Vehicle (HDV) movements during the construction phase of the development are predicted to be below the relevant air quality guidance thresholds and the ES identifies this as an air quality mitigation measure and this can be controlled via condition in event of an approval.
318. In order to ensure mitigation measures are undertaken during the construction and demolition phases of the development a Dust Action Plan would be necessary and can be secured by planning condition in the event permission is granted. Furthermore, the choice of non-road mobile machinery (NRMM), particularly diesel-powered plant, can impact upon air quality and, as a result, it is proposed to control, under condition in the event of approval, that NRMM is to be utilised.
319. Paragraph 181 of the NPPF specifically deals with air quality and advises that decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. In respects to planning decisions, it should be ensured that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.
320. CDLP Policy U5 seeks to prevent pollution through development and the Policy is relevant to air quality and is considered consistent with the NPPF.
321. Having regards to the submitted assessments and analysis of Environment, Health and Consumer Protection the proposal is considered compliant with CDLP Policy U5 and NPPF Part 15 in regards to air pollution matters.

Other Pollution and Amenity

322. The application is accompanied by a noise and vibration assessment. This assessment identifies that for the operational phase of the development the main source of noise associated with the operation of the office building would be external plant for the purposes of heating, cooling and ventilation. The final precise details and specifications of the plant that would be installed is unknown at this planning stage. The assessment considers existing noise levels in the vicinity of the site to inform upon whether internal noise levels for the use as an office space would be appropriate.
323. The assessment also considers the potential for noise and vibration during the demolition and construction phases of the development. Separately, the application is accompanied by a Construction Management Plan (CMP).
324. Environment, Health and Consumer Protection have considered the submitted noise and vibration assessment and the CMP. In respects to the noise from external plant, it is advised that a condition be imposed on any planning permission requiring a

scheme of noise attenuation to ensure that noise emanating from the plant does not exceed an identified threshold.

325. In respects to the existing noise levels and potential impacts upon the occupancy of the building, Environment, Health and Consumer Protection confirm that the assessment demonstrates that, with standard thermal glazing, and windows open the noise levels inside for occupants meets the applicable threshold levels. As such, no further mitigation measures are required.
326. In regards to the construction phase of the development, noise, vibration and some nuisances can occur on development sites. However, impacts would be temporary, not permanent, and a CMP can incorporate measures to reduce the impacts on nearby occupiers. A refined version of the submitted CMP would be required by way of panning condition.
327. Objections are raised in amenity terms to the impacts of increases in traffic flows as a result of the development. Whilst some increase in traffic, principally as a result of the increase in parking on the site would occur as is discussed in more detail in the transport and highways section of the report, taking into account the amount of increase in parking, controlled parking zones in the area, the increases in vehicular movements would not be to such an extent as to cause an unacceptable amenity impact.
328. Objections are raised to the cumulative impacts of the development with existing ongoing development in the City in terms of disruption and pedestrian congestion. The submitted ES includes consideration of impacts in highway amenity terms, such as, pedestrian and cycle amenity having regards to flows and footpath widths, potential for fear and intimidation from increased flows and the potential for community severance, and finds that no significant impacts would result in this regard.
329. Regarding matters of disruption and nuisance pollution impacts, it is acknowledged that Durham City Centre has/is subject to significant redevelopment proposals recently; this includes, land at Claypath, Milburngate House and the Riverwalk/Gates to name some of the most significant. Again, cumulative impacts during construction phases are temporary, there is some separation between the sites and, in the case of the Riverwalk, this scheme is now nearing completion.
330. Concerns are expressed about littering. This may occur as a result of a development housing approximately 700 staff but it is not a reason to object to the development. The impacts may not be any worse than could occur from the continued use of the car park.
331. In terms of the proximity of the development to residential occupiers and the potential for any harmful impacts of loss of privacy, light and outlook, the nearest residential properties are those at Providence Row and The Sands. The MSCP would be closest of the two main elements of the development. The east elevation of the MSCP would be approximately 38m from the nearest property on Providence Row and approximately 52m from the nearest property at The Sands. The properties closest on Providence Row would face the east elevation of the MSCP, whilst the MSCP would be set at an acute angle to the nearest properties at The Sands, which face open space. There is no specific CDLP guidance in regards to appropriate separation between a building such as the MSCP and a residential property. However, at such distances, Officers consider that impacts would not be harmful. The submitted plans show the MSCP would be fitted with a crash barrier and balustrading to the front of the spaces and this would help in filtering headlights when cars are driving within it in the dark.

332. The application is supported by a number of geotechnical and environmental reports in regards to site investigation and site contamination. Environment, Health and Consumer Protection have assessed these reports. In respects to the land on which the HQ building itself would be sited proposed remediation measures have been submitted and assessed by Environment, Health and Consumer Protection, with only a Phase 4 verification report required which can be ensured via condition. In respects to the land on which the MSCP is proposed, further confirmations and submissions in respects to gas protection measures are necessary and, as a result, a condition with pre-commencement, remediation and verification elements would be necessary.
333. Some public representations received raise concerns relating to the impacts of the development upon the well-being of staff with a further comment stating that the replacement of the surface level Sands car park with a MSCP would be inappropriate for those suffering from claustrophobia. The impact of development upon health is a material planning consideration. As discussed in the highways section of this report the site is considered to be located within an accessible location in general terms and thereby acceptable for commuting for its occupiers. The more flexible working practices proposed to be adopted by the Council as part of the HQ move may well benefit the work/life balance of many employees. Overall it is considered that there is no evidence that the proposals would detrimentally affect the health of employees to the extent that it would form an officer objection to the proposals. Similarly the potential impacts of the MSCP upon those with claustrophobia are again not demonstrably significant.
334. Public concerns are raised about the impacts of the development upon land stability. The Coal Authority are satisfied with site investigation works in regards to coal mining legacy issues and have raised no concerns.
335. Overall, no objections to the development are raised on the grounds of pollution and amenity issues with the development considered compliant with CDLP Policies U5, U11, U12 and U13, which are all considered consistent with the NPPF and Part 15 of the NPPF.

Socio-Economic and City Centre Impact

336. The application is accompanied by an ES Socio Economic Chapter which has been updated via addendum during the course of the application and the submitted Planning Statement also presents information in relation to such matters. Public and consultee commentary on the application relates to matters such as the economic and city centre impacts of the development and impacts upon tourism. Comments received in this respect are both positive and negative.
337. The socio-economic submissions principally consider the impacts of the development upon the impact of changing working practices and employment numbers because of the relocation; economic impacts associated with the construction of the development; impact of the proposed development on wider employment opportunities; and, regeneration within the City Centre.
338. The submissions identify key economic benefits as a result of the construction phase of the development, namely, that: approximately 65-70 full time equivalent direct jobs would be created; Gross Value Add (GVA) from the construction phase of the development is identified as £4.5-5m. Some spend from construction workers in the city centre is identified.

339. Potential negative consequences of the construction phase of the development are identified, notably disruption and nuisance activities of the forms discussed elsewhere in this report.
340. For the operational phase of the development, the ES Chapter draws attention to the impacts of the relocation of staff to the city centre and the potential affects upon spend in the City Centre. The key principle being that, through the increased incidence of those employees accessing facilities in the City Centre, there would be an increase in expenditure and turnover in the City and in turn supporting employment. The submissions factor in the reduced occupancy levels of the development compared to the existing County Hall but presents that increases in expenditure are a likely scenario. This potential for increased footfall is stated as helping to control vacancy rates.
341. The submitted ES Chapter references the Durham City Regeneration Masterplan, which identifies key projects of relevance to the proposals, these being, the redevelopment of Aykley Heads as a Strategic Employment Site (SES) which would involve the relocation of County Hall; and, contributing to the leisure and tourism offer in the City, including through contributing to turnover in the City Centre.
342. The ES Chapter summarises that regeneration effects would extend to providing a positive message to potential investors that development in the City Centre is taking place. It is highlighted that the development would complement other development ongoing in the City and form a key step in the delivery of the regeneration masterplan.
343. The ES Chapter highlights that the proposed building itself would include flexible civic spaces within a city centre location, which would be accessible, including to businesses, for ease of engagement. The proposed building would replace the dated County Hall with one that would function more effectively and efficiently with associated reductions in management and maintenance costs. It is highlighted that the civic square could be utilised for outdoor events.
344. The application highlights that there is the potential for cumulative beneficial socio-economic impacts with other development, namely, the redevelopment of former Milburngate House and The Riverwalk. The ES chapter addendum received during the course of the determination of the application considered the impacts of the revisions at the former Milburngate House site so as to account for the recently approved office block 1E and considers that the cumulative impact of this change at that site would be beneficial albeit the overall conclusions on socio economic affect would remain the same (major beneficial).
345. The Socio-Economic Chapter references the proposed Strategic Employment Site (SES) at Aykley Heads and that the Council's relocation of the HQ from this site in order facilitate this proposal is identified as a key socio-economic benefit of the development. The ES does not seek to capture the socio-economic impacts associated with the Aykley Heads SES itself, as it in itself is not part of the development proposal, but it is referenced as a benefit of the HQ relocation.
346. The SES is a proposed strategic site allocation within the emerging CDP. It aims to deliver approximately 47,500 sqm of office space together with ancillary servicing uses and is anticipated to provide for some 4000 jobs initially. Further future expansion on land at the former police playing fields could provide for a further 2000 jobs. Estimates of total anticipated GVA from the development have been cited as £443m.
347. In summary, the submitted ES Socio-Economic Chapter highlights that the key benefit of the development is that it would facilitate the development of the Aykley Heads SES

with the resultant benefits to the local socio-economic conditions baseline. This, together with the cumulative effects of new and additional investment in the City Centre, are the key beneficial outcomes of the development overall. The overall conclusions of the socio-economic submissions are that the development would result in an impact of major-beneficial significance.

348. Support for the considered benefits of the development has been received from some consultees. Regeneration and Development and Business Durham both support the proposals citing benefits of the development such as creation of employment in the city centre with related beneficial footfall for the area, releasing of the potential employment opportunity at Aykley Heads together with positive comments in relation to the creation of a civic space and attractive riverside public realm.
349. Supportive comments have been received from Durham BID and Durham Markets Company in this respect albeit individual letters of objection have been received from Durham Market traders themselves.
350. Public objection is also significant in relation to matters of socio-economic, city centre and tourism grounds with matters fully summarised earlier in the report.
351. Concerns are raised in respects to the loss of the coach parking and the impacts that this would have upon tourists visiting the City. As discussed elsewhere in this report, there is a proposal now with planning permission to relocate the coach parking facility to Belmont park and ride, coupled with a drop-off/pick-up location within the City Centre. The proposed coach park facilities at Belmont would provide improved and expanded parking facilities for the coaches. Visit County Durham have provided commentary on the implications of the development on coach parking and tourism having liaised with key operators on the subject. The key feedback provided by operators to Visit County Durham is that City Centre drop off/pick up points should be retained but that an out of town parking facility itself is not problematic to their functions.
352. In regards to the SES site, the CDP is not adopted and no weight is being attributed to its policies at this stage. Planning permission for any of the proposed development at the SES will also be required aside from the proposed allocation. The HQ is considered a separate and distinct project from the SES. The Council is seeking alternative accommodation irrespective of the SES aspirations on the grounds of the need to make a transition to a modern building and evolved working practices. However, the CDP proposal in the form identified cannot come into fruition without the Council moving from the site. In that context only, it is considered that limited weight can be attributed to the potential beneficial impact that the SES can bring. The SES proposals in their current form would be reliant upon the Council HQ relocating and such a move can only occur should they gain planning permission for, and ultimately implement, an alternative scheme. Planning permission for this development would thereby facilitate this.
353. Officers do consider that the influx of office workers at the location has the potential to contribute to city centre spend as suggested within the ES and advocated by Regeneration and Development and Business Durham. The site is more conveniently located for the services and facilities within the city centre than County Hall. County Hall is situated atop of a steep hill and is approximately a 1km walk from some of the services and facilities closest to it within the city centre, for example, the Riverwalk. In comparison, the proposed HQ building is approximately 200m from Walkergate and 400m from the Market Place. Officers consider it is logical that the ease at which city centre facilities can be accessed would lead to more frequent visits by staff. Durham City Centre has been identified as having a distinct day time and night time economy

and one means to boost the economy would be through further blurring the two. There is some potential for the development to make such a contribution.

354. Through the adoption of the Council's proposed strategic sites model and the lower occupancy levels of the proposed HQ, a redistribution of staff from County Hall to the other key sites would occur. This would thereby result in some increase in employment at those locations. Again, in turn, there is the same potential for increased economic activity as a result, albeit in terms of town centre spend it is perhaps Crook that would be the most likely for any noticeable impact given the central location of that Council building. Those at Spennymoor and Seaham are more peripheral and thereby less convenient in terms of any town centre access whilst Meadowfield essentially only has local shopping facilities.
355. Furthermore, the Council's Cabinet decision and accompanying business case set out that a considerable maintenance backlog exists for County Hall meaning a total of £26.3 million will be necessary to maintain the current office configuration. This would maintain the outdated cellular office configuration. A further £49.5 million would be required to move to modern ways of working in County Hall in a manner being implemented at the Council's strategic sites. It is estimated that in total, £75.8 million of capital would be required to modernise County Hall. It was concluded that the most cost effective option for providing a civic and administrative centre for the Council over the next 35 years would be to build a new HQ. The capital costs of this option was established as being significantly less than that of refurbishing County Hall (by approximately £25 million) and furthermore, the running costs would be less than the current arrangements. The longer-term cost savings of the building of a new HQ would thereby provide a means to reduce the administrative estate of the Council and its running costs, with the analysis being that these savings can instead be directed on service provision.
356. Public objection includes concern that the considered inadequate design will deter visits to Durham with further concerns over environmental impacts with the same consequences. The heritage and design implications of the development have been considered in detail elsewhere in the report, as are the potential pollution implications. The conclusions are that the proposals represent a mix of positive and negative effects in design, townscape and heritage terms, whilst pollution impacts are considered to be acceptable.
357. Concerns are expressed that parking availability would be limited, with consequential impacts on visits to the City. Again, parking and highways issues are discussed in detail elsewhere in the report and this includes discussion on the potential for transport modal shifts to help counter this possibility. There would be a net increase in 81 parking spaces as part of the development. Specific concerns are raised in regards to the impacts that the loss of the existing Sands car park would have upon those with larger vans/vehicles including market traders and tradesmen. Similarly some reference is made vehicles which currently use the Sands car park for recreational purposes such as ease of access to the river for kayaks/canoes etc. The replacement MSCP would permit many vans and larger vehicles though some vehicles will be too large, however. Alternative surface level car parking is available in the City, however, and this includes spaces just north of the application site beside the Sands open space, Sidegate car park and Framwelgate Waterside as examples. Loading/unloading is permitted in the Market Place. Furthermore, the land adjacent to the river, where it is understood some kayak and canoe users gain entry into the water, would remain accessible.
358. Public comments submit that Visit County Durham evidence identifies that day trip visitation makes up 89% of tourist expenditure in the City, visits which would be

harmful by the proposals. This data has been clarified with Visit County Durham who have confirmed that 89% of visitors to the city are day visitors and 11% are overnight visitors. The average day visitor spend is much lower (£20.71) than the average overnight visitor spend (£253.87). Therefore, the total expenditure from day visitors is 41% whereas, the 11% total of overnight visitors represents 59% of spend, due to the higher spending levels.

359. Public objection references the use of areas of the Sands car park for supportive uses for major events and this has indeed been the case. Should the proposed development proceed, alternative arrangements would be made with consideration being given to this by those involved in event organisation. In part, the coach park recently approved at Belmont, is proposed to help better cater for major events in Durham.
360. In conclusion, socio-economic benefits would, it is considered, emerge because of the development, and this would draw support from CDLP Policy CC1 and Parts 7 and 8 of the NPPF.

Flood Risk and Drainage

361. The application site includes land immediately adjacent to the River Wear. The application site is principally located within Flood Zone 3a which is land identified as having a 1 in 100 year or greater annual probability of river flooding. Land in Flood Zone 3a is land which is therefore at a higher risk and probability of flooding.
362. When development is proposed in an area of higher flood risk the NPPF advises that there is a requirement to undertake a sequential test, the aim of which is to steer new development to areas with the lowest risk of flooding. In order to meet the requirements of the sequential test it should be demonstrated that there are no reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The Planning Practice Guidance provides further advice on the sequential test and advises that a pragmatic approach on the availability of alternative sites should be taken.
363. In addition to the sequential test, there can be instances when development is proposed in higher flood risk zones to be required to meet an exceptions test. The exception test is not required for this development because an office use falls into the less vulnerable flood risk classification.
364. In determining applications, the NPPF advises that, flood risk should not be increased elsewhere and, development in areas at risk of flooding should only be permitted when the sequential test is passed and when particular criteria are met relating to locating the most vulnerable parts of the development on areas least prone to flooding, flood resistant design and safety measures and, incorporation of Sustainable Drainage System (SuDS) (unless inappropriate).
365. Having regards to the above the application is accompanied by an ES Chapter on Flood Risk and Drainage together with associated technical appendices in the form of a Flood Risk Assessment (FRA) and drainage strategy, together with a sequential test. The ES chapter has been updated during the course of the determination of the application, whilst an addendum has supplemented the FRA.
366. The submitted sequential test considers a range of sites within Durham City Centre. Sites considered, include the former Milburngate House site, 13-17 Claypath, Sidegate car park and Durham Bus Station amongst others. The test concludes that there are no other suitable or available sites within the search area sequentially preferable for the development. Alternative sites having been discounted for a number of reasons

including size and suitability for the specific development, particularly restrictive planning designation (e.g. Green Belt) or the site is not sequentially preferable in flood risk terms.

367. All of the land upon which the HQ building and MSCP could be located are within the same flood zone so there is not the option of locating the elements of the development of most vulnerability onto an area less prone to flooding within the site. In terms of mitigating the risks of flooding via its resistant design, safety measures and drainage strategy etc., the key proposals are to raise the useable floor level of the HQ building providing flood storage beneath, landscaping measures to aid in closing off flow routes; and, incorporation of a demountable flood barrier. During a flood event, the storage void areas would fill and drain as waters rise and recede. This would protect the useable floor areas above and also protect other land from flood as flood water would be stored in this location rather than diverted to another location. The demountable flood barrier is proposed not to prevent flow from one side to the other but to assist in channelling the flow of water so as to prevent the creation of backwater areas where eddying occurs, which, in turn, could result in local increases in water levels.
368. The application submissions present the findings of flood modelling work undertaken which demonstrates baseline and post development impacts (with and without mitigation) on water levels.
369. The Environment Agency are the key consultee with regards to matters of river flooding and during the course of the application they have reviewed the flood modelling for the site, the development and the design mitigation. The Environment Agency have raised no objections to the development subject to conditions being placed on an approval.
370. In doing so they have accepted that the modelling work demonstrates that the design solution would be appropriate to protect the site from the flood risk posed, as well as ensuring that flood risk is not increased on neighbouring sites.
371. The conditions recommended in the event of an approval by the Environment Agency relate to: ensuring that the development is implemented in accordance with the submitted flood risk assessment and drainage strategy and subsequent flood risk assessment addendum; that a long term maintenance scheme of the flood storage voids are devised; and, a final flood risk management plan is devised. Advice is provided in regards to ensuring the devising of the robust flood risk management plan and emergency procedures consulting as necessary with the emergency planning team and emergency services. Advice is also provided in regards to in-built flood resilience and flood proofing measures and separate Environmental Permitting requirements having regards to the Environmental Permitting (England and Wales) Regulations 2016.
372. In respects to the requirement of a flood risk management plan being devised, the application submissions include such a plan in a draft form. The Council's Emergency Planning/Civil Contingency Team have been consulted on the formulation of the plan and would, form an integral part of the consultation on the final and fully detailed plan, as would the emergency services.
373. In respects to surface water disposal, the proposed drainage design would incorporate permeable areas of hard surfacing and surface water flows are to be attenuated in beneath ground cellular storage tanks. The flow of discharge would be restricted, with surface water ultimately discharged into the River Wear.

374. Drainage and Coastal Protection have raised no objections with the proposed surface water drainage solution considered acceptable, though the final and precise design details would require conditioning in the event permission is granted.
375. Foul water would be disposed of by way of a connection to the main combined sewer and Northumbrian Water have raised no objections.
376. Overall, no objections to the development are raised on flood risk and drainage grounds. It is considered that the development would not result in an unacceptable flood risk and the development is therefore considered compliant with CDLP Policies U8a, U9 and U10 and Part 14 of the NPPF. These policies are considered either fully (U8a) or partially (U9 and U10) consistent with the content of the NPPF and can be attributed weight in the decision making process.

Ecology

377. CDLP Policy E16 aims to protect and enhance nature conservation assets requiring development proposals to identify nature conservation assets, avoid unacceptable harm to said assets and provide mitigation/compensation measures as necessary.
378. In order to identify the nature conservation assets of the site, the application is accompanied by an ecological impact assessment, bat activity survey update and in addition, an invasive species remediation document has been submitted.
379. CDLP Policy E18 relates to Site of Nature Conservation Importance and advises that harmful development will not be permitted, unless the benefits from the development outweigh the harm, there are no alternative sites for the development and measures are undertaken to minimise adverse effects associated with the scheme including as necessary compensatory measures.
380. The application site does not contain any statutory or locally designated ecological sites. The closest designated sites being Frankland Pond Local Wildlife Site (LWS) approximately 450m to the north, Pelaw Wood LWS approximately 815m to the south-east and Flass Vale LWS and Local Nature Reserve (LNR) approximately 650m to the south-west.
381. CDLP Policy E19 relates to Wildlife Corridors and seeks to protect the value and integrity of landscape features which contribute to existing wildlife corridors and create new wildlife corridors as opportunities arise. The River Wear immediately adjacent to the site is designated as a wildlife corridor.
382. Key ecological advice is also contained within NPPF Part 15 and amongst the advice contained therein paragraph 175 advises that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
383. The ecological submissions conclude that the application site is of low ecological value. The main ecological constraints to the development comprise the potential impact of the development upon foraging bats and nesting birds, as result of the loss of trees and, the potential impacts of light spill. In terms of mitigation, the ecological submissions state that a landscaping scheme should be devised and a sensitive lighting scheme to reduce light spillage onto the river, whilst tree works should avoid the bird nesting season unless a pre-clearance nesting survey is undertaken.

384. The site includes invasive species in the form of Japanese Knotweed, Himalayan Balsam, and Giant Hogweed and it is proposed that these would be eradicated from the site.
385. Natural England have been consulted on the application and raised no objections or detailed comments. Ecology raise no objections to the proposals but to ensure that bats and otters using the river are not adversely affected, a sensitive lighting scheme must be devised which minimises light spillage at the top of the riverbank. This can be conditioned together with the other mitigation measures contained within the ecological submissions.
386. With the incorporation of the mitigation measures required by condition there would be no interference with any European Protected Species (EPS) and therefore there is no requirement to assess the likelihood of an EPS license being granted set against the derogation test requirements of the Habitats Directive brought into effect by the Conservation of Habitats and Species Regulations 2017.
387. No objections are raised to the development as a result, and the proposal is considered compliant with CDLP Policies E16 and E18. The development would result in the loss of potential foraging and nesting features adjacent to the river and a wildlife corridor, however, as the ecological consequences have been established as being low and mitigation measures are proposed, it is considered that the proposals would still be compliant with Policy E19. The development is considered compliant with Part 15 of the NPPF and Policies E16, E18 and E19, each of which are considered largely consistent with the content of the NPPF.

Consultation and Determination Matters

388. Public objection to the application includes that regarding the public consultation exercises on the application. Both the pre-application consultation exercise and planning application consultation exercises are criticised.
389. There are no statutory pre-application consultation requirements for a planning application of this nature, but such consultation on major development schemes is encouraged by the NPPF with Part 4 highlighting amongst its advice that good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community.
390. The application is accompanied by a Statement of Community Engagement (SCE), which outlines the public consultation undertaken. This outlines the pre-application engagement processes which principally involved the holding of a three day public consultation event together with meetings with more targeted interest groups. Notification involved issuing over 600 leaflets together with a press release and social media posts. The SCE includes copies of the questionnaire, responses and details of the information displayed at the events.
391. In terms of the consultation exercises on the planning application, individual notification letters, erection of site notices and publication of press notices have all been undertaken in accordance with statutory requirements.
392. The pre-application and planning application consultation exercises are considered to be adequate. Public responses to the planning application are significant and the application has drawn media attention, all indicative that during the determination of the proposals, large proportions of the community are aware of the nature of the proposals and have had the opportunity to make representations.

393. Concerns and confusion are expressed with the applicant being named as Kier when the building is for occupation by the Council. Kier are the appointed contractor for the development and have submitted the application but Durham County Council would occupy the building and own the land.
394. References to other developments including new link roads onto the A690 and relief road proposals are made in the public submissions with concerns raised that these will be related proposals. Such developments are not sought under this application.
395. Concerns have been expressed at the appropriateness of the Council determining its own development proposal and that the application should be determined by the Secretary of State. The Council can determine planning applications for their own development/land. Public respondents to the application have requested that the National Planning Casework Unit (Secretary of State) call the application in for their own determination. Under Section 77 of the Town and Country Planning Act 1990 the Secretary of State may give directions requiring applications for planning permission to be referred for their determination. In this instance the Secretary of State have contacted the Local Planning Authority to notify them that they have received a request to call the application in for their determination and have stated that the normal practice is that this is only actively considered once the Council has resolved to grant planning permission. Although the Council is able to determine the application itself in the absence of either a direction from the Secretary of State or a requirement to refer the application under the Town and Country Planning (Consultation) (England) Direction 2009, it is considered that due to the level of public concern, any resolution should be one of 'minded to approve', to enable the Secretary of State to consider whether they wish to call the application in for their determination.

Other Issues

396. NPPF paragraph 153 advises that new development should comply with any development plan policies on local requirements for decentralised energy supply, unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and, take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
397. CDLP Policy U14 similarly encourages that the design of a building minimises energy consumption and includes energy efficiency measures and the policy is considered consistent with the NPPF.
398. The proposal adopts a fabric first approach to energy reduction incorporating measures such as: projecting vertical fins offer shading to adjacent windows and minimise solar gain; minimising the use of transparent glazing across the office areas; incorporation of a mixed mode ventilation system which maximises natural ventilation and responds to changes in environmental requirements throughout the year; a ventilation system which maximises heat recovery techniques; and, high efficiency LED lighting, plant and equipment throughout. The building is being designed to achieve an Energy Performance Certificate "A" rating and Display Energy Certificate "B" rating. Whilst certain BREEAM credits are being prioritised which would qualify the scheme for a 'Very Good' rating. Sustainability have raised no objections to the development in this regard. Separately the building would be subject to Building Regulation requirements.
399. The land within the application site upon which the coach parking is currently located is registered as Common Land. Whilst not a material planning consideration, as the matter is covered under separate legislation, a consent to deregister the Common

Land would be required and any such application would include the replacement of Common Land.

400. CDLP Policy Q15 seeks to encourage the provision of artistic elements in the design and layout of proposed developments or a financial contribution in lieu. The NPPF, which supportive of good design, is silent on public art, and therefore limited weight can be attributed to the policy. The submitted DAS references the potential for the inclusion of a scheme of art and this would be welcomed, and furthermore, County Hall includes a number of artistic features within its interior and it is likely that this would also be the case at the new HQ. The provision of public art can be secured by way of a planning condition.

CONCLUSION

401. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions.
402. The NPPF advises that weight to local plan/development plan policies adopted prior to the publication of the NPPF (in its revised form) should be attributed according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given). Existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Equally, however, where evidence which has informed the content of the policy is out of date this can also be a reason to conclude the policy is out of date.
403. So that sustainable development is pursued in a positive way, at the heart of the NPPF is a presumption in favour of sustainable development and this is detailed at paragraph 11.
404. In this instance policies within the CDLP most important for determining the application are out-of-date. As a result paragraph 11(d) of the NPPF applies which states;
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
405. In respects to limb i, NPPF policies which protect assets of particular importance apply in this case in terms of policies relevant to designated heritage assets and flood risk.
406. In terms of flood risk, the relevant policies within Part 14 of the NPPF have been complied with, having regard to the need to apply the sequential test, seeking to locate the most vulnerable parts of the development on areas least prone to flood, incorporation of a flood resistant design and safety measures and, acceptable SuDS. As a result, the application of the NPPF flood risk policies do not provide a clear reason to refuse the development.

407. The development causes less than substantial harm to designated heritage assets (Castle and Cathedral WHS inclusive of their listed building status and the Durham (City Centre) Conservation Area). As a result, Paragraph 196 of the NPPF advises that this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
408. Great weight should be given to the asset's conservation and the more important the asset the greater the weight should be. This harm must be given considerable importance and weight by the decision-maker. The less than substantial harm would include harm to an asset of the highest significance in the WHS. However, the loss of view of the WHS identified would result in a minor degree of harm to the significance of the WHS. Harm to the Conservation Area would occur as a result of the urbanising impact of the development at an important transition between the rural and urban character at the locality. The harm caused by the MSCP would be greater.
409. In terms of the public benefits, firstly some of the heritage harm is countered by the positive impacts of the HQ building itself, which would result overall in a positive contribution in design terms to this particular corner of the City. In this respect, the proposal has been found to draw support from the paragraph 192 of the NPPF which advocates development making a positive contribution to local character and distinctiveness.
410. Other public benefits would also result from the development. The provision of an office building with significant employment within a city centre location is considered acceptable in principle and can bring socio-economic benefits through a variety of means, such as, increased footfall and expenditure in the city centre, helping to sustain its vitality and viability, provision of civic spaces within an accessible location for ease of engagement, potential for cumulative impacts with other redevelopment schemes and, replacement of County Hall with a building which would function more effectively and efficiently with associated reductions in management and maintenance costs.
411. In regards to the SES site, the CDP is not adopted and no weight is being attributed to its policies at this stage. Planning permission for any of the proposed development at the SES will also be required aside from the proposed allocation. However, the CDP proposal in the form identified cannot come into fruition without the Council moving from the site. In that context only, it is considered that limited weight can be attributed to the potential beneficial impact that the SES can bring.
412. Although the transport and air quality impacts form a significant part of the public's objection and it is acknowledged that some junctions are predicted to receive increased traffic flows, the application documents and internal consultee responses identify some potential benefits of traffic reduction to some junctions and routes and beneficial impacts in relation to air pollution as a result of the overall reduction and reassignment of traffic flows due to the proposed relocation. As discussed in the relevant sections of this report these potential benefits of traffic reduction to some junctions and routes and in relation to air quality are reflective of and reliant upon the Council's intentions that the current site is closed for the purposes of a Council HQ and the proposed HQ opens in its new location.
413. Overall, it is considered that the identified public benefits that would arise from the development are sufficient to outweigh the identified less than substantial harm to the designated heritage assets having regards to Paragraph 196 of the NPPF.
414. In terms of limb ii of Paragraph 11(d), there is the requirement to consider whether any adverse impacts overall would significantly and demonstrably outweigh the benefits.

415. In addition to the harm to the designated heritage assets already identified, some harm to non-designated heritage assets has also been identified. There would be harm, particularly in the shorter term, whilst a compensatory landscape scheme matured due to the loss of trees. Traffic would increase at some junctions but not overall.
416. To an extent, the loss of a large surface level car park may detrimentally affect some users. Whilst the MSCP provides replacement provision there may be some advantages to the surface level car park to some users, which have been discussed in the report, for example, those with larger vehicles who may use the site for a variety of parking or dropping off/collection purposes.
417. The equality implications of the development have been considered and the proposals do have some potential accessibility impacts upon some groups with protected characteristics as defined under the Equality Act most notably, those who use wheel chairs or mobility scooters, for older users with restricted mobility and potentially also persons with prams and push chairs. However, there are a number of mitigating arrangements already in place, or to be put in place as part of the development to be taken account of, which would reduce the impact on users with protected characteristics and on balance, it is considered by officers that the implications of the development are not such that those potentially affected groups with protected characteristics are likely to be disadvantaged by the development to the extent that would warrant the withholding of planning permission.
418. Overall, it is considered that the identified adverse impacts from the development would not significantly and demonstrably outweigh the benefits when assessed against the NPPF taken as a whole.
419. As a result, and having regard to the content of the CDLP, and on the balance of all material planning considerations, including comments raised in the public consultation exercise, it is considered that the proposals are acceptable. Accordingly, approval of the application is recommended, subject to referral to the Secretary of State for their consideration on whether to call in the application for their determination.

RECOMMENDATION

That the Committee is **MINDED TO APPROVE** the application subject to the referral of the application to the Secretary of State; and, in the event of the application not being called in, the Head of Planning be authorised to determine the application, and, subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in strict accordance with the following approved plans and documents and any recommendations and mitigation measures contained therein:

Plans

DHQ-RYD-00-ZZ-DR-A-0002 Rev P4 Site Location Plan

DHQ-ONE-ZZ-XX-DR-L-00001 Rev P15 Landscape Masterplan – Ground Level

DHQ-ONE-ZZ-XX-DR-L-00002 Rev P10 Hardworks General Arrangement (sheet 1 of 2 – South)

DHQ-ONE-ZZ-XX-DR-L-0003 Rev P11 Hardworks General Arrangement (sheet 2 of 2 – North)
DHQ-ONE-ZZ-XX-DR-L-0006 Rev P04 Hardworks General Arrangement (sheet 4 – car park)
N628-ONE-ID-DR-L-0010 Rev P03 Illustrative Landscape Masterplan
N628-ONE-ID-L-0011 Rev P03 Site Access & Circulation Strategy
DHQ-ONE-ZZ-XX-DR-L-0601 Rev P02 Illustrative Landscape Details Civic Square (sheet 1)
DHQ-ONE-ZZ-XX-DR-L-0602 Rev P03 Illustrative Landscape Details Civic Square (sheet 2)
DHQ-ONE-ZZ-XX-DR-L-0603 Rev P03 Illustrative Landscape Details Riverside Walk
DHQ-ONE-ZZ-XX-DR-L-0604 Rev P02 Illustrative Landscape Details Freemans Place
DHQ-RYD-00-ZZ-DR-A-2001 Rev P15 Site Plan
DHQCP-RYD-00-ZZ-DR-A-3001 Rev P7 MSCP GA Plan – Level 00
DHQCP-RYD-00-ZZ-DR-A-3002 Rev P7 MSCP GA Plan – Upper Levels
DHQ-RYD-00-05-DR-A-3006 Rev P4 Roof Plan
DHQ-RYD-00-00-DR-A-3010 Rev P2 GA Plan Level 00
DHQ-RYD-00-01-DR-A-3011 Rev P2 GA Plan Level 01
DHQ-RYD-00-02-DR-A-3012 Rev P2 GA Plan Level 02
DHQ-RYD-00-03-DR-A-3013 Rev P2 GA Plan Level 03
DHQ-RYD-00-04-DR-A-3014 Rev P2 GA Plan Level 04
DHQ-RYD-00-00-DR-A-3015 Rev P1 Sprinkler Tank Plan
DHQ-RYD-XX-XX-DR-A-3601 Rev P14 GA Elevations
DHQ-RYD-00-ZZ-DR-A-3604 Rev P1 Site Elevations
DHQ-RYD-00-00-DR-A-3605 Rev P1 Sprinkler Tank Elevations
DHQCP-RYD-XX-XX-DR-A-3607 Rev P3 North and South Elevations
DHQCP-RYD-XX-XX-DR-A-3608 Rev P3 East and West Elevations
DHQCP-RYD-00-ZZ-DR-A-3701 Rev P3 Fin Façade Detail
DHQCP-RYD-00-ZZ-DR-A-3801 Rev P1 GA Sections
DHQ-RYD-XX-XX-DR-A-3801 Rev P10 GA Building Sections
DHQ-RYD-00-ZZ-DR-A-3902 Rev P4 Detail Section East Façade through Glazing
DHQ-RYD-00-ZZ-DR-A-3905 Rev P4 Detailed Section West Façade South Block
N628-ONE-ZZ-XX-DR-L-0402 Rev P04 Outline Site Levels Sheet 1 South
N628-ONE-ZZ-XX-DR-L-0403 Rev P04 Outline Site Levels Sheet 2 North
N628-ONE-ZZ-XX-DR-L-0404 Rev P02 Outline Site Levels Sheet 3 MSCP

Documents

Ecological Impact Assessment R-3286-01.2
Environmental Statement Volume 1 Chapter 5 Cultural Heritage
Environmental Statement Volume 1 Chapter 6 Archaeology
Environmental Statement Volume 1 Chapter 8 Flood Risk and Drainage
Environmental Statement Volume 1 Chapter 9 Transport (Addendum Chapter – Jan 19)
Environmental Statement Volume 1 Chapter 10 Air Quality
Environmental Statement Volume 2 Appendix 8-1 Flood Risk Assessment Addendum by WSP 70054666-ADDFRA01 January 2019 and Flood Risk Assessment and Drainage Strategy by 3E P17-110-3E-ZZ-XX-DR-C-9000 July 2018 (where sections have not been superseded by the WSP Addendum)
Environmental Statement – Addendum

Reason: To define the consent and ensure that a satisfactory form of development is obtained having regards to CDLP Policies E3, E5, E6, E10, E14, E15, E16, E18, E21, E22, E23, E24, EMP12, T1, T5, T10, T11, T12, T13, T20, T21, S1a, S10, R11, CC1, CC2, CC3, Q1, Q2, Q3, Q4, Q5, Q6, Q7, Q15, U5, U8a, U9, U10, U11 and U12 and U14 and Parts 2, 4, 6, 7, 8, 11, 12, 14, 15 and 16 of the NPPF.

3. No development shall take place until a scheme for the phased closure of the existing County Hall building and its associated car parking has been submitted to and approved in writing by the Local Planning Authority. The building and car park shall thereafter be closed in accordance with the approved scheme.

Reason: So as to ensure the phased closure of the existing County Hall site so that the necessary control exists under the grant of planning permission so as to ensure that the vehicular movements associated with the relocation of the HQ are in accordance with the conclusions drawn within the submitted Transport and Air Quality Environmental Statement Chapters and having regards to City of Durham Local Plan Policies T1 and U5 and Parts 9 and 15 of the NPPF.

4. No development including demolition works shall take place until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:
 - A Dust Action Plan including measures to control the emission of dust and dirt during construction
 - Full specification and details of all non-road mobile machinery (NRMM) so as to inform their potential air pollution emissions
 - Details of methods and means of noise reduction
 - Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration
 - Details of measures to prevent mud and other such material migrating onto the highway from construction vehicles (inclusive of wheel washing);
 - Designation, layout and design of construction access and egress points;
 - Details for the provision of directional signage (on and off site);
 - Details of contractors compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure;
 - Details of provision for all site operatives for the loading and unloading of plant, machinery and materials
 - Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period;
 - Routing agreements for construction traffic
 - Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - Site Waste Management – inclusive of a waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works
 - Detail of measures for liaison with the local community and procedures to deal with any complaints received
 - Details/commitment to ensure that the annual average daily demolition/construction vehicular trips will not exceed 25 HDV movements per day over the demolition/construction period in its entirety

The Construction Management Plan shall have regard to BS 5228 Noise and Vibration Control on Construction and Open Sites during the planning and implementation of site activities and operations.

The approved Construction Management Plan shall also be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

Reason: In the interests of preserving residential amenity during the construction phases of the development having regards to CDLP Policies U5 and T1 and Part 15 of the NPPF.

5. No development including demolition works shall take place until an Employment & Skills Plan has been submitted to and approved by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved Employment & Skills Plan.

Reason: In the interests of building a strong and competitive economy in accordance with Part 6 of the NPPF.

6. No development shall take place until an updated arboricultural impact assessment (AIA) has been submitted to and approved in writing by the Local Planning Authority. The AIA shall include an updated tree protection plan (TPP) and fully detail the measures to protect the trees to be retained from the construction and demolition activities. No development shall take place until all trees scheduled for retention in the updated AIA have been protected in accordance with the approved AIA and TPP and the protection measures must remain in situ until the cessation of the development works.

Reason: In the interests of tree protection and visual amenity having regards to CDLP Policies E6, E14, E15, E22, Q5, Q6, Q7 and Q8 and Parts 12 and 16 of the NPPF.

7. No development shall take place until a programme of archaeological work in accordance with a Written Scheme of Investigation has been approved in writing by the Local Planning Authority.

The Scheme shall provide for:

- i; Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance. This must include a Level 2 historic building survey of the laundry stables and cart shed as required under paragraph 5.7.1 of the Environmental Statement Volume 1 Chapter 5 Cultural Heritage and paragraph 6.7.2 of the Environmental Statement Volume 1 Chapter 6 Archaeology
- ii; Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts
- iii; Post-fieldwork methodologies for assessment and analyses
- iv; Report content and arrangements for dissemination, and publication proposals
- v; Archive preparation and deposition with recognised repositories
- vi; A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy
- vii; Monitoring arrangements, including the notification in writing to the County Durham Principal Archaeologist of the commencement of archaeological works and the opportunity to monitor such works
- viii; A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications

The archaeological mitigation strategy shall be carried out in accordance with the approved details and timings.

Prior to the occupation of the development hereby approved, a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record.

Reason: In order to comply with City of Durham Local Plan Policy E24 and Paragraphs 197 and 199 of the NPPF, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure information gathered becomes publicly accessible

8. No development, apart from demolition, shall take place on the land of the proposed Multi Storey Car Park itself, until:

Confirmation as to whether gas protection measures are required within the car parking has been submitted to and agreed in writing by the Local Planning Authority. Should it be confirmed that gas protection measures are required, a verification plan must be first submitted to and thereafter agreed in writing by the Local Planning Authority which details the gas protection measures to be installed, the inspection regime and where necessary integrity testing programme. The installation of the gas membrane should thereafter be carried out by an appropriately qualified workforce and the verification of the installation should be carried out by an appropriately competent, experienced and suitably trained person(s) to ensure mitigation of the risk to the buildings and the people who occupy them. No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority.

Thereafter and during the implementation of the remedial works and/or development if any contamination is identified that has not been identified pre-commencement, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be carried out in accordance with the current YALPAG guidance and where necessary a Phase 3 Remediation Strategy. The development shall be completed in accordance with any amended specification of works.

Upon completion of the development, a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategies (comprising of any additional gas protection measures and measures contained within the Dunelm Geotechnical and Environmental Ltd. (09.10.2018) Remediation Strategy for land at Durham Sixth Form, Durham, Prepared for Durham County Council, Report No. D8647/RS) shall be submitted to and agreed in writing with the Local Planning prior to occupancy/bringing into use of the car park. If integrity testing of the membrane(s) was required a verification pro forma should be included.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems in accordance with City of Durham Local Plan Policies U9, U11 and U12 and NPPF Part 15.

9. No development shall take place relating to the erection of the Multi Storey Car Park hereby approved until an arboricultural method statement (AMS) has been submitted to and approved in writing by the Local Planning Authority. The AMS shall detail;
- i) measures for protection from construction
 - ii) any necessary pruning or other works
 - iii) measures to lift/remove the hardsurfacing around it and method to restore to grass including mitigation works such as de-compaction and/or biochar treatment

in relation to the London Plane tree no. 73 as identified in the Preliminary Tree Survey and Arboricultural Impact Assessment by Brooks Ecological. Thereafter the development shall be carried out in accordance with the approved details.

Reason: In the interests of tree protection and visual amenity having regards to CDLP Policies E6, E14, E15, E22, Q5, Q6, Q7 and Q8 and Parts 12 and 16 of the NPPF.

10. No development other than demolition, preliminary site excavation, enabling and remedial works shall take place until full details of the final surface water drainage disposal strategic for the development including the incorporation of Sustainable urban Drainage System features has been submitted to and approved in writing by the local planning authority. The final surface water drainage disposal scheme must have consideration of the effects climate change in its design. The agreed scheme shall also include details the long term management and maintenance measures and proposals. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To ensure adequate surface water disposal measures for the development in the interests of reducing the risk of flooding having regards to Part 14 of the NPPF.

11. Notwithstanding the details contained within the submitted plans and documents no development other than demolition, preliminary site excavation, enabling and remedial works shall take place until full details including samples and sample panels of all external materials to be used within the development have been submitted to and approved by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and preserving the character, appearance and setting of heritage assets having regards to CDLP Policies E3, E6, E21, E22, E23 and Q7 and Parts 12 and 16 of the NPPF.

12. Notwithstanding details contained within the plans and documents submitted no development other than demolition, preliminary site excavation, enabling and remedial works shall take place until a detailed landscaping scheme for the development as has been submitted to and approved in writing by the Local Planning Authority.

The landscape scheme shall include the following:

- Any trees, hedges and shrubs scheduled for retention
- Details of soft landscaping including planting species, sizes, layout, densities, numbers
- Details of planting procedures or specification
- Finished topsoil levels and depths
- Details of temporary topsoil and subsoil storage provision
- The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards
- Details of hard landscaping and public realm works
- Details of means of enclosure including retaining walls

Details of the long term management proposals and details of the timescales of the implementation of the landscaping proposals shall also be submitted.

The agreed landscaping scheme shall be completed within the first available planting season following the practical completion of the development.

Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the landscaping scheme shall be replaced in the next planting season with others of similar size and species. Replacements will be subject to the same conditions.

Reason: In the interests of visual amenity having regards to CDLP Policies E6, E14, E15, E22, Q5, Q6, and Q7 and Parts 12 and 16 of the NPPF.

13. No development works, other than demolition, preliminary site excavation, enabling and remedial works, the building of foundations, and any hard and/or soft landscaping works shall take place, until a scheme for the long term maintenance of the subfloor flood storage voids as shown in drawing P17-110-3E-00-XX-DR-C-0002-P5, as amended January 2019, and Technical Appendix 8-1 Addendum Flood Risk Assessment Part 4, has been submitted to, and approved in writing by, the Local Planning Authority.

The maintenance plan should include, but not be limited to, the following:

- Agreement that the flood storage area will be maintained in perpetuity with ongoing maintenance/management of the area
- That the screens to the flood storage area should be kept clear at all times
- That in the event of a flood, the storage area will need to be cleared and any debris and silt should be removed, to ensure the storage area will not lose any capacity

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme.

Reason: To prevent the increased risk of flooding, both on and off site for the lifetime of the development as defined in paragraph 102 and 103 of the National Planning Policy Framework.

14. No development works, other than demolition, preliminary site excavation, enabling and remedial works, the building of foundations and, any hard and/or soft landscaping, shall take place until, a final Flood Risk Management Plan, as outlined within the Flood Risk Assessment Addendum by WSP 70054666-ADD FRA01 January 2019 (Environmental Statement Volume 2 Appendix 8-1), has been first submitted to and then, approved in writing by the Local Planning Authority.

The Flood Risk Management Plan must include, but not be limited to, the following:

- Details on the trigger to be used and when the flood barrier will be deployed
- Emergency evacuation procedures

Thereafter the scheme shall be fully implemented and subsequently maintained in accordance in accordance with the timing/phasing arrangements embodied within the scheme.

Reason: To prevent the increased risk of flooding, both on and off site for the lifetime of the development as defined in paragraph 102 and 2013 of the National Planning Policy Framework.

15. No development works other than demolition, preliminary site excavation, enabling and remedial works, the building of foundations and the erection of any supporting structural frame to the buildings shall take place until a final lighting scheme for the development has been submitted to and approved in writing by the Local Planning Authority. Said lighting scheme must include details of the locations and design of all external lights and must include details of the light spillages from both internal and external light sources. The lighting scheme must be designed so as to be sensitive to the ecological corridor of the River Wear and demonstrate minimisation of light spillage at the top of the River Wear bank adjacent to the site. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To minimise impacts upon protected species and to preserve nature conservation interests in accordance with Policies E16 and E18 of the City of Durham Local Plan and Part 15 of the NPPF.

16. No Combined Heat & Power (CHP), biomass or boiler plant shall be installed until;
- i) an air quality impact assessment (AQA) has been submitted to and approved in writing by the Local Planning Authority detailing their potential impacts upon air quality and as necessary any mitigation measures. The CHP, biomass or boiler plant must thereafter be installed/implemented in accordance with the approved AQA.
- or
- ii) a screening exercise has been undertaken, submitted to and agreed in writing by the Local Planning Authority which indicates that the air quality impacts of the CHP, biomass or boiler plant are below the thresholds requiring the submission of the AQA referred to in i)

Reason: In the interest of reducing impacts upon air quality having regards to CDLP Policy U5 and Part 15 of the NPPF.

17. No development relating to the installation of any operational phase plant shall take place until a detailed noise impact assessment and scheme of sound attenuation measures associated with this operational phase plant has been submitted to and approved in writing by the local planning authority. The scheme of attenuation measures shall ensure that the rating level of noise emitted from the plant on the site shall not exceed a rating level of 39 LAeq (1 hour) between 07.00- 23.00 and 27dB LAeq (15 mins) between 23.00-07.00. The measurement and assessment shall be made according to BS 4142: 2014.

Within 28 days of operation of the plant/machinery a validation report, demonstrating adherence with the above rating levels, shall be submitted in writing to the local planning authority.

Reason: In the interests of the amenity of the area having regards to CDLP Policy U5 and Part 15 of the NPPF.

18. No development relating to the installation of any operational phase plant, extraction or ventilation equipment shall take place until full details of the location and design of any plant, extraction and ventilation equipment including any housing or means of enclosures has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: In the interests of the amenity of the area having regards to CDLP Policy U5 and Part 15 of the NPPF.

19. Prior to the erection of an cycle parking shelter, smoking shelter, gas kiosk or bin store full details of their precise design, appearance and location shall be submitted and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: In interests of visual amenity and preserving the character, appearance and setting of heritage assets having regards to CDLP Policies E3, E6, E21, E22, E23 and Q7 and Parts 12 and 16 of the NPPF.

20. Prior to the occupation of the building a final Travel Plan comprising immediate, continuing or long term measure to promote and encourage alternatives to single occupancy car use has been prepared, submitted to and approved in writing by the Local Planning Authority. The submitted details shall include mechanisms for monitoring

and review over the life of the development. The Approved Travel Plan shall then be implemented, monitored and reviewed in accordance with the approved details.

Reason: In the interests of promoting sustainable travel options and reducing potential impacts upon air quality having regards to Parts 9 and 15 of the NPPF.

21. On the land of the proposed HQ building itself, prior to the occupation of the building/building being brought into use a completed Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works undertaken (the Phase 3 Remediation Strategies as contained within the Dunelm Geotechnical and Environmental Ltd. (08.10.2018) Remediation Strategy for land at The Sands, Durham, Prepared for Durham County Council, Report No. D8633/RS) must have first been submitted to and approved in writing by the Local Planning Authority. If integrity testing of the membrane(s) was required a verification pro forma should be included within the submission.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems in accordance with City of Durham Local Plan Policies U9, U11 and U12 and NPPF Part 15.

22. The development hereby approved shall be carried out in accordance with the submitted Flood Risk Assessment Addendum by WSP 70054666-ADDFRA01 January 2019 and Flood Risk Assessment and Drainage Strategy by 3E P17-110-3E-ZZ-XX-DR-C-9000 July 2018 (where sections have not been superseded by the WSP Addendum) both contained within Environmental Statement Volume 2 Appendix 8-1. This must include adherence to the following mitigation measures detailed:

- Finished floor levels shall be set no lower than 33.2m above Ordnance Datum (AOD)
- Subfloor flood storage voids shall be provided

Reason: To prevent the increased risk of flooding to the proposed development and future occupants and to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided having regards to paragraphs 102 and 103 of the NPPF.

23. No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0800 to 1800 on Monday to Friday and 0800 to 1300 on Saturday.

No internal works audible outside the site boundary shall take place on the site other than between the hours of 0800 to 1800 on Monday to Friday and 0800 to 1700 on Saturday.

No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays.

For the purposes of this condition, construction works are defined as: the carrying out of any building, civil engineering or engineering construction work involving the use of plant and machinery including hand tools.

Reason: In the interests of preserving residential amenity during the construction phases of the development having regards to CDLP Policies U5 and T1 and Part 15 of the NPPF.

24. Within 6 months of the commencement of development, details of a scheme of public art shall be submitted to and approved in writing by the Local Planning Authority. Such scheme as agreed shall be implemented prior to the first occupation of the headquarters building.

Reason: In interests of good design, in accordance with Policy Q15 of the City of Durham Local Plan 2004 and Part 12 of the NPPF.

25. The Multi Storey Car Park (inclusive of the 16 surface level car parking spaces immediately adjacent) hereby approved must be implemented and then managed at all times (save for any incidences of unavoidable essential maintenance to the spaces) so as to include a minimum of 136 parking spaces which are allocated/dedicated for short stay parking use only.

Reason: In order to manage the Multi Storey Car Park so that it incorporates an appropriate balance of long stay and short stay parking availability in the interests of providing the appropriate mix of parking spaces having regards to the need to maintain City Centre vitality and viability and having regards to City of Durham Local Plan Policies T11, T12 and CC1 and Part 9 of the NPPF.

26. The Multi Storey Car Park (inclusive of the 16 surface level car parking spaces immediately adjacent) hereby approved shall not be occupied/brought into use until a car park management plan has been first submitted to and then approved in writing by the Local Planning Authority. The car park management plan must provide details on measures proposed to reserve, allocate or otherwise manage and control the use of the parking spaces. The Multi Storey Car Park must thereafter be operated in accordance with the approved car park management plan.

Reason: In order to define the management of the Multi Storey Car Park spaces in the interests of ensuring its proper functioning and also in the interests of highway safety having regards to City of Durham Local Plan Policies T1 and T11 and Part 9 of the NPPF.

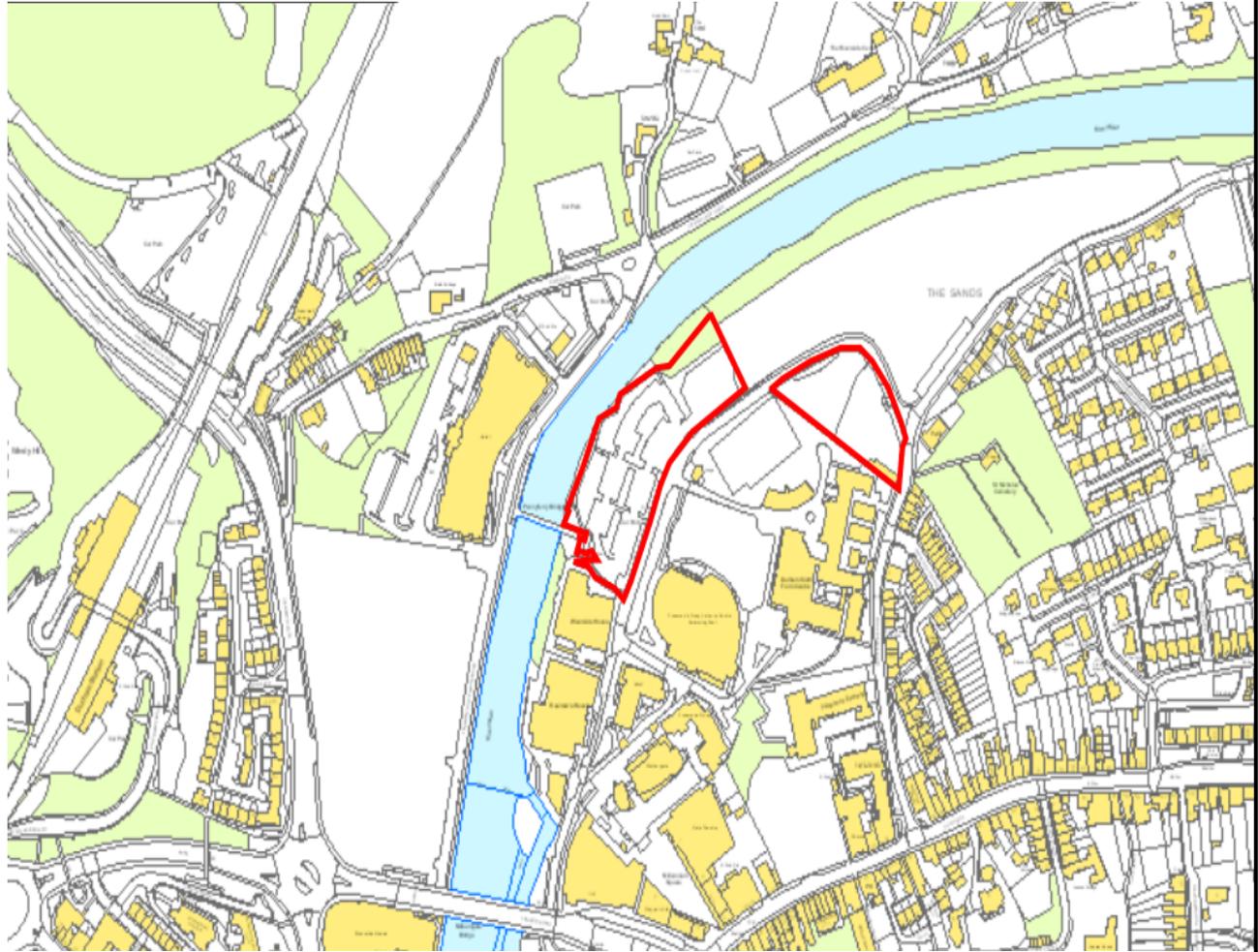
STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its recommendation to approve this application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.)

BACKGROUND PAPERS

- Submitted application form, plans, supporting documents and subsequent information provided by the applicant
- The National Planning Policy Framework
- National Planning Practice Guidance
- City of Durham Local Plan
- The County Durham Plan

- Statutory, internal and public consultation responses



Planning Services

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

Kier Property Developments Ltd

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Comments

Date
5th March 2019

Scale
Not to scale

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO: DM/18/03002/FPA

FULL APPLICATION DESCRIPTION: Redevelopment of former college site to provide a mixed use scheme with three retail units (use class A1) and a restaurant with drive-through (use class A3/A5) and coffee house with drive-through (use class A3) and associated infrastructure

NAME OF APPLICANT: Quora (Peterlee) Ltd

ADDRESS: Former East Durham and Houghall Community College, Burnhope Way, Peterlee, SR8 1NU

ELECTORAL DIVISION: Peterlee West

CASE OFFICER: Colin Harding, Senior Planning Officer
03000 263945 colin.harding@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application relates to the former Houghall College site situated at the junction of Essington Way and Burnhope Way on the edge of Peterlee town centre. The site extends to 2.56 Hectares in area. The site previously hosted East Durham and Houghall College and Library, but has since been cleared. However surrounding landscaping and a number of trees remain on the periphery of the site. An existing office building is located at the south-east corner of the application site but does not form part of the application site and will remain in situ.
2. The application site is situated to the north-west of Peterlee town centre, with the shopping area of Yoden Way situated directly to the south-east across Burnhope Way. To the east of the application site, across the existing Essington Way/Burnhope Way/Surtees Road roundabout lies the existing Asda food store. Residential properties are situated across Essington Way to the north-east. To the north-west of the application site are two medium sized retail units which accommodate Lidl and Pound Stretcher. To the west the site is bounded by mature trees situated in Blunts Beck which runs from the south to the north, and is identified within the Easington District Local Plan (EDLP) as a wildlife corridor.

3. Vehicular access is currently provided from Essington Way on the north eastern boundary of the site. An existing underpass links the application site with Yoden Way and the main shopping area of Peterlee, which passes under Burnhope Way in the south eastern corner of the site. Pedestrian access to the town centre is also provided by a pedestrian crossing situated at the south-western corner of the site across Burnhope Way.
4. The site is not subject to any known constraints, being located around 400m from Castle Eden Dene SSSI and Special Area of Conservation, over 700m from the nearest Public Right of Way, approximately 1.2km from the closest Listed Building (Apollo Pavilion – Grade II* listed), and over 2km from the northern extent of Castle Eden Conservation Area.

The Proposal

5. The application seeks full planning permission for a retail development comprising the following:
 - Unit A – a retail unit of 2,788m² A1 floorspace, which would be intended to be occupied by Home Bargains;
 - Unit B – a retail unit of 464m² A1 floorspace, for which as of yet there is no named occupier;
 - Unit C - a retail unit of 2,125m² A1 floorspace, which would be intended to be occupied by Lidl;
 - Unit D – a drive-thru unit of 168m² A3 floorspace, which would be intended to be occupied by Starbucks;
 - Unit E – a drive-thru unit of 240m² A3/A5 floorspace, which would be intended to be occupied by KFC;
 - Associated parking facilities amounting to 237no. spaces, including spaces for disabled, parents and children, electric vehicles, motorcycles and cycles.
6. Overall, the development would amount to 2,016m² comparison retail and 2,189m² convenience retail floorspace.
7. Vehicular access to the site would be from Essington Way in the location of the existing access of the site. There would be a delivery service yard on the western part of the site servicing the three retail units. Pedestrian accesses would be provide adjacent to the northern vehicular access, close to the existing subways on the eastern part of the site, and to the south east close to the existing pedestrian crossing on Burnhope Way. The proposed development would also include improvement works to the two existing subways which cross underneath Essington Way and Burnhope Way.
8. In terms of layout the retail units would be located towards the western part of the site, with main glazed elevations facing onto Burnhope Way, Essington Way and the proposed car park. The two smaller scale drive-thru units would be located towards the front of the site.
9. With regards to scale and design, all of the units would be of relatively standard modern retail unit design, featuring areas of brickwork, cladding and glazing. The Lidl store in particular would be reflective of the chain's standardised approach to store design, whilst the proposed KFC and Starbucks are contemporary options from the

standard solutions with large areas of glazing and sloping roof lines. In terms of building heights, Unit A would measure approx. 6.5m, Unit B 5.3m, Unit C 7.1m, Unit D 4.2m and Unit E 5m.

10. This application is being reported to the County Planning Committee as it relates to a retail development.

PLANNING HISTORY

11. 5/PL/2009/0547 - Retail store and replacement library with associated car parking, access, landscaping and servicing – Approved 07.10.2011
12. DM/14/02092/VOC - Variation of Condition 25 pursuant to planning permission PL/5/2009/0547 to allow construction to commence prior to Traffic Regulation Order being in place – Approved 14.01.2016
13. DM/17/02716/PND - Application for prior notification for proposed demolition of buildings – Prior Approval Not Required 18.09.2017
14. DM/18/03043/AD - Erection & display of internally illuminated totem sign – Pending Consideration
15. DM/18/03046/AD - Erection and display of 6no. non-illuminated signs and 3no. internally illuminated signs – Pending Consideration
16. DM/18/03324/AD - Erection and display of 7no. illuminated and 3 non-illuminated advertisements – Pending Consideration
17. DM/18/03325/AD - Erection and display of 1no. internally illuminated totem sign – Pending Consideration

PLANNING POLICY

NATIONAL POLICY

18. A revised National Planning Policy Framework (NPPF) was published in July 2018. The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
19. In accordance with Paragraph 213 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
20. *NPPF Part 2 Achieving Sustainable Development* - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three

overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.

21. *NPPF Part 4 Decision-Making* - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
22. *NPPF Part 6 Building a Strong, Competitive Economy* - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
23. *NPPF Part 7 Ensuring the Vitality of Town Centres* - Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation
24. *NPPF Part 8 Promoting Healthy and Safe Communities* - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
25. *NPPF Part 9 Promoting Sustainable Transport* - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
26. *NPPF Part 11 Making Effective Use of Land* - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
27. *NPPF Part 12 Achieving Well-Designed Places* – The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
28. *NPPF Part 14 Meeting the Challenge of Climate Change, Flooding and Coastal Change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

29. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
30. *NPPF Part 16 Conserving and Enhancing the Historic Environment* - Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

<https://www.gov.uk/guidance/national-planning-policy-framework>

31. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; design; flood risk; land stability; light pollution; natural environment; noise; planning obligations; travel plans, town centres, transport assessments and statements; use of planning conditions and; water supply, wastewater and water quality.

<https://www.gov.uk/government/collections/planning-practice-guidance>

LOCAL PLAN POLICY:

The Easington District Local Plan (2001) (EDLP)

32. *Policy 1 – General Principles of Development.* Due regard will be had to the development plan when determining planning applications. Account will be taken as to whether the proposed development accords with sustainable development principles while benefiting the community and local economy.
33. *Policy 14 – Protection of Special Areas of Conservation.* States that development which is likely to adversely affect a designated or candidate Special Area of Conservation and is not directly connected with, or necessary for, managing the scientific interest of the site will only be approved where there is no alternative solution, there are imperative reasons for over-riding national interests, is necessary for reasons of human health or public safety, or beneficial consequences of primary nature conservation importance arise.
34. *Policy 16 – Protection of Sites of Nature Conservation Importance, Local Nature Reserves and Ancient Woodlands.* Advises that development which is likely to adversely affect such a site will only be approved where there is no alternative solution and the development is of national interest.
35. *Policy 17 - Identification And Protection Of Wildlife Corridors.* Development which adversely affects a wildlife corridor/link will only be approved where compensatory features are provided.

36. *Policy 18 – Species and Habitat Protection.* Development which adversely affects a protected species or its habitat will only be approved where the reasons for development outweigh the value of the species or its habitat.
37. *Policy 35 – Design and Layout of Development.* The design and layout of development should consider energy conservation and efficient use of energy, reflect the scale and character of adjacent buildings, provide adequate open space and have no serious adverse effect on the amenity of neighbouring residents or occupiers.
38. *Policy 36 – Design for Access and the Means of Travel.* The design and layout of development should ensure good access and encourage alternative means of travel to the private car.
39. *Policy 37 – Design for Parking.* The design and layout of parking should seek to minimise the level of parking provision.
40. *Policy 38 – Designing out Crime.* The design and layout of development will be required to have due regard to personal safety and the security of property, particularly in the hours of darkness.
41. *Policy 101 – Main Town Centres - Peterlee and Seaham town centres* will be protected and promoted as the main retailing centres. Permission will be granted for further town centre uses and the improvement of the town centre through redevelopment and environmental and transport infrastructure improvements.
42. *Policy 104 – Town Centres - Major new retail development* should be located within the defined town centres of Peterlee and Seaham followed by edges of those centres, locations at local centres within those towns, sites elsewhere within those built up areas and finally local centres of larger villages. Detailed justification will be required for development outside the town centres of Peterlee and Seaham.
43. *Policy P15 – Peterlee Town Centre.* The main shopping centre in Peterlee will be bounded by Surtees Road, Bede Way and St Cuthbert's Way but including the Peterlee Lodge Hotel and adjacent car park.

RELEVANT EMERGING POLICY:

The County Durham Plan

44. Paragraph 48 of the NPPF states that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. An 'Issues & Options' consultation was completed in 2016 on the emerging the County Durham Plan (CDP) and the 'Preferred Options' stage CDP was subject to consultation in summer 2018. On the 16th January 2019, Cabinet approved the 'Pre Submission Draft' CDP for consultation. However, the CDP is not sufficiently advanced to be afforded any weight in the decision-making process at the present time.

The above represents a summary of those policies considered most relevant. The full text, criteria, and justifications of each may be accessed at: <http://www.durham.gov.uk/article/3266/Whats-in-place-to-support-planning-and-development-decision-making-at-the-moment> (Easington District Local Plan)

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

45. *Peterlee Town Council* – No objections are raised. However comments are made in relation to the provision of motorcycle parking, that adequate measures are secured to minimise HGV noise from Units B & C, and that the vehicular access is a concern in terms of potential congestion.
46. *Highway Authority* – Raise no objection, although concerns are raised with regards to the omission of a footway from the western side of the main access road. A number of further points were raised during the application process. 4 planning conditions relating to the provision of pedestrian signalised crossing on Essington Way, the securing of subway improvement works, the securing of electric car charging points and securing the proposed parking provision are suggested. The submitted Transport Assessment has been considered, and although some initial concerns were raised with regards to methodology, the conclusions in terms of junction performance in the design year are considered to be acceptable.
47. *Northumbrian Water* – Raises no objections, subject to the imposition of a condition to agree securing the implementation of the proposed drainage strategy.
48. *Drainage and Coastal Protection* – Although originally raising objections on the basis of the submitted drainage strategy, these concerns have been addressed, and no objections are now raised.

INTERNAL CONSULTEE RESPONSES:

49. *Landscape* – Raises no objection to the development, however some concerns were originally raised in relation to retention of trees, and the lack of soft landscaping within the development. Following the receipt of amended plans, the tree retention issue has been addressed, however although some soft landscaping proposed, some concerns remain over the longevity of the proposed trees.
50. *Landscape (Arboriculture)* – No objection is raised. Concerns were originally raised with regards to the proposed level of tree removals. The application has since been amended to address these concerns.
51. *Ecology* – No objections are raised. Initial comments raised concerns that the proposed onsite mitigation would not adequately offset the loss of biodiversity of the development. Subsequent ecological work in the form of a Biodiversity Impact Assessment Calculation has identified that biodiversity offsetting sum of £6,663 is required, and no objections are raised on the proviso that this is secured.
52. *Environment, Health and Consumer Protection (Noise)* – Raise no objections, subject to noise mitigation measures in either the form of an acoustic fence or restricted delivery times.
53. *Environment, Health and Consumer Protection (Air Quality)* – Raise no objections. Submitted air quality risk assessment and screening outlines limited risk of pollutants arising from the proposed development at both construction and operational phases.
54. *Sustainable Travel* – No objections are raised, subject to a planning condition being attached which secures a Final Travel Plan
55. *County Archaeologist* – No objections. Previous development on this site mean it is unlikely that below-ground deposits survive.

56. *Design and Conservation* – No objections are raised. It is noted that the proposed retail development creates pedestrian links to the wider area and has considered pedestrian movement across a vehicle dominated site. It was originally considered that the proposed car park could be softened through the introduction of landscaping, improving the environment for pedestrians.

EXTERNAL CONSULTEE RESPONSES:

57. *Police Architectural Liaison Officer* – No objections are raised in principle, however objections are raised to the proposed layout in terms of highway safety. It is considered that the proposed vehicular access is inadequate, and in particular, with regards to a potential conflict between those drivers accessing the drive thru facilities, and those parking for a longer stay, potentially leading to queues out onto Essington Way. Concerns are also raised with regards to the lack of a service access from Burnhope Way, the potential for the site to be used for anti-social driving, pedestrian routes around the development, and also that the site could be vulnerable to crime and anti-social behaviour from the vicinity of Blunts Beck.

PUBLIC RESPONSES:

58. The application was advertised within the press, on site and letters were sent to neighbouring properties. 6 letters of objection have been received from local residents, along with 5 letters of support, as well as further letter raising concerns but not explicitly objecting to the application.
59. Furthermore, objections have been received from 4 commercial operators, namely Praxis (owners of Castle Dene Shopping Centre), ASDA Stores Ltd, Wilko Retail Ltd and Simtrava (franchisee of Costa Coffee).
60. Representations from local residents are summarised as follows:

Objections/Concerns

- Essington Way is already congested and this development will exacerbate this.
- There are existing longstanding noise pollution issues from early morning/late evening deliveries from the Lidl/Poundstretcher stores, which will be exacerbated.
- The proposed service areas are located closest to residential properties would lead to disturbance in terms of noise and headlights.
- The proposed retail park will attract anti-social driving.
- Additional traffic will lead to additional accidents, noise and pollution
- The development will provide only low-paid jobs
- The site at North Blunts School would be appropriate for this development
- Long opening hours could result in an increase in anti-social behaviour and litter
- The development would be detrimental to the town centre and would lead to more empty shops.
- It appears that insufficient consideration has been given to the access needs of pedestrians and wheelchair users, particularly with regards to access to the site from the existing Lidl retail store

Support

- Peterlee is in need of investment, jobs and shops.
- The development would be exciting and modern

- Investment in the town in the form of a progressive and positive development will bring a feel-good factor
- The dene to the rear of the site has been an anti-social behaviour trouble spot and the presence of busy retail outlet will help to resolve the issue as youths are less likely to congregate in areas used en-masse by the public.
- There is strong local support for this development, as evidence by support for the new supermarket in Horden which has proved to be popular with local residents.
- Larger retail outlets and the much needed development of this site will help cater to the growing population of Peterlee.
- The jobs created are much needed in the town at the present time
- The town centre has driven business away through high rents, and the number of empty units demonstrates its poor operation;
- The arguments of Praxis should be discounted as they appear to have no genuine interest in Peterlee, and any minor cosmetic improvements to Castle Dene are token gestures.
- Praxis delayed the original plan for Tesco on the basis that they would be redeveloping the town centre, which has never happened. Praxis have had a number of years to make the town centre so good that this retail proposal wouldn't be needed, furthermore they could have purchased the application site, but didn't.
- If the site was developed for affordable homes, these would not be affordable to local people, and the bigger picture needs to be considered where more jobs will lead to a better area and less anti-social behaviour.
- There are already numerous housing developments across the town and with many residents travelling out of the town to shop, and this appears to be an opportunity to cater for these customers.

61. *Praxis* – Objections are raised on the basis that the proposed development will have a significant adverse impact on the future vitality and viability of Peterlee Town Centre, and that these concerns are shared by the majority of the tenants in the Town Centre and the Protect Peterlee Town Centre Campaign Group. These objections have been expressed in separate documents.

The main points of objection are that:

- Town centres such as Peterlee already face significant challenges - this includes, but is not limited to, the contraction of demand for new retail floorspace nationally and a nationwide programme of store closures / portfolio rationalisation as a result of retailers either going into administration or entering into Company Voluntary Arrangements (CVAs) – the list of retailers closing stores across the UK is extensive but includes New Look, Marks & Spencer, Select, Poundworld and Argos (as a result of its tie-in with Sainsbury's) – all of which were previously regarded as stalwarts of the UK high street;
- In November 2018, it was reported by the BBC that the high street is facing the toughest trading climate in five years, with approximately 14 shops closing every day and 1,123 stores disappearing from Britain's top 500 high streets in the first six months of 2018 (according to accounting firm PwC);
- The introduction of new retail floorspace such as that proposed will simply exacerbate these challenges and as a result of highly subdued demand for new retail floorspace, will serve to displace existing retail occupiers rather than adding to and complementing existing provision;

- The proposed development will operate in isolation of the Town Centre – notwithstanding the Applicant’s claims, the proposal is located a significant distance from the heart of Peterlee Town Centre and will require shoppers to cross Burnhope Way via a subway in order to visit – moreover, the proposed Home Bargains and Lidl will offer a ‘one stop shop’ for retailing and will remove the need for shoppers to visit Peterlee Town Centre;
- With the exception of the proposed KFC and Starbucks units, the proposed retail park is not proposing to introduce new entrants to Peterlee – it is simply seeking to relocate existing retailers from Peterlee Town Centre onto an adjacent site;
- Whilst the proposal will bring about the regeneration of the application site, this will be at the expense of the vitality and viability of Peterlee Town Centre and smaller independent stores and facilities which rely on anchor stores such as Home Bargains (a named occupier for the retail park) to drive footfall and generate custom / patronage of their stores;
- The relocation of Home Bargains will have knock on effects for Peterlee Town Centre in terms of being able to fill existing vacant units and retain existing tenants – this includes, for example, B&M Bargains who have already indicated that they are not prepared to consider renewing their lease until the subject application is determined – beyond this, they have indicated that they will willingly vacate their store if the application is approved and leads to significant trade diversion from their existing store;
- Potential new entrants to the Town Centre (including both retailers and food and beverage operators) are also unwilling to consider units in the Centre until such time the application is determined as they are concerned about the impacts it will have;
- The estimated creation of 120 FTE jobs is incorrect, and a figure of 61 FTE is more accurate as the remaining jobs will only be created through relocation;
- Only Starbucks and KFC will create new jobs, although these will be offset by job losses in the town centre where existing food and beverage outlets will be unable to compete;
- The trade draw of the proposal is so high that the a number of retailers will close as a result, and that this could include B&M and Wilko, and that the loss of these stores could result in the loss of around between 68 and 160 FTE jobs;
- The proposed development would undermine any attempts to redevelop the former Aldi store on Bede Way;
- The predicted job losses are likely to be a conservative estimate as many smaller and independent retailers rely heavily on footfall driven by the anchor stores, and the proposed development would lead to a circle of decline;
- The applicant places undue weight upon the extant permission for a Tesco store as a fallback position as there is no realistic prospect of the fallback position being carried out;

- The applicant places undue weight upon a reference in the County Durham Plan Preferred Options with regards to the regeneration benefits associated with the redevelopment of the application site;
- The proposal does not represent town centre uses in a town centre location;
- The applicant's approach to the sequential assessment is flawed as there is no physical or trading reason why the units proposed need to be located on the same site, and that in practice the proposed development could be accommodated within Peterlee Town Centre on sequentially preferable, suitable and available sites; and,
- The applicant's quantitative retail impact assessment is deficient and cannot be relied upon to determine the planning application as it incorrectly assumes the Aldi store on Bede Way will remain trading, overstates the comparison turnover of existing stores and centres at 2023 due to out-of-date expenditure growth and SFT figures, does not include Unit B in comparison turnover figures for trade diversion, incorrectly assumes in the Home Bargains impact figures that some trade would be retained in the town centre were the store to be relocated, understates the convenience trade draw to the Aldi at Horden, and underestimates the amount of the development's trade that will come from existing outlets in the town centre. The failure of the applicant to provide a robust impact assessment could in itself be a reason for refusal.

62. Following further information submitted by the applicant, a further letter of objection was received on behalf of *Praxis* raising the following concerns, and developing previously communicated concerns further:

- Whether there is a "real prospect" of the previously Tesco permission coming forward is questioned, as no Certificate of Existing Lawful Use or Development has been applied for in relation to the Tesco permission, therefore any conclusion that the previous permission has been implemented is Officer opinion only, and it is not clear on what basis this conclusion has been reached. Notwithstanding this, there is no appetite on the part of retailers to deliver a scheme such as that approved either now, or well in the future due to changes in consumer shopping habits rendering the scale of the store both unviable and inefficient. If there was such a prospect, then Tesco would be retaining an interest in the site. Additionally, the Tesco permission would have operated differently to the proposed development, being a main food destination as opposed to a retail park destination. It is suggested that only very limited weight can be afforded to the fallback position.
- It is noted that since the application was submitted that the Aldi store at Bede Way has ceased trading. It is noted that the CBRE Study upon which the submitted retail impact assessment is based was already out of date, and that the closure of Aldi further diminishes the reliability of this study as a robust basis for determining the "no development" trading scenario. Additionally, the closure of Aldi means that there is a sequentially preferable and suitable unit available within the town centre that could accommodate part of the development, and that the impact of the proposed development on the re-letting of this unit is a major consideration when assessing the impact of the proposed development upon the town centre. As it stands, the withdrawal of Aldi has had a significantly adverse impact upon the town centre, and the approval of additional retail floorspace outside of the town centre will inevitably worsen the situation.

- It remains the case that the site should be considered as being out of centre, contrary to the applicant's assertions. The development would not improve convenience turnover in the town centre, but would increase trade loss. Furthermore it would do nothing to improve the comparison offer in the town centre, nor would it improve the offer in the town for those sectors where market share is currently low, namely clothing, personal goods, furniture and large household and electrical appliances. As a result the proposed development would compete with, rather than complement the town centre.
- It is considered that the applicant's assertion that the proposal would reduce trade leakage is incorrect. In the event that both the existing Lidl and Home Bargains were to close without replacement, the market share of Peterlee Town Centre may decline due to the loss of Home Bargains. However, the existing Lidl is out of centre and its closure would be expected to result in some uplift in town centre turnover as some trade diversion to Asda would be expected. It does not follow that increasing the size of the current Lidl and Home Bargains offer would lead to trade claw-back. It seems unlikely that a larger Lidl would be able to claw-back trade not already attracted to the existing store, or the new Aldi, and there is no evidence to suggest that people in Peterlee are travelling further afield to shop at a larger Home Bargains. Meaningful claw-back is only achieved where there is a step-change in the proposed retail offer – the proposed development simply provides new premises for two existing retailers, and one other, all of which would compete with the town centre.
- The approach to the sequential test is disputed, however even if the applicant's approach is accepted it would still be appropriate to undertake a sequential assessment that includes sites capable of accommodating Unit B on its own, demonstrating a level of flexibility, and that more information is needed to support the claim that neither Starbucks or KFC could be viably accommodate in the town centre unless they are located on the same site as Lidl and Home Bargains. If these units are reliant on linked trips, then these could be generated by town centre retail businesses, and furthermore there is no requirement for the two drive-thru units to be located on the same site, given that it would not be expected that linked trips between the two would occur. In addition, there is no evidence to support the claim that the development of the two main proposed stores would be unviable for the retailers if they are not located at the same site, particularly as the specific combination of retailers is not a common occurrence. However, if this case is accepted, it would support concerns that the proposed development would compete with the town centre by seeking to meet the needs of shoppers solely on the application site. If linked trips to the town centre were to occur as frequently as claimed, then whether the site accommodates one or both of the named retailers should not be a concern as town centre businesses could provide complementary offer.
- With regards to the availability of the site of the former Aldi site on Bede Way, this is now beyond doubt and it is suitable for a large retail unit. Although both of the named retailers on the proposed development have demonstrated that the site is not suitable for their operation, this is not the policy test. The application is not for personal consents for these two operators, and there is no indication that another retailer with a similar offer would not consider the site suitable. Additionally, the proposed Unit B could be accommodated at the Bede Way site, and with there being no named operator, there is no reason why it could be disaggregated from the application scheme.
- It is acknowledged that the updated quantitative impact assessment has addressed the previously identified error in not accounting for the turnover of

Unit B, however the previously highlighted concerns remain. Additional errors are also identified in the updated impact tables, and it is concluded overall that the retail impact assessment remains unreliable. It continues to considerably understate the impact on Peterlee Town Centre and is not a sound basis for determining the impact of the proposed development on its vitality and viability.

- It is considered that the proposed development could lead to both the new Unit B and the existing Lidl unit being occupied by existing town centre occupiers or new entrants which could lead to the closure of other town centre anchors through competition or improved offer.
- The proposed development would have an impact upon future investment in Castle Dene Shopping Centre. No landlord can undertake investment unless there is a realistic prospect of letting the resulting retail space, which in turn relies upon retailer confidence. The list of retailers seeking new space submitted by the applicant is a national list, and there is no evidence that any of the retailers would take space in Peterlee. Even if retailers could be attracted, the creation of three new retail units outside of the town centre with an associated diversion of trade and footfall would make it even more difficult for the town centre to attract these retailers. If the town centre is able to accommodate an existing occupiers revised floorspace requirements, in for example, the former Aldi unit this would result in a vacant unit elsewhere in the town centre. Praxis are progressing options for the former Aldi unit as matter of priority for either reoccupation or redevelopment, and a pre-application enquiry has been submitted to this effect. The impact of the proposed development upon this planned private sector investment in the town centre should be given full weight in the decision making process.
- Paragraph 90 of NPPF states that where an application fails to satisfy the sequential test, or is likely to have a significant adverse impact on one or more of the considerations in Paragraph 89 (as is the case here), it should be refused – it does not refer to material considerations.
- It is noted the Government remains committed to ensuring the vitality of the UK's town centres to the extent that it has recently created the £675m UK High Street Fund in recognition that town centres are under significant pressure. The Future High Street Fund is designed to tackle these challenges through support, investment and guidance. In addition, Government's Out Plan for the High Street commits to cutting business rates by a third for up to 90% of retail properties for two years, consulting on planning reform, setting up a High Streets Task Force, and strengthening community assets in town centres. It is therefore the case that there is funding and support for town centres such as Peterlee as an alternative to unsustainable development such as that proposed. In other words, Durham County Council should be working with Praxis and other town centre investors now to define a regeneration strategy and secure funding through the Future High Street Fund rather than potentially approving a significantly damaging proposal and then leaving Peterlee to fail.
- The only circumstance in which Praxis would find the application proposal acceptable would be where the Council places restrictions on the operation of the Park such that it would complement the existing function of the Town Centre as opposed to competing directly with it. This would be through only permitting the sale of goods where there is a deficit (namely bulky goods) and placing a restriction on retailers relocating to the site from the Town Centre (through an appropriately worded no-poaching clause / condition). This would ensure a

different form of retail and town centre uses on the site which would complement the existing town centre offer.

In a further additional representation in response to additional submitted information, the following concerns are made and/or reiterated:

- The comments made by the applicant with regards to linked trips remain unsubstantiated by any evidence as it is based on research that relates to standalone food superstores, is over 20 years old and thus based on different shopping patterns. It should not therefore be applied to a development offering a mix of retail units. The research referred to was published in 1998 and does not take account of Lidl or Aldi who were relative newcomers at that time. Furthermore, the study did not look at foodstores on retail parks, and those foodstores that were considered would now be considered small – medium sized with limited non-food offer, and failed to take account changes in retail patterns, such as increased online shopping; and
- The use of this data by the applicant in relation to linked trips is fundamentally flawed, and the applicant has overlooked certain findings such as identifying that linked trips depend on a range of factors and that an edge-of-centre location does not automatically increase linked shopping trips.
- It is noted that the applicant considers that the application site is too far from the existing Home Bargains store for all of its shoppers to transfer to the new, improved and enlarged store, and on this basis it seems unlikely that shoppers visiting the application site would be so willing to undertake a linked trip to the town centre, particularly when many of the items sold in the town centre will be available on the application site. It is also unclear why relocating Lidl around 250m will have a substantial effect on the behaviour of shoppers.
- It is therefore concluded that the level of linked trips will be minimal and are thus irrelevant in respect of the consideration of the current application.
- With regards to cumulative impact, Praxis remain of the opinion that their own quantitative impact assessment represents the most realistic assessment.
- There is disagreement with a number of the assumptions and forecasts made by the applicant, and key issues relating to the use of out of date household survey data, and whether the impact policy test relates to the effect of any impacts on the town centre remain unaddressed.
- Whatever the different parties suggest in terms of quantitative trade draw, the overall effect of the Aldi closure cannot be overstated. Peterlee Town Centre has been substantially weakened as a result and unless new investment can be secured in the town centre, then the impact on the town centre will be significantly adverse.
- Altering assumptions relating to the relocation of Home Bargains does not address the key issue, which is that if the application is approved, that Peterlee will lose yet another anchor store in a time when the town centre is struggling to fill vacant units and when its retailers are falling into administration. The effect will be to significantly undermine the vitality and viability of the centre and trigger a spiral of decline that will be impossible to reverse. The proposal will also have a significant adverse impact on investment in the town centre.

- It is advised that both Select and Store Twenty One will both be vacantly the town centre imminently.
- Issue previously raised with relation to the applicant's impact assessment with regards to the use of outdated expenditure forecasts which overstate comparison expenditure and town centre turnover, the assumption that the existing Lidl would remain in convenience use despite concluding that this would be unlikely, the lack of information with regards to the potential occupier of Unit B and the lack of any conditions proposed to control its use, are considered to remain unresolved, and as a result the impact assessment remains unreliable.
- The indication that the applicant is willing to accept a number of planning conditions is welcome, but the conditions suggested would be wholly inadequate. The only circumstance in which the application proposal would be acceptable would be where the Council places restrictions on the operation of the development such that it would complement the existing function of the town centre as opposed to competing with it. This would be through only permitting goods where there is a deficit (namely bulky goods) and placing a restriction on retailers relocating to the site from the town centre.
- If the Council is minded to approve the current application, the following conditions should be imposed:
 - a limitation on the net sales area of each unit;
 - a restriction on the convenience and comparison floorspace split in all units;
 - include a "no poaching" condition preventing all retailers in the town centre (including Home Bargains) from locating to the scheme. The wording currently suggested by the applicant is insufficient;
 - Preventing the sale of food and convenience goods from Unit B, as well as preventing the sale of health and beauty products, all clothes, fashion and footwear; a limitation on the net sales area of each unit Restricting the use of the drive-thru units to the sale of food and beverage items only;
- It is concluded that any retail proposal on the application site will have a significant impact on investor confidence in Peterlee Town Centre to the extent that retailers are unlikely to commit to taking new stores/renewing leases where there is the potential for trade to be drawn away from the town centre and limited opportunities for linked trips. The impacts on the town centre will be devastating and irreversible. It is also concluded that the job creation benefits of the proposal have been grossly exaggerated by the applicants.
- Reference is made to a development in Gateshead where permission was refused for the relocation of a B&M store to an edge-of-centre site, and where as a result B&M are now investigating a new and improved store within the relevant district centre, despite B&M advising that they would close its store if the edge-of-centre site was resisted.

63. *ASDA Stores Ltd* – Objections are raised. It is accepted that the application site benefits from a extant permission for retail floorspace through the previous Tesco permission; however, the current proposal will be in such a format that it will compete directly with the town centre – the Tesco approval was on the basis that the store would compete with other food stores, and the current proposal with smaller units (including non-food) will impact in a different way. The site is edge of centre and the Council need to assess the proposal fully against the NPPF retail tests. Whilst Lidl and Home Bargains are named as operators, there is no guarantee that Lidl will occupy

the units, or stay long-term, and the future use of the existing Lidl store should also be considered. Furthermore, the applicants have not undertaken a sensitivity test with higher turnover rates or scenarios. The Council needs to be satisfied with the use of the land as retail space overall, as opposed to focussing on specific retailers, and should be aware that they would be approving a certain level of non-food retail floorspace in units which are attractive to traditional high street retailers, but outside of the town centre. Additionally the scheme will also draw shoppers away from the town centre which will impact on the level of associated linked trips to other services and facilities in the town.

64. Concerns are raised with regards to the soundness of the Transport Assessment. These include the need to subject the proposed site access to a Road Safety Audit, a lack of detail with regards to servicing (included tracking details), the need to revisit car park accumulation calculations following agreement being reached on trip rates, that trip generation should be revisited on the basis of concerns being raised with TRICS outputs, and that the impact of the trips associated with the development proposals upon the operation of the highway network should be revisited.
65. In addition, concerns are raised with regards to noise impact, it being noted that excesses above 10dB at night are demonstrated, which would be significantly adverse.
66. *Wilko Retail Ltd* – Objections are raised. It is considered that the proposal has the potential to lead to store closures in the town centre, leading to job cuts and fewer opportunities for local people. It is also noted that town centre high streets and shopping centres is current facing enormous pressure, and that the creation of what would effectively be a second shopping centre, footfall will be diluted and this will place increased pressure in an already difficult economic climate. This could ultimately lead to store closures and if this were to include an anchor store that the situation could become unrecoverable, resulting in a poorer, less diverse shopping proposition.
67. *Simtrava Ltd* – Objections are raised. It is considered that the proposal threaten to leave a large empty unit in the heart of the town centre, move jobs out of the town centre, draw trade away from the town centre, reduce footfall to other shops, bring about the closure of more shops in the town centre, and create a long walk for shoppers between the Home Bargains store at the retail park and the main square of the town centre which many will be unwilling to take. The proposal has the potential to lead to store closures in the town centre leading to jobs cuts and less opportunity for local people. Whilst the applicant has claimed the proposals will bring new jobs to the town, most will just be existing jobs that will be moved out of the centre onto an edge of centre site.
68. It is also highlighted that Simtrava have shown faith in Castle Dene Shopping Centre and spent over £400,000 on developing and operating a Costa store in the town for 5 years nw. Sales have dropped over the last 2 years due to the reducing footfall and this may be the final straw, and may result in the store closing, with Costa leaving Peterlee. The store currently employs 8FTE local people and if Castle Dene loses an anchor store due to the proposed development, it will lead to staff losing their jobs at the Costa store.

APPLICANTS STATEMENT:

69. This exciting proposal by Quora will deliver the long-awaited redevelopment of the vacant former college site and a major investment in Peterlee. The scheme will deliver three retail units and two restaurant/café units with drive-thrus.

70. The scheme offers free on-site car parking for all Peterlee shoppers at the site and for visitors to the town centre.
71. The proposals include major upgrades of the existing subways under Burnhope Way and Essington Way and a new pedestrian crossing.
72. The development will bring:
- Immediate investment and regeneration of a long derelict vacant unit: Commencement Spring 2019, complete Spring 2020.
 - Retaining and enhancement of the Lidl and Home Bargains offers. Current leases are soon to expire. This development will commit them to Peterlee for the long term in modern new facilities that Peterlee deserves.
 - The retention and creation of 120 full time equivalent jobs for Peterlee people.
 - Major upgrade of subways, creation of a new pedestrian crossing and an increase in parking for all of Peterlee.
 - A chance to claw back expenditure lost from Peterlee. Despite the closure of Aldi, revenue generated by the town centre, aided by this development will increase by £10.69 million per year by 2023. Investment in Peterlee will help bring this expenditure back to the town.
 - Creation of linked trips—the site’s location, free car parking, enhanced subways and pedestrian crossing, all encourage people to move fluidly between the town centre and the proposal.
 - Investment encourages investment. Investment in towns prevents decline. The presence of long term major retail operators investing in Peterlee will encourage other retailers.
 - Visual amenity—the development will see a huge visual enhancement and improvement to the town.
73. The development represents a major regeneration of a long-term vacant site. The former Peterlee college which has now been demolished following the successful planning application by Tesco to build a large format food store on the site has been subject to incidents of arson, anti-social behavior and visual blight.
74. This scheme will to provide an attractive, high quality development. Care has been taken to ensure the scheme is visually pleasing with all buildings providing active frontages and works seamlessly with the existing Town Centre through new and upgraded pedestrian links and free parking for all. Every detail has been reviewed to ensure an enjoyable customer experience including structured landscaping, pedestrian priority over vehicle and free car parking.
75. This scheme will provide the retailers will the new generation stores they require to meet the specific needs of their respective business models. The importance of delivering this proposal to ensure that the retailers continue to operate in the town cannot be understated. This proposal will ensure the retention and creation of jobs as well as continued and greater consumer choice and the long-term presence of these two operators in Peterlee.
76. The proposed development would be a short walking distance to the key focal points of the town such as the bus centre and well connected to all other areas. The site lies the same distance (within 200-metre) of the bus station as the Asda store.

77. Based on average retail wages, the creation of approximately 120 full time equivalent jobs would equate to earnings of approximately £1,872,000 per year.
78. The proposed store will function as part of the town centre, and will bring associated economic benefits to the town and wider community of East Durham. Through Claw-back it is calculated that with the closure of Aldi, the town centre will lose a further £21.47 million per year. By 2023, this proposal will increase revenue in the town centre, and draw trade being lost to other shopping destinations, to the value of £10.69 million per year, a growth of 8.6%. Without this development and with the closure of Aldi, the town centre stands to contract significantly.
79. Linked trips – linked trips to other retailers in the town centre are estimated to be to the value of £3,550,000.
80. Jobs – based on average retail wages, the creation of approximately 120 full time equivalent jobs would equate to earnings of approximately £1,872,000 per year.
81. Catalyst – investment encourages investment. Peterlee needs investment like all other towns. It needs the main retailers long-term and it needs modern formats. This development achieves this.
82. The delivery of the scheme in both qualitative and quantitative terms is vital to the future vitality and viability of the town centre. It will encourage shoppers to stay in Peterlee by enhancing the retail and leisure offer available. It will keep major operators in Peterlee that otherwise will not stay long term. Home Bargains and Lidl are operating from unsustainable and unviable stores which will close at the end of their lease and their presence will be lost without this development.
83. In summary, this development invests in Peterlee and encourages future investment in Peterlee. It secures major retailers that must otherwise leave the town and their outdated premises replacing them with the latest store formats. It secures existing jobs and creates new jobs and training opportunities for local people. It will bring trade back to Peterlee currently being lost to other towns. It will enhance the aesthetics of the town and improve pedestrian links and car parking facilities.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at:
<http://publicaccess.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application>

PLANNING CONSIDERATIONS AND ASSESSMENT

84. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with Paragraph 212 of the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making. Other material considerations include representations received insofar as they raise planning matters. In this context, it is considered that the main planning issues in this instance relate to: the principle of the development, landscape impact, layout and design, residential amenity, highway safety and access, ecology, flood risk and drainage, and other issues.

The Principle of the Development

85. The submitted supporting information accompanying this application contains a considerable level of detailed technical retail policy assessment, sequential assessment of sites, and a town centre impact appraisal. In addition, there have been detailed technical objections by interested parties to both the methodology employed, and the findings of this submitted information (these concerns are summarised at paragraphs 59-67 of this report).
86. Given the volume and technical detail of the submissions, and in order to arrive at a robust recommendation, Officers instructed an independent retail planning consultant to consider all of the material submitted, from both applicant and objectors, in order to provide the Local Planning Authority with an impartial specialist view. These findings are incorporated within the following discussion on the issue of the principle of the development.

The Development Plan

87. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The Easington District Local Plan (EDLP) forms the statutory development plan and remains the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The EDLP was adopted in 2001. NPPF Paragraph 213 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. However due weight should be given to them, according to their degree of consistency with the NPPF. Notwithstanding this, it is considered that a policy can be out-of-date if it is based upon evidence which is not up-to-date/is time expired depending on the circumstances.
88. Policy 101 of the EDLP identifies the role of Peterlee and Seaham town centres as the main retailing centres within the former district of Easington. These are identified as the main locations for major retail and town centre developments. The policy states that where sites within the defined town centre are unavailable such developments on the edge of town centre may be approved.
89. Whilst not explicit, EDLP Policy 101 defines Peterlee and Seaham at the top of the retail hierarchy in the former Easington district by identifying them as the main retailing centres in the district. Defining a retail hierarchy is consistent with the guidance within the NPPF, however since the adoption of the EDLP, the Council's Retail and Town Centre Study (RTCS) and subsequent updates provides recommendations for an updated countywide hierarchy. Both Seaham and Peterlee are identified as large town centres within only Durham City and Bishop Auckland above them. Their role in East Durham is therefore largely unchanged.
90. EDLP Policy P15 defines the town centre boundary and should be read in conjunction with EDLP Policy 101. It states that the main shopping centre in Peterlee will be bounded by Surtees Road, Bede Way and St Cuthbert's Way but including the Peterlee Lodge Hotel and adjacent car park. The application site is located north west of the boundary. The Plan does not define a primary frontage or primary shopping area.
91. The County's Retail and Town Centre Study 2009 provided a review of defined town centre boundaries across the County as well as frontage policies. With regards to the Peterlee town centre boundary, the boundaries remained largely unchanged, the study also provided recommendations for frontages within the centre. The Retail and Town Centre Study in 2013 confirmed that there were no further changes to the boundaries or frontages recommended in the 2009 study.

92. The Council continue to monitor town centre boundaries and frontages through annual town centre surveys and the boundaries as defined in 2009 and reaffirmed in 2013 remain unchanged. Change to the frontages or shopping areas have been informed by more up to date guidance in the NPPF (Paragraph 85) and also changes on the ground. These have informed emerging policies in the County Durham Plan.
93. Given that the ELP has no frontage policies within it, it is considered that both EDLP Policies P15 and 101 are now out of date in terms of understanding the sequential status of the site and this can be determined using the more up to date evidence described above.
94. EDLP Policy 104 states that where there is an identified need for a major new retail development, proposals should be located within the defined town centres of Peterlee or Seaham. The policy goes on to state that if it can be demonstrated that suitable sites are unlikely to be made available within a reasonable period, then proposals should be located on the edge of those centres, followed by locations at local shopping centres within those towns and finally by sites elsewhere. This is provided that, inter alia, the proposal would not, either by itself or cumulatively undermine the vitality or viability of the existing centre. The policy is considered only partially consistent with the NPPF, as whilst referencing the sequential approach and the need to consider impacts on the vitality and viability of existing centres, the NPPF provides more up to date guidance in applying the sequential and impact tests, and there is no requirement for an identified need to be established within the NPPF. Consequently, it is considered that this policy is out-of-date and that only limited weight should be afforded to it.
95. NPPF Paragraph 86 states that LPAs should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up to date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.
96. NPPF Paragraph 87 confirms that when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and LPAs are required to demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.
97. NPPF Paragraph 89 recognises that when assessing applications for retail and leisure development outside town centres, which are not in accordance with an up to date local plan, LPAs should require an impact assessment if the development is over a proportionate, locally set threshold (if there is not locally set threshold, the default threshold is 2,500sqm of gross floorspace). This should include an assessment of:
 - a) The impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
 - b) The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).
98. NPPF Paragraph 90 confirms that where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 89, it should be refused.

99. In effect, EDLP Policies 101 and 104 provide for the development of edge of centre sites where proposals accord with a sequential approach to development and would not, when impacts are considered on a cumulative basis, undermine the vitality and viability of a town centre. However, the detail of the tests contained within these policies differs from that set out in NPPF, particularly in respect of the sequential test, where 'edge of town centre' sites are elevated above local shopping centre sites in a manner that is not consistent with NPPF. As a result, it is considered that EDLP Policies 101, 104 and P15 are out-of-date, and in the case of EDLP Policies 101 and 104, only partially consistent with the NPPF and that as a result, only limited weight should be afforded to them.

The Sequential Test

100. Paragraph 86 of the NPPF sets out the order of preference in applying the sequential approach. The first preference is for main town centre use developments to locate in town centres, followed then by edge of centre locations, and only if no other suitable sites are available should out of centre sites be considered. Paragraph 87 indicates that, when considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.
101. Additional guidance on the application of the sequential approach is provided by the Ensuring the Vitality of Town Centres Planning Practice Guidance ('the Town Centres PPG').
102. Paragraph 010 of the Town Centres PPG provides a 'checklist' for the application of the sequential test in decision taking. It indicates the following considerations:
- With due regard to the requirement to demonstrate flexibility, has the suitability of more central sites to accommodate the proposal been considered? Where the proposal would be located in an edge of centre or out of centre location, preference should be given to accessible sites that are well connected to the town centre. Any associated reasoning should be set out clearly.
 - Is there scope for flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.
 - If there are no suitable sequentially preferable locations, the sequential test is passed.
103. The applicant has indicated within the submitted documents that the application site should be considered part of the defined town centre on the basis that the supporting text of the Emerging County Durham Local Plan (CDP) identifies it as a site which may be able to accommodate retail development.
104. With regards to this point, Officers note that not only is no weight currently being afforded to the CDP, but in any event it fails to identify the site within the town centre boundary. Furthermore, it is considered that the site does not currently form part of the town centre in practice, and as consequence, that the site should be considered to be 'edge of centre', and as a result the sequential test should be undertaken.

105. Notwithstanding their stated position, the applicant has provided a sequential assessment which is focused on the area around Peterlee Town Centre, on the basis of identified operator and consumer demand, and the scale of the proposed development. The scope of the sequential assessment is considered to be acceptable.

Sequential Test - Disaggregation

106. It is noted that the applicant themselves do not consider it necessary to apply the sequential test to the proposed Starbucks coffee shop or KFC restaurant on the basis that these units would serve different markets to high street food outlets. Effectively, the applicants are disaggregating their own development. In addition, within their objection, Praxis consider that the development should be further disaggregated as there is no physical or trading reason why any of the units proposed need to be located on the same site.
107. With regards to the issue of disaggregation, it is useful to consider relevant appeal decisions. In recommending that the Secretary of State grant planning permission for a retail development at Rushden Lakes, Northants in 2014, a Planning Inspector found that with regards to disaggregation that:

'There is no longer any such requirement stated in the NPPF... Had the Government intended to retain disaggregation as a requirement it would and should have explicitly stated this in the NPPF. If it had been intended to carry on with the requirement then all that would have been required is the addition of the word "disaggregation" at the end of NPPF [24].'

108. Further clarification on this matter can be found in a subsequent appeal decision in 2015 at site in Braintree, Essex where, in considering whether the findings of the Secretary of State at Rushden Lakes could be applied more widely, the Inspector found that the view in that decision:

'...was not qualified in any way other than by reference to the two report paragraphs from which it derived. While one of these paragraphs dealt with specific aspects of the proposal, the other dealt with the intention of national policy in paragraph 24 of the Framework following the demise of PPS4. And that paragraph was not specific to the site or to the proposal in any way.'

and that:

'If the Secretary of State had wanted to qualify his statement on disaggregation in any way that could have been achieved very simply by the addition of words such as 'in this case'.

109. The overall generality of this principle was then later confirmed by the Secretary of State in endorsing the Braintree decision, where it is stated that:

'...he agrees with the Inspector's assessment regarding the sequential test at paragraph 24 of the Framework.'

110. Whilst this appeal decision references a version of NPPF that has since been revised, the revised NPPF does not provide any additional policy clarification which impacts on the relevance of the above interpretations. Paragraph 24 has now become Paragraphs 86 and 87, and although the wording is slightly different, the general thrust of the paragraph remains unchanged, and crucially, continues to make no specific reference to disaggregation.

111. This issue was also further considered in an appeal at Tollgate Village, Colchester in 2017, where it was found that the NPPF requirement is for the sequential test to “demonstrate flexibility”, and that although in some cases – particularly where proposed developments are large, phased, open-ended and have no identified operators, that this may amount to disaggregation. However it was also found that it does not follow that disaggregation is always required in order to demonstrate flexibility, and that alternative sites, in order to be considered as suitable, should be capable of accommodating development which is recognisably closely similar to what is proposed.
112. As a result, it is considered that there is not any general requirement for the applicant to disaggregate elements of the proposal in order that it can fit on alternative sites. It is considered that there is not any persuasive argument which justifies a different approach being taken in respect of the food and drink units, such that they would be excluded from the sequential test, or indeed the disaggregation of any part of the scheme.

Consideration of Sequential Alternative Sites

113. The applicant has identified four potential alternative sites for the development, comprising:
- redevelopment site at Castle Dene Shopping Centre;
 - vacant units at Castle Dene Shopping Centre;
 - former North Blunts Primary School; and
 - former Aldi Store on Bede Way.
114. The redevelopment site at Castle Dene Shopping Centre is contiguous with the site which was subject to outline planning permission in 2010 for retail development as a result of application 5/PL/2009/0444. This permission was not implemented and has since expired. The applicants find that the site currently hosts a number of occupiers, and that none of the units within the site are presently available. The site is dismissed due to its lack of availability, the complications being in the relocation of present occupiers, the size of the site being significantly smaller than required, and issues of topography.
115. Officers agree with the conclusions of the applicant with regards the suitability of the site due to its size, and also in terms of its availability, and that the site should be dismissed as a result.
116. With regards to vacant units at Castle Dene Shopping Centre, the applicant identifies that the site as a whole is not available for redevelopment, and that the total available vacant floorspace would only provide a fraction of that required by the proposed development, and that none of the available units would individually be suitable for redevelopment. Accordingly, this site is dismissed.
117. Officers agree with these conclusions, as there does not appear to be any units which are currently vacant and would be sufficiently large to offer any genuine potential to accommodate the proposal.
118. The applicant finds that the former North Blunts School site to be out-of-centre and not sequentially preferable to the application site, and that the application site, by virtue of its pedestrian links is better connected to the town centre, and that NPPF paragraph 87 would actually suggest that the application site is sequentially preferable to the North Blunts site and it is dismissed for this reason. Officers agree with this assessment.

119. Finally, the site of the former Aldi Store on Bede Way amounts to only approximately 0.4 hectares, which is significantly smaller than the 2.6ha of the application site. With it being considered that there is no requirement to disaggregate the proposed development, and even in applying reasonable flexibility, the former Aldi site would remain incapable of accommodating a development of similar nature to that proposed and the site is dismissed by the applicant, a conclusion with which Officers agree.
120. Additionally, the Council's own retail consultant has undertaken a search for potential sites within the appropriate area, and has not managed identify any other suitable alternatives beyond those identified by the applicant.
121. Overall therefore, the proposed application is considered to conform to the requirements of the sequential test as articulated by Paragraphs 86 and 87 of the NPPF.

The Retail Impact Test

122. Paragraphs 89 and 90 of the NPPF indicate that application proposals for retail and leisure development should be refused planning permission where a significant adverse impact is likely to arise from development.
123. It should be recognised that impacts will arise with all retail developments, but that these will not always be unacceptable, not least because development often enhances choice, competition and innovation. It is therefore necessary to differentiate between those developments that will have an impact, and those that will undermine the future vitality and viability of established centres, i.e. have a 'significant adverse' impact.
124. It is also relevant to note that the purpose of the impact test is to consider the impacts arising across the entirety of a town centre. This principle has been affirmed by a number of Secretary of State decisions, including at Tollgate West, Colchester in 2016 where the Inspector stated that:

"The assessment of impact must be made against the town centre as a whole."

125. In this context, the two key impact tests identified by NPPF Paragraph 89 relate to:
- the impact of the proposal on existing, committed and planned public and private sector investment in a centre or centres in the catchment area of the proposal; and
 - the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider retail catchment area (as applicable to the scale and nature of the scheme).

Impact of the proposed development on existing, committed and planned private and public sector investment

126. In considering the potential for the application proposal to prejudice in-centre investment, it is of some relevance to consider the conclusions of the Inspector in commending the grant of planning permission to the Secretary of State for development at Rushden Lakes, where it is stated that:

"NPPF [27] requires an assessment of the impact (if any) of the proposal on "existing, committed and planned public and private investment" in a centre. That requirement is quite straightforward, only investment that has been made, has been committed or is planned warrants consideration."

127. The Inspector then goes on to consider whether planned investment needs to relate to a specific scheme or a general intention to invest:
- “NPPF [27] does not protect mere in principle intentions, but rather safeguard actual plans to invest... In the absence of a scheme, there cannot be a viable scheme and consequently there cannot be “planned” or “committed” investment. At most there can be an intention to invest if, as and when there ever is a viable scheme but, that is not what the NPPF [26] is aimed at.”*
128. These findings were then validated by the Secretary of State in deciding to grant planning permission for the development.
129. Although relating specifically to the original version of NPPF, which has now been superseded, the content of paragraphs 26 and 27 as referred to by the Inspector have now been encapsulated within paragraph 89 of the most recent version of NPPF, and the wording remains largely the same. With no material difference, it is considered appropriate to apply this interpretation to the latest version of the NPPF.
130. On the issue of planned investment, there is a difference of opinion between the applicant and objectors. The applicant states that there is no significant existing, planned or committed public or private investment that needs to be considered, whereas Praxis states that Castle Dene Shopping Centre is the subject of on-going and future investment plans, in order to maintain its position as a destination of choice within the catchment area, and that whilst such investment may not mean high profile, major redevelopment schemes, investment in unit refurbishment and public realm is ongoing, and that furthermore, they are in the process of bringing forward new investment plans for the redevelopment of the former Aldi Store.
131. With regards to the concerns of Praxis, there appears to be two types of investment being referred to. Firstly, there is general investment to ensure that the commercial stock and shopping environment remains attractive and competitive. However, no specific investment of this type is identified which could be prejudiced by the approval of the application. Furthermore, the objection of Praxis appears to indicate that such investment is necessary if Castle Dene is to successfully compete as a destination of choice. It would appear that this would be required regardless of the outcome of this application, and consequently it is unclear why this general investment in the fabric of the centre would be jeopardised if the application were to be approved.
132. Secondly, Praxis indicate that they are in the process of bringing forward plans for the former Aldi Store on Bede Way, and Officers can confirm that a pre-application enquiry to this effect has been lodged with the local planning authority. The proposal comprises the erection of a two storey split-level retail unit and four single storey retail pods, and it is indicated that the proposal contains a food store. However, no operators for any of the units are identified, and given the nature of the site, and its limitations in terms of parking and servicing it is considered unlikely that such a development would be attractive to Lidl. Indeed, the applicant has provided evidence from Lidl themselves that indicates that they consider that it would not be possible to accommodate a Lidl store on the Bede Way site.
133. Whilst it is accepted that Praxis have an investment proposal, it is considered that this is at a very early stage, and having regards to the findings of the Inspector in the Rushden Lakes decision, it considered that it has not been demonstrated that a *viable* redevelopment scheme for the Aldi Store is actively progressing. Therefore it is considered that only very limited weight should be afforded to the impact of the

application proposal upon investment in the town centre, and that such impacts could not be considered to be significantly adverse.

Impact of the Proposal on Town Centre Vitality and Viability

134. The supporting information for the application as originally submitted included a Retail Impact Assessment. This has since been superseded during the consideration of the application by a revised document, and a further briefing note. Throughout the process concerns have been raised by objectors with regards to both the findings and methodology of the retail impact assessment, partly (but not wholly) influenced by the closure of the Aldi Store on Bede Way subsequent to the submission of the application.

Impact of the Drive-thru Units (A3/A5 uses)

135. Within the submitted documentation, the applicant concludes that the proposed Starbucks and KFC units would not directly compete with town centre outlets, noting that McDonalds already operate a drive-thru on the edge of the town centre which does not appear to have adversely affected the range of food and drink uses in the town centre. The applicant goes on to state that the proposed units would complement existing provision, and in themselves would be expected to account for less than 5% of the restaurant/café expenditure in the Peterlee catchment (based on 2016 figures). It is further stated that restaurant/café expenditure would be expected to be made in a variety of outlets and the only comparable drive-thru facility is McDonalds which itself is located on an edge-of-centre site. It is considered by the applicant that there would not be any material impact on the town centre itself. Objections to the contrary have been received from Simtrava Ltd who operate the existing Costa Coffee unit within the town centre, and are concerned about the impact that the proposed drive-thru units would have.
136. It is considered by officers that whilst the concerns of Simtrava are noted, that the conclusions of the applicant on this particular point are generally sound. The proposed drive-thru units would likely divert trade from a number of locations, many of which are not within the core of Peterlee town centre, and that some of the turnover of the drive-thru units would be derived from spontaneous trips made by customers visiting the wider site or passing by car. It is also considered that the existing food and drink offer within Peterlee is very limited, with the Council's own Town Centre Survey in 2018 identifying that the town has the lowest level of cafés and restaurants, drinking establishments and hot food takeaways in County Durham. On this basis, it is considered that the proposed drive-thru uses could be accommodated without issue, and that this part of the proposed development would not, by itself, lead to any significant adverse impact with regards to Peterlee town centre's vitality and viability. It is however recommended that should the application be approved, that a condition be attached removing the relevant permitted development rights, in order to prevent these units from moving from A3/A5 to A1 without further consideration of the potential impacts of them doing so.
137. With the food and drink element of the scheme found to not have a significant adverse impact upon the town centre in itself, the main issue of principle relevance is considered to be the potential impact of the A1 retail floorspace which forms the majority of the proposed development. The consideration of these impacts is a technical exercise requiring appropriate inputs, assumptions and methodology in order to be robust. Therefore, an assessment of the methodology follows, before the conclusions of the retail impact assessment in terms of trade diversion, the destination of any diversion, and the possibility for linked trips are considered.

Impact Test Methodology

Assessment Period and Baseline Position

138. The applicant has undertaken the impact assessment at the test year of 2023. Planning Policy Guidance specifically states that the design year for impact testing should be the year in which the proposal would be expected to achieve a “mature” trading pattern, and that conventionally this should be taken to be the second full calendar year of trading after the opening of a new retail development. Officers consider that a development of this nature, if granted full planning permission in early 2019 could well commence trading by 2021, with 2023 being the second full year of trading. As a result, the test year is considered to be appropriate.
139. In terms of the baseline position, the applicant is reliant upon the Council’s Retail and Town Centre Study (RTCS) which was produced in January 2017, although not published until June 2018. Praxis, in their objection consider the use of this baseline data as inappropriate as it was already out-of-date at its point of publication, and since the closure of the Aldi Store on Bede Way has become further inaccurate.
140. Planning Practice Guidance advises that retail impact tests should be undertaken in a proportionate and locally appropriate way, drawing on existing information where possible. With regards to this, officers acknowledge that the RTCS represents the position as of two years ago, and that further iterations of population and housing projections/growth rates have been published since it was compiled. Additionally, it is considered likely that the RTCS underplays the turnover of the existing Asda store/overplays the performance of Aldi and Lidl as it assumes a consistent spend for all food shoppers regardless of whether they are shopping at Aldi, Lidl or Asda. With discount foodstores generally selling goods cheaper and with a more limited range, in actuality the level of spending of those shoppers visiting Asda will generally be higher, and as result, the turnover of the store will be higher than identified. Such weaknesses are common in town centre surveys, and whilst this should be taken into account when basing assumptions upon the RTCS, they do not in themselves render the RTCS unreliable or unusable.
141. As a result, the RTCS remains the most up-to-date available evidence with respect to the performance of existing retailers in the area, and having regards to the advice contained within PPG, its use for a baseline position is considered to remain appropriate.

Turnover of the Application Proposal

142. Within its updated retail assessment the applicant provided an assessment of the likely turnover of the application proposal in terms of both comparison and convenience goods. With regards to the methodology used, officers are generally satisfied with the approach taken, but it is considered that greater allowance for sales efficiency should be made for Unit A (Home Bargains), and that the reading of Lidl’s current performance is too low in terms of convenience goods, and that as a result (and allowing for improvements to sales efficiency) that the turnover of Unit C (Lidl) is likely to be higher than stated. This can be summarised thus:

Table 1a – Convenience Goods Turnover Assumptions

Unit	Net Assumed Convenience Goods Floorspace (sq.m)	Applicant assumed turnover 2023 (£m)	DCC assumed turnover 2023 (£m)
A – Home Bargains	1,129	5.03	5.09
B – No named operator	0	-	0
C – Lidl	1,060	8.22	10.50
Total	2,189	13.25	15.58

Table 1b – Comparison Goods Turnover Assumptions

Unit	Net Assumed Comparison Goods Floorspace (sq.m)	Applicant assumed turnover 2023 (£m)	DCC assumed turnover 2023 (£m)
A – Home Bargains	1,380	6.14	6.22
B – No named operator	464	1.97	1.97
C – Lidl	265	2.06	1.74
Total	2,109	10.17	9.93

143. As can be seen, the DCC assessment increases the convenience goods turnover of the proposal from £13.25m to £15.58m, and the comparison goods turnover decreases slightly from £10.17m to £9.93m. Overall, there is an increase in overall turnover from £23.42m to £25.51m. These differences in assumption have been communicated to the applicant during the application process, with updated work being undertaken to assess the potential impact of the development upon the town centre on the basis of the higher turnover figures, which is considered to represent a more accurate position.

Existing Commitments

144. In considering the impact of trade diversion, relevant existing commitments should be taken into account. In this instance two such commitments have been identified.

145. The Aldi store on Bede Way closed in December 2018 following the opening of a new, larger store on Yoden Way, Horden approximately 1 mile to the east. The applicant considers that this new store will secure an uplift in convenience goods turnover, but bases this assumption on a goods sales density below the standard level. Officers consider that this approach is acceptable in this instance as it is acknowledged that the RTCS likely overstates the turnover of the former Aldi store on Bede Way, and further that the closure of the Bede Way store will allow some of Aldi's turnover to be retained within the town centre in practice.
146. Planning permission was granted in 2013 for a mixed-use development including Morrisons food store at Dalton Park. This planning permission has been implemented but the food store remains unoccupied and it is understood that Morrisons have no intention of occupying the unit at the present time, and there is some doubt as to whether Morrisons would ever occupy the unit. Notwithstanding this, in considering trade diversion, and following discussions with the Council's own consultant the applicant has assumed that the store would be occupied by 2023, and would have a turnover of around £45.45m, with £4.5m being diverted from Asda at Peterlee, and with no diversion from other stores in Peterlee. Officers consider that the approach taken with regards to this unit is sound.
147. Officers consider that the impact arising with regards to these commitments in terms of comparison goods would be limited, and not material in terms of town centre impact.

Trade Diversion and Magnitude of Impact

148. Having regards to the above, the baseline position as established by the applicant is considered to be an appropriate basis on which to determine the impacts arising from the application proposal. Indeed, the baseline position is considered to be a 'worst-case scenario' in terms of town centre impact, as it assumes that the new Aldi Store on Yoden Way will have a greater convenience goods turnover than the former Bede Way store achieved, that the Morrisons at Dalton Park will come forward, that the former Aldi site on Bede Way remains vacant, and that the existing Lidl unit at Howletch Lane will be re-occupied by a grocery retailer following Lidl's relocation onto the proposed development.
149. During the application process, the applicant has liaised with the Council's own consultant with regards to agreeing a methodology for modelling trade diversion and assessing the magnitude of any impact. With regards to the original retail impact assessment and further addendum, there were some differences in terms of assumptions.

Convenience Goods

150. A comparison of the modelling of the applicant against that carried out on behalf of the local planning authority is illustrated below:

Table 2 – Comparison of calculated impact (convenience goods)

Peterlee Town Centre	Turnover at 2023 after commitment £m	Trade draw to Home Bargains £m (applicant)	Trade draw to Home Bargains £m (DCC)	Trade draw to Lidl £m (applicant)	Trade draw to Lidl £m (DCC)	Impact % (applicant)	Impact % (DCC)
Asda	37.07	0.15	0.5	1.05	1.5	2.9	5.4
Iceland	2.25	0.08	0.08	0.11	0.11	8.46	8.4

Farmfoods	0.98	0.04	0.04	0.11	0.11	15.48	15.3
Other Town Centre shops	6.16	1.45*	1.45	0.00	0.00	23.5	23.5

151. As can be seen, the overall impacts as modelled by the both the applicant and on behalf of the local planning authority can be seen to be largely similar, the exception being that officers consider that the impact upon Asda would be 5.4% as opposed to the 2.9% modelled by the applicant. However, it should be noted that even with a 5.4% impact on turnover, it is estimated that Asda would still be turning over around £35m in 2023, and furthermore having regards to the identified tendency of the RTCS to underestimate spending at Asda, (as referred to at paragraph 140 of this report), that this figure is likely to be a little lower than would be expected in reality. Regardless, it is considered that with a turnover of at least £35m in 2023, that the ongoing viability of the Asda would not be prejudiced by the proposed development.

152. It is also considered by officers that it is likely that the impact upon Iceland and Farmfoods is potentially overestimated as these store would likely benefit to a certain extent from the closure of the Aldi store on Bede Way.

Comparison Goods

153. A comparison of the modelling of the applicant against that carried out on behalf of the local planning authority is illustrated below:

Table 3 - Comparison of calculated impact (comparison goods)

Peterlee Town Centre	Turnover at 2023 after commitment £m	Trade draw to Home Bargains & Unit B £m (applicant)	Trade draw to Home Bargains & Unit B £m (DCC)	Trade draw to Lidl £m (applicant)	Trade to Lidl £m (DCC)	Impact % (applicant)	Impact % (DCC)
Asda	3.68	0.27	0.27	0.18	0.18	12.2	12.2
Other Town Centre shops	51.22	1.7†	2.1	0.26	0.26	3.8	4.6

154. Again, there is a difference between the applicant and the local planning authority, in that officers consider that the impact upon other town centre shops would be higher than modelled by the applicant.

Overall (solus) Impacts

155. On basis of the above calculations, it is possible to estimate the overall impact upon the town centre as a whole, as a result of the proposed development:

*includes a reduction in turnover of £0.9m as a result of Home Bargains relocating. Actual trade diversion to new Home Bargains is modelled as £0.55m

†includes a reduction in turnover of £1.1m as a result of Home Bargains relocating. Actual trade diversion to new Home Bargains is modelled as £0.6m

Table 4 – Total impacts upon Town Centre

	Applicant	DCC
Convenience Goods	5.8%	8.2%
Comparison Goods	4.4%	5.1%
Cumulative	5.3%	6.5%

156. Again, it can be seen that it could be considered that the applicant has underestimated the potential impact, however such differences are considered to be the result of variation in assumptions at various stages of the process, as has been outlined in the preceding discussion. It is considered that what is important is that the methodology employed by the applicant is considered to be largely sound, and that ultimately, the impact figures arrived at are not substantially different from those that the LPA's own consultant was able to arrive at.

The Acceptability of the Identified Impacts

157. In forming a judgement on the acceptability of the estimated impact, it is relevant to consider the current health of the town centre, the location of the application site (and its ability to support the town centre), and the cumulative position in respect of impact.

158. Peterlee town centre, and the immediate adjacent area is considered to accommodate a relatively good range of commercial and community facilities, with the majority of retail and service units being located within Castle Dene Shopping Centre. Site visits undertaken suggest that it benefits from a reasonable amount of activity, with the Asda superstore being a particular focus.

159. Notwithstanding this, the Council's Peterlee Town Centre Survey identified a vacancy rate equating to 17.1% of the total stock of units in September 2018. Whilst it is important to note that the Aldi site has also subsequently become vacant, the majority of these vacant units are very small and a number are at first floor level (which impacts less on most users' perceptions of the town centre). The Town Centre Survey identified that 9.1% of town centre floorspace was vacant at September 2018, which is considered to be a relatively encouraging result.

160. Whilst the position has subsequently worsened as a consequence of Aldi's departure, the former Aldi unit is located at the periphery of the centre and is considered to be poorly integrated with the remainder of the town centre offer. Officers consider that the loss of Aldi would be of greater concern if the unit was located such that it functioned more obviously as part of the core of the town centre.

161. It is considered that it would be of clear benefit to attract further investment into Peterlee town centre to improve its appearance and reduce the vacancy rate, however the centre remains a viable retail destination which is able to support a range of national multiple retailers, and officers consider that the position taken by Praxis in their objections may not accurately reflect the current reality.

162. In this context, the key impacts that would arise at the town centre as a result of the proposed development would be as follows:

- the existing Home Bargains unit on Yoden Way would be vacated;
- Asda would be the subject of the largest monetary trade diversion (but would remain viable);
- the potential impact arising from cumulative impacts as a result of other commitments would also be largely impact upon Asda (which would remain viable);

- other retailers within the town centre would be the subject of a proportionally lesser impact, but an impact nonetheless; and,
 - the total impact in monetary terms on the town centre as a whole would amount to a loss in turnover of around £6.6m.
163. In considering the above, it is noted that the second part of the NPPF paragraph 89 impact test not only relates to town centre vitality and viability, but also to local consumer choice and trade in the town centre and the wider retail catchment.
164. In this regard, whilst the departure of Home Bargains is a loss to the town centre, its existing offer would be replicated elsewhere, and the proposed development would generally improve customer choice in the vicinity of the centre. Shoppers would therefore not be greatly inconvenienced through the loss of Home Bargains from Yoden Way.
165. Importantly, the proposed development would provide improved choice at a location which is immediately adjacent to Peterlee town centre and which can support linked trips to the centre. Whilst the monetary benefits associated with such linked trips are difficult to accurately quantify, and the concerns of Praxis with regards to the methodology used by the applicants to quantify linked trips is noted, it is accepted that the car park which would serve the application proposal is also appropriately located to support town centre linked trips. This is a positive impact to be given consideration in assessing the application.
166. Officers consider that Asda will continue to trade viably subsequent to the implementation of the proposed development (even after account is taken of existing commitments). Trade diversion losses across the wider town centre would be at least partly mitigated through the redistribution of expenditure which was previously claimed by Aldi and through the ability of the application proposal to support linked trips. As such, it is considered that the wider town centre offer should not appreciably diminish further as a consequence of the proposal.
167. NPPF paragraph 90 states that where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in NPPF paragraph 89, it should be refused. The considerations contained with paragraph 89 amount to:
- a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
 - b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).
168. The test in NPPF paragraph 90 states that a development should be refused if it has a “significant adverse impact”. A proposed development simply having any adverse impact at all upon the town centre would not, in itself, warrant the refusal of the application. Such adverse impacts would have to be of a significant level to justify the refusal on this basis, and “significantly adverse” is considered to be a relatively high test to meet.
169. Having regards to all of the above, it is concluded that although there would be an adverse impact upon the town centre in the terms of NPPF paragraphs 89 and 90, this adverse impact would not be significant, and as a result there are no grounds to resist the application on the basis of NPPF paragraph 90.

170. As the EDLP policies most important for determining the application are considered out of date, the assessment of the application would be required under Paragraph 11(d) of the NPPF to ascertain if the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits, or whether the application of policies in the NPPF that protect areas or assets of particular importance provide a clear reason for refusal.
171. In this context the adverse impact upon the town centre, such that it is, should be weighed in the overall planning balance exercise.

Layout and Design

172. EDLP Policy 1 sets out that development should achieve a high standard of landscaping which relates well to the natural and built environments, while Policy 35 requires development to reflect the scale and character of the surrounding area. Further to this EDLP Policy 104 states that retail developments should not have a serious adverse visual intrusion into the surrounding area. Although EDLP Policy 104 is considered to be out-of-date, it nevertheless largely reflects advice within NPPF with respect to design and layout, which also requires that development contributes to and enhance the natural and local environment under Part 11, while Part 7 states that good design is a key aspect of sustainable development and is indivisible from good planning. Significant weight can therefore be afforded to EDLP Policy 1 in this respect, and although out-of-date EDLP Policy 104 can still be afforded some weight insofar as it relates to matters of design.
173. At the present the application site is previously developed but has been cleared. As such it represents somewhat of a blank canvas. The proposed development has a character very much as would be expected in a retail development of this nature. Much of the site comprises car parking with the retail units themselves sitting on the periphery of the site, with the two drive-thru units sitting closest to Burnhope Way.
174. The units themselves are a relatively utilitarian appearance, but again are commensurate with the common design of retail units of the scale proposed.
175. Through the application process, the applicant has worked with officers to improve the design of the scheme which has resulted in the retention of more existing trees than originally proposed and an increase in the level of landscaping provided within the development. There have also been some minor design changes to some of the retail units themselves.
176. Overall, no objections have been received from Landscape Officers or the Design and Conservation Team, although the slight concern with regards to the longevity of some of the landscaping is noted, and a planning condition could be attached to any permission ensuring that any failing species are replaced.
177. Overall, the proposed development is considered to accord with EDLP Policies 1, 35 and 104 with regards to layout and design.

Residential Amenity

178. EDLP Policies 1 and 35 require the design and layout of development to have no serious adverse effect on the amenity of those living or working in the vicinity of the development site. This is replicated in EDLP Policy 104 which sets out that new retail development should have no serious effect on the amenity of people nearby in terms of privacy, noise, pollution and car parking. Policy 37 of the EDLP requires that design and layout of development are required to have regard to personal safety and the

security of property. These Policies are considered NPPF compliant with a core planning principle at Paragraph 127 of the NPPF stating that planning should always seek to secure a good standard of amenity for existing and future occupants of land and buildings. Part 8 of the NPPF amongst other guidance advises on the need to create safe and accessible environments where crime and disorder and the fear of such are considered. Part 15 of the NPPF seeks to avoid noise from giving rise to significant new impacts. Objections have been raised in relation to the potential impact of the development on the residential amenity of nearby properties, specifically due to deliveries to the retail units.

179. It is noted that the operation of the existing Lidl store located immediately to the west of the application site has historically led to complaints relating to noise from local residents, particularly from those residing on Spire Hollin. It is understood that these complaints have been directed to both the County Council's Environmental Health and Consumer Protection Team (and its predecessor at Easington District Council) as well as Lidl themselves. With there being no restrictions on the operation of the existing store in planning terms, it is understood that there has been voluntary amendments to the operation of the store to reduce excessive noise instances. However, it is stated by residents that incidents do still occur, particularly at times of particularly early/late deliveries.
180. The proposed development would introduce additional retail units into the area, and it is likely that residents on Spire Hollin to the south west, and Clifton Square to the north east who potentially be most affected. The new stores would be located further to the south east than the existing Lidl store, so would be likely to have a lesser impact upon those properties on Spire Hollin that currently suffer the most from the existing Lidl store, but would introduce potentially noise generating uses closer to properties at the southern end of Spire Hollin, who may not be affected at present. The closest residential properties are located within approximately 50m of the site on Spire Hollin, and 70m away on Clifton Square.
181. In order to address this issue, the application is accompanied by a noise report, and an additional addendum. The report models the levels of noise likely to be associated with the development in the form of plant and machinery, as well as deliveries. The original report found that typically the development would lead to an increase in daytime noise of 3dB over existing background noise at Clifton Square, and 5dB at Spire Hollin. At night, these levels would increase to 11dB over background noise at Clifton Square, and 10dB at Spire Hollin. The submitted report initially suggests that the impact would be significantly adverse due to the level of increase. However, it goes on to conclude that as the absolute noise level would remain within the recommended noise range, it would be unlikely to result in sleep disturbance, and that the impact would be less than modelled when context is taken into account. However, it would nevertheless be appropriate to introduce mitigation measures such as the management of service operations, or the switching off of reversing beepers at night.
182. The report also concludes there would not be likely to be a significant impact from the operation of the car park.
183. With regards to this, Environmental Health and Consumer Protection officers have considered the submitted information, including the addendum report which further examines the impact of reversing beepers. It is advised that reversing beepers being used at night is the element of most concern, and that this should be addressed by restricting delivery hours, eliminating the use of such beepers or provided acoustic fencing.

184. In response to this the applicant has indicated that Lidl, (who would be the likely occupier of Unit C which as a foodstore the most likely to be receiving the most deliveries), would accept a planning condition restricting the hours of delivery. On this basis, it is considered that the concerns of Environmental Health and Consumer Protection officers would be addressed, and that the development would be unlikely to cause a statutory nuisance if such a condition were imposed.
185. This particular issue has resulted in public objection to the development, and whilst it is acknowledged that the development would have an adverse impact upon the residential amenity of those residents closest to the development, with the proposed mitigation measures, this loss of amenity would not be of such a level that it would be unacceptable, and that a good level of amenity would be retained.
186. During the construction phase of the development, it is acknowledged that levels of noise may be noticeable by existing residents, and some level of disturbance is almost inevitable with a development of this duration and scale. However, the submitted Construction Management Plan is considered to set out measures that would mitigate any impacts to an acceptable level.
187. Whilst it is considered that the development would be in accordance with EDLP Policies 1, 35, 37 and 104, as well as Part 14 of the NPPF in this regard, it is also considered that the minor adverse impact of the proposed development upon residential amenity in terms of noise should be weighed in the overall planning balance.
188. With regard to air quality, the application is accompanied by an air quality risk assessment which finds that the impact of the development upon air quality during the construction phase and once occupied, would be negligible, with risk of air quality pollutants remaining low. Measures to suppress nuisance dust during the construction phase of the development can be included within a Construction Management Strategy. The application is therefore considered to be in accordance with EDLP Policy 35 and Part 14 of the NPPF in this regard.
189. An initial site investigation report has concluded that contaminants are present on the site and it is proposed that a condition to agree the necessary remediation strategy is imposed with any recommendation for approval. Subject to the imposition of the condition, the proposed development would therefore be considered to be in accordance with Part 11 of the NPPF.

Highway Safety and Access

190. Key documentation submitted within the application in respects to highways issues includes an ES Transport Chapter and associated technical appendices in the form of a Transport Assessment (TA) and Travel Plan (TP). Collectively the submitted documentation considers the potential impacts of the development and the adequacy of the site for the development with respect to a range of highways and transport related issues.
191. These issues include the potential effects on local roads and the users of these roads, including public transport users, pedestrians and cyclists and potential effects on land uses, relevant occupiers and users. Within such evaluation, consideration and assessment is given to matters such as, existing and future predicted traffic flows and trip distribution, assessment of accident data, accessibility of the site, and potential impacts of traffic associated with the construction phases of the development.

192. The content of the TA has been subject to objection by Asda Stores Ltd, who have questioned the methodology, as well as a number of findings.
193. EDLP Policies 35, 36 and 37 all require that development proposals to achieve a satisfactory means of access onto the wider highway network and encourage access to sustainable modes of transport and sufficient parking on site. These Policies are considered compliant with the NPPF which also seeks to promote accessibility by a range of methods, while ensuring that a safe and suitable access can be achieved and therefore can be given full weight in considering the application.
194. Key national advice in respects to transport and highways related matters is included within Part 9 of the NPPF. Key relevant extracts include paragraph 103 which advises that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.
195. Paragraph 108 advises that development should ensure that; appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; safe and suitable access to the site can be achieved for all users; and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
196. NPPF Paragraph 109 then advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
197. There is no specific policy within the EDLP that relates to the impacts of development upon the highway network. Policies 35 36 and 37 address access in design terms, whilst Policies 74, 75 and 77 relate to the provision of pedestrian, cycle and public transport infrastructure. These policies are considered to be generally consistent with the NPPF and thereby can be attributed its full weight.
198. The TA establishes the likely impact of the development upon the highway network, and finds that there would be sufficient capacity on the local highway network to accommodate traffic generated by the proposed development, taking into account impacts at those local junctions most likely to be affected by the development.
199. Further information has been submitted following the initial comments of the Highways Authority, and with regards to the modelling work within the TA, although a minor concern remains with regards to the carriageway widths used for modelling Burnhope Way, the output data of the TA is considered to be generally reliable, and that there would not be a severe impact upon the operation of the identified junctions as a result of the development.
200. The concerns raised on behalf of Asda with regards to the methodology are noted, and the applicant has sought to respond to them by means of additional clarification. Whilst it is accepted that there is always the possibility for a degree of variance in the approach of different highways consultants, the submitted TA, the additional TA Addendum, and clarifications in response to both the comments of Asda and the Highways Authority are considered, as a whole, to be a reliable assessment of the potential impact of the proposed development upon the highway network, to which the Highway Authority raise no objection.
201. In terms of the physical vehicular access arrangements, the Highways Authority originally requested that a signalised or roundabout means of access be considered

by the applicant, as opposed to the proposed protected right turn. In response to this the applicant has provided additional evidence to justify the proposed access arrangement which has been considered by the Highway Authority, who now accept the proposed protected right turn arrangement as being most appropriate.

202. The internal design and parking provision, following the amendment of the proposed development now largely meets the standards expected by the Highway Authority. The only outstanding concern relates to the provision of a pedestrian footway on the north-western side of the main vehicular access to aid pedestrians accessing the site from the west, negating the need for them to cross the vehicular access. This point, which was also raised by Durham Constabulary has been raised with the applicant who has been unable to accommodate this request, on the basis that the topography of the site would render such a footway impractical to some users. It is considered that this unresolved issue, whilst not rendering the scheme as whole contrary to EDLP Policies 1, 35, 36 and 37, should nevertheless be factored into any planning balance as an adverse impact.
203. Durham Constabulary, in their consultation response, raise a number of additional highways and access related issues. These concerns have been considered, and with the exception of the issue in relation to the additional footway (addressed above), are considered to differ from the findings of the Highway Authority, who have indicated that they are satisfied with the proposed layout and operation of the development. The comments of Durham Constabulary in this regard do not raise specific issues of crime, but do suggest that the layout may cause confusion and obstructions that could lead to traffic queuing on to Essington Way. No evidence has been provided by Durham Constabulary to substantiate these concerns, and with the advice of the Highway Authority being that they consider the development to accord with the Council's Parking and Accessibility Standards and would operate acceptably, it is considered that only limited weight should be afforded to the concerns of Durham Constabulary in relation to this issue.
204. The Council acknowledges that in exercising its functions it has a legal duty under the Equality Act 2010 to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations. This duty applies to all people defined as having protected characteristics under that legislation. The particular consideration of the accessibility of the site is considered most relevant to the protected characteristics related to age, disability, and pregnancy/maternity. More generally local and national planning advice also seeks to ensure that developments are accessible with the EDLP advising that the access needs of users should be taken into account under both Policies 1 and 36, which are both considered consistent with the NPPF.
205. In terms of pedestrian access, the proposal includes a number of measures to improve access to the site and encourage linked trips to the town centre. This includes proposals to upgrade the existing pedestrian subways under Essington Way and Burnhope Way. Such work would include replacing missing and damaged coping stones, applying anti-slip surfaces to approach ramps and steps to achieve DDA compliance, repairs to steps, replacement of render, repair of brickwork, repainting including use of anti-graffiti paint, repainting of handrails, replacement of fencing and improving drainage.
206. At the request of the Highway Authority, the applicant has also indicated that they will provide an additional surface pedestrian crossing on Essington Way to improve access for pedestrian access for residents in the area of Yoden Road.

207. Other than the aforementioned issue with regards to an omitted footway at the entrance to the site, the proposed development is considered to perform acceptably with regards to pedestrian movements within the site.
208. The concerns of the local resident with regards to a pedestrian linkage being provided directly into the adjacent existing Lidl site are noted. Whilst such a link would negate a need for pedestrian movement along Essington Way and would provide a more convenient route, the provision of such a route would require the agreement of the adjacent landowner, and the applicant has also advised that the such a route is not proposed as it would potentially fail to comply with DDA requirements due to topography. Notwithstanding any issue of DDA compliance, the fact that the route would require the agreement of a third party landowner means that it is considered that it would be unreasonable to insist on such a link being provided as part of this proposal.
209. Overall it is considered that the proposed mitigation measures in the form of the new pedestrian crossing and improvement of the existing subways to achieve full DDA compliance, would reduce the impact on disabled and other users. It is considered by officers that the implications of the development are not such that those potentially affected groups with protected characteristics are likely to be disadvantaged by the development to the extent that would warrant the withholding of planning permission.
210. With regards to sustainable modes of travel, the proposed layout contains provision for 16 cycle parking spaces split between locations close to Lidl and the proposed drive-thru units. This is considered to be an acceptable level of provision. The application is accompanied by a Framework Travel Plan. The Council's Sustainable Travel Team raise no objections to the application subject to a condition being attached that secures the submission of a Final Travel Plan.
211. In summary, the impacts from the proposed development would not lead to a severe residual cumulative impact in the context of Paragraph 32 of the NPPF. The proposals would also comply with EDLP Policies 1, 35, 36 and 37 in regard to reducing private transport use through improved access to links and safe access to the highway network.

Ecology

212. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests. EDLP Policy 16 seeks to protect Sites of Nature Conservation Importance, Local Nature Reserves and Ancient Woodland, EDLP Policy 17 states that development that adversely affects wildlife corridors will only be approved where there is adequate mitigation, and EDLP Policy 18 states that development that would significantly adversely affect any protected species will only be approved where the reasons for the development outweigh the value of the species or habitat. EDLP policies 16 and 17 are considered to be up-to-date, consistent with NPPF and can be afforded full weight, whereas Policy 18 is less stringent than NPPF and should be afforded lesser weight as a result.
213. In this respect an ecology survey has been submitted with the application. The submitted report identifies that the site lies within 400m of Castle Eden Dene National Nature Reserve (NNR)/Special Area of Conservation (SAC)/Site of Special Scientific Interest (SSSI), 1.1km of Yoden Village Quarry SSSI, 1.8km of Horden Grasslands Local Nature Reserve (LNR), 1.9km of Limekiln Gill LNR, 2.1km of Hawthorn Dene SSSI, 2.5km of Durham Coast SSSI, 2.7km of Northumbria Coast RAMSAR Site, 3.5km of Hulam Fen SSSI, 3.7km of Blackhall Grasslands LNR and 3.9km of Tuthill SSSI.

214. Furthermore, it identifies that Great Crested Newts have been recorded at a pond within 520m of the site, that Badgers are present in the local area with a sett identified approximately 1km away. It further notes that there have been sightings of Red Squirrel in the area, the most recent being in 2005 approximately 360m from the site.
215. Both common pipistrelle and noctule bats have been identified locally, the closest record being in 2014 approx. 600m from the site. With regards to birds several species have been recorded within 1km of the site including a species afforded protection under the Natural Environment and Rural Communities Act (NERC), several species present on the International Union for Conservation of Nature Red and Amber lists, and species identified within the Local Biodiversity Action Plan. Of these species, the closest record to the site related to a swift approximately 100m from the site in 2001.
216. The report also acknowledges that both Roe Deer and West European Hedgehogs are common in the local area, and that insects identified for protection under the Wildlife and Countryside Act and NERC have been identified on designated sites in the local area.
217. With regards to the site itself, the submitted information concludes that the site does not provide suitable habitat for roosting bats, little opportunity for commuting bats, but does have some habitat suitable for foraging bats. Overall the site is considered to low suitability for bats.
218. Turning to Badgers the submitted report identifies that site itself would not be suitable for setts, and that no setts were found within 30m of the site. The woodland to the south of the site is considered to not represent suitable sett-making habitat. Whilst there is a possibility that badgers may occasionally forage across the site, the likelihood of the site being used for sett making is negligible.
219. Trees within the site would have the potential to accommodate nesting birds, although no bird nests were found. The only bird species identified on the site at the time of survey were seagulls and chiffchaffs.
220. The risk of Great Crested Newt, reptiles, Otter, Water Vole and Red Squirrel occurring on, or within 30m of the site is considered to be negligible due to the unsuitability of the habitat. The submitted report does, however, identify that hedgehog may seek shelter within shrubs at the site margins.
221. With regards to the impact of the development upon designated ecological sites, no designated ecological sites are likely to be affected by the development as these lie a significant distance from site (at a minimum 400m), and there is no ecological or hydrological connectivity between these and the site. In addition, the development site is relatively small and fragmented, and so any temporary disturbance caused by works would be relatively isolated and confined to a small geographical area. In addition, the site already lies within an urban and built up conurbation, with high levels of foot and vehicular traffic disturbance.
222. Habitats on site are not similar to the habitats found within these local wildlife sites, and hence do not support the same levels of fauna associated with these areas. In addition, most protected species sightings within the local area are associated with the designated sites within the search area, and are less likely to be found on site.
223. The site itself does not contain any NERC or Local Biodiversity Action Plan identified habitats, with the site largely comprising locally common disturbed ground and early colonising species. However, the proposed development would lead to the loss of

hardstanding, bare ground, spoil heaps and modified neutral grassland, as well some shrub and tree removal. Overall these habitats are considered to be of relatively low value.

224. With regards to species that are afforded legal protection under the Conservation of Habitats and Species Regulations 2010, the Wildlife and Countryside Act 1981 (as amended) or any other legislation, it is considered by the applicant that although the site itself is of low value to bats as a habitat, they are present in the local area and construction work could disturb commuting and foraging. Furthermore the removal of trees and shrubs could harm nesting birds and hedgehog if undertaken at the wrong time of year or in an inappropriate manner.
225. The NPPF states that planning should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains for biodiversity where possible. In order to address this matter, the applicant proposes an offsite contribution of £6,000 to enhance biodiversity on an existing areas of Council owned open space. Given the application site constraints it is considered the most viable solution to address the policy criteria and enable the development be acceptable in planning terms and this contribution would need to be secured by a section 106 agreement. The submitted ecology report also proposes mitigation with respect to protected species during construction. A condition to this effect is recommended.
226. A number of European Protected Sites are within a 15km radius of the application site. These sites are the Castle Eden Dene Special Area of Conservation (SAC), Durham Coast SAC, Northumbria Coast Special Protection Area (SPA), European Marine Site and Ramsar Site and Teesmouth and Cleveland Coast SPA and Ramsar site. These sites vary in distance from the site from between 500m to 9Km. EDLP Policy 14 seeks to protect the SAC and prevent development that would be harmful to it.
227. Durham County Council is the competent authority for establishing whether an appropriate assessment is required under The Habitat Regulations. With regards to this duty, the Council has produced "Habitat Regulations Assessment: Developer Guidance and Requirements in County Durham". This document sets out the requirements of the HRA regime, the nature of the habitats concerned, an indication of areas within which HRA is a consideration, and information with regards to the screening of developments.
228. As the application lies with 6km of several sites which are subject protection under the Habitat Regulations, it is considered that it is necessary to consider whether the development requires Appropriate Assessment. With regards to this, within the Council's Guidance Note it is identified that the greatest risk to the protected sites is from proposed residential and visitor accommodation, due to the increased pressure upon the coast that arises from increased visitors and residents. Consequently, in effect, the document screens out other types of development at a high level as by their nature they are unlike to generate significant pressures through visitor numbers.
229. Therefore, the judgement of Durham County Council as competent authority is that the effects of the development would not be significant upon the potentially affected sites and as a result an appropriate assessment under The Habitats Regulations is not required. Furthermore, there are no works proposed that would require a licence from Natural England.
230. Overall, as a result of the mitigation secured the development is considered to not have an adverse impact on ecological interests and the development is considered compliant with EDLP Policies 1, 14, 16, 17, 18 and Part 15 of the NPPF in this respect.

Flooding and Drainage

231. EDLP Policy 1 sets out national advice within the NPPF and PPG with regard to flood risk advising that a sequential approach to the location of development should be taken with the objective of steering new development to flood zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment.
232. The application is accompanied by a Flood Risk Assessment (FRA) and this has been amended during the course of the application. The application site is located within flood zone 1 and is therefore located on land least likely to suffer from tidal or fluvial flooding. It is also identified that the site is at low risk of flooding from fluvial, tidal, groundwater, overland flow, land drainage and sewer sources. As a result, no flood defence measures are proposed as part of the scheme within the FRA.
233. With regards to the proposed method of drainage, the development proposes discharge into an adjacent sewer at a discharge rate of 11.3 litres per second, which would be achieved through the implementation of an attenuation tank of 900 cubic metres. Foul water disposal would be to existing sewers.
234. The Council's Drainage and Coastal Protection officers offer no objection to the proposed methods of surface water attenuation set out in the FRA following the receipt of additional information through the application process.
235. With regards to the disposal of foul waters, no connection to the foul sewer network has been confirmed with Northumbrian Water, and so a condition is requested that full details of the foul water network be included with any recommendation for approval. Northumbrian Water raise no objections to the methodology with regards to the disposal of surface water subject to a condition with any recommendation for approval to that works are undertaken in accordance with the FRA.
236. Overall therefore, the development is therefore considered to comply with Policy 1 of the EDLP and Part 14 of the NPPF in this respect.

Other Issues

Fallback Position

237. The site benefits from a historic planning permission (5/2009/0547) for a Tesco superstore, which was granted on 7 October 2011. This permission provided for a store with a gross floorspace of 10,246 sq.m and a net sales area of 5,600 sq.m (comprising 3,400 sq.m of convenience goods floorspace and 2,200 sq.m of comparison goods floorspace). It is the view of Officers' that the Tesco scheme has been implemented such that it remains extant in perpetuity. As a consequence, the applicant's case is that material weight can be afforded to the 'fall-back position' in determining the current proposal. This is contested by Praxis in their objection, who consider that there is no reasonable prospect of this permission being implemented in its approved form, and that as a result, it should not be afforded significant weight.
238. The materiality of a fallback position has been considered on numerous occasions by the courts. In particular, the findings of Hickinbottom J in *R (Zurich Assurance Ltd t/a Threadneedle Property Investments Ltd) v North Lincolnshire Council* [2012] EWHC 3798 (*Admin*) where he found that:

'The prospect of the fall back position does not have to be probable or even have a high chance of occurring; it has to be only more than a theoretical prospect. Where the possibility of the fall back position happening is "very slight indeed", or merely "an outside chance" that is sufficient to make the position a material consideration (see Samuel Smith Old Brewery (Tadcaster) v Secretary of State for Communities and Local Government [2009] EWCA Civ 333 at [20]-[21] per Sullivan LJ). Weight is, then, a matter for the planning committee.'

239. In this case, Tesco is disposing of the site and does not appear to have any wish to trade from such a large superstore in Peterlee at the present time. This is unsurprising, as few food superstores of the scale proposed are currently being pursued by the 'big four' grocers. As such, it is considered to be highly unlikely that the fallback scheme would be implemented in practice as it would require an unforeseen shift in food retail shopping habits (with the current trend of consumers increasingly moving towards discount operators being reversed) in order for there to be any prospect of the previous scheme being built out.
240. However, whilst it is currently somewhat improbable, the chance of the existing permission being built out is more than just 'theoretical', and some weight should be afforded to the fallback position in the overall planning balance. However, given the limited possibility of the existing permission being fully implemented, it is appropriate to comprehensively review the merits of the current proposal, even though it proposes a lesser quantum of retail floorspace, as has been carried out above.

Job Creation

241. Within the submission, the applicant has claimed that the proposed development could generate up to 120 FTE jobs, however within their objection Praxis estimate that this figure could range from 61 FTE jobs generated to up to 160FTE jobs being lost.
242. Clearly, there is a substantial difference between the parties with regards to this. Whilst officers are unable to provide definitive figures, it is noted that the large scale losses predicted by Praxis are predicated on the closure of the existing B&M Bargains and Wilko Stores within the town centre. The Council's retail consultant has indicated that the impact of proposed development on the town centre would not be significantly adverse, therefore it is considered that a scenario where both B&M and Wilko pull out of the town altogether is probably unlikely. It is however, acknowledged that both the proposed Lidl and Home Bargains stores would likely draw staff from their existing operations, so would not represent truly "new" opportunities. However, the new stores would be larger than as existing, and it is reasonable to assume that some new job opportunities would arise as a result, in addition to any relocated existing staff.
243. Officers have accepted that the proposed drive-thru restaurants would be unlikely to have a significant adverse impact upon existing food and drink offer, and current operations would be expected to continue trading. As new entrants to the Peterlee area it is considered reasonable to expect that these units would represent wholly additional job opportunities.
244. As modelling the impacts of a proposed retail development is not an exact science, it is difficult to fully predict the exact overall impact that the development would have upon the local jobs market. It is acknowledged that the proposed development would have an adverse impact upon the town centre, albeit the impact would not be significant. Therefore potential job losses within existing businesses in the town centre cannot be ruled out. On balance, it is considered that overall impact upon employment opportunities would be positive, albeit perhaps not to the level claimed by the applicant, that this would be a benefit of the application that should be weighed in the planning

balance. It is also noted that the creation of new jobs is an element of the proposed development that has attracted support from a number of local residents in their representations.

Heritage and Archaeology

245. The application site is considered to be well separated from heritage assets, the closest designated asset being located around 1.2km from the site, and with no inter-visibility between it and the application site. With regards to archaeology, the County Archaeologist has commented that previous development means that the likelihood of the site containing previously unidentified remains is low. Consequently it is considered that there would be no impact upon the historic environment, and the proposal would be in accordance Part 16 of the NPPF in this regards.

CONCLUSION

246. Section 38(6) of the Town and Country Planning Act states that planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise.
247. In this instance, it is considered that the proposed development would be contrary to EDLP Policy 104, in that it would represent a major new retail development outside of a defined town centre where there is no identified need.
248. The NPPF forms a material consideration and states at paragraph 11 that plans and decisions should apply a presumption in favour of sustainable development, and that for decision making this means:
- approving development proposals that accord with an up-to-date development plan without delay; or
 - where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
249. In this instance, it is considered that the most important policies within the EDLP, namely Policies P15, 101 and 104 are out-of-date, and that as a result, the NPPF indicates that the development should be approved unless there are specific policies within the NPPF that provide a clear reason for refusal, or where any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of doing so.
250. With regards to specific policies within the NPPF, paragraph 90 indicates that where an application fails to satisfy the sequential test or would have a significant adverse impact upon existing, committed or planned investment upon a town centre with the catchment area, or would have a significant adverse impact on town centre vitality and viability. However, NPPF paragraph 90 is not identified within the NPPF as one of

those policies identified within the closed list of footnote 6 to which this proviso applies, regardless of whether the proposal passes or fails the relevant paragraph 90 tests.

251. It therefore falls for the application to be considered in the context of whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of doing so.
252. The identified benefits of the proposed development are considered to be the physical regeneration benefits of the redevelopment of a brownfield site, an increase in choice in retail offer within the Peterlee catchment area, the provision of additional unrestricted free car parking in close proximity to the town centre, improvements to the fabric of existing pedestrian subways, the provision of an additional surface pedestrian crossing on Essington Way, potential job creation, and a net gain in terms of biodiversity.
253. The adverse impacts of the proposed development are identified as including a less than significant adverse impact upon the viability and vitality of Peterlee town centre, a minor impact upon levels of residential amenity available to the closest residents due to an increase in noise, and a minor adverse impact in terms of site access due to the omission of a footway on the western side of the main access.
254. The proposal has attracted significant objection from Praxis who own and operate Castle Dene Shopping Centre, as well as from Asda, Wilko and Simtrava Ltd (Costa Coffee) all raising concerns over the impact that the proposed development would have upon Peterlee town centre. The application has also attracted both support and objection from local residents, and other concerns expressed regarding the proposal have been taken into account, and carefully balanced against the scheme's wider social, economic and community benefits in reaching the recommendation.
255. Having regards to the identified adverse impacts and benefits, although finely balanced, it is considered that neither individually nor collectively would the adverse impacts significantly and demonstrably outweigh the benefits. Therefore, with the presumption in favour of sustainable development being engaged, the NPPF advises that planning permission should be granted, and this is considered to be a material consideration that would outweigh the conflict with the development plan.
256. Paragraph 204 of the NPPF and Paragraph 122 of The Community Infrastructure Levy Regulations 2010 set out three planning tests which must be met in order for weight to be given to a planning obligation. These being that matters specified are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development. In this respect the contribution towards offsite ecology is considered necessary for the development to be considered acceptable and therefore meet the relevant tests.

RECOMMENDATION

That the application is **APPROVED** subject to the completion of a Section 106 Legal Agreement to secure the following:

- £6,000 towards biodiversity improvement projects

and subject to the following conditions:

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2) The development hereby approved shall be carried out in strict accordance with the approved plans listed in Part 3 - Approved Plans.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 1, 35, 36, 37, 101 and 104 of the Easington District Local Plan and the NPPF.

- 3) (a) The development hereby permitted shall only be carried out in accordance with the gas protection works outlined in the report: "Ground Gas Verification Plan for Quora (Peterlee) Ltd, Essington Way, Peterlee" by GeoDyne Geotechnical and Environmental Consultants.

(b) During the implementation of the development if any contamination is identified that has not been identified pre-commencement, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be carried out in accordance with part b of the condition and where necessary a Phase 3 Remediation Strategy shall be prepared in accordance with part c of the condition. The development shall be completed in accordance with any amended specification of works.

(c) Upon completion of the remedial works, a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development. If integrity testing of the membrane(s) was required a verification pro forma should be included.

Reason: The site may be contaminated as a result of past or current uses and/or is within 250m of a site which has been landfilled and the Local Planning Authority wishes to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems in accordance with NPPF Part 11.

- 4) No construction work shall take place, other works to the main vehicular access shall take place until all trees and hedges, indicated on the approved tree protection plan as to be retained, are protected by the erection of fencing, placed as indicated on the plan and comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar approved in accordance with BS.5837:2010. These measures shall remain in place for the duration of construction works.

No operations whatsoever, no alterations of ground levels, and no storage of any materials are to take place inside the fences, and no work is to be done such as to affect any tree.

No removal of limbs of trees or other tree work shall be carried out.

No underground services trenches or service runs shall be laid out in root protection areas, as defined on the Tree Constraints Plan.

Reason: In the interests of the visual amenity of the area and to comply with Policies 1 and 104 of the Easington District Local Plan.

- 5) Prior to the beneficial occupation of any part of the development hereby approved the surface water management scheme for the proposed development shall be completed in accordance with the following document:-

Drainage Strategy - Ref : PETE-BSP-ZZ-ZZ-DR-S-SK240 rev P3

Reason: To ensure effective drainage measures and sustainable principles are adhered to, and to safeguard the proposed development from flood risk, whilst not increasing flood risk elsewhere in accordance with Part 14 of the NPPF.

- 6) Prior to the first occupation of any retail unit hereby approved, a detailed scheme for the disposal of foul water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.

Reason: In the interests of the adequate disposal of foul and surface water in accordance with Parts 10 and 11 of the NPPF.

- 7) No deliveries to Units A, B and C shall take place outside of the hours of 0700 - 2300.

Reason: In the interests of residential amenity in accordance with Policy 104 of the Easington District Local Plan and Part 15 of the NPPF.

- 8) The development hereby approved shall only be carried out in accordance with the recommendations contained within Chapter 5 of the Urban Green "Ecology Assessment - Burnhope Way, Peterlee, July 2018".

Reason: In the interests of biodiversity protection and enhancement in accordance with Part 15 of the NPPF.

- 9) No beneficial occupation of any unit of the site shall take place until a scheme for the provision of a pedestrian crossing on Essington Way, including timescales for implementation, has been submitted to, and approved by, the Local Planning Authority. Thereafter, the pedestrian crossing will be installed in accordance with the agreed timescales.

Reasons: In the interest of highway safety in accordance with Policies 35, 36 and 37 of the Easington District Local Plan and Part 9 of the NPPF.

- 10) Within a period of six months of the first occupation of any part of the development of the relevant phase, a final Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented thereafter in accordance with the approved timescales and adhered to thereafter.

Reason: To reduce reliance on the private motor car and to promote sustainable transport methods in accordance with Policies 1 and 36 of the Easington District Local Plan and Parts 4 and 10 of the National Planning Policy Framework.

- 11) No part of the development hereby approved shall be occupied until the subway improvement works set out at Paragraph 2.16 of the document "Exigo Project Solutions, Transport Assessment Rev D, Proposed Retail Development, Essington Way, Peterlee, September 2018" have been completed and the subways are available for public use.

Reason: In order to improve pedestrian access to the site in accordance with Policies 35, 36 and 37 of the Easington District Plan and Part 9 of the NPPF.

- 12) Before any unit hereby approved is brought into operation the approved on-site cycle parking facilities and car parking spaces shall be made available for use.

Reason: In order to ensure the provision of safe access for users of the highways in accordance with Policy 36 of the District of Easington Local Plan and Part 9 on the NPPF.

- 13) Prior to any unit hereby approved being brought into operation development two electric car charging points shall be provided within the customer car, details of which will have been submitted to and agreed in writing by the Local Planning Authority prior to their installation. The charging points shall be retained for use in perpetuity thereafter.

Reason: In order to encourage sustainable means of travel in accordance with the aims of Part 9 of the NPPF.

- 14) None of the approved retail floor space within Unit B hereby approved should be occupied by any retailer who at the date of such occupation, or within a period of 12 months immediately prior to occupation, occupies retail floor space in the town centre of Peterlee, as defined within Easington District Plan Policy P15; unless a scheme which commits the retailer to retaining their presence as a retailer within that town centre, for a minimum period of 5 years following the date of their occupation of retail floor space within the development, or until such time as they cease to occupy retail floor space within the development, whichever is sooner, has been submitted to and approved in writing by the local planning authority.

Reason: In the interests of maintaining the viability and vitality of Peterlee Town Centre in accordance with Policies 101 and 104 of the Easington District Local Plan and Part 7 of the NPPF.

- 15) The relevant net floor retail areas of the units hereby approved shall not exceed the following levels:

Convenience Retail Area:

Unit A – 1,129m²

Unit B – 0m²

Unit C – 1,060m²

Comparison Goods Retail Area:

Unit A – 1,380m²

Unit B – 371m²

Unit C – 265m²

Total Net Retail Area:

Unit A – 2,509m²

Unit B – 371m²

Unit C – 1,325m²

Reason: In the interests of maintaining the viability and vitality of Peterlee Town Centre in accordance with Policies 101 and 104 of the Easington District Local Plan and Part 7 of the NPPF.

16) All work during the construction period shall be carried out in accordance with the “Jessops Construction Ltd – Construction & Environmental Management Plan”.

Reason: To protect the residential amenity of existing and future residents from the development to comply with Policies 1 and 35 of the Easington Local Plan and Part 8 of the National Planning Policy Framework.

17) All landscape works and mitigation shall be carried out in strict accordance with the submitted ‘Urban Green - Arboricultural Impact Assessment, Quora (Peterlee) Limited, Burnhope Way, Peterlee, July 2018’.

All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in the first available planting season following the practical completion of each phase of the development.

No tree shall be felled or hedge removed until the removal/felling is shown to comply with legislation protecting nesting birds and roosting bats.

Any approved replacement tree or hedge planting shall be carried out within 12 months of felling and removals of existing trees and hedges. Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species. Replacements will be subject to the same conditions

Reason: In the interests of the visual amenity of the area and to comply with Policy 1 and 35 of the Easington Local Plan and Parts 8 and 15 of the National Planning Policy Framework.

18) Notwithstanding the details submitted with the application, the proposed customer parking shall not be restricted.

Reason: To encourage customers to visit other shops and services within the town centre in the interests of maintaining the viability and vitality of Peterlee Town Centre in accordance with Policies 101 and 104 of the Easington District Local Plan and Part 7 of the NPPF.

19) Notwithstanding the provisions of the Town and Country Planning (Uses Classes) Order 1987, (or any Order revoking or re-enacting that Order with or without modifications), Units D and E hereby approved shall be used only for uses falling within Use Classes A3 and A5 only, and for no other purpose.

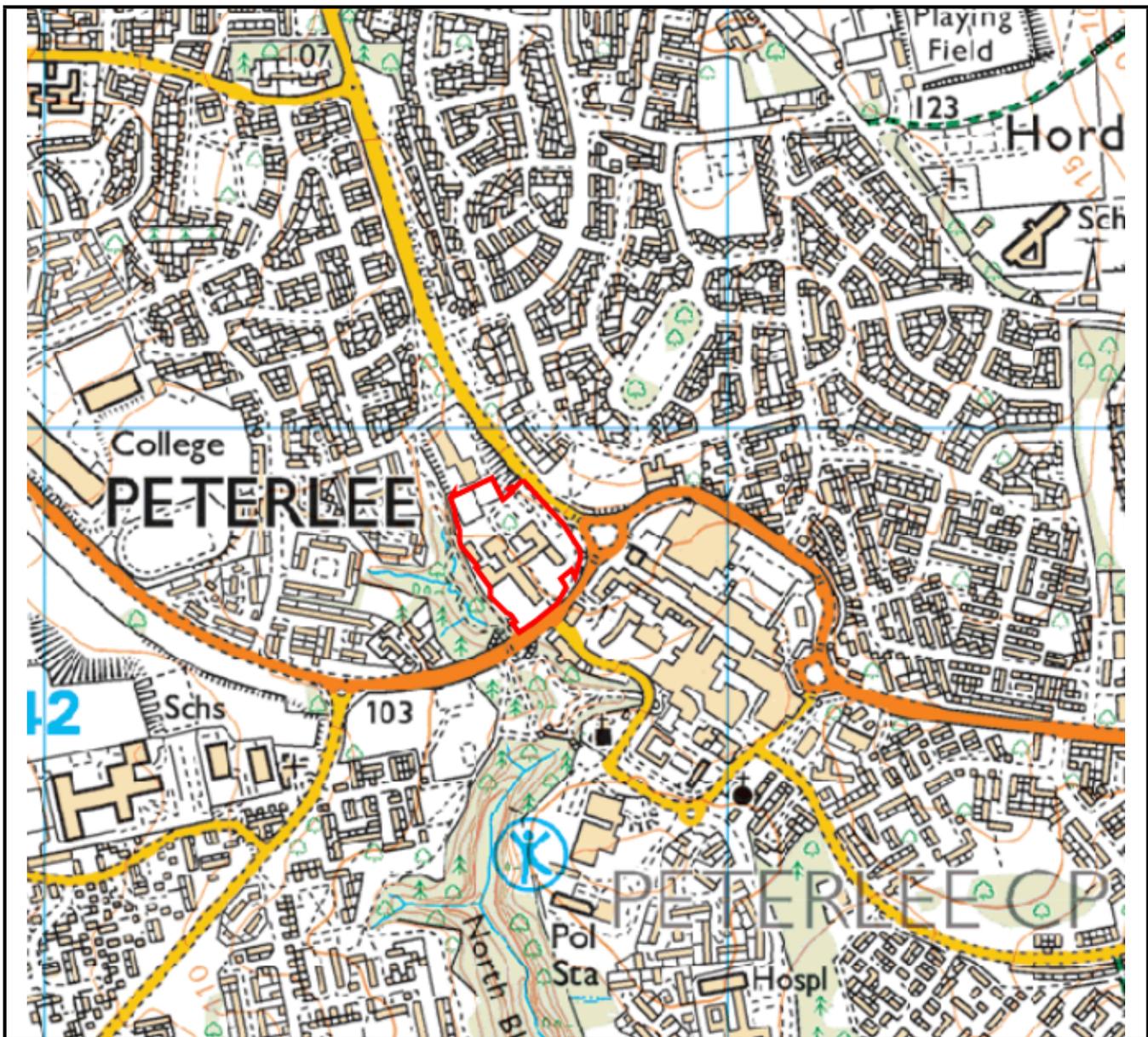
Reason: In the interests of maintaining the viability and vitality of Peterlee Town Centre in accordance with Policies 101 and 104 of the Easington District Local Plan and Part 7 of the NPPF.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to support this application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. (Statement in accordance with Article 35(2) (CC) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.)

BACKGROUND PAPERS

- Submitted application form, plans, supporting documents and subsequent information provided by the applicant
- The National Planning Policy Framework (2018)
- County Durham Town Centre Retail Study (2018)
- Conservation of Habitats and Species Regulations 2010 (as amended)
- National Planning Practice Guidance
- Easington District Local Plan
- Nexus Planning – Appraisal of Retail and Town Centre Issues at Former East Durham and Houghall Community College, Burnhope Way, Peterlee
- Habitat Regulations Assessment: Developer Guidance and Requirements in County Durham



Planning Services

DM/18/03002/FPA

Redevelopment of former college site to provide a mixed use scheme with three retail units (use class A1) and a restaurant with drive-through (use class A3/A5) and coffee house with drive-through (use class A3) and associated infrastructure

Former East Durham and Houghall Community College, Burnhope Way, Peterlee

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Comments

Date February 2019

Scale Not to scale

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/18/02937/OUT
FULL APPLICATION DESCRIPTION:	Outline planning application for up to 105 dwellings (97 shown on indicative plan) with all matters reserved except access (amended description 20/12/2018)
NAME OF APPLICANT:	iMpeC Real Estate Ltd
ADDRESS:	Land To The South East Of Fieldfare Court, Crookgate Bank
ELECTORAL DIVISION:	Burnopfield and Dipton
CASE OFFICER:	Laura Eden Senior Planning Officer 03000 263980 laura.eden@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is a roughly rectangular shaped parcel of land located immediately to the south east of Fieldfare Court and lies within Crookgate Bank. The site extends to approximately 4.9ha and comprises of a single agricultural field. There are hedgerows, albeit with gaps, to the north-east, south-east and south-west boundaries. An area of mature woodland, protected through a Tree Preservation Order (DER-145), extends along the western and south western boundaries. Land levels across the site are relatively even (approx. 4 metres variation across the site) with the site sitting on an elevated ridge therefore occupying higher ground in comparison to surrounding areas.
2. Immediately to the north of the site lies Barusclose Lane which provides highway connections to Burnopfield to the north-west and Tanfield to the south. The site is bordered to the north-west by residential properties with the A692 and Burnopfield lying beyond. Hobson Golf Club lies to the south, agricultural fields and open countryside lie to all other sides.
3. Two Public Rights of Way (PROW) lie within the site. Footpath no.80 (Stanley) roughly crosses the middle of the site (N/S) and connects onto Footpath no. 79 (Stanley) which runs alongside and within the majority of the site's southern boundary. A number of unrecorded desire lines also cross the site, most notably through the woodland area connecting Barusclose Lane to footpath no.79.
4. The site lies outside of any nationally or locally designated landscape, heritage or ecological areas. A number of Local Wildlife Sites (LWS) lie close to the development site including Burnopfield Meadow (approx. 700m to the west), Beckley Wood (approx.700m to the north-east/east) and Causey Burn Wood (approx.1.3km to the east/south-east). The site lies approximately 1.5km to the north west of Tanfield Lea

March Local Nature Reserve (LNR) and 1.8km to the west of Causey Bank Mires Site of Special Scientific Interest (SSSI). Approximately 500m to the south of the site lies the northern edge of Tanfield Conservation Area (CA) which includes a number of Grade I, II* and II listed buildings. Burnopfield Conservation Area, containing Grade II* and II listed buildings, lies approximately 720m to the north west of the site.

The Proposal

5. The application seeks outline planning permission for up to 105 dwellings (originally proposed 110) with all matters reserved except access. Access into the site would be taken from Barcusclose Lane via a new priority T-junction and ghost island facility. The scheme also includes proposals to reduce the speed limit to 40mph along the site frontage as well as incorporating traffic calming measures such as painted road markings, village welcome and please drive carefully signage. The proposals also include extending the existing footpath along Barcusclose Lane in addition to two new pedestrian refuge islands linking the site to the surrounding PROW network and the relocation of the existing south bound bus stop.
6. The application is accompanied by indicative site layout plans for 97 units although consent is sought for up to 105 units. Being an outline application there is no defined mix at this stage however the indicative plan suggests a mixture of detached, semi-detached and terraced properties are proposed including 2-5 bed homes and bungalows. The plan indicates that amenity open space would be provided around the site's boundaries including SuDs features. Supporting reports outline that existing hedgerows, trees and PROWs are sought to be maintained and enhanced however the hedgerow along Barcusclose Lane would require removal to accommodate highway works. Landscape planting is proposed in the form of a 10m wide buffer to the eastern and partially along the southern boundary with new hedgerow and tree planting along Barcusclose Lane.
7. The application is being reported to the County Planning Committee as it constitutes a major residential development proposal on a site in excess of 4ha.

PLANNING HISTORY

8. There is no relevant site history relating to application site. The residential development immediately to the north west was consented in the late 80's.

PLANNING POLICY

NATIONAL POLICY

9. A revised National Planning Policy Framework (NPPF) was published in July 2018. The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
10. In accordance with Paragraph 213 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section

of the report. The following elements of the NPPF are considered relevant to this proposal.

11. *NPPF Part 2 - Achieving sustainable development.* The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
12. *NPPF Part 4 - Decision-making.* Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
13. *NPPF Part 5 – Delivering a sufficient supply of homes.* To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed and that the needs of groups with specific housing requirements are addressed.
14. *NPPF Part 6 – Building a strong, competitive economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
15. *NPPF Part 8 – Promoting healthy and safe communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. *Developments* should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
16. *NPPF Part 9 – Promoting sustainable transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
17. *NPPF Part 11 – Making effective use of land.* Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
18. *NPPF Part 12 – Achieving well-designed places* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
19. *NPPF Part 14 – Meeting the challenge of climate change, flooding and coastal change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions,

minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

20. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
21. *NPPF Part 16 Conserving and Enhancing the Historic Environment* - Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

<https://www.gov.uk/guidance/national-planning-policy-framework>

22. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; conserving and enhancing the historic environment; design; determining a planning application; flood risk; health and well-being; land stability; housing and economic development needs assessments; housing and economic land availability assessment; light pollution; natural environment; neighbourhood planning; noise; open space, sports and recreation facilities, public rights of way and local green space; planning obligations; travel plans, transport assessments and statements; use of planning conditions and; water supply, wastewater and water quality.

<https://www.gov.uk/government/collections/planning-practice-guidance>

LOCAL PLAN POLICY:

The Derwentside District Local Plan (DDLPL) 1997

23. *Policy GDP1 – General Development Principles* – outlines the requirements that new development proposals should meet, requiring high standards of design, protection of landscape and historic features, protection of open land with amenity value, respecting residential privacy and amenity, taking into account ‘designing out crime’ and consideration of drainage.
24. *Policy EN1 – Development in the Countryside* – will only be permitted where it benefits the rural economy / helps maintain / enhance landscape character. Proposals should be sensitively related to existing settlement patterns and to historic, landscape, wildlife and geological resources.
25. *Policy EN2 – Preventing Urban Sprawl* – Except where provision has been made in the plan, development outside built up areas will not be permitted if it results in: the merging/coalescence of neighbouring settlements; ribbon development or; and encroachment into the countryside.

26. *Policy EN9 – Works to Trees Covered By Preservation Orders* - Only allows the cutting down, loping, pruning, topping or uprooting of protected trees if the work is necessary because of good arboricultural reasons or the survival or growth prospect of other protected trees is threatened, or if the tree is causing structural damage and no other remedial action is possible, or the tree is a danger to life or limb.
27. *Policy EN11 – Trees and Development* – states that throughout the district existing trees should be retained where possible. Consideration will be given to the effect of development on any affected trees, taking into account; landscape diversity, the setting of existing or proposed buildings, wildlife habitat and visual amenity.
28. *Policy EN19 - Protection of Sites and Settings of Ancient Monuments and Archaeological Features* – seeks to protect such heritage assets by precluding development that would damage them. Pre-application evaluation or an archaeological assessment should be carried out, and where present such assets should be either preserved in situ or investigated and recorded.
29. *Policy EN26 - Control of Development Causing Pollution* - permission will only be granted for development which is not likely to have an adverse impact on the environment having regard to likely levels of air, noise, soil or water pollution.
30. *Policy HO5 - Housing Development on Small Sites* - Lists settlements where housing development will be permitted on small sites. Development must be appropriate to the existing pattern and form of development; must not extend beyond the existing built up area; represents acceptable backland or tandem development; and should not exceed 0.4 hectares when taken together with an adjoining site.
31. *Policy HO22 – Recreational Public Open Space within Housing Layouts* - states planning permission for new housing developments will be granted if they include sufficient open space and play areas to meet the demands of the residents of the development.
32. *Policy AG1 - Protection Of Better Quality Agricultural Land* – Development of Grade 2 of 3a agricultural quality will only be permitted provided there is no irreversible loss of agricultural land or no other sites of lower grade land exists where the development could reasonably be sited.
33. *Policy RE4 - Protection of Public Footpaths* - Development should facilitate the incorporation rather than the diversion of public rights of way and other recreational footpaths.
34. *Policy TR2 – Development and Highway Safety* – relates to the provision of safe vehicular access/exit, adequate provision for service vehicle manoeuvring, access for emergency vehicles and access to the public transport network.
35. *Policy TR3 – Cycling* – Requires cyclists' needs to be taken into account when considering proposals for new traffic management, road improvements and new developments. Permission will only be granted if safe and convenient access and cycle parking facilities such as racks or wall bars are provided.

EMERGING PLAN:

The County Durham Plan

36. Paragraph 48 of the NPPF states that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to

which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. An 'Issues & Options' consultation was completed in 2016 on the emerging the County Durham Plan (CDP) and the 'Preferred Options' stage CDP was subject to consultation in summer 2018. On the 16th January 2019, Cabinet approved the 'Pre Submission Draft' CDP for consultation. However, the CDP is not sufficiently advanced to be afforded any weight in the decision-making process at the present time.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

37. *Highway Authority* – The Transport Assessment shows that the proposed development will not result in severe residual cumulative impacts on the operation of the current and proposed highway network. The site access arrangements and highway improvement works are considered to be acceptable in principle however a condition is required to secure the full engineering details and its full implementation on site.
38. *Northumbrian Water Limited* – Raise no objection provided that a condition relating to foul and surface water drainage is imposed.
39. *Drainage and Coastal Protection* – Advise a conditional approach to deal with the proposed methods of attenuation of surface water from the site through SUDS, subject to a condition to agree the final design, maintenance regime and subsequent delivery of the scheme prior to submission of any reserved matters application.

INTERNAL CONSULTEE RESPONSES:

40. *Spatial Policy* – DDLP Policies EN1 and EN2 seek to protect the countryside from inappropriate development and preventing urban sprawl therefore would indicate that the scheme should be resisted. The site has also been assessed through the SHLAA and was deemed unsuitable (amber) on account it would result in significant adverse landscape and visual impacts and would be poorly contained within the existing settlement layout. The application should be subject to the planning balance exercise outlined in Paragraph 11d of the NPPF. Whilst recognising there are some benefits associated with the scheme, the potential impacts to the countryside and whether this site represents a sustainable location for new housing development will also be a key consideration in the planning balance exercise.
41. *Landscape* – Effects on the landscape of the site and the immediate local landscape would be substantial and transformative. Development would entail a conspicuous incursion of built form into open countryside beyond a well-defined and mature settlement edge. Although landscaping is proposed to mitigate this impact it would take 15-20 years for this to fully develop and soften the appearance of the development however it would essentially remain suburban in character.
42. *Arboriculture* – The submitted arboricultural report outlines work to retain existing trees however that there are a number that require further diagnostic tests. The street trees shown within the indicative plan require further thought to ensure their long-term survival and consideration should be given to the use of tree pits. A tree protection plan (TPP) condition is required to be imposed.
43. *Archaeology* – The geophysical survey notes archaeological potential on the site and recommends trial trenching evaluation. No objection is raised subject to a condition to secure this work in advance of a Reserved Matters submission.

44. *Design and Conservation* – Accepted that the proposed development will have limited impact on the setting of the heritage assets within close proximity of the site.
45. *Ecology* – Raise no objections subject to a S106 agreement to secure financial contributions and the imposition of conditions. Biodiversity offsetting is required to ensure there is no net loss to biodiversity therefore a contribution of £10,728.20 is required to deliver 0.7ha of offsite species rich grassland. Officers consider that the submitted Preliminary Ecological Appraisal report is sufficient to inform the application and that no further surveys are required at this stage. Conditions are required to secure a Mitigation Strategy prior to works commencing as per Part E of the report in addition to a management plan for the habitats to be created on site including an appropriate monitoring programme.
46. *Environment, Health and Consumer Protection (Air Quality)* – No objections are raised subject to a condition relating to a dust action plan. The development will not have a significant effect on air quality and there is no requirement to undertake further assessment.
47. *Environment, Health and Consumer Protection (Pollution Control)* – No objections subject to a condition to secure a construction management plan.
48. *Environment, Health and Consumer Protection (Contaminated Land)* – Advise a conditional approach in relation to land contamination.
49. *Housing Delivery* – Identify that 15% affordable housing should be provided on the site with an appropriate mix of affordable (social) rent and intermediate tenure. There is also a requirement for 10% of all the private and intermediate properties to be for older people.
50. *Public Rights of Way* – There are registered rights of way crossing and adjacent to the development site as well as a number of unrecorded desire lines. Any deviation of either of the two registered public footpaths away from the definitive routes to accommodate the development will require a diversion application under the relevant legislation. The development will place additional pressure on the network therefore a contribution of £45,000 is sought.
51. *School Places Manager* – It is considered that the development is likely to produce 32 primary pupils and 13 secondary pupils. There are sufficient secondary places available, but insufficient places at the nearest primary school. Consequently, a contribution of £470,496 would be required for the provision of additional teaching accommodation.
52. *Sustainable Travel* – A contribution of £101,400 is sought to strengthen the existing M8 bus service through providing extra journeys at peak times and extending the afternoon/evening operation to cater for worktime travel and provide a more robust daytime operation (Mon-Sat). The submitted Travel Plan (TP) does not meet DCC standards therefore conditions are recommended to ensure the TP is agreed and implemented.

EXTERNAL CONSULTEE RESPONSES:

53. *North Durham Clinical Commissioning Group* – Based on a standard approach to costing the impact of additional housing growth a financial contribution of £7,245 would be sought to make the proposed housing expansion supportable from a health infrastructure perspective.

54. *Police Architectural Liaison Officer* – The crime risk assessment for the proposed development is low. From a ‘Design out Crime’ perspective the layout is very good therefore the final design should not deviate from this.

PUBLIC RESPONSES:

55. The application has been publicised by way of press notice, site notice, and individual notification letters to neighbouring residents.

Objection

56. 18 letters have been received from neighbouring properties objecting to the proposal. The main concerns are summarised as follows:

Principle of development

- The site has been assessed in the SHLAA and has an unfavourable (amber) classification. Nothing has changed since this assessment was undertaken which would allow for a more positive outcome.
- Represents an unnecessary expansion to the village extending it beyond the current, natural, physical boundary of the woodland area to the east of Fieldfare Court.
- New homes are not required especially given the consented mixed-use development including residential at the former Ever Ready Industrial Estate at Tanfield Lea, Stanley. Affordable housing was also secured as part of this development. Development has also been approved for 14 new homes on the site of Pickering Lodge Nursing Home and also near Lobley Hill, Gateshead.
- There are more preferable and suitable brownfield sites to develop before greenfield sites such as this are considered.
- Whilst noting the relative proximity of the site to Burnopfield, Crookgate is a separate settlement detached from Burnopfield by the A692. Crookgate is considered to be a small hamlet and the proposal represents a significant increase to its size. It is questioned whether the site therefore represents a sustainable location for new development.

Highway safety

- Concerns regarding the additional volume of traffic that will use Barusclose Lane especially at the junction with the A692 which already suffers from significant queuing at peak times
- Additional volumes of traffic will go through Tanfield Village where there are already concerns with parking, speeding traffic and road traffic accidents.
- Motorised trips from the site into Burnopfield would most likely involve a sharp left hand turn off the A692. This is far from a satisfactory road junction therefore question whether it is suitable for further traffic. The safer, light controlled access into Burnopfield is noticeably further away from the site.
- The proposed alterations to the speed limit are inadequate and consideration should be given to changing the speed limit to 30mph along Barusclose Lane and also the use of signals at the A692/Barusclose Lane junction.
- The A692 is already busy, the development would add to this, however there are no crossing points. Given the volume and speed of traffic this is considered to be dangerous and a concern.
- Barusclose Lane is damaged in areas with uneven surfaces and potholes.

Other matters

- The proposal would change the character and appearance of the village.
- The widening of the road would destroy the rural aspect

- The loss of countryside and the impact that this will have on wildlife including protected species
- The site is valued by locals for recreation and walking. Development of the site would diminish this.
- Queuing traffic will have a severe negative impact on the environment from increased emissions.
- Concerns that existing drainage problems on the site will be made worse through the development of the site.
- Fear of crime and anti-social behaviour taking play in the proposed adventure play area especially given the proximity to existing housing. As there are existing play facilities within close proximity of the development it would be better to upgrade existing infrastructure. If the play area goes ahead how will it be maintained? Motorcycle barriers should be placed at the site entrances to try minimise potential disorder.
- Potential impact to TPO trees as a result of the proposed adventure play area also need to be considered.
- Query whether affordable homes will be proposed.
- The highways works would involve extending the street lighting beyond what is already there causing light pollution.
- That 2 ½ dwellings/townhouses are not in keeping with the surrounding area
- Concerns regarding the extent of the public consultation exercise undertaken by the developer and that they have not responded to queries when raised

57. A letter of objection has also been received from the Campaign for the Protection of Rural England (CPRE) who are objecting to the development on the grounds that;

- The development is contrary to a number of policies within the Derwentside District Local Plan so should be refused unless material considerations indicate otherwise.
- The development represents encroachment into the countryside resulting in urban sprawl contrary to DDLP Policies EN1 and EN2. These policies are not considered to be housing supply policies therefore they are not out of date and can be given weight in the determination process.
- DDLP Policy H5 permits small developments in certain locations including Crookgate however as this proposal relates to 100+ houses it draws no support from the policy. Policy HO5 is considered to be housing supply policy however it doesn't necessarily follow that weight cannot be attributed to it.
- Recent committee reports indicate that there is in excess of a 5 year housing land supply therefore additional housing is not required.
- There are no material planning considerations to justify a decision contrary to Policies EN1, EN2 and HO5 of the Derwentside District Local Plan.
- Crookgate is a hamlet separated from Burnopfield by a busy road which is a material consideration in determining whether this is a sustainable location for development.

Support

58. 17 letters of support have been received outlining;

- The development would be a fantastic addition to Burnopfield with safe streets for children, it appears to provide a spacious development and areas to encourage walking and wildlife.
- There are a lack of suitable homes in the area. The proposals indicate a range of homes would be available including affordable and the potential for bungalows.
- It would allow people to move closer to their place of work.

- New housing would support local businesses and sports facilities.

The above is not intended to repeat every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at:

<https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PFO774GDFME00>

APPLICANTS STATEMENT:

59. An applicant's statement was submitted on 13/02/2019 and is available to view in full on public access. It includes an executive summary which is provided below;

- The proposed development will provide up to 105, much needed, new homes for the 'Local Service Centre' of Burnopfield.
- 16 homes (15%) will be 'Affordable Homes'.
- A **minimum** of 10% of the new homes will be bungalows for older people, responding to significant local demand.
- **£938,654** will be contributed to the local area via S106 payments. It should be noted this is up to £400,000 more than the DCC Local Plan Viability Testing Report (June, 2018) concludes is appropriate for a site in this location.
- The new homes will support local businesses retain and attract employees by providing a choice of new homes, such as those businesses within the Hobson Industrial Estate which is a 20-minute walk from the proposed development.
- The occupants of the new homes will provide a much needed increase in local spending helping to support nearby services and facilities, such as the Cricket and Golf Clubs.
- The development will deliver a new improved local highway solution which will reduce the speed of cars travelling along Barcusclose Lane (a Significant concern expressed by local residents). This solution is fully supported by the DCC Highway Officer.
- Through the construction and delivery phase, the development will support the employment of 341 people.
- The local woodland (currently private ownership) will be retained, enhanced and opened up to local residents for their enjoyment. Furthermore, there will be improvements made to the existing local footpath network and new footpaths delivered on site and on the adjacent highway.
- The new homes will deliver approximately £163,020 per annum of Council Tax Revenue, this is in addition to approximately £912,912 of New Homes Bonus.
- The site is within close proximity to public transport, local services and employment and thus is highly sustainable.
- The Applicants Statement demonstrates that the development is acceptable in principle when taking into account NPPF and the appropriate weight afforded to saved policies GD1, EN1, EN2, EN11, HO5 and TR2.
- This Applicant Statement outlines, that with the sole exception of the effect on the Local Landscape, there is an agreed position with the Planning Authority on all other planning aspects.

Local Landscape:

- The settlement of Burnopfield is not subject to any specific development limits or settlement boundary as defined within the Development Plan which would restrict development in this location.
- It has been confirmed by all parties that the site bears no local or national designated landscape status which would require significant protection within the development plan.
- The development is in keeping with the local landscape character, as defined by the 'West Durham Coalfield County Character Area', which identifies existing settlements scattered along ridge tops.

- The development will not result in the merging of any settlements.
- The layout and landscape proposals have been developed with an accelerated mitigation planting technique to both minimise the potential landscape impact on the local area and significantly enhance the local landscape structure. The proposed new planting, including groupings of trees, is in keeping with the local landscape character. These measures are in excess of what would be expected for such a site with no protected landscape status.
- The proposed scheme is low density with only 8.5 new homes per acre, thus delivering a development of appropriate scale and in keeping with the sites 'urban fridge' status.

Summary:

- The Applicants Statement evidences that the application benefits from the presumption in favour of sustainable development as outlined in NPPF.
- The site when considered against the NPPF economic, environmental and social dimensions represents 'Sustainable Development'.
- It is demonstrated the site is available for development, achievable in the short-medium term and deliverable.
- There is demand now for a range of housing in **quality** locations, such as this site, within Burnopfield.
- It is demonstrated that the development proposals would not result in any adverse impacts that would significantly or demonstrably outweigh the benefits when taken as a whole and as such should receive planning approval.

PLANNING CONSIDERATIONS AND ASSESSMENT

60. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with advice within the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to: the principle of the development, locational sustainability of the site, highway safety and access, impact on the character and appearance of the surrounding area, ecology, infrastructure and open space provision, affordable and accessible/adapted Housing residential amenity, flooding and drainage, heritage and archaeology and other matters.

The Principle of the Development

The Development Plan

61. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The Derwentside District Local Plan (DDLDP) remains the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF.
62. The DDLDP was adopted in 1997 and was intended to cover the period to 2006. However, NPPF Paragraph 213 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. However due weight should be given to them, according to their degree of consistency with the NPPF.

63. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means:-
- c) approving development proposals that accord with an up to date development plan without delay; or
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or,
 - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
64. No saved policies within the housing chapter of the DDLP are directly applicable to the site and development which directs upon the principle of housing at this site. Policy H05 is a saved policy and provides advice in regards to housing development on small sites. However, the application site does not constitute a small site as discussed under Policy H05 and therefore is not strictly applicable.
65. Policies EN1 and EN2 of the DDLP which relate to protection of the countryside and preventing urban sprawl are applicable to the development proposal and are policies most important to the determination of the application. More detailed discussion on the assessment of the proposals against these key policies is provided elsewhere in the report. The general thrust of the advice to protect the countryside and prevent harmful incursions into the countryside are considered to be consistent with advice within the NPPF and substantial weight to the policies can therefore be afforded. However, the policies are informed by evidence of significant age and in this sense cannot be considered fully up to date. As a result the application must be considered in the context of the planning balance at NPPF paragraph 11d.

Five Year Housing Land Supply

66. Paragraph 73 of the updated NPPF maintains the requirement for Local Planning Authorities (LPAs) to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.
67. Within County Durham all of the extant development plans are more than five years old and their housing figures need revising so the starting point for calculating land supply will be local housing need using the Government's standard methodology. The 'Preferred Options' (June 2018) stage of the emerging County Durham Plan (CDP) is aligned with the standardised methodology and identifies a housing need figure of 1,368 dwellings per annum (dpa). The Council is able to demonstrate in excess of 6 years supply of deliverable housing land against this figure.
68. Although in a recent written representations appeal involving land to the south of Castlefields, Esh Winning, the Inspector took the view that supply had not been demonstrated by the Council in the terms of paragraph 74 of the Framework, the Council's view is that the Inspector applied paragraph 74 prematurely in this appeal because paragraph 74 does not allow for submission of an Annual position statement

on 5 YHLS until April 2019 at the earliest. It was therefore impossible for the Council to have such an annual position statement in place at the time of the appeal.

69. To summarise, the Council's position remains that the NPPF has confirmed the use of the standard method for calculating local housing need and as the emerging CDP is aligned with the figure derived from the standardised methodology (1,368dpa), a supply in excess of 6 years supply of deliverable housing can be demonstrated when measured against this.

Locational Sustainability of the Site

70. DDLP Policy GDP1 amongst its advice states that the form of development should be appropriate to the sites location and located to conserve energy. The justification to the policy states that development should be carefully located to reduce the need for additional car journeys and should be easily accessible and capable of being served by public transport. DDLP Policy TR2 requires that development proposals would have satisfactory access to the public transport network. DDLP Policy TR3 requires that the needs of cyclists are taken into account as part of new developments and Policy RE4 seeks the protection of public footpaths. These policies are considered compliant with the NPPF which also seeks to promote accessibility by a range of methods therefore can be given full weight in considering the application. Specifically, the NPPF sets out at Paragraph 103 states that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. At paragraph 108 the NPPF states that appropriate opportunities to promote sustainable transport modes should be taken whilst paragraph 110 amongst its advice seeks to facilitate access to high quality public transport.
71. The County Durham Settlement Study 2018 is an evidence-based document which seeks to provide an understanding of the number and range of services available within the settlements of County Durham. Whilst Crookgate Bank is not specifically listed, the settlements closest to it to are including Burnopfield which is rated as having a settlement score of 49.8, the Pickering Cluster (Pickering Nook and Hobson) as scoring 15 and Tanfield as scoring 4.5. Given the relative lack of services within the Pickering Cluster and Tanfield as evidenced by the low settlement scores, it would appear that future residents would be more likely to look towards Burnopfield as the nearest settlement to meet their living needs.
72. Burnopfield benefits from a range of facilities including a primary school, community centres, social clubs, GP surgery, public houses, places of worship and local convenience stores/supermarket therefore is relatively well serviced. Nevertheless, the application site is significantly detached from these services. Burnopfield Primary School is located approximately 1.7km from the closest part of the application site and the GP's surgery is around 2.1km away. The nearest convenience store lies around 1km from the site boundary. All of these are either at the very upper limits or exceed the preferred maximum walking distance (1200/2000m respectively) suggested by The Institution of Highways and Transportation (CIHT) in their document "Providing for Journeys". Walking therefore isn't considered to be an attractive prospect not only in light of the distances involved but given the route involves crossing a busy section of the A692, cutting through a heavily wooded area albeit partially lit or alternatively extending your journey length quite considerably by continuing along the A692 and then cutting back on yourself along the B6310. Regardless of the route taken it involves sections with steep gradients. For similar reasons cycling is also unlikely to be a viable alternative.

73. Two Public Rights of Way (PROW) lie within the site. Footpath no.80 (Stanley) roughly crosses the middle of the site (N/S) and connects onto Footpath no. 79 (Stanley) which runs alongside and within the majority of the site's southern boundary. There are also a number of unrecorded desire lines which cross the site most notably through the woodland area connecting Barusclose Lane to footpath no.79.
74. The shortest pedestrian routes from the site into Burnopfield involve walking through the woodland where users have the option of utilising three public footpaths (no.s 189, 190 and 192) depending at which point they want to exit onto the B6310 Front Street. Not all routes are fully lit. The Transport Assessment acknowledges that the walking route to Burnopfield Primary School includes some sections that are relatively steep therefore offers a contribution of up to £20,000 to secure improvements to it. There are however a number of public rights of way in the vicinity of the site and given the level of development proposed it is anticipated that there would be a considerable increase in footfall arising as a result. Public Rights of Way officers therefore consider that a contribution of £45,000 would be more appropriate to mitigate the impact to and secure improvements towards the local public rights of way network. Paragraph 98 of the NPPF outlines that decisions should protect and enhance public rights of way and access including taking opportunities to provide better facilities for users. The contribution sought would accord with the intentions of the NPPF and could be secured by means of a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).
75. The indicative plans and supporting statements suggest that the two public rights of way (no.79 and 80 Stanley) directly affected by the proposal would be accommodated within the scheme and the desire line through the woodland area is proposed to be formalised. Any deviation to either of the two registered footpaths would require a diversion application under the relevant legislation. The proposal therefore has the potential to comply with DDLP Policy R4 and paragraph 98 of the NPPF. No objection is raised from the PROW team subject to the securing the financial contribution.
76. DDLP Policy TR3 requires that the needs of cyclists are taken into account as part of new developments. The TA outlines that Barusclose Lane can be used as an on-road cycle route to Burnopfield for those who are confident with vehicular traffic and that there are connections points onto a National Cycle Route within the wider Burnopfield area. The response from the Sustainable Travel team offered no comments in relation to potential improvements for cyclists.
77. New footways and a refuge island are proposed as part of the scheme to connect the site with the existing pedestrian infrastructure and to provide links to the existing bus stops. These are located on Barusclose Lane near to the entrance with Plover Drive and to the north of the site. Whilst a large proportion of the site would lie within the recommended 400m walking distance criteria to bus stops more eastern parts of the site would not. The M8 service that operates from these stops is relatively weak being a daytime service, running Monday to Saturday on roughly an hourly basis between Stanley and the MetroCentre. Whilst other services operate along the A692 these stops are a considerable distance away and well outside of the recommended distances.
78. The Sustainable Travel team consider there is an opportunity to strengthen existing public transport provision and have been in contact with Go North East regarding extending the scope of the M8 service to include additional journeys at peak times, extending the afternoon/evening operation and provide a more robust daytime operation. The estimated cost of this would be £390 per week/£20,280 per annum. The contribution would be required over a period of 5 years to allow the service time to become established, increase patronage and ultimately move towards commercial sustainability. This requirement can be met by a planning obligation secured through

S106 of the Town and Country Planning Act 1990. Although the contribution would help to improve some aspects of the service other concerns remain including that only this one service operates from the local bus stops and there is no direct bus route from the site into Burnopfield. Such circumstances would make reliance on public transport unappealing meaning future occupiers would be much more likely to rely on private car journeys to access employment, amenities and service opportunities.

79. Whilst a Travel Plan (TP) has been submitted in support of the application it does not currently meet the required DCC standards. Conditions would therefore be required to secure a suitable TP and its implementation thereafter. In practice however, sustainable transport aspirations are unlikely to be fulfilled placing a reliance of the private motor vehicle. This is considered to conflict with advice on promoted within both the NPPF and DDLP Policy GDP1.
80. Furthermore, any development which takes place should be commensurate with the role and function of the settlement. Crookgate Bank is physically detached from Burnopfield and essentially comprises of a couple of hundred houses with the only facilities of note being a café off the A692 and a children's play area. It is not considered that the addition of up to 105 dwellings at land off Barusclose Lane would be appropriate especially considering the scale, form and location of existing development.
81. Local residents have written in to express concerns that there are more favourable brownfield sites to develop out before considering greenfield sites such as this and there is sufficient new development consented in the surrounding area. Although the NPPF encourages the use of land by reusing land that has been previously developed, it does not preclude the development of greenfield land. However, any adverse impacts of development on greenfield land should be considered in the planning balance.
82. Further detailed discussion on the highways and access implications of the development is made in the below section. However, the NPPF outlines that the purpose of the planning system is to contribute to the achievement of sustainable development. It highlights the overarching economic, social and environmental objectives which are interdependent. Significant development should be focused on locations which are or can be made sustainable in location and accessibility terms. The site is considered to score poorly in terms of locational sustainability and as such would be contrary to advice contained within DDLP Policies GDP1 and TR2 and relevant sections of Part 9 of the NPPF in this regard.

Highway Safety and Access

83. DDLP Policy TR2 requires that development proposals achieve a satisfactory means of access onto the wider highway network This policy is considered compliant with the NPPF which also seeks to promote accessibility by a range of methods, while ensuring that a safe and suitable access can be achieved and therefore can be given full weight in considering the application. Specifically, the NPPF sets out at Paragraphs 108 that safe and suitable access should be achieved for all people. In addition, Paragraph 109 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe. Concerns over highway safety including the capacity of the road network to accommodate additional flows have been raised by local residents.
84. A Transport Assessment (TA) has been submitted to consider the potential highway and transport related impacts associated with this proposal and any mitigation required. The TA demonstrates that the traffic flows associated with the proposed development will be satisfactorily accommodated on the local road network and no mitigation is required. The Highways Authority is satisfied with the submitted TA including the

modelling undertaken and conclusions reached by the transport consultant which indicate that the proposed development will not result in severe residual cumulative impacts on the operation of the current and proposed highway network.

85. The means of access to the development is a matter for consideration in this application and the developer has put forward a comprehensive scheme of works. Access into the site would be taken from Barusclose Lane via a new priority T-junction and ghost island facility. Although the existing speed limit along the site frontage with Barusclose Lane is 60mph changing to 30mph just prior to the junction with Plover Drive speed survey results have demonstrated that a number of vehicles are travelling above the speed limit within the 30mph zone. The proposal therefore includes plans to reduce the speed limit along the site frontage to 40mph with traffic calming features including painted road markings, village welcome and please drive carefully signage. A new 2m wide footway link is also proposed along the vast proportion of the site frontage with Barusclose Lane linking the site to the existing pedestrian network. Two new pedestrian refuge islands are proposed to be introduced to aid pedestrian movements from the site to footpath no.80 that runs north towards Crookgate Farm and to accommodate pedestrians crossing to arrive/depart from the south bound bus service. The latter would involve relocating the existing bus stop slightly to the south-east to accommodate the island and also a new footpath to it. The onsite layout and parking provisions partially detailed on the indicative plans are noted although such details would need to be the subject of any future reserved matters application.
86. The Highway Authority consider that the proposed arrangements offer the opportunity for the delivery of a safe and suitable access for all users. A condition would be required to secure the detailed design and its implementation within certain timescales thereafter. Subject to this condition the Highway Authority raise no objection to the development.
87. Overall, the highways impact of the proposed development are considered to be acceptable, subject to the imposition of a condition, in accordance with DDLP Policy TR2 and Part 9 of the NPPF. Notwithstanding this, concerns regarding the locational sustainability of the site still persist.

Impact on the character and appearance of the surrounding area

88. DDLP Policies EN1 and EN2 seek to protect the countryside and prevent urban sprawl including through only allowing developments which maintain or enhance landscape character, are sensitively related to existing settlement patterns and don't encroach into the surrounding countryside. DDLP Policy GDP1 expects developments to achieve a high standard of design which is in keeping with the character and appearance of the area, the protection of existing landscaping and the provision of adequate landscaping within the design and layout of the site. Policies EN9 and EN11 of the DDLP outline that trees covered by preservation orders should be protected and retained with removal only to be permitted on specific grounds. The aforementioned policies are reflected in Parts 12 and 15 of the NPPF which promotes good design and sets out that the planning system should contribute to and enhance the natural and local environment by (amongst other things) recognising the intrinsic character and beauty of the countryside. It is therefore considered that substantial weight can be afforded to DDLP Policies EN1, EN2, EN9, EN11 and GDP1 due to their compliance with the NPPF in this respect. Albeit policies EN1 and EN2 are nevertheless not fully up to date. The key policy considerations therefore are whether the site reads as an appropriate natural extension to the settlement or appears as an incursion into the open countryside and whether it represents good design. The application site has been assessed within the Strategic Housing Land Availability Assessment (SHLAA). The site (ref: 1/BU/08) has an unsuitable (amber) classification on account that development would result in significant

adverse landscape and visual impacts and would be poorly contained within the settlement layout.

89. The site lies in the *West Durham Coalfield* Character Area which forms part of the larger *Durham Coalfield Pennine Fringe* National Character Area (NCA 16). It lies in the *Northern Coalfield Uplands Broad* Character Area which belongs to the *Coalfield Upland Fringe* Broad Landscape Type. The site lies on the ridge between the Derwent Valley to the west, the Kyo Burn Valley to the south and the Beamish and Causey Burn Valleys to the north and east. The site is made up of a single arable field on the relatively flat ridgetop. There are hedgerows, albeit containing gaps in areas, to the north-east, south-east and south-west boundaries. A copse of broadleaved mature woodland, protected through a Tree Preservation Order (DER-145), extends along the western and south western boundaries. The site does not lie within a locally or nationally designated landscape. The application is accompanied by a Landscape Appraisal which provides a broad overview of the surrounding site context, the potential landscape and visual effects which may arise as a result of the development and possible mitigation measures to address the potential effects.
90. Given the site occupies an elevated position on a ridgetop it is visually open to the north, south and east and therefore visible from a number of general and some greater distance views including those in much of the surrounding footpath network. It is generally well screened in views to the west by intervening housing in the locality and the existing landscaping within the golf course. The existing woodland copse to the south east of Fieldfare Court creates a strong and effective settlement edge and largely screens the development beyond. The site lies within the open countryside where the surrounding area is strongly rural in character.
91. Development in this location would have a substantial and transformative impact on the immediate local landscape. It would form a spur extending southwards entailing an element of ribbon development. Development of the site would not form a natural extension to the existing pattern of development but represent a significant incursion into the countryside and an attractive landscape beyond a well-defined and mature settlement edge. It would introduce an urban element which is largely missing at present due to existing development being barely visible through the mature vegetation. Whilst landscape mitigation in the form of 10m structural planting is proposed along the SE and SW edges of development these measures would not be sufficient to help mitigate the landscape impact until such time as they are fully matured (15/20 years). In the interim the effect on the landscape would remain substantial. The proposed hedging, swales and tree groups along Barcusclose Lane in addition to any enhancements to existing hedgerows around the site perimeters would also sit in a suburban rather than rural setting.
92. In the wider local landscape and within around a 2km range the development would be read as a relatively conspicuous incursion of the built form on a prominent ridgeline. This change in character would involve a more noticeable change in views from the south-west and from the north to a lesser degree. Overall the proposals are considered to be harmful to the character of the local landscape, with its most significant effects being in the immediate locality.
93. The layout, appearance, scale and landscaping arrangements of the proposed development is not under consideration at this stage but an illustrative site plan showing an indicative site layout for 97 units (although it should be noted that up to 105 units have been applied for) has been submitted. This suggests that the development would be arranged in an informal grid pattern and outlines the proposed landscape strategy. An objection has been received from a local resident concerned that 2.5 storey dwellings would not be appropriate to the character and appearance of the area. Such

matters are not under consideration at this stage as there is no defined mix given this is an outline application.

94. Access is a matter for consideration and as previously outlined within the report a comprehensive package of works is proposed. This essentially involves widening the carriageway from two to three lanes, a new 2m wide pedestrian footway running along almost the entire site frontage with Barcusclose Lane, pedestrian refuge islands, street lighting in addition to gateway entrance features in the form of signing and lining. This would also result in the removal of the existing north eastern boundary hedge in its entirety. It is considered that these works would have a highly transformative and urbanising effect on what is currently an attractive rural approach into Crookgate Bank.
95. There are various trees and hedgerows on the site which contribute positively to the character of the local area including trees covered by means of TPO. The Council's Arboriculture Officer raised no objection to the scheme provided conditions are imposed to secure protection measures to the trees and hedgerows to be retained. They also note further consideration is required with regards to the proposed street trees to ensure their longevity.
96. The proposed development would amount to a substantial and inappropriate incursion into the countryside, not in keeping with the existing pattern of development and beyond an established settlement edge which would result in significant adverse harm to the character of the local landscape in conflict with Policies GDP1 (a and c), EN1 and EN2 of the DDLP and Part 12 and 15 of the NPPF particularly paragraphs 127 and 170 which promote good design and sets out that the planning system should contribute to and enhance the natural and local environment by (amongst other things) recognising the intrinsic character and beauty of the countryside. Such impacts must be weighed against the potential benefits of a development, in the context of the presumption in favour of sustainable development, in order to determine its acceptability.

Ecology

97. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them. DDLP Policy GDP1 requires the protection of designated sites, those species protected by the Wildlife and Countryside Act and that there is no harmful impact on the ecology of the District.
98. An ecology survey has been submitted in support of the proposal which outlines that there are no statutorily or non-statutorily designated sites on the proposed development site or in close proximity of it. No rare or unusual plants were found within the site boundary and none of the hedgerows are protected under the Hedgerows Regulations 1997. The preliminary appraisal concluded that badgers, roosting, foraging and commuting bats, breeding birds, common frogs and common toads, brown hares and West European hedgehogs were likely to be present or potentially present on and within the vicinity of the site, particularly around the field boundaries. There is also a chance, albeit unlikely, of individual or low numbers of great crested newts and wall butterflies using peripheral site habitats. These species are afforded special legal protection under the Conservation of Habitats and Species Regulations 2017 and/or the Wildlife and Countryside Act 1981 (as amended) and/or the Protection of Badgers Act 1992.
99. Having regard to this information and based on the likely impacts of the development upon ecological interests Section E of the report recommends that a detailed mitigation strategy is prepared in advance of works commencing on site. As a minimum the mitigation measures would include the carrying out of works at times of the year where disturbance will be minimised, undertaking pre-commencement development checks, implementation of a sensitive lighting scheme, covering foundations and service

trenches at night, the installation of bat and bird nesting boxes and additional planting. The mitigation strategy can be secured by condition.

100. Ecology officers have however raised concerns that in its current form the development would result in a loss of biodiversity without sufficient on-site mitigation to offset this. An assessment of these biodiversity losses has been undertaken which calculates the level of required compensation. The applicant has agreed to provide a financial contribution of £10,728 to be used towards offsite species rich grassland creation which would be secured by means of a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended). On-site improvement works in addition to a management plan for the habitats to be created on site including an appropriate monitoring programme could be secured through condition. Overall this approach would ensure that there is no net loss of biodiversity in regard to Paragraph 175 of the NPPF.
101. No interference with protected species is identified as a result of the development. A European Protected Species Licence is therefore not considered to be required as a result of the development having regards to the requirements of the Habitats Directive brought into effect by the Conservation of Habitats and Species Regulations 2017. Therefore, subject to securing a financial contribution to deliver biodiversity offsetting and conditions relating to securing a mitigation strategy and a management plan for habitats to be created including an appropriate monitoring programme the proposal would comply with DDLP Policy GDP1 and Part 15 of the NPPF. The Council's Ecologist offers no objection to the scheme on this basis.

Infrastructure and Open Space Provision

102. Paragraph 94 of NPPF confirms that the government places great importance to ensure that sufficient choice of school places is available to meet the needs of existing and new communities. The School Places Manager has advised that the proposed development is likely to generate an additional 32 primary age school pupils and 13 secondary age school pupils and there is insufficient capacity at the local primary school (Burnopfield Primary) to accommodate this need. A total contribution of £470,496 towards education provision is therefore required, secured as a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).
103. DDLP Policy HO22 seeks to ensure residential proposals provide sufficient public open space and play areas within the development to meet the needs of the residents or a contribution in lieu. This policy is considered only partially NPPF compliant as the evidence base has now been updated within the Open Space Needs Assessment (OSNA 2018) which is now considered the most up to date assessment of need for the purposes of Paragraph 96 of the NPPF. The OSNA sets out the requirements for public open space on a population pro rata basis, and this development would be expected to provide provision for five typologies, either within the site, or through a financial contribution towards offsite provision, in lieu.
104. Having regard to the scale of the development it is considered that play space (children's), amenity open space and natural green space should be provided on-site. Given the scale of the development the children's play space would comprise of a non-equipped play area. As there is an existing play area in close proximity of the development on land adjacent to The Sycamores, (approximately 150m to the north west of the site) and the Council would not be prepared to adopt a new play area officers suggested that it may be more appropriate to secure an off-site contribution towards the enhancement of existing facilities. The developer has however outlined their intention to provide non-equipped facilities likely comprising of more natural and imaginative play items (e.g. logs to balance on, willow structures etc.) along the woodland edge. Planning conditions can secure the 3,465sqm of relevant on-site amenity open space

and natural green space in addition to the informal play area as well as their future management and maintenance. The development would generate a required contribution of £310,926 for those typologies not provided on site, which would be secured through a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended). This would satisfy the OSNA requirements and Paragraph 96 of the NPPF with regards to the provision of public open space.

105. Local residents have expressed a number of concerns in relation to the inclusion of a play area within the site including fear of crime and the potential for anti-social behaviour, the likely proximity of it to existing housing and resulting impact to amenity, that it would be better to upgrade existing facilities and the potential impact to protected trees. The inclusion of a non-equipped play area within a scheme of this size would be in compliance with the requirements of the OSNA. The detailed design and location of the play facilities would be fully considered if a reserved matters application came forward.
106. Paragraph 92 of NPPF recognises the need for planning decisions to ensure an integrated approach when considering the location of new housing and to plan positively for the provision and use of community facilities and local services. This provides policy justification to seek mitigation in respect to essential services including GP provision where a deficit would result or be exacerbated by the proposal. The North Durham Clinical Commissioning Group (ND CCG) has advised that based on a standard approach to costing the impact of additional housing growth a financial contribution of £7,245 would be sought to make the proposed housing expansion supportable from a health infrastructure perspective. Further information has been requested from the CCG to justify the contribution sought and a verbal update will be provided to Members at Committee in this regard. Should the contribution be fully justified, to mitigate the impacts of the development a contribution would be sought to improve access to healthcare provision within the Burnopfield area which would be secured through via Section 106 Agreement.

Affordable and Accessible/Adapted Housing

107. In order to widen the choice of high quality homes and opportunities for home ownership, Paragraph 64 of the NPPF encourages the provision of affordable housing based on evidenced need. DDLP Policy HO8 also encourages developers to provide an element of affordable housing on specific allocated sites. This site is not identified as being one of those sites and as a result the policy is not strictly applicable to this proposal.
108. The evidence base has now been updated within the Council's Strategic Housing Market Assessment (SMHA) which defines the type, tenure and quantity of housing required including that for affordable purposes and older people. It suggests that a proportion of affordable housing of 15% would be required on this site, amounting to 16 units in this case, with a tenure mix of 80% affordable rent and 20% intermediate tenure. It also demonstrates a need to provide 10% of the private or intermediate properties for older persons. It is considered that such provision could comprise of bungalows or suitably accessible/adapted homes. These requirements can be met by a planning obligation secured through S106 of the Town and Country Planning Act 1990 and then delivered via through reserved matters in the event planning permission is granted.

Residential Amenity

109. DDLP Policy GDP1 requires that new development proposals protect the amenities of neighbouring occupiers and land users. This policy is considered to be compliant with Paragraph 127 of the NPPF which states that planning decisions should always seek to

secure a good standard of amenity for existing and future occupants of land and buildings therefore can be afforded full weight. Part 8 of the NPPF amongst other guidance advises on the need to create safe and accessible environments where crime and disorder and the fear of such are considered. Whilst Part 15 seeks to prevent both new and existing development from contributing to or being put at unacceptable risk from unacceptable levels of pollution.

110. Based on the indicative layout and relationship with existing properties, it is considered that a scheme could be devised that would protect the amenity of neighbouring land users and achieve acceptable separation distances between dwellings.
111. Environment, Health and Consumer Protection officers have not raised any objection to the development however note the potential for disturbance during the construction period. It is considered that conditions relating to a Construction Management Plan and hours of working would provide sufficient mitigation in this case. Similarly, they do not consider that the development will have a significant effect on air quality and there is no requirement to undertake further assessment. The proposal would therefore not conflict with DDLP Policy EN26 as there would not be an adverse impact on the environment having regard to the likely levels of air pollution. This policy is considered to be compliant with paragraph 181 of the NPPF and can be afforded full weight.
112. Overall, it is considered that the development would not cause any adverse impact upon the amenity of those living in the vicinity of the development site, and adequate levels of amenity for prospective occupiers can be secured through the imposition of conditions. The development is therefore considered compliant with DDLP Policy GPD1 in this respect and Parts 8 and 15 of the NPPF.

Flooding and drainage

113. National advice within the NPPF and PPG with regard to flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to flood zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment. DDLP Policy GDP1 requires that development proposals provide adequate provision for surface water drainage and the protection of areas liable to flood from development. This policy is considered fully consistent with the content of the NPPF and can be attributed weight in the decision-making process.
114. The application is accompanied by a Flood Risk Assessment and Drainage Strategy report which highlights that the application site is within Flood Zone 1 with a low flood risk probability. The drainage strategy includes the incorporation of Sustainable Urban Drainage (SUD's) including swales and detention basins to treat and attenuate surface water runoff. The scheme also proposes the implementation of permeable paving. Subject to securing the finer detail of this approach if a reserved matters application was to come forward Drainage and Coastal Protection officers offer no objections to the development or the overall drainage strategy advising that the development would not increase flood risk
115. Northumbrian Water has requested that a condition is imposed in relation to foul and surface water drainage so that they can fully assess their capacity to treat the flows from the development.

116. Subject to conditions to detail the final surface and foul water disposal and a management strategy, no objections to the development on the grounds of flood risk or drainage are raised having regards to DDLP Policy GDP1 or Part 14 of the NPPF.

Heritage and Archaeology

117. A geophysical survey has been submitted, including some desk-based assessment work, highlighting there is some archaeological potential on the site and recommends trial trenching elevation. The Council's Archaeologist has raised no objection to the scheme subject to a condition to secure trial trenching prior to the submission of Reserved Matters. The proposal is therefore considered to comply with DDLP Policy EN19 and Paragraph 189 of the NPPF which set out the requirements for an appropriate programme of archaeological investigation, recording and publication to be made. This policy is considered to be partially consistent with the content of the NPPF and can be attributed weight in the decision-making process.
118. The northern edge of Tanfield Conservation Area (CA) lies approximately 500m to the south of the site and is the nearest designated heritage asset. It includes a number of Grade I, II* and II listed buildings. Burnopfield Conservation Area, containing Grade II* and II listed buildings, lies approximately 720m to the north west of the site. A heritage statement has been submitted in support of the proposal which utilises the Landscape Appraisal and Zone of Theoretical Visibility (ZTV) analysis to test the potential intervisibility between the site and the potential impact to heritage assets within the surrounding area. The ZTV Study was commissioned at test heights of 8.3m and 9.53m representing the general and proposed maximum height of dwellings. Based on the submitted information it indicates there would be no intervisibility between the site and the heritage assets within Burnopfield however there is the potential for some intervisibility between western and southern parts of the Tanfield Conservation Area although not in relation to the listed building buildings within it. In any event due to the distance between the two sites, the intervening topography and existing landscaping including boundary hedges, individual trees and groupings it is not considered there would be a direct visual relationship between the sites. The proposal is not considered to adversely impact on the setting of the conservation area. Design and Conservation officers have raised no objections to the proposal. Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. In this case it is considered that there would be no harm. This approach reflects the requirements of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that special regard must be paid to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.
119. It is therefore considered that the proposal would have no adverse impact on heritage assets within the vicinity of the site. The proposals would therefore accord with Part 16 of the NPPF.

Other Issues

120. Given the sensitive end use of the site a Phase 1 Preliminary Risk Assessment was submitted in support of the application. Environmental Health Officers agree with the conclusions within the report and that a Phase 2 site investigation is required. A condition to secure this will ensure that the site is suitable for its intended use taking account of any risks arising from contamination the proposal would accord with Paragraph 178 of the NPPF.

121. The site lies entirely within the coal mining high risk area. The Coal Authority records indicate that there is a recorded mine entry on the site. The site is also in an area of recorded and likely unrecorded coal mine workings at shallow depth. The application is supported by a number of desk-based assessments and intrusive site investigations have been undertaken. Despite extensive excavations of the site no evidence of the mine entry, disturbed ground or colliery spoil was encountered. The Coal Mining Review outlines a series of recommendations including further intrusive investigations to establish if shallow coal mine workings are present beneath the surface and that a watching brief is observed. The Coal Authority has recommended that such works are conditioned to establish the exact situation regarding ground conditions and to enable appropriate remediation measures to be identified if necessary. Subject to the condition being imposed the proposal would meet the requirements of Part 15 of the NPPF in demonstrating that the application site can be made safe and stable and as such the Coal Authority raise no objection to the scheme on this basis.
122. The proposal has generated some public interest, with a number of letters of objection having been received. The majority of the objections and concerns raised by local residents and the Campaign for the Protection of Rural England have been taken account and addressed within the report. Some local residents have expressed concerns regarding the extent of the public consultation exercise undertaken by the developer and that they have not responded to queries when raised. Whilst pre-application public engagement is recommended it is not a mandatory requirement and locals have had the opportunity to comment on the planning application submission.
123. NPPF Paragraph 172 states that LPAs should recognise the economic and other benefits of the best and most versatile agricultural land and where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. The approach to DDLP Policy AG1 is consistent with the NPPF as it also seeks to protect better quality agricultural land (grades 2 or 3a) therefore can be afforded full weight.
124. The development would result in the loss of approximately 4.9ha of Grade 4 (poor) agricultural land therefore the proposals would not constitute significant development and would not relate to the loss of the best and most versatile agricultural land which are classified by the NPPF as grades 1, 2 or 3a.

Planning Obligations

125. Paragraph 56 of the NPPF, and Paragraph 122 of The Community Infrastructure Levy Regulations 2010 set out three planning tests which must be met in order for weight to be given to a planning obligation. These being that matters specified are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development. The proposed contributions towards improvements to public rights of ways, biodiversity off-setting, improved access to health care provision (provided it is fully justified by the CCG) off-site open space provision, additional teaching accommodation and strengthening the public transport network are considered to be in accordance with these tests, as is the securing of affordable housing and older person provision.

Planning Balance

126. The acceptability of the application should be considered under the planning balance test contained within Paragraph 11 (d) of the NPPF. No NPPF policies that protect areas or assets of particular importance provide a clear reason to refuse the application and

therefore in order to justify the refusal of planning permission any adverse impacts of a proposed development must significantly and demonstrably outweigh any benefits.

Benefits

127. The development would assist in maintaining housing land supply however this at a time when the Council can demonstrate in excess of 6 years housing land supply against an objectively assessed need. Accordingly, the weight to be afforded to the boost to housing supply as a benefit of the development is reduced.
128. This boost to housing supply would extend to the delivery of affordable homes as the development proposes 15% affordable housing provision and that 10% of all the private or intermediate properties to be for older people in accordance with the Strategic Housing Market Assessment (SHMA). These requirements can be secured through a planning obligation under S106 of the Town and Country Planning Act 1990.
129. To a degree the development would provide direct and indirect economic benefits within the locality and from further afield in the form of expenditure in the local economy. This would include the creation of construction jobs, as well as further indirect jobs over the lifetime of the development. A temporary economic uplift would be expected to result from the development and expenditure benefits to the area.
130. Overall, based upon the ecological works proposed, it is considered that the development would lead to net gain in terms of biodiversity.
131. The Highway Authority consider that the proposed access arrangements represent a preferable solution from a highway safety perspective through the creation of a new priority T-junction and ghost island facility including proposals to reduce the speed limit on entering the village. A financial contribution would also be secured which would help mitigate the impacts of the development and provide improvements to the surrounding PROW network.

Adverse Impacts

132. The proposed development would amount to a substantial and inappropriate incursion into the countryside which would result in significant adverse harm to the character of the local landscape. Furthermore, it would not relate well to the existing pattern of development. The proposed access arrangements would lead to the removal of existing landscape features and would totally transform the existing rural approach into Crookgate Bank.
133. The site has poor accesses to facilities and services and therefore does not represent a sustainable location for development of this scale. Sustainable transport objectives are unlikely to be fulfilled as these modes of travel would not provide a realistic alternative to the private motor vehicles. The means to mitigate the accessibility of issues of the site such as through a financial contribution towards bus service improvements and public footpath improvements would aid in improving the locational sustainability credentials of the site but not the extent to remove objection on these grounds.

CONCLUSION

134. The acceptability of the application should be considered in the context of the planning balance test contained within Paragraph 11d of the NPPF.

135. The proposed development would amount to a substantial and inappropriate incursion into the countryside, not in keeping with the existing pattern of development and beyond an established settlement edge which would result in significant adverse harm to the character of the local landscape in conflict with Policies GDP1 (a and c), EN1 and EN2 of the DDLP and Part 12 and 15 of the NPPF. Furthermore, the site does not represent a sustainable location for the development on account of its poor accesses to facilities and services and sustainable modes of transport are unlikely to provide a realistic alternative to the private motor vehicles in this instance contrary to advice contained within Part 9 of the NPPF and DDLP Policies GDP1 and TR2.
136. In this instance there are no policies in the NPPF that protect areas or assets of particular importance that provide a clear reason for refusing the application.
137. On balance, it is considered that the adverse impacts of the development significantly and demonstrably outweigh the benefits of the scheme and the application is recommended for refusal as a result.
138. The proposal has generated some public interest, with a number of letters of objection having been received. The objections and concerns raised have been taken account and addressed within the report.

RECOMMENDATION

That the application be **REFUSED** for the following reason;

The proposed development would amount to a substantial and inappropriate incursion into the countryside, not in keeping with the existing pattern of development and beyond an established settlement edge which would result in significant adverse harm to the character of the local landscape in conflict with Policies EN1 and EN2 of the Derwentside District Local Plan and Parts 12 and 15 of the NPPF. The site also has poor access to services and facilities resulting in reliance upon private car movements and would represent a significant development proposal within a location is not sustainable thereby in conflict with advice contained within Part 9 of the NPPF. In the context of paragraph 11d of the National Planning Policy Framework, such adverse impacts are considered to substantially and demonstrably outweigh the benefits of the development.

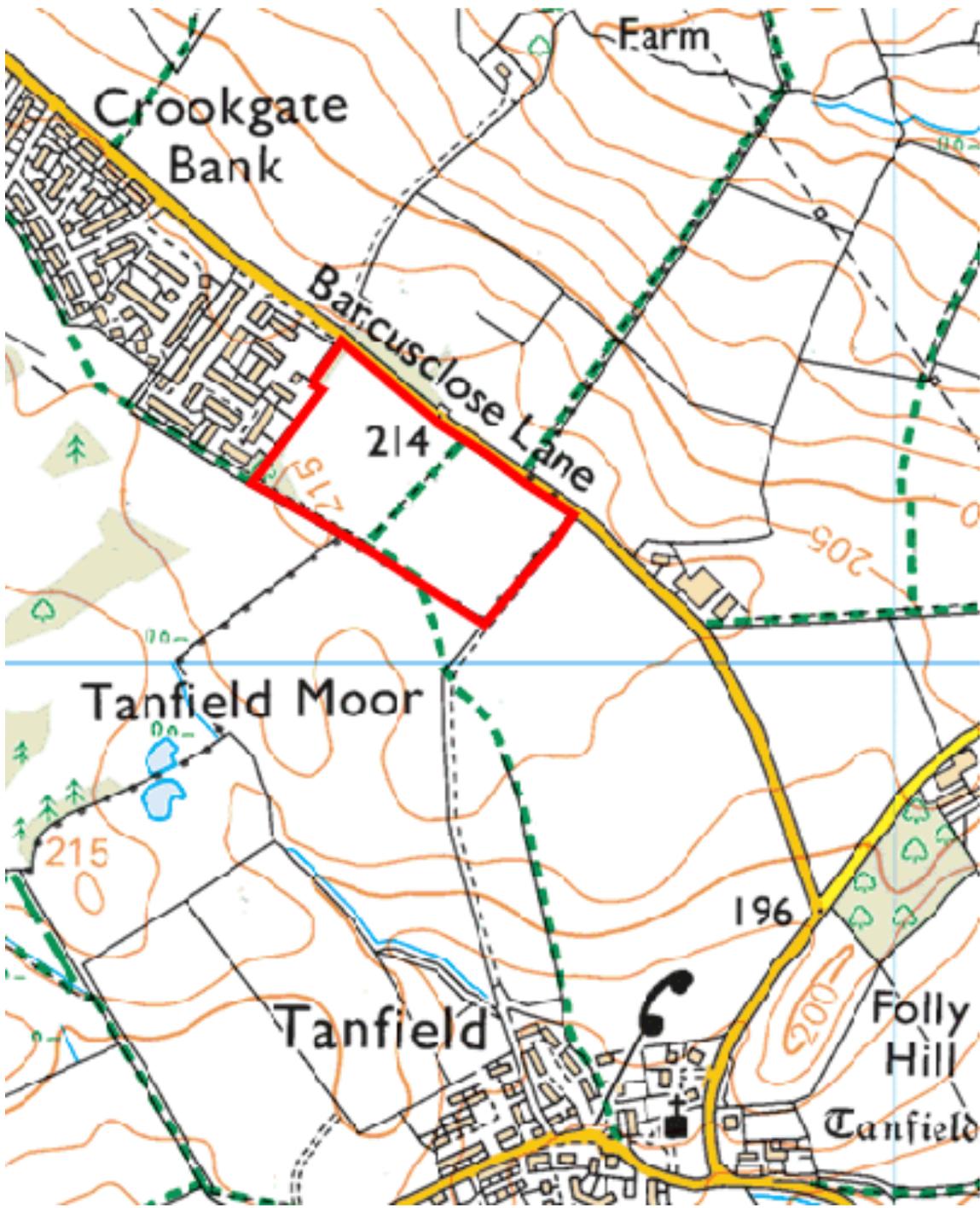
STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its recommendation to refuse this application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. *(Statement in accordance with Article 35(2) (CC) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.)*

BACKGROUND PAPERS

- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2018)
- National Planning Practice Guidance notes.
- Derwentside District Local Plan

- Evidence Base Documents e.g. SHLAA, SHMA, County Durham Settlement Study and OSNA
- DCC Sustainable Urban Drainage Systems Adoption Guide 2016
- Statutory, internal and public consultation responses



Planning Services

Ref: DM/18/02937/OUT

Outline planning application for up to 105 dwellings (97 shown on indicative plan) with all matters reserved except access (amended description 20/12/2018) iMpeC Real Estate Ltd
 Land To The South East Of Fieldfare Court, Crookgate Bank

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Comments

Date 5th March 2019

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