



County Planning Committee

Date Tuesday 7 February 2023
Time 9.30 am
Venue Council Chamber, County Hall, Durham

Business

Part A

1. Apologies for Absence
2. Declarations of Interest
3. Minutes of the meeting held on 6 December 2022 (Pages 3 - 10)
4. Applications to be determined
5. Any resolution relating to the exclusion of the public during the discussion of items containing exempt information
 - a) DM/22/03528/FPA - Woodham Academy, Washington Crescent, Newton Aycliffe, DL5 4AX (Pages 11 - 42)
New 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
 - b) M/22/02346/FPA & DM/20/01184/LB - Police Headquarters, Aykley Heads, Durham, DH1 5TT (Pages 43 - 74)
Demolition of listed police telecommunications mast
6. 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
30 January 2023

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

Councillor G Richardson (Chair)
Councillor A Bell (Vice-Chair)

Councillors D Boyes, J Higgins, C Hunt, P Jopling, C Marshall,
C Martin, M McKeon, B Moist, P Molloy, I Roberts, K Shaw,
A Simpson, S Wilson and S Zair

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DURHAM COUNTY COUNCIL

At a Meeting of **County Planning Committee** held in Council Chamber, County Hall, Durham on **Tuesday 6 December 2022 at 9.30 am**

Present:

Councillor G Richardson (Chair)

Members of the Committee:

Councillors A Bell (Vice-Chair), D Boyes, J Higgins, P Jopling, C Marshall, C Martin, M McKeon, B Moist, I Roberts, A Simpson and S Zair

Apologies:

Apologies for absence were received from Councillors C Hunt, P Molloy, K Shaw and S Wilson

1 Apologies for Absence

Apologies were received from Councillors Hunt, Molloy, Shaw and Wilson.

2 Declarations of Interest

There were no declarations of interest.

3 Minutes of the meeting held on 1 November 2022

The minutes of the meeting held on 1 November 2022 were agreed as a correct record and signed by the Chair.

4 Applications to be determined

5 DM/22/01917/WAS - Unit 9, Byron House, Hall Dene Way, Seaham Grange Industrial Estate, Seaham

The Committee considered a report of the Senior Planning Officer regarding the change of use from storage (B8) to pet crematorium (Sui Generis) and installation of chimney at Unit 9, Byron House, Hall Dene Way, Seaham Grange Industrial Estate, Seaham (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.

There had been concerns raised regarding the application as in breach of the Cremation Act 1902 however the Act applied to the burning human remains.

Councillor D McKenna, Local Member, noted the separation distance between the unit and gardens of the 5 dwellings of the affected properties, which were roughly 20m from the pet crematorium.

Councillor McKenna, Local Member, confirmed that as a dog owner he understood the need for this type of facility and therefore was not opposed to the scheme but the location was too near residential properties. He argued that there was no need for a pet crematorium in this area as there were already services available in Sunderland less than 10 miles away as well as in Hartlepool and Durham. The report stated that the crematorium was 40m from properties on Stockton Road, however at nearest point the chimney was located 20m from residential gardens, which would impact on outdoor amenity in summer months. If approved, a precedent would be set permitting pet crematoriums in residential areas.

Councillor McKenna was also concerned about the impact on nearby businesses, such as food production and a nearby children's play area. There were businesses promoting healthy lifestyle, have to think twice before opening windows for ventilation if the cremator was in operation.

The site was required to be assessed on its merits and he questioned whether this scheme would enhance local businesses and the environment or detract to be a source of conflict undermine health welfare and living conditions of residents and businesses.

The reference to the Cremations Act 1902 had been dismissed by the Planning Officer due to the reference to human remains, however in 1902 cremation was a new process and the idea of animal cremations had not been envisaged, which should not detract that the concerns around health and safety remained for either.

The Act stated that no crematorium should be constructed within 200yds of any house without their written consent, or within 50yds of a public highway, but if this scheme was approved the Council were consenting to a crematorium within 50 yds of a dwelling. Those whom had drafted the Act 120 years prior, could not have comprehended animal cremations and residents should not be penalised for this.

The report confirmed that the crematorium did not sit within the specific class use on this site, and he asked that the Committee retain the integrity of the site of its intended purposes and to reject the application on the grounds

that this was an unsuitable location due to distance and the properties that would be impacted.

Ms K Robinson was in attendance to represent her elderly parents who had lived on Stockton Road for nearly 30 years and after first moving into one of the four semi-detached dwellings, they had built a dorma bungalow in 1994 when properties overlooked open agricultural fields and to the front there was the main road through to Seaham and two bus stops.

In 1998 the Industrial Estate had been built and to prevent overlooking the Council had planted trees and over the years as new businesses arrived, there had been an increase in traffic, noise, and odour. The residents had never made formal complaints however due to wind direction, odour could be sickening at times and they were impacted due to the congregation of workers at the bus stand at 6.00 a.m. If the scheme was approved, the effect of fumes and particles from the cremator would have a detrimental impact on residents' health.

Residents had been notified of the application in August 2022 and had all lodged objections, her parents had also written to the MP who made representations to the Council on their behalf and had also contacted Councillor McKenna and Seaham Town Council. She found it hard to believe only five residents had been notified and queried the reason wider properties had not been consulted. The Council had given some additional time to receive representations, but those residents had still not been informed.

Despite Ms Robinson's Mum suffering from ill health, she had collected 30 signatures on a petition and although they knew this type of facility was important, she wondered if Members would be happy with it on their doorstep. Due to the distance to properties, the location was not appropriate.

Mr C Henderson, local resident, lived at Glebe Drive Estate which was 100m from unit. He referred to the site photograph and advised that the report had not made reference to the use on the second floor of the building as office accommodation and the proximity of the chimney was such that waste products would be dispersed in the air directly outside of the windows.

When the estate was originally built it had attracted food manufacturing companies and employed a large number of people but Mr Henderson feared this type of application would prevent other businesses from investing in the area in future.

Although the Applicant intended to cremate a small number of pets, he suggested that as the business expanded it could result in 24-hour

operations. There was a lack of legislation with regards to this type of scheme waste dispersed was not guaranteed to be within guidelines.

The incinerators were deemed to be safe, but he questioned the lack of available options if pollution was to escape into the air in such proximity to houses. Applications in other areas of the country had been refused on this aspect alone. Mr Henderson suggested that the impacts were also dependent on the volume of waste and this had not been clarified.

In summary, he advised that 100m from his home a chimney stack would distribute vapor from a pet cremation and in light of this, he wondered whether he would be able to open his windows or enjoy his garden. He questioned whether the application breached Article 8 of the Human Rights Act and also whether it was necessary to approve this scheme so close to people's homes.

If the application was approved Mr Henderson believed it would set a precedent for further development near to homes, schools and shops. He agreed there was a need for this type of business, however the location was the key issue and there was insufficient evidence to establish whether this process was safe.

The Applicant, Mrs L Howes, addressed the Committee. She had invested a lot of time and money into the application and the Planning Officer had responded to the points raised by objectors, however she wanted to address some of those raised during the meeting.

Ms Howes referred to the Cremation Act 1902 which was legislated for the cremation of human remains. This was not an application for a human cremation service and was categorised as a waste disposal site. She queried whether those who had attended a human crematorium had ever noticed any odour or smoke, despite it being on a much larger scale.

The machine had been chosen from international leaders of the market and was chosen for its design. It was smokeless, odourless and quiet so it would not impact on the public in any way. Consultations with Statutory Consultees had concluded that it would not affect wildlife. Ms Howes referred to the way animals had previously been disposed of by cremation in the open air and confirmed that a pet crematorium was environmentally friendly with the ability to control pollution.

Ms Howes confirmed that the business would start as a small, family ran business with three members of staff. The objections had been dealt with within the report and she hoped that the need for the service had been demonstrated and Members would grant a favourable outcome.

In response to a question from Councillor Jopling regarding the planned number of cremations per day and the maximum capacity of the machine, Ms Howes confirmed that the plan anticipated for three to four per day however she had provided information which confirmed the maximum capacity of the machine was seven cremations per day.

Councillor McKeon confirmed that in her experience as a former Member of the Durham Crematorium Committee the process included a huge operation and expense to ensure that the extraction and filtration system did not allow harmful gases to escape. She asked what maintenance plans were in place, given it was an unregulated part of the economy.

Ms Howes confirmed that the machine included a secondary chamber to burn off excess gases and the chimney included integrated prevention control to prevent emissions from escaping. With regards to ongoing maintenance, they had agreed to a maintenance contract and on site provision included an odour management plan. On expiration of the ten year warranty, Ms Howes confirmed that the business would ensure the machine was maintained and operating at its optimum level. The manufacturer had never had a machine returned in 23 years.

In response to a question from the Chair with regards to the size of the animals, Ms Howes confirmed that it was for domestic pets and the maximum weight was up to 45kg per hour so did not require an environmental permit.

The Senior Planning Officer confirmed that the main issues which had been raised by objectors were with regards to the principle of development, the location and impact on amenity.

Policy 61 of the County Durham Plan allowed waste disposal schemes as long as it would not prejudice the function of the estate and existing class B1, B2 and B8 users. The impact on those users mentioned by the objectors were not typical uses on an industrial estate so it would be unfair to refuse to allow a typical user permission due to the impact on non-typical users.

The Planning Officer confirmed that with regards to the impact on residential amenity, extensive assessments had been carried out and considered by Environmental Health. There was also a condition to ensure the chimney stack was exactly as in the dispersion plan and an odour management plan was in place.

With regards to the comments raised about the cost of maintenance, this was not comparable to the costs of a human crematorium and the capacity was limited to 45kg per hour. Any increase would require an environmental

permit, so there were limits on expansion and protection in terms of maintenance.

N Carter, Solicitor referred to the Cremation Act 1902 which had been adequately covered within the report, however it was not applicable to consider alternative legislation under the planning system and although he acknowledged that when drafted, pet cremations may not have been foreseen, Parliament had opportunity since that time to legislate.

With regards to Article 8 of the Human Rights Act, despite the possibility of some interference with this right it was a qualified right and as long as it was in accordance with other legislation, it would not be unlawful to grant permission.

Councillor Boyes agreed with the need for this type of service, however he did not consider this was the correct location. He was familiar with this area and the use on this site which was diverse and had moved away from traditional industrial units. He was concerned that if the scheme was approved, it would affect this diversity and impact businesses.

Councillor Boyes was also concerned about the proximity of the unit to residential properties and noted that pet crematoriums in both Hartlepool and Durham were well removed from residential areas. He noted that there were a lot more sites in East Durham that would be more suitable and queried whether other sites had been considered. As this site was more diverse and included a gym, children's play area and a number of shops, he could not support the application.

Councillor McKeon advised that the area that she represented had a few units with odour management plans and they could not guarantee that there would be no odour entirely, the most contentious issue in her area was wind direction and prevented use when pointing towards residential properties or other users. This was a site surrounded by buildings and she was not convinced an odour management plan was sufficient to control the impact and she had doubts over the application under Policy 31 of the County Durham Plan.

Councillor Bell had originally considered the application to be straightforward however he had since shared some of the concerns raised and did not agree that the Committee should not consider the issues raised due to the fact this service was not regulated in the same way as a human crematorium.

Mixing uses on this site may impact on existing or new businesses and impact on employment and whilst sympathising with the Applicant, he was not comfortable with the location and there had been some valid points

raised regarding the chimney and proximity to the office windows, especially in summer months.

Councillor Marshall was uncomfortable with the proximity to residential properties but he accepted the comments of the Planning Officer. Research by Business Durham had confirmed there was high demand for business users in this area with the existing type of users, this was not an industrial estate that was struggling for occupancy and he wondered if changing the typical use at this location could have a detrimental impact and whether this presented an argument for loss of amenity.

With regards to reasons for refusal, Councillor Marshall considered the addition of a waste disposal unit on this site would impact on existing units located on this estate.

Councillor Jopling considered this to be a fairly low key business plan with a maximum of seven animals a day, which was an important point. The Planning Officer's had done thorough job assessing the application and she was leaning in favour of the proposal rather than rejection.

In response to the Chair, Councillor Jopling moved approval of the application.

In the absence of a seconder, Councillor Boyes moved refusal of the application as it contravened policies in both the County Durham Plan and County Durham Waste Local Plan with regards to the suitability of the site.

The Senior Planning Officer responded to some of the comments regarding whether other sites had been considered and confirmed that for waste development sites, there was no requirement to do a sequential assessment of other sites, but whether the site chosen was acceptable or not.

With regards to Policy 61, the locational requirement, this site was identified for employment use under policy 2 and the test was whether a non B1 B2 B8 development would compromise the use of the site for those types of development and the uses on this site that had been raised as sensitive users were not B1 B2 or B8 so the Council would effectively be prioritising non-employment uses over a use that would be acceptable on an employment site.

He advised the Committee of a recent Appeal decision on a similar application for a waste disposal incinerator and the refusal reason was that development would impact other employment, which the Inspector ruled against and allowed the Appeal.

S Reed, Planning and Development Manager, confirmed that there were a few planning issues raised by Members but with regards to pollution, which was assessed under Policy 31 of the County Durham Plan and he advised that it would be difficult to refuse the application on those grounds due to the comments from Environmental Health and the work done with ACOM who had scrutinised the application. With regards to the loss of employment land, the amount of employment proposed was broadly similar as it would be with a more traditional type of employment use.

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

The Planning and Development Solicitor echoed the advice from Planning Officers and confirmed that he was concerned about the sustainability of Councillor Boyes' motion as there was not a sequential approach required for site selection. With regards to the impact on other uses on the site and whether this particular use would discourage expansion or relocation to the area, he reiterated the recent decision of the Planning Inspector which was refused on similar grounds although it was an incinerator of a different scale and medical waste. He suggested that the impact on residential amenity was a more subjective issue which could be given some weight however Councillor Boyes agreed that he would add the impact on residential amenity to the reasons he had already outlined for refusal.

Councillor Martin confirmed that whatever the reasons were for rejecting the application, a general steer had been given to the Committee that some of the concerns raised by Members could not be relied upon as reasons for refusal. He was concerned about the impact on other uses as having taken the decision to be located on a business park, they were taking a risk that other users would be typical industrial estate users. He would therefore prefer to refuse on the impact on residential amenity which was a more reasonable argument and seconded the motion of Councillor Boyes on the basis it was contrary to Policy 31 of the County Durham Plan.

Resolved

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

1. By reason of proximity the development would have an unacceptable impact on the amenity and living conditions of residential properties in conflict with County Durham Plan Policy 31, Part 15 of the National Planning Policy Framework and Paragraph 7 of the National Planning Policy for Waste.

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/22/03528/FPA
FULL APPLICATION DESCRIPTION:	New 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
NAME OF APPLICANT:	Galliford Try Construction Limited
ADDRESS:	Woodham Academy Washington Crescent Newton Aycliffe DL5 4AX
ELECTORAL DIVISION:	Aycliffe East
CASE OFFICER:	Chris Shields Senior Planning Officer 03000 261394 chris.shields@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

Site

1. The 8.15 hectares (ha) application site, comprising existing school, sports hall, car parking and playing fields, is located on Washington Crescent in a residential area on the northern fringe of Newton Aycliffe, to the south of Woodham village. To the north, the site is adjacent to woodland and the watercourse of Woodham Burn and to the east, beyond a shared footpath/cycleway, are the school existing playing fields outside of the application site. Residential properties fronting Wolsey Close, Neile Road and Washington Crescent are located to the south, and are largely separated from the site by mature trees and hedgerows. To the west, the site is bound by undeveloped fields. More widely, the site is located approximately 800 metres northeast of Newton Aycliffe town centre and 800m south of Woodham village centre.
2. The site is located entirely within a Low Risk Coalfield Development area. The site is entirely located with Flood Zone 1, a Major Groundwater Vulnerability zone and within a Groundwater Source Protection Zone (SPZ). Due to the location of the site the Agricultural Land Classification value is Grade 4 (urban) and is therefore not of a best and most versatile quality.
3. There are no landscape or ecological designations within, or in the immediate vicinity of the site. The Moor Local Nature Reserve (LNR) is located approximately 1km to the north west, Byerley LNR is located approximately 1.8km to the west, Aycliffe Nature Park Local Wildlife Site (LWS) is located approximately 1.6km to the south. Simpasture Junction LWS is located approximately 2.5km to the west and Shildon Sidings is located approximately 3.3km to the west. Middridge Quarry Site of Special Scientific Interest (SSSI) is located approximately 3.3km to the west.

4. There are no designated heritage assets within the site and none within a 2.5km radius.
5. The site is located within a residential area. The nearest residential properties to the site are located immediately adjacent (5 to 10 metres) to the southern boundary on Wolsey Close, Washing Crescent and Neile Road. To the north the nearest properties are located on Grange Court, Whitton Court, Grindon Court, Mulgrave Court and Middleham Way approximately 100m from the site boundary but also separated by the Woodham Burn valley and woodland.
6. There are no public rights of way within or in the vicinity of the site. Public footpath No.31 (Great Aycliffe Parish) is located approximately 60m to the north of the site within the Woodham Burn valley.
7. Land adjacent to the school site to the west is allocated for housing in the County Durham Plan (reference H32) with an anticipated yield of 100 no. dwellings.

The Proposal

8. Planning permission is sought for the construction of a replacement secondary school for Woodham Academy. The proposal has been split into two applications, one for the construction of the new school and the second for the demolition of the existing school. The application for demolition of the existing school will be determined at a later date as further bat surveys are required to be undertaken before the application can be determined. This report will consider the application for the construction of the new school only.
9. The proposed school, comprising a teaching buildings and sports buildings would be a direct replacement for the existing and would not increase pupil numbers beyond the current 1200, or staff numbers above the current 103 full time equivalent (FTE) posts.
10. The proposed new 3 storey teaching building has an 'L' shaped ground profile with a maximum length on the southern elevation of approximately 78m, 33m on the western elevation and 58m on the eastern elevation with a height of 12m and a 7,522m² gross internal floor area / 9,161m² gross external floor area and would be positioned within the south-eastern section of the application site (to the north of Wolsey Close).
11. In addition to teaching spaces, staff offices and other ancillary areas, the new teaching block would include 2 dining halls and assembly hall with bleachers on the ground floor and a library located on the first floor of the building.
12. The proposed new sports building would measure approximately 48m by 51m with a height of 10.5m and a 2,201 gross internal floor area / 2,313 gross external floor area and would be located to the north of the new teaching building.
13. The sports building has been designed to allow out of hours community users to use the main entrance for direct access into the sports facilities. A dedicated community entrance utilises the dual aspect entrance at the secure line intersection. The single reception features sights lines of both playground and semi-public site plaza.
14. In terms of the key spaces provided in the new sports building, the provision includes a 4-lane swimming pool, 4-court sports hall, activity studio, fitness room and dining expansion area with a kitchen.
15. The proposed teaching building and sports building would both utilise buff and grey blend brickwork, the buff bricks being used for the main body of the buildings with grey

bricks for detail and to break up the elevations. Cedar cladding would be used to define entrances and create feature areas.

16. The proposed new buildings are designed to tackle climate change through being Net Zero Carbon in Operation (NZCiO). Both buildings would have green roofs and be covered in photo-voltaic (PV) panels. Due to the building energy yield, an additional 600m² of PV panels would be sited on existing hard standing to the northwest of the new buildings.
17. New hard and soft landscaping is proposed for the site. A 100m² area of woodland planting would be introduced to mitigate for the loss of 22 existing trees from the site.
18. Existing vehicular and pedestrian entrances to the site would be retained with new 2 tier security fencing to segregate pupils from visitors.
19. On-site parking provision would remain mainly unchanged. A total of 89 parking spaces are provided to the southwest of the site. In addition, 18 spaces are located in an overspill area, increasing the total to 107 spaces. As part of the development proposals, two accessible bays would be located within the island of the proposed extended internal loop road, increasing the overall parking provision to 109 spaces. The existing 4 electric vehicle parking spaces would also be retained on site.
20. An upgraded pick up/drop off area in the form of an enlargement to the existing internal loop road would be located to the southeast of the site, in the vicinity of the existing loop road. Coaches and servicing vehicles would gain access via the upgraded drop off/pick up area.
21. As part of the current proposals, 82 cycle parking spaces are proposed, located across two areas immediately to the northwest of the upgraded drop-off/pick-up internal loop road. A total of 20 Sheffield stands accommodating 40 spaces would be located in a cycle compound. An additional 42 spaces would be provided in a cycle shelter, located south of the cycle compound. The proposed cycle shelter would be constructed with stainless steel, clear roof and side cladding.
22. The proposed development would result in a temporary loss of grass playing field land that would be used for the construction of the new buildings and contractor's car parking that would be located within the south-western section of the site. The area of playing field lost to development proposals would be replaced once the existing buildings were demolished.
23. The proposed construction works are expected to take a total of 111 weeks with completion due in May 2025. However, the new school would be ready to accept pupils from September 2024.
24. This application is being reported to the County Planning Committee because it involves major development of more than 2ha.

PLANNING HISTORY

25. The existing school buildings at Woodham Academy date from 1952. There has been a number of applications for fencing, new buildings, road and fencing in the intervening period.

PLANNING POLICY

26. A revised National Planning Policy Framework (NPPF) was published in July 2021. 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.
27. In accordance with Paragraph 219 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.
28. *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.
29. *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.
30. *NPPF Part 8 – Promoting Healthy and Safe Communities* – The planning system can play an important role in facilitating social interaction and creating healthy, inclusive and safe communities. 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 community facilities and services should be adopted.
31. *NPPF Part 9 – Promoting Sustainable Transport* – Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
32. *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.
33. *NPPF Part 15 – 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, site of biodiversity or 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.

34. *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/government/publications/national-planning-policy-framework--2>

35. 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; climate change; determining a planning application; flood risk and coastal change; healthy and safe communities; historic environment; light pollution; natural environment; noise; renewable and low carbon energy; travel plans, transport assessments and statements; use of planning conditions; water supply, wastewater and water quality

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

LOCAL PLAN POLICY:

The County Durham Plan (October 2020)

36. *Policy 4 – Housing Allocations* – identifies the locations for new housing within the County. Applications for housing on these allocations if in accordance with the site-specific requirements of the policy and infrastructure requirements should be approved if in accordance with other relevant policies in the plan.
37. *Policy 6 – Development of Unallocated Sites* – States the development on sites not allocated in the Plan or Neighbourhood Plan, but which are either within the built-up area or outside the built up area but well related to a settlement will be permitted provided it: is compatible with use on adjacent land; does not result in coalescence with neighbouring settlements; does not result in loss of land of recreational, ecological, or heritage value; is appropriate in scale, design etc to the character of settlement; it is not prejudicial to highway safety; provides access to sustainable modes of transport; retains the settlement's valued facilities; considers climate change implications; encourages the use of previously developed land and reflects priorities for urban regeneration.
38. *Policy 21 – Delivering Sustainable Transport* – Requires planning applications to address the transport implications of the proposed development. All development shall deliver sustainable transport by delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings.
39. *Policy 26 – Green Infrastructure* – States that development proposals will not be permitted that would result in the loss of open space or harm to green infrastructure assets unless the benefits of the development clearly outweigh that loss or harm and an assessment has been undertaken which has clearly shown the open space or land

to be surplus to requirements. Where valued open spaces or assets are affected, proposals must incorporate suitable mitigation and make appropriate provision of equivalent or greater value in a suitable location. Where appropriate there will be engagement with the local community.

40. *Policy 29 – Sustainable Design.* Requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out detailed criteria which sets out that where relevant development is required to meet including; making a positive contribution to an areas character and identity; provide adaptable buildings; minimise greenhouse gas emissions and use of non renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; providing suitable landscape proposals; provide convenient access for all users; adhere to the Nationally Described Space Standards (subject to transition period).
41. *Policy 31 – Amenity and Pollution -* Sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that the development can be effectively integrated with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised to an acceptable level.
42. *Policy 32 – Despoiled, Degraded, Derelict, Contaminated and Unstable Land –* requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.
43. *Policy 33 – Renewable and Low Carbon Energy –* States that renewable and low carbon energy development in appropriate locations will be supported. In determining planning applications for such projects significant weight will be given to the achievement of wider social, environmental and economic benefits. Proposals should include details of associate developments including access roads, transmission lines, pylons and other ancillary buildings. Where relevant, planning applications will also need to include a satisfactory scheme to restore the site to a quality of at least its original condition once operations have ceased. Where necessary, this will be secured by bond, legal agreement or condition.
44. *Policy 35 – Water Management –* Requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. All new development must ensure there is no net increase in surface water runoff for the lifetime of the development.
45. *Policy 36 – Water Infrastructure –* Advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and waste water infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.
46. *Policy 39 – Landscape –* States that proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are

expected to incorporate appropriate mitigation measures where adverse landscape and visual impacts occur. Development affecting Areas of Higher landscape Value will only be permitted where it conserves and enhances the special qualities of the landscape, unless the benefits of the development clearly outweigh its impacts. Development proposals should have regard to the County Durham Landscape Character Assessment and County Durham Landscape Strategy and contribute, where possible, to the conservation or enhancement of the local landscape.

47. *Policy 40 – Trees, Woodlands and Hedges* – States that proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges. Where trees are lost, suitable replacement planting, including appropriate provision for maintenance and management, will be required within the site or the locality.
48. *Policy 41 – Biodiversity and Geodiversity* – Restricts development that would result in significant harm to biodiversity or geodiversity and cannot be mitigated or compensated. The retention and enhancement of existing biodiversity assets and features is required as well as biodiversity net gains. Proposals are expected to protect geological features and have regard to Geodiversity Action Plans and the Durham Geodiversity Audit and where appropriate promote public access, appreciation and interpretation of geodiversity. Development proposals which are likely to result in the loss or deterioration of irreplaceable habitat(s) will not be permitted unless there are wholly exceptional reasons and a suitable compensation strategy exists.
49. *Policy 43 – Protected Species and Nationally and Locally Protected Sites* – States that development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided, or the proposal meets licensing criteria in relation to European protected species.
50. *Policy 44 – Historic Environment* – Requires development proposals to contribute positively to the built and historic environment. Development should seek opportunities to enhance and where appropriate better reveal the significance and understanding of heritage assets.

NEIGHBOURHOOD PLAN:

Great Aycliffe Neighbourhood Plan (July 2017)

51. *Policy GANP CH1 – Landscape Character and Townscape* – states new development should, where appropriate maintain existing hedgerows, trees and woodland and encourage the planting of new trees and hedgerows.
52. *Policy GANP T1 – Parking Impacts on Existing Infrastructure* – states that development proposals that include a reliance on existing streets shall not be permitted where on-street parking would impact on the safety of road users or have an unacceptable adverse impact on the character of the area and adequate provision has not been made on-site for parking and access for deliveries, service vehicles, tradesmen working on-site, workers, social visitors and residents.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

53. *Great Aycliffe Town Council* – has advised that they have no comments to make.
54. *Highway Authority* – initially objected to the proposals due to inadequate onsite parking and safety implications of the construction access on to Neile Road. The scheme was subsequently amended to direct construction traffic to the existing main entrance on Wolsey Close and retain this access for teaching staff and pupils. Construction workers parking would be accessed from Neile Road and access for demolition traffic would also use Neile Road. Following this amendment Highways officers accepted that the access arrangements would be acceptable. A condition is recommended to require pre and post construction highway condition surveys.
55. *Drainage & Coastal Protection* – has indicated that they have no objections to the proposals but have not, as yet, been able to audit the final drainage calculations. Conditions are therefore recommended to secure this detail.
56. *Sport England* – has raised no objections to the proposal. Officers have assessed the proposals and note that once the existing school has been demolished there would be a net increase in playing field area of 0.1ha. Notwithstanding this, conditions have been requested to ensure the timely delivery of the replacement playing fields to a good standard and also for submission and compliance with a community use agreement for the sports facilities.

INTERNAL CONSULTEE RESPONSES:

57. *Spatial Policy* – has raised no objections to the proposals. Officers have provided advice in respect of the principle of development and appropriate national, local and neighbourhood plan policies for determining the application.
58. *Environmental Health and Consumer Protection (Nuisance)* – has raised no objections in respect of noise impact. Further details of light spillage are requested, which would be required as a pre-commencement condition.
59. *Environmental Health and Consumer Protection (Air quality)* – has raised no objections to the proposal. Officers have requested that a Dust Management Plan or Construction and Environmental Management Plan be requested by condition prior to the commencement of development.
60. *Environmental Health and Consumer Protection (Contaminated land)* – has raised no objections subject to conditions for further assessment and remedial work if it is deemed to be required.
61. *Ecology* – has raised no objections to the proposals. Officers requested additional information regarding planting, light spillage and bird and bat boxes. Additional planting details have been provided that are considered acceptable, however, details of lighting and bird and bat boxes would be secured by planning condition. Officers have requested long term management of the biodiversity net gain on the site by Section 39 (Wildlife and Countryside Act) agreement.

62. *Landscape* – has raised no objections to the proposals. Officers have requested conditions to secure full details of hard and soft landscaping with a requirement to deliver long term management of soft landscaping.
63. *Design and Conservation* – has raised no objections to the proposals. Officers have requested that details of materials and samples should be requested as a pre-commencement condition.
64. *Archaeology* – has raised no objections to the proposals subject to conditions requiring trial trenching to be carried out prior to the commencement of development/

PUBLIC RESPONSES:

65. The applications have been advertised by site notice and in the local press as part of the planning procedures. Notification letters were sent to individual properties in the vicinity of the site. Two letters of objection have been received in response to the consultation, although both were received from the same person.
66. The issues raised in the objection centre around traffic impacts on Neile Road, which is located to the south of the application site. This was intended to be the access point for construction traffic, staff parking, contractor parking and pedestrian entrance for pupils that would be diverted away from the existing main entrance for the duration of construction works. The objector has set out existing access difficulties and limitations of Neile Road including the absence of a footpath on the north (school side) of the carriageway.

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/search.do?action=simple&searchType=Application>

APPLICANTS STATEMENT:

67. The proposed redevelopment of Woodham Academy will provide a state-of-the-art new school building and sports facilities for its pupils. The school was selected by the Department for Education (DfE) to receive funding under the Schools Rebuilding Programme (SRP), due to the poor quality of the existing school accommodation. The new school buildings will ensure the academy is fit for the future by providing a high-quality and spacious learning environment. This improvement in the learning environment will have a positive impact on the quality of education and the well-being of pupils who attend Woodham Academy. The school is at the heart of its community and the redevelopment proposals will help to ensure that they can deliver the education and skills children need to succeed in life.
68. The new school buildings have been designed to tackle climate change through being Net Zero Carbon in Operation (NZCiO), which is a significant commitment in terms of sustainable design. The proposed development will use technologies such as air source heat pumps and PV panels, which will reduce carbon emissions and contribute towards a cleaner environment. In addition, the proposals include an increase in electric vehicle charging facilities and cycle parking, which will encourage more pupils and staff to travel to school by sustainable modes of transport, further contributing to the environmental improvements of the proposals.
69. The improved sports facilities such as the new sports hall, swimming pool and activity centre will provide the school with greater opportunities to promote student participation in sports and expand the school sports curriculum and range of extracurricular activities. The new sports facilities will also be accessible to the local community through a Community Use Agreement. The new facilities will offer venues

for events such as training sessions, swimming lessons, community sports and coaching. This will improve the access of the local community to high quality sports facilities within walking or cycling distance of their homes. This in turn will promote healthier lifestyles and reduce the reliance on private vehicles.

PLANNING CONSIDERATIONS AND ASSESSMENT

70. 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 development, layout and design, locational sustainability of the site, access and traffic, residential amenity, contamination and coal mining risk, flooding and drainage, landscape, ecology, recreational amenity, cultural heritage, other matters and public sector equality duty.

The Principle of the Development

71. 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 County Durham Plan (CDP) and the Great Aycliffe Neighbourhood Plan (GANP) comprise is the statutory development plan relevant to this proposal and are the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035. The GANP was adopted in July 2017 and covers the period 2016 to 2036.
72. 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.
73. In light of the recent adoption of the CDP, and the GANP, the Council now has an up-to-date development plan. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up-to-date development plan without delay (Paragraph 11 c). Accordingly, Paragraph 11(d) of the NPPF is not engaged.

74. The application site is located within the Woodham area of Newton Aycliffe and is adjacent to a site allocated for housing within CDP Policy 4 with the reference H32 (Land at Woodham College) for 100 houses. CDP Policy 4 states that applications which come forward for housing development on allocated housing land will be approved where they comply with other requirements of the CDP. The allocation was adopted in the knowledge that the school and playing fields existed and would continue to operate on the adjoining site. The school has co-existed with surrounding developments satisfactorily and there is no reason to suspect that the proposal would prejudice the housing allocation.
75. Paragraph 95 of the NPPF emphasises the importance of sufficient school places to meet the needs of existing and new communities. Local Planning Authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. In essence a new school on this site would deliver wider community benefits and can be viewed in terms of the requirements of CDP Policy 6, along with other policy requirements of the CDP.
76. Policy 6 of the CDP states that the development of sites which are not allocated in the Plan or in a Neighbourhood Plan which are either (i) within the built-up area; or (ii) outside the built-up area (except where a settlement boundary has been defined in a neighbourhood plan) but well-related to a settlement, will be permitted provided the proposal accords with all relevant development plan policies and:
- a) is compatible with, and is not prejudicial to, any existing, allocated or permitted use of adjacent land;
 - b) does not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development;
 - c) does not result in the loss of open land that has recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigated or compensated for;
 - d) is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of, the settlement;
 - e) will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity;
 - f) has good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement;
 - g) does not result in the loss of a settlement's or neighbourhood's valued facilities services unless it has been demonstrated that they are no longer viable; or
 - h) minimises vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding;
 - i) where relevant, makes as much use as possible of previously developed (brownfield) land; and,
 - j) where appropriate, it reflects priorities for urban regeneration.
77. The application site is not allocated for educational use within the CDP but benefits from an established use as a school site. The site is located in a built-up area and therefore the acceptance criteria associated with CDP Policy 6 are engaged. Many of

the criteria associated with CDP Policy 6 are considered in more detail elsewhere in this report. However, with regard criterion a), the application site is currently occupied by a school, and it is considered that education is the established and prevailing land use. The use of the land has therefore been demonstrated to be compatible with the existing adjacent land uses.

78. With regard to criteria b) part of the site is previously developed land with a clear boundary that is already surrounded by other, existing development and would therefore not lead to ribbon development or coalescence with other settlements. With respect to criterion c) the application site is not publicly accessible and has very limited recreational and ecological value and no heritage value. The proposal to build a new school on the site would improve the recreational value and the proposed planting and landscape features would add ecological value. Continuing the use of the site for education would maintain the character in the locality.
79. With respect to criterion d) the proposed school would be two storey building with a rectangular plan form. The building would have a modern appearance using a contrasting buff and grey brick palette. Whilst it would look different from its surrounds this is considered to be a positive choice and a clear break from the building that it replaces. The design of the building is to be as efficient as possible, and this would provide a scale and massing that would not be overbearing to surrounding occupiers.
80. Criteria e) and f) relate to transport and access. The site is well located within a residential area with bus stops less than 100m from the site entrance. The site would have multiple pedestrian access points and would have adequate parking provision for staff and would not have a detrimental impact on the highway network.
81. With respect to criteria g) the development would not negatively impact or result in the loss in neighbourhood facilities or services.
82. The development would provide modern, energy efficient buildings with carefully considered drainage and green energy systems on previously developed land currently occupied by a school in accordance with criteria h), i) and j).
83. In summary it is considered that the development of the application site would accord with CDP Policy 6 as it is considered to be well-related to the settlement, would not significantly affect the landscape character and lies within acceptable distances to local community facilities, services and sustainable transport links. The reasoning behind this judgement is set out in the consideration of the scheme against the relevant criterion of the Policy in later sections of this report. It is also considered that the proposal would not conflict with CDP Policy 4 as the housing allocation would not be prejudiced by the continuation of an education use on the application site.

Layout and Design

84. CDP Policy 29 outlines that development proposals should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities. Parts 12 and 15 of the NPPF also seek to promote good design, while protecting and enhancing local environments. Paragraph 130 of the NPPF also states that planning decisions should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.

85. Within the application site there are trees to the south and east of the existing school building that would be retained. A more dense woodland planting belt in the south east corner, northern and eastern boundaries would also be retained. The development of the site would have a visual impact, particularly to the south where the proposed building would be clearly visible in the street scene from Washington Crescent and Wolsey Close. The views from residential properties on Wolsey Close would be partially mitigated by the existing intervening tree belt.
86. The height of the proposed new buildings would not be inconsistent or out of keeping with neighbouring buildings, noting in particular that there are examples of 4 story blocks of flats on Washington Crescent that would not be dissimilar in height to the proposed school buildings.
87. To achieve the educational facilities required for Woodham Academy, the accommodation has been split between two separate buildings on the site. The main teaching building to the south with the sports building separated by the playground.
88. The proposed elevations are composed mainly of a buff and grey blend brickwork. This material was chosen to provide architectural quality whilst providing suitable robustness for a school setting. Recessed brickwork to help define the buildings natural rhythm is proposed featuring window bays on the main elevations, helping to further break up the massing. A grey brick plinth would add a feature to the dedicated teaching facilities to the east of the buildings.
89. Design and Conservation officers have commented that the proposal reflects that discussed at the pre-application stage and would not be opposed from a design and conservation perspective. The main school building has legible entrance features for both students and visitors, with the visitor entrance immediately recognisable upon arriving at the site without the need for over-reliance on signage. The window reveal detail gives depth to what would otherwise be long, flat elevations. The proposed brick reflects the character of adjacent housing and the wider new town. With regard to the sports building, the overall material palette continues the approach of the main school building. At the ground floor, the building takes the opportunity to provide animation to the elevations away from the blank box of the sports hall. In general, pedestrian routes through the site are addressed by animated building frontage. Notwithstanding their general support for the scheme, officers have requested details of materials and samples to be submitted through a planning condition.
90. In response to CDP Policy 29 it is considered that the development would positively contribute to the character and townscape of the area and would create a modern building capable of providing and accommodating up to date educational needs. An energy statement has been provided in support of the application to demonstrate that the building can operate without reliance upon fossil fuels and the location of the school within a residential area with good transport connections adds to the sustainability credit. The scale, massing and siting of the building would maintain high standards of amenity and privacy to neighbouring residents.
91. The applicant has not demonstrated that the building would achieve a Building Research Establishment Environmental Assessment Method (BREEAM) 'very good' rating but have instead demonstrated that it would achieve Net Zero Carbon in Operation, thereby confirming that development would be highly efficient.
92. Subject to the imposition of a condition requiring details of materials and finishes it is considered that the development would accord with CDP Policy 29 and Part 12 of the NPPF in respect of good design.

93. Criteria f of Policy 6 of the CDP requires that developments on unallocated sites have good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement. Policy 21 of the CDP requires all developments to deliver sustainable transport by providing appropriate, well designed, permeable and direct routes for walking, cycling and bus access, so that new developments clearly link to existing services and facilities together with existing routes for the convenience of all users. Policy 29 of the CDP requires that major development proposals provide convenient access for all users whilst prioritising the needs of pedestrians, cyclists, public transport users, people with a range of disabilities, and emergency and service vehicles whilst ensuring that connections are made to existing cycle and pedestrian networks. Specifically, the NPPF sets out at Paragraph 105 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 110 the NPPF states that appropriate opportunities to promote sustainable transport modes should be taken whilst Paragraph 112 amongst its advice seeks to facilitate access to high quality public transport.
94. The proposed development would be located on a site currently occupied by a school and is surrounded by residential properties. The site provides access to the A167 via an established route through Wolsey Close, Washington Crescent and Central Avenue and would provide adequate parking on site for staff and visitors. The site is served by existing pedestrian entrances that would continue to be used during construction and operation of the new school and there is a good network of pavements to the site to allow people to walk. Cycle parking would be provided on site to facilitate and encourage staff and pupils to cycle to school. In addition, there are bus stops less than 100m from the site entrance.
95. In conclusion, the development would promote accessibility by a range of methods in accordance with Policies 6 criterion f, 21 and 29 of the CDP and Paragraphs 98, 103, 108 and 110 of the NPPF.

Renewable Energy

96. CDP Policy 33 states that renewable and low carbon energy development in appropriate locations will be supported. In determining planning applications for such projects significant weight will be given to the achievement of wider social, environmental and economic benefits. Proposals should include details of associate developments including access roads, transmission lines, pylons and other ancillary buildings. Where relevant, planning applications will also need to include a satisfactory scheme to restore the site to a quality of at least its original condition once operations have ceased. Where necessary, this will be secured by bond, legal agreement or condition.
97. In line with the Department of Education employer requirements and aspirations towards Net Zero Carbon in Operation (NZCiO), enhanced energy objectives have driven the design from the concept stage. Goals in line with the shared governments Net Zero Coalition, targeting net zero emissions by 2050.
98. Both buildings would have green roofs and would be covered in photo-voltaic (PV) panels. Due to the building energy yield, an additional 600m² of PV panels are proposed to achieve the NZCiO. It is proposed to site these arrays on existing hard standing to the northwest of the site, eliminating the loss of sports playing fields. Precise details of the appearance of the solar panels would be required by conditions.

99. The proposed roof and ground mounted solar arrays would assist the school in achieving NZCiO status. CDP Policy 33 provide support for renewable and low carbon energy in appropriate locations. The location of the ground mounted solar panels and roof mounted panels are considered to be acceptable, and the proposal would therefore accord with CDP Policy 33 and Part 14 of the NPPF.

Access and Traffic

100. Paragraph 110 of the NPPF states that safe and suitable access should be achieved for all users. In addition, Paragraph 111 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe. CDP Policy 21 states that the transport implications of development must be addressed as part of any planning application, where relevant this could include through Transport Assessments, Transport Statements and Travel Plans.
101. Policy GANP T1 states that development proposals that include a reliance on existing streets shall not be permitted where on-street parking would impact on the safety of road users or have an unacceptable adverse impact on the character of the area and adequate provision has not been made on-site for parking and access for deliveries, service vehicles, tradesmen working on-site, workers, social visitors and residents.
102. An objector to the development has raised issues of traffic impacts on Neile Road. This was intended to be the access point for construction traffic, staff parking, contractor parking and pedestrian entrance for pupils that would be diverted away from the existing main entrance for the duration of construction works. The objector has set out existing access difficulties and limitations of Neile Road including the absence of a footpath on the north (school side) of the carriageway.
103. A Transport Statement (TS) and Construction Phase Plan have been submitted in support of the application. The TS provides a baseline assessment of the existing school, highway network and highways safety. Details are provided of the proposed development, site access and parking, refuse and servicing vehicles, proposed school opening times and construction management. The TS concludes that the proposed development is in a highly sustainable location with no local highway safety issues and that there would be no impact on traffic or parking demand in comparison with the existing situation.
104. The Construction Phase Plan, as originally submitted, showed access for teaching staff, construction workers and student pedestrian access to be from Neile Road, which is not currently used for school access at all. The main entrance would only be accessible for construction vehicles. Following discussions with the Highway Authority, the applicant has amended the construction access arrangements so that staff and pupils would continue to access the school from the existing main entrance, construction traffic would enter the site via new entrance immediately adjacent to the main entrance with appropriate segregation. Construction staff would access the temporary construction from Neile Road, and demolition traffic would also use Neile Road. It is important to note that demolition work would not commence until construction of the new school is complete so there would not be any overlap. The demolition of the existing school is the subject of a separate application. Construction traffic would be time managed to strictly avoid any vehicles arriving during school drop off and pick up times.
105. Following submission of the revised Construction Phase Plan, the Highway Authority have found the access arrangements for both the construction and operational periods to be acceptable. Conditions have been requested for a pre-commencement and post-completion road condition survey, incorporating Wolsey Close, Washing Crescent,

Neile Road and Dafoe Crescent. A condition is also requested for a pre-commencement swept path analysis of Neile Road for demolition traffic, but this would be more appropriately dealt with in the subsequent application for the demolition of the existing school.

106. No objection is raised by the Highway Authority subject to appropriate conditions. It is considered that the proposals have been appropriately assessed through a Transport Statement and would not result in harm to the safety of the local or strategic highway network and would not cause an unacceptable increase in congestion or air pollution. Subject to the condition set out above the development would not conflict with CDP Policy 21, GANP Policy T1 and Part 9 of the NPPF.

Residential Amenity

107. Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of air or noise pollution. Development should, wherever possible, help to improve local environmental conditions such as air quality and water quality. Paragraph 185 of the NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. Paragraph 186 of the NPPF advises that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. Paragraph 187 of the NPPF advises that planning decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs).
108. CDP Policy 31 sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for locating of sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.
109. The nearest residential properties to the site are located immediately adjacent (5 to 10 metres) to the southern boundary on Wolsey Close, Washing Crescent and Neile Road. To the north the nearest properties are located on Grange Court, Whitton Court, Grindon Court, Mulgrave Court and Middleham Way approximately 100m from the site boundary but also separated by the Woodham Burn valley and woodland. There are no public rights of way within or in the vicinity of the site. Public Footpath No.31 (Great Aycliffe Parish) is located approximately 60m to the north of the site within the Woodham Burn valley.
110. A Noise Impact Assessment has been submitted in support of the application. The assessment provides baseline data for the existing acoustic environment around the site and a consideration of the potential noise from the operation of the building and sports pitches against British Standards and the Councils Technical Advice Notes (TANs). The assessment concludes that operation of the school and sports pitches

during normal school hours would be consistent with the noise environment in the area and no mitigation is required. No lighting is proposed for the outdoor sports areas.

111. During construction the proposed hours of working are 0800 to 1800 Monday to Friday and 0800 to 1400 on Saturdays. It is not proposed to work on Sundays, Bank or public holidays.
112. Environmental Health and Consumer Protection (Nuisance Action) officers have considered the submitted information and have not raised any issues, agreeing with the conclusions of the submitted impact assessment.
113. An Air Quality Assessment has been submitted in support of the application. The assessment provides a baseline analysis, details of assessment methodology, legislation and policy and consideration of the potential impacts. The assessment identifies that the proposals have the potential to cause air quality impacts at sensitive locations during the construction phase. These may include fugitive dust emissions and road traffic exhaust emissions from construction vehicles travelling to and from the site. During the construction phase of the development there is the potential for air quality impacts as a result of fugitive dust emissions from the site. This has been assessed in accordance with the IAQM methodology. It is advised that, assuming good practice dust control measures are implemented, the residual significance of potential air quality impacts from dust generated by demolition, earthworks, construction and trackout activities would not be significant. Potential impacts during the construction phase of the proposed development may occur due to road traffic exhaust emissions associated with vehicles travelling to and from the site. This has been assessed against the screening criteria provided within the IAQM[10] guidance document. Due to the low number of anticipated vehicle movements associated with the proposals, road traffic exhaust impacts have been predicted to be not significant
114. Environmental Health and Consumer Protection (Air quality) officers have considered the proposals and raise no objections in respect of potential nuisance or air pollution. Officers welcome the recommendations with the air quality assessment to implement a construction management plan for the construction phase and for a travel plan to be adopted during the operational phase. Conditions would be imposed to secure these measures.
115. There would be some disturbance to residential properties during construction and would be part of the development. This disturbance would be time limited and necessary to provide new educational facilities. A Construction Phase Plan has been submitted to control and mitigate any potential impacts from construction, this would be secured by planning condition. It is considered that the proposed development would not create an unacceptable impact on health, living or working conditions or the natural environment. The proposals would not result in unacceptable noise, air quality or light pollution and, subject to the imposition of the conditions recommended above, it is considered that the proposals would provide an acceptable standard of residential amenity in accordance with CDP Policy 31 and Part 15 of the NPPF.

Contamination and Coal Mining Risk

116. Part 15 of the NPPF (Paragraphs 120, 174, 183 and 184) requires the planning system to consider remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land where appropriate. Noting that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner. CDP Policy 32 requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the

construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.

117. A Phase 1 Desk Study and Phase 2 Site Investigation have been submitted in support of the application. This assessment concludes that there may be possible sources of contamination on the site.
118. The site is within a Low Risk Coalfield Development area. A Coal Mining Risk Assessment is therefore not required but an informative would be provided to the applicant regarding development in this location.
119. Environmental Health and Consumer Protection (Contaminated Land) officers have considered the proposals and raise no objections in respect of land contamination. Conditions have been recommended to require investigation of potential areas of ground contamination. The Coal Authority has considered the development in respect of coal mining risk and raised no objections.
120. It is considered that the proposed development would be suitable for the proposed use and would not result in unacceptable risks which would adversely impact on the environment, human health and the amenity of local communities and it is considered that the proposals would provide an acceptable standard of residential amenity in accordance with CDP Policies 32 and Part 15 of the NPPF.

Flooding and Drainage

121. Part 14 of the NPPF directs Local Planning Authorities to guard against flooding and the damage it causes. Protection of the water environment is a material planning consideration and development proposals, including waste development, should ensure that new development does not harm the water environment. Paragraph 174 of the NPPF advises that planning decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of water pollution. Development should, wherever possible, help to improve local environmental conditions such as water quality.
122. Paragraph 167 of the NPPF states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment it can be demonstrated that it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate, and any residual risk can be safely managed.
123. CDP Policies 35 and 36 of the CDP relate to flood water management and infrastructure. Policy 35 requires development proposals to consider the effects of the scheme on flood risk and ensure that it incorporates a Sustainable Drainage System (SuDs) to manage surface water drainage. Development should not have an adverse impact on water quality. Policy 36 seeks to ensure that suitable arrangements are made for the disposal of foul water. 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 a sequential test and some instances exception test are passed, informed by a site-specific flood risk assessment

124. The site is entirely located with Flood Zone 1 and a Minor Groundwater Vulnerability zone. Due to the location of the site the Agricultural Land Classification value is Grade 4 (urban) and is therefore not of a best and most versatile quality.
125. A Flood Risk Assessment (FRA), SuDS Management Plan and Drainage Philosophy have been submitted in support of the application. The FRA concludes that the risk of flooding to the proposed primary school on the greenfield parcel of land off Durham Road is low from all forms of flooding as categorised in the NPPF and Technical Guidance. This confirms the flood designation for the site, and it is stated that the proposed uses of land are appropriate in this Flood Zone.
126. The SuDS Management Plan has identified that there are limited opportunities within the site to incorporate open SuDS such as filter strips, swales, basins or ponds. It is therefore proposed to provide permeable paving and attenuation tanks with hydro brakes to control surface water flow. The management plan also provides details of monitoring and maintenance of the SuDS features. Surface water from the site would drain to public sewer.
127. Drainage and Coastal Protection officers have indicated that they have no objections to the proposals, but conditions are recommended to require precise details of the surface water management scheme.
128. It is therefore considered that the proposed development would not lead to increased flood risk, both on and off site, and through the use of SUDs would ensure there is no net increase in surface water runoff for the lifetime of the development. It is therefore considered that the proposals would not conflict with CDP Policies 35 and 36 and Part 14 of the NPPF.

Landscape

129. Paragraph 174 of the NPPF states that decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes in a manner commensurate with their statutory status or identified quality in the development plan.
130. CDP Policy 39 states that proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals will be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. Development affecting Areas of Higher Landscape Value will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of development in that location clearly outweigh the harm.
131. CDP Policy 40 states that proposals for new development will not be permitted that would result in the loss of, or damage to, trees of high landscape, amenity or biodiversity value unless the benefits of the proposal clearly outweigh the harm. Where development would involve the loss of ancient or veteran trees it will be refused unless there are wholly exceptional reasons, and a suitable compensation strategy exists. Proposals for new development will not be permitted that would result in the loss of hedges of high landscape, heritage, amenity or biodiversity value unless the benefits of the proposal clearly outweigh the harm. Proposals for new development will not be permitted that would result in the loss of, or damage to, woodland unless the benefits of the proposal clearly outweigh the impact and suitable replacement woodland planting, either within or beyond the site boundary, can be undertaken.

132. Policy GANP CH1 states new development should, where appropriate maintain existing hedgerows, trees and woodland and encourage the planting of new trees and hedgerows.
133. The site is not located within on close proximity to any designated landscapes. There are also no areas of ancient woodland, protected trees or trees in conservation areas within or in close proximity to the site.
134. A Landscaping Masterplan, Tree Survey and Arboricultural Impact Assessment (AIA) have been submitted in support of the application. The AIA has identified 86 trees within influencing distance of the application site, comprised of largely middle aged landscaping around the periphery of the school grounds with more mature trees growing around the north west and north east boundaries of the development site.
135. The development proposals would involve the removal of 22 individual trees and tree groups comprising an area of approximately 0.0426ha. No hedgerow would be removed. This loss would be mitigated through the planting of 22 trees and an area of whips equivalent to the felled area, which would replace the lost tree cover after 20 years.
136. Indicative landscaping plans have been provided to show hard and soft landscaping within the site, including playing fields, pathways and planting.
137. Landscape officers have considered the proposals and raised no objections. Conditions are recommended to confirm full details of hard and soft landscape proposals. Hard landscape details should include all enclosing elements, street furniture and street lighting locations. As stated above, details of external finishing materials should include finished levels, and all construction details confirming materials, colours, finishes and fixings.
138. Soft landscaping details should include a detailed planting plan and specification of works indicating soil depths, plant species, numbers, densities, locations inter relationship of plants, stock size and type, grass, and planting methods including construction techniques for pits in hard surfacing and root barriers. Details of rabbit protection should be provided. All existing or proposed utility services that may influence proposed tree planting shall be indicated on the planting plan.
139. In support of the planting schedule, details of proposed soft landscape management plan should be provided. The soft landscape management plan shall include long term design objectives, management responsibilities and maintenance schedules for all landscape areas/ retained vegetation, other than small privately owned domestic garden. Landscape maintenance shall be detailed for the initial 5 year establishment from date of completion of the total scheme regardless of any phased development period followed by a long-term management plan for a period of 30 years. This can be encapsulated within the Biodiversity Management Plan that would be required as part of the Section 39 (Wildlife and Countryside Act) agreement.
140. The proposed development would result in the loss of some tree planting, but this would be mitigated through replacement planting across the site along with enhancements to the streetscape from the development of a vacant plot. It is therefore considered that the proposal would not conflict with CDP Policies 39 and 40, GANP Policy CH1 and Part 15 of the NPPF.

Ecology

141. Paragraph 180 of the NPPF sets out the Government's commitment to halt the overall decline in biodiversity by minimising impacts and providing net gains where possible

and stating that development should be refused if significant harm to biodiversity cannot be avoided, mitigated or, as a last resort, compensated for. CDP Policy 41 reflects this guidance by stating that proposals for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or, as a last resort, compensated for. CDP Policy 43 states that development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts.

142. The presence of protected species is a material consideration in planning decisions as they are a protected species under the Wildlife and Countryside Act 1981 and the European Union Habitats Directive and the Conservation of Habitats and Species Regulations 2017 (as amended). The Habitats Directive prohibits the deterioration, destruction or disturbance of breeding sites or resting places of protected species. Natural England has the statutory responsibility under the regulations to deal with any licence applications but there is also a duty on planning authorities when deciding whether to grant planning permission for a development which could harm a European Protected Species to apply three tests contained in the Regulations in order to determine whether a licence is likely to be granted. These state that the activity must be for imperative reasons of overriding public interest or for public health and safety, there must be no satisfactory alternative, and that the favourable conservation status of the species must be maintained. Brexit does not change the Council's responsibilities under the law.
143. There are no ecological designations within, or in the immediate vicinity of the site. The Moor Local Nature Reserve (LNR) is located approximately 1km to the north west, Byerley LNR is located approximately 1.8km to the west, Aycliffe Nature Park Local Wildlife Site (LWS) is located approximately 1.6km to the south. Simpasture Junction LWS is located approximately 2.5km to the west and Shildon Sidings is located approximately 3.3km to the west. Middridge Quarry Site of Special Scientific Interest (SSSI) is located approximately 3.3km to the west.
144. A Preliminary Ecological Appraisal (PEA), Ecological Impact Assessment, Biodiversity Net Gain Assessment and Preliminary Roost Assessment have been submitted in support of the application.
145. The PEA provides an analysis of baseline conditions for the site and an assessment of habitats and species on the site. It is noted that the existing buildings on the site are not of a type that are typically associated with the presence of roosting bats but the surrounding trees and hedgerow could support a bat population and further survey of the buildings is recommended prior to demolition. Similarly, the existing buildings could provide a limited extent of bird nesting habitat. No other species, including Great Crested Newt, common reptiles, dormice, otter, vole or other protected species were found on the site or considered likely to be supported by the available habitat. The PEA concludes that, notwithstanding the requirement for further bat surveys, the site would provide opportunity to incorporate appropriate measures to mitigate any potential impacts to ecological features and to demonstrate 'biodiversity net gain in accordance with NPPF and local planning policy.
146. The supporting Ecological Impact Assessment sets out measures for mitigation and enhancement including planting of grass, scrub and trees, management of hedgerows to maximise benefit to wildlife, gapping up of hedgerows, creation of green roofs for the buildings, creation of hibernacula and installation of bird and bat boxes. The assessment concludes that it is anticipated that the proposals may proceed with no significant adverse effect on protected or notable habitats and species assessed within this report. This is with the exception of bats that are assessed separately.

147. The Preliminary Roost Assessment has been submitted in the absence of a full bat survey. The objective of the survey was to assess the existing buildings in terms of their potential to support, or find actual evidence of, roosting bats. The assessment concludes that, based upon the building and tree features recorded during the external assessments, the sports hall at north of the site and all trees assessed were deemed to provide negligible bat roost potential; the remainder of the buildings are deemed to provide low bat roost. It is not possible to determine the presence of roosting bats within the buildings without further nocturnal survey work. The assessment therefore recommends that a single nocturnal survey is undertaken during the bat season (May – August inclusive) in appropriate weather conditions prior to the demolition of the existing school buildings. For clarity, demolition of the existing buildings is subject to a separate planning application. The existing buildings must remain in place for the duration of construction as they will still be required for the school.
148. The Biodiversity Net Gain Assessment is supported by a DEFRA's Biodiversity Metric 3.1. The metric advises that the baseline site provides 29.12 habit units and 5.61 hedgerow units. Post development and taking into account the habitat creation set out in the paragraphs above, the site would provide 30.34 habitat units and 6.46 hedgerow units equating to a net gain of 4.17% for habitat and 15.07% for hedgerow.
149. Ecology officers have considered the proposals and raised no objections subject to the implementation of a Biodiversity Management Plan secured through a Section 39 Agreement under the Wildlife and Countryside Act 1981 (as amended) for a period of 30 years. Section 39 of the Wildlife and Countryside Act 1981 (as amended) enables local authorities to enter into management agreements with the owner of land for its conservation (and for other related purposes) and is regarded as a suitable mechanism for securing long term land management in relation to biodiversity net gain. A condition is not regarded as a suitable mechanism due to the minimum 30 year timescales involved and a Section 39 is more suited to ensuring long term management.
150. The proposed new school buildings themselves would provide biodiversity enhancement to the site and, whilst there may be temporary displacement of wildlife during the construction process, the net increase in biodiversity value would adequately mitigate any residual harm. It is considered that the proposed school buildings would not impact upon any nationally or locally protected sites or protected species. It is therefore considered that the proposals would not conflict with CDP Policies 41 and 43 and Part 15 of the NPPF in respect of avoiding and mitigating harm to biodiversity.

Recreational Amenity

151. Part 8 of the NPPF seeks to promote healthy communities with a key reference being towards the protection and enhancement of public rights of way and access. Paragraph 99 of the NPPF states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless an assessment has been undertaken showing the facility to be surplus to requirements; the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.
152. CDP Policy 26 states that development proposals will not be permitted that would result in the loss of open space or harm to green infrastructure assets unless the benefits of the development clearly outweigh that loss or harm and an assessment has been undertaken which has clearly shown the open space or land to be surplus to

requirements. Where valued open spaces or assets are affected, proposals must incorporate suitable mitigation and make appropriate provision of equivalent or greater value in a suitable location. Where appropriate there will be engagement with the local community.

153. The proposed development would provide a range of outdoor play spaces and pitches that would also be available for community use outside of normal school hours, however, there is no lighting for the sports pitches and none is proposed. Informal hard play areas would spread around the school building. The existing 2 Multi-Use Games Areas located to the north of the site would be retained, the existing 4 playing fields and running track to the east and the single playing field to the west of the site would be retained. The playing field in the south east of the site would be displaced by the construction of the new school but would be replaced on the land vacated once the existing school is demolished.
154. Sport England has been consulted on the application and raised no objections. Officers have carried out an assessment of the existing and proposed sports provision and concluded that once the existing school is demolished there would be a 0.1 hectare net increase in playing field provision. Notwithstanding this, officers have requested conditions to secure delivery and quality specification of the proposed playing fields. It has also been requested that a community use agreement be provided by condition.
155. Subject to the site being developed in accordance with the proposed site plan and detailed hard and soft landscaping plans supporting this scheme, as referred to above, it is considered that the temporary loss in open space on the site would be mitigated by the replacement playing field and overall improvement in sports provision on the site in addition to the new school. It is therefore considered that the proposal would accord with CDP Policy 26 and Part 8 of the NPPF.

Cultural Heritage

156. In assessing the proposed development regard must be had to the statutory duty imposed on the Local Planning Authority under 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, the Planning (Listed Buildings and Conservation Areas) Act 1990 also imposes a statutory duty that, when considering whether to grant planning permission for a development which 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 which it possesses. If harm is found this gives rise to a strong (but rebuttable) statutory presumption against the grant of planning permission. Any such harm must be given considerable importance and weight by the decision-maker.
157. Part 16 of the NPPF requires clear and convincing justification if development proposals would lead to any harm to, or loss of, the significance of a designated heritage asset. CDP Policy 44 seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets.
158. There are no designated heritage assets within the site and none within a 2.5km radius.
159. Design and Conservation officers have considered the proposal and raised no objections in respect of cultural heritage and as the development would not be

intervisible with any designated heritage assets or their setting, it is considered that there would be no heritage harm.

160. Archaeology officers have also considered the proposals and due to uncertainty regarding potential below ground remains have requested conditions to require trial trenching prior to the commencement of development.
161. It is considered that, subject to conditions, the proposal would cause no harm to heritage assets or archaeological remains in accordance with CDP Policy 44 and Part 16 of the NPPF

Public Sector Equality Duty

162. Section 149 of the Equality Act 2010 requires public authorities when exercising their functions to have due regard to the need to i) the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct, ii) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and iii) foster good relations between persons who share a relevant protected characteristic and persons who do not share that characteristic.
163. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

CONCLUSION

164. The proposed development would provide a modern, efficient secondary school for Newton Aycliffe on a site currently in use for education purposes. The proposed development would provide a significant benefit to the community, would be sustainable and well designed, and in keeping with and complementary to its surroundings.
165. The development has been considered against relevant development plan policies and material considerations and was found to be acceptable.
166. The proposed development has generated some public interest, with letters of objection having been received. Concerns expressed regarding the proposal have been taken into account, and carefully balanced against the benefits of the scheme in terms modern education provision.
167. The proposed development is considered to broadly accord with the relevant policies of the County Durham Plan and Great Aycliffe Neighbourhood Plan and relevant sections of the NPPF.

RECOMMENDATION

168. That the application is **APPROVED** subject to the following conditions 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:
 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 Local Planning Authority shall be given at least seven days prior written notification of the date of commencement of the development

Reason: To ensure the development is carried out in accordance with the approved documents.

3. The development hereby approved shall be carried out in strict accordance with the following approved plans:

REFERENCE	DRAWING / DOCUMENT TITLE
Plans	
BS2717.001.001.01	Existing Ground Floor Plan
BS2717.001.002.00	Existing First Floor Plan
SRP1099-OOB-Z0-ZZ-D-L-0003_P05	Existing Site Layout
SPR1099-OOB-ZZ-ZZ-D-L-0040_P05	Site Sections as proposed Sheet 1
SPR1099-OOB-ZZ-ZZ-D-L-0041_P05	Site Sections as proposed Sheet 2
SPR1099-OOB-ZZ-ZZ-D-L-0042_P04	Site Sections as proposed Sheet 3
SRP1099-1HZ-ZZ-XX-M-Y-0001 Rev. A	Topographical and Underground Utilities Survey (as
SRP1099-DES-Z0-ZZ-D-E-6310 P02	Lighting Strategy Drawing Site Wide
SRP1099-DES-Z0-ZZ-D-Z-9600 P02	Mechanical and Electrical Services Proposed External Underground Infrastructure (as proposed)
SRP1099-DES-Z0-ZZ-D-Z-9602 P02	Mechanical and Electrical Services Proposed Site-wide
SRP1099-OOB-Z0-ZZ-D-L-0001_P09	Site Landscaping Plan General
SRP1099-OOB-Z0-ZZ-D-L-0003_P05	Site Landscaping Plan Existing
SRP1099-OOB-Z0-ZZ-D-L-0050_P10	Access and Security Strategy Drawings
SRP1099-OOB-Z0-ZZ-D-L-0070_P05	External Sports Provision
SRP1099-OOB-Z0-ZZ-D-L-1000_P04	Site Location Plan Application 1
SRP1099-OOB-Z0-ZZ-D-L-1001_P07 (27.01.23)	Landscaping Masterplan Application 1
SRP1099-OOB-Z0-ZZ-D-L-1002_P06 (27.01.23)	Site Layout Application 1
SRP1099-OOB-Z0-ZZ-D-L-1003_P05	Proposed Landscape Plan (Proposed Planting Plan)
SRP1099-OOB-Z0-ZZ-D-L-1005_P01	Building Block Plan Application 1
SRP1099-OOB-ZZ-ZZ-D-L-0080_P04	Urban Greening Factor Existing
SRP1099-OOB-ZZ-ZZ-D-L-0081_P05	Urban Greening Factor Proposed Layout
SRP1099-OOB-ZZ-ZZ-D-L-1006_P01	Existing Site Sections Application 1
SRP1099-SPA-Z1-00-D-A-0101_P04	General Arrangement Floor Plan - Ground Floor
SRP1099-SPA-Z1-00-D-A-0102_P12	General Arrangement Department Plan - Ground Floor
SRP1099-SPA-Z1-01-D-A-0111_P04	General Arrangement Floor Plan - First Floor
SRP1099-SPA-Z1-01-D-A-0112_P12	General Arrangement Department Plan - First Floor
SRP1099-SPA-Z1-02-D-A-0121_P04	General Arrangement Floor Plan - Second Floor
SRP1099-SPA-Z1-02-D-A-0122_P12	General Arrangement Department Plan - Second Floor
SRP1099-SPA-Z1-RF-D-A-0131_P04	General Arrangement Roof Plan
SRP1099-SPA-Z1-XX-D-A-0201_P06	General Arrangement Elevations - North and East
SRP1099-SPA-Z1-XX-D-A-0202_P06	General Arrangement Elevations - South and West
SRP1099-SPA-Z1-XX-D-A-2101_P04	Construction Building Sections 1 Main Block
SRP1099-SPA-Z2-00-D-A-0101_P04	General Arrangement Sports Floor Plan - Ground Floor
SRP1099-SPA-Z2-00-D-A-0102_P10	General Arrangement Sports Department Plan - Ground Floor
SRP1099-SPA-Z2-R2-D-A-0131_P06	General Arrangement Sports Roof Plan
SRP1099-SPA-Z2-XX-D-A-0201_P05	General Arrangement Sports Building Elevations - North
SRP1099-SPA-Z2-XX-D-A-0202_P05	General Arrangement Sports Building Elevations - South
SRP1099-SPA-Z2-XX-D-A-2101_P02	Construction Building Sections 1 Sports Building
SRP1099-OOB-Z0-ZZ-D-L-1008_P03 (27.01.23)	Bat Mitigation Plan
SRP1099-OOB-Z0-ZZ-D-L-1009_P02 (27.01.23)	Bird Mitigation Plan
D47532/JB/E (26.01.23)	Light Spillage Plan (Updated)
Documents	
November 2022, SRP1099-AYL-ZZ-ZZ-P-T-0001	Planning Statement including Statement of Community Health Impact Assessment
November 2022, SRP1099-SPA-ZZ-XX-T-A-0002	Design and Access Statement
15 th November 2022, SRP1099-ARC-XXX-XX-T-O-0001	Supplementary Ground Investigation Letter
23-11-2022, TS01A	Transport Statement
22-11-2022, TP01A	Travel Plan

23/12/2021, SRP1099-1HZ-ZZ-Z1-T-Y-0001	Phase 2 Ground Investigation Report
18 th November 2022, SRP1099-APX-ZZ-ZZ-T-J-0005	Noise Impact Assessment
18 th November 2022, SRP1099-APX-ZZ-ZZ-T-J-0006	Air Quality Assessment
SRP1009-BGP-ZZ-Z0-T-C-0003 Rev.P04 (24.01.23)	Drainage Philosophy
SRP1009-BGP-ZZ-Z0-T-C-0004 Rev.P02 (24.01.23)	Flood Risk Assessment
SRP1009-BGP-ZZ-Z0-T-C-0005 Rev.P03 (24.01.23)	SuDS Management Plan
22/11/2022, SRP1099-DES-ZZ-ZZ-T-Z-5014-Issue P02	Energy & Sustainability Statement
21/11/2022, SRP1099-DES-ZZ-ZZ-T-Z-6300 Rev. P01	Lighting Strategy Report
SRP1099-GTC-XX-XX-T-X-0026 Rev. P05 (25.01.23)	Construction Phase Plan
SRP1099-GTC-ZZ-ZZ-T-X-9000 Rev. S5-P02	Sustainability Checklist For Developers
November 2022, SRP1099-TEP-ZZ-ZZ-T-0001 Rev. P02	Tree Survey and Arboricultural Impact Assessment
K8034/R15140, Rev.5 (09.01.23)	Archaeological Desk-Based Assessment
September 2022	Preliminary Roost Assessment Report
24/11/2022, 7059_R02	BNG Assessment and Biodiversity Management Plan
24/11/2022, 7059_v01	BNG Calculations Metric
GN-HSS-L03-101, Rev. P02	Soil Management Strategy
22/11/2021, SRP1099-1HZ-ZZ-XX-T-Y-0003	Phase 1 Ground Investigation Desk Study
21/12/2021, SRP1099-1HZ-ZZ-XX-T-Y-0004	Preliminary Ecological Appraisal (PEA)
Rev.R01 (09.12.23)	Ecological Impact Assessment (EclA)
25.01.23	Arboricultural Method Statement (AMS)

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 21, 31, 33, 39 and 41 of the County Durham Plan and Parts 9, 14 and 15 of the National Planning Policy Framework.

- The approved Construction Phase 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 protecting the amenity of neighbouring site occupiers and users from the impacts of the construction phases of the development having regards to Policies 21 and 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required to be a pre-commencement condition and the details of the construction management statement must be agreed before works on site commence.

- Construction operations shall only take place within the following hours:
0800 to 1800 Monday to Friday
0800 to 1400 Saturday

No operations including the maintenance of vehicles and plant shall take place outside of these hours or at any time on Bank, or other Public Holidays, save in cases of emergency when life, limb, or property are in danger. The Local Planning Authority shall be notified as soon as is practicable after the occurrence of any such operations or working.

Reason: In the interests of residential amenity and highway safety in accordance with the County Durham Plan Policy 21 and Part 15 of the National Planning Policy Framework.

- The development shall be carried out in accordance with the submitted flood risk assessment and SuDS Management Strategy. The mitigation measures detailed with the SuDS Management Strategy shall be fully implemented prior to development being brought into use. These measures shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to ensure there is no increase of flood risk elsewhere as a result of this

7. No development shall commence until a land contamination scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be prepared by a suitably competent person and include an updated Phase 2 site investigation and ground gas risk assessment. If the Phase 2 site investigation identifies any unacceptable risks, a Phase 3 remediation strategy shall be prepared by a suitably competent person (including a programme of implementation and where necessary gas protection measures and method of verification) and submitted for approval by the Local Planning Authority.

If during development, contamination not previously identified by the land contamination scheme is found to be present at the site, then no further development shall be carried out until a remediation strategy prepared by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority detailing how this contamination shall be dealt with.

Reason: To ensure that the presence of contamination is identified, risk assessed, and proposed remediation works are agreed in order to ensure the site is suitable for use, in accordance with County Durham Plan Policy 32 and Part 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure that the development can be carried out safely.

8. All remediation works shall be carried out in accordance with the approved remediation strategy prepared by a suitably competent person. The development shall not be brought into use until a Phase 4 verification report has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the remediation works are fully implemented as agreed and the site is suitable for use, in accordance with County Durham Plan Policy 32 and Part 15 of the National Planning Policy Framework.

9. No development above damp course shall be commenced until precise details of the colours and finishes for all buildings, external plant and machinery including photovoltaic panels shall be agreed in writing with the Local Planning Authority and the development carried out in accordance with agreed details.

Reason: To ensure the development is carried out in accordance with the approved documents and in the interests of visual amenity in accordance with County Durham Plan Policy 39 and Part 15 of the National Planning Policy Framework. Required to be pre-commencement in order to assess the appearance of the development.

10. Prior to the development being brought into use full details of hard and soft landscape proposals shall be provided to the Local Planning Authority for approval in writing. Hard landscape details should include all enclosing elements, street furniture and street lighting locations. Details of external finishing materials should include finished levels, and all construction details confirming materials, colours, finishes and fixings. Soft Landscaping details should include a detailed planting plan and specification of works indicating soil depths, plant species, numbers, densities, locations inter relationship of plants, stock size and type, grass, and planting methods including construction techniques for pits in hard surfacing and root barriers. Details of rabbit protection should be provided. All existing or proposed utility services that may influence proposed tree planting shall be indicated on the planting plan.

Reason: In the interests of the visual amenity of the area and to comply with County Durham Plan Policies 29 and 39, Great Aycliffe Neighbourhood Plan Policy CH1 and Parts 12 and 15 of the National Planning Policy Framework.

11. Prior to the commencement of the development a scheme for surface water management shall be submitted to the Local Planning Authority for approval in writing.

Reason: To ensure that surface water is appropriately managed on the site in accordance with County Durham Plan Policies 35 and 36 and Part 14 of the National Planning Policy Framework.

12. Prior to any lighting being installed on the site, a detailed lighting scheme shall be submitted to the Local Planning Authority for approval in writing.

Reason: In order to protect amenity and to not impact biodiversity value in accordance County Durham Plan Policies 31 and 41 and Part 15 of the National Planning Policy Framework.

13. Prior to the development being brought into use a scheme detailing the precise number and locations for bird and bat box installation shall be submitted to the Local Planning Authority for approval in writing. The agreed scheme shall be implemented within 6 months of the completion of the development.

Reason: In order to deliver Biodiversity Net Gain in accordance County Durham Plan Policy 41 and Part 15 of the National Planning Policy Framework.

14. A pre and post road condition survey incorporating Wolsey Close, Washington Crescent, Neile Road and Dafoe Crescent shall be submitted to the Local Planning Authority for approval in writing. Any identified degradation of the highway shall be made good within 3 months of the completion of the development.

Reason: In the interests of residential amenity and highway safety in accordance with the County Durham Plan Policy 21, Great Aycliffe Neighbourhood Plan Policy T1 and Part 15 of the National Planning Policy Framework.

15. Prior to the commencement of development, a Written Scheme of Investigation setting out a phased programme of archaeological work in accordance with 'Standards For All Archaeological Work In County Durham And Darlington' shall be submitted to the Local Planning Authority for approval in writing. The programme of archaeological work will then be carried out in accordance with the approved Written Scheme of Investigation.

Reason: To safeguard any Archaeological Interest in the site in accordance with County Durham Plan Policy 44 and Part 16 of the National Planning Policy Framework. Required to be a pre-commencement condition as the archaeological investigation/mitigation must be devised prior to the development being implemented.

16. No part of an individual phase of the development as set out in the agreed programme of archaeological works shall be occupied until the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation. The provision made for analysis, publication and dissemination of results, and archive deposition, should be confirmed in writing to, and approved by, the Local Planning Authority.

Reason: To safeguard any Archaeological Interest in the site in accordance with County Durham Plan Policy 44 and Part 16 of the National Planning Policy Framework.

17. Within 6 months of the commencement of use of the new school buildings the following documents shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England:
- i. A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field which identifies constraints which could adversely affect playing field quality; and
 - ii. Where the results of the assessment to be carried out pursuant to (i) above identify constraints which could adversely affect playing field quality, a detailed scheme to address any such constraints. The scheme shall include a written specification of the proposed soil structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.

The approved scheme shall be carried out in full and in accordance with the approved programme of implementation. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.

Reason: To ensure that the playing field is prepared to an adequate standard and is fit for purpose in accordance with County Durham Plan Policy 26, Great Aycliffe Neighbourhood Plan Policy CH1 and Part of the National Planning Policy Framework

18. Within 4 months of the commencement of development a scheme to replace the 1.47Ha of playing field lost to the school's construction shall be submitted to and approved by the Local Planning Authority (following consultation with Sport England). The scheme shall include a project plan for the replacement playing field's provision which, taking account the required growing season and establishment period, details when the playing field can be brought into use. The replacement playing field shall be developed in strict accordance with the approved scheme to the satisfaction of the Local Planning Authority.

Reason: To ensure that replacement playing fields are provided in a timely manner in accordance with County Durham Plan Policy 26, Great Aycliffe Neighbourhood Plan Policy CH1 and Part of the National Planning Policy Framework

19. Prior to the occupation of the development, a community use agreement, prepared in consultation with Sport England, shall be submitted to and approved in writing by the Local Planning Authority. The agreement shall apply to the indoor sports facilities and playing pitches and include details of pricing policy, hours of use, access by non-school users, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.

Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport in accordance with County Durham Plan Policy 26 and Part of the National Planning Policy Framework

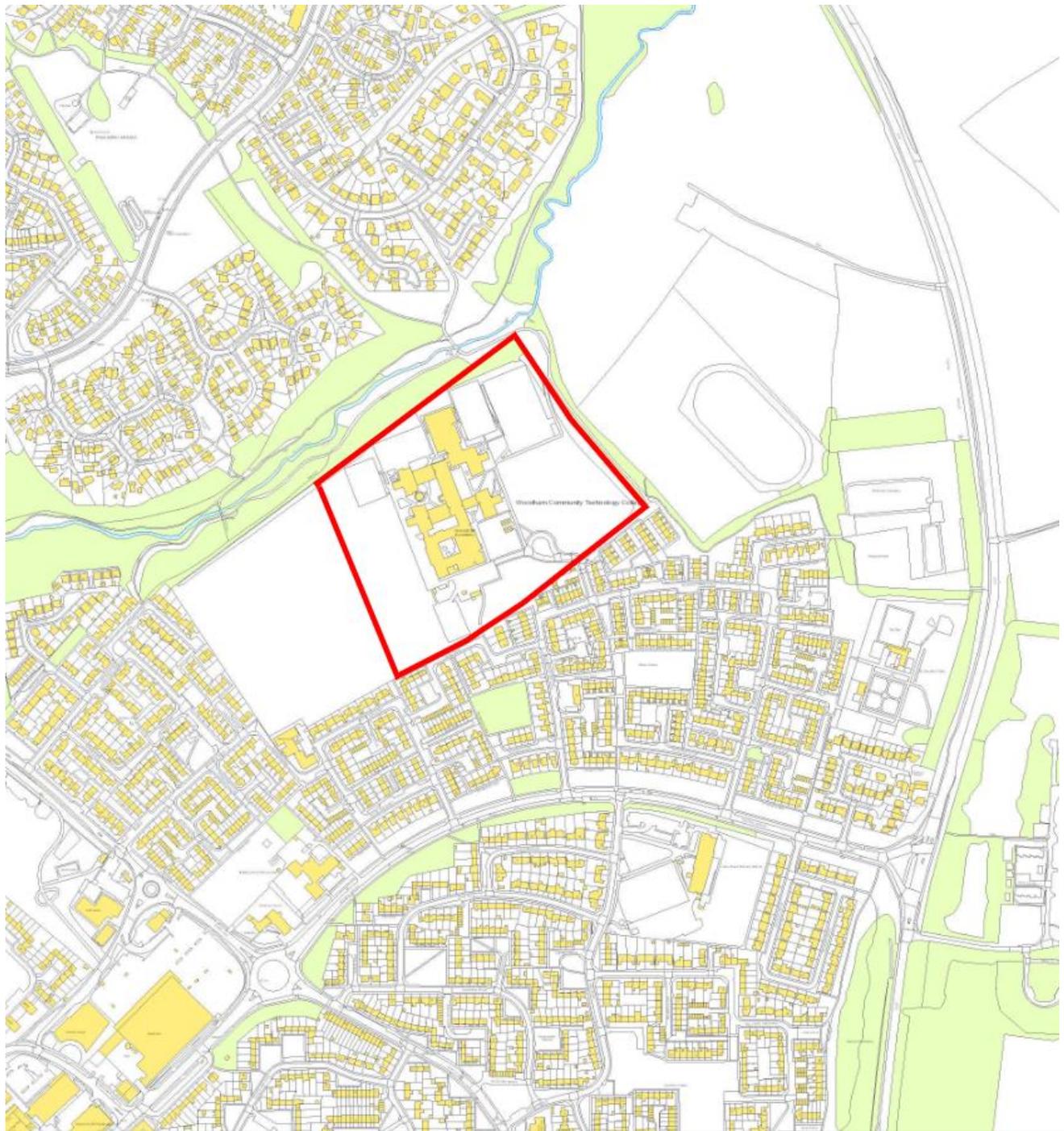
STATEMENT OF PROACTIVE ENGAGEMENT

In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority 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.

BACKGROUND PAPERS

- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2021)
- National Planning Practice Guidance notes
- County Durham Plan
- Great Aycliffe Neighbourhood Plan (2017)
- Statutory, internal and public consultation response




Planning Services

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

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Comments

Date January 2023

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	1)DM/22/02346/FPA
FULL APPLICATION DESCRIPTION:	Demolition of Listed Police Telecommunications Mast
APPLICATION No:	2) DM/22/02347/LB
FULL APPLICATION DESCRIPTION:	Demolition of listed police telecommunications mast
NAME OF APPLICANT:	Durham Constabulary
ADDRESS:	Police Headquarters, Aykley Heads, Durham, DH1 5TT
ELECTORAL DIVISION:	Nevilles Cross
CASE OFFICER:	Louisa Ollivere Senior Planning Officer Telephone: 03000 264878 louisa.ollivere@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site and background

1. In 2012 Durham Constabulary was granted planning permission for the demolition of the police headquarters buildings at Aykley Heads and to redevelop the site for the erection of 217 dwellings, which would fund the erection of a new headquarters building to the south. The new headquarters building was granted planning permission at the same time. As part of the move, Durham Constabulary also gained planning permission and Listed Building Consent to dismantle and re-erect the Grade II Listed telecommunications mast that stood at the site to a new location adjacent to the new headquarters.
2. The County Police telecommunications mast is a 49.5m high slender structure formed in concrete and designed by Ove Arup and Partners Ltd. The mast was operational at Aykley Heads from 1965 until the early 2000s and was later listed as Grade II in 2003.
3. Conditions imposed on the Listed Building consent required the submission and agreement of a method statement for the demolition and reconstruction of the mast and, the submission and agreement of a timetable for the works; both required prior to the commencement of the development. The planning permission for the new headquarters also required a similar timetable to be agreed and written confirmation that the mast is to be relocated prior to the commencement of the development. The planning application for the housing also included a planning obligation to relocate the mast.

4. In 2016 the applicants submitted details including a method statement for the demolition and re-erection and a timetable for the relocation, however, these details were not discharged as there was insufficient information provided.
5. The development subsequently commenced, which involved the demolition of the old headquarters, the dismantling of the mast, the erection of housing and the new headquarters building being erected. The mast itself was dismantled in February 2017 and laid down in a storage area to the south of the new headquarters building.
6. Following receipt of a complaint in August 2020 alleging a breach of planning control, the Council wrote to Durham Constabulary in respect of the breach of conditions and planning obligation advising the Constabulary regularise the breaches by re-erecting the mast in the approved location and submitting a further discharge of condition application with all necessary reports.
7. The Constabulary subsequently responded to the Council to advise that further assessment had identified a number of issues relating to conservation/restoration, health and safety, aesthetics and budgets and confirmed that their intention was to progress an application to demolish the mast subject to further market viability/repurposing testing. The applicants have confirmed that applications to remove the relevant conditions from the original consents are to be submitted for approval to resolve the above breaches should these applications be successful.
8. Planning permission and Listed Building Consent are required for the demolition despite the mast having already been dismantled as the demolition is contrary to the conditions of the permission/consent detailed above, where the demolition was considered as part of a wider development proposal, this would no longer be the case.

The Proposal

9. This report relates to two separate but related applications. The first, DM/22/02346/FPA, seeks full planning permission for the demolition of the listed police telecommunications mast and DM/22/02347/LB, which seeks Listed Building Consent for the demolition of the listed police telecommunications mast.
10. These applications both seek to demolish and no longer re-erect the mast adjacent to the new headquarters, removing all traces from the current site. This would result in the total loss of the listed structure. The applicants propose this on the grounds of the condition of the mast and increased costs of the re-erection due to repair works, costs of temporarily relocating staff from the HQ during re-erection of mast, a reduction in funding for the works, safety risks and, logistical problems associated with re-erecting the mast in close proximity to the new headquarters building. The justification put forward by the applicants is detailed in the following sections.
11. Since the dismantling and during its current external storage the applicants have undertaken further surveys and have identified a number of structural issues. The dismantling process required the cutting of connecting bolts between the key elements of the structure. The keystone of the mast was damaged during the dismantling process, damage to anchor bolts is also detailed. The submission continues to detail that all exposed faces of the mast now exhibit a weathered and carbonated patina and there is some surface corrosion to the cast in steel elements as well as fine tension cracks along the length of the mast. Reports

conclude that these faults will require significant remedial work and recasting. The survey works has also identified that the Mast has a life-span of between 40-60 years. Safety and feasibility concerns with the re-erection of the mast remain as per the original application. The Constabulary are concerned that it may not be possible to find a competent and willing contractor for the re-erection of the mast as there was only one company willing to undertake the demolition.

12. Given the above repairs the applicants detail that the costs of the re-erection of the mast have increased from £271,000 to £496,000, with maintenance at £421,900 and a further £56,600 for security fencing. The application details consideration of 4 different alternatives to re-erecting the mast at the approved site to seek to justify not re-erecting the mast as approved. These include re-erection at an alternative location, storage at a facility, in current location or burial, demolition (breaking up) and a more recent additional option of retaining the mast elements horizontally within the grounds of the headquarters as part of a sculpture type addition. The latter option is the Constabulary's preferred option; however, this still amounts to demolition without re-erection given that it would not involve the vertical re-erection of the mast structure as a whole. There are no details in terms of costs for this option. The most cost effective option that the applicants have not discounted for other reasons is to demolish the mast and remove all traces (£223,800).
13. The applicants present a case that they need to reduce costs associated with the mast as they anticipate £4.8M less in capital receipt for the sale of phase 2 of the adjacent housing development than when they first sold the old headquarters site (phase 1) and that this puts more pressure on revenue contributions to capital which are severely limited due to rising inflation, unfunded pay awards and increased service demands. The Constabulary advise that the scope to borrow money to invest in assets is limited due to the need to repay the debt over a very short timescale. The Constabulary detail that the proceeds from the mast (i.e sale of land for phase 1) were used to fund investment in technology which has been central to Durham's achievements in terms of external inspection by HMICFRS.
14. Justification for demolition without re-erection is also being sought on safety grounds in terms of the mast itself and the close proximity to the new headquarters building and the application details the need for security fencing which would raise heritage concerns. The applicants raise concerns that the mast is at risk of vandalism and attempts to climb the structure as they detail occurred previously in the last location.
15. Additionally, the Constabulary consider that there are safety risks associated with the erection of the mast in close proximity to the occupied headquarters. They consider that in order to safely erect the mast, the building would have to be evacuated during the entire construction process which could take several days. The applicants advise that this would have significant consequences in terms of the functioning of the Constabulary's police function as the building is in use 24/7 and relocating the service would have considerable logistical and financial consequences.
16. The applicants also consider that the structure being located adjacent to the building presents safety risks in the longer term. As the mast is an aging concrete structure, whose structural integrity has been compromised, the applicants consider that the stability of the structure once re-erected and its lifespan for remaining erect is unknown. The Constabulary consider that there is significant risk of the mast becoming unstable and large pieces of concrete falling onto the building or the surrounding area, posing a risk to life. It is presented that this risk

will increase with the age of the mast, ultimately resulting in the mast being required to be dismantled in the event of public safety at the end of its life. The applicants point out that if the mast became unstable, this would require the HQ to be evacuated at short notice, which would have detrimental impacts on the functioning of the service.

17. The applications are being reported to the County Planning Committee at the request of a Local Member on the grounds that there is conflict with policy in respect of Listed Buildings, the proposal is contrary to a planning condition which has been ignored and as there is public interest in the decision.

PLANNING HISTORY

18. In 2012 Listed Building Consent was granted for the demolition of Grade II Listed telecommunications mast to allow re-location to site adjacent to proposed new Police HQ site (8/CMA/4/72LB).
19. In 2012 planning permission was granted for the proposed demolition of the existing police headquarters including listed telecommunications mast, and erection of residential development with associated landscaping and roads (CMA/4/71).
20. Planning permission was granted in 2012 for the erection of police headquarters (B1) and associated car parking and landscaping, to include relocation of Listed telecommunications Mast from the existing police headquarters site (Amended Proposal) (CMA/4/73).
21. In 2016 the applicants submitted details pursuant to condition 3 (method statement) of planning approval CMA/4/72/LB (Listed Building Consent) for the demolition of telecommunications mast (decision pending) (DRC/16/00259).
22. In 2016 the applicants submitted details pursuant to condition 4 (relocation programme) of planning approval CMA/4/72/LB) (DRC/16/00344 (decision pending).

PLANNING POLICY

NATIONAL POLICY

23. A revised National Planning Policy Framework (NPPF) was published in July 2021 (with updates since). 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.
24. In accordance with Paragraph 219 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.

25. *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.
26. *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.
27. *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.
28. *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.
29. *NPPF Part 16 – Conserving and enhancing the historic environment.* Heritage assets range from site 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 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.

[National Planning Policy Framework - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

NATIONAL PLANNING PRACTICE GUIDANCE:

30. 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; design: process and tools, Enforcement and post-permission matters, Healthy and safe communities and Historic Environment.

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

LOCAL PLAN POLICY:

The County Durham Plan (2020) (CDP)

31. *Policy 2 (Employment Land)* - Supports business, general industrial and storage and distribution development within specified employment allocations and also protects other existing employment sites from being changed to non-employment

uses, unless appropriate marketing has been undertaken or that the use would not compromise the main employment use and would comply with retail Policy 9 where main town centre uses are being proposed. Where a non-employment development is proposed on the protected employment sites, any existing jobs on site must be relocated. Specific further protection and safeguarding is outlined for land north of NETpark, at Integra 61 and Project Genesis, Consett.

32. *Policy 3 (Aykley Heads)* – Identifies land as Aykley Heads as a Strategic Employment Site with the aim of delivering specific land uses amounts for Employment whilst also meeting criteria in respect of Green Infrastructure, Sustainable Design and Transport.
33. *Policy 29 Sustainable Design* Requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out detailed criteria which sets out that where relevant development is required to meet including; making a positive contribution to an areas character and identity; provide adaptable buildings; minimise greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; providing suitable landscape proposals; provide convenient access for all users; adhere to the Nationally Described Space Standards (subject to transition period).
34. *Policy 44 (Historic Environment)* seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets. The policy advises on when harm or total loss of the significance of heritage assets can be accepted and the circumstances/levels of public benefit which must apply in those instances.
35. *Policy 45 (Durham Castle and Cathedral World Heritage Site)* seeks to ensure that developments within or affecting the World Heritage Site and its setting sustain and enhance the significance of the designated asset, are based on an understanding of, and will protect and enhance the outstanding universal values (OUVs) of the site in relation to the immediate and wider setting and important views into, and out of the site. Any harm to the OUV of the WHS or its setting will not be permitted other than in wholly exceptional circumstances.

NEIGHBOURHOOD PLAN:

The Durham City Neighbourhood Plan (2021) (DCNP)

36. *Policy S1: Sustainable Development Requirements of all Development and Redevelopment Sites Including all New Building, Renovations and Extensions* sets out the economic, social and environmental criteria that development proposals will be required to meet.
37. *Policy H1: Protection and Enhancement of the World Heritage Site* requires development within the Durham Cathedral and Castle World Heritage Site to sustain, conserve and enhance its outstanding universal value and support the current adopted management plan. Development within the WHS must take account of the historical and present uses of the site, propose high quality design, use appropriate materials and seek balance in respect of scale, density, massing, form, layout, landscaping and open spaces. Development proposals within Our Neighbourhood will need to sustain, conserve, and enhance the setting of the WHS where appropriate, by carrying out an assessment on how the development

will affect the setting, including views to and from the WHS, protect important views and take opportunities to open up lost views and create new views and vistas.

38. *Policy H3 (Our Neighbourhood Outside the Conservation Areas)* requires development outside of Conservation areas to, where appropriate, demonstrate an understanding of the area of the proposed development and its relationship to the Neighbourhood area. Such development should sustain and make a positive contribution to the character and distinctiveness of the area, and avoid the loss of open space and public realm that contributes to the area, to be appropriate in terms of scale, density, massing, form, layout, landscaping and open spaces and use appropriate materials and finishes.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <https://www.durham.gov.uk/cdp> and <https://www.durham.gov.uk/media/36020/Durham-City-adopted-neighbourhood-plan/pdf/DurhamCityNeighbourhoodPlan.pdf?m=637738120004600000>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

39. *City of Durham Parish Council* – Object as there is a failure to comply with CDP policy 44, DCNP Policy H2 as well as key parts of the NPPF. They note that the Police are attempting to justify the demolition of this important heritage asset of the City by providing a financial analysis which suggests that any option other than demolition would adversely impact on frontline services. Whilst the Parish Council would certainly never argue regards the pressure caused as a result of constrained public finances for the police, they point out that reassurance was given at the stage of applying for listed building consent to demolish in 2012 that re-erection would take place and was in fact a viable financial option. Furthermore, it is pointed out that the 2012 scheme was intended to allow for the development of 18 additional houses on the site; a scheme for which Durham Police received an agreed financial payment.

The Parish Council consider that any financial consequences ensuing from the requirement to move and re- erect the mast should have been taken into account at the planning approval and project implementation stages of both housing development and the new police headquarters. The Parish Council accepts that re-erecting the mast at this stage would not be a viable option due to the safety concerns set out in the planning documents. The Parish Council consider the deterioration of this Grade II listed building is as a direct consequence of its neglect by Durham Police. It is considered therefore that the Police ought therefore to explore all alternative options – including options for the private sector to contribute towards preserving this mast – rather than moving to demolition.

40. *Historic England* – Object and recommend refusal on heritage grounds as the proposal does not meet the requirements of the NPPF, in particular paragraph numbers 200 and 201 and advise that in determining applications there are statutory duties in respect of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Historic England (HE) consider the County Police Communication Tower to be a skilful and elegant example of structural engineering designed by the influential firm of Ove Arup and Partners between 1965 and 1968. They recognise it as a fine

example of a sculptural and architectural response to the design of a functional object, which takes account of the unique qualities of the city's skyline. As a result of this special interest they consider it is rightly protected by being listed Grade II.

It is advised that the demolition of the mast would result in the permanent loss of an attractive and impressive piece of architecture, engineering and sculpture, by a noted practice responsible for a group of important post-war structures around the city.

HE point out that Paragraph 200 of the National Planning Policy Framework (NPPF) states that the demolition of a grade II listed structure should be an exceptional circumstance requiring a clear and convincing justification. HE consider that this justification has not been made. They note that in 2012 permission was granted to relocate the mast alongside the new Durham County Police Head Quarters. HE are disappointed that ten years later this has not happened and another application for demolition is proposed. They consider that a sensitive repair is possible and are keen to work with the applicants to develop a scheme that sees the structure re-erected.

In respect of significance, in addition to being grade II Listed, HE make reference to Ove Arup and Partners being an influential engineering firm from the 1960s. They advise that the firm designed a reinforced concrete structure 49.5m tall that delivered structural stability in an exposed location and a tapering form that was sensitive to the setting of Durham Cathedral and Castle. HE advice that the result is a structure of great engineering skill and elegance that should be valued for its design quality, its technological achievement and its striking presence as a landmark. It is pointed out that it is one of a group of fine structures designed by the Ove Arup practice in Durham.

In terms of impact, HE considers that the demolition of the mast would cause substantial harm to its significance through its total destruction. Officers consider that its positive contribution to the local skyline as one of the city's landmarks would also be lost.

In respect of policy, HE advise that the National Planning Policy Framework states that substantial harm caused by the total loss of a grade II listed structure should be an exceptional circumstance that requires a clear and convincing justification (para.200), such as an overwhelming public benefit that could only be delivered by the loss, or problems inherent in the structure's viability that make it probable that it couldn't be saved and re-used (para. 201). It is noted that the same approach is taken by 'Policy 44 Historic Environment' with the County Durham Plan and that these policies reflect the Government's view in guidance and legislation, that great weight should be given to the conservation of heritage assets (NPPF para. 199) and, that special regard should be given to the desirability of preserving a listed building or its setting when determining applications for listed building consent (Section 66 Planning (Listed Buildings and Conservation Areas) Act 1990). In respect to these policies, HE consider that the application does not present a strong case for their being an exceptional circumstance for the demolition of the tower.

Whilst it is suggested that the level of repair required now is extensive and may threaten the integrity of the mast as a listed structure and that the specialist nature of the repair could mean that a contractor would be difficult to find to undertake the work HE point out that this view is not substantiated by a detailed repair methodology, but HE specialist engineers have considered the 'Condition Survey and Re-assembly' document by Roscoe Engineering and concluded that the

structure's condition is sound enough to be repaired in a sensitive conservation manner. Whilst this would be specialist work it is advised that the issues presented are not uncommon and not beyond the skill of a range of contractors and so, the fear about finding someone to undertake the work is considered to be unfounded. HE also considers that surface protection measures applied during the repair stage and diligent monitoring and maintenance has the potential to greatly reduce the maintenance liability.

It is noted that the chief concern is one of cost, however, HE questions the robustness of the figures as they are not accompanied by a costed repair and maintenance schedule which would allow the various stages and costs to be checked independently, if that was considered a necessary next step. Furthermore, once it was established previously through the planning process that the mast was to be relocated rather than demolished, HE point out that associated costs were presumably factored into the development costs of constructing the new HQ. Even if repair costs have subsequently increased it is considered that the initial money set aside for relocating the mast should be deducted from the current financial assessment.

In respect of public safety and the need to protect the monument from unauthorised access HE considers that this is not explained in detail and it is unclear to what degree this is an issue or how concerns could be solved through design. They question the need for security fencing without considering alternative methods to deal with public safety concerns.

HE advises that the view that public money is better spent on policing rather than the repair of the Communication Tower needs to be measured against the definition of public benefit within the National Planning Practice Guide (NPPG) and loss of public benefit to this and future generations from not repairing and relocating a listed building. HE points out that the NPPG defines public benefits as economic, social or environmental objectives which flow from a proposed development. It is noted that the 2012 application was approved with public benefits arising from amongst other things, the relocation of the mast. HE advises that the current applications would remove this aspect of the public benefit which formed part of that permission and was a legitimate cost on that development. Furthermore, HE advises that it presents no proposed development from which public benefits could be measured. They consider this to be contrary to this definition of public benefit with the NPPG and the justification sought for in paras 200 and 202 of the NPPF.

In conclusion, it is considered that the proposal does not present a robust enough case to justify the substantial harm caused by the loss of the grade II listed mast. HE advise that if the Authority is minded to grant consent for the Listed Building Consent application in its current form, that in light of their objection, they request that the Secretary of State be notified of the application in accordance with Arrangements for Handling Heritage Applications Direction 2021.

41. *Council for British Archaeology* – object to the application on the grounds that the mast made an important contribution to the development and use of telecommunications in the 1960's, the quality of the design in terms of consideration of the setting and therefore the contribution to the evolved cityscape, the substantial harm from the loss of the mast are not outweighed by public benefits and the rise in costs was foreseeable and is not justification to not comply with the planning permission.

42. *Historic Buildings & Places* – objects to the demolition of the grade II listed communications tower due to the substantial harm the proposal would have on its historic and architectural significance. Apart from the technological interest in its innovative design and construction, the Society consider it also has considerable aesthetic interest, having been specifically designed for this visually sensitive site with the involvement of the Royal Fine Art Commission.

It is noted that the reassembly of the mast was a crucial part of the earlier approvals. Given it had been decommissioned as a communications mast, the Society consider there was little reason for its relocation in the first place and it could readily have remained in situ as a feature within the estate. Nevertheless, they note it was removed and has already suffered a high degree of harm by being disconnected from the original location for which it was specifically designed.

It is pointed out that Paragraph 196 of the NPPF states that 'where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision'. The Society consider that it is clear from the images provided in the Condition Survey that no effort was made to properly store and protect the structure when it was dismantled. It is considered that the Condition Survey also suggests that the dismantling was not conducted in a manner that considered its reassembly and resulted in damage to the structure. It is advised that neglect and deliberate damage of a heritage asset are not reasons for demolition.

The Society advise that further, substantial public benefits would be necessary to outweigh this substantial harm and this has not been provided in this application.

43. *Twentieth Century Society* – strongly object and consider that total destruction of this listed asset would lead to substantial harm to its historic, architectural, and aesthetic interest. They advise that its value would be entirely lost for future generations. Whilst it is appreciated that certain financial hurdles must be overcome in order to ensure the future of the radio mast they consider it regrettable that rather than considering these costs as part of their earlier and now completed plans to build a new headquarters, that Durham Constabulary have forged ahead with their new building while neglecting their obligation to the listed asset under their care.

It is pointed out that the protection and re-erection of the mast was a condition of the 2012 planning application for the new HQ and that failure to comply with this condition and its impact on a listed asset ought to be matter for Durham County Council to review.

In terms of significance, it is pointed out that The County Police Communications Tower was designed and built by Ove Arup and Partners between 1965 and 1968. The Society note it was constructed from reinforced concrete to a height of 49.5m with three legs supporting the main mast and that the result is an elegant form surging upward while responding sensitively to its site which overlooks Durham Cathedral.

The Society point out that it is noteworthy that the Royal Fine Art Commission signed off the plan presented by the Arup design team, which consisted of Jack Kunz, Ken Anthony, John Martin and Yuzo Mikami.

It is pointed out that the RFAC was responsible for advising on issues of public amenity and artistic importance, and that they judged the Arup design to be of sufficient aesthetic merit and minimal negative impact on its surroundings for its

erection to go ahead. It is also noted that Historic England awarded the mast Grade II status in March 2003.

It is considered that the mast's architectural interest is derived from its demonstration of Ove Arup's philosophy of 'total design' integrating engineering and architecture. The Society advise that it is a unique, site specific design concept combining simplicity of construction with the ability to withstand high wind tolerances. In addition to its individual merits, it is advised that the mast holds group value with two other buildings designed by Ove Arup and Partners in the local area: Kingsgate Bridge (1963, Grade I) and Dunelm House (1965, Grade II). It is considered that these three structures collectively narrate a spirit of post war optimism where technological advances and mastery of the still relatively new material of reinforced concrete announced a bold future for the north east and Durham.

It is advised that there are precious few examples of such high-quality twentieth-century heritage in the city. Whilst the mast is understood as a technical response to a specific brief the Society advise that it additionally achieves a powerful sculptural presence giving it artistic interest in its own right. It is noted that the Statement of Significance describes, its 'futuristic, slender, and tapering design of a concrete pinnacle astride a tripod base' moves beyond its functional remit and results in an aesthetically significant landmark for the local area.

The Society consider that the historic interest of the mast similarly stems from its contribution to the process of Britain's technological transformation through the 1960s. It is advised that Ove Arup and Partners were major players in this history having been founded in 1946. Following his work on the mast, the Society advise that Jack Kunz rose to become chairman of the company working on famous projects such as Sydney Opera House and Emley Moor Broadcasting Tower and note that he was eventually knighted for his services to engineering.

The Society consider it striking how little regard is given in the application to the potential public benefit of the mast and its potential for place-making through its historic and aesthetic interest. It is advised that these values are fundamental to the advice set out in the National Planning Policy Framework (2021), paragraph 190, which stresses 'the wider social, cultural, economic and environmental benefits that the conservation of the historic environment can bring', 'the desirability of new development making a positive contribution to local character and distinctiveness' and directs local authorities to take 'opportunities to draw on the contribution made by the historic environment to the character of a place'.

While the heritage impact assessment and statement of significance acknowledges the value of the mast, the Society note that it is balanced against the potential costs of erecting and maintaining the mast – estimated to a sum of almost £1 million however the Society have some concerns about how this costing is presented in the application. First, given their vast experience, the Society consider that it would seem sensible that Arup, the original engineers, were responsible for the Condition Survey and Reassembly Assessment, updating their feasibility assessment for the relocation of the mast from 2012. Second, it is noted that these costings relate to the remedial work required to re-erect the mast. They point out that paragraph 196 of the NPPF states that 'where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision'. It is advised that neglect is not cause for demolition, even if Durham Constabulary present demolition to be the most financially attractive solution. Lastly, and most importantly, paragraph 201 of the NPPF states that where a proposed

development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

According to the application's Heritage Impact Assessment, the Society note that the only ostensible public benefit provided by the demolition of this Grade II listed asset is the redirection of funds back into the functioning of Durham Constabulary. Given the limited financial nature of this benefit, the Society advise that it cannot be considered substantial enough to necessitate the complete loss of the asset.

It is noted that the application claims that attempts have been made to find a use of the mast through its sale or donation to another organisation, citing correspondence with Beamish as evidence however they consider that this cannot be considered sufficient evidence that reasonably extensive attempts have been made to find a new home for the mast. In addition, it is pointed out that there is no evidence that fund raising efforts have been made to cover the costs of the mast through grants etc. Consequently, it is advised that the four conditions of exemption outlined in paragraph 201 have not been met.

It is the view of the Twentieth Century Society that the Durham Police radio mast is a particularly valuable feature of Durham's post-war architectural heritage and holds group value with the other Ove Arup and Partners-design structures in the local area. The Society consider that the application has given insufficient consideration to the power of the mast to act as a place making focal point for the community, potentially even a symbol of local pride. It is considered that the mast fits precisely Historic England's definition of architectural heritage as an 'irreplaceable resource' of historic value, established through its architectural and aesthetic significance. If the mast cannot be re-erected near its original location – as was stipulated in the original planning application for the new HQ in 2012 – the Society consider more extensive efforts should be made to find a new location and owner that will provide suitable care for the asset.

INTERNAL CONSULTEE RESPONSES:

44. *Design and Conservation* - Advises that the mast is a Grade II listed structure within the setting of Durham City Conservation Area and Durham Castle and Cathedral World Heritage Site, designed by internationally renowned designer Ove Arup. The Officer advises that it has tangible links to other buildings and structures within Durham City by the same designer/practice and represents 25% of modernist post war listed structures and buildings within County Durham. It is considered that the mast presents itself as an inspirational and exceptional piece of 20th Century Design, which has aesthetic and sculptural qualities beyond its functional purpose.

The Officer considers that the proposed demolition of this mast would result in permanent loss of this structure as an important feature on the Durham Skyline and advises that the demolition of the mast in NPPF terms represents substantial harm to the asset. As such the Officer considers this proposal conflicts with

national and local planning policy. It is pointed out that the NPPF (para 200) requires exceptional circumstance requiring clear and convincing justification with para 201 requiring substantial public benefit (As defined by NPG) or meeting the tests defined within the paragraph. Policy 44 of the CDP also reflects the position of the NPPF.

Given that the mast has the capacity for repair and re-erection it is advised that the opportunity still exists for relocation of the mast as per the permissions granted in 2012, maybe not as a communications mast but as a celebration of exceptional design and valued by generations to come for its qualities as defined by its significance.

The Officer notes that the submission explores several options for the future of the mast including Re-erection in accordance with the approval, Re-erection in another location, Storage including its current location, warehouse, and burial and finally demolition. It is noted that all the above bar that of demolition are dismissed or considered unviable for reasons of fiscal viability, public safety, security etc. with the applicant considering that demolition is the only viable option. The Officer notes that as part of additional information submitted the applicant proposed as an option five "that elements arising from the demolition "incorporated within the grounds of the HQ as part of a sculpture-type addition. This would utilise the mast as an artistic/cultural feature within a landscaped area, with information boards setting out the history of the mast and details surrounding the structure." This is understood to not involve the re-erection of any of the elements.

Notwithstanding the above the Officer advises that it would appear from reading commentary from HE and Arup's that the mast has the potential physical capacity for repair and re-erection in accordance with the previous approval.

In respect of significance, The Officer notes the mast is Grade II listed structure within the setting of Durham City Centre Conservation Area and Durham Castle and Cathedral World Heritage Site and that the mast represents 25% of modernist post war listed structures and buildings within County Durham. It is advised that the significance of the mast is articulated within the applicant's statement of significance and summarised within both Historic England's and the 20th Century Society's responses to the application.

In respect of impacts on significance it is considered that the demolition of the mast would cause substantial harm to its significance through its destruction. The Officer considers that the loss of a "landmark" that makes a positive contribution to the local skyline should also be taken into account in respect of impact on views from and across the Conservation area and WHS, as should the impact on the tangible links to the concentration of listed structures with Arup connections within the conservation area, including Kingsgate Bridge (Grade I), Dunelm House (Grade II), and latterly the pylons on the Grade II * Viaduct. Also of note is that it would also represent a loss of 25% of County Durham's post war listed structures/buildings.

The Officer advises that Government Policy, legislation, and guidance states that great weight should be given to the conservation of heritage assets (NPPF para. 199) and special regard should be given to the desirability of preserving a listed building or its setting when determining applications for listed building consent (Section 66 Planning (Listed Buildings and Conservation Areas) Act 1990). The Officer advises on the need to comply with paragraphs 200 and 201 of the NPPF and policy 44 of the CDP.

In terms of the condition of the mast, it is noted that paragraph 196 of the NPPF states, "Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision".

The Officer points out that the applicants supporting information suggests that, notwithstanding previously unreported damage to the structure, the level of repair required now is extensive and may threaten the integrity of the mast as a listed structure, compounded by the fact that the specialist nature of the repair may mean that a contractor would be difficult to find to undertake the work. However, the Officer notes that this statement would appear not to be supported by a detailed repair methodology.

The Officer advises that Historic England's specialist engineers have considered the 'Condition Survey and Re-assembly' document by Roscoe Engineering and have concluded that the structure's condition is sound enough to be repaired in a sensitive conservation manner. It is noted that the original designers Arup also comment on the condition of the mast:

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

In summary the Officer considers that the mast would appear to be capable of repair and re-erection.

Turning to safety issues, it is noted that the applicant's cite safety concerns in respect of further reasons not to expedite the previous approvals. It is noted that the key risks that they identify relate to the mast itself, potential vandalism and attempts by members of the public to climb the structure. They also identify risks associated with the re-erection of the mast in proximity of the Police HQ and the requirement to evacuate the building during the construction process and impact on delivery of the Police HQ function. In addition to this they also identify risks associated with the lifespan of the mast, and the potential of it falling and again the necessity to evacuate the building if the mast had to be subsequently dismantled due to safety concerns in the future.

In respect of the initial concerns, the Officer notes the proposals/costs involve the erection of a security fence. Whilst agreeing that this would be intrusive and incongruous in respect of the setting of the mast as well as having a cost associated with it, the Officer considers that there may be other less intrusive means on preventing anti climb. It is pointed out that alternative solutions with less heritage impact have not been considered as part of the information submitted and may include anti-climb solutions such as those used on pylons and other mast structures.

In respect of risks associated with the re-erection of the mast: as part of the RIBA stages of work associated with the original planning/listed building applications, the Officer assumes that the risks identified would have been assessed and mitigated against under the relevant CDM regulations and deemed acceptable at

the time. Whilst acknowledging that CDM regulations have evolved over time, it is considered the principal risks identified with the re-erection of the mast have not.

In respect of the long-term future stability of the mast the Officer advises that this could be mitigated or informed by a regular monitoring and maintenance regime (which should also have been identified in cost and risk terms at the time of the decision to relocate the mast).

The Officer assumes that had the risks identified with the re-erection of the mast been too great then an application for demolition and re-erection of the mast in the original location identified would not have been progressed.

In respect of the requirement to evacuate the HQ during the construction phase, Officers would assume/hope that as part of any emergency planning that provision for the delivery of functions associated with the HQ could be delivered in an alternate way.

In respect of costs, it is assumed that detailed costs associated with the demolition and re-erection of the mast were prepared as part of the original cost reports and an adequate budget plus contingency, including a requisite inflation factor in relation to program identified with the funds set aside for delivery. As part of any delivery program (assuming that it was the intention to deliver) costs would normally have been reviewed and adjusted on a regular basis and funding secured).

With regards to public benefits, the Officer notes that the definition of public benefit is defined within the National Planning Practice Guide (NPPG) is that of economic, social, or environmental objectives which flow from a proposed development. Whilst the applicant's view is that that public money has more value being spent on policing rather than the repair of the Communication Tower the Officer advises that this needs to be evaluated against the definition above and consider the loss of public benefit to present and future generations incurred by the demolition of the mast. It is advised that the case officer should note Historic England's comments in respect of this issue.

In respect of the new option using elements arising from the demolition "Incorporated within the grounds of the HQ as part of a sculpture-type addition". It is advised that this proposal should not be considered as part of the application for demolition as it presents an option for dealing with the arising from demolition resulting in substantial harm and loss of significance. It is noted that this would not involve the re-erection of any of the elements and the Officer considers it would present itself as a monument to planning failure.

It is advised that the mast has the capacity for repair and re-erection, and that it could be erected on land within adjacent to the HQ, out of fall radius. In respect of the latter the Officer advises that most modern structures, in the event of a catastrophic event are designed to collapse in controlled manner. It is advised that understanding this radius would potentially identify sites that would still sustain the masts significance in relation to its historic functional use and as skyline feature. Furthermore, it is advised that anti-climb measures such as those used on pylons and other mast structures could be implemented without the need for security fencing, as well as appropriate signage. It is also considered that the longevity of the mast and risks associated with its deterioration through age this could be reduced/ mitigated or informed by a regular monitoring and maintenance regime. The officer advises that even if the mast has no functional use in respect of communications it still presents itself as an inspirational and exceptional piece of

20th Century Design, which could be considered for its aesthetic and sculptural qualities as a piece of public art that had the potential for illumination as a landmark in the “City of Light” and further discussions with Historic England and Council Officers are advised.

PUBLIC RESPONSES:

45. A total of 72 letters of consultation were sent out to surrounding residents and a site notice posted and published. This has resulted in 3 letters of objection from two local residents. The concerns of local residents are summarised as follows:
- The listed status does not matter to authorities as it has been left lying in a ditch for years. Appropriate weight should be awarded, particularly as it is an Ove Arup Design.
 - The Authority should await the determination of the planning application until the enforcement notice is decided.
 - The damage has been caused by the dismantling which was the responsibility of the applicant.
 - The fact that the housing land was not sterilised, and more housing enabled by the relocation of the mast would have resulted in additional money that should have been put aside.

46. *The City of Durham Trust* – Object and consider any damage to the structure from the method of dismantling and its subsequent neglect should not be considered in determining significance. It is advised that a failure in care should not be allowed as a valid reason to diminish that significance in this instance. It is pointed out that the designers of the mast - provided in 2012 a detailed technical specification for the dismantling and re-erection of the mast. It is considered that this should have been implemented exactly as specified, in which case the damage attributed as unavoidable due to the nature of construction should not have occurred.

The Trust notes that weathering has occurred but considers that this is not a factor preventing erection after local repair as indicated by Ove Arup in their correspondence with the Trust. Furthermore, it is pointed out that it was possible for the Constabulary to have avoided this damage by better storage post erection, rather than the rather poor arrangement of simply leaving it lying on the ground and carelessly exposed to the weather.

The Trust consider that the financial grounds offered by the Police Authority for not re-erecting the mast, as required, and accepted by them when permission was granted to demolish it, to be indefensible. The trust points out that reassurance was given at the stage of applying for listed building consent to demolish in 2012 that re-erection was a viable option. It is pointed out that the re-positioning of the mast was so that 18 additional houses could be built where the mast stood and that The Police Authority received the appropriate residential development value for that land. It is considered that any financial consequences ensuing from the requirement to move and re-erect the mast should have been taken into account at the planning approval and project implementation stages of both housing development and the new police headquarters. The Trust point out that if the requirement to re-erect it had not been acceptable to the Police Authority, then they would have had to forgo this significant capital receipt. Having made the commitment that enabled the funding of the new headquarters, it is considered that there should be no excuse for now renegeing on their undertaking.

It appears to the Trust that the matter has been left until a stage is reached where the re-erection suddenly becomes an issue divorced from its enabling role in the financing of the original housing and headquarters projects. The Trust point out

that it was, and should have remained as, a project cost properly accounted for. It is considered that budgetary reasons should not be acceptable now, especially given the self-evident neglect of the structure. The Trust point out that the cost options are demolition and disposal at £223,800 set against re-erection at £496,000 (plus security fencing, if needed) with the difference in base cost being £272,200. It is considered that the estimate of costs of repair and reconstruction being £496,000 lies comfortably within the funds obtained by the Constabulary in selling the site.

The Trust consider there is a lack of explanation offered for the anticipated £6 million capital receipt shrinking to £1.2 million. The Trust believe the Police Authority should have budgeted acting on a worst-case basis rather than on the most optimistic figure and should have given priority to its obligations pertaining to the listed radio mast. Furthermore, the Trust point out that it appears that the Constabulary has not yet received any funds from the phase 2 sale for housing development therefore the figure is only an estimate and the reference to phase 2 funds having been used to fund investment in technology appears a red herring in that respect.

It is pointed out that a solemn undertaking was given when planning permission was granted that the mast would be re-erected at the new HQ, and so the requisite amount of funding should have been set aside from the capital receipt instead of being absorbed into the general budget.

The Trust advise that without securing planning agreement the sale and move would not have been possible and this was dependent on the agreement to relocate the mast. They consider that agreement is one that that could reasonably be expected to be upheld by the Constabulary as a public body and ensured by the County Council. The Trust consider there is a public duty that is being ignored in now seeking to not erect the mast.

In looking at public benefit, the Trust consider that the limited cost appraisal is lacking in any indication of the loss to the public of the mast as key example of both a renowned architectural practice's work and an architectural style.

It is pointed out that there has been no further involvement of the original designers in the option process. The Trust detail how they have raised the failure to take care of the mast and re-erect publicly in 2018 and that enforcement action was considered in 2020 but considerably delayed and has seemingly leading to the current application. It is pointed out that there has been substantial evolution in the development context following the evolution of the Aykley Heads business park proposals and the holistic consideration of the surrounding estate. It is considered that there is a role in the masterplanning for this important and exceptionally elegant 20th century structure.

In respect of safety and logistical issues in terms of the siting the Trust consider there are alternative locations that relate to the HQ without being so close as to require evacuation for several days.

The Trust cannot accept an option that comprises a few parts of the mast lying horizontally somewhere as this would be a monument to planning failure.

It is considered that the changing planning policy context since 2015 adds further justification to ensuring that the mast is re-erected. It is considered that the 'demolition' fails under the policies 44 of the CDP, Policy H2 of the Durham City

Neighbourhood Plan and paragraphs 197,199,200 and 201 of the NPPF because of the weak options analysis and the lack of justification for the demolition.

The above is not intended to list 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=RGHNFQGDG2900>

<https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RGHNFRGDG2A00>

APPLICANTS STATEMENT

47. The Office of the Police and Crime Commissioner (PCC) value the mast and recognise its historic significance with regard to its elegant form, innovative use of concrete and association with Ove Arup. However, following extensive work examining the mast, alternative locations and funding options, regrettably it has not been possible to find a solution that would enable the Mast to be re-erected.
48. From the outset, the PCC's priority was to retain the Mast on site, secondly to relocate it and lastly to store or dispose of it.
49. Retaining the Mast on site and incorporating it into the Persimmon residential development at the former HQ site was found to result in substantial security and maintenance concerns and a significant reduction in the number of houses that could be built at this sustainable site resulting in a cost of approximately £900,000 and a reduction in the land value that would have severely compromised the plans for the new Police HQ.
50. The application to dismantle and relocate the Mast was approved by Durham County Council in 2012 and the dismantling took place in 2017. However, the only way in which this could be achieved involved damaging the keystone beyond repair and cutting internal connecting bolts. Extensive corrosion was then found in the connecting elements.
51. Examination of the structure by experts concluded that if restored and re-erected, the mast would have a maximum lifespan of 60 years and possibly just 40 years. The latest expert report in 2021 found that the Mast couldn't be re-erected without significant remedial work and re-casting.
52. The NPPF and Durham Local Plan Policy 44 confirm that planning permission can be granted for the total loss of a heritage asset if it is demonstrated that it is necessary to achieve substantial public benefits that outweigh the loss if the following apply:
 - a the nature of the heritage asset prevents all reasonable uses of the site; and
 - b no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - c conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
 - d the harm or loss is outweighed by the benefit of bringing the site back into use."

53. In relation to points a and b, the Mast no longer has a functional use so its restoration would be purely as an ornament.
54. In relation to point c, the PCC and its consultant team has assessed all options for the mast and liaised with various parties, including its re-erection at the new Police HQ or elsewhere (including on Durham County Council land or at Beamish Museum) and its storage in various forms. No viable options have been identified. We have also liaised with Durham County Council and other parties to identify potential external funding sources but without success.
55. Experts have found that the cost of re-erection is approximately £500,000 and the cost of maintenance is around £479,000 (including a security fence). This option would still involve a degree of risk that vandalism or climbing could occur and it would result in a safety risk for neighbouring buildings.
56. The cost to move and store the structure in a building is estimated at £750,000 plus £30,000 to £70,000 per year running costs. Storing underground would cost £460,000. We are still exploring the cost of incorporating the mast into the grounds of the new HQ as a public feature which is likely to be the cheapest option and represent the best value for money for taxpayers.
57. Lastly, the cost to demolish the mast is around £225,000.
58. In relation to point d, it was recognised in the Durham County Council planning committee report that accompanied the application to dismantle and relocate the mast that relocation wouldn't have a detrimental impact on its significance and facilitating the new Police HQ and improved Police services were significant public benefits.
59. Disposing of the mast would result in public benefits through avoiding disruption to Police HQ operations during re-erection and maintenance and the financial savings would ensure that public funds are protected for Police services. Police services are under significant financial strain and expenditure of this magnitude will inevitably impact on Police operations.
60. The PCC has responded to the objections received during the current application and addressed all points raised. In summary, it has been confirmed that the damage to the mast was unavoidable and caused during the dismantling process and not during its storage. It has been explained that the finances of the new HQ development mean that it was not possible to fund the re-erection of the Mast from the money received from the Persimmon housing development as originally planned. The cost of re-erection has almost doubled from the original estimate to the actual assessment when the individual elements were examined.
61. This is a unique set of circumstances that mean that approving this application won't set a precedent for other listed buildings within the County.
62. The PCC is currently investigating the potential to incorporate the Mast into the grounds of the new HQ horizontally as part of the public realm with landscaping and information boards. This represents the preferred option for the PCC and is likely to be the best value for money for the taxpayer. However, planning officers have deemed it appropriate to determine the application at this point. Demolition of the Mast represents the last resort after thoroughly exploring all other options. Ultimately, when the cost of re-erecting the Mast and its limited lifespan is compared with the impact the same public money would have on Police services, it is clear that the benefits to public safety outweigh the heritage harm.

The above is not intended to list 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=RGHNFQGDG2900>

<https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RGHNFQGDG2A00>

PLANNING CONSIDERATIONS AND ASSESSMENT

63. 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 47 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. In this context, it is considered that the main planning issues in this instance relate to whether the principle of demolition is acceptable taking into account the significance of the heritage asset, any public benefits that would result from the demolition or any other policy justification or material considerations.

The Principle of the Development

64. The development plan for the area is both the County Durham Plan (CDP) and the City of Durham Neighbourhood Plan (DCNP).
65. The site where the mast was to be re-erected now forms part of the new Police Headquarters and is allocated as a Strategic Employment Site under the CDP. However, this status is not particularly relevant given that it involves the grounds of an existing HQ use and as the grounds have previously been considered an acceptable site for the re-erection of the mast.
66. This being the case it is considered that the main relevant policy is County Durham Plan Policy 44 (Historic Environment). This policy requires development to sustain the significance of designated heritage assets, including any contribution made by their setting and that proposals contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets whilst improving access where appropriate.
67. The Policy advises that great weight will be given to the conservation of all designated assets and their settings and advises that such assets should be conserved in a manner appropriate to their significance, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. It advises that development which leads to less than substantial harm to a designated heritage asset will be weighed against the public benefits of the proposal.
68. Where development leads to substantial harm to, or total loss of, the significance of a designated heritage asset the policy advises that this will only be acceptable

where it can be demonstrated that it is necessary to achieve substantial public benefits that outweigh that harm or loss, or where all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site;
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation;
- conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

This policy follows the general thrust and criteria of paragraph 201 of the NPPF.

69. In particular respect to Listed Buildings the policy advises that regard should be had to respect for the historic form, setting, fabric, materials, detailing and, any other aspects including curtilage, which contribute to the significance of the building or structure; and the retention of the character and special interest of buildings when considering alternative viable uses. The policy also requires regard to be given to the setting of conservation areas.
70. The Policy advises that the Council will seek to reduce the number of heritage assets identified at risk, from either neglect, decay or other threat, and seek to avoid assets becoming at risk in the future. It advises that the deteriorated state of the heritage asset will not be taken into account where evidence shows that the asset has been deliberately neglected or damaged. The policy advises that if the loss of the whole or part of a heritage asset is accepted, conditions will be secured to ensure that full and proper recording of the asset must be undertaken and made publicly available prior to its loss, in a manner proportionate to the importance of, and impact upon, the asset.
71. This policy broadly reflects section 16 of the NPPF, in particular paragraph 189, which requires assets to 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”, and paragraph 195, which requires Local Planning Authorities to “identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise”. Also of note are, paragraph 196, which states that “where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision” and, paragraph 197, which advises that account be taken of “the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation”.
72. 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). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
73. The NPPF advises that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification and that substantial harm to, or loss of grade II listed buildings should be exceptional.
74. In respect of the Durham City Neighbourhood Plan, Policy S1 requires development to conserve the significance and setting, character, local distinctiveness, important

views, tranquillity and contribution made to the sense of place by Our Neighbourhood's designated heritage assets.

75. Bearing the above policies in mind, the following sections will assess the significance of the mast based on the statement of significance, available evidence and consultation responses from historic environment experts, the impacts upon this significance from the proposal to demolish and not re-erect the mast as approved, the public benefits of demolishing and not re-erecting the mast, whether these are considered exceptional enough to outweigh the harm of not re-erecting the mast, whether not re-erecting the mast is justified under other heritage policy grounds, whether there are any other material planning considerations that carry sufficient weight to justify the proposal to demolish and not re-erect the mast.

The significance of the asset

76. The application is supported by a statement of significance, which recognises that The County Police Communications Tower was specifically designed to respect the wider setting of the centre of historic Durham, and in particular views to and from the Cathedral at the heart of the peninsula on the River Wear despite the Brutalist concrete 1960s style of its design. The statement recognises that the telecommunications mast at Aykley Heads is a singularly one-off, self-effacing, structure that blends the boundary between engineering functionalism and the artistic aesthetic of Brutalist design and recognises that it does not stand alone in the wider setting of Durham as the only Ove Arup & Partners designed structure. Reference is made to Arup's involvement in the design and construction of at least two other landmark structures within Durham in highly sensitive locations during the 1960's, the Kingsgate Bridge, and Dunelm House, the former crossing, and the latter adjacent to the River Wear. The statement proceeds to detail the architectural, historic and artistic significance of the mast. Consultees agree that the statement of significance acknowledges the value of the mast but have also expanded upon the significance to enable assessment as detailed in the following sections.

Architectural Significance

77. In respect of Architectural Interest, the statement identifies that this stems from the design concept of the structure given its mid-1960s origins. The statement highlights that of particular interest are the innovative use of pre-cast, reinforced concrete to produce a slender design geared to withstand high wind tolerances. The statement recognises that the design is an example of the vision of Ove Arup for 'total design' – the seamless integration of engineering and architecture applied by his firm. In this context, the statement identifies the structure as a one-off, site specific, design concept developed by three notable engineers, all at the forefront of engineering and engineering design in the 1960s, all prominent early members of the subsequently internationally important engineering firm, Ove Arup & Partners.
78. Also, of architectural interest the statement notes that the design used the minimum number of component parts in order to achieve the technical and aesthetic brief required, including eliminating the need for complex support structures and formwork during construction. The statement details that the structure has been a recognised landmark on the Durham skyline, although its slim design means that it did not have the presence of other historic Durham landmarks and, that the structure is part of a wider group of 1960s Brutalist reinforced concrete structures within Durham designed and built by, or with inputs from, Ove Arup & Partners.
79. Consultees consider that the mast's architectural interest is derived from its demonstration of Ove Arup's philosophy of 'total design' integrating engineering and

architecture. Consultees with expertise in this field consider it to be a unique, site specific design concept combining simplicity of construction with the ability to withstand high wind tolerances. In addition to its individual merits, it is advised that the mast holds group value with two other buildings designed by Ove Arup and Partners in the local area: Kingsgate Bridge (1963, Grade I) and Dunelm House (1965, Grade II). It is considered that these three structures collectively narrate a spirit of post war optimism where technological advances and mastery of the still relatively new material of reinforced concrete announced a bold future for the north east and Durham.

80. It is noted that there are precious few examples of such high-quality, twentieth-century, heritage in the city. Whilst the mast is understood as a technical response to a specific brief historical experts consider it additionally achieves a powerful sculptural presence giving it artistic interest in its own right.

Historic Significance

81. The Statement of Significance recognises that the historic interest of the County Police Communications Tower at Aykley Heads, is primarily associated with its design as an example of a 1960s telecommunications structure associated with a period when advances in technology were putting the United Kingdom at the forefront of telecommunications technology. In this context, the structure has been associated with Harold Wilson's 'White Heat of Technology' speech, which detailed the early milestones of Britain's transformation into one of the most technologically advanced nations in the world. The statement also recognises that there is historic interest due to it being a project led by prominent early members of an extremely innovative engineering firm Ove Arup & Partners where professionals of diverse disciplines could work together to produce projects of greater quality than was achievable by them working in isolation.
82. Consultees advise that the historic interest of the mast similarly stems from its contribution to the process of Britain's technological transformation in through 1960s. It is considered that Ove Arup and Partners were major players in this history having been founded in 1946.

Artistic Significance

83. In respect of Artistic Interest, the statement of significance advises that although the design of the County Police Communications Tower was driven by a need to meet a very specific technical design brief, that achieved the operational requirements of the structure as a radio communications mast, whilst protecting the aesthetic quality of the existing views to and from the centre of historic Durham, most notably those associated with the Cathedral, the structure also achieves a design that encapsulated the spirit and design aesthetic of the age. It points out that preliminary calculations for the technical design of the structure were used by Yuzo Mikami to develop 'a design to an architectural standard acceptable to both the client and the Royal Fine Art Commission'. The statement notes that its futuristic, slender and tapering design of a concrete pinnacle astride a tripod base was therefore a one-off design solution to the particular circumstances of a specific site.
84. The statement notes that the resulting design is therefore considered not only to be functionally accomplished in engineering terms, but also to possess strong 'artistic' sculptural qualities in its own right. It is pointed out that a clear interest was taken in the sensitivity of the design of the proposed structure and the aesthetics of the place, to produce a structure that can be read as an artistic expression of a functional architectural form, and a design that was ultimately approved of by the leading

contemporary national body for artistic design in the United Kingdom. The statement concluded that the structure possesses an artistic value as a notable example of 1960s design that transcends functional, architectural and sculptural artistic design goals.

85. Consultees consider it is noteworthy that the Royal Fine Art Commission (RFAC) signed off the plan presented by the Arup design team, which consisted of Jack Kunz (Sydney Opera House structural designer), Ken Anthony, John Martin and Yuzo Mikami (Sydney Opera House architect). It is advised that the RFAC was responsible for advising on issues of public amenity and artistic importance, and that they judged the Arup design to be of sufficient aesthetic merit and minimal negative impact on its surroundings for its erection to go ahead. It is also noted that Historic England awarded the mast Grade II status in March 2003.

Impacts upon significance

86. The application is supported by a Heritage Impact Assessment; this assessment assesses the impacts on significance from the demolition as amounting to substantial harm. This assessment recognises that the re-erection of the mast as approved would result in harm to the historic interest of the asset as a piece of 1960's engineering but would allow the architectural and artistic qualities of the mast to be appreciated.
87. All expert consultees consulted advise that failure to re-erect the mast as previously approved would cause substantial harm to the architectural, historic and artistic significance of the heritage asset and Officers agree with this conclusion. In architectural and artistic significance terms the main harm would result from the permanent loss of this structure as an important feature on the Durham skyline with negative impacts in terms of views from and across the Durham City Conservation Area and the World Heritage Site. There would be substantial harm to the architectural interest due to the breaking up of the structure but also in terms of historic architecture as it would impact on the tangible links to the concentration of listed structures with Arup connections within the conservation area, including Kingsgate Bridge (Grade I) and Dunelm House (Grade II) and, latterly, the pylons on the Grade II* Viaduct. Also of note is that it would represent a loss of 25% of County Durham's post war listed structures/buildings.

Assessment against Heritage Policy Justification

Public benefits v Harm

88. As the proposal is a grade II Listed building, paragraph 200 of the NPPF is relevant, and this advises that where there would be substantial harm to a grade II Listed building, then any justification for the loss should be exceptional.
89. The CDP and the NPPF require any harm to designated heritage assets to be weighed against the public benefits of the proposal. The definition of public benefit is defined within the National Planning Practice Guide (NPPG) as being of economic, social, or environmental objectives which flow from a proposed development
90. The applicants make the case that the demolition of the mast without re-erection would bring public benefits in terms of savings to public money which can then be spent on service delivery in terms of responding to crime and non-crime police incidents with knock on beneficial impacts to the community, victims and business confidence. The cost of the re-erection of the mast is detailed as being some

£496,000 with long term maintenance estimates at £421,900 and potential fencing at £56,600. The costs for demolition are quoted as £223,800.

91. It is noted that Historic England consider that there is no proposed development in this instance therefore there can be no benefits flowing from the development. However, the demolition of buildings and structures constitutes 'building operations' and, therefore, comes within the definition of 'development'. Therefore, whilst no new development is proposed it could be considered that a type of development is being proposed from which a benefit could flow.
92. With this in mind, an assessment of the benefits has been undertaken. The benefits are considered to be social given that the demolition involves benefits to a public body and they would come as a result of there being more money in the Police budget for services.
93. However, having considered the submitted information and points raised by consultees it is considered that the weight to be given to these public benefits is not significant for several reasons as detailed in the following sections.
94. There are uncertainties about the robustness of the figures as they are not accompanied by a costed repair and maintenance schedule which would allow the various stages and costs to be checked independently. Surface protection measures applied during the repair stage and diligent monitoring and maintenance has the potential to greatly reduce the maintenance liability and there are likely to be cheaper alternatives to security fencing.
95. The proposed re-erection was considered financially viable in 2012. Whilst financial circumstances and the condition of the mast have changed, the applicants have had several years to undertake the works in better financial times but chose to spend the money to fund investment in technology and, therefore, the initial money set aside for relocating the mast should be deducted from the current financial assessment.
96. Furthermore, consultees have suggested that the damage to the mast during dismantling was avoidable and that the lack of storage and protection has led to its deterioration and therefore the increase in costs is partly due to neglect of the heritage asset. Both policy 44 of the CDP and paragraph 196 of the NPPF advise that, in such circumstances, the deteriorated state cannot be taken into account and neither can, therefore, the cost of repair works in relation to this aspect.
97. The Constabulary received an agreed financial payment for the land that the mast previously would have sterilised and there should have been an adequate budget plus contingency, including a requisite inflation factor in relation to program identified, with the funds set aside for delivery. As part of any delivery program, costs would normally have been reviewed adjusted on a regular basis and funding secured.
98. There is an inadequate explanation offered as to why the capital receipt has shrunk from £6 million to £1.2 million and this appears to be an estimate. Nonetheless, it is considered that the costs of repair and construction at £496,000 lies comfortably within the funds likely to be obtained by the Constabulary in selling the land.
99. Whilst the LPA certainly recognise the current pressures in terms of constrained public finances it is considered that the financial implications of demolishing, instead of re-erecting, the mast would not result in public benefits that would amount to exceptional circumstances sufficient to outweigh the harm that would result from the permanent loss of the mast and its potential for place-making through its historic and

Assessment against heritage policy justification

100. As the proposal fails in respect of public benefits there needs to be an assessment as to whether it meets all four criteria that would justify the demolition as detailed in Policy 44 of the CDP and paragraph 201 of the NPPF.
101. Consideration must be given as to whether the nature of the heritage asset prevents all reasonable uses of the site. It is considered that whilst it is no longer in use as a telecommunications mast, the slimline 49.5m tall and tapering structure can continue as a piece of public art and landmark adjacent to the new Police Headquarters presenting a link to its functional past as was accepted previously in 2012.
102. The applicants claim that the re-erection of the mast is no longer viable due to the condition of the mast. The application details that the keystone of the mast was damaged beyond repair during the dismantling process and would be required to be re-cast. Following further survey work additional information is now known about the physical condition of the structure that the applicants claim could only be known following dismantling. The surveys detail that more works are required to be undertaken to the structure than envisaged. It is claimed that there is now significant damage to the historic fabric of the mast which will require significant remedial work and recasting. It is suggested that the level of repair required now is extensive and may threaten the integrity of the mast as a listed structure. Furthermore, that the specialist nature of the repair may mean that a contractor would be difficult to find to undertake the work.
103. Consultees have advised that the condition survey suggests that the dismantling was not undertaken in a manner that considered its reassembly and this resulted in damage to the structure. This brings into question whether there was neglect in the undertaking of these works, and it has been borne in mind that the both the CDP and NPPF advise that neglect and deliberate damage of a heritage asset cannot be reasonable grounds for demolition.
104. Furthermore, consultees consider that a sensitive repair is possible and are keen to work with the applicants to develop a scheme that sees the structure re-erected. In respect of the level of repair work required and possible difficulties with finding a willing contractor, this point is not accepted as this is not substantiated by a detailed repair methodology, indeed, specialist engineers have considered the 'Condition Survey and Re-assembly' document by Roscoe Engineering and concluded that the structure's condition is sound enough to be repaired in a sensitive conservation manner. Whilst this would be specialist work it is advised that the issues presented are not uncommon and not beyond the skill of a range of contractors and as such, the concern about finding a contractor to undertake the work is considered to be unfounded.
105. In summary it is concluded that the mast would appear to be capable of repair and re-erection and, therefore, it is considered that it has a viable future.
106. Another required criteria of Policy 44 and paragraph 201 of the NPPF is that no viable use of the heritage asset can be found in the medium term through appropriate marketing to enable its conservation. The applicants have not undertaken marketing given the nature of the Listed building but detail that attempts have been made to find a use of the mast through its sale or donation to another

organisation, citing discussions with telecommunication providers and correspondence with Beamish Museum as evidence, however, this is not considered sufficient evidence that reasonably extensive attempts have been made to find a new home for the mast.

107. The third criteria outlined by Policy 44 and paragraph 201 of the NPPF is that there should be evidence provided that conservation by grant funding or some form of not for profit, charitable or public ownership is not possible. An approach to one charity (Beamish) is not considered sufficient to evidence that charitable or public ownership is not possible. Additional information has been provided to indicate that grant funding has been explored although this is lacking in detail and appears to demonstrate that not all possible avenues have yet been explored.
108. The last criteria of Policy 44 and Paragraph 201 of the NPPF requires the harm or loss to be outweighed by the benefit of bringing the site back into use. In this instance the loss of the asset would not enable a new development and, therefore, this criteria cannot be satisfied.
109. It is considered that the loss of the designated heritage asset is not justified in terms of any of the criteria of Policy 44 of the CDP and paragraph 201 of the NPPF.
110. In respect of other heritage impacts, the mast is a Grade II listed structure within the setting of Durham City Centre Conservation Area and Durham Castle and Cathedral World Heritage Site which are both designated heritage assets. Whilst the setting of these designated heritage assets are not specifically designated the degree of protection to the setting depends entirely on the contribution the mast makes to the significance of these heritage assets and their appreciation.
111. Policy 44 of the CDP requires development to sustain the significance of the contribution made by the setting of the heritage assets and advises that great weight will be given to the conservation of the setting of designated assets. It also advises that these assets should be conserved in a manner appropriate regardless of the level of harm. Policy 45 of the CDP seeks to ensure that developments affecting the setting of the WHS sustain and enhance the significance of the designated asset, are based on an understanding of, and will protect and enhance the outstanding universal values (OUVs) of the site in relation to the immediate and wider setting and important views into, and out of the site. Any harm to the WHS setting will not be permitted other than in wholly exceptional circumstances.
112. In respect of the DCNP Policy S1, criteria d) requires development to conserve the significance of the setting, character, local distinctiveness, important views and contribution made to the sense of place by Our Neighbourhood's designated and non-designated heritage assets. Policy H1 requires development to conserve the setting of the World Heritage Site by assessing the impacts and protecting important views. Policy H2 requires development affecting the setting of the Durham City Conservation Area to sustain significance by avoiding demolition of assets of historic and/or architectural interest which contribute to the character of the area and to avoid the loss of assets which make a positive contribution to its individual significance and that of the surrounding area. Policy H3 requires proposals to sustain the character and distinctiveness of the area.
113. The proposed demolition of this mast would result in permanent loss of this structure as an important landmark feature on the Durham Skyline that acts as a 'modern' visual counterpoint to the Cathedral and other historic Durham Landmarks. In its previously approved location adjacent the new Police Headquarters the Tower would also have been visible in views that include the World Heritage Site and that would

be a place making focal point for the community. The approved positioning of the mast provides valued local character and distinctiveness to the Aykley Heads and Durham City area, and it has tangible links to other buildings and structures within Durham City by the same designer/practice and as noted earlier, represents 25% of modernist post war listed structures and buildings within County Durham.

114. Bearing the above in mind it is considered the loss of the mast would not sustain the significance of the setting of the heritage assets or conserve the character, local distinctiveness, important views and contribution made to the sense of place by the mast and, therefore, there is also conflict with Policies 44 and 45 of the CDP and paragraphs DCNP Policies S1, H1, H2 and H3 in respect of the setting of other designated assets and the character of the area.
115. The proposal is, therefore, not supported in heritage policy terms, the level of justification is required to be exceptional, which this falls well short of, and the harm is of a substantial level. In conclusion on this aspect, refusal of the application is warranted.

Public safety and security

116. Policy 29 of the CDP requires development to create spaces that include appropriate and proportional measures to ensure public safety and security. Paragraph 97 of the NPPF requires that public safety and wider security and defence requirements are taken into account in decision making. Paragraph 97 also requires that operational sites are not adversely affected by the impact of other development proposed in the area.
117. It is noted that the key risks that the applicants identify relate to the mast itself, potential vandalism and attempts by members of the public to climb the structure. The Constabulary also identify risks associated with the re-erection of the mast in proximity of the Police HQ and the requirement to evacuate the building during the construction process and impact on delivery of the Police HQ function. In addition to this, they also identify risks associated with the lifespan of the mast, and the potential of it failing and, again, the necessity to evacuate the building if the mast had to be subsequently dismantled due to safety concerns in the future.
118. Whilst it is noted that the applicants consider that security fencing would be necessary to prevent vandalism / climbers and that it would be visually intrusive and incongruous in the setting, it is considered that issue carries limited weight given that there may be other less intrusive means of preventing anti-climb as found on pylons and other mast structures.
119. In respect of risks associated with the re-erection of the mast: as part of the RIBA stages of work associated with the original planning / Listed Building Consent application it is assumed that the risks identified would have been assessed and mitigated against under the relevant Construction (Design and Management) Regulations 2015 [CDM] and deemed acceptable at the time. Whilst acknowledging that CDM regulations have evolved over time, it is considered the principal risks identified with the re-erection of the mast have not.
120. In respect of the long-term future stability of the mast it is considered that this could be mitigated or informed by a regular monitoring and maintenance regime (which should also have been identified in cost and risk terms at the time of the decision to relocate the mast).

121. Furthermore, it has been borne in mind that had the risks identified with the re-erection of the mast been too great then an application for demolition and re-erection of the mast in the original location identified would not have been progressed.
122. In respect of the requirement to evacuate the HQ during the construction phase, Officers would assume/hope that as part of any emergency planning that provision for the delivery of functions associated with the HQ could be delivered in an alternate way. Nonetheless, if this were a legitimate concern there are alternative locations that the mast could be sited which still relate to the HQ without it being so close as to require evacuation for several days. The applicants have not explored this option.
123. To conclude on this matter, whilst there would be some short term adverse effects on the operation of the HQ by the re-erection of mast in conflict with paragraph 97 of the NPPF, these have been accepted previously and with emergency planning can be appropriately managed to ensure security and public safety. Furthermore, it is considered that public safety can be secured with appropriate and proportional measures at the mast site in accordance with Policy 29 of the CDP.

Other issues

Enforcement

124. Both consultees and the public have raised concerns in that the Council has failed in their duties to ensure the re-erection of the mast and that it has been left in a condition not worthy of its listed status. There are also comments that the application should not be determined until an enforcement notice is decided. Whilst an enforcement notice has not been served in relation to this application the site has been subject of an enforcement investigation into an alleged breach of planning control since summer 2020. The Council have been working proactively with the Police and Crime Commissioners Office with a view to resolving all breaches of planning control, but this has been hampered by the need for further survey work and the covid 19 pandemic. Working proactively with the applicant with a view to submission of an application is in accordance with relevant enforcement guidance and enforcement action should be a last resort which would be considered further under delegated powers following the outcome of this application.

Statutory Duties

125. The above assessment has fulfilled the statutory duty in respect of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
126. Section 149 of the Equality Act 2010 requires public authorities when exercising their functions to have due regard to the need to i) the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct, ii) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and iii) foster good relations between persons who share a relevant protected characteristic and persons who do not share that characteristic. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

CONCLUSION

127. The approved position of the mast site is an allocated employment site, however, the re-erection of the mast on this site has been accepted previously and would not raise land use issues, therefore, there is no policy conflict in this regard.
128. The loss of the mast would fail to sustain the significance of the designated heritage asset itself, including the contribution that the mast would make to the setting of the Durham City Centre Conservation Area and WHS and to the character of the area and sense of place. The level of harm to the designated heritage asset, a grade II Listed building would be substantial and would not be outweighed by the public benefits or any other justifications presented which are not exceptional. The proposal would therefore be contrary to Policies 44 and 45 of the CDP, DCNP Policies S1, H1, H2 and H3 and, paragraphs 189,195, 196, 197, 200 and 201 of the NPPF.
129. The demolition is not justified on public safety and security grounds despite there being some short term adverse impacts to the Police Headquarters operation, as measures can be implemented to address these issues in accordance with Policy 29 of the CDP.
130. Paragraph 12 of the NPPF advise that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. In this instance the proposed demolition would conflict with heritage policies of the CDP and the DCNP. Whilst local planning authorities may take decisions that depart from an up-to-date development plan, the NPPF advises that this is only if material considerations in a particular case indicate that the plan should not be followed. The material considerations in this case do not justify a departure from these policies.

RECOMMENDATION

That both applications DM/22/02346/FPA and DM/22/02347/LB be **REFUSED** for the following reasons:

1. The loss of the mast would fail to sustain the significance of the designated heritage asset itself, including the contribution that mast would make to the setting of the Durham City Centre Conservation Area and World Heritage Site, character of the area and sense of place. It would result in harm to the understanding of heritage assets of this nature. The level of harm to the designated heritage asset, a grade II listed building, would be substantial and would not be outweighed by either public benefits or any other material considerations. The proposal would, therefore, be contrary to County Durham Plan Policies 44 and 45, Durham City Neighbourhood Plan Policies S1, H1, H2 and H3 and, paragraphs 189,195, 196, 197, 200 and 201 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its recommendation to refuse the applications 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.

BACKGROUND PAPERS

County Durham Plan 2020

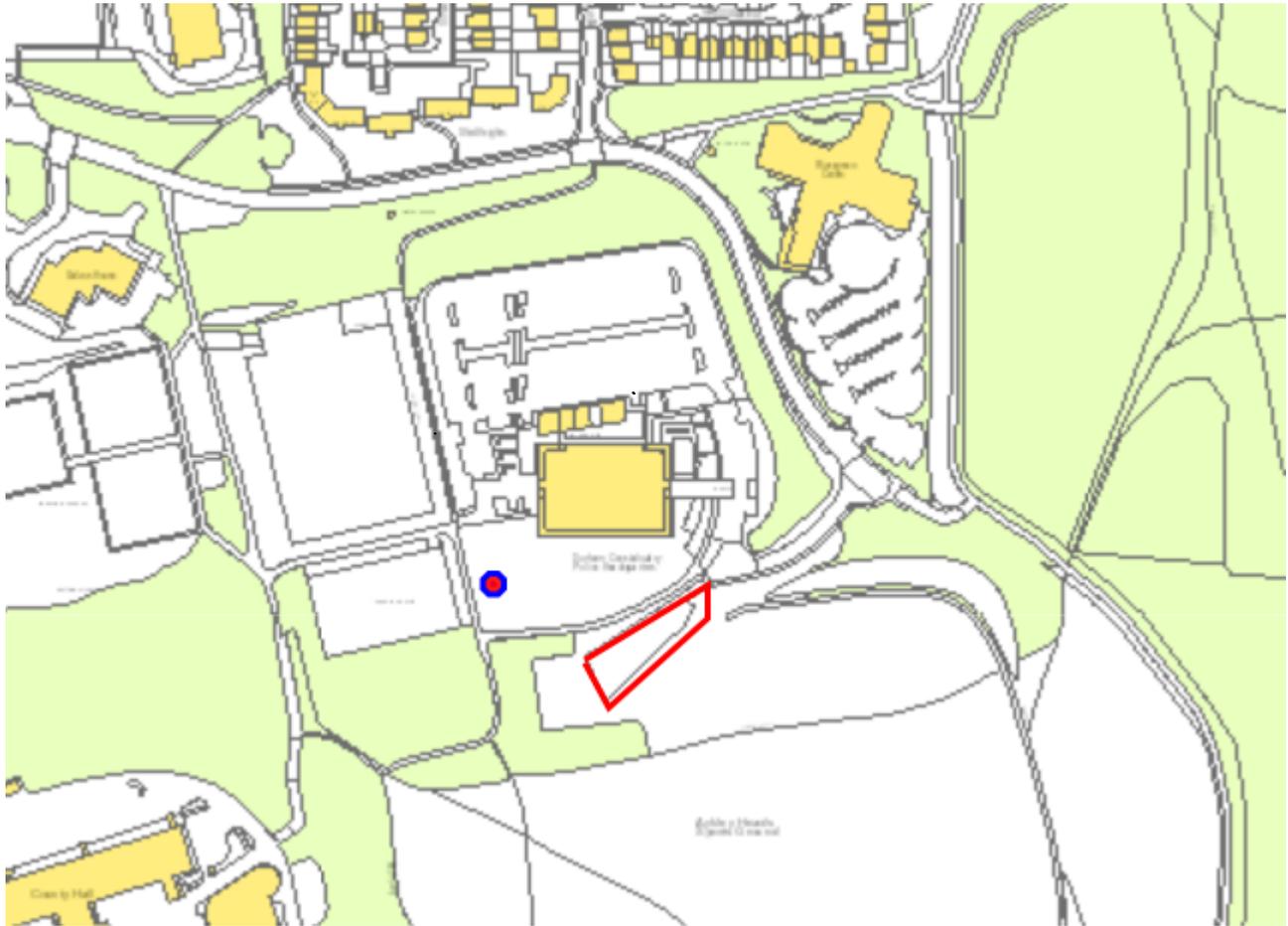
City of Durham Neighbourhood Plan 2020 to 2035 (2021)

The National Planning Policy Framework (2021)

Internal and public consultation responses

Submitted forms, plans and supporting documents

Previous approved location 



Planning Services

DM/22/02346/FPA and DM/20/01184/LB
 Durham Constabulary Police Headquarters
 Aykley Heads
 Durham DH1 5TT

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Comments

Date 07.02.2023

Scale NTS