

# COMMITTEE REPORT

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## APPLICATION DETAILS

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

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## DESCRIPTION OF THE SITE AND PROPOSALS

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### The Site and background

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

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

## The Proposal

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

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

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

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

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

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## **PLANNING HISTORY**

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

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

23. A revised National Planning Policy Framework (NPPF) was published in July 2021 (with updates since). The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
24. In accordance with Paragraph 219 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.

25. *NPPF Part 2 - Achieving sustainable development.* The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
26. *NPPF Part 4 - Decision-making.* Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
27. *NPPF Part 8 - Promoting healthy and safe communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
28. *NPPF Part 12 - Achieving well-designed places.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
29. *NPPF Part 16 – Conserving and enhancing the historic environment.* Heritage assets range from site and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

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

#### **NATIONAL PLANNING PRACTICE GUIDANCE:**

30. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; design: process and tools, Enforcement and post-permission matters, Healthy and safe communities and Historic Environment.

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

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

The County Durham Plan (2020) (CDP)

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

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

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

#### **NEIGHBOURHOOD PLAN:**

The Durham City Neighbourhood Plan (2021) (DCNP)

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

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

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

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

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **PUBLIC RESPONSES:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

<https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RGHNFQGDG2900>

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

## **APPLICANTS STATEMENT**

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

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

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

<https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RGHNFQGDG2900>

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

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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63. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with Paragraph 47 of the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to whether the principle of demolition is acceptable taking into account the significance of the heritage asset, any public benefits that would result from the demolition or any other policy justification or material considerations.

### The Principle of the Development

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

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

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

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

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

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

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

The significance of the asset

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

### *Architectural Significance*

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

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

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

### *Historic Significance*

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

### *Artistic Significance*

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

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

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

#### Impacts upon significance

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

#### Assessment against Heritage Policy Justification

##### *Public benefits v Harm*

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

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

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

#### Assessment against heritage policy justification

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

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

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

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

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

#### Public safety and security

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

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

## Other issues

### *Enforcement*

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

### *Statutory Duties*

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

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## CONCLUSION

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

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## RECOMMENDATION

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

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

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## STATEMENT OF PROACTIVE ENGAGEMENT

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The Local Planning Authority in arriving at its recommendation to refuse the applications has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF.

(Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.)

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## **BACKGROUND PAPERS**

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County Durham Plan 2020

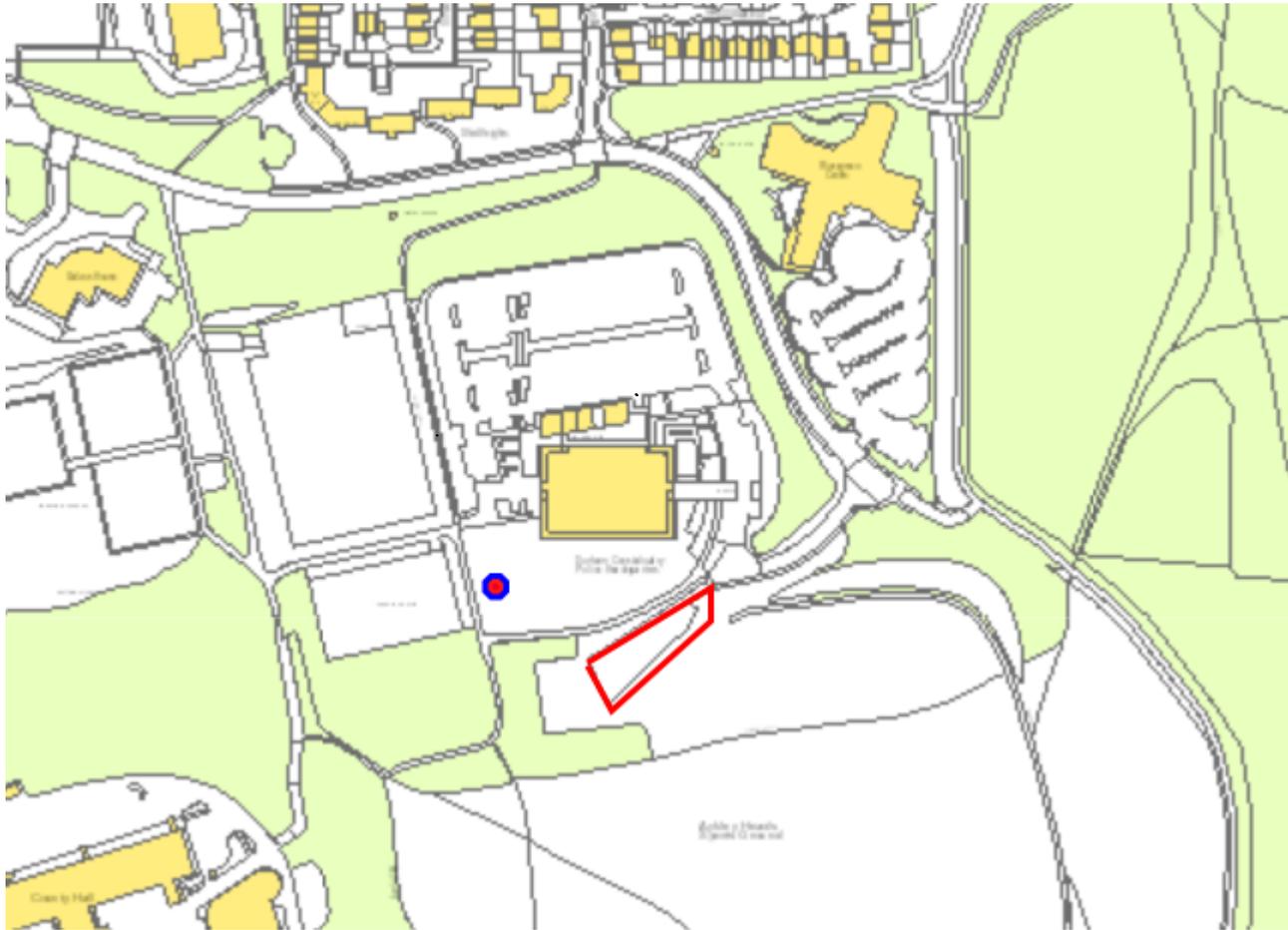
City of Durham Neighbourhood Plan 2020 to 2035 (2021)

The National Planning Policy Framework (2021)

Internal and public consultation responses

Submitted forms, plans and supporting documents

Previous approved location



**Planning Services**

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

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**Comments**

**Date** 07.02.2023

**Scale** NTS