

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	DM/18/02369/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Erection of office headquarters with associated car parking (inclusive of a multi-storey car park) with associated landscaping, highway and infrastructure works and demolition of existing structures
<b>NAME OF APPLICANT:</b>	Kier Property Developments Ltd
<b>ADDRESS:</b>	The Sands Carpark And Durham Sixth Form Car Park Site Freemans Place Durham DH1 1SQ
<b>ELECTORAL DIVISION:</b>	Elvet and Gilesgate
<b>CASE OFFICER:</b>	Henry Jones, Principal Planning Officer 03000 263960 <a href="mailto:henry.jones@durham.gov.uk">henry.jones@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

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

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

## Background and the Proposal

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

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

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

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

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

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

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

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

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## **PLANNING HISTORY**

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

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

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

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

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

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

#### **LOCAL PLAN POLICY:**

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

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

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

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

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

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

## EMERGING PLAN:

### The County Durham Plan

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

### Durham City Neighbourhood Plan

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

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

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

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## CONSULTATION AND PUBLICITY RESPONSES

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### STATUTORY RESPONSES:

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

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

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

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

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

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

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

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

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

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

#### **INTERNAL CONSULTEE RESPONSES:**

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

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

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

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

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

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

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

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

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

#### **EXTERNAL CONSULTEE RESPONSES:**

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

#### **PUBLIC RESPONSES:**

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

#### *Objection*

##### Principle of the Development

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

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

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

## Highways, Transport and Accessibility Issues

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

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

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

### Design, Townscape and Heritage

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

### City Centre Impacts and Tourism

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

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

### Air Quality

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

## Other Amenity/Pollution Issues

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

## Consultation and Determination Matters

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

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

## Ecology

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

## Flood Risk and Drainage

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

## Other

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

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

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

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

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

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

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

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

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

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

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

### *Support*

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

## **APPLICANTS STATEMENT:**

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

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

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

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

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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

### The Principle of the Development

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

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

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

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

- Renovation of the existing County Hall site at Aykley Heads;
- Newbuild proposal at Aykley Heads;
- Newbuild option at Sidegate car park in Durham City Centre;
- Newbuild option at former Milburngate House site in Durham City Centre (from the Council's business case considerations); and,
- 13 additional sites which also form the sites assessed via the flood risk sequential test.

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

## *Conclusion on the Principle of Development*

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

For decision-taking this means:

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

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

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

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

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

## Visual, Townscape, Landscape and Heritage Impact

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

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

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

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

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

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

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

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

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

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

#### Transport, Highways, Accessibility and Equality Issues

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

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

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

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

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

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

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

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

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

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

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

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

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

### *Equality Issues*

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

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

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

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

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

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

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

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

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

## Air Quality

304. Key documentation submitted within the application in respects air quality includes an ES Air Quality Chapter and associated technical and figures to which supplementary and amended information has been received during the course of the application. Transport submissions are also relevant as the impacts on air quality are linked to vehicular movements. Assessments consider the impacts upon air quality during both the construction and operational phases of the development together with consideration to cumulative impacts.
305. Durham City has a declared Air Quality Management Area (AQMA). Within the AQMA there are particular “hotspots” locations where air quality is identified as being at its worst – with New Elvet (in the vicinity of the junction of Church and Hallgarth Streets), Highgate, Gilesgate Bank and on Alexandra Crescent/Sutton Street identified particularly. The application site is not within the AQMA though it is approximately 200m away.
306. As discussed above, the key conclusion drawn under the submitted transport related documentation is that the relocation of the Council’s HQ building to the site would result in a reduction in site occupancy, parking provision and overall reductions in traffic volumes in the City Centre in general terms.
307. In respects to the operational phase of the development a quantitative assessment of the impact of the proposal on air quality at receptors at hotspot locations across the AQMA has been undertaken. The assessment involves detailed dispersion modelling to determine predicted levels of air quality pollutants that occur from vehicle exhaust emissions (nitrogen dioxide and particulates-PM10). In addition, assessment of the impact on air quality from the provision and use of a multi-storey car park has also been carried out.
308. Environment, Health and Consumer Protection have analysed the results of the modelling in accordance with the relevant UK guidance and these have been compared with the relevant Air Quality Objectives and the change in magnitude of levels of air quality pollutants determined. The outcome of the modelling shows that the magnitude of change in levels of air quality pollutants is beneficial (decrease in the levels of air quality pollutant with the development) at some locations and negligible or neutral (no change or negligible increase in the levels of air quality pollutant) at the remainder. This applies to the predicted change in levels of both nitrogen dioxide and particulates-PM10 at all of the receptor locations selected for the model. In addition, the predicted results of the modelling are well below the annual mean air quality objective and below the short term air quality objectives.
309. The application submissions include a ‘sensitivity test’. There are a number of uncertainties and assumptions that arise when carrying out dispersion modelling and these are explained in the air quality assessment. A sensitivity test provides confidence and supports the results of the dispersion modelling study as in this case, it presents a scenario where in future years there is no improvement in the emissions from vehicles that is expected to occur in reality. The carrying out of a sensitivity test, therefore, increases the confidence in the results of the dispersion modelling. Even within the sensitivity test scenario the results also show a change in levels of nitrogen dioxide and PM<sub>10</sub> with the development that are ‘beneficial’ at some locations and ‘negligible’ or ‘neutral’ at other locations. The predicted modelled results for the sensitivity test exceed the annual mean air quality objective (40 µg/m<sup>3</sup>) at Receptor 21 (57 Gilesgate) but this can be expected since this was, regardless, the case for the baseline year of 2017.

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

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

#### Other Pollution and Amenity

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

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

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

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

#### Socio-Economic and City Centre Impact

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

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

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

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

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

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

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

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

### Flood Risk and Drainage

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

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

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

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

## Ecology

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

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

#### Consultation and Determination Matters

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

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

#### Other Issues

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

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

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

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## **CONCLUSION**

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

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

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

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## **RECOMMENDATION**

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

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

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

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

Plans

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

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

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

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

## Documents

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

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

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

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

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

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

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

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

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

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

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

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

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

The Scheme shall provide for:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The landscape scheme shall include the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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

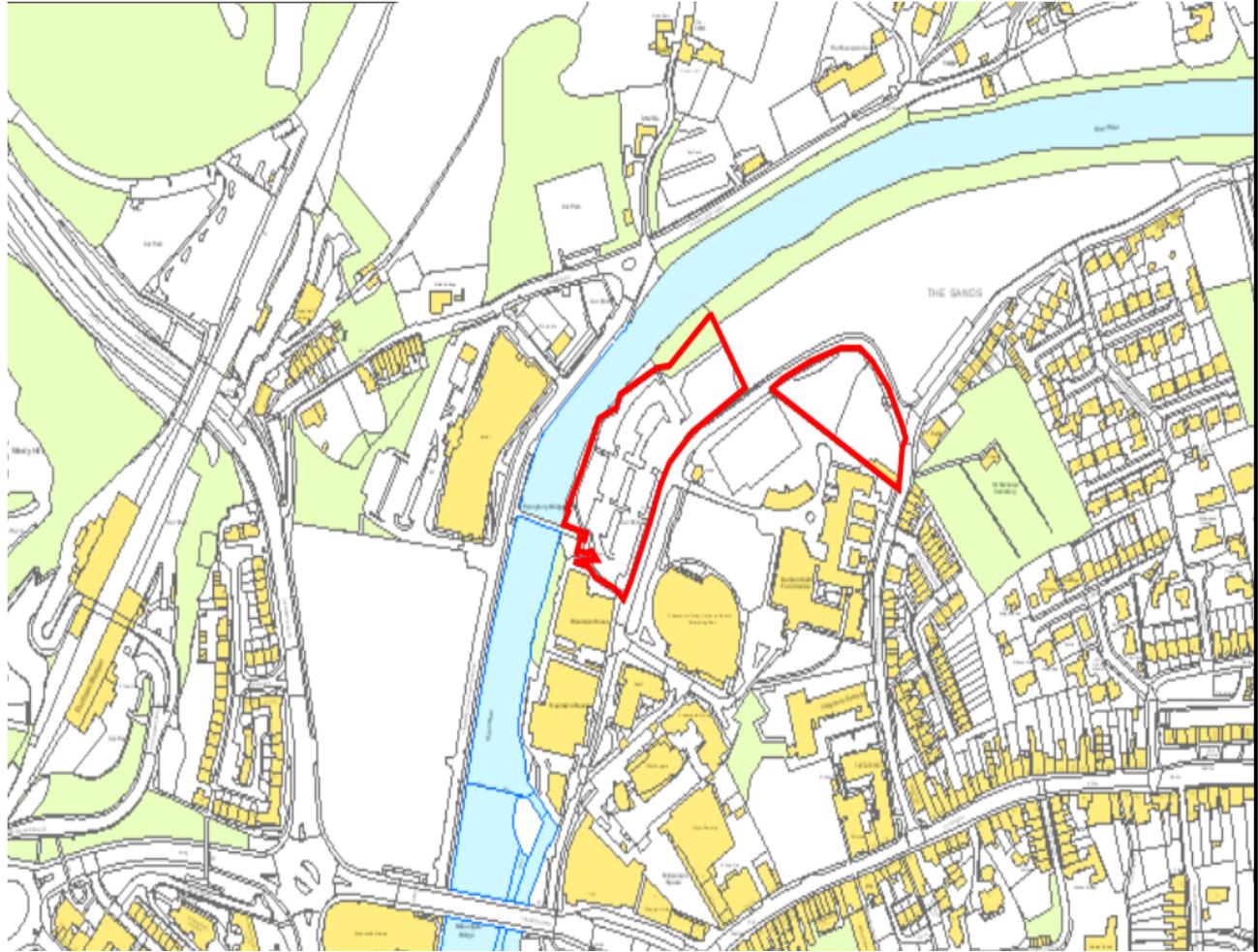
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## **BACKGROUND PAPERS**

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

- Statutory, internal and public consultation responses



**Planning Services**

DM/18/02369/FPA

Erection of office headquarters with associated car parking (inclusive of a multi-storey car park) with associated landscaping, highway and infrastructure works and demolition of existing structures

Kier Property Developments Ltd

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**Comments**

**Date**  
5<sup>th</sup> March 2019

**Scale**  
Not to scale