

DURHAM COUNTY COUNCIL

At a Meeting of **County Planning Committee** held in Council Chamber, County Hall, Durham on **Tuesday 7 February 2023 at 9.30 am**

Present:

Councillor G Richardson (Chair)

Members of the Committee:

Councillors D Boyes, J Higgins, M McKeon, P Molloy, K Shaw, A Simpson, S Wilson, S Zair, P Heaviside (substitute for A Bell), E Peeke (Substitute), L Brown and D Oliver

Also Present:

Councillor J Atkinson

1 Apologies

Apologies for absence were received from Councillors A Bell, C Hunt, P Jopling and C Martin.

2 Substitutes

Councillors P Heaviside, D Oliver, E Peeke and L Brown were present as substitutes for A Bell, C Hunt, P Jopling and C Martin respectively.

3 Declarations of Interest

There were no declarations of interest.

4 Minutes

The minutes of the meeting held on 6 December 2022 were agreed as a correct record subject to the following amendment;

The Planning and Development Manager referred to the issues on residential amenity which Officer's had determined to be acceptable and advised that Members could give some weight when determining the application, to the height of the chimney and the perceived impact of having a crematorium facility in proximity to housing.

a DM/22/03528/FPA - Woodham Academy, Washington Crescent, Newton Aycliffe, DL5 4AX

The Committee considered a report of the Senior Planning Officer regarding an application for a 3 storey school building and new sports building; associated landscaping, bin store, redeveloped access loop, reconfigured car parking, new accessible parking, and photovoltaic panel canopy; and temporary construction access and parking at Woodham Academy, Washington Crescent, Newton Aycliffe (for copy see file of minutes).

C Shields, Senior Planning Office gave a detailed presentation of the application which included a site location plan, aerial photographs, photographs of the site and a summary of objections received.

The Senior Planning Officer provided an update in relation to the removal of condition 11. as a drainage scheme had since been submitted.

Councillor J Atkinson, Local Member, addressed the Committee to confirm his support of the application.

Although registered to speak, the Agent, Ms M Dychala, declined the opportunity and the Deputy Head Teacher of Woodham Academy, Mr D Morgans addressed the Committee in support of the application.

Mr Morgans confirmed that the school had been built in 1970 and with various challenges due to the constraints of the building and some flooding issues, it was at the end of its lifespan. The school wanted to provide a modern, attractive learning environment which would also reduce the £50,000 per year maintenance budget as well as reducing the carbon footprint. He advised that it was important for work to commence on the proposed start date to allow a transition to the new building for the start of the academic year 2024-25. It was an exciting opportunity that would benefit generations to come, and he requested that Members issue a positive determination.

Councillor Zair was in support of the application and referred to the positivity of new buildings in education. He moved approval of the recommendation, which was seconded by Councillor McKeon.

Councillor Boyes also supported the application and was pleased to see former new towns thriving.

Councillor Molloy referred to the importance of investing in the next generation and wished the school success for the future.

Resolved

That the application is APPROVED subject to the conditions outlined in the report and completion of an agreement under Section 39 of The Wildlife and Countryside Act 1981 to secure biodiversity management for the life of the development.

b M/22/02346/FPA & DM/22/02347/LB - Police Headquarters, Aykley Heads, Durham, DH1 5TT

The Committee considered a report of the Senior Planning Officer regarding an application the demolition of a listed police telecommunications mast at Police Headquarters, Aykley Heads, Durham (for copy see file of minutes).

L Ollivere, Senior Planning Office gave a detailed presentation of the application which included a site location plan, aerial photographs, photographs of the site, photographs of the mast in situ and a summary of objections received.

Councillor E Ashby, of the City of Durham Parish Council, addressed the Committee on behalf of the Parish Council, to oppose to the application and endorse the recommendations.

The mast had been identifiable to residents of the City as part of the skyline since 1965 until early 2000's before being Grade II listed in 2003. The Council had highlighted the significant architectural value of the structure and she referred to description in the structures listing.

This application attempted to justify demolition by providing financial analysis to suggest that any other option would impact on frontline services. Councillor Ashby reminded Members that a firm undertaking had been given in 2012 for the re-erection of the mast and furthermore it had been considered a viable financial option. It was important to remember that this scheme had enabled the development of an additional 18 houses on the site, for which Durham Constabulary had received significant financial payment. Any financial consequences should have been considered at the planning approval and project implementation stages of both the housing development, and erection of the new Police Headquarters.

Councillor Ashby confirmed that the loss of the mast would not only fail to sustain the significance of the heritage asset itself, but also impact on its contribution to the setting of the Durham City Conservation Area, World Heritage Site and the character of the Aykley heads site. This would be a substantial loss and it could not be outweighed by public benefits or any other material considerations. The Officers had recognised that the application was contrary to local and national planning policies and the

Parish Council urged members to support the recommendation and refuse the application.

G Ridley, Assistant Chief Officer, Durham Constabulary and Chief Finance Officer, Police and Crime Commissioner confirmed that he accepted the historical significance of the mast and detrimental impact of the application. However he continued that £200k had already been spent on removing the mast and investigating its condition to have it re-erected, despite it having no practical, commercial, sentimental or operational value for the force. The NPPF advised that applications which caused substantial harm to a designated heritage asset should be refused unless the harm was outweighed by substantial public benefits.

Mr Ridley advised that the planning application and supporting documents set out how these tests were met and described in planning terms the balance of harm to the mast versus benefits associated with the forces use of money.

Durham Constabulary were faced with high rates of crime which was a challenge to manage with a below average level of Council Tax in Durham. They were also facing similar issues to the rest of the public sector regarding pay awards and inflation, and they were not awarded money to invest in fleet, technology, or buildings. Despite their outstanding level of efficiency, Mr Ridley confirmed that there was limited scope for cash savings to be used and if the cost of re-erecting the mast was compared with the Council's budget, he projected it would be around £2-3m.

Durham Constabulary was required by the Home Office to maintain a specific level police officers which was difficult when faced with unfunded pay awards. Police Officers had a level of protection as Officers of the Crown and therefore a decision to reduce staffing by 10% had been taken with vacancies remaining unfilled. This equated to the loss of 120 jobs over the next two years and unfortunately impacted on PCSO recruitment. Mr Ridley advised that if forced to pay for the re-erection of the mast, they could be forced to suspend the recruitment of PCSO's for over two years which in his opinion would undermine community engagement and reduce visible policing within communities.

Finally, Mr Ridley confirmed that ongoing dialogue had been taking place with Planning Officers regarding the development of a landscaping scheme and he had been surprised and disappointed that Officers had recommended the application be considered at Committee for refusal. He suggested the application be deferred to reach a compromise with Officers.

Councillor Brown advised that she was a member of the City of Durham Parish Council. She referred to the damage caused by removal of the

structure and queried whether the demolition plan had been followed. Mr Ridley confirmed that the plan had been followed, however during the process part of the mast had been damaged, referred to as the key stone. Brackets had to be added for stability when moving the structure and to repair the mast, the key stone would need to be recast.

In response to a question from Councillor McKeon regarding the discussions and landscaping plan, Ms R March, Head of Estates at Durham Constabulary advised that the proposal for the scheme had been suggested by the City of Durham Parish Council, The plan included the creation of a monument and a public space, rather than formal re-erection and they had recently started the process of securing Architects to work on the project.

Councillor Wilson asked whether Durham Constabulary were pursuing contractors through their insurance for the damage caused when the mast was being taken down. Ms March advised that during the tender process very few contractors had been willing to engage and the Contractor who had come forward had advised of the risks associated. The structure had never meant to be dismantled and the key stone had to be broken with brackets manufactured for to safely lift it. Throughout the process the Contractor had engaged with them and were fully transparent about the risks and therefore there was no option to pursue any action against them.

Councillor Peeke queried the whereabouts of the money that was received for the development which should have been set aside for re-erecting the mast. Mr Ridley advised that the force had received a capital receipt for the sale which had been spent over the last twelve years to maintain service delivery. The level of austerity and inflation over the years had been unexpected and the cost of dismantling the mast had been higher than expected. Furthermore, over twelve years the force had lost 480 police officers and had only been allocated money to recruit 226, therefore the money had been used to fund service delivery.

Councillor McKeon queried the storage conditions of the mast and asked why a Grade II listed structure would be stored outside in a field if there was an intention to re-erect it. Ms March advised that the stone had been laid down as the only safe solution following engineering advice. Prior to being dismantled it had been outdoors for fifty years and had there had been no further material deterioration due to its stored.

Councillor McKeon suggested that laying it down would increase its exposure to moisture and despite the argument that it would have been re-erected had it not been for the costs associated, she believed it would have been stored it a more sensitive way, if there had been an intention to re-erect it. She reminded Ms March of the condition set out in the original planning consent, for which the force received a capital receipt.

Ms March confirmed that Durham Constabulary had followed advice from a Structural Engineer to lay it down and confirmation that it would not materially affect the condition. They had covered it with tarpaulin to give it some kind of protection although were advised that this would not have any benefits.

Councillor Higgins queried the reason that the increased cost of dismantling the structure had fallen on the force if a tender had been accepted. Ms March confirmed that the cost of dismantling the structure had not increased, but once its condition had been examined, costs had spiralled due to having to re-cast the key stone. Councillor Higgins referred to the presentation from Mr Ridley who had advised that the costs of dismantling the mast had increased. Ms March confirmed that the increased costs that were referred to, were applied after the mast had been dismantled as more thorough investigations had to be undertaken. This was also demonstrated by the amount of time it had taken for this application to be submitted.

Councillor Molloy noted that not all sources of funding had been explored and he asked what funding had been pursued to mitigate the cost to the Police. Ms March advised that the Police had worked with Council Officers to investigate funding sources as outlined in the report, however the project had not met the criteria. Durham Constabulary were still open to considering alternative options that the Council were aware of, hence the reason for seeking a deferment.

Councillor Peeke referred to the money that was received for the development and was interested in how long money had been set aside for re-erecting the mast, before it was spent. Mr Ridley confirmed that money had not been specifically held for re-erecting the mast but a block of capital had been received which had been invested as a result of losing Police Officers and staff.

Councillor Boyes queried whether there was a timescale that would allow the Police to pursue alternative options and return to Committee with a solid plan. Mr Ridley advised that it had been expected in one to two months.

Councillor Wilson queried whether the capital receipt had been used to pay wages or for other uses. Mr Ridley confirmed that £1.2m had been spent on fleet vehicles, and in excess of £4-5m on ICT as systems had to be replaced after 3-4 years. They were not permitted to spend capital receipts on staff wages.

The Senior Planning Officer advised that from the paperwork she had considered, Lottery funding had not been fully explored. She acknowledged the financial implications and also appreciated the decision to spend capital, however a contingency should have been put in place.

With regards to public art, the Senior Planning Officer advised that she had attended a meeting, however these plans still amounted to the demolition of a listed structure and the Council would not be supportive on the basis of heritage and design impact. If the Committee were minded to approve demolition, a condition could be added to secure a scheme for dealing with the dismantled parts of the mast.

Councillor Wilson queried whether the Council could work with the police in an agreed timescale as he was concerned about the impact on communities and the level of public harm.

N Carter, Planning Solicitor summed up the three options. There was an option to refuse as per the recommendations outlined in the report. The Committee could not approve demolition as there was an objection from a statutory consultee therefore if the Committee were minded to approve its demolition, the decision would have to be referred to the Secretary of State to consider whether it should be called in. The final option was to defer the application however he was not convinced that this was a realistic option. The proposal to turn the structure into public art would follow on from the decision as to whether it could be lost or not.

The Planning Solicitor continued that if refused, the Applicant could appeal, but there was nothing stopping the Council from continuing dialogue in terms of how the applicant could be supported. However there were outstanding breaches of planning control and enforcement action could follow the decision of the Planning Committee.

Councillor Wilson moved the recommendation for the reasons outlined in the report.

S Reed, Planning Development Manager advised that this was a retrospective application, work had already been undertaken and it was in breach of planning requirements. Where an application was refused, Planning Officers tended to provide a limited period to see if a solution could be reached and prevent expensive legal action, however given the timescales, he would expect movement from Durham Constabulary to be extremely time limited.

Councillor Brown advised that the mast lay within her ward and she referred to the current photograph of the mast and likened it to someone knocking down the Cathedral. This was an iconic listed structure and until 2012 remained on the skyline. Money should have been earmarked, this was in breach of a condition and she seconded the motion to refuse the application.

It was determined that Councillor Boyes did not have an interest to declare as a Member of the Police and Crime Panel, based on the lack of crossover with operational matters. Councillor Boyes confirmed the similarity between the mast and Pasmore's Pavilion in East Durham. He referred to a recent report regarding the pressures on the Police and Crime Commissioner budget due to the impact of inflation and the cost of living, combined with reduced government grants and low provision from Council Tax. Referring to the reduction of front line officers and impact on the recruitment of PCSO's, he suggested that the item be deferred. He was unsure of the reason it had been presented to Committee at this time and suggested that it should have been delayed until a plan had been received from the police. Although a listed structure, it was damaged and he would have preferred the application to be accompanied by a viable plan.

Councillor McKeon noted that the landscaping plan was invalid in terms of the application because it would still require the structure to be demolished. She supported the recommendations and suggested that if a developer had come to Committee under similar circumstances, the Committee would not take it so lightly. Whilst she understood that they were not dealing with a profitable organisation and sympathised with the unfair budget constraints however they were not a planning consideration, particularly when a capital receipt had been taken. The Applicant had only been given permission to build and claim the capital receipt by agreeing to the conditions and if there had been a serious plan to re-erect the mast, it would not have been stored the way it had been.

Councillor McKeon shared her concerns about budget pressures and wondered if there was any way that the Council could have the structure re-erected and for all of the cost pressures for the future be taken out of Durham Constabulary's hands. Her primary concern was saving the structure and she specifically referred to the 20th Century Society which was a campaigning organisation that saved monuments like this. Whilst she would be supporting the recommendation, she urged Officers to assist in finding a different way forward if possible.

Councillor Higgins understood the pressures and shared concerns about the impact on staff, however the police had received capital money and should have had the structure re-erected. All organisations and businesses were under the same economic pressures however it was still important to support heritage, not just for the City, but for everyone who lives in Durham. He supported the recommendation.

Councillor Shaw advised that he was minded to support deferment. The financial impact to the Constabulary outweighed the public benefit and he suggested that further dialogue should take place, which as indicated, would not take long.

Councillor Heaviside was disappointed by the mitigation offered, the mast had been taken down many years ago and the money had been spent, despite a commitment to re-erect it and he supported the recommendations.

Councillor Molloy suggested that money should have been set aside and the mast re-erected. In his opinion, there had been no intention to re-erect it and it had been left on purpose. He did not believe that if it was demolished and the money directed elsewhere, it would amount to better policing in and safer towns across the County. It should have been re-erected in the first place and if it demolished, this would be an act of cultural vandalism. It was a unique listed structure and people should have pride in their heritage. He confirmed that he was in support of the recommendations.

Councillor Zair confirmed that he was considering thinking deferment however it looked like it had been dumped and if the Committee did not support the recommendation, they could open the floodgates for other listed buildings to be destroyed. He therefore supported the recommendation.

Councillor Boyes advised that just because it was a listed building did not mean it was decent or valued and he referred to a school in Easington which the whole community wanted to be demolished, despite it being listed by English Heritage. He confirmed that he would be happy to vote for deferment.

Councillor McKeon replied that desirability was not relevant and listed heritage status ensured that important heritage assets would be preserved regardless of personal taste. It protected Durham Cathedral as much as it protected a mast like this and she suggested that one of the privileges of sitting on a Planning Committee, was that they were able to enforce and protect the County's cultural and heritage assets. If this was approved, none of the County's assets would be safe.

Councillor Oliver referred to the photographs and its current state and it was not right to allow demolition therefore he supported the recommendations.

Resolved

That both applications DM/22/02346/FPA and DM/22/02347/LB be REFUSED for the reasons outlined in the report.

Signed.....
(Chair of the meeting held on 7 March 2023)