

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/20/01846/FPA
FULL APPLICATION DESCRIPTION:	Hybrid planning application comprising detailed planning application for an office block (Class B1) with associated parking and landscaping on land known as Plot C and an outline planning application, with all matters reserved apart from site access, for the demolition of the existing County Hall site and the development of a business park (Class B1) with supporting retail and leisure uses comprising uses within Class A1 (retail), Class A2 (financial and professional services), Class A3 (food and drink), Class D1 (non-residential institutions) and Class D2 (assembly and leisure) with associated landscaping, multi-storey and surface car parking, servicing and relevant infrastructure.
NAME OF APPLICANT:	Durham County Council
ADDRESS:	Land at Aykley Heads, Durham, DH1 5UQ
ELECTORAL DIVISION:	Neville's Cross Colin Harding Senior Planning Officer
CASE OFFICER:	03000 263945 colin.harding@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The site forms part of a larger area of the city known as Aykley Heads, which can be informally defined as an area to the north-west of the city centre, with its western boundary forming the B6532 (Framwelgate Peth), its eastern edge being defined by the East Coast Mainline, northern boundary forming the southern edge of Newton Hall, and northern boundary the southern edge of Framwellgate Moor. This wider area contains a variety of land uses, but can be broadly characterised by parkland and landscaping on the eastern and southern extent (including the former DLI Museum and Car Park, and Aykley Wood Nature Reserve), with County Hall and associated car parks and infrastructure located in the central and western area, with a mix of commercial developments to the north and east. In a broadly central location is located Durham Constabulary Headquarters and an area known as Aykley Heads Recreation Ground. At the farthest northern extent lie Durham Trinity School and the Aykley Woods residential development.
2. The application site itself comprises a smaller part of the wider area, amounting 15.15ha, which broadly comprises County Hall and its associated car parks and

infrastructure, woodland and parkland that immediately surrounds County Hall, currently disused sports facilities located to the west of Durham Constabulary Headquarters, and an area of previously developed land to the west of the Salvus House which has most recently been used as informal car parking.

3. Access to the site is presently primarily gained from the west from Frawelgate Peth using the existing entrance to County Hall, and from the north via the Aykley Heads access road that presently serves the County Hall staff car park, Aykley Heads Business Centre, Liddon Court, Salvus House, Durham Constabulary HQ, Durham Trinity School and residential development. There are further pedestrian accesses around the perimeter of the site, many on existing paths through the wooded parkland. Although there are many such paths, none are identified as Public Rights of Way on the Definitive Map.
4. A relatively small element of the southernmost part of the site, lies within Durham City Centre Conservation Area, with the northern edge of the Conservation Area abutting the site boundary in other locations. The site itself hosts no listed buildings, however the Grade II* building that currently hosts the Council's Registry Office is located within 100m of the north western extent of the application site, as are the Grade II listed gate piers and walls to the north west of County Hall, and Dryburn House (Grade II). The currently dismantled Grade II listed Police Communications Tower was formerly located on a site now occupied by the Aykley Woods housing development, but is currently being stored to south of Durham Constabulary HQ. Other listed buildings with 1km of the site include Marquess of Granby Public House (Grade II), Western Lodge and Grey Lodge (Grade II), Low Dryburn Farmhouse (Grade II), Church of St Cuthbert (Grade II), the Obelisk (Grade II), The Grey Tower (Grade II), Fram Well Head (Grade II), Crook Hall (Grade I), and a boundary stone to the north of the Obelisk (Grade II). Groups of additional listed buildings are located throughout the City Centre, with concentrations on Claypath, Old Elvet, Saddler St, South St, South Bailey, Church St and Hallgarth St. In particular, the peninsula also includes a number of Grade I listed buildings. The majority of the site also lies within the inner setting of the UNESCO Durham Cathedral and Castle World Heritage Site.
5. The site generally lies adjacent, but outside of an Area of High Landscape Value, although small areas do fall within the AHLV boundary. There are no statutory or locally designated ecological sites located within the application site, however a Local Wildlife Site at Aykley Vale lies within approximately 350m of the south west of the site, and Hopper's Wood, an area of Ancient Woodland and Local Wildlife Site lies approximately 580m to the east. Other Local Wildlife Sites lie further afield at Bearpark Bogs (approx. 1.1km), Framwellgate Moor Carrs (approx. 1.2km), Low Newton Junction (approx. 1.5km), The Scroggs (approx. 1.6km), and Frankland and Kepier Woods (approx. 1.6km).
6. In terms of other constraints, the site falls with County Durham Plan Mineral Safeguarding Areas in relation to a Coal, Surface Mined Coal, and Glacial Sand and Gravel, and is within a Coal Mining Low Risk Area in relation to historic mine workings. Durham City Centre Air Quality Management Area is situated approximately 560m to the south east of the site. The site lies wholly within Environment Agency Flood Zone 1.
7. The only substantial building currently located on the site is County Hall. An example of mid-20th Century modernist civic design in concrete and sandstone, which is considered to be a non-designated heritage asset.

The Proposed Development

8. The application has been submitted in hybrid form, comprising an element for which full planning permission is sought, and an element for which outline planning permission (with all matters reserved apart from site access) is sought. For the purposes of clarity, each element will be described separately, however this is a single application and should be considered and determined as such.
9. The overall masterplan comprises the demolition of County Hall and the redevelopment of the wider site as a business park with supporting retail, financial and professional, food and drink, non-residential institutions, and assembly and leisure uses with associated landscaping, multi-storey and surface car parking, servicing and relevant infrastructure.
10. The masterplan divides the site into 5 areas of development. 'Plot A North' comprises land currently occupied by County Hall, entrance to County Hall, car parking to the front of County Hall, the 'Taxation' staff car parking, and County Hall service area. 'Plot A South' comprises the area currently occupied by the existing Members' Car Park and Southern Staff Car Park. Plot B comprises the area of the existing Northern 'Ranks' Staff Car Park. Plot C, located at the northern edge of the site is situated on the site of the former Trinity School on an area currently used for parking on an informal basis. Plot D comprises land to the south of Salvus House including land formerly comprising bowls pitches, immediately adjacent to Plot E, which is located to the west of Durham Constabulary Headquarters on a former hockey pitch latterly used for car parking.
11. It is proposed that development would be delivered in a phased manner over a number of years, and an indicative means of phasing has been provided as a part of the application. The intention is that Plot C would be delivered first, and it is for this part of the proposed development that full planning permission is sought. It is envisaged that should planning permission be granted that construction could commence on Plot C during 2021. Following Plot C, it is indicated that Plot D could be delivered, followed by Plots B and part of Plot A North, the Multi-Storey Car Park (MSCP) in Plot A North following the demolition of County Hall, and then Plot E. Further development could then be accommodated on Plot A North, before finally Plot A South would be developed. The indicative phasing is intended to demonstrate that sufficient car parking could be provided for the proposed floorspace at each stage of the development.
12. In terms of floorspace and uses, the application proposes a total of 38,468sq.m of floorspace. Of this total, 37,332sq.m is proposed as office floorspace, with the remaining 1,136sq.m identified as being ancillary floorspace across a range of other commercial uses. The development would also incorporate car parking for 1,131 vehicles across both surface parking and the MSCP.
13. The maximum parameters of each plot are set out as follows:

Plot A North – 4 buildings (excluding MSCP), 14,619sq.m floorspace, max building height of 5 storeys (excluding MSCP), 690 parking spaces.

Plot A South – 2 buildings, 3,712sq.m floorspace, max building height of 4 storeys, 62 parking spaces.

Plot B – 5 buildings (including kiosk), 8,026sq.m floorspace, max building height of 5 storeys. 129 parking spaces.

Plot D – 4 buildings (including kiosk), max building height of 3 storeys, 50 parking spaces.

Plot E – 3 buildings, 5,103sq.m, max building height of 3 storeys, 70 parking spaces.

Full planning permission is sought for the development of Plot C which would comprise the erection of a pavilion style office building amounting to 2,985sq.m of floorspace over two floors with a third pavilion storey, measuring approx. 5.85m at the highest point. The site will also include SUDs features at the south eastern corner of the plot, which would discharge surface water at a greenfield equivalent runoff rate. 130 car parking spaces would also be provided.

14. The application is being reported to the County Planning Committee at the request of Cllr Liz Brown.

PLANNING HISTORY

15. The planning history of the site can be summarised as follows:
16. 8/928/176(9) – Office development and associated works. Withdrawn June 1990.
17. 4/98/00612/FPA – Site 01 Aykley Heads Durham – Erection of offices. Approved October 1998.
18. 8/928/4/176(20) - Regulation 3 application to re-build stonewall and erect vertical bar fence. Approved March 2003.
19. 8/928/4/176(21) - Regulation 3 application for surface water balancing pond forming part of drainage system. Approved July 2004
20. 8/928/4/176(22) - Regulation 3 application for consent to display advertisements – proposed announcement facility, adjacent to bungalows/main gate. Approved August 2004.
21. 8/928/4/176(23) - Regulation 3 application for surface water balancing pond forming part of drainage system – Revised Scheme. Approved September 2004
22. 8/928/4/176(24) - Regulation 3 application for temporary car park for construction traffic (up to 1 year) in connection with the development of office site 04. Approved September 2004.
23. 8/928/4/108(7) – Regulation 3 application for resurfacing of footpaths and car parks, changes to car park layout, installation of street lighting and CCTV camera masts. Approved October 2004.
24. 4/04/01192/FPA – Renewal of planning permission 4/04/206 for temporary use of all-weather sports pitch as car park. Approved December 2004.
25. 8/928/4/176(25) - Regulation 3 application for resurfacing, provision of new footway and new/improved lighting and new signage and white lining. Approved August 2005.
26. 4/05/00829/FPA – Installation of 1m satellite dish. Approved October 2005.
27. 4/05/01117/FPA – Enclosure to emergency generator. Approved January 2006.
28. 8/928/4/176(26) - Regulation 3 application for resurfacing of existing footpath and provision of lighting and trimming of trees. Approved November 2006.

29. 4/10/00821/FPA - Temporary change of use of all-weather pitch to parking for 12-month period, 1 January 2011 - 1 January 2012. Application withdrawn.
30. 8/CMA/4/66 - Proposed demolition of redundant two storey annexe building and formation of temporary car park. Approved December 2011.
31. 8/CMA/4/74 – Proposed demolition of redundant two storey annexe building and formation of temporary car park (revised layout) and demolition of bungalow and glasshouse to the north. Approved May 2012.
32. CE/13/00807/PND – Prior notification for demolition (County Hall Bungalows). Approved September 2013.
33. DM/15/01548/FPA – Erection of two storey office building with associated access, parking and landscaping. Approved October 2015.
34. DM/16/01904/PND – Demolition of building (Trinity School) – Prior Approval Not Required June 2016.
35. DM/18/02486/AD – Erection of 2no. non-illuminated adverts measuring 6m x 3m. Approved October 2018

PLANNING POLICY

NATIONAL POLICY

36. A revised National Planning Policy Framework (NPPF) was published in July 2018 (with updates since). The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
37. 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.
38. *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.
39. *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.

40. *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.
41. *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.
42. *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.
43. *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.
44. *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.
45. *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.
46. *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.
47. *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.

48. *NPPF Part 17 – Facilitating the sustainable use of minerals* - It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.

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

49. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; climate change, design: process and tools, determining a planning application, Environmental Impact Assessment, flood risk and coastal change, Green Belt, healthy and safe communities, historic environment, land affected by contamination, land stability, minerals, natural environment, neighbourhood planning, noise, open space, sports and recreation facilities, public rights of way, local green space, planning obligations, town centres and retail, transport evidence bases in decision taking, travel plans, transport assessments, tree preservation orders and trees in conservation areas, use of planning conditions, water supply, waste water and water quality.

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

LOCAL PLAN POLICY:

The County Durham Plan

50. *Policy 2 - Employment Land* supports development of and extensions to B1 , B2 and B8 developments within specified employment allocations but also protects other existing employment sites from being changed to non-employment uses unless appropriate marketing has been undertaken for employment uses and that the use would not compromise the main use of the site for B class uses and would comply with retail policy 9 where main town centre policies are being proposed. Specific further protection is outlined for land north of Netpark, Consett Project Genesis site and the Hownsgill Industrial Estate. Where a non-employment development will replace an employment use the jobs will need to be relocated.
51. *Policy 3 – Aykley Heads*. Allocates lands at Aykley Heads as a Strategic Employment Site, and requires any development to reflect principles of development including the provision of high quality, flexible office floorspace, incorporation of an interconnected network of good quality, multi-functional green infrastructure, the setting of new development within a strong landscape framework, provision of compensatory loss of Green Belt on land to the east of the site, provision of enhanced routes to Durham Railway Station and Wharton Park, provides a financial contribution towards playing field re-provision, delivery of attractive, well-designed places, implementation of a water drainage management plan, an enhancement of the entrance to the site from Durham Railway Station, the provision of a high quality gateway fronting onto A691/B6532, the incorporation of bus, pedestrian and cycle routes, and the encouragement of use of Park and Ride Schemes. The policy also makes provision for the release of part of the site from the Green Belt.
52. *Policy 9 – Retail Hierarchy and Town Centre Development*. This policy seeks to protect and enhance the hierarchy of Sub Regional, Large Town, Small Town, District and Local retail centres in the county.

53. *Policy 20 – Green Belt.* States that development proposals will be determined in accordance with national planning policy.
54. *Policy 21 - Delivering Sustainable Transport.* Requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development should have regard to Parking and Accessibility Supplementary Planning Document.
55. *Policy 22 – Durham City Sustainable Transport.* Seeks to reduce the dominance of car traffic, address air quality and improve the historic environment within the Durham City area.
56. *Policy 25 - Developer Contributions.* Advises that any mitigation necessary to make the development acceptable in planning terms will be secured through appropriate planning conditions or planning obligations. Planning conditions will be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations must be directly related to the development and fairly and reasonably related in scale and kind to the development.
57. *Policy 26 – Green Infrastructure.* States that development will be expected to maintain and protect, and where appropriate improve, the County’s green infrastructure network. Advice is provided on the circumstances in which existing green infrastructure may be lost to development, the requirements of new provision within development proposals and advice in regard to public rights of way.
58. *Policy 28 Safeguarded Areas.* States that within safeguarded areas, development will be subject to consultation with the relevant authority and permitted where it can be demonstrated that there would be no unacceptable adverse impacts upon the relevant safeguarded facility.
59. *Policy 29 – Sustainable Design.* Requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out detailed criteria which sets out that where relevant development is required to meet including; making a positive contribution to an areas character and identity; provide adaptable buildings; minimise greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; providing suitable landscape proposals; and provide convenient access for all users. Major developments are required to appropriately consider the public realm in terms of roads, paths, open spaces, landscaping, access and connectivity, natural surveillance, suitable private and communal amenity space that is well defined, defensible and designed to the needs of its users, and all new development is expected to achieve BREEAM minimum rating of ‘very good’.
60. *Policy 31 - Amenity and Pollution.* Sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that they can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially polluting development. Similarly, potentially polluting

development will not be permitted near sensitive uses unless the effects can be mitigated.

61. *Policy 32 - Despoiled, Degraded, Derelict, Contaminated and Unstable Land.* Requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.
62. *Policy 35 - Water Management.* Requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. All new development must ensure there is no net increase in surface water runoff for the lifetime of the development. Amongst its advice, the policy advocates the use of SuDS and aims to protect the quality of water.
63. *Policy 36 - Water Infrastructure.* Advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and wastewater infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.
64. *Policy 39 – Landscape.* Proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate mitigation measures where adverse impacts occur. Development affecting Areas of Higher landscape Value will only be permitted where it conserves and enhances the special qualities, unless the benefits of the development clearly outweigh its impacts.
65. *Policy 40 - Trees, Woodlands and Hedges.* Proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges or provide suitable replacement planting. The loss or deterioration of ancient woodland will require wholly exceptional reasons and appropriate compensation.
66. *Policy 41 - Biodiversity and Geodiversity.* Restricts development that would result in significant harm to biodiversity or geodiversity and cannot be mitigated or compensated. The retention and enhancement of existing biodiversity assets and features is required as are biodiversity net gains. Proposals must protect geological features, have regard to Geodiversity Action Plans and the Durham Geodiversity Audit and where appropriate promote public access, appreciation and interpretation of geodiversity.
67. *Policy 43 - Protected Species and Nationally and Locally Protected Sites.* Development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation

is provided or the proposal meets licensing criteria in relation to European protected species.

68. *Policy 44 - Historic Environment.* Seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets. The policy advises on when harm or total loss of the significance of heritage assets can be accepted and the circumstances/levels of public benefit which must apply in those instances.
69. *Policy 45 – Durham Castle and Cathedral World Heritage Site.* Seeks to ensure that developments within the World Heritage Site sustain and enhance the significance of the designated asset, are based on an understanding of, and will protect and enhance the outstanding universal value (OUV) of the site in relation to the immediate and wider setting and important views into, and out of the site. Any harm to the OUVs will not be permitted other than in wholly exceptional circumstances.
70. *Policy 56 – Safeguarding Mineral Resources.* States that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within a Mineral Safeguarding Area. This is unless it can be demonstrated that the mineral in the location concerned is no longer of any current or potential value, provision can be made for the mineral to be extracted satisfactorily prior to the non-minerals development taking place without unacceptable adverse impact, the non-minerals development is of a temporary nature that does not inhibit extraction or there is an overriding need for the non-minerals development which outweighs the need to safeguard the mineral or it constitutes exempt development as set out in the Plan. Unless the proposal is exempt development or temporary in nature, all planning applications for non-mineral development within a Mineral Safeguarding Area must be accompanied by a Mineral Assessment of the effect of the proposed development on the mineral resource beneath or adjacent to the site of the proposed development.

EMERGING PLAN:

City of Durham Neighbourhood Plan (CDNP)

71. A neighbourhood plan is being prepared by City of Durham Parish Council covering the whole parish area. The Plan has been examined and a Decision Statement has been issued. This means that policies can be given significant weight within the decision-making process in accordance with PPG guidance. However, this will vary from policy to policy and depend upon the nature and extent of any changes recommended by the examiner in accordance with Paragraph 48 of NPPF.
72. The following Neighbourhood Plan policies are considered to be relevant to this proposal:
 - Policy S1 - Sustainable Development Requirements of all Development and Re-development Sites Including all New Building, Renovations and Extensions
 - Policy S2 – The Requirement for Masterplans
 - Policy H1 – Protection and Enhancement of the World Heritage Site
 - Policy H2 – Conservation Areas
 - Policy H3 – Our Neighbourhood Outside the Conservation Areas
 - Policy H4 – Heritage Assets
 - Policy G1 – Protecting and Enhancing Green Infrastructure
 - Policy G2 – Designation of Local Green Spaces
 - Policy G3 – Creation of the Emerald Network
 - Policy E1 – The Aykley Heads Business Park

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

73. *Cllr Liz Brown (Neville's Cross)* – Although the principle of B1 class use on this site and the employment such development would bring is supported, several comments are made:
- There is a lack of public transport provision within the site. If the county is to be carbon neutral by 2050, the people need to be persuaded out of cars and on to public transport. Park and Ride buses could have designated lanes within the site, and local buses could have stops closer to the new blocks.
 - The need for a 7.5 storey car park is questioned and it is considered that it would exacerbate traffic problems within Durham.
 - More reference to sustainable energy sources could be made within the application. The Council should be looking at alternative sources of energy such as ground heat, photovoltaic cells and mine water heat. Durham University could offer expertise in this area.
 - The need for the office space is questioned. With increasing levels of homeworking in the present crisis, this application could be premature.
 - Given that grant funding would be available, the rush to get the application Plot C submitted is understandable but has led to an application that is some cases out-of-date and appears rushed.
 - The design of the office block on Plot C is generic and doesn't reflect Durham's architectural heritage. Any reserved matters applications on the wider site should take this into account also.
 - There is a large amount of development on a relatively small site including two blocks that infringe on the Durham City Green Belt which should be sacrosanct. The comments of the World Heritage Site Co-Ordinator and Friends of Durham City Green Belt are concurred with.
 - Concern is raised that the application is in direct opposition to main modifications to Policy 3 of the County Durham Plan, which removed ancillary uses from the Aykley Heads site, and only allowed B class uses. Residents may feel that this is a cynical attempt to push the application through before the County Durham Plan starts to carry weight.
74. *City of Durham Parish Council* – The Parish Council originally indicated that it is supportive of the principle of a prestige business park and acknowledged that it has allocated the site for such purposes in the Neighbourhood Plan. It went on to state that whilst acknowledging that Covid-19 has greatly increased home working, any steps that might offer high quality jobs in Durham is welcome.
75. However, concerns were raised with the timing of the application in advance of the proposed Main Modifications to the County Durham Plan being considered by the Inspector. These included modifications that would remove references to ancillary services on the Aykley Heads site. It was further stated that the Parish Council is opposed to the range of non-B1 uses included within the application, and that their inclusion risks damaging public confidence in local government, particularly where the Council has already agreed to remove such uses from the CDP policy for the site.
76. With regards to the planning statement, it was stated that the case of the applicant that there is a strong demand for city centre office spaces is undermined due to the

availability of existing provision, that the Passport Office, NS&I and County Council developments do not demonstrate strong demand as they simply replaced existing offices, and by the fact that the site sits outside of the city centre. Concern was also raised that the submission identifies that no weight should be afforded to the Neighbourhood Plan, when this is incorrect.

77. Following the receipt of the Inspector's Final Report on his Examination of the Submitted County Durham Plan, the Parish Council provided further comment highlighting that they considered that something only short of full weight could be given to policies within the County Durham Plan, and that the modifications to Policies 3, 45 and 46 provide additional significant weight as grounds for refusing the application. It is highlighted that all reference to allowing ancillary uses is removed from Policy 3, and that the text within the policy regarding the circumstances where such uses could be acceptable at Aykley Heads was deleted.
78. *Highway Authority* – No objections are raised. For the outline element of the proposal, in view of the fact parking availability would not significantly increase overall, it is accepted that trip generation would not materially change, and there would be no significant impacts on the local highway network. In order to ensure trip generation relates to parking availability it will be necessary to control parking outside of allocated car park space for the development). A parking enforcement plan is requested to ensure parking can effectively restrict travel demand to the site by car.
79. With regards to Plot C, it is considered that the level of demand would not be material. Concerns were initially raised with regards to the level of proposed parking, EV parking provision and cycle parking provision. Following further information, the level of cycle parking at this plot is now considered to be acceptable, subject to a planning condition relating to a car park management plan, and the precise location of the cycle parking requires further consideration.
80. *Drainage and Coastal Protection* – No objections are raised, following the receipt of additional requested information.
81. *Historic England* – Has no objection to this proposal. It is noted that the site lies within the outer setting of the World Heritage Site and near to the northern edge of Durham City Centre Conservation Area, and that it is experienced in combination with the WHS in a variety of ways, but when visually combined, the distance between the two ensures that the site forms one element in a broad backdrop. There are fine views towards the WHS from within the site.
82. It is further advised that the proposed layout maintains the current relationship between structure and generous green space which provides a mixed urban and green backdrop to the WHS and this helps to illustrate the historic scale of the city. The proposed design code maintains a medium height scale and this should ensure that no one structure stands out and detracts or competes with the WHS in views. The layout of the buildings is very uniform and linear and this could mean that buildings could visually unify to create a large mass but this can be countered by a mix of materials which reflect the variety of tone and texture inherent within the existing city scape. This is within the scope of reserved matters. It is concluded that the proposal would maintain the current neutral impact that buildings on the site make to the setting of the WHS, and would continue the enhancing effect that green space makes to that setting.
83. *Environment Agency* – No objections are raised. It is noted that Northumbrian Water may need to vary their environmental permit to accept additional proposed flows into the treatment works at Barkers Haugh.

84. *Sports England* – Objects to the application. It is highlighted that the application site includes the loss of 1.47ha of playing field comprising the redgra hockey pitch, bowling greens and tennis courts. The development does not acknowledge the requirement of CDP Policy 3 to provide a financial contribution in relation to re-provision. Accordingly, the application is considered not to accord with any of the exceptions to Sport England's Playing Fields Policy or Paragraph 97 of NPPF
85. *Highways England* – No objection is raised. Although there is some disagreement with the methodology utilised by the applicant with regards to trip generation, it is considered that the impact upon the Strategic Road Network is not likely to be material. A condition is suggested relating to a Construction Traffic Management Plan.

INTERNAL CONSULTEE RESPONSES:

86. *Spatial Policy* – No objections are raised. Comments are provided in relation to the identification and level of weight to be afforded relevant planning policies, as well as assessment of the submitted information in relation to principle of development and mineral safeguarding.
87. *Archaeology* – No objections are raised, subject to conditions relating to a written scheme of investigation and subsequent reporting and archiving.
88. *Design and Conservation* – No objection raised. The redevelopment of the site would result in less than substantial harm to identified designated heritage assets. The principle of the redevelopment of the site is set out in the County Durham Plan and forms part of the evolution of change and economic investment in the city. The redevelopment of the site takes advantage of the existing landscape setting, retaining its dominance at the edge of the conservation area, and locating buildings within the existing landscape features, reducing their impact. Whether the public benefits of the redevelopment are considered to outweigh the loss of the non-designated heritage asset will need to be weighed. Given the nature of the outline application, a full assessment of the impact of each individual building on the identified heritage assets should be undertaken at the reserved matters stage.
89. *Ecology* – No objections are raised. The submitted information is considered sufficient to inform the proposal, however it is noted that no net gain analysis has been provided and it is unclear how the development would achieve this. Waxcap grasslands should be retained on site or if removed, properly compensated. Conditions are requested relating to the mitigation sections of the submitted information. Comments are also provided in relation to footpath construction and lighting methods within woodland areas.
90. *Environment, Health and Consumer Protection (Air Quality)* – No objections are raised. Overall, it is considered that the air quality assessment uses current best practice methods to consider the effects of emissions to air associated with the proposed development. Although there is a small error in the risk classification of demolition impacts, this is not anticipated to have any noteworthy impact on the overall outcomes or mitigation proposed. Once traffic data is available for the demolition and construction phase, this should be screened with reference to the EPUK/IAQM (2017) guidance, with particular reference to the increase of Heavy Goods Vehicles to the roads within the Durham Air Quality Management Area. Provided that the recommended mitigation measures are included in a Construction Environmental Management Plan (or similar), and effectively implemented when necessary, it is agreed that the proposed development should be acceptable in terms of its effect on local air quality.

91. *Environment, Health and Consumer Protection (Pollution Control)* – No objections are raised. The information submitted demonstrates that the application with the addition of appropriate controls will comply with the thresholds stated within the TANS. This would indicate that the development will not lead to an adverse impact, subject to conditions relating to management of construction, internal noise levels within proposed buildings, external lighting, and extraction equipment associated with any A3 units.
92. *Environment, Health and Consumer Protection (Contaminated Land)* – No objections are raised, and a conditional approach in relation to land contamination is advised.
93. *Landscape* – The effects of development of individual plots has been assessed individually as being low or neutral / beneficial when assessed against the baseline of their current condition. There would nevertheless be a general intensification of development across the site as a whole that would erode the current undeveloped character of the north-eastern parts of the site in particular. This is balanced by the potential improvements to neglected or run-down areas, a renewed investment in open spaces, and their animation and supervision by new users. It is assessed that the effect on character is fairly substantial in that respect, but the degree of harm is considered to be neutral.
94. Some individual elements would be visible on the skyline in views across the Durham bowl, however combined effect of development at the scales proposed in the Indicative Masterplan and Height Parameters plans would be low, and in keeping with the general character and pattern of development on that ridge.
95. Development in Plot A South would be visible from areas within the AHLV, however the development would be likely to be assimilated by existing vegetation and additional landscaping. It is considered that the effect on the AHLV would be low. Elements of development in Plots A North, Plot B, C and E would be visible on or around the skyline in views across the AHLV but the effect on the AHLV would be low.
96. The most significant visual effects are considered to be in relation to landscape/townscape character. However, it is not expected that the proposals would give rise to significant effects on the visual amenity of nearby residents and users of the landscape other than during periods of demolition and construction which would be temporary in nature. These would need to be assessed at reserved matters stage for individual proposals.
97. *Landscape (Arboriculture)* – No objections are raised. Originally some concerns were raised, however the following the receipt of additional information, the submitted arboricultural report is now considered to be satisfactory and complies with current standards. It is advised that protective fencing must be in place prior to development; fencing must be of the specification outlined within the report.
98. *Public Rights of Way* – There are no recorded public rights of way within the application site. There is however an existing comprehensive network of paths, both surfaced and informal. The masterplan refers to the inclusion of primary, secondary as well as recreational routes within the site, but it is not clear whether all of these routes will be open for public use, for use of those working on the site, or a combination of the two.
99. *Sustainable Travel* – No objections are raised. It is noted that majority of the site lies within 400m of the nearest bus stops, with the remainder within 500m. It is considered that suitable direct walking links towards bus stops from those parts of the site beyond 400m should be provided. The inclusion of routes for sustainable travel on foot and bike are welcomed, as is cycle parking. Improvements to local cycle and shared use facilities

in the vicinity of the site are also identified. A condition is related in relation to Travel Plans.

EXTERNAL CONSULTEE RESPONSES:

100. *Durham Castle and Cathedral World Heritage Site Co-ordinator* – Objects to the application. Whilst there is a general acceptance of the principle of employment development on the site, there are issues with the impact upon the World Heritage Site (WHS), the setting of the WHS and its approaches. Whilst modifications to the County Durham Plan will increase the respect shown for the WHS with regards to new development, this application sits in the period before such modifications have been agreed. The height parameters for the development have not sufficiently respected the impact on the WHS and show no special regard for it. This would result in penetration by the proposed buildings into the green inner setting of the WHS and the River Wear approaches. Plot A North, Plot B and Plot E would cumulatively impact upon the inner setting of the WHS. Framwellgate Peth would be negatively impacted by increasing the prominence of the Plot A South, and severing connection with the Green Belt. The River Wear valley would be impacted by Plot A North and Plot E cumulatively.
101. *Northumbrian Water Limited* – No objections providing a condition is imposed to ensure that the development incorporates a detailed scheme of foul and surface water drainage.
102. *Police Architectural Liaison Officer* – Outline a series of recommendations from a Secured By Design perspective.
103. *Police Anti-Terrorism Unit* – No objections are raised, however comments and suggestions in relation to detailed design considerations are provided.
104. *Coal Authority* – No objections are raised. The site does not fall within the defined Development High Risk Area.
105. *Natural England* – No objections are raised. The development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

PUBLIC RESPONSES:

106. The application has been advertised by way of a press and site notice and individual notification letters to neighbouring residents.

Objection

107. 11no. letters of objection have been received from individual residents. The main concerns and queries raised by the objectors can be summarised as follows:

Principle of development

- The development includes a range of retail and leisure uses that the County Council has agreed to exclude from the Aykley Heads Policy 3 in the County Durham Plan, and that are not compatible with the Neighbourhood Plan.
- There is a lack of evidence with regards to the need for this level of office space within Durham.
- There is already vacant office space within the city.
- It is unclear in the current economic climate and global pandemic what sort of businesses would be likely to locate on Aykley Heads in the future, and what sort of premises would be needed. Office development at this stage seems speculative and risky.

- The development is based on unsound economic and employment projections which have been further and seriously undermined by the Covid-19 pandemic.
- The development promises 6,000 jobs, but actually will only deliver desk spaces. Any claim of job creation is aspirational rather than concretely on offer.
- The proposals for ancillary uses would seriously undermine Durham City Centre, which is already struggling.

Green Belt

- The development is an unjustified incursion into the Green Belt

Access/Highways

- The traffic section of the plan is inadequate and does not deal with the increasingly dangerous nature of County Hall roundabout. In recent years the risk of collision here has increase as traffic driving fast up Framwellgate Peth race on to the roundabout, leading to accidents
- Transport and accessibility arrangements for the site are scant and lacking in detail.

Heritage and visual impact

- It is urged that the development preserves the historic park aspects of the site.
- This development would be detrimental to the outlooks afforded to the World Heritage Site and the city centre, where there is an opportunity to improve these.

Sustainability and Climate Change

- It is not understood why the plans do not address climate change. The current campaign of the Architect's Journal and 14 Stirling Prize Winners argues against the demolition of old buildings. The amount of carbon emitted during the proposed demolition and reconstruction would greatly increase Durham's carbon footprint. At the very least a fully argued case for mitigation must be included within the plans.
- The County Council has declared a climate emergency but there is little evidence of those conversations in the application.
- The application lacks information about green energy and transport.
- The proposals seem to be unpinned by the idea that growth depends on infrastructure driven by top-down schemes depending on car usage, rather than through the development of ideas and organic and incremental growth.
- This development offers an immense opportunity to design and build sustainably, demonstrating a commitment to tackle emissions. Instead, there is still the old commitment to the supremacy of the car over walking and cycling. For the sake of the climate, we need to take every opportunity to reverse such priorities.
- Electric Vehicle chargers included must not be tokenistic. At least 50% of all spaces must be equipped with a charger. By 2030 it is estimated that nearly all new vehicles sold will be plug-in hybrids or full-electrics. If there is an underprovision, the car park will be obsolete within a decade.
- Air and Ground Source heat pumps allow the extremely efficient use of electricity to heat buildings. Gas fired heating is out-of-date and can never be disconnected from the emission of carbon dioxide.
- Energy generation must be installed on-site. It is easy and cheap to install solar arrays during construction, whereas retrofitting is more challenging.

Biodiversity

- The proposed removal of green belt land coincides with a time when our natural biodiverse environments need to be expanded rather than contracted.

Other issues

- It is odd that such a significant application was initially put forward to an officer under delegated powers rather than the County Planning Committee.
- The proposals appear rushed, contain no SWOT analysis, or consideration of trade-offs, or weighing up of economic vs social and environmental benefits.
- Regeneration is needed in Durham, but it needs to be the right type.
- The application is premature, being proposed before the County Durham Plan has been formally approved. It is contended that this is unlawful.
- Concern that the County Council is to act as Planning Authority for a project it is itself promoting, for which it is already engaged in associated developments and for which it has already erected signage to confirm its arrival, and concern that the planning department will be unable to remain impartial.
- Concerns relating to the integrity of the process and honesty of approach, where in relation to a previous development relating to Trinity School, residents did not receive honest answers in response to questions raised, which resulted in loss of amenity and creation of dangerous traffic conditions which remain to this day.
- The County Council has so far failed to ensure the re-erection of the Police Communications Mast which was a condition of planning approval being granted for the Aykley Woods development. This raises questions with regards to assurances given within the current planning application.

108. *City of Durham Trust* has objected to the scheme. Their objection is received on the following grounds;

- Although the Trust supports in the principle the designation of the bulk of the site as a business park, it objects to the application as it fails to deliver and conflicts with policies within the County Durham Plan. The application has been submitted prematurely.
- The economic basis for promoting the business park is rapidly changing and unreliable due to the impact of Covid-19.
- The Green Belt setting of the City and World Heritage Site must be carefully balanced against new development. The application would damage heritage and the Green Belt.
- The lifespan of newer building in this part of Durham is only up to 70 years. This contrasts with the enormous economic benefit of the city's international profile based on the World Heritage Site and city centre which has taken 1000 years to develop, but could be damaged very quickly.
- The green setting surrounding the World Heritage Site and city centre is easily damaged by new buildings. On either side of the proposed new buildings, the hospital and police headquarters are very visible behind the World Heritage Site in views across the city. The new buildings will join up with these and cause harm to the setting of the World Heritage Site.
- The Green Belt helps to stop parts of the city merging and in keeping the countryside on view and accessible. The existing County Hall car park is part of the Green Belt but only has a small impact as it is set behind landscaping. The erection of a three-storey office block in this location would cause much more visual damage than the car park.
- The damage caused by the development can be avoided by lower buildings and by not building upon the car park. Landscaping alone cannot repair the damage.
- The potential for attracting as much development as is suggested is questioned, and it is considered that a reduction in quantum of development would not reduce the benefits that the whole site would offer.
- The application also fails to properly address sustainability, climate emergency, transport and accessibility issues.

109. *Friends of Durham Green Belt* object to the application on the following basis:

- No issue is taken with the principle that Aykley Heads is a designated strategic employment site, and any concerns with the application are raised specifically with regards to Plot A South.
- It is acknowledged that the current site area avoids the issue of a major incursion into the Durham Green Belt, as was originally proposed in the previous iteration of the County Durham Plan. However, concern is raised that proposals remain to ultimately develop a third phase of the Aykley Heads development on the plateau land to the east as a major Green Belt incursion at a later date.
- Plot A South should retain its openness and be grassed, rather than occupied by three-storey and four-storey office buildings. If it is developed, then its boundary needs to be reinforced to create readily recognisable and permanent features delineating the boundary of the Green Belt.
- The application acknowledges that the proposed development within the Green Belt would be inappropriate, but contends that it is acceptable as it meets the other four tests within the NPPF. This is a false argument.
- The application also argues that the development of Plot A South is crucial for achieving the benefits of the overall site by creating a gateway. This is also a false argument as Plot A North could also provide a gateway, and indicative phasing suggests that Plot A South would be the last to be developed so is not crucial for the delivery of the remainder of the development.
- No substantive case is made to treat this loss of part of the green belt as being justified by very special circumstances.

110. *Elvet Residents' Association (ERA)* objects to the scheme, making the following comments:

- ERA is generally supportive of the site with the object of job creation as its driving force, however the main objection concerns the intrusion into the Green Belt and the impact on the setting of the World Heritage Site (WHS) and historic centre of Durham City. The preservation of the green belt, setting of WHS and the city must be balanced against new development, as quoted in the WHS Management Plan.
- The green belt is of great significance, with views from and towards the hills forming a wonderful setting for the WHS. Also, the green areas separating the historic city centre and the newer areas of Durham form 'green wedges' facilitating views to the hills beyond.
- The height of the proposed buildings would be a threat to these unique and lauded characteristics. A three-storey building on the current green belt area would block views towards the cathedral and city when approaching from A691 and B6532. The car park should remain a landscaped area, with the office block being built in a less sensitive part of the site at a lower height.
- Mountjoy Hill and Whinney Hill both afford wonderful views of the setting of the city, and both would be compromised to the detriment of the WHS setting.
- The presence of facilities such as for food and drink, recreation, leisure and shopping could combine to make the site a self-sufficient daytime campus, when the city centre would benefit a great deal from this business activity.
- Post-Covid the emergence of homeworking means that there will be less requirement for office space.

111. *Western Relief Road Action Group (WRRAG)* has objected to the scheme. Their objection is received on the following grounds;

- The application is opportunistic and premature. If determined in its present form it would pre-empt finalisation of both the County Durham Plan and City of Neighbourhood Plan.

- The County Council has included a demonstrably dishonest statement within the application that the Neighbourhood Plan has not yet been subject to examination, and hence has not reached a stage where weight can be afforded to it. The Council is perfectly aware that this is a gross misrepresentation of the true position.
- Whilst the application may be seen as very important to the County, it is the permanently damaging impact on the City of Durham to which WRAGG objects. Should it be permitted, it would represent an outrageous abuse of power warranting strenuous representations to the Secretary of State. WRRAG would strongly support any proposal for this application to be called in.
- The County Council is called upon to withdraw the current application until such time as it could be considered in the context of adopted plans for both the County and Durham City Neighbourhood. The application in some respects is not in accordance with the emerging County and City plans, an example being that the application ignores the restriction which the Planning Inspector called for in relation to Policy 3 of the County Durham Plan, that the Council has agreed to make, in order to exclude ancillary uses.
- The application pays scant regards to climate change, which is unbecoming of a County Council which has declared a climate emergency and set challenging targets to assist reduction in global warming.
- The application has minimal regards to the concept of sustainability and policy commitments in the emerging Development Plan to matters of sustainability, and contrary to the letter and spirit of NPPF.
- The application insufficiently recognises the impact of transport on sustainability, the environment and air quality. Transport arrangements to, from and with Aykley Heads should form part of a yet-to-be developed integrated Transport Plan for City of Durham, and transport arrangements for Aykley Heads must not be determined in isolation of this.
- The proposed masterplans will make a major contribution towards over-concentration of development in Durham City at the expense of the wider county. Significantly scaling down of target numbers at Aykley Heads would assist in reducing that over-concentration, reduce adverse environmental impacts including traffic congestion and air pollution, and present a more realistic, achievable aspiration in a radically changing environment. A scaled down development could also offer a more attractive environment, improving the prospect of increasing inward investment, as well as helping to offset the sustainability deficit from which the current proposals suffer. Targets for the Aykley Heads development should now also be significantly adjusted downwards to reflect post-pandemic realities and obvious socio-economic consequences.

112. *Transition Durham* raise the following issues:

- There is little, if any, commitment in the application to address the climate emergency issues associated with this development. It is also questioned whether the Council's Low Carbon Economy Team have been consulted.
- The application is premature, rushed and full of errors, with a lack of consideration/adherence to recent policies/plans. This includes a direct clash with the CDP Main Modification 24 on ancillary uses.
- Sustainable energy generation on-site should be insisted upon. Recently developers have shirked their responsibilities with regards to this.
- A priority area in the Council's Climate Change Action Plan was to take a fabric-first approach to building design and to ensure that all new buildings exceed standards required by building regulations.
- Has a feasibility study on minewater or ground source heating been carried out, and has the expertise at Durham Energy Institute or Geoenergy Durham been

consulted? As a minimum air source heating and solar arrays should be installed instead of gas-fired boilers.

- The proposals are building in obsolescence by proposing only 5% EV charging parking spaces. UK Government's Road to Zero Strategy sets out an ambition for at least 50-70% of new car sales to be ultra-low emission by 2030, alongside up to 40% of new vans. There needs to be a much higher percentage of EV spaces to avoid the high cost of retrofitting.
- The maximum number of car parking spaces should be reduced further to show the County Council's commitment to reducing reliance on the private car and restricting air pollution.
- The transport plan is inadequate and lacking in detail and sustainability ambition.
- Pedestrian and cycling access into and through the site has not been properly assessed and design, and there appear to be no plans to address the existing safety issue of accessing the site on foot or cycle, from the city centre and surrounding areas.
- The development proposed in Plot A South in the Green Belt is not justified and will damage the view into the parkland area. At only 10% of the overall proposed floorspace, there are many alternative sites in Durham City that could be considered for less than 4,000sq.m of floorspace, if indeed there is a requirement at all.
- The proposed heights of buildings needs to be constrained. Landscaping cannot mitigate the huge impact of the proposed buildings on the World Heritage Site. Insufficient weight has been applied to the setting of the World Heritage Site.
- The proposed block designs are unimaginative, do not endorse sustainable design for longevity, and there is no design linkage to the historic city heritage
- The economics of the speculative development on Plot C are unsound. No consideration has been given to the impact of Covid-19 on future office space need, with unrealistic figures cited for jobs and salaries.
- This application should be withdrawn and replaced with a sole application for the Plot C site, revised to be futureproof in design, considering the both the implications of Covid-19 and the climate emergency, as well as the impact on the World Heritage Site and Green Belt.

Neutral

3no. representations indicating a neutral stance have been received, raising the following issues:

- Initial plans are impressive, but it is queried whether the Council had considered the possibility of developing a museum or library within the programme works. There is a great untapped opportunity to work with Durham University and Durham Cathedral as partners to produce a world-class building to house the treasures of the city under one roof, combining a space for culture, arts and history which could draw tourists from around the globe.

113. *Durham Trinity School* – It is highlighted that staff and visitors currently use parking facilities at Aykley Heads as the new school building has insufficient parking. Reassurance is sought that parking will continue to be made available for staff and visitors.

The above is not intended to repeat every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at: <https://publicaccess.durham.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

APPLICANTS STATEMENT:

Applicant's Statement

114. The Council's overarching vision is to create an 'altogether better Durham'; with a focus on creating an 'altogether wealthier Durham' by improving the economic performance of the County as a whole. The key driver for a vibrant economy is to increase the level of productivity and higher value employment across the county; improving this will increase levels of disposable income and demand for goods and services, increasing the numbers of businesses and providing the opportunities to help tackle economic deprivation.
115. Following approval of the new Council headquarters, there is an opportunity to bring forward the Aykley Heads site for redevelopment as a strategic employment site, in accordance with Policy 3 of the recently adopted County Durham Plan. As such, the Proposed Development seeks planning permission for the Aykley Heads Masterplan, which will address an identified need for employment land in County Durham.
116. The vision for Aykley Heads is to create a new and unique business location for the North East that maximises economic growth in County Durham and delivers jobs in new and growing sectors with the aim of providing a high quality employment location that contributes to the delivery of more and better jobs. The Proposed Development will provide a high quality modern central business location, in a mature parkland setting, within walking distance of the mainline train station and city centre and will provide a unique work and lifestyle offering.
117. The Aykley Heads Masterplan will provide up to 38,468sqm of floorspace and intends to create circa 4,000 jobs. This will enable Durham to become an employment centre within the North East and help to unlock the private sector investment that brings cutting edge companies and high-quality jobs to the area.
118. The Masterplan comprises 2 phases, Phase 1 – the northern zone and Phase 2 – the southern zone. The Site is divided into 6 plots and each plot will provide office accommodation and surface parking, whilst some plots will also provide supporting ancillary uses. A multi-storey car park (MSCP) is also proposed for Plot A North.
119. Plot C, in the northern zone, will be the first office building to come forward on site and time-limited funding from the LEP, for £6 million, has already been secured in order to facilitate the successful delivery of Plot C.
120. The flexible office space provided within Plot C and across the wider Masterplan will meet operator requirements and businesses of all sizes from a single tenant to multiple occupiers, including SMEs. This also presents opportunities to retain talented young people from local colleges and the University.
121. The Masterplan has been through an extensive design process, including an independent design panel review by Design North East who are supportive of the ambition for a campus-type environment. The design of the Masterplan has taken account of the existing landscape character and value and has integrated the proposed buildings within the existing landscape setting with plenty of opportunities for public realm and social interaction.
122. Overall, the proposed development will allow for the sympathetic redevelopment of the Aykley Heads site and will contribute significantly to the Council's employment land supply. Furthermore, it is considered that the proposals are fully compliant with policies contained in the adopted County Durham Plan 2020 and the Emerging Durham City Neighbourhood Plan.

PLANNING CONSIDERATIONS AND ASSESSMENT

123. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with advice within the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to; the principle of the development, visual, townscape, landscape and heritage impact, traffic, transport and sustainable travel, layout and design, residential amenity, ecology, flooding and drainage, contamination and land stability, loss of sports facilities and safeguarding minerals. Other considerations are also discussed.

The Principle of the Development

The Development Plan

124. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP) is the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035.

125. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means:-

- c) approving development proposals that accord with an up to date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or,
 - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Principle of the development – County Durham Plan

126. Policy 1 of the County Durham Plan (CDP) allocates 300ha of employment lands for office, industrial and warehousing purposes up to 2035 in order to meet employment land needs and deliver a thriving economy.

127. Policy 2 of the CDP identifies that there are currently 3ha of undeveloped land at Aykley Heads however it details that this excludes areas that are currently in use for employment; notably car parking and buildings associated with County Hall. These 3ha are allocated for B1 uses only. The policies map confirms that these areas are plot C, plot D and plot E of the Aykley Heads masterplan detailed within the submission. The

principle of the proposed office uses on these areas is therefore established by Policy 2.

128. Policy 3 of the CDP specifically relates to Aykley Heads and is the key policy in assessing the proposed development in terms of the detail of the proposed scheme. The policy identifies the site as a strategic employment site to deliver high quality office floorspace and confirms that the site as a whole is 9ha in total which includes the 3ha in Policy 2, and a further 6ha which relates to car parking and buildings associated with County Hall. It further recognises within the 9ha is an area of 1ha which is to be released from the Green Belt. This relates to visitor and members car park south east of County Hall (Plot A south). The application site covers this area, i.e. plots C, D and E at the north of the site and Plots A and B which fall on the footprint of the County Hall area.
129. With regards to the principle of development, the proposed office (B1) development on the site is in conformity with Policy 3. However, detailed consideration of the scheme against the relevant criterion (a – j) of the policy will occur in later sections of this report.
130. At the point of original submission, the proposed development represented an application for B1 office space in a location outside of a town centre, which would have required consideration in the context of an out-of-date local plan (The City of Durham Local Plan). As a result, and in accordance with Paragraph 86 of the NPPF, the application included a sequential assessment, which several objectors have raised issues with, in terms of both methodology and conclusions drawn. However, with the subsequent adoption of the County Durham Plan, which allocates the Aykley Heads site for B1 office use (Policy 3) and provides a framework for considering other town centre uses (Policy 9), the requirement to carry a sequential assessment has fallen away. Paragraph 86 of NPPF limits the application of a sequential test to circumstances where such uses are proposed in out-of-centre locations and would not be in accordance with an up-to-date local plan. The County Durham Plan is considered to be up-to-date, the principle of B1 use on the site has been established, and the content and conclusions of the submitted sequential assessment are therefore now considered to be of little weight in the decision making process.
131. It is noted that the application also proposes supporting ancillary retail and leisure uses comprising uses within Class A1 (retail), Class A2 (financial and professional services), Class A3 (food and drink), Class D1 (non-residential institutions) and Class D2 (assembly and leisure). These are uses are not directly reflected within Policy 3 and therefore will need further assessment, this is considered below.
132. It is noted that since the application was submitted, the Town and Country Planning (Use Classes) Order 1987 has been subject to significant amendment through a number of Statutory Instruments, which retained Class B1, but replaced Classes A2, A3, D1 and D2 with Classes E, F1 and F2. However, the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 sets out transitional arrangements which state that for any planning application submitted prior to 1st September 2020, that the schedule of uses within the Use Classes Order in effect when the application was submitted should be used to determine the application. The application was submitted in July 2020 and should therefore be considered in the context of the Use Classes Order at that time, prior to the latest changes.

The principle of non-office uses on the site

133. It is recognised that the uses described within the description are largely identified as main town centre uses within the NPPF, and the principle of office use (B1) on the site has been established through CDP Policies 2 and 3. The principle of the other uses has not however been established.

134. Policy 2 of the CDP identifies where the development of non-employment uses (i.e. those outside of the B use classes) will only be acceptable on an allocated and protected employment site in specific circumstances. The policy stipulates a requirement to demonstrate that the site has been marketed for a period of time (criterion (a)), or the proposed uses would not compromise the main use of the site for B class uses, and would comply with Policy 9 (Retail Hierarchy and Town Centre Development) (criteria (b)).
135. In this instance, it is considered that criteria (b) is applicable given that the proposed levels of non-office floorspace (non-B class uses) equates to less than 3% of the scheme in its entirety. It is therefore considered that the levels of non-B use class uses would not compromise the ability of the site to deliver an office development.

Sequential Test for non-offices uses

136. The NPPF and Policy 9 of the CDP identify that proposals for main town centre uses, as defined by the NPPF, not located within a defined centre will be required to provide a sequential test where they would not be in accordance with an up-to-date local plan. This reflects advice within the NPPF, paragraphs 86 and 87.
137. As outlined above, the applicant initially provided a sequential assessment that considered alternative sites for the development in its entirety, including the office element for which the site is now allocated. The assessment concluded that there are no other sites that are available, suitable and viable within the city centre or indeed on other edge-of-centre sites.
138. The applicant has since provided further information to supplement their initial sequential assessment, which has identified whilst it is evident that if the proposed development were to be disaggregated, that there are sites and vacant units within the city centre, the non-office uses are ancillary to the main use and would support the functioning of the wider employment site, and in that respect it would be unreasonable and irrational to require these uses to be disaggregated to a defined centre.
139. Having considered this assessment, it is considered that the applicant's conclusions are reasonable. There is not any general requirement within national policy for an applicant to disaggregate elements of a proposed development (i.e. the ancillary uses) in order that it can fit on alternative sites, beyond what might constitute reasonable flexibility.
140. The levels of non-office, town centre use floorspace proposed as part of the application are relatively small, amounting to 1,136sq.m in total, of which, the applicant has indicated, no more than 400sq.m would constitute A1 retail. Such a level of floorspace within a much larger B1 office development is considered to be unlikely to ever operate as a retail destination in its own right, and instead would simply meet the day-to-day convenience needs of occupiers of the site. The proximity to the city centre would mean that the ability to access a wider range of goods and services would not be precluded, in much the same way that existing County Council employees can access both a shop and canteen at County Hall, but some also choose to make the journey into the town centre. The town centre uses offered at the location would operate as ancillary service uses and would serve to increase the attractiveness of the office space to the market.
141. Accordingly, it is considered that it would be unreasonable to expect the applicant to disaggregate the development; the proposed non-office town centre uses would operate as ancillary elements, and by definition, an ancillary element provides support to a primary activity at a specific location.

Retail Impact Test

142. CDP Policy 9 stipulates that an impact test will be required where 1,500 sqm of convenience retail floorspace or 1,000 sqm of comparison retail floorspace is proposed. This is where a scheme may impact on a sub-regional, large or district centre. In this instance the proposed floorspace would not trigger such an assessment on the city centre.
143. The policy goes on to state that where proposals are in excess of 400 sq.m of convenience or comparison floorspace, which could impact on a small town or local centre, an impact assessment will be required. In this instance the application site lies less than 1km of Framwellgate Moor Local Centre as defined within the CDP. The applicants have not provided an impact assessment; however, they have confirmed that the levels of A1 uses would not exceed 400sqm. On this basis it is accepted that an impact assessment is not required in this instance, and that proposed level of retail floorspace would be unlikely to have a significant adverse impact upon Framwellgate Moor Local Centre as a result. In order to retain control over levels of A1 retail floorspace within the development, it is recommended that a planning condition restricting to the total A1 retail floorspace to more than 400sq.m be attached to any permission.
144. With it having acceptably been demonstrated that the proposed non-office town centre uses would not have a significant adverse impact on existing city and district centres, and it being accepted that it would be unreasonable to disaggregate the development for the purposes of sequential assessment, it is considered that the application is in accordance with CDP Policy 9 in this respect.

Non-office retail uses and CDP Policy 3

145. Several objectors to the application have raised that they believe that the main modifications to CDP Policy 3 prior to adoption now means that the inclusion of non-office uses should be considered to be contrary to this policy, and are therefore unacceptable.
146. With regards to this, it is acknowledged that in considering CDP Policy as drafted within the pre-submission draft of the CDP, that the Inspector found that *“Part (c) of Policy 3 would allow a wide range of main town centre uses without any effective control over their scale or nature. They are not necessary to support the development of the proposed high-quality offices, and are not justified in this location, outside of the city centre. If genuinely ancillary uses, such as a small café, convenience store or creche were proposed, they could be effectively considered in the context of Policy 9 relating to main town centre uses.”*
147. It is considered that this finding indicates that the Inspector was concerned with regards to Policy 3 effectively allocating the site for town centre uses in addition to B1 office use, and that such an allocation would not be necessary or justified. However, the Inspector did not find that such uses would be unacceptable in any form, and indeed acknowledges that genuinely ancillary town centre uses on the application site could be effectively considered in the context of CDP Policy 9 (Retail Hierarchy and Town Centre Development). It is considered that if the concerns of the Inspector regarding such uses was such that they would be unacceptable as a matter of principle, any reference by him to assessment of these against the requirements of CDP Policy 9 would have been superfluous.
148. The main modification to CDP Policy 3 reflects the concerns of the Inspector in this respect, and in its adopted form, makes no reference to other town centre uses beyond B1 office use. Whilst the policy no longer allocates the site for any additional uses,

neither does it explicitly exclude them. Instead, the appropriate route for the consideration of such uses, is through CDP Policy 9, as advocated by the Inspector, and as carried out above.

Principle of Development – City of Durham Neighbourhood Plan

149. CDNP Policy E1 relates specifically to Aykley Heads Business Park, albeit it identifies a smaller development area than that identified within CDP Policy 3, and does not include the car park area of Plot A South. CDNP Policy E1 supports prestige offices, business incubators and start-up businesses. The policy requires any development to have regards to the masterplan standards of sustainability required by CDNP Policies S1 and S2.
150. In his report, the CDNP Examiner recommends the amendment of the policy wording in order provide greater clarity. This includes removal of specific reference to CDNP Policy S1, and the clarification that any development would be supported where it is accordance with a masterplan or other design and development framework prepared under CDNP Policy S2. The recommended changes also include removal of reference to a design brief within the supporting text, and the removal of an absolute requirement for an Environmental Impact Assessment to be carried out for the development of the site.
151. The supporting text to Policy E1 states that ancillary uses such as a café, a crèche, a gym and business support serving the principal high-quality occupiers of Aykley Heads can be considered, but must pass a strict test of meeting the needs of those working on the site, and thereby avoid the unnecessary loss of valuable and scarce land for prestige use.
152. With regards to the principle of the development, it is considered that significant weight can be afforded to the policy in this respect, as the recommended modifications would not fundamentally affect this. The use of that part of the site allocated under CDNP Policy E1 for B1 office use is considered to be acceptable, and in accordance with the policy. With regards to non-office uses, this particular point has been considered in detail against the relevant policies within the CDP. As stated, the non B1 class uses or 'ancillary uses' are considered acceptable in terms of scale, and would not conflict with this policy.
153. Other parts of the policy, for example the requirement to produce a masterplan will be considered elsewhere in this report. It is noted that the Examiner has recommended that references to the preparation of a design brief and the requirement for EIA be deleted from the policy, and no weight is afforded to these requirements as a result, albeit the application is accompanied by an Environmental Statement in any event.

Green Belt

154. At the time of submission, the application site included approx. 1ha of land located within the Green Belt, in an area broadly comprising the existing southern staff car park (Plot A South). Several objectors, including Friends of Durham City Green Belt have raised the impact upon the Green Belt as matter of concern in their representations.
155. Since submission, the CDP has been adopted, within which CDP Policy 3 makes provision for the deletion of 1ha. of Green Belt in order to accommodate the development. With the case for very special circumstances for the removal of this part of the site from the Green Belt having been made to, considered, and accepted by the Inspector as part of the Examination in Public of the CDP, it is considered unnecessary to re-rehearse these arguments as part of the consideration of this application. The

development of that part of the site subject to allocation through CDP Policy 3 and formerly formed part of the Green Belt is considered to be in accordance with CDP Policy 3 and there would be no conflict in this regards in relation to the principle of the development.

156. It is acknowledged that small areas, in particular including an area at the southern extremity of the application site fall outside of the CDP Policy 3 allocation and as a result remain within the Green Belt. CDP Policy 20 requires applications for development within the Green Belt to be determined in accordance with national policy. NPPF advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
157. It is noted however that no built development is proposed within those areas of the application site that continue to fall within the Green Belt and are shown on the indicative masterplan to form part of the green infrastructure associated with the development. It is considered that this would not comprise inappropriate development, for the purposes of NPPF, and as a result, there would be no conflict in principle. With CDP Policy 3 (b) requiring any areas of the site bordering the Green Belt to provide readily recognisable and permanent features delineating the boundary of the Green Belt, detailed consideration of this part of the site will follow elsewhere in this report in relation to consideration of landscape impact.
158. In summary, the proposed development would, in principle, be in accordance with CDP Policies 2 and 3, and where it relates to non-office uses, be in accordance with CDP Policy 9, as well as Policy 20 where relevant. It would also accord with the requirements of CDNP Policy E1.

Visual, Townscape, Landscape and Heritage Impact

159. Key documentation submitted within the application in respects to visual, townscape, landscape and heritage impacts includes ES Chapters on Cultural Heritage and Landscape and Visual Impact, along with associated figures and technical appendices including a Landscape/Townscape Visual Impact Assessment (LVIA) and Heritage Statement (HS). 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.
160. A number of objections to the development relate 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.
161. 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 largely located outside of, but adjacent to the Durham (City Centre) Conservation Area, but is largely within the inner setting of the Durham Castle and Cathedral World Heritage Site (WHS), the boundary of which is situated approximately 1km 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. County Hall itself is considered to be a non-designated heritage asset in NPPF terms.
162. 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.

163. With regards to the WHS, the ES identifies that the site has views towards the castle and cathedral, and views towards the site include those where the cityscape can be seen against the WHS. The inner setting of the WHS is broadly contiguous with the “Durham Bowl”, contained by ridges. The enclosing landscape setting of the WHS is one of its key features, with significance derived from the drama of the castle and cathedral’s position on the peninsular. It is identified that views of the cathedral and castle with a foreground of the historic city often express one of the outstanding universal values of the WHS, and where such views also include the river and rural fringes they are enhanced. It also identifies that Framwellgate Peth is one of the historic routes into the city centre.
164. The Heritage Impact Assessment (HIA) tests the proposed development in a series of key views from around the city, in order to establish the potential impact of the development upon heritage assets, and in particular, the WHS. These views are identified within the HIA as being views 7D (Framwellgate Peth), 11 (St Aidan’s College), 12 (St Mary’s College), 14 (Mountjoy Reservoir), 19 (Hillcrest off Claypath) and 22 (Access road to Kepier Training Centre, A690).

View 7D – Framwellgate Peth

165. In this view it is evident that the proposed development would extend over a larger area than County Hall, however the indicative blocks would be largely screened by existing trees. Some elements of Plot A North would be visible through the trees, along with glimpses of Plot A South and Plot B. The HIA considers that the development in this view would be experienced in a similar way to which County Hall currently is.
166. In terms of impacts upon the Conservation Area and its setting, the HIA considers that those visible elements of Plot A North, Plot A South and Plot B would replace the existing almost full height view of the south wing of County Hall, and that the new built form would be understood in a semi-urban/rural context. The Framwellgate Character Area of the Conservation Area is predominantly experienced through the tree lined peth, and that existing vegetation and mature trees would enable this historic route to continue to be understood. It is acknowledged that County Hall forms part of the setting of the conservation area, but this contribution is primarily through the landscape setting rather than the building, and the character of large informal open spaces would be retained by the development. The development would generally be of lower scale than County Hall, and would be broken into several blocks. The HIA notes that Plot A South would lie partially within the conservation area itself, but would be of a scale that would closely relate to existing development, would retain the key existing landscape features that contribute positively to the conservation area, and that the incursion of new built development would be relatively modest. However, the HIA also notes that County Hall is non-designated heritage asset that would be lost in its entirety in this view. Overall, the HIA concludes that in View 7D the proposed development would have moderate adverse overall affect.

View 11 – St Aidan’s College

167. In this view, the HIA notes that wooded slopes of the bowl and peninsular create a layered view towards the WHS which takes the form of the cathedral sitting in a largely

rural setting, which does not reflect the buildings and roofscape of the historic city core. The castle is not visible. It is suggested that at present the WHS is understood in this view in the context of later development such as County Hall, Police HQ and Newton Hall. With regards to the conservation area, the HIA notes that this view does not exhibit the visual contrast between the harder urban environment of the city, with the dense woodland canopy that forms its setting, as the city centre is not readily visible. Crook Hall is partially visible in this view, and its outlook towards the WHS can be understood. Its visual connection with Aykley Heads reflects its historic role in the agricultural Aykley Heads estate. Likewise, the spire of St Nicholas' Church is visible in this view and the setting as a skyline landmark accentuates the religious significance and relationship with the cathedral. County Hall appears in the east of this view, within its landscape setting. Although partially screened by trees, the upper floors are visible above the tree line. The design rationale to minimise the impact of County Hall upon the Cathedral is evident in this view.

168. The HIA identifies that in this view that Plot A North would occupy approximately the same area as County Hall, with areas of new built development extending to the north and east, although at indicative scale, all plots would site below or align with the woodland backdrop. It is also likely that the upper storeys of both Plots A South and B would be partially visible in this view, but also filtered by trees. It is considered likely that Plots C, D and E would not be visible.
169. In terms of the WHS, the HIA considers that it would continue to be read amongst woodland and open ground. Additionally, there is a separation in this view between the proposed development and Cathedral, allowing the WHS site to remain the dominant feature and continue to be understood. With regards to the conservation area, the HIA states that in this view it is experienced as a rural setting which does not reflect the rich variety of built form of the historic city core, and that the juxtaposition of historic buildings visible in this view with newer buildings would be sustained. It is also considered that the proposed built form and separation would not affect the understanding of Crook Hall or its relationship with the WHS. The heritage interest of St Nicholas' Church would be affected. Overall, the HIA considers that although the view is of high value, the effect of the development would be negligible.

View 12 – St Mary's College

170. The HIA establishes that this is a 'designed view' with a direct visual relationship with the WHS, with the Cathedral appearing amongst the woodland of the peninsular, Crossgate and Elvet. This view partially expresses the visual drama and scale of the WHS, tempered by the fact that although the woodland of the inner bowl is visible, the topography is not. The Castle is not visible in this view, which is also understood in the context of later development at St Mary's College. The HIA identifies that the character of the conservation area is considered to be partially illustrated in this view, although the wider setting of the outer bowl is not visible. It further considers that areas of open countryside and green spaces on the outskirts of the city and penetrate inwards are a key characteristic, however the contrast between the harder urban environment is not appreciated here.
171. In terms of impacts, the HIA concludes that the indicative scale parameters suggest that the development would not be visible in this view, as all blocks would sit below the tree canopy. Indeed, existing buildings at Aykley Heads such as County Hall are not currently visible in this view. As a result, it is concluded that the overall effect on this view would be negligible.

View 14 – Mountjoy Reservoir

172. Whilst not a 'designed view' the woodland belts that flank the reservoir create a channelled view towards the WHS, with both cathedral and castle appearing amongst woodland, open ground, buildings and roofscapes. The view also demonstrates the visual drama and scale of the WHS dominating the cityscape and landscape. The HIA also identifies that Mountjoy is associated with the story of St Cuthbert's coffin arriving into Durham, and consequently forming part of a pilgrimage route, which contributes to the historic interest of this view. It is however noted by the HIA that the view is understood in the context of later development such as John Snow House, University Hospital of North Durham, County Hall, and Police HQ. The HIA also identifies that the character and heritage interest of the conservation area is well illustrated in this view, as is the religious and historic significance of the churches of St Oswald and St Nicholas. The obelisk is also visible in this view, although its understanding is partially diminished due to it being viewed against University Hospital of North Durham. County Hall forms part of the backdrop of this view, set within the inner bowl wooded slopes and with the outer bowl surroundings in the distance, showing the importance of the landscape setting. The design rationale of County Hall is also understood, with taller elements protruding above the tree line, but sitting below the short spires of the Cathedral's eastern range, remaining subservient to the Cathedral as a whole.
173. With regards to the proposed development, the HIA identifies that most of it would be concentrated around the same area in the view currently occupied by County Hall, however Plot E would extend to the north east, towards Police HQ. All plots would sit below the extent of tree canopy and outer bowl ridgeline. The HIA states that Plot A North would occupy the same area in the view as County Hall, with the multi-storey car park (MSCP) partially screened, but with upper levels visible. It also identifies that the MSCP would sit lower than the spires of the Cathedral's eastern range and would appear in the gap between the cathedral and castle. It is also stated that the remainder of built development on Plot A North would sit lower than County Hall. Plots A South, B, C and D would not be visible in this view, although the upper storey of Plot E would appear nestled into surrounding woodland.
174. In terms of impacts, with regards to the WHS, the HIA identifies that development would replace County Hall in the existing view, sustaining the contrast between historic and modern city, although the heritage interest of WHS would be slightly affected by the built form extending over a greater area. However, it is stated that, this would be balanced by the lower overall built form in comparison to County Hall. Plot A North has the potential to appear as backdrop to the Cathedral's eastern spires, but this would not be dissimilar to the way in which County Hall is currently experienced in this view. The HIA also notes that the development would remain subservient to the WHS. The tower and spires of the churches of St Nicholas and St Oswald would retain their landmark status due to visual separation from the proposed development, and for the same reason the appreciation of the Obelisk would not be unduly affected. Overall, the harm where it exists due to the increase in built form, would be balanced by the reduction in scale that those buildings would represent in relation County Hall at present, consequently, the HIA concludes that the effect of the development on this view is considered to be negligible.

View 19 Hillcrest (off Claypath)

175. In this view, the HIA notes that the WHS is not visible, and that the character of the conservation area is only partially illustrated, with the inner bowl, steep wooded slopes and green fringes evident. However, the visual contrast with the urban environment and the WHS is not evident, with only later outlying development at County Hall and Police HQ evident.

176. The proposed development would extend the built form in this view over a larger area than at present, although the blocks would likely be screened – it is acknowledged that the shape of the rooflines of Plot A North could be glimpsed through woodland. Overall, it is considered with the HIA that the development would have negligible effect on this view.

View 22 - Access road to Kepier Training Centre (A690)

177. This view includes the setting of Kepier Hospital and Farmhouse (Grade I and II* listed and Scheduled Monument). The inner bowl of the conservation area is also evident, and the high value of the green spaces which penetrate the city can also be observed, although the variety of built form of the conservation area is not demonstrated in this view. The WHS is not visible.

178. Like View 19, the HIA states that the built form in this view would be extended over a large area, but would be largely screened. However, it does identify that the rooftop of the MSCP and buildings within Plot A North would likely be seen as shapes filtered by the woodland. The rooftop of Plot C's upper pavilion may also be partially visible, and Plot E may be seen as a shape beyond existing trees. None of the buildings would break the sky line, and would be experienced within a woodland backdrop.

179. In terms of impacts, the HIA concludes that Kepier Hospital would continue to be understood as being in a rural fringe, adjacent to the river and secluded by trees. In terms of the conservation area, built form would extend over a larger area within the setting of the conservation area, but where built form is visible, it would be within the existing parameters set by County Hall, or experienced as rooftops amongst woodland. Overall, the HIA assesses the impact of the development in this view to be negligible.

Other heritage assets

180. The HIA contains a thorough assessment of the potential impact of the development upon a range of other designated and non-designated heritage assets, and concludes that there would be a negligible effect upon Aykley Heads House, Gate Piers and Walls North West of County Hall, Police Communications Tower (in its present location), Low Dryburn Farmhouse, Dryburn House, Church of St Cuthbert, Durham Railway Station and Wharton Park, and Durham City Centre Conservation Area, and a minor adverse – negligible impact upon the DLI Museum and Garden House Public House. County Hall itself is identified within the HIA as being a heritage asset of low significance, but where, due to the loss of this asset there would be a major adverse impact. Consequently, the overall effect is assessed as being moderate – minor adverse.

181. Overall, the HIA concludes that the development would result in less than substantial harm to heritage assets.

Consultation Responses

182. With regards to heritage impacts, neither Historic England or the Council's own Design and Conservation Officer have raised issues with the methodology used within the HIA, or the conclusions that it draws. The Design and Conservation Officer acknowledges that there may be change within key views, particularly from Mountjoy Reservoir, but considers that the impacts would be no greater than the current impact of County Hall. It is agreed by both the Design and Conservation Officer and Historic England that the development would result in less than substantial harm to heritage assets.

183. Balanced against this are the concerns of the World Heritage Site Co-Ordinator, City of Durham Trust, Elvet Resident's Association, Transition Durham and other interested

parties, who consider that the development would have a greater harmful impact, particularly with regards to the WHS.

184. In particular, concern is raised by the World Heritage Site Co-Ordinator (WHSCO) that the HIA fails to attach appropriate weighting to the value of the WHS setting and underplays the negative impact of the development upon it. It is also highlighted that the views tested are only representative, that a range of other views are available, and that cumulative impacts with existing discordant buildings and developments are not included. The WHSCO considers that the inner setting of the WHS would be negatively impacted by Plot A, Plot B and Plot E and would approximate to 1/25 of the inner skyline setting, and that Framwelgate Peth would be negatively impacted by the increased prominence of Plot A South and the severing of the connection with the Green Belt. The WHSCO also considers that the river valley would also be negatively impacted by Plot A North and Plot E.

Consideration of harm to heritage assets

185. It is acknowledged by officers that the assessment in the HIA concentrates upon only a limited number of views of the WHS, and that clearly a far wider range of views exist. However, for practical purposes, a range of views considered to be representative has been selected for assessment, and they are considered to be appropriate. Clearly, there are differences in opinion with regards to conclusions drawn within the HIA. With no concerns being raised with the methodology or findings of the HIA by either the Council's Design and Conservation Officer, or indeed Historic England, on balance it is considered that the conclusions within the HIA are likely to be reasonable.
186. Additionally, a commonality within the views tested is that the proposed development would appear within the existing wooded area, would be set against a backdrop of existing trees and would not break the skyline. It is also clear that County Hall has an effect of its own, and any effect of the proposed development needs to be considered in the context of this baseline. None of the tested views suggest that the development would appear as a continuous ribbonlike development, and where the increase in built form is apparent, a degree of separation between blocks is also evident. Comparison of the potential effects of the development with the current effects of Police HQ are considered to not be wholly appropriate, as Police HQ sits at the eastern edge of the wooded area of Aykley Heads and has a generally more open aspect.
187. On balance, it is considered that the proposed development would be likely to result in less than substantial harm to heritage assets.
188. CDP Policy 44 seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets. The policy advises that less than substantial harm to designated and non-designated will be weighed against the public benefits of the proposal.
189. CDP Policy 45 seeks to ensure that developments within the World Heritage Site sustain and enhance the significance of the designated asset, are based on an understanding of, and will protect and enhance the outstanding universal value (OUV) of the site in relation to the immediate and wider setting and important views into, and out of the site. Any harm to the OUVs will not be permitted other than in wholly exceptional circumstances. The supporting text to the policy states that where a development proposal leads to less than substantial harm to the significance of the WHS, that the harm should be weighed against the public benefits of the proposals.

190. 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.
191. CDNP Policy H1 states that development throughout the plan area must be shown to sustain, conserve and enhance the setting of the WHS by assessing impacts, protecting important views and taking opportunities to open up lost views, or create new views. In his report, the Neighbourhood Plan Examiner found that CDNP Policy H1 does not meet basic conditions as it is overly prescriptive and lacks supporting evidence with regards to lost and new views.
192. CDNP Policy H2 states that development within or affecting Durham City Centre Conservation Area should sustain and enhance special interest and significance as identified within the Conservation Area Appraisals. With specific regards to this proposal CDNP Policy H2 (d) seeks to avoid the demolition of assets of historic and/or architectural interest which contribute to the character and appearance of the area, criterion (f) seeks to avoid loss of open space that contributes to the character and appearance of the surrounding area, criterion (g) protects important views of the conservation area, criterion (i) requires appropriate scale, massing, form, layout, landscaping and open spaces, criterion (j) requires appropriate materials, detailing and lighting, criterion (k) requires high quality design sympathetic to the local area, and (l) seeks to avoid addition to cumulative impact of development schemes which dominate either by their scale, massing or uniform design. The Neighbourhood Plan Examiner has recommended that CDNP Policy H2 does not meet the basic conditions due to a lack of supporting evidence with regards to lost and new views, and on the basis of minor amendments to text that do not materially affect the operation of the policy with regards to this particular application, and that other than in relation to criterion (h), that significant weight can be afforded to it.
193. CDNP Policy H4 states that any harm to designated assets should require clear and convincing justification, that substantial harm or loss of designated heritage assets should be avoided, and that less than substantial harm to designated heritage assets should be refused consent unless the harm or loss is necessary to achieve substantial public benefits that would outweigh that harm or loss.
194. With regards to this, it is noted that CDNP Policy H4 requires proposals involving less than substantial harm to heritage assets to achieve substantial public benefits that would outweigh that harm. This differs from NPPF and CDP policy in that instead of simply balancing benefits against harm, and the former simply needing to outweigh the latter, it is instead required that substantial public benefits are demonstrated, regardless of fact that the level of harm would be less than substantial. This is a higher level of test than that set out in either NPPF or CDP.
195. The inconsistency of CDNP Policy H4 with other policy approaches was however noted by the Neighbourhood Plan Examiner, who found that the policy fails to meet the basic conditions and has recommended that it be deleted. Accordingly, it is considered that no weight should be afforded to any conflict with CDNP Policy H4 in this instance.
196. In this instance, some less than substantial harm to designated heritage assets has been identified and, therefore in accordance with NPPF and CDP policy, this harm should be weighed against the public benefits of the proposal. This planning balance exercise is undertaken later in the report.

Landscape Impact

197. The ES includes a Landscape and Visual Impact Appraisal which informs consideration of potential landscape impacts, and comments have been received from the Council's Landscape Team.
198. Policy 39 of the County Durham Plan states proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals would be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects.
199. CDP Policy 39 also sets out that development affecting Areas of Higher Landscape Value will only be permitted where it conserves the special qualities of the landscape unless the benefits of development in that location clearly outweigh the harm. Policy 26 outlines developments are expected to provide new green infrastructure and ensure provision for its long-term management and maintenance. Similar requirements are outlined in Policy 29. Policy 40 seeks to avoid the loss of existing trees and hedgerows unless suitable replacement planting is provided.
200. The site is identified as being located on an elevated terrace (*Lowland Valley Terrace Broad Landscape Type*) west of the incised valley of the River Wear (*Incised Lowland Valley Broad Landscape Type*). The valley is largely undeveloped and forms a wedge of attractive open countryside that penetrates to the historic core of the City from the north-east. The high ground of the terrace by contrast is largely developed. The site and its immediate surroundings are transitional in character with large buildings and associated car parks set in landscaped parkland which includes robust areas of woodland.
201. Parts of the site, including the wider parkland to the east and south, lie in an Area of High Landscape Value identified in the County Durham Plan. A small part of the site also lies within the Green Belt. County Hall and its immediate grounds and associated car parks are identified in the County Durham Landscape Strategy (2008) as being Urban. Undeveloped areas including plots D and E are identified as a Landscape Conservation Priority Area with a strategy of conserve and enhance. The County Durham Landscape Value Assessment (2019) assessed the landscape to the south and east of the site as having elevated values across the majority of attributes assessed.
202. The site occupies high ground on the western edge of the incised valley of the Wear and is visible on or around the skyline in views back from higher ground across the 'Durham Bowl' to the west and to the south. In these views, topographical features (including the glacial knoll north of the railway station) and areas of woodland within the site and the wider parklands are often visually influential, screening parts of the site.
203. The western parts of the site (Plots A and Plot B) are visible at close quarters in shallow views from the A691/B6532 Framwelgate Peth and from the grounds of County Hall and associated areas of parkland, and in more elevated views from the northern access road to Wharton Park. Boundary hedges, trees and woodlands are visually influential in these views, screening parts of the site to varying degrees. Plot C is visible at close quarters from the northern Aykley Heads access road, roadside trees and vegetation screening views into the site to varying degrees. Plots D and E are visible at close quarters from a range of formal and informal paths running through that part of the estate.

Effects upon landscape features

204. The indicative masterplan indicates that the major elements of the landscape infrastructure of the site – the central spine of woodland and woodlands, trees and hedges on its boundaries together with the pond to the front of County Hall – would be retained. It also indicates that some significant trees and tree groups within development cells would be retained. It is likely that a number of trees within the site would be lost, along with trees in the woodland north of Plot E to facilitate access. These will include some poor and low value specimens as well as some better-quality trees. The effects on individual trees will only be fully understood when reserved matters applications come forward for individual plots, however at this it is nevertheless considered that the quantum of development proposed on this plot could be acceptable accommodated.
205. With regards to Plot C, the proposals would entail the removal of 16 individual trees together with some parts of mixed shrub / scrub groups and a section of Portuguese Laurel hedge. These are identified within the submitted Arboricultural Impact Assessment as being of low and moderate value features. The majority of trees and shrubs to the northern perimeter of the site and a significant group of trees between the car parks would be retained. There would be some potential improvement to the rooting environment of two mature beech on the roadside currently affected by the existing access and parking arrangements. Topography in the southern part of Plot C would be modified by the development of SUDS features which would be developed partly on sloping ground.

Effects upon landscape/townscape character

Plot C

206. The northern part of the plot was previously developed and is currently in use as a temporary car park which is generally unattractive being dominated by parked vehicles and hard surfaces. While some site vegetation including established trees would be lost, it is considered that the development of the building, its landscaped surroundings and new footpaths would have a strongly beneficial effect on its overall character. The new building would be visible in views from the road to the immediate north although car parking areas would be largely screened. It would be on the site of a previous building and in keeping with the general character of the area in those views. The southern part of the site is currently neglected amenity open space of rank grassland, and it is considered that the re-ordering of footpaths and the development of landscaped SUDS features could have a beneficial effect subject to detailed design. Such details could be secured by means of a planning condition.
207. It is considered that the development in Plot C would not be generally visible in views of the wider landscape being largely screened by intervening topography and vegetation. The LVIA indicates that some small areas of the upper part of the building would be visible above and through the tree canopy on the skyline in some views from the south-east. It is considered that the effect on the character of the view – individually or cumulatively with other elements of the proposal - would be negligible.

Plot A South

208. The plot is currently in use largely as car parking. The proposed development would bring a notable change in character at site level. New built form would be visible in near views from Framwelgate Peth, although at the scales proposed it is considered that it would be likely to be well assimilated by the surrounding vegetation which it is proposed to retain. It would, however, be visible in views from amenity open space to the east backdropped against woodland. At the scale proposed it is considered that it would be likely to sit relatively comfortably in that setting. The extent to which it was assimilated into the wider parkland would depend partly on landscaping which could be considered

in detail in a reserved matters application. The proposed new pedestrian entrance and pedestrian / cycle route into the site would be a key feature which new buildings would be expected to address, giving active frontage onto the park. In principle, the introduction of built form into the edge of the parkland landscape south of County Hall would erode its open character to a degree. The adverse effect of development of the scale and massing envisaged would be likely to be of a low magnitude provided that perimeter vegetation was retained and augmented. Development in Plot A (south) would not be generally visible in views of the wider landscape being largely screened by intervening topography and vegetation, although as identified in the HIA, the upper storey and roof outline may appear in some longer views.

Plot A North

209. The plot is currently occupied by County Hall and associated car parks and landscaped areas. Although development proposed would be different in scale and massing to the existing it is considered that it would not involve a change in general character. Some established landscape elements including some good quality trees would be likely to be lost in the re-ordering of the space although it is proposed to substantially retain the mature features in the west adjacent to the Peth. Built form would be prominent in views from the Peth, but at the scale and massing envisaged it would not be substantially different to the existing building in its general character and apparent scale. The submitted plans show greater permeability to the built form breaking up the mass relative to the current building, as well as providing opportunities for increased provision of open space and tree planting, inter-visibility of existing trees and woodland across the plot and a more active address to the woodlands to the east. The extent to which this could be realised would depend on detailed design at reserved matters stage. Taken in the round, it is considered that the effects of redevelopment would be likely to be neutral or beneficial.
210. Development in Plot A (north) would be visible in some views of the wider landscape from the south, south-east and south-west where modelling indicates that at the height parameters proposed the upper parts of buildings would be seen above intervening tree canopies on or around the skyline. In these views it is considered that it would be likely to be similar in scale and general character to the existing County Hall. The effects on the character of the view – individually or cumulatively with other elements of the proposal - would be negligible or low, depending on detailed design and identification of appropriate materials at the Reserved Matters stage.

Plot B

211. The plot is currently largely in use as car parking. The southern part of the plot was previously developed. The proposed development would bring a notable change in character at site level. New built form would be visible in near views from Framwelgate Peth, although at the scales proposed in the submitted plans it would be likely to be well assimilated by the mature roadside vegetation which it is proposed to retain. The masterplan shows the existing vegetation along the Peth augmented by additional planting and greenspace around buildings with parking pushed to the rear of buildings and therefore partly concealed in views from the Peth. Taken in the round the effects of redevelopment are considered likely to be neutral or beneficial.
212. Development in Plot B would be visible in some views of the wider landscape from the south and south-east where modelling indicates that at the height parameters proposed the very upper parts of buildings would be seen above intervening tree canopies on or around the skyline. In these views it would be a very small element in the view, or partially screening other buildings behind it. The effects on the character of the view – individually or cumulatively with other elements of the proposal - would be negligible or

low depending on detailed design and identification of appropriate materials at the Reserved Matters stage.

Plot D

213. Plot D is an area of former bowling greens and associated soft landscaping. Development shown on the submitted plans would work within the framework of existing features and would not entail removal of substantial areas of vegetation, although the extent to which this was realised would depend on detailed design at reserved matters stage. The introduction of built form would bring a notable change in character, but at the scales proposed within the application, it would nevertheless be likely to sit comfortably in this setting. The development of new buildings, with landscaped car parking and landscaped open space would be likely to have some beneficial effects in refreshing, and bringing supervision to, neglected and under-used areas. Taken in the round the effects of redevelopment would be likely to be neutral or beneficial depending on detailed design.
214. Development in Plot D would not be generally visible in views of the wider landscape being largely screened by intervening topography and vegetation.

Plot E

215. Plot E is an area of former hard sports pitches and tennis courts currently in use largely as car parking. Development would entail the loss of some trees at the western end of the tree belt to the north to provide for access. The introduction of built form would bring a notable change in character, but it is also considered that development at the scales proposed within the application would nevertheless sit comfortably in this setting. The development of new buildings, with landscaped car parking and landscaped open space would be likely to have some beneficial effects in refreshing, and bringing supervision to, neglected and under-used areas. Taken in the round the effects of redevelopment would be likely to be neutral or beneficial depending on detailed design
216. Development in Plot E could be visible in some views of the wider landscape from the south and south-east where modelling indicates that at the height parameters proposed the very upper parts of buildings would be seen above intervening tree canopies on or around the skyline. This would depend whether it sat to the south of the plot, or the north. In these views it would be a small element in the view similar in character to other buildings punctuating the tree canopy. The effects on the character of the view – individually or cumulatively with other elements of the proposal - would be low depending on detailed design and identification of appropriate materials at the Reserved Matters stage.

Overall Landscape and Visual Effects

217. The effects of development of individual plots has been assessed individually as being low or neutral / beneficial when assessed against the baseline of their current condition. There would nevertheless be a general intensification of development across the site as a whole that would erode the current undeveloped character of the north-eastern parts of the site in particular. This is balanced by the potential improvements to neglected or run-down areas, a renewed investment in open spaces, and their animation and supervision by new users. Overall, the effect on character is considered to be fairly substantial in that respect, but the degree of harm as being neutral.
218. As noted in the assessment of individual plots, some elements would be visible in views across the Durham bowl. It is considered that the combined effect of development at

the scales proposed would be low and in keeping with the general character and pattern of development on that ridge.

219. The proposed built form would lie outside of the CDP AHLV. Development in adjacent areas would nevertheless have some effect on its appearance. Development in Plot A South would be visible from areas within the AHLV. As noted above the development would be likely to be assimilated by existing vegetation and additional landscaping, and as a result it is considered that the effect on the AHLV would be low. As noted above elements of development in Plots A North, Plot B, C and E would be visible in views across the AHLV but the effect on the AHLV would be low.
220. When consider against the requirements of CDP Policy 39, although some elements of the proposed development have been identified as having potentially adverse effects, these are not considered to be represent significant harm to the character, quality or distinctiveness of the landscape, or to important features or views, and as a result, the proposals are considered to be in accordance with this policy.
221. With regards to CDP Policy 40, the proposals would also lead to the loss of some existing trees, although most of the trees involved are considered to not to be of a high landscape, amenity or biodiversity value, It is however acknowledged that subject to detailed design that some trees within Plot A North could be lost and might represent trees of higher value. In accordance with CDP Policy 40, the loss of any high value trees should be weighed against the benefits of the proposal. CDP Policy 40 also requires that where trees are lost, suitable replacement planting should be provided, and given the large parkland areas within the site which would be subject to a landscape strategy, it is considered that this could be secured by means of planning condition.
222. Having regards to the potential of the proposals to lead to a loss high value trees on Plot A North, the appropriate planning balancing exercise will be undertaken later in this report.

Traffic, Transport and Sustainable Travel

223. CDP Policy 3(k) requires development at Aykley Heads to provide good quality pedestrian and cycle links from Durham Station to the site. CDP Policy 3(m) requires the incorporation of bus, pedestrian and cycle routes, and also requires a Transport Assessment to be carried out, and a Travel Plan to be prepared. CHP Policy 3 (n) requires that any development encourage the use of Park and Ride schemes and other forms of sustainable transport and limit the provision of car parking in accordance with CDP Policy 21.
224. CDP Policy 21(b) requires all developments to deliver sustainable transport by providing appropriate, well designed, permeable and direct routes for walking, cycling and bus access, so that new developments clearly link to existing services and facilities together with existing routes for the convenience of all users. CDP Policy 21(c) requires that any vehicular traffic generated by new development can be safely accommodated on the local and strategic highway network and does not cause an unacceptable increase in congestion or air pollution. CDP Policy 21 also requires the provision of cycle parking and EV charging, and the limitation of car parking at destinations in order to encourage the use of sustainable modes of transport.
225. CDP Policy 26 amongst its advice states that development will be expected to maintain or improve the permeability of the built environment and access to the countryside for pedestrians, cyclists and horse riders. Proposals that would result in the loss of, or deterioration in the quality of, existing Public Rights of Way (PROWs) will not be permitted unless equivalent alternative provision of a suitable standard is made.

226. CDP Policy 29 requires that major development proposals provide convenient access is for all users whilst prioritising the needs of pedestrians, cyclists, public transport users, people with a range of disabilities, and emergency and service vehicles whilst ensuring that connections are made to existing cycle and pedestrian networks.
227. NPPF sets out at Paragraph 103 that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. At paragraph 108 the NPPF states that appropriate opportunities to promote sustainable transport modes should be taken whilst paragraph 110 seeks to facilitate access to high quality public transport, amongst other advice. Paragraph 109 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe.
228. CDNP Policy S1(n) states that the location and layout of new development must maximise public transport, walking and cycling opportunities, and provide infrastructure that meets the needs of all users. CDNP Policy T1 requires development proposals to demonstrate best practice in respect of sustainable transport accessibility and design, avoid adverse transport impacts, and where adverse occur that they be mitigated by improvements to walking, cycling and public transport in order to contribute towards modal shift. In terms of design, CDNP Policy T1 requires best practice be followed in relation to new access roads, including permeability for sustainable modes of transport and measures to minimise car traffic.
229. The Neighbourhood Examiner has recommended a number of changes to CDNP Policy S1, including introducing more flexibility to the requirement that development “must” deliver certain elements. No changes were recommended to the specific text criterion (n) of this policy. With regards to CDNP Policy T1 changes are recommended on the basis that the policy is overly prescriptive, and that references to best practice fail to provide certainty.
230. The transport chapter of the Environmental Statement (ES) has been submitted to consider the potential highway and transport related impacts associated with this proposal and any mitigation required. The Highway Authority is satisfied with the submitted TA and the conclusions reached by the transport consultant which indicate that the proposed development will not result in severe residual cumulative impacts on the operation of the highway network and therefore no mitigation is required. Although raising some concerns with regards to methodology used by the applicant’s consultant, Highways England has also advised that they consider that the development would not have a material adverse impact upon the operation of Strategic Road Network.
231. The submitted Transport Assessment identifies that at present the application site, including parking associated with County Hall, the northern overspill car park and the informal parking spaces on the site of the former Trinity School amounts to 1,281 spaces. Of these, it is identified that 100 spaces would be retained in order to serve existing development, so any baseline calculations of trip generation exclude these spaces.
232. Traffic movement monitoring was undertaken within the site in order to derive trip rates. Additionally, postcode data was used to understand how existing users of the site are distributed across the network at present.
233. The TA identifies that the proposed development would incorporate 1,131 parking spaces across the site once the development is complete, and of these 124 would be provided in relation to Plot C. This would leave 1,007 to be distributed across the rest

of the development. Overall, the proposed development would ultimately deliver 150 fewer parking spaces than currently exist.

234. Trip generation has firstly been calculated based on the general characteristics of the development and the number of parking spaces proposed. This modelling indicates that the proposed development would be likely to generate 96 fewer vehicle movements in the AM peak, and 162 fewer vehicle movements in the PM peak when compared to the existing use of the site. Overall, the TA concludes that the net impacts of the proposed development upon the surrounding network would result in a slight reduction in traffic flows over the current situation, and even when considered in the context of other committed development, the development would be unlikely to result in severe cumulative impacts on the surrounding road network.
235. In terms of highways safety, the TA has studied collision data from the immediate area around the application site and has identified that between March 2015 and March 2020 that there were 57 collisions, of which 46 were classified as slight in severity and 11 serious. No fatal collisions were reported. Most collisions occurred at, or within 20m of a junction. The greatest number of incidents occurred at the A167/Dryburn Park/Southfield Way/A691 roundabout; however the TA advises that this is not unexpected given the higher volume of traffic passing through this junction. It also identifies that the frequency of collisions has not increased in years.
236. With regards to personal injury, the TA identifies that there were 9 collisions involving cyclists over the study period, with 2 resulting in serious casualty, and 7 slight casualty. Similarly, there were 9 collisions involving pedestrians, 4 resulting in serious casualty, and 5 in slight casualty. Having analysed the descriptions associated with these collisions, the TA concludes that the data does not indicate any particular highway safety issue in the area which could be materially affected by the proposed development, which would result in a slight reduction in traffic flows.
237. Both the Highway Authority and Highways England have provided comment. In terms of the wider strategic network, Highways England have indicated that they have some concerns with regards to the methodology used within the TA to calculate traffic levels generated by the development. However, having carried out independent modelling through an alternative methodology, Highways England have since confirmed that the overall conclusion that the proposed development would not have material impact on the operation of the strategic network is not disputed.
238. With regards to Plot C, the Highway Authority advise that they accept that the development of this plot as proposed could be accommodated acceptably within the existing highway network, however some concerns were raised with regards to the level of parking proposed at this plot, which is below that expected in the Council's parking standards. In order to address this point, the applicant has provided clarification that highlights that the development is located within a sustainable location and that the Council's parking standards set out a maximum provision in order to encourage sustainable transport use. The Highway Authority accept this argument if a strong travel plan is secured, that the car park is appropriately managed, and that adequate cycle parking provision is made. To address this, it is indicated that 64 cycle parking spaces would be provided. Some concerns remain that although the level of cycle parking may be appropriate, that further discussion is required with regards to its location. Accordingly, a planning condition to secure further details of appropriately located and specified cycle parking facilities could be secured by means of a planning condition.
239. With regards to the remainder of the development, the Highway Authority accept that the development would not be likely to materially change the operation of the wider network, and as result there would be no significant impacts. However, it is noted that

this is predicated on effective management of parking outside of designated areas, and it is suggested that a planning condition to secure a parking enforcement plan for the development could appropriately address this.

240. Highway safety, traffic generation and parking provision are matters that have been raised in number of representations. Having considered the submitted information, comments of Highways England, the Highway Authority, as well as local residents and community groups – some of whom consider that the development places too much emphasis on car travel - it is considered that the development would be in accordance with CDP Policy 3 (m) and (n) in that it does not seek to over-provide car parking. The proposed parking provision represents a lower ratio than currently provided at County Hall. The development would also comply with CDP Policy 21 as it would not materially adversely impact upon the wider highway network, and appropriate cycle parking and electric vehicle infrastructure could be secured by means of planning condition.
241. With a number of objectors raising concern with regards to the proposed development potentially placing too much emphasis on car travel, it is appropriate to consider the sustainable travel options that would also exist, particularly as the ratio of car parking provision would be lower than presently provided at County Hall. In terms of sustainable travel options, a number of bus stops lie on the B6532 (Dryburn Rd) with three sets of stops between University Hospital of North Durham and County Hall roundabout on the western boundary of the site. The majority of the application site lies within 400m of these stops, although Plots D and E lie closer to 500m from these stops, however the indicative masterplan indicates that convenient and direct pedestrian links from these parts of the site could be provided.
242. These bus stops are particularly well served by services as they are located on a main route into the city centre from the west and north-west, with possible destinations including Darlington, South Shields, Newcastle, Middlesbrough and Bishop Auckland, as well as more local services towards Consett, Langley Park, Sherburn, Arnison Centre and Brasside, as well as both Belmont and Sniperley Park and Ride sites. Typical week-day daytime frequencies are also considered to be very good with PR1 (Park & Ride) and no.64 (Sherburn – Arnison Centre) offering 10-minute frequency, the no.6 (Durham – Cockfield) a 12-minute frequency, and nos.7 (Durham – Darlington) and 21 (Durham – Newcastle) offering 15-minute frequencies. The remainder of services offer 30-minute frequency, other than no.62 (Durham – Brasside) which is an hourly service, and no.52 (Durham – East Hedleyhope) which is a 6 buses per day service. Saturday services are similar, although the nos.6 and 7 do not run at all. Sunday services are further reduced, but nos.21 (Durham – Newcastle) and 50/50A (Durham – South Shields) still offer two buses per hour, and nos.14 (Langley Park – Durham), 15/15A (Consett – Durham) and 16/16A (Durham – Castleside) and X21 (Durham – Newcastle) also offer hourly services.
243. The centre of the application site also lies a little over 800m from Durham Railway Station, a major stop on the East Coast Mainline with regular direct services northbound towards to Newcastle, Edinburgh, Glasgow and Aberdeen, and southbound towards London, Reading, Birmingham, Plymouth, Leeds and Manchester. Around 22 trains per day travel between London and Durham, and journey times currently average around 3 hours 20 minutes, with the fastest possible journey around 2 hours 40 minutes. The average journey to Edinburgh is around 1 hour 50 minutes, and to Newcastle around 22 minutes, although some services manage this trip in 12 minutes. Durham Station can be accessed on foot from the application site by a variety of pedestrian routes, and without the need to cross any major roads.
244. As the majority of the application is currently in outline form only, no detail is currently available with regards to the provision of cycle and pedestrian infrastructure within the

development. However, the applicant has indicated that it is the intention that this would be provided. The site is advantageously placed to take advantage of existing extensive cycle and pedestrian infrastructure around the site, and within the site itself there exists already an extensive network of footpaths. The applicant advises that there would be opportunities to further improve these as part of the overall Aykley Heads Landscape Strategy, which can be secured by means of planning condition. At this stage there is no reason to consider that appropriate linkages to public transport infrastructure could be not be acceptably achieved.

245. No comment has yet been received from the Council's Sustainable Travel Team with regards to the submitted Travel Plan (TP) therefore a condition is recommended to secure an appropriately robust Travel Plan in the event of an approval in accordance with Policy 21 of the CDP.
246. In conclusion, it is considered that the development would be located in a highly sustainable location, with access to a wide range of sustainable transport options, including walking, cycling, bus, train and Park & Ride, and despite the concerns of some objectors, would not overprovide car parking or place unwarranted emphasis on car travel. The development would therefore promote accessibility by a range of methods in accordance with CDP Policies 21, 26 and 29 of the CDP and Paragraphs 98, 103, 108 and 110 of the NPPF.
247. Overall, the highway impacts of the proposed development are considered to be acceptable and in accordance with Policies 6, 21, 26 and 29 of the CDP as well as Part 9 of the NPPF.

Layout and Design

248. CDP Policy 3 (c) requires that the development of the Aykley Heads site to incorporate an interconnected network of good quality, multifunctional green infrastructure, along with clearly defined landscape structure boundaries, CDP Policy 3 (d) requires that new office development is set within a strong landscape framework, whilst CDP Policy 3 (e) requires improvements on land to the east of the site in order to compensate loss of Green Belt, CDP Policy 3 (f) requires the provision of enhanced green routes providing safe and attractive routes to Durham Railway Station, Wharton Park and residential areas to the north CDP Policy 3 (k) requires the entrance to the site from Durham Railway Station to be enhanced, and CDP Policy 3 (l) requires the creation of a high quality new gateway entrance fronting onto the A691/B6532. CDP Policy 3 (m) requires the incorporation of bus, pedestrian and cycle routes.
249. CDP Policy 26 requires development proposals to provide for new green infrastructure. CDP Policy 29(a) requires development to contribute positively to an area's character, identity, heritage significance, townscape and landscape features, and criterion (b) seeks to create building and spaces that are adaptable to changing social, technological, economic and environmental conditions, and CDP Policy(i) requires development to reflect in detailed design any features characteristic of the locality, whilst criterion (m) requires new development to create a well-defined, easily navigable and accessible network of streets and spaces.
250. Paragraph 127 of the NPPF also states that planning decisions should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.
251. CDNP Policy S1(c) states that development proposals should harmonise with their context in terms of scale, layout, density, massing, height, materials, colour and hard

and soft landscaping. Criterion (d) requires development to conserve and enhance the significance of the setting, character, local distinctiveness, important views, tranquillity and the contribution made to the sense of place by designated and non-designated heritage assets. CDNP Policy S1(f) requires development to maximise the redevelopment of brownfield sites and vacant or under-used buildings, CDP Policy S1(i) looks to avoid air, land and water pollution, and criterion (l) requires a good level of public accessibility, (m) requires a design and layout capable of reducing crime and/or the fear of crime, and criterion (n) seeks to ensure that layout of development maximises public transport, walking and cycling opportunities. The Neighbourhood Plan Examiner has advised that this policy does not currently meet the basic conditions partially due to it being too restrictive, and has recommended changes to make the policy more positive in its approach, to remove the requirement for new development enhance local significance, and to bring the drainage element of the policy further into line with national policy. Consequently, it is considered that only reduced weight can be afforded to those elements of the policy where amendments have been recommended.

252. CDNP Policy S2 requires a masterplan to be prepared for all major development sites addressing, (a) that individual development proposals contribute satisfactorily to the total jobs intended to be created on employment sites, (b) demonstration that the proposal adds distinction to the city's landscape and townscape, (c) minimise impacts upon the WHS and other amenities, (d) reduce the impact of travel by improving provision for walking, cycling and public transport and limiting the provision of car parking, (e) provide high levels of permeability for cycle and pedestrian routes, and (f) contributed to wellbeing through the provision and maintenance of green infrastructure. The Neighbourhood Plan Examiner advises that this policy does not meet the basic conditions and has recommends that it be amended to remove the requirement to prepare a masterplan, and is replaced with alternative text acknowledging that the preparation of masterplans will be supported. It is recommended that the policy makes provision for the preparation of masterplans by both applicant and/or the local planning authority. Consequently, it is considered that only reduced weight can be afforded to those elements of the policy where amendments have been recommended.
253. CDNP Policy H3 requires development outside of conservation areas to take into account; (a) sustaining and enhancing the character and distinctiveness of the area, (b) avoid the loss of open space and public realm, (c) use high quality design, (d) have scale, density, massing, form, layout, landscaping and open space which are appropriate to the vernacular, context and setting of the area; and (e) utilise materials and finishes appropriate to the vernacular, context and setting of the area. The Neighbourhood Plan Examiner identifies that this policy does not meet the basic condition and is unduly restrictive, both in requiring what development 'must' demonstrate, and in requiring new development to be appropriate to the vernacular, which would exclude contemporary development that is appropriate to the context and setting. It is also recommended that the requirement for new development 'enhance' the area be amended. Having regards to these required amendments it is considered that only limited weight could be afforded to any potential conflict with this policy.
254. CDNP Policy G1 seeks to protect and enhance green infrastructure, as well as a number of other measures including enhancing of footpaths, enhancing biodiversity and protection of dark corridors. The Neighbourhood Plan Examiner advises that this policy is too restrictive and lacking in clarity, and replacement wording is suggested. Until the policy is appropriately amended is considered that only reduced weight can be afforded to it at the present time.
255. CDNP Policy G3 includes Aykley Heads as part of a proposed Emerald Network, and states that development that would cause significant harm to the biodiversity of a site or footpath within the network will be refused unless the significant harm can be avoided,

mitigated or compensated. The Neighbourhood Plan Examiner has identified that parts of the policy are too restrictive, and that amendments are required to the accompanying map, however the general thrust of the policy would remain unchanged and can be afforded weight.

Assessment of Design and Layout

Plot C

256. Plot C is the only element of the proposal for which full planning permission is currently sought and would comprise a two-storey U-shaped office building, with a single storey lightweight pavilion on the roof. The applicant has indicated that the building has been designed in order to enable flexibility internally, due to the speculative nature of the development. It is also advised that tree planting on the northern boundary of the site would be strengthened as part of the development.
257. Officers consider that the proposed form and layout of the building, around a courtyard space would take advantage of the southern aspect, and the proposed approach to scale, with a set-back upper storey allows the overall mass to be broken down. Additionally, the approach to fenestration and cladding would add verticality, and also active frontages on all elevations. Although the colour palette could be described as bold, the application clearly identifies how it has been informed by the site's context.
258. The impact of the scale of the proposed building has been tested with the HIA and LVIA submitted within the application, and impacts have been found to acceptable. The building would respect the scale of other buildings within the locality, which include Salvus House and the Rivergreen Centre, which of a similar scale and function.
259. Overall, it is considered that Plot C would comply with CDP Policy 3(a), CDP Policy 29 (a), (b) and (i) with regards to design and layout, along with CDNP Policy S1(c) and (m), and CDNP Policy H3(a), (c), (d) and (e).

Indicative Masterplan

260. The majority of the development is in outline form only at this stage and is subject to an indicative masterplan which identifies development plots, the quantum of development that might be expected within each plot along with maximum scale parameters. The masterplan also indicates how the landscape environment within which the development would be located would accommodate the new built form, and how it may be improved. The content of the submitted masterplan is considered to be in broad accordance with the requirements of CDNP Policy S2.
261. The applicant advises that the masterplan has been developed with key regards being hard to the site context, flexibility, topography, views and pedestrian routes. It is also highlighted that the masterplan has been subject to independent design review by Design North East, who assessed the quality of design, the architectural, landscape and urban design aspects, as well as sustainability.
262. It is also advised that the masterplan has been developed based on the concepts of; blue and green corridors set within a framework for key pedestrian routes, landscape and topography, key nodes, gateways, views and focal points, and locating car parking to the rear of buildings where possible.
263. In terms of scale, the application states that the masterplan provides a quantum of development and floorspace necessary to support the creation of 4,000 jobs, whilst minimising visual, landscape and heritage impacts. Generally, larger buildings have

been located towards the centre of the site, with heights stepping down towards the edges where heritage and landscape sensitivity is higher. The masterplan has also sought to form settlements and clusters within the landscaped pockets of the existing parkland.

264. Whilst detailed design is not currently a matter for consideration, the masterplan identifies that buildings should be sympathetic and responsive to the varying degrees of enclosure formed by mature woodland, and that the tone and texture of materials should sit comfortably and discreetly within the palette already provided by the naturalistic setting, and that the use of warm tones and naturally weathering materials should also be considered. It is also recognised that the treatment of rooftops should be well considered, with plant and lift overruns appropriately mitigated.
265. In terms of landscape setting, the detail of this is a reserved matter, however the masterplan advises that the retention of key historical and landscape features is of key importance, and that the landscape schemes for individual plots should provide an appropriate balance of hard and soft landscaping, with opportunities for passive and active recreation.
266. With regards to layout, officers consider that the masterplan builds upon the exist site context and its landscape setting, making use primarily of previously developed areas of the site, and preserving the vast majority of the landscape setting which currently exists, including mature woodlands. The proposed gateway to the site from the west is considered to make best use of existing parkland and the existing pond feature, in accordance with CDP Policy 3(I). The proposed development cells set within the existing landscape framework would enable pavilion buildings which could also serve to screen surface parking. The cells would also allow overlooking of existing open space and allow the exploitation of the existing footpath network.
267. The HIA and LVIA provide a robust assessment of the potential scale of the development proposed and are based upon the maximum scale parameters identified. As highlighted elsewhere in this report, this would result in much of the development being effectively screened by existing woodland, or not having a materially larger impact than the existing County Hall building. Although the quantum of built development within the site would increase, it would also be dispersed within the existing landscape setting. The largest proposed building, the MSCP is located so as to take best advantage of existing site levels and minimise its potential impact.
268. It is recognised however, that given the expected construction period of around 20 years, that a short-medium term adverse visual impact would likely as the built development, and any proposed landscape masterplan is implemented and is allowed to mature. These impacts would reduce over time to an acceptable level, as the development matures and assimilates into its surroundings.
269. In terms of detailed design, this is reserved for later consideration, although the submitted masterplan and design statements set out guiding principles. Officers consider that detail design will be of primary importance in the success of the proposed development, particularly with regards to materials palette, approach to glazing, lighting, and final positioning of buildings. Whilst the current level of detail available means that these matters cannot be fully considered at the present time, the guiding principles proposed are considered to be a positive starting point, and there is no reason to consider that the wider masterplan could not deliver a high level of design and landscape setting which would accord with CDP Policies 3, 21 and 29, as well as CDNP Policies S1, H3, G1 and G2, as well as taking account of the accessibility and biodiversity aspects of these policies. However, in order to ensure that the individual plots deliver a coherent development, a planning condition suggested with regards to

the development of an overall landscape strategy for the application site and wider Aykley Heads insofar as it relates to land controlled by the applicant.

Sustainability

270. CDP Policy 3(h) requires any development to deliver attractive, well designed places incorporating sustainable development principles and construction methods. CDP Policy 29(c) requires new development to minimise greenhouse gas emissions by seeking to achieve zero carbon buildings and providing renewable and low carbon energy generation, (d) requires the minimisation of the use of non-renewable and unsustainable resources during both construction and use. CDP Policy 29 also requires that all new major non-residential developments achieve a BREEAM 'very good' standard as a minimum.
271. With much of the proposed development in outline form it is not possible at this stage to fully assess the scheme in these regards. Whilst a detailed design for Plot C has been produced, the adoption of the BREEAM 'very good' requirement within the CDP followed the completion of design work and the submission of the application means that it is now difficult for this plot, individually, to achieve BREEAM 'very good' certification. The BREEAM certification process starts at the feasibility stage and includes scoring criteria related to procurement, as well design features.
272. However, the applicant has highlighted that the building proposed on Plot C has nevertheless been designed to incorporate a range of sustainability measures, including low-energy LED light fittings, cycle shelters and shower facilities, electric vehicle charging points, managed air movements and solar reflective glazing. It should also be noted that the development of Plot C is intended by the applicant to comprise a catalyst for the remainder of the development and is partially reliant upon a Local Enterprise Partnership grant for delivery. A redesign of Plot C in order to achieve BREEAM 'very good' certification could increase the risk of LEP funding timescales not being met.
273. With detailed design work for this rest of the proposed development yet to commence, the opportunity remains for the masterplan to accommodate the relevant sustainable design criteria required by planning policy, including achieving BREEAM 'very good', and this could be secured through the imposition of a suitable planning condition.
274. In this context and noting that Plot C represents a relatively small element of a much larger development, it is considered that as a whole, that the application would be able to meet the sustainable building requirements of CDP Policies 3, 29 and CDNP Policy S1.
275. Some objectors have raised the possibility of retaining County Hall for re-use, particularly as this would represent a form of development with a lower impact upon climate change. As part of the ES the applicant considered and dismissed as an alternative option the retention of County Hall, and it is stated that the configuration and condition of the building would make it unsuitable for modern office usage without significant renovation and reconfiguration. In planning terms, it is considered that there would not be justification for requiring the retention of the existing building. Although demolition and rebuild would have an impact in terms of carbon emissions, this is considered to be outweighed by the need to deliver high quality, modern office accommodation in order to ensure that the development is viable and delivers the expected economic benefits.

Security

276. Durham Constabulary have provided advice in relation to detailed design issues with regards to Secured by Design, and in addition the Police Counter-Terrorism Unit have also provided design advice.
277. Whilst neither body has raised objections to the proposed development, it is acknowledged that with much of the application in outline form, and with detail design issues reserved for consideration at a later point, it would not be reasonable to expect the applicant to be able to fully address these issues at the present time. Consequently, it is considered that it would be appropriate to attach a planning condition to any approval of this application in order to require that any detailed design of a particular plot has full regards to issues of security. Subject to this, it is considered that the proposed development would be in accordance with CDP Policy 29 and CNDP Policy S1 in this respect.
278. Having regards to the overall design and layout of the development and noting that neither the Council's Landscape Team nor Design and Conservation Officer raise any objections, it is considered the proposed development would be compliant with Policies 3, 26 and 29 of the CDP, Policies S1, S2, H3, G1 and G2 and Parts 12 or 15 of the NPPF.

Residential Amenity

279. Policies 29 and 31 of the CDP outline that developments should provide high standards of amenity and privacy, minimise the impact of development upon the occupants of existing adjacent and nearby properties and not lead to unacceptable levels of pollution. CNDP Policies S1 and H3 require development to demonstrate a high level of design that harmonises with its context. Parts 12 and 15 of the NPPF, which require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution.
280. The application site is separated from any existing residential properties to a significant degree. As such it is not considered that any significant issues in terms of overlooking, overshadowing or overbearing impact would arise and as such that there would be no significant adverse residential amenity impacts.
281. With regards to noise, the application includes a noise assessment which indicates that the proposed development would be unlikely to increase local noise levels during its operational phase, but there is the potential for disturbance during the construction period, therefore, a construction management plan should be secured to deal with construction related impacts. Subject to the imposition of such a condition and one controlling hours of working, construction related impacts could be adequately mitigated. Disruption arising during the construction process is temporary and the conditions would be imposed to mitigate any significant adverse impacts. The Council's Environmental Health and Consumer Protection Team have advised that they raise no concerns with regards to impacts on residential amenity due to noise, subject to the relevant conditions being attached to any permission.
282. The application includes a chapter relating to air quality, as the site is situated outside of, but in close proximity to an Air Quality Management Area. The ES chapter has been considered by the Council's Environmental Health and Consumer Protection Team who advise that the methodology used is acceptable and in accordance with current best practice. It is noted that there is a small error relating to the risk classification of demolition impacts, but this is considered to be unlikely to have material impact upon the overall conclusions or mitigation proposed.

283. Overall, the ES concludes that the impacts of the development in the operational phase are unlikely to require mitigation as the expected traffic movements are likely to be a reduction over the current levels generated by the site's current use. It is however, noted that without mitigation that the demolition and construction phases of the development, which could last for a significant amount of time, could have significant impacts upon air quality. In order to address this, a number of mitigation measures are proposed to these phases of the development. The ES chapter concludes that subject to these mitigation measures, the development would be unlikely to have a significant impact upon air quality. The identified mitigation measures could be secured within a Dust Management Plan through the imposition of a suitably worded planning condition.
284. Having regards to the above, it is considered that there would not be an adverse impact on the environment having regard to Policy 31 of the CDP and paragraph 181 of the NPPF.
285. Overall, the scheme would comply with Policies 29 and 31 and Parts 12 and 15 of the NPPF.

Ecology

286. The presence of protected species is a material consideration, in accordance with Circular 06/2005 (Biodiversity and Geological Conservation - Statutory Obligations and their Impact within the Planning System) and Paragraph 119 of the NPPF. In addition, under the requirements of the Conservation of Habitats and Species Regulations 2017 (referred to as the Habitats and Species Regulations hereafter) it is a criminal offence to (amongst other things) deliberately capture, kill, injure or disturb a protected species, unless such works are carried out with the benefit of a licence from Natural England. Regulation 9(1) of the Conservation of Habitats and Species Regulations requires local planning authorities to have regard to the requirements of the Habitats Directive in exercising their functions. Case law has established that local planning authorities must consider whether the applicant might obtain a protected species licence from Natural England where there is likely to be a disturbance to a European Protected Species.
287. Policies 26, 35, 41 and 43 of the CDP seek to secure net gains for biodiversity and coherent ecological networks. Policy 43 relates to protected species and nationally and locally protected sites. CDNP Policy S1 seeks to protect biodiversity, whilst CDNP Policy G1 states that proposals that enhance nature conservation will be supported. CDNP Policy G3 states that development proposals that would cause significant harm to the biodiversity of sites within the Emerald Network should be refused planning permission, unless the harm can be avoided, mitigated or compensated. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them.
288. An Ecological Appraisal has been submitted in support of the proposal, along with bat, breeding bird and Great Crested Newt surveys which cover the entirety of the wider Aykley Heads estate. The report identifies that the site includes a variety of habitat including grassland of varying quality but including waxcap grassland, woodland, scattered trees, hedgerows, seeded areas, standing water, flowing water, urban habitats and short perennial/ephemeral habitats. It identifies that areas of ancient and mature woodland, neutral grassland and wetlands are of greatest conservation value. The waxcap grassland within the site is considered to be of at least local importance and is Biodiversity Action Plan priority habitat.
289. The submitted Great Crested Newt survey establishes that in 2017, a medium population of GCN was present within ponds that lie approximately 450-530m from the current site boundary, and that at that time the species was absent from any ponds with

250m of the site, or either of the pond within the site. More recently, eDNA testing has been carried out in order to establish whether this population remains. This established that GCN were now absent from some of the ponds where they were previously established, but the presence of eggs in at least one of the ponds suggested that a medium population of GCN remain beyond the eastern boundary of the application site, but that GCN remain absent from ponds within the application site itself. It is however noted that woodland habitat within the site could be used as a terrestrial habitat.

290. Overall, the submitted survey concludes that the distance of the nearest pond with evidence of GCN is such that the risk of harm to individual newts during construction is very low, that ponds within the application site should be retained if possible, and woodland habitat also retained. As there is unlikely to be interference with GCN, it is considered unlikely that a Natural England licence in relation to GCN, would be required in this instance.
291. The submitted breeding bird survey identifies that the site was found to support 124 territories of 29 species in 2020, with 8 species listed as birds of conservation concern (Bullfinch, Dunnock, Kestrel, Mallard, Oystercatcher, Stock Dove, Song Thrush and Tawny Owl). Of these, 3 species are listed as 'priority species' (Bullfinch, Dunnock and Song Thrush). In addition, 11 additional species were recorded within the site but not confirmed to be breeding. Of these, six are birds of conservation concern (Herring Gull, Lesser Black-backed Gull, Mistle Thrush, Starling, Swallow and Swift). Of these, two are also priority species (Herring Gull and Starling). It is also identified that the heavy use of the wood by recreational dog walkers is likely to limit ground nesting opportunities, and that the majority of species recorded are relatively common and widespread within County Durham, however the presence of Kestrel and Oystercatcher means that the site should be considered to be of district ornithological value.
292. In terms of potential impacts, these are identified as being the potential loss of species that fall within the development footprint, likely to include both Kestrel and Oystercatcher, potential loss of breeding species within boundary features as a result of habitat degradation or increased disturbance, loss of small areas of open foraging, and increased disturbance due to footfall and lighting.
293. In order to mitigate these impacts, it is proposed to utilise low-level lighting and carefully considered security lighting where it may affect boundary features, retention of woodland and hedgerow wherever possible, and the avoidance of works within the nesting season. Additionally, it is suggested that a range of bird nesting opportunities be created throughout the site including the provision of two Kestrel boxes, ensuring that landscape planting includes berry and fruit bearing species, and the provision of nesting and foraging opportunities in SUDs areas.
294. With regards to bats, the submitted survey identifies that the County Hall buildings are of moderate suitability to roosting bats and support a small number of day roosts used by small numbers of Common and Soprano Pipistrelle. No trees identified for removal within the application support bats.
295. Monitoring has recorded predominantly Common Pipistrelle activity within the site, with lower levels of Soprano Pipistrelle and Noctule activity, and very occasionally Brown Long-Eared and *Myotis sp.* activity. Areas of woodland and the two ponds within the site provide foraging opportunities, with areas of woodland and scattered mature trees also providing commuting links between potential roosting locations in the west, to good quality foraging areas in the east. Overall, the report identifies that the site is of parish value due to the quality of foraging habitat and the assemblage of species recorded.

296. In terms of impacts, these are identified as being the loss of four-day roosts due to the demolition of County Hall, potential disturbance and harm to roosting bats should they be present at the time of the works, and potential disturbance to foraging habitats and commuting links through the site due to increased light levels.
297. In order to avoid, mitigate and compensate for these impacts, the survey identifies the following measures; avoidance of external lighting or use of low lighting through an appropriate lighting strategy, that no demolition of County Hall take place without a Natural England mitigation licence being in place, appropriate working methods for tree felling, the incorporation of 20 opportunities for roosting bats within the development either through opportunities within new buildings or through the provision of bat boxes within retained woodland, and the provision of new areas of landscaping with increased foraging opportunities.
298. In addition, a Biodiversity Net Gain (BNG) calculation has been carried out in relation to Plot C. This assessment identifies that following the development of this plot, that there would be a net loss of -5.34 biodiversity units, mainly through the loss of grassland and mixed woodland habitat types. The calculation proposes that BNG can be achieved through habitat improvements and design across the wider area of the Aykley Heads site.
299. With regards to the content of the submitted information, the County Ecologist has commented that the submitted information is acceptable and can be used to adequately assess the impacts of the proposed development, and subject to conditions to secure this mitigation strategy and a sensitive lighting scheme the Council's Ecologist raises no objection. However, it is noted that further assessment of waxcap grassland which is located with Plots A North and South be carried out prior to those plots being developed in order to be properly compensated for through a biodiversity net gain assessment, if they are to be lost. The importance of ensuring appropriate construction methods for footpaths associated with Plot C and within existing woodland are utilised is highlighted, along with the need for an appropriate approach to lighting. It is considered that this could be secured through the use of a planning condition, as could the securing of all recommended ecological mitigation measures identified within the various reports and surveys.
300. The Council's Ecologist has also considered the biodiversity metric which was undertaken during the course of the application and has raised some concern that whilst there is confidence that BNG delivery can be achieved across the wider site, that suitable areas for such areas may also be required for competing uses in terms of the wider landscape strategy.
301. With regards to the concerns of the County Ecologist, it is noted that applicant controls a significant amount of land at Aykley Heads, both within and beyond the application site boundary. With much of the application only in outline form, it is not possible, at this stage to wholly assess the biodiversity impact of each plot (beyond Plot C), and it would be reasonable to require this to be carried out as part of the development of a reserved matters submission. This would also allow the precise location of any proposed building to be properly considered in terms of minimising potential impacts. Whilst the quantum of impact cannot be properly assessed at this time for the development as a whole, it is noted that much of the development would take place on previously developed land, and the key valued habitats within the existing woodland and grassland would be retained as part of the development.
302. In this context it is considered likely that appropriate net gain could be delivered either on site, or across the wider Aykley Heads estate. However, having regards to the concerns of the County Ecologist with regards to delivery, planning conditions are

proposed to ensure that BNG is appropriately considered as part of any Reserved Matters submission and that adequate provision is made for BNG within the wider landscape strategy. This would include required level of BNG required in association with Plot C. Overall it is considered that this would allow the development to comply with CDP Policy 41 in this respect.

303. Overall and subject to the imposition of conditions to secure the mitigation strategy, a low-level lighting scheme, a detailed habitat creation and management document the proposal would comply with Policies 26, 35, 41 and 43 of the CDP, Policies S1 and G3 of the CDNP, and Part 15 of the NPPF. The Council's Ecologist offers no objection to the scheme.
304. As the development would require a licence from Natural England in relation to bats, the appropriate consideration as to whether it is considered likely that one would be granted follows later in this report.

Flooding and Drainage

305. Policies 35 and 36 of the emerging CDP relate to flood water management and infrastructure. Policy 35 requires development proposals to consider the effects of the scheme on flood risk and ensure that it incorporates a Sustainable Drainage System (SuDs) to manage surface water drainage. Development should not have an adverse impact on water quality. Policy 36 seeks to ensure that suitable arrangements are made for the disposal of foul water. CDNP Policy S1 (j) and (k) seeks to apply the flood risk sequential test and secure SUDs schemes within developments.
306. National advice within the NPPF and PPG with regard to flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to flood zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where a sequential test and some instances exception test are passed, informed by a site-specific flood risk assessment.
307. The application is accompanied by a Flood Risk Assessment (FRA) and Surface Water Drainage Strategy which highlights that the application site is within Flood Zone 1 with a low flood risk probability. The drainage strategy includes the incorporation of Sustainable Urban Drainage (SUDs) including permeable paving, rainwater harvesting, swales and SUDs basins to treat and attenuate surface water runoff. Drainage and Coastal Protection Officers advise that this approach would be acceptable and a conditional approach can be applied to secure the development takes place in accordance with the agreed scheme.
308. In relation to foul water, it is proposed to connect to the existing sewerage network, to which Northumbrian Water raise no objections subject to the imposition of a condition and an informative about the presence of their assets on site.
309. On this basis no objections to the development on the grounds of flood risk or drainage are raised having regard to Policies 35 and 36 of the CDP, CDNP Policy S1 and Part 14 of the NPPF.

Contamination and Land Stability

310. Policy 32 of the CDP requires sites to be suitable for use taking into account contamination and unstable land issues. Paragraph 178 of the NPPF requires sites to be suitable for their proposed use taking account of ground conditions and any risks arising from land instability and contamination.
311. Given the sensitive end use of the site a Phase 1 Preliminary Risk Assessment was submitted in support of the application. Environmental Health Officers agree with the conclusions within the report and that a Phase 2 site investigation is required. A condition to secure this and an informative relating to unforeseen contamination would ensure that the site is suitable for its intended use taking account of any risks arising from contamination. The proposal would therefore accord with Policy 32 of the CDP and Paragraph 178 of the NPPF.
312. The site does not lie within the defined high-risk area in relation to coal mining legacy. An informative outlining the Coal Authority's standing advice would be applied in the event of an approval. The proposal therefore complies with Policy 32 of the CDP and Paragraph 178 of the NPPF in demonstrating that the site is safe and stable for future development.

Loss of Sports Facilities

313. The proposed development would lead to the loss of existing but currently unused sports facilities at Aykley Heads. These are identified as being the former bowling green, hockey pitch and tennis courts located in the vicinity of Plots D and E. The applicant has provided information that indicates that the hockey pitch has been in use as overflow parking for around 15 years, with the tennis courts being disused for similar period of time. The bowling green was in use more recently by Durham Croquet Club, but the club relocated to Chester-le-Street in 2015, and the pitch has remained unused since.
314. CDP Policy 3(g) states that the development of Aykley Heads will require a financial contribution to facilitate playing field re-provision in the catchment area. CDP Policy 26 states that development proposals that would result in the loss of open space or cause harm to green infrastructure assets will not be permitted unless the open space or land is surplus to requirements. Where valued open spaces or assets are affected, proposals must incorporate suitable mitigation and make appropriate provision of at least an equivalent value at a suitable location. These policies reflect NPPF Paragraph 97 which states that existing open space, sports and recreational building and land, including playing fields should not be built on except in specific identified circumstances.
315. Sport England are a statutory consultee with regards to this application as it involves land owned by Durham County Council. They have objected to the application as it would lead to the loss of playing fields, with no provision being made for re-provision.
316. As a result, the applicant has carried out further work which considers the facilities to be lost, the relevant demand for the sports concerned within the local catchment area and proposes mitigation.

Hockey

317. It is identified by the applicant that the hockey pitch has been disused for between 15 – 20 years, and its Redgra surface would fail to meet current standards for competitive hockey, would be potentially unsafe, and the current condition of the facility is poor as a result of intervening use as a car park.
318. It is also identified that alternative current provision is available on 5 existing pitches elsewhere in the city that are available for community use. However, these existing

pitches lack the capacity for accommodating additional demand due to high levels of usage, and in some cases due to a lack of floodlighting reducing evening usage. It is also identified that at least one existing pitch requires refurbishment. Overall, it is evident that there is unmet demand for hockey provision within Durham City.

319. In order to address this issue, the applicant has proposed a financial contribution of £160,000 towards the improvement of existing facilities within the city, which would increase the capacity available through longer hours of operation and ensuring the longevity of such facilities through refurbishment. It is also identified that upgraded facilities would be of better quality and in more suitable location to meet existing demand, with appropriate management arrangements already in place.

Tennis

320. Historically, 4 tennis courts were marked out onto concrete hardstanding at Aykley Heads. Whilst the area and enclosing fence are still in place, they have been disused for over 15 years. The submitted information identifies that the courts are not macadam, and are not floodlit, and that the area is in a poor state of repair, with weeds creating an uneven and unsafe surface. The facility also has not support facilities and is in an unlit and obscure location.
321. In terms of supply and demand, the Council's Sport and Leisure Team have advised the applicant that there is no available data with regards to this in relation to tennis.
322. The applicant has proposed that due to the unsuitable nature of the facility at Aykley Heads, that a financial contribution of £140,000 be provided to be used towards tennis court provision within the county.

Bowls

323. The bowling green was in use until around 2015, when Durham Croquet Club accepted a grant of £11,914 from the Regeneration and Development budget to assist their move to alternative Council-owned facilities at Chester-le-Street Bowls Club. The submitted information identifies that the facility was in an acceptable condition for use at the time it was last used, but has since declined in quality.
324. The applicant has identified that demand for bowls appears to be generally in decline across County Durham, with four clubs using Council-owned facilities folding between 2014 and 2019. Other clubs have merged or reduced their requirements in terms of number of pitches. Countywide, it is identified that there is now a surplus of bowling greens in comparison to overall demand.
325. The applicant considers that due to there being no identified unmet demand for bowls facilities, and that the previous users of the this facility have previously been relocated to a more suitable facility, and financially supported to do so, that there no further financial contribution is required in this instance.

Conclusion of loss of sports pitches

326. Sport England have been reconsulted with regards to the submitted information but have not yet provided any further comment. Accordingly, their original objection still stands.
327. With regards to CDP Policy 3, officers have considered the submitted information and consider that the conclusions that it draws are reasonable and proportionate having regards to the quality of the existing facilities. It is also noted that the proposed

masterplan would have the capacity to improve more informal access to outdoor recreation and sport through improvement and formalisation of existing routes throughout Aykley Heads, and the provision of new capacity.

328. However, as the council are both the applicant and the local planning authority, a S106 legal agreement cannot be used as the mechanism through which to secure the financial contribution required by Policy 3. The information submitted by the applicant indicates that the financial contributions could be made on a phased basis dependent on development commencing on the relevant part of the site. However, as a S106 agreement cannot be used in this instance, it is considered that in the event of approval the entirety of the financial contribution would have to be paid prior to the issue of the planning permission. The financial contributions would then be ring fenced and utilised for the re-provision of sports pitches.
329. It is therefore considered that the proposed development would be in accordance with CDP Policies 3 and 26 in this respect, as well as Paragraph 97 of NPPF in that the lost facilities would be ultimately replaced by equivalent or better provision. However, having regards to the outstanding objection by Sport England, who are a Statutory Consultee in this instance, the application would require referral to the Secretary of State prior to any approval.

Safeguarding Minerals

330. CDP Policy 56 seeks to prevent planning permission from being granted for non-mineral development that would lead to the sterilisation of mineral resources. It sets out where development may be applicable within these areas. This includes where there is an overriding need for the non-minerals development which outweighs the need to safeguard the mineral.
331. The application site is underlain by deposits of glacial sand and gravel and falls within the surface coal resource area in County Durham. The deposits of glacial sand and gravel underlying the application site form part of an extensive deposit of glacial sand and gravel extending from Houghall in the south to Chester Moor to the north, with further such deposits, although less extensive found elsewhere in central Durham.
332. Although the application is not accompanied by a mineral assessment, advice from the Council's Spatial Policy Team indicates that available documentary evidence does not indicate any evidence of glacial sand and gravel extraction in the immediate vicinity of the application site, but some small deposits had been worked in the distant past at Plawsworth to the north, Old Durham, Shincliffe and at Framwellgate. Available documentary evidence also indicates that the glacial sand and gravel deposits in County Durham tend to be more poorly graded, with a higher fines content and are generally more variable than the river sand and gravel. No surface mined coal extraction has occurred in unconstrained areas in the vicinity of the application site and no evidence has been found of near surface seams of coal which could be extracted through the redevelopment of the site.
333. While some sterilisation could potentially occur as a result of the proposed development, it is considered that this would be very limited given due to the limited extent of the application site and previous ground works associated with the existing built development over parts of the application site. The proposed development would also not have any impact upon prospects for future working of any unconstrained deposits elsewhere in this part of Durham.
334. On the basis of the information available, given the proximity of the application site to the built-up area and the associated sensitive receptors surrounding the site, together

with the timescale for the delivery of the proposed development, prior extraction of any mineral would not be considered feasible or desirable.

335. The scheme is being promoted as a strategic employment site in the County Durham Plan and is of key importance to the delivery of the Council's aspirations for Durham City and County Durham. In terms of Policy 56, it is considered that there is an overriding need for the proposed development, and as a result, the development would be in accordance with CDP Policy 56.

Other Considerations

336. The proposal has generated some public interest, with letters of objection having been received from local residents. The objections, queries and concerns raised have been taken account and addressed within the report, where appropriate. Issues which have not previously been addressed are considered below.

337. There is no requirement for the applicant to demonstrate any level of need for the development proposed, which is in accordance with an allocation within the CDP. Whether the development of significant levels of office floorspace in the current economic and working practice arrangements due to Covid-19 represents an appropriate business decision is for the applicant to consider and is not material to the acceptability of the proposal in planning terms.

338. Equally, the sustainability credentials of the proposed development have been raised by several objectors, highlighting that the County Council has declared a climate emergency. In determining this planning application, regards should be given to relevant planning policies and material considerations. The recently adopted CDP has been developed in the context of the climate emergency, and the policies therein take account of issues of sustainability and climate change, and the proposal has been assessed against those policies, and is considered to be acceptable. The issue of whether the applicant, having declared a climate emergency, should choose to deliver a significant development is a separate issue, and is not material to the acceptability of the proposal in planning terms.

339. The objections raised during this application have been fully taken into account however ultimately the concerns raised are not felt to be of sufficient weight to justify refusal of this application in light of the benefits of the scheme and the ability to impose conditions.

CONCLUSION

340. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. In light of the recent adoption of the CDP, the Council now has an up to date development plan. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up-to-date development plan without delay (paragraph 11 c).

341. The development would cause less than substantial harm to the outstanding universal values of Durham Cathedral and Castle World Heritage Site, the significance of Durham City Conservation Area, and a number designated and non-designated heritage assets. As a result, both Policies 44 and 45 of the CDP and Paragraph 196 of the NPPF advise that this harm should be weighed against the public benefits of the proposal. These public benefits are considered to comprise of;

- The delivery of high-quality office space within a regionally significant business park, securing the beneficial re-use of a previously developed site which would otherwise become vacant upon the relocation of Durham County Council to its new headquarters;
 - The creation of up to 4,318FTE jobs once all plots are operational, generating circa. £144.5m per annum in employee salaries, some of which would be spent in the local economy;
 - The creation of approx. 57FTE direct temporary construction jobs across the expected 20-year construction phase, generating a total of circa £36m in wage value;
 - The creation of approx. 87FTE indirect temporary jobs across the expected 20-year construction phase.
 - The generation of circa £36m in wage value as a result of the 57FTE direct temporary jobs during the construction phase;
342. 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 designated heritage assets having regards to CDP Policies 44 and 45, and Paragraph 196 of the NPPF.
343. Similarly, it is considered that the identified public benefits that would arise from the development would outweigh the loss of a small number of existing trees within the site, having regards to the requirements of CDP Policy 40.
344. Under the requirements of the Conservation of Habitats & Species Regulations 2017 (as amended) it is a criminal offence to kill, injure or disturb the nesting or breeding places of protected species unless it is carried out with the benefit of a license from Natural England which is normally obtained after planning permission has been granted. When deciding whether to grant a licence to a person carrying out activity which would harm a European Protected Species (EPS) the regulation contain three “derogation tests” which must be applied by Natural England. The three tests are that: the activity to which the licence is required must be for imperative reasons of overriding public interest or for public health and safety; there must be no satisfactory alternative and favourable conservation status of the species must be obtained.
345. Notwithstanding the licensing regime, the Local Planning Authority (LPA) must discharge its duty under Regulation 9(3) and also be satisfied that these three tests are met and that Natural England is likely to grant a protected species license when deciding whether to grant planning permission for a development which could harm an EPS. A Local Planning Authority failing to do so would be in breach of the Regulations which requires all public bodies to have regard to the requirements of the Habitats Directive in the exercise of their function.
346. In applying the three tests, the development is considered necessary in the public interest in terms of delivering a significant strategic employment site allocated within County Durham Plan. In terms of satisfactory alternatives and the “do nothing” approach, no alternative sites that could acceptably accommodate the development have been identified, and the retention of the existing County Hall building which contains bat roosts has been considered and dismissed as the building is unsuitable for modern office use. In respects to the third test, the conservation status of the species would not be negatively impacted upon as the principal habitat would remain and would support the population. Overall, it is considered likely that Natural England would grant an EPS licence in respect of bats.

347. The proposal has generated public interest. The objections and concerns raised have been taken into account and addressed within the report. On balance the concerns raised were not felt to be of sufficient weight to justify refusal of this application in light of the benefits of the scheme and the ability to impose conditions.

348. On balance, it is considered that proposals are acceptable, in accordance with relevant national and local planning policies, and the application is recommended for approval.

RECOMMENDATION

That the Committee is **MINDED TO APPROVED** 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 completion of an internal transfer of funds within the Council to secure the following:

- £160,000 towards the re-provision of the existing hockey facilities and £140,000 towards the re-provision of the existing tennis facilities.

And subject to the following conditions:

Conditions relating to application site as a whole

1. The development shall only be carried out in accordance with the following submitted plans and supporting documents:

AKH-RYDER-00-ZZ-DR-A-0002-S2-P2 - Site Location Plan
AKH-RYDER-00-ZZ-DR-A-003-S2-P2 - Existing Site Plan
AKH-RYDER-00-ZZ-DR-A-2446-S2-P6 – Indicative Masterplan
AKH-RYDER-00-ZZ-DR-A-2345-S2-P7 – Indicative Masterplan Phasing Plans
AKH-RYDER-00-ZZ-DR-A-9815-S2-P2 - Height Parameters
AKH-RYDER-00-ZZ-DR-A-9817-S2-P1 - Parameters Plot A North
AKH-RYDER-00-ZZ-DR-A-9818-S2-P1 - Parameters Plot A South
AKH-RYDER-00-ZZ-DR-A-9819-S2-P1 - Parameters Plot B
AKH-RYDER-00-ZZ-DR-A-9820-S2-P1 - Parameters Plot C
AKH-RYDER-00-ZZ-DR-A-9821-S2-P1 - Parameters Plot D
AKH-RYDER-00-ZZ-DR-A-9822-S2-P1 - Parameters Plot E
2047-DCC-ZZ-DR-A-0001 Plot C Aerial
2047-DCC-ZZ-DR-A-0002 Plot C Existing Location Plan
2047-DCC-ZZ-DR-A-0003 Plot C Existing Site Plan
2047-DCC-ZZ-DR-A-0004 Plot C Existing Site Sections
2047-DCC-ZZ-DR-A-1001 Plot C Proposed Site Plan
2047-DCC-ZZ-DR-A-1002 Plot C Proposed Site Plan
2047-DCC-ZZ-DR-A-1003 Plot C Proposed Site Sections
2047-DCC-ZZ-DR-A-2001 Plot C Proposed General Arrangement Plans
2047-DCC-ZZ-DR-A-2003 Plot C Proposed 3D Iso
2047-DCC-ZZ-DR-A-3001 Plot C Proposed South and West Elevations
2047-DCC-ZZ-DR-A-3002 Plot C Proposed North and East Elevations
2047-DCC-ZZ-DR-A-4001 Plot C Proposed Sections A-A B-B
2047-DCC-ZZ-DR-A-4001 Plot C Proposed Sections C-C D-D
2047-DCC-ZZ-DR-A-6001 Plot C Proposed Strip Sections
2047-DCC-ZZ-DR-A-9002 Plot C Proposed CGI
2047-DCC-ZZ-DR-A-9004 Plot C Proposed Materials Study
2047-DCC-ZZ-DR-A-9001 Plot C Proposed Architectural Specification
1114_200 Rev C Plot C Landscaping Strategy

2603C 514 Rev B Proposed Drainage Plan (Plot C)
1114_110 Indicative Proposed Contours
Planning Statement by DPP dated June 2020 ref: NC/LF/3161NE/R001
Planning Statement Addendum letter dated 14 November 2020
Sequential Assessment by DPP dated April 2020 ref: NC/LF/3161NE/R008
Sequential Assessment Addendum letter dated 4 November 2020
Design and Access Statement by Ryder Architecture ref: AKH-RYD-XX-XX-RP-A-0001-S2_P6
Noise Assessment by NJD dated March 2020 ref: NJD18-0040-001R
Exterior Lighting Assessment by Desco dated 30 March 2020 ref: 1761-60-RPT-01
Masterplan Drainage Strategy by Shadbolt dated October 2020 ref: 2603
Plot C Stage 3 Report by Shadbolt dated October 2020 ref: 2603
Flood Risk Assessment by Shadbolt dated April 2020 ref: 2603
Biodiversity Net Gain Assessment Plot C by OS Ecology dated November 2020
Bat Survey by OS Ecology dated August 2020
Breeding Bird Survey by OS Ecology dated August 2020
Great Crested Newt eDNA Survey by OS Ecology dated June 2020
Preliminary Ecological Appraisal by OS Ecology dated August 2020
Preliminary Site Investigation Report by Dunelm dated January 2016
Geoenvironmental Interpretive (Plot C) Report by Fairhurst Issue 2 dated 03/07/2019
Arboricultural Impact Assessment (Masterplan) by Dendra dated 08/07/2020 ref: DCC_AHMasterplan_AIA1.2
Arboricultural Impact Assessment (Plot C) by Dendra dated 06/05/2020 ref: DCC_AHPlotC_AIA1.3
Environmental Statement Volume 1 Text and Figures
Environmental Statement Volume 2 Appendices
Environmental Statement Volume 3 Non-Technical Summary
Environment Statement Appendix 3.1 Schedule of Development

2. The retail element of the development hereby approved shall not exceed 400sq.m in total.

Reason: In the interests of maintaining the vitality of Framwellgate Moor Local Centre, in accordance with Policy 9 of the County Durham Plan.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order), no change of use of any building hereby approved to any other use within the Use Classes Order shall take place without the grant of further specific planning permission from the Local Planning Authority.

Reason: In the interests of the amenity of the surrounding area in accordance of Policies 29 and 31 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

4. In undertaking the development that is hereby approved:

No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0730 to 1800 on Monday to Friday and 0730 to 1400 on Saturday.

No internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 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: To protect the residential amenity of existing and future residents from the development in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

5. Prior to the first use of any building hereby approved, a Travel Plan (conforming to the National Specification for Workplace Travel Plans, PAS 500:2008, Bronze level) comprising immediate, continuing or long-term measure to promote and encourage alternatives to single occupancy car use relating to that building shall be 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 and timescales for implementation. The Approved Travel Plan shall thereafter be implemented, monitored and reviewed in accordance with the approved details.

Reason: To reduce reliance on the private motor car and to promote sustainable transport methods in accordance with Policy 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.

6. Each phase of the development shall not commence until a land contamination scheme for that phase has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be compliant with the YALPAG guidance and include a Phase 2 site investigation, which shall include a sampling and analysis plan. If the Phase 2 identifies any unacceptable risks, a Phase 3 remediation strategy shall be produced and where necessary include gas protection measures and method of verification.

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

7. Remediation works shall be carried out in accordance with the approved remediation strategy. The development shall not be brought into use until such time a Phase 4 Verification report related to that part of the development has been submitted to and approved in writing by the Local Planning Authority.

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

8. No development shall commence within any development plot until a written scheme of investigation setting out a programme of archaeological work within that plot in accordance with 'Standards for All Archaeological Work in County Durham and Darlington' has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work will then be carried out in accordance with the approved scheme of works.

Reason: To safeguard any Archaeological Interest in the site, and to comply with part 16 of the National Planning Policy Framework. Required to be a pre-commencement

condition as the archaeological investigation/mitigation must be devised prior to the development being implemented.

9. No development within any individual plot shall be occupied until the post investigation assessment relating to that plot has been completed in accordance with the approved Written Scheme of Investigation for that plot. The provision made for analysis, publication and dissemination of results, and archive deposition, should be confirmed in writing to, and approved by, the Local Planning Authority.

Reason: To comply with Paragraph 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.

10. The development shall be carried out in accordance with the mitigation outlined within the mitigation identified in the following reports:

ECOLOGICAL APPRAISAL - Aykley Heads Strategic Employment Site October 2017 (E3 Ecology)

BAT SURVEY – Aykley Heads Strategic Employment Site August 2020 (OS Ecology)

BREEDING BIRD SURVEY – Aykley Heads Strategic Employment Site August 2020 (OS Ecology)

GREAT CRESTED NEWT SURVEY – Aykley Heads Strategic Employment Site August 2020 (OS Ecology)

Reason: To ensure retained habitat is protected and to conserve protected species in accordance with Policy 30 of the County Durham Plan and Paragraph 119 of the NPPF. Required to pre-commencement in order to ensure construction activities do not adversely impact protected species.

11. No part of the development other than Plot C shall be occupied until a landscape strategy for the application site as a whole, including land adjacent to the site and in the applicant's control has been submitted to and agreed in writing by the local planning authority. As a minimum, the strategy will include the following:

- A timetable for implementation of the landscape strategy;
- A network of good quality, multifunctional green infrastructure including clearly defined landscape structure boundaries;
- In the case of Plot A South, the scheme shall provide details of a clear delineation of the Green Belt boundary through appropriate landscape features;
- Improvements to the east of the application to compensate for loss of Green Belt;
- Enhanced green routes providing safe and attractive access to Durham Station;
- Enhancement of the entrance to the site from Durham Station;
- Creation of a high-quality entrance from the A691/B6532;
- The incorporation of a network of pedestrian and cycle routes throughout the site that include;
- Details of how the strategy will contribute towards the creation of the Emerald Network;
- Details of replacement trees for those that are required to be removed;

Reason: To ensure that the development delivers a high-quality landscape setting in accordance with CDP Policies E3, 26 and 29 and CDNP Policies S1, H3 and G3.

Conditions relating to Plot C (as identified on drawing 2047-DCC-ZZ-ZZ-DR-A-1001 Rev P01) only

12. 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.

13. No development on Plot C (as identified on drawing 2047-DCC-ZZ-ZZ-DR-A-1001 Rev P01) shall commence 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) A Dust Action Plan including measures to control the emission of dust and dirt during construction.
- b) Details of methods and means of noise reduction/suppression.
- c) Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
- d) Details of measures to prevent mud and other such material migrating onto the highway from all vehicles entering and leaving the site.
- e) Designation, layout and design of construction access and egress points.
- f) Details for the provision of directional signage (on and off site).
- g) Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure.
- h) Details of provision for all site operatives for the loading and unloading of plant, machinery and materials.
- i) Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period.
- j) Routing agreements for construction traffic.
- k) Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
- l) Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
- m) Management measures for the control of pest species as a result of demolition and/or construction works.
- n) Detail of measures for liaison with the local community and procedures to deal with any complaints received.

The management strategy 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: To protect the residential amenity of existing and future residents from the development in accordance with Policy xx of the xx Local Plan and Part 15 of the National Planning Policy Framework. Required to be pre commencement to ensure that the whole construction phase is undertaken in an acceptable way.

14. No construction work shall take place, no tree works, nor any site cabins, materials or machinery be brought onto Plot C (as identified on drawing 2047-DCC-ZZ-ZZ-DR-A-1001 Rev P01) as until a tree protection scheme for the construction phases of the development have been submitted to and approved in writing by the Local Planning Authority and implemented in full. This shall include trees and hedges to be retained, protection by the erection of fencing, placed as indicated on the plan and comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar approved in accordance with BS.5837:2010. Once these measures are in place no operations whatsoever, no alterations of ground levels, and no storage of any materials are to take place inside the fences, and no work is to be done such as to affect any tree until each phase is completed.

Reason: In the interests of the visual amenity of the area and to comply with Policy 40 of the County Durham Plan and Policy G1 of the City of Durham Neighbourhood Plan. Required to be pre-commencement in order to ensure that necessary protections are in place.

15. Notwithstanding the submitted information, prior to the first occupation of the development hereby approved, a detailed landscaping scheme in relation to Plot C (as identified on drawing 2047-DCC-ZZ-ZZ-DR-A-1001 Rev P01) shall be 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, including method of protection.
- Details soft landscaping including planting species, sizes, layout, densities, numbers.
- Details of planting procedures and/or specification.
- Finished topsoil levels and depths.
- Details of temporary topsoil and subsoil storage provision.
- The timeframe for implementation of the landscaping scheme.
- The establishment maintenance regime, including the replacement of vegetation which die, fail to flourish within a period of 5 years from planting.
- Details of the final route, materials and construction for the proposed footpath network within landscaped areas of the site and the methods of construction to be used.
- Full details of the management, maintenance and accessibility of all areas of open space in perpetuity.

The approved landscaping scheme shall thereafter be undertaken in accordance with the approved details and timeframes.

Reason: In the interests of the visual amenity of the area and to comply with Policies 3, 26, 29 and 40 of the County Durham Plan, Policies S1 and G1 of the City of Durham Neighbourhood Plan, and Parts 12 and 15 of the National Planning Policy Framework

16. Prior to the first use of the development, a Travel Plan (conforming to the National Specification for Workplace Travel Plans, PAS 500:2008, Bronze level) comprising immediate, continuing or long-term measure to promote and encourage alternatives to single occupancy car use shall be 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 and timescales for implementation. The Approved Travel Plan shall thereafter be implemented, monitored and reviewed in accordance with the approved details.

Reason: To reduce reliance on the private motor car and to promote sustainable transport methods in accordance with Part 9 of the National Planning Policy Framework and Policies E5, C1 and T1 of the City of Durham Neighbourhood Plan

17. The development hereby approved shall not be brought into use until a Car Parking Management and Enforcement has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall only be operated in accordance with the approved details.

Reasons: In interests of minimising car travel and highway safety in accordance with Policies 3 and 29 of the County Durham Plan

18. The development hereby approved shall not be brought into use until full details of the proposed cycle parking facilities and their location have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall only be implemented in accordance with the approved details.

Reason: In the interests of promoting sustainable travel in accordance with Policies 3, 21 and 29 of the County Durham Plan, Policies S1, E5, and T1 of the City of Durham Neighbourhood Plan, and Part 9 of the National Planning Policy Framework.

19. The development hereby approved shall not be brought into use until full details of the provision of Electric Vehicle charging points have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall only be implemented in accordance with the approved details.

Reason: In the interests of promoting sustainable travel in accordance with Policies 3, 21 and 29 of the County Durham Plan, Policies S1, E5, and T1 of the City of Durham Neighbourhood Plan, and Part 9 of the National Planning Policy Framework.

20. No external or architectural lighting shall be installed unless details of the height, type, position and angle of any lighting has first been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be implemented and maintained in accordance with the approved details.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 31 and 43 of the County Durham Plan.

21. Prior to the occupation of any building on Plot C (as identified on drawing 2047-DCC-ZZ-ZZ-DR-A-1001 Rev P01) a Biodiversity Offset Masterplan to deliver Biodiversity Net Gain on land within the control of the applicant, and containing details of the timing of delivery of the required Biodiversity Net Gain shall be submitted to and agreed in

writing by the Local Planning Authority. Thereafter the Biodiversity Net Gain shall be delivered in accordance with the approved details.

Reason: In order to ensure that biodiversity net gain is delivered in accordance with Policy 43 of the County Durham Plan.

Conditions relating only to the remainder of the site (excluding Plot C)

22. Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years beginning with the date of this permission. The development must be begun not later than the expiration of two years from the final approval of the reserved matters.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

23. Approval of the details of appearance, landscaping, layout and scale (hereinafter called "the reserved matters") for each plot shall be obtained from the Local Planning Authority before the development is commenced other than remediation works.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

24. No built development shall take place within that part of Plot A (South) that lies within Durham City Green Belt, as defined within the County Durham Plan 2020.

Reason: In the interests of preserving the openness of the Green Belt in accordance with County Durham Plan Policy 20.

25. Any reserved matters submission made pursuant to this outline planning permission shall include a sustainability assessment for the part of the development to which it relates, with any proposed building achieving a BREEAM score of 'very good'.

Reason: In the interests of sustainable development in accordance with Policy 29 of the County Durham Plan.

26. Any reserved matters submission made pursuant to this outline planning permission shall include a security assessment for the part of the development to which it relates, which will include details of how the development of the plot will incorporate Secured by Design and Counter-Terrorism principles.

Reason: In the interests of delivering a quality of development and public realm sustainable development in accordance with Policy 29 of the County Durham Plan.

27. No development shall commence with any development plot until a Construction Management Plan relating to that plot 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:

1. A Dust Action Plan including measures to control the emission of dust and dirt during construction.

2. Details of methods and means of noise reduction/suppression.

3. Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.

4.Details of measures to prevent mud and other such material migrating onto the highway from all vehicles entering and leaving the site.

5.Designation, layout and design of construction access and egress points.

6.Details for the provision of directional signage (on and off site).

7.Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure.

8.Details of provision for all site operatives for the loading and unloading of plant, machinery and materials.

9.Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period.

10.Routing agreements for construction traffic.

11.Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.

12.Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.

13.Management measures for the control of pest species as a result of demolition and/or construction works.

14.Detail of measures for liaison with the local community and procedures to deal with any complaints received.

The management strategy 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: To protect the residential amenity of existing and future residents from the development in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required to be pre commencement to ensure that the whole construction phase is undertaken in an acceptable way.

Reason: In the interests of the appearance of the area and to comply with Policy 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

28.Any Reserved Matters submission submitted pursuant to the outline planning permission shall include a demonstration of how Biodiversity Net Gain will be delivered for that particular phase of the development and include timetables for delivering the required Biodiversity Net Gain.

Reason: In the interests of the appearance of the area and to comply with Policy 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

29. No development shall commence on any plot until a scheme for the provision of foul and surface water drainage works for that plot have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be developed in accordance with the Councils Sustainable Drainage Systems (SuDS) Adoption Guide 2016. The development thereafter shall be completed in accordance with the details and timetable agreed.

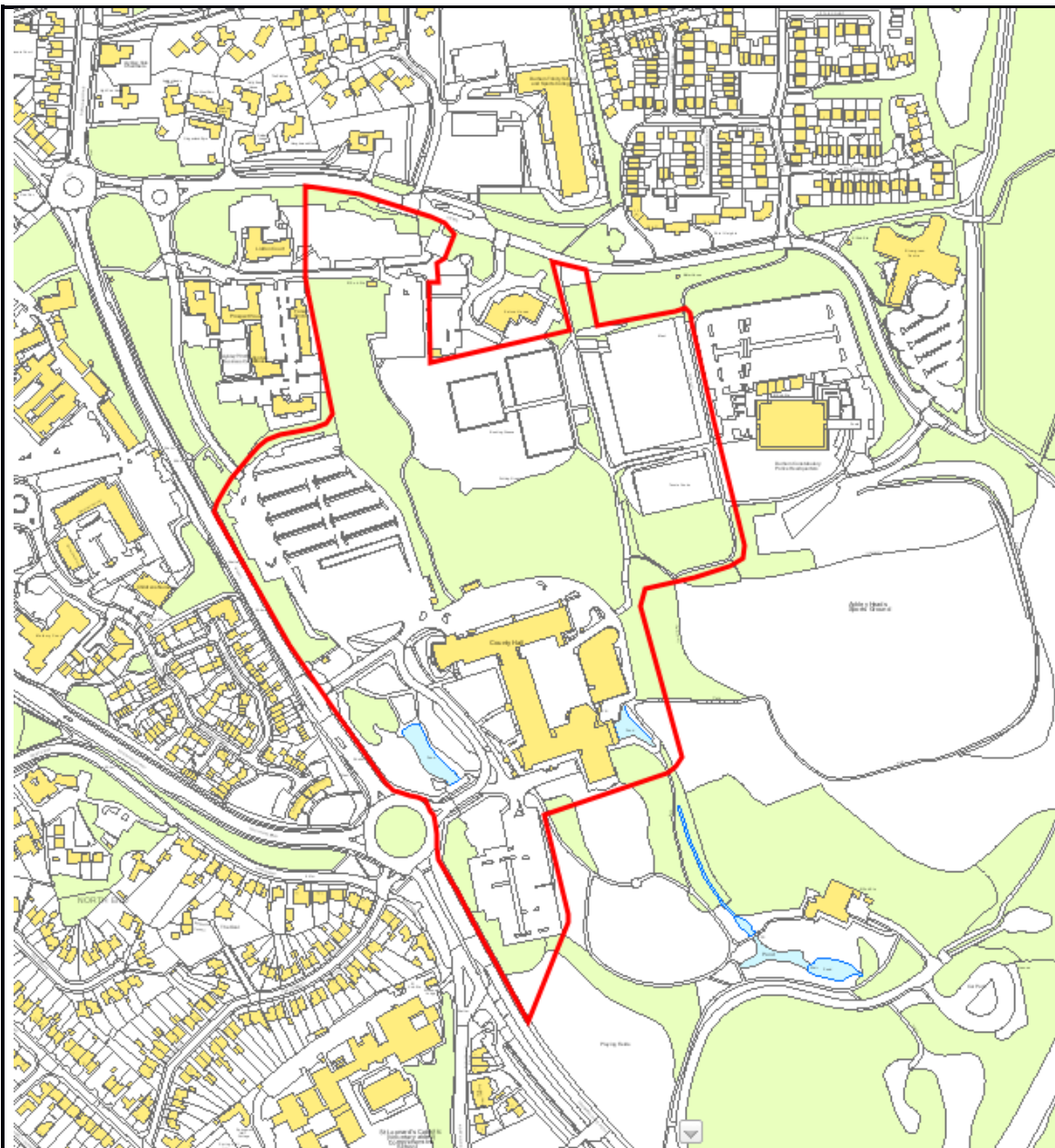
Reason: to ensure that surface and foul water are adequately disposed of in accordance with Policies 35 and 36 of the County Durham Plan and Parts 14 and 15 of the National Planning Policy Framework. Required as a pre-commencement condition to ensure that an acceptable drainage scheme is incorporated into the development.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2019)
- National Planning Practice Guidance notes.
- County Durham Plan
- City of Durham Neighbourhood Plan
- Statutory, internal and public consultation response
- County Durham Landscape Character Assessment
- County Durham Landscape Strategy (2008)
- County Durham Landscape Value Assessment (2019)
- Durham City Centre Conservation Area Character Appraisal (2016)



Planning Services

Hybrid planning application comprising detailed planning application for an office block (Class B1) with associated parking and landscaping on land known as Plot C and an outline planning application, with all matters reserved apart from site access, for the demolition of the existing County Hall site and the development of a business park (Class B1) with supporting retail and leisure uses comprising uses within Class A1 (retail), Class A2 (financial and professional services), Class A3 (food and drink), Class D1 (non-residential institutions) and Class D2 (assembly and leisure) with associated landscaping, multi-storey and surface car parking, servicing and relevant infrastructure. Ref: DM/20/01846/FPA

This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005

Comments

Date 1st December 2020

Scale Not to Scale

