

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/15/01548/FPA
FULL APPLICATION DESCRIPTION:	Erection of two storey office building with associated access, parking and landscaping
NAME OF APPLICANT:	Rivergreen Developments PLC
ADDRESS:	Former Croquet Lawns Aykley Heads DH1 5TS
ELECTORAL DIVISION:	Neville's Cross
CASE OFFICER:	Claire Teasdale, Principal Planning Officer, 03000 261390, claire.teasdale@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The 1.82 ha site is located at Aykley Heads approximately 1.4km to the north west of Durham City. Aykley Heads includes a mix of commercial and residential (at Aykley Vale and Dunholme Close) areas set within a mature parkland landscape. The uses surrounding the Aykley Heads area include Durham County Council's County Hall to the south, the University Hospital of North Durham (formerly Dryburn Hospital) to the west, the largely residential area of Framwellgate Moor to the north and agricultural land to the east. The site itself is located to the south of Durham Trinity School and an existing office development, Salvus House (previously occupied by Sunderland Marine).
2. The proposed development site consists of open green space comprising areas of amenity grassland, vegetation with three croquet pitches. The site is generally flat falling from north to south with a level change of approximately 2m. It is divided into three areas by trees and vegetation. The western most being amenity grassland and woodland, the central area contains an abandoned croquet pitch and amenity grassland and the eastern part contains two croquet pitches. The site is generally naturally screened from inward views site to topography and existing trees. An existing pedestrian and vehicular access to the site is located in the north eastern part of the site. Salvus House, to the north, shields the site from views from the main road. To the south and west mature tree coverage shields the view into site. Whilst to the east lies the new Durham Constabulary police headquarters

3. There are no designated landscapes within the application area, but there are a number in the vicinity. An Area of High Landscape Value is located approximately 15m to the south east of the site and the North Durham Green Belt some 50m to the south east. There are no ecological sites within the application area, the closest being over 550m to the north east. No designated heritage assets are located within the site, within 300m there are three. The Durham City Centre Conservation area is approximately 300m to the south that includes Durham Castle and Cathedral World Heritage Site.

The Proposal

4. Planning permission is sought for the erection of a 4,242m² commercial office building (Use Class B1) over 2 storeys (ground and first) plus a lower ground/basement level; an access road (to be adopted); 146 car parking spaces including 9 accessible/disabled spaces; motorcycle and cycle provision would also be provided; and landscaped grounds.
5. The proposed building would be sited in the central area of the site with the entrance facing east encompassing the single croquet pitch. The building would be designed around a 16m portal frame with a U shape design. The roof would be pitched in places to break the scale of the development and extend in areas facing south to reduce overheating. The building would have a central core to the front elevation connected by a circulation route between two areas of office accommodation and a social space opposite the central core. This arrangement would be similar on the ground and first floors. The building would be 'future-proofed' with an additional 512m² of office space being set aside for future growth and expansion within the current footprint of the building.
6. The building would be finished using a mixture of glazing, buff brick, timber panels, stone and render intended to break down the scale of the building with a green roof. Details of materials and colours would be confirmed through condition. The building would sit beneath the height of surrounding trees and vegetation. Although a number of trees would require removal in order to facilitate the development, it is proposed that boundary landscaping would be enhanced and additional trees planted.
7. Vehicular access to the site would be taken from the existing access point on Aykley Heads Road to the north. The existing access would be widened and improved to adoptable standards. Car parking is proposed in the eastern most part of the site over the two croquet pitches with vehicular and pedestrian access from the north east along the existing access to the main site entrance. Pedestrian access would also be gained from existing routes from the south. Links would be maintained to existing footpaths in the vicinity.
8. The application is reported to the Central and East Area Planning Committee because it is less than 2 hectares in area and the local member, Councillor Holland requested determination at Committee as he considers it to be a sensitive site overlooking the cathedral and is constrained through the saved City of Durham Local Plan.

PLANNING HISTORY

9. Planning permission was granted in 1998 for office development at Aykley Heads which encroaches onto the site in the north western corner of the current application site.

PLANNING POLICY

NATIONAL POLICY:

10. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
11. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’. The following elements of the NPPF are considered relevant to this proposal.
12. *Part 1 – Building a strong, competitive economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
13. *NPPF Part 2 – Ensuring the vitality of Town Centres.* Planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period.
14. *Part 4 – Promoting sustainable transport.* Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system should be balanced in favour of sustainable transport modes. Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
15. *Part 7 – Requiring good design.* 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. Planning policies and decisions must aim to ensure developments; function well and add to the overall quality of an area over the lifetime of the development, establish a strong sense of place, create and sustain an appropriate mix of uses, respond to local character and history, create safe and accessible environments and be visually attractive.
16. *Part 8 – Promoting healthy 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.
17. *Part 10 – Meeting the challenge of climate change, flooding and coastal change.* Planning plays a key role in *helping* shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure.

18. *Part 11 – Conserving and enhancing the natural environment.* The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, minimising impacts on biodiversity and providing net gains where possible. Preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated/unstable land.
19. *Part 12 – Conserving and enhancing the historic environment.* Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.
20. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report below.

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf> (*National Planning Policy Framework*)

21. 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 including ensuring the vitality of town centres, design, landscape, ecology, air quality, sustainable travel; transport assessments and statements, flood risk and planning conditions

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

LOCAL PLAN POLICY:

City of Durham Local Plan (2004) (CDLP)

22. *Policy E1 – Durham City Green Belt.* Reflects national advice in PPG2 and outlines the presumption against inappropriate development in the Green Belt in order to preserve its intrinsic openness.
23. *Policy E3 (World Heritage Site).* Protection seeks to safeguard the site and setting from inappropriate development that could harm its character and appearance.
24. *Policy E5 – Open Spaces within Durham City.* Does not permit proposals which would detract from the functional, visual and environmental attributes they possess.
25. *Policy E5a – Open Spaces within Settlement Boundaries.* Does not permit proposals which would detract from the functional, visual and environmental attributes they possess.
26. *Policy E10 – Areas of Landscape Value.* Is aimed at protecting the landscape value of the district's designated Areas of Landscape Value.
27. *Policy E14 – Protection of Existing Trees and Hedgerows.* Views hedgerows and trees as a valuable resource to be protected when new development is being considered.
28. *Policy E15 – New Trees and Hedgerows.* Tree and hedgerow planting is encouraged.

29. *Policy E16 – Nature Conservation – the Natural Environment.* Is aimed at protecting and enhancing the nature conservation assets of the district. Development proposals outside specifically protected sites will be required to identify any significant nature conservation interests that may exist on or adjacent to the site by submitting surveys of wildlife habitats, protected species and features of ecological, geological and geomorphological interest. Unacceptable harm to nature conservation interests will be avoided, and mitigation measures to minimise adverse impacts upon nature conservation interests should be identified.
30. *Policy E21 – Historic Environment.* The Council will preserve and enhance the historic environment by requiring development proposals to minimise adverse impacts on significant features of historic interest and encourage retention repair and re-use of buildings and structures which are not listed but are of visual and local interest.
31. *Policy E23 – Listed Buildings.* The Council will seek to safeguard listed buildings by not permitting development which detracts from its setting.
32. *Policy E24 – Ancient Monuments and Archaeological Remains.* Ancient monuments and other nationally significant archaeological remains and their settings will be preserved in situ and damage would not be permitted. Archaeological remains of regional and local importance will be protected in situ and where preservation in situ is not justified by, ensuring that in areas where there is evidence that significant archaeological remains exist, or reasons to pre-suppose they exist, pre-application evaluation or archaeological assessment will be required and requiring as a condition of planning permission, that a programme of archaeological investigation, recording and publication has been made.
33. *Policy R11 – Public Rights of Way and other Paths.* Public access to the countryside will be safeguarded by protecting the existing network of PROW's and other paths from development which would result in their destruction.
34. *Policy EMP4(3) – Business Parks* the sites will generally be occupied by B1 uses. The development of the sites at Aykley Heads would be subject to the replacement of sports pitches within the locality.
35. *Policy EMP14 – Office Development Elsewhere* –This Policy relates to proposed office development outside of any identified local centre. It states that Office development in the location proposed would be acceptable provided that there would be no significant adverse impact upon the amenity of neighbouring occupiers, provided that the site is accessible by a choice of means of transport having particular regard to the needs of public transport, pedestrians and cyclists and provided the site is served by roads capable of handling any traffic that would be generated.
36. *Policy T1 – Traffic – General.* States that the Council will not grant planning permission for development that would generate traffic likely to be detrimental to highway safety and/or have a significant effect on the amenity of occupiers of neighbouring property.
37. *Policy T20 - Cycle Facilities* – Seeks to encourage appropriately located, secure parking provision for cyclists.
38. *Policy T21 – Walkers Needs* – the Council will seek to safeguard the needs of walkers by ensuring that: existing footpaths are protected; new footpaths are provided; and footpaths are appropriately signed.
39. *Policy R3 – Protection of Outdoor Recreation Facilities* – seeks to protect areas of open space currently used for recreation and leisure. The loss of such spaces will only be permitted where equivalent facilities will be provided locally and where the overall

level of provision will not be prejudiced in accordance with the levels set out at Policy R1.

40. *Policy Q1 – General Principles Designing for People* – requires the layouts of developments to take into account the requirements of users including: personal safety and security; the access needs of people with disabilities and the elderly; and the provision of toilets and seating where appropriate.
41. *Policy Q2 – General Principles Designing for Accessibility* – the layout and design of all new development should take into account the requirements of users and embody the principle of sustainability.
42. *Policy Q3 (External Parking Areas)* requires all external parking areas to be adequately landscaped, surfaced, demarcated, lit and signed. Large surface car parks should be subdivided into small units. Large exposed area of surface, street and rooftop parking are not considered appropriate.
43. *Policy Q5 - Landscaping General Provision* sets out that any development which has an impact on the visual amenity of an area will be required to incorporate a high standard of landscaping.
44. *Policy Q7 – Layout and Design – Industrial and Business Development*
45. *Policy Q15 - Art in Design* states that the Council will encourage the provision of artistic elements in the design and layout of proposed developments. Due regard will be made in determining applications to the contribution they make to the appearance of the proposal and the amenities of the area.
46. *Policy U5 – Pollution Prevention – General.* States that development that may generate pollution will not be granted if that pollution would have an unacceptable adverse impact upon the quality of the local environment, upon the amenity of neighbouring occupiers or would unnecessarily constrain the development of neighbouring land.
47. *Policy U8a – Disposal of Foul and Surface Water.* Requires developments to provide satisfactory arrangements for disposing of foul and surface water discharge. Where satisfactory arrangements are not available, then proposals may be approved subject to the submission of a satisfactory scheme and its implementation before the development is brought into use.
48. *Policy U10 – Natural Flood Plains.* Proposals shall not be permitted in flood risk areas or where development may increase the risk of flooding elsewhere unless it can be demonstrated by way of sequential test that there is no alternative option available at lower risk, there will be no unacceptable risk of flooding, there will be no unacceptable increase in risk of flooding elsewhere and appropriate mitigation measures can be put in place to minimise the risk of flooding which can be controlled by planning condition.
49. *Policy U14 - Energy Conservation – General.* States that the energy efficient materials and construction techniques will be encouraged.

EMERGING POLICY:

The County Durham Plan

50. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 15 February 2015, however that report was Quashed by the High Court following a successful Judicial Review challenge by the Council. As part of the High Court Order, the Council is to withdraw the CDP from examination, forthwith. In the light of this, policies of the CDP can no longer carry any weight.

Neighbourhood Plans

51. A Durham City Neighbourhood Forum is established in the City and has an approved neighbourhood area incorporating the site. The Forum has carried out issues consultation events and has been gathering and assessing evidence but has not reach the stage of a Draft Plan. As such, in accord with the guidance in the PPG in relation to prematurity, the project has yet to reach a point where it is material to planning decisions.

The above represents a summary of those policies considered relevant. The full text, criteria, and justifications can be accessed at: <http://www.durham.gov.uk/Pages/Service.aspx?ServiceId=494> (Durham City Local Plan) <http://durhamcc-consult.limehouse.co.uk/portal/planning/> (County Durham Plan)

CONSULTATION AND PUBLICITY RESPONSES

Statutory Responses:

52. *Highways Authority* – raise no objections considering that it has been demonstrated that the site is in an accessible location for public transport and other sustainable travel modes and that car and cycle parking provision would meet the Council's parking standards. It is noted that the development would attract and discharge traffic through the Aykley Heads roundabout at the west of the access road and on to the A690 and A167 through the city. It is recognised that the development would operate on a shift basis and a trip generation analysis has been undertaken. The arrivals and departure profile prepared for the development indicates that, due to shift patterns, arrivals and departures at peak times would not have a material effect on the highway network. It is requested through condition that detail of type and location of cycle parking be submitted to and approved by the LPA in advance of commencement of the scheme.
53. *Environment Agency* – have no comment to make on the application, falling outside the scope of matters on which the Environment Agency is a statutory consultee.
54. *Northumbrian Water* – does not object to the proposal but considers that the planning application does not provide sufficient detail with regards to the management of foul and surface water from the development for NWL to be able to assess its capacity to treat the flows from the development. A condition is therefore requested requiring a detailed scheme for the disposal of foul and surface water from the development.
55. *Drainage and Coastal Protection* – Raise no objections to the development. Officers consider that in principle, the proposal with regard to managing surface water run-off on the site as set out in the submitted Flood Risk Assessment seems satisfactory.

Confirmation of the drainage proposals following the results of the percolation tests is requested.

INTERNAL CONSULTEE RESPONSES:

56. *Spatial Policy* – raise no objection considering that this is an acceptable proposal. This proposal represents a major benefit to the local economy, bringing 250 jobs and a high quality building design in keeping with the Council's aspirations for the Aykley Head area. It is positive indication that this is an attractive location for investment. The site is within the settlement boundary for the City in the Saved Local Plan and policy permits employment uses on unallocated sites, indeed part of the site falls within the allocated Aykley Heads Business Park (EMP4.3). Assessment of the saved policy (EMP14) shows that it is not consistent with the NPPF which requires sequential and impact tests for office use outside town centres. Assessment on that matter indicates that alternative sites are not available and that impact upon investment in the City Centre will not be affected. As such the proposal is considered to be acceptable as a land use when assessed against saved policy in the context of the requirements of the NPPF.
57. The proposal also accords with the aspirations of the emerging CDP, with the site part of a strategic allocation for employment use (Policy 7). Nevertheless, it is a development of a relatively limited scale, approval of which wouldn't undermine the ability to take the CDP forward in relation to whatever future approach is decide for the strategic site. In relation to matters of detail, specialist colleague comments will indicate whether there are matters to address but this scheme does seem to be well contained and have limited impact so that any concerns that do emerge will need to be weighed up carefully in the planning balance. The creation of 250 jobs and a high quality building weighs positively in the economic and social elements sets out at paragraph 7 of the NPPF.
58. *Landscape* – No objections are raised to the proposal. It is noted that there is a discrepancy between submitted plans in respect of a possible amphitheatre. Through condition details are requested noting that the special character of the location here the hillside, mature woodland and permissive path is delicate. It is stated that the development should not overtly visually impose on this part of the site, to an extent that damage to the visual amenity value of this vestige of the old Aykley heads Estate results.
59. *Arboriculture* – raise no objections. It is considered that the arboricultural information supplied is satisfactory and complies with current industry standards. Advice is provided as to works that would be required prior to the commencement of the development in relation to tree removal, pruning and protection. Such matters could be covered by Condition. Comments are made regarding a possible amphitheatre and the potential impact this may have with the suggestion that an alternative gathering space be sought which would not result in the loss of a valuable group of trees that would enhance and screen the proposed building.
60. *Ecology* – have no objection to this proposal. Officers recommend that the biodiversity design principles detailed by Penn Associates are fully implemented should this proposal be granted.
61. *Environment, Health & Consumer Protection (Noise, smoke and lighting)* – Do not object to the development in principle however in order to minimise the environmental impact a number of conditions are requested as there are a number of nearby commercial premises that may be affected by the construction works. Conditions

include a construction management plan and specific conditions to control noise, possible burning of waste on site, ensuring that there are adequate dust control measures in place and working hours during construction. Due to the fact that there are no nearby residential premises no comments are made relating to light impact. Comments provided relate to the potential of the development to cause a statutory nuisance, as defined by the Environmental Protection Act 1990.

62. *Environment, Health and Consumer Protection (Air Quality)* – The proposed development is not located within or immediately adjacent to the boundary of the declared Air Quality Management Area (AQMA) in Durham City. However, it is in close proximity to local routes that feed into the AQMA comprising the A697 and the A690. The office and associated car parking development exceed the criteria set out in the first stage of nationally recognised two part screening process (the provision of >10 parking spaces) and therefore consideration should be given to the indicative criteria in the second stage of the screening process and in particular the magnitude of change in light duty traffic flows. Officers advise that it is only necessary to undertake an air quality assessment where the indicative criteria thresholds are exceeded, these being >100 Annual Average Daily Traffic (AADT) flow at locations that are within or adjacent to the AQMA and greater than 500 AADT elsewhere. Officers note that a travel plan has been submitted to support the application and consider a requirement for the submission, approval and implementation of a travel plan should be included.
63. *Design and Conservation* – No objections are raised. It is considered that the proposed development has been designed to sit within the context of a mature landscape with the building designed to around the existing site features. The material palette has been used along with the roofscape to break down the building further so that it sits comfortably within its landscape setting. The architectural style follows the arguably successful previous development at The Rivergreen centre. The proposed development due to its scale and setting within a mature landscape shielded from view does not impact on the setting of any designated heritage assets. As such the proposals are supported subject to conditions associated with material samples.
64. *Archaeology* – No objections are made. Officers confirm that there is no requirement for any further archaeological work and that the Council's Conservation Section is satisfied that there would be no detrimental impact on the setting of designated heritage assets in the vicinity.
65. *Economic Development – TRT* – notes that regards to this application based on a total investment of £8.7m over a 12 month build period, officers would expect during the construction phase an estimated 204 person weeks could be attributed to a scheme of this size/duration which equates to 4 FTE job opportunities/ apprenticeships or a cash contribution of £10,000 (4*£2,500) to support employment and skills opportunities in Durham. It is therefore requested that TRT is included within the planners report for Committee for consideration and a clause included within any S106 agreement to secure employment and skills training that would assist the local community by improving job prospects and employability.
66. *Sustainability* – No objections are raised in principal to the application. No issues are raised in terms of location as long as all mitigation pertaining to ecology and landscape are taken into account. The development proposal has been considered in terms of economic, social and environmental sustainability principles. In terms of embedding sustainability the applicant has confirmed a fabric first approach with low air permeability and high levels of insulation. The applicant has also confirmed that it is not intended to provide any renewable technologies. However, it is considered that information pertaining to sustainability and energy is lacking and further information is requested. In terms of embedded sustainability, it is requested that any planning

permission be conditional on an embedded sustainability scheme being approved prior to development commencing. Officers consider that the development must meet BREEAM very good as a minimum standard. Also in line with Policy 16j of the emerging County Durham Plan and the Aykley Heads SPD the applicant should ensure that if a district energy scheme be developed on Aykley Heads, as part of the wider redevelopment, the building is connectable.

PUBLIC RESPONSES:

67. The application was advertised in the press, on site and in the locality. 7 letters of objection and 1 letter raising concerns have been received. The issues raised are summarised below.

Landscape and Visual impact

- The development is already being punished by development work which is not wanted by residents and not in-keeping with the semi-rural surroundings considering that the proposal is potentially a visual amenity.
- There would be a loss of greenery as a result of the proposals.

Loss of open space

- This area is a tranquil, attractive green space, allowing a number of different groups to pursue a variety of different interests.
- The site is considered to be a valuable public area popular with families and dog walkers and is considered to be easy access for people with limited mobility.
- The development would further erode open space at Aykley Heads and remove some of the only easily accessible open space remaining in the area.
- The application form itself says that the site is currently vacant. The site is only currently vacant because the council stopped the Croquet Club using the facility and forced them to relocate prior to the application being made.

Traffic and access

- The proposal would generate even greater levels of vehicular usage on already overcrowded access roads at peak times including arrival and departure times for Trinity School
- The area is already suffering from the impact of ill thought out developments which have created dangerous road conditions and unacceptable levels of irresponsible, dangerous and illegal parking.
- Concerns are specifically raised regarding traffic management at Trinity School and of potential problems that could arise from the new development as well as further destroying the ambience of Dunholme Close. Criticism is made of the Planning Department and Police in terms of traffic issues at the School.
- It is considered that the Transport Statement does not take into account of the traffic flow generated by other businesses/organisations in the area, which will ultimately need to use the roundabout and junctions adjacent to the entrance to the hospital. Nor does it take into account the proposal to build housing on the old Police HQ site.
- Existing infrastructure does not support the volume of traffic and this development will only make it worse.
- The conclusion of the Transport Statement that Atom Bank HQ should not cause issues to the current traffic network is fundamentally flawed. It is stated that Aykley Heads Road is a cul-de-sac and therefore any additional traffic on this road will create traffic flow problems.

Ecology

- Impacts upon wildlife are raised as concerns.

Drainage

- Impacts upon drainage are raised as concerns.

Alternative locations

- Development of this open space is not considered necessary in this location noting it is immediately adjacent to several already vacant properties including the former Sunderland Marine building and the former Police Headquarters.
- The development should take place on land more suitable for commercial development eg. Belmont Industrial estate.
- There is no demonstrated need for more office space locally.
- Only once all 'brown field' sites are used should the green spaces be considered for development, and if not then the reasons for choosing green field sites over brown field site should be carefully scrutinised.
- The HQ of Atom Bank could be located elsewhere and still bring great job opportunities to Durham.
- Whilst appreciative of the economic value in promoting Durham as a centre for business, the location proposed is a unique space and has great value in the community. It would be appreciated if the proposition would be reconsidered and other sites explored.

Other matters

- The opinion is expressed that objections will make no difference to the Council who disregards the views of the masses and undertakes development work not wanted in the City and at Aykley Heads.
- The submitted planning statement refers to the emerging County Durham Plan but given the position with the Plan it is considered that the statement is no longer valid.
- The allocation for Aykley Heads in the in the County Durham as “commercial business hub” was not wanted by residents and it is queried how the Council can proceed with the development proposal before the judicial review has been conducted.
- The application is not considered to accord with the NPPF in terms of location and protecting and enhancing our natural, built and historic environment.
- The description of the site as former croquet lawns is misleading as they could be returned to recreational use with a single pass of a grass cutter.
- It is stated that a plan to develop our way out of recession by mass construction of housing and office space has not worked since the regeneration of the coalfields started 30 years ago and it is queried how many empty business parks are needed.

68. *Durham Constabulary* – has no objections to the planning application providing there are no restrictions to accessing its land via a vehicle as it currently does. Durham Constabulary has 2 entrances to the all-weather pitch, 1 directly opposite the turning point and one at the bottom end. They need to drive out of the alternative exit from our new HQ so this is an alternative exit road for the Police. The Constabulary also would need to be assured that there is not a kerb edging or similar to the access road layout, which would restrict passing or accessing its land.

APPLICANTS STATEMENT:

69. This application has undergone a lengthy period of dialogue with planning officers and the present application was validated on 21 August 2015. This planning application

seeks permission for the erection of a commercial office building to serve as the headquarters for an internet bank (Atom Bank) on land at Aykley Heads, Durham.

70. It is considered that the proposed development is in accordance with both the adopted local policies and the emerging County Durham Plan and Aykley Heads SPD as the site is within an allocated employment site. Furthermore, the proposed development will create 250 new jobs and help promote and drive further investment within the Aykley Heads strategic employment site meeting both national and local economic objectives and targets.
71. It has been demonstrated that the proposed development will not have a detrimental impact upon the croquet club who currently use the site as they have agreed to relocate to alternative suitable facilities nearby at East Durham College's Houghall Campus in Durham City.
72. A strong landscape setting will be retained and enhanced on site helping to contribute to the wider aim of achieving a high quality City Park, as set out within the County Durham Plan. The site is well contained and screened by existing vegetation, buildings and topography and as such will not impact upon the setting, appearance or character of nearby Listed Buildings or the Durham City Conservation Area.
73. Appropriate mitigation measures will be put in place, in accordance with the Council's Ecology Surveys, to ensure that the impact upon ecology is minimised and that a high quality environment for wildlife is provided. Adequate access and car parking will be provided within the site and existing footpaths will be retained, providing quick access to nearby public transport services.

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

<http://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MX6956BN5B000>

PLANNING CONSIDERATIONS AND ASSESSMENT

74. Having regard to the requirements of section 38(6) of the Planning and Compulsory Purchase Act 2004, the relevant Development Plan policies, relevant guidance and all other material considerations, including representations received, it is considered that the main planning issues in this instance relate to: the principle of development, layout and design, impact upon its surroundings, landscape, ecology and nature conservation, residential amenity, highway safety, access and traffic, flood risk, archaeology, loss of open space and other matters.

Principle of development

75. The National Planning Policy Framework (NPPF) outlines that significant weight should be placed on the need to support economic growth through the planning system. It is considered that the proposal meets with NPPF objectives in terms of building a strong competitive economy.
76. The majority of the site is unallocated land within the settlement boundary for Durham City and as such must be assessed against CDLP Policy EMP14. Policy EMP14 confirms that office development within settlement boundaries but outside allocated areas is permissible if: there would be no significant impact on amenity; the site is accessible by a choice of means of transport; and, the site can be served by roads capable of accommodating likely increase in traffic. CDLP Policy EMP14 is not

consistent with the NPPF as office development is defined as a town centre use within Annex B of the NPPF.

Sequential test

77. Paragraph 24 of the NPPF states that local planning authorities should apply a sequential test to applications for main town centre uses not in existing centres and are not in accordance with an up-to-date Local Plan. However, in the case of Durham City, the town centre is constrained in scale by topography and its internationally important historic environment, which as a result, limits available alternative sites.
78. Several alternative sites have been considered these being: Former baths site – Old Elvet, Whinney Hill Former School Site; The Gates Shopping Centre; Former Ice Rink office development; North Road Bus Station Site; Millburngate House redevelopment; Former Council Office – Claypath and Land Adjacent to Durham Station Car Park. Each have their own constraints to future development be it flood risk, size, being subject to current planning applications, long term redevelopment proposals or having now been developed.
79. The assessment of sequentially alternative City Centre and edge of City Centre sites shows no realistic alternatives to the proposed site and as such it is considered that the proposal meets the requirements of the NPPF.

Impact Assessment

80. Paragraph 26 of the NPPF also requires an impact assessment if the proposal exceeds 2,500 m² (this proposal is for 4,242m²), in this context, upon existing, committed or planned public and private investment in the centre. In terms of the sites considered in relation to the sequential test, only the Millburngate House redevelopment could be considered to be a comparative development. This is understood to be a medium/longer term project and has a range of proposed uses within the mixed use scheme so that it is not reliant upon office development for its delivery. As such it is concluded that there is no impact upon planned investment.
81. It is not considered that the proposal would impact upon investment in the city centre meeting the requirements of NPPF. This being the case the proposal is considered to be acceptable as a land use on the site when the lack of consistency of CDLP Policy EMP14 is addressed in relation to requirements of the NPPF.

Local Plan Policy

82. Although CDLP Policy EMP14 is not considered to be consistent with the NPPF or have significant weight, the application can still be assessed against this Policy. In relation to the criteria set out in CDLP Policy EMP14 there is a requirement to consider the impact upon neighbouring occupiers. The application site is adjacent to other office uses and is a reasonable distance from residential development and is considered acceptable in this context. There is also a requirement to consider accessibility, notably in relation to public transport and cycling and walking. The site is within about 300m of main bus routes and is adjacent to the cycle and footway network between the city centre and Newton Hall. As such it is extremely well located to encourage staff to consider means of transport other than the private car. CDLP Policy EMP14 also requires that roads are capable of accommodating traffic generated by the development. Access and traffic are considered below.
83. CDLP Policy EMP4(3) (considered to be consistent with the NPPF) allocates land adjacent to the site as the Aykley Heads business park. The proposed vehicular

access to the site runs across this allocation so that part of the proposal could be considered to be being developed on land allocated for business use (i.e. B1). The justification to Policy EMP4(3) explains the intention to achieve a business park within a mature parkland landscape. In this context the proposal will contribute to this aim.

84. The supporting text, which accompanies CDLP Policy EMP4(3), also notes that the Local Planning Authority will need to be satisfied that office developments at Aykley Heads comply with CDLP Policies E3, E5 and R3. These Policies relate to the protection of the intrinsic character and environmental quality of the mature parkland landscape of Aykley Heads; the protection of the setting of the Cathedral and Castle World Heritage Site; and the protection of open space respectively. These issues are considered in more detail in the relevant sections of this report.
85. Although no weight can be attributed to it, CDP Policy 7 allocates Aykley Heads as a high quality employment site and the application site is within this proposed allocation. This proposal is within the existing settlement boundary and is well related to the current saved allocation. Development on this site would not undermine the future direction of the CDP whether the strategic site was to go ahead in the future or not but it is notable that Atom Bank see this as a location to develop their fledgling business, vindicating the Council's view that this is an attractive location for high end businesses to develop high quality headquarters.
86. To support CDLP Policy 7 a Supplementary Planning Document (SPD) was prepared for the Aykley Heads proposal. Although no weight can be applied to the SPD it can be regarded as background evidence and is useful here in highlighting the approach proposed. Within the SPD the application site is shown as Development Area E, with estimated capacity for 9,450m² of new employment floorspace. In this context, therefore the proposal is in accord with the aspirations of the SPD.
87. The proposal meets the CDP Policy 7 requirements, notably: for attractive, high quality design incorporating sustainable design principles; and for a strong landscape framework which capitalises on the site's natural landscape features.
88. Objectors consider that documents submitted with the application referring to the CDP plan and proposed allocation of the site are no longer valid. The position with regard to the CDP is set out above-.

Summary

89. The proposals aim to provide a high quality commercial office building which would serve as the headquarters for an internet bank bringing some 250 jobs and helping to support the wider economy, services and facilities. The proposed development would be an appropriate landuse in relation to the similar adjacent uses such as the Police Headquarters and other office developments.
90. It is considered that the development is unlikely to have significant adverse impacts upon the viability and vitality of the City centre. The proposal accords with CDLP Policies EMP14 and EMP4(3) and is consistent with the direction of the CDP for this part of the City. The proposal does not conflict with Part 2 of the NPPF and would meet the objectives of Part 1 of the NPPF.
91. Objectors to the proposal have queried why alternative sites, including Salvus House, are not being considered for the proposed development. As set out above a sequential test has been undertaken and an assessment of alternative sites in accordance with the requirements of the NPPF and assessed against relevant

development plan policies and the Council's aspirations for the Aykley Heads site. It is concluded that the principle of the development in this location is acceptable with matters of detail being considered below.

Layout and Design

92. CDLP Policies Q1 and Q2, both consistent with the NPPF, set criteria to require proposals to address safety, crime prevention, accessibility, layout and design and parking layouts.
93. The proposed development is considered to be acceptable in terms of design and layout. The building is considered to be in keeping with the surrounding area and its purported use, and the layout makes the most of the topography and existing landscaping on the site.
94. The proposed development has been designed to sit within the context of a mature landscape with the building designed to around the existing site features. The material palette has been used along with the roofscape to break down the building further so that it sits comfortably within its landscape setting. The architectural style follows the arguably successful previous development at The Rivergreen centre. The proposed development due to its scale and setting within a mature landscape shielded from view does not impact on the setting of any designated heritage assets. The proposals are supported subject to conditions associated with material samples
95. The scale of the building is principally a two storey development with a low pitched articulated and overhanging roof broken and articulated by cut outs and projecting roof windows. The building's mass has been designed to sit within a mature landscape and the material palette has been articulated to assist in breaking down the overall massing.
96. The layout has been designed in a U shape which comprises a central core to the front elevation, connected by a circulation route between two areas of office accommodation. Opposite the central core the social/break out spaces are located to maximise key views out of the site.
97. The building has been designed around the existing site features to maximise the shading from the existing trees on site. The building layout has been orientated to reduce the amount of office accommodation to the south and face the accommodation to the east and west to make use of the existing links into site. The trees would be used to screen the building and blur the boundaries between the existing context and building structure. The office accommodation is orientated to offer views out to the east and west through gable ends which maximise daylighting into the working environment without causing glare or overheating.
98. The aesthetics and architectural style are similar to and follow the successful previous development at The Rivergreen centre in that the building designed to sit within and be sensitive to the landscape context. The proposal represents a high quality and sustainable design not unlike the Rivergreen Centre nearby which sits well in its setting and is of a quality in keeping with the existing and intended nature of the Aykley Heads business park. Design Officers have raised no objections with the design of the proposed building.
99. The layout of the car park seeks to minimise conflict between pedestrians, cyclists and motor vehicles. A parking strategy for cars, cycles and for vehicles used by people with disabilities has been agreed with the Council. Furthermore, the site can be accessed by those using public transport. There is sufficient access for vehicles

servicing the development and emergency vehicles. In this context, the development is in compliance with CDLP Policy Q2;

100. The proposed surface car park will be adequately surfaced, demarcated, lit, signed and landscaped. In this context, the proposed car park is considered to be in compliance with CDLP Policy Q3, a Policy considered to be consistent with the NPPF.
101. The detailed landscape proposals are considered in more detail under the relevant section of this report, however in principle the proposals are considered to be of a high quality design and have been sensitively integrated into the surrounding landscape. They are therefore in compliance with CDLP Policy Q5.
102. The proposal represents a high quality and sustainable design not unlike the Rivergreen Centre nearby which sits well in its setting and is of a quality in keeping with the existing and intended nature of the Aykley Heads business park. The proposal would accord with CDLP Policies Q1 and Q2 and Part 7 of the NPPF.
103. CDLP Policy Q15 (considered to be partially consistent with the NPPF) requires artistic elements to be incorporated into the design and layout of developments. If such elements are not included in proposals it is normal to require a financial contribution in lieu of on-site provision. In this case there are no specific artistic elements proposed. This matter can be addressed via a condition.

Impact upon its Surroundings

104. In assessing the proposed development regard must be had to the statutory duty imposed on the Local Planning Authority under the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character and appearance of a conservation area. In addition the Planning (Listed Buildings and Conservation Areas) Act 1990 also imposes a statutory duty that, when considering whether to grant planning permission for a development which affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. If harm is found this gives rise to a strong (but rebuttable) statutory presumption against the grant of planning permission. Any such harm must be given considerable importance and weight by the decision-maker.
105. The site is located within the former estate of Aykley Heads dating from the 17th Century. There are no designated heritage assets within the application site but are three within 300m. These being the Grade II* Aykley Heads House, the Grade II radio mast that formed part of the former Police Headquarters and Grade II gates piers and wall at County Hall. Historical development, including County Hall, has long since compromised the original house and its associated landscape.
106. The Durham City Centre Conservation area is approximately 300m to the south that includes Durham Castle and Cathedral World Heritage Site. The site sits within the theoretical zone of visibility from the Cathedral World Heritage Site, and it is theoretically visible in views that make the wider setting of the World Heritage Site towards Findon Hill.
107. The purpose of CDLP Policy E3 is to protect the Durham Cathedral and Castle World Heritage Site (WHS) and its setting, including local and long distance views of the WHS. CDLP Policy E3 is considered to be consistent with the NPPF/PPG. The Policy seeks to protect the site and setting of the Cathedral and Castle World Heritage Site (WHS). Notably in the context of this proposal is the requirement to safeguard

local and long distance views. The development is effectively to be constructed within a treed landscape and is of a height that means that it remains well below the tree line. It is considered to be “tucked” into a natural screening belt and it is on the western side of the plateau area that generally comprises Aykley Heads and that drops further to the east and south of the site. As such it is considered to have no impact upon the setting of the WHS.

108. The building would sit beneath the height of surrounding trees and vegetation and be constructed from sympathetic and sustainable materials which will ensure that the building does not detract from the character or appearance of the landscape setting.
109. The submitted Planning Statement notes that the site is well contained and screened by existing vegetation, buildings and topography and as such would not have a detrimental impact upon the appearance, character or setting of any of the listed buildings or the Conservation Area.
110. Design and Conservation officers concur considering that the proposed development due to its scale and setting within a mature landscape shielded from view does not impact on the setting of any designated heritage assets. As such the proposal is considered to accord with CDLP Policy E3. Nor is considered that there would be harm to the setting of listed buildings in the vicinity of the site and as such there would be no conflict with CDLP Policy E23, a Policy considered compatible with the NPPF.
111. The proposed building would not be visible in views of the World Heritage Site being two storeys in height and not visible above the tree line. There would be no significant adverse impact upon designated and non-designated heritage assets in the surrounding area or the Durham Cathedral and Castle World Heritage site as a result of the proposed development. The proposed development would therefore accord with CDLP Policy E16 and Part 11 of the NPPF.
112. CDLP Policy E5a, considered to be consistent with the NPPF, seeks to protect open spaces that contribute to character or that possess important functional, visual or environmental attributes. The application site is an open site including the former croquet pitches but is within a wider area comprising low density office development within a high quality landscape environment. In this context the proposal is considered acceptable.
113. CDLP Policy E5, again considered to be consistent with the NPPF, relates specifically to the allocated business park, with only the site access within the allocation. That part of the site, the access, within CDLP Policy EMP4(3) would not conflict with Policy E5.
114. It is considered that the proposals are also in accordance with CDLP Policies Q5 and Q7, which require that new development meets an appropriately high standard of design and landscaping.
115. As part of the development it will be necessary to improve the existing access road and to landscape the proposed car parking area. CDLP Policy E14 (consistent with the NPPF) requires development to retain areas of woodland, important groups of trees, copses, and individual trees and hedgerows. The loss of a number of trees would occur with the majority remaining.
116. An Area of High Landscape Value is located approximately 15m to the south east of the site and the North Durham Green Belt some 50m to the south east. Although relatively close, the application site is not located within the AHLV. Consideration has been given to the impact of the proposal in accordance with the requirements of CDLP

Policies E5 and E10 (E10 is considered to partially compliant with the NPPF) and is not considered that the proposal would conflict with those Policies and would not comprise the quality of the adjacent AHLV.

117. Objectors to the proposed development refer to the loss of the application site as open space for recreational use. It is the case that the area is private land not identified for recreational use and access to it is at the discretion of the land owner. The croquet club have used the eastern most pitches in recent times but alternative provision is to be provided at Houghall (East Durham College).

Landscape

118. CDLP Policy E14 (assessed as consistent with NPPF/PPG) seeks to protect existing trees and hedgerows wherever possible. CDLP Policy EMP4(3) requires development to retain areas of woodland, important groups of trees, copses, and individual trees and hedgerows. CDLP Policy E15 (assessed as consistent with NPPF/PPG) encourages tree and hedgerow planting.
119. A full arboricultural impact assessment has been undertaken involving the surveying of trees on site. A number of trees have been identified for removal to facilitate the development (the building, possibly for a proposed path and for road widening works). Several of the trees to be removed are unsuitable for retention or have structural defects. The report recommends a number of protection measures for retained trees that include construction exclusion zones and protective barriers around the root protection zones. These measures can be secured through condition. Through the landscaping proposals additional trees would be planted, the detail of which can be required through condition.
120. An outdoor amphitheatre is shown on the submitted landscaping plans to the west of the proposed building. This is intended to be an external gathering space for employees, where it is envisaged that meetings and presentations may take place. Landscape and Arboricultural officers have highlighted concerns regarding the possible amphitheatre in the north western part of the site and the potential impact on the visual amenity value of that area of the old Aykley Heads estate as opposed to the impact on the WHS. Proposals for any works in the north western part of the site would be required through condition.
121. Landscape officers have raised no concerns to the removal of trees to accommodate the proposed development. Arboricultural officers raise no objections to the proposals considering the submitted arboricultural information to be satisfactory complying with current industry standards. Through condition details relating to tree removal, pruning and protection would be secured.
122. The proposed development is therefore considered to be in accordance with CDLP Policies EMP4(3), E14, E15 and Q5 as well as paragraph 109 of the NPPF.

Ecology and Nature Conservation

123. There are no ecological sites within the application area, the closest being Hopper's Wood over 550m (at its closest point) to the north east which is also an area of ancient

woodland. CDLP Policy E16, being consistent with the NPPF and PPG seeks to protect and enhance nature conservation assets.

124. The presence of protected species such as Great Crested Newts (GCN) is a material consideration, in accordance with Circular 06/2005 (Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System). In addition under the requirements of the Conservation of Habitats and Species (Amendment) Regulations 2012 it is a criminal offence to (amongst other things) deliberately capture, kill, injure or disturb a species protected by the legislation. It is possible to carry out works which may impact adversely on European Protected Species under licence from Natural England. Regulation 9 the Habitats Regulations requires local planning authorities to have regard to the requirements of the Habitats Directive in exercising its functions. Case law has established that local planning authorities must consider whether the applicant might obtain a protected species license from Natural England if there the application is likely to have a significant effect on a European Protected Species. This requires an examination of the derogation provisions provided within the legislation. These state that the activity must be for imperative reasons of overriding public interest or for public health and safety, there must be no satisfactory alternative, and that the favourable conservation status of the species must be maintained.
125. An Extended Phase 1 Habitat Survey was been submitted with the planning application. The survey concludes that no protected habitats were found within the development areas but notes that there are mature trees and scrub which will have biodiversity value. No bat roosts were found on site but it is considered that site is important to support foraging common pipistrelles. Badgers and great crested newts are not present on site. It therefore follows that the derogation tests do not need to be undertaken. It is noted that the development areas and surrounding habitat present high quality habitat for nesting birds.
126. The Extended Phase 1 Habitat Survey recommends a number of mitigation measures which can be secured through condition. The mitigation measures include the retention of mature trees where possible; checks for bird nests by qualified ecologists during site clearance work; felling of trees outside of the bird nesting season; the use of suitable lighting schemes, and native habitat creation and replacement tree planting. A Biodiversity Design Guide also accompanies the application. The guide is based on the Extended Phase 1 Habitat Survey and illustrates the biodiversity design ideas and objectives incorporated into the proposals.
127. Ecology officers have no objection to this proposal. Officers recommend that the biodiversity design principles detailed by Penn Associates are fully implemented should this proposal be granted.
128. It is noted that one objector raised impacts upon wildlife as a concern. It is the case that there are no significant nature conservation interests within the site. The proposed development offers the potential to enhance the nature conservation value of the site through the proposed landscaping and mitigation techniques. As such no objections are therefore raised to the development in accordance with CDLP Policy E16 and Pat 11 of the NPPF.

129. Aykley Heads is a mix of commercial and residential uses. The closest residential properties are at Dunholme Close and Aykley Vale to the north west of the application site. The closest property is over 185m from the site entrance (1 Dunholme Close). Given the distance from the proposed development and intervening uses it is not considered that the proposed development would adversely affect residential amenity.
130. Environment, Health & Consumer Protection officers recognise that there are a number of nearby commercial premises (as opposed to residential) that may be affected by the construction works and request conditions in order to minimise the environmental impact. Officers specifically state that no comments are made relating to light impact due to the fact that there are no nearby residential premises.
131. The tests set out in paragraph 123 of the NPPF require that planning decisions avoid noise from giving rise to significant adverse impacts on health and quality of life. Environment, Health and Consumer Protection officers raise no objections to the proposals. Nevertheless, Environment, Health & Consumer Protection officers highlight that there are a number of nearby commercial premises that may be affected by the construction works and request conditions to control the construction of the proposed development. Conditions would require the submission of a construction management plan, control of noise, burning of waste, provision of adequate dust control measures in place and working hours.
132. In terms of air quality an Air Quality Management Area (AQMA) has been designated on key routes through the City. The proposed development is not located within or immediately adjacent to the boundary of the AQMA. The proposal has potential to increase the amount of traffic moving through the AQMA but would not be so great as to require an air quality assessment to be undertaken.
133. It is considered that the proposal would not have an unacceptable impact on residential amenity and the imposition of conditions would seek to ensure this. The proposals would accord with CDLP Policy U5 and paragraph 123 of the NPPF.

Highway safety, access and traffic

134. The site would be accessed by an existing access from Aykley Heads Road. A footpath runs along the site of the road, the two being separated by a fence. It is proposed that the existing access is widened and be constructed to adoptable standards with details to be agreed through condition.
135. Parking would be provided within the site for 146 cars including 9 accessible/disabled spaces. It is also proposed to provide cycle and motor cycle parking and 2 electric vehicle charging points. Details of which would be required through condition. The proposed surface car park will be adequately surfaced, demarcated, and landscaped. In this context, the proposed car park is considered to be in compliance with CDLP Policies Q3 and T20.
136. The site can be accessed by those using public transport. There is sufficient access for vehicles servicing the development and emergency vehicles. In this context, the development is in compliance with CDLP Policy Q2.
137. A Transport Statement has been submitted in support of the planning application based on a future projected work force of 360 as opposed to 250. This Statement considers existing transport conditions, existing transport network, committed

development and trip generation from the proposed development. It concludes that the main traffic flows to the proposed development would be outside of peak hours and should not cause issues on the current traffic network. It is stated that due to the flexible nature of the Atom organisation there would not be the traditional issue of traffic congestion at peak hours with arrivals and departures occurring freely throughout the day. It is considered that demand from the new development would have minimal impact on the Aykley Heads roundabout. It is acknowledged that there would be some arrival and departure of core management staff at peak hours. However the peak hour trip generation is not considered material and would be within the expected daily variation in traffic demand for this part of the network. It is stated that in order to further reduce the vehicular movement to and from the proposed development, Atom Bank will commit to the adoption of a Workplace Travel Plan.

138. Although a Travel Plan has been submitted in support of the application. It is considered appropriate that a condition is attached to any grant of planning permission to ensure a revised Travel Plan is agreed prior to occupation of the building.
139. Highways officers raise no objections considering that arrivals and departures at peak times would not have a material effect on the highway network. The proposed access and parking arrangements are considered to be acceptable subject to conditions being attached to any grant of planning permission to require detailed plans and implementation prior to works commencing on site.
140. The proposal is considered to accord with CDLP Policy T1, which states that planning permission will only be granted if it can be demonstrated that the development will not have a detrimental impact on highway safety or the amenity of surrounding residents and businesses. However, CDLP Policy T1 is considered to be partially consistent with the NPPF which highlights that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
141. The proposed site is considered to be highly accessible. It is accessible by a range of public transport services, with bus stops around 500m from the site and Durham Rail station within a 1.5km walk. A park and ride facility also lies to the north west. Furthermore, the site is accessible by an extensive pedestrian footpath network and cycle routes. In this context, the application proposals would be consistent with CDLP Policies T19 and the NPPF's objectives in this regard.
142. The Highways Authority raise no objections. Through condition details of the proposed access improvements, car parking, location of cycle parking and provision of a travel plan can be required through condition.
143. Objectors to the proposal raise concerns regarding the potential impact of increased vehicle movements as a result of the proposed development in combination with other developments and in particular, Trinity School as site with ongoing concerns by residents. Highways officers note that the Bank would employ 360 personnel on a 3 shift system with start times of 06:00; 14:00; 22:00. Peak arrivals and departures to the development will be outside the background traffic peak hours which are 08:00 to 09:00 and 17:00 to 18:00 for the local road network. It is noted that there would be some arrival and departure of core management staff at peak hours (25am and 15 pm peak), however the peak hour trip generation would not be considered material and would be within the expected daily variation in traffic demand for this part of the network. Highways officers consider there would be no need to model junctions with such a level of increase in traffic flows.

144. No definitive public rights of way would be affected by the proposed development. As the site is currently open space and undeveloped members of the public access the site both as destination in terms of dog walking and also as a short cut to access other destinations. The development of the site would prevent this current informal use but links would be maintained to existing footpaths in the vicinity. The proposals would not be contrary to CDLP Policies R11 and T21. Given the location of the site is ideal in relation to its proximity to public transport, notably bus routes but it is also well related to the railway station and walking and cycle routes.
145. The objectives of CDLP Policies T1, Q2 and T10 of the CDLP and Part 4 of the NPPF are considered to have been met.
146. Concerns raised by the Durham Constabulary regarding access have been noted and no conflict between the two developments would occur. Details of the access would be required through condition.

Archaeology

147. An archaeological desk-based assessment has been submitted with the application. The assessment concludes that no archaeological deposits have been identified which require preservation in situ. Given the limited potential for archaeological remains to be present, and the landscaping that has taken place on the site, further archaeological works are not recommended. Archaeology officers confirm that there is no requirement for any further archaeological work. The development is therefore considered to comply with CDLP Policies E21 and E24, both being considered compatible with the NPPF.

Flood Risk

148. A Flood Risk Assessment (FRA) was submitted with the application. The FRA concludes that the development site area is shown to be within flood zone 1 and has a low annual probability of fluvial flooding. Similarly strategic level evidence shows that the risk of surface water flooding to the site is low. Therefore mitigation measures such as elevated floor level and resilient construction do not need to be integrated into the building design except in relation to the basement area. The FRA indicates that there is a low risk of flooding from all other sources.
149. It is noted that one objector raised impacts upon drainage. The Environment Agency has advised that it has no comments to make. Drainage and Coastal Protection officers raise no objections to the development requesting that confirmation of drainage proposals are provided, details which can required through condition. Northumbrian Water also raises no objections but requiring, through condition, a detailed scheme for the disposal of foul and surface water.
150. The proposal is considered to comply with CDLP Policy U10 which should ensure that flood risk is not increased elsewhere. It is not considered that there would be a conflict with CDLP Policy U8a. The proposal also complies with the requirements of Part 10 of the NPPF.

Other matters

151. The Economic Development (Employability) Team note that the development could create both short term and long term apprenticeship or employment opportunities for local people. Consequently, a condition is suggested in order to secure Targeted Recruitment and Training measures.
152. The proposed building has been designed with a fabric first approach that incorporates high insulation to the external fabric of the building. The submitted documentation commits to undertaking a number of measures to produce a thermally efficient building which include: high levels of insulation in the roof and thermal mass through the concrete floor and blockwork walls to stabilise the internal environment; detailing is expected to result in low air permeability/air tightness; high levels of insulation in the external fabric of the building, and windows approximately 40% of the total wall area to maximise day lighting and thermal efficiency. It is not intended to provide any renewable technology as part of the design.
153. Sustainability officers consider that information pertaining to sustainability and energy is lacking and requested that any planning permission be conditional on an embedded sustainability scheme being approved prior to development commencing. Having regards to CDLP Policy U14 a condition to ensure that energy reduction measures are incorporated into the building can be added to any approval. The connection to a potential district heating system on Aykley Heads as referred to by Sustainability Officers is considered unnecessary.
154. The site is within a Coalfield Development Low Risk Area as defined by the Coal Authority. Any development is therefore subject to standing advice.

CONCLUSION

155. The proposal for the erection of two storey office building with associated access, parking and landscaping at Aykley Heads for the headquarters of Atom Bank is supported in terms of the relevant development plan policies and the NPPF. The environmental effects of the proposal have been considered and found acceptable. The economic benefits of the proposed development in terms of the creation of 250 jobs and prestige of a high profile company locating to the County are to be welcomed.
156. The proposed design and scale of the building and the landscaping proposals are considered to be in keeping with its setting and surrounding development. Officers have considered the impact on the World Heritage Site and its wider setting concluding that although the building would not be visible and would have no harm on its setting or other designated heritage assets.
157. It is not considered that the proposed development will have any detrimental effects on residents or neighbouring uses subject to appropriate conditions. It is considered that there would be no detrimental effects on wildlife using the site nor on flood risk or drainage subject to condition.
158. The impact of the proposed development on the local highway network has been considered and deemed acceptable by Highway Authority Officers. The proposed access arrangements and parking provision are also considered to be acceptable.
159. Concerns expressed from objectors regarding this proposal have been taken fully into account, and carefully balanced against the scheme's wider social, economic and

community benefits. However, they are not considered to raise issues that justify planning permission being withheld.

160. The proposed development is considered to accord with the relevant policies of the development plan, national planning guidance contained within the NPPF, and the aspirations of the emerging County Durham Plan.

RECOMMENDATION

That Members be minded to **APPROVE** the application subject to the following conditions

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

Reason: Required to be imposed pursuant to Section 91 of the Planning & Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out only in accordance with the following approved plans and documents:

Drawings

- Drawing No. 3552.10.101.A Existing Site Plan
- Drawing No. 3552.10.102 Proposed Site Plan Wider Site
- Drawing No. 3552.10.103 Proposed Site Plan
- Drawing No. 3552.20.101 Proposed Basement Plan
- Drawing No. 3552.20.102 Proposed Ground Floor Plan
- Drawing No. 3552.20.103 Proposed First Floor Plan
- Drawing No. 3552.20.104 Proposed Roof Plan
- Drawing No. 3552.30.101 Proposed Elevations
- Drawing No. 3552.40.101 Typical Sections
- Drawing No. 3455.10.103 H Site Setting Out
- Drawing No. Landscape Design Proposal A
- Drawing No. AMS TPP-A (14/10/14) Arboricultural Tree Constraints Assessment - Existing Trees shown on Existing Layout Plan
- Drawing No. TPP-A (14/10/14) Arboricultural Impact Assessment Tree Protection Plan (TPP) Retained Trees shown on Proposed Layout with Protective Measures Indicated
- Drawing No. AMS EXI-A (16/10/14) Arboricultural Method Statement Existing Trees shown on Existing Layout Plan
- Drawing No. AMS EXI-A (16/10/14) Arboricultural Impact Assessment Existing Trees shown on Existing Layout Plan

Documents

- Biodiversity Design Principles Oct 2014 – Penn Associates October 2014
- Flood Risk Assessment rev 0 6th May
- Arboricultural Report - All About Trees
- Arboricultural Method Statement Drawing No. AMS TPP-A (14/10/14)
- Extended Phase 1 Survey July 2014 – Ecology, DCC (mitigation measure in Section 7 and Addendum 2014)
- Tree Survey Schedule
- Arboricultural Tree Constraints Assessment for Trees at the Bowling Greens, Aykley Heads, Co. Durham – All About Trees – 17 October 2014
- Arboricultural Impact Assessment for Trees at the Bowling Greens, Aykley Heads, Co. Durham – All About Trees – 17 October 2014

- Land at Aykley Heads, Durham City, archaeological desk-based assessment report 3523, August 2014
- Atom Bank HQ Transport Statement –Rivergreen Developments plc – 27 May 2015

Reason: To ensure that a satisfactory form of development is obtained in accordance with Policies E3, E5, E5a, E14, E15, E16, E21, E23, R11, EMP4(3), EMP14, T1, T20, T21, R3, Q1, Q2, Q3, Q5, Q7, Q15, U5, U8a, U10 and U14 2 of the City of Durham Local Plan and Parts 1, 2, 4, 7, 8, 10, 11 and 12 of the NPPF.

3. No development shall take place until a construction management strategy has been submitted to and approved in writing by the Local Planning Authority. The construction management strategy shall include but not necessarily be restricted to the following;
- i) Methods of suppressing dust (including a Dust Management Plan if necessary). All plant, vehicles, equipment and machinery used in connection with any site activities shall be properly operated, used and maintained so as to control and minimise the propagation and emission of dust suppression.
 - ii) Details of methods and means of noise reduction (the best practical means available in accordance with the current edition of BS 5228 Parts 1 to 4 shall be employed at all times to minimise the emission of noise from the site);
 - iii) Confirmation that the burning of combustible material on site shall be prohibited unless it has been first demonstrated that the material cannot be disposed of in any other suitable manner.
 - iv) Details of measures to reduce the potential for mud on the roads in the vicinity of the site.
 - v) Details of a construction vehicle traffic management strategy
 - vi) Details of light mitigation;
 - vii) Tree protection;
 - viii) Compound location, and
 - ix) Traffic management.

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

The best practical means available in accordance with the current edition of BS 5228 Parts 1 to 4 shall be employed at all times to minimise the emission of noise from the site.

The development shall be undertaken in accordance with the agreed construction management strategy.

Reason: In the interests of residential amenity and traffic management having regards to Policies E14, U5 and T1 of the City of Durham Local Plan and Parts 4 and

11 of the NPPF. Required to be pre-commencement as construction activity mitigation must be agreed before works commence.

4. No construction activities, including the use of plant, equipment and deliveries, should take place before 0800 hours and continue after 1800 hours Monday to Friday, or commence before 0800 hours and continue after 1300 hours on Saturday. No works should be carried out on a Sunday or Bank Holiday. The contractor shall have regard to the relevant parts of the current edition of BS 5228 "Noise and Vibration Control on Construction and Open Sites" during the planning and implementation of site activities and operations.

Reason: In the interests of the amenity of the area having regards to Policy U5 of the City of Durham Local Plan 2004 and Paragraph 109 of the National Planning Policy Framework.

5. Notwithstanding any details of materials submitted with the application, details, including samples, of all materials and colours of external materials to be utilised in the construction of the building, shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the building. Thereafter the development shall be implemented in accordance with the approved details.

Reason: In the interests of visual amenity having regard to Policies E3, E23 and EMP14 of the City of Durham Local Plan and Parts 7 and 12 of the NPPF.

6. Within 3 months of the commencement of the development a detailed landscaping scheme for the development has been submitted to and approved in writing by the Local Planning Authority.

The landscape scheme shall include the following:

Any trees, hedges and shrubs scheduled for retention

Details soft landscaping including planting species, sizes, layout, densities, numbers

Details of planting procedures or specification

Finished topsoil levels and depths

Details of temporary topsoil and subsoil storage provision

The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc

Trees, hedges and shrubs shall not be removed within five years. Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species. Replacements will be subject to the same conditions.

The approved landscaping scheme shall be carried out in the first available planting season following the completion of the development.

Reason: In the interests of the visual amenity of the area having regard to Policies Q5, E14 and E15 of the City of Durham Local Plan and Parts 7 and 11 of the NPPF.

7. Notwithstanding details of details submitted with the application, no development shall take place until protection measures for those trees and hedgerows indicated as being retained have been submitted to and agreed by the Local Planning

Authority, and then implemented. Thereafter the protection measures shall remain in place until the completion of the development.

Reason: In the interests of visual amenity having regard to Policies Q5 and E14 of the City of Durham Local Plan and Parts 7 and 11 of the NPPF. This Condition is pre-commencement in order to secure adequate protection measures before any vehicles or plant is brought onto site.

8. Prior to any works (including removal of vegetation and trees and ground disturbance) taking place in the north western part of the site, to the east of the central croquet pitch as shown on Drawing No. 3552.10.101.A 'Existing Site Plan' details of the works shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details

Reason: In the interests of visual amenity having regard to Policies Q5 and E14 of the City of Durham Local Plan and Parts 7 and 11 of the NPPF. This Condition is pre-commencement in order to secure adequate protection measures before any vehicles or plant is brought onto site.

9. No development shall take place until a scheme for the management and disposal of surface and foul waters from the development has been submitted to and approved in writing by the Local Planning Authority. *The scheme shall include flow rates, oil interceptors, and method of disposal taking full account of sustainable drainage principles and the hierarchy of preference, supported by a permeability test in according with BRE Digest 365. Reference should be made to the County Council's Surface Water Management Plan.* Thereafter the development shall be implemented in accordance with the approved details.

Reason: In the interests of managing surface and foul water disposal and prevent the increased risk of flooding from any sources having regard to Policies U8a and U10 of the City of Durham Local Plan and Part 10 of the NPPF.

10. No development shall take place until details of the access widening and improvement works (including the turning head) have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details prior to construction of the building.

Reason: In the interests of ensuring safe access to the site during and after construction of building having regard to Policy T1 and Q2 of the City of Durham Local Plan and Part 4 of the NPPF.

11. No development shall take place until final details of the car parking layout and construction have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.

Reason: In the interests of ensuring adequate parking arrangements for both vehicles and cycles having regards to Policies T1, T20, Q2 and Q3 of the City of Durham Local Plan and Part 4 of the NPPF.

12. Prior to occupation of the development hereby approved, the location and specification of covered cycle parking shall be submitted to and approved in writing by the Local Planning Authority. The covered cycle parking shall thereafter be

installed in accordance with the approved details prior to first occupation of the development.

Reason: In the interests of encouraging sustainable travel, in accordance with Policies Q2 and T20 of the City of Durham Local Plan.

13. Prior to occupation of the development hereby approved, the location and specification of a minimum of two electric charging points shall be submitted to and approved in writing by the Local Planning Authority. The electric charging points shall thereafter be installed in accordance with the approved details prior to occupation of the development.

Reason: In accordance with the Council's current Parking and Accessibility Standards and paragraphs 35 and 36 of the National Planning Policy Framework.

14. Prior to first occupation of the building a Travel Plan, conforming to the National Specification for Workplace Travel Plans, PAS 500:2008, bronze level, shall be submitted to and approved in writing by the Local Planning Authority. Once approved the Travel Plan must be implemented for the lifetime of the development.

Reason: In the interests of promoting sustainable transport options having regards to Part 4 of the NPPF.

15. Details of the height, type, position and angle of any external lighting, temporary or permanent, shall be submitted to and approved in writing by the Local Planning Authority prior to the development hereby permitted being brought into use. The lighting shall be erected and maintained in accordance with the approved details.

Reason: In the interests of the visual amenity of the area having regard to Part 11 of the NPPF.

16. No development above ground level shall take place until a scheme to embed sustainability and minimise carbon from construction and in-use emissions has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in complete accordance with the approved scheme and retained while the buildings remain in existence.

Reason: In order to ensure sustainability measures are embedded in the scheme both during construction and in use and in order to comply with Paragraphs 93-97 of the National Planning Policy Framework.

17. Prior to first occupation of the building a scheme for the introduction of artistic elements/features into the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.

Reason: In the interests of the provision of art in development having regard to Policy Q15 of the City of Durham Local Plan.

18. No development shall commence until an Employment & Skills Plan is submitted to and approved in writing by the Local Planning Authority. Thereafter the development hereby approved shall be carried out in accordance with the approved Employment & Skills Plan.

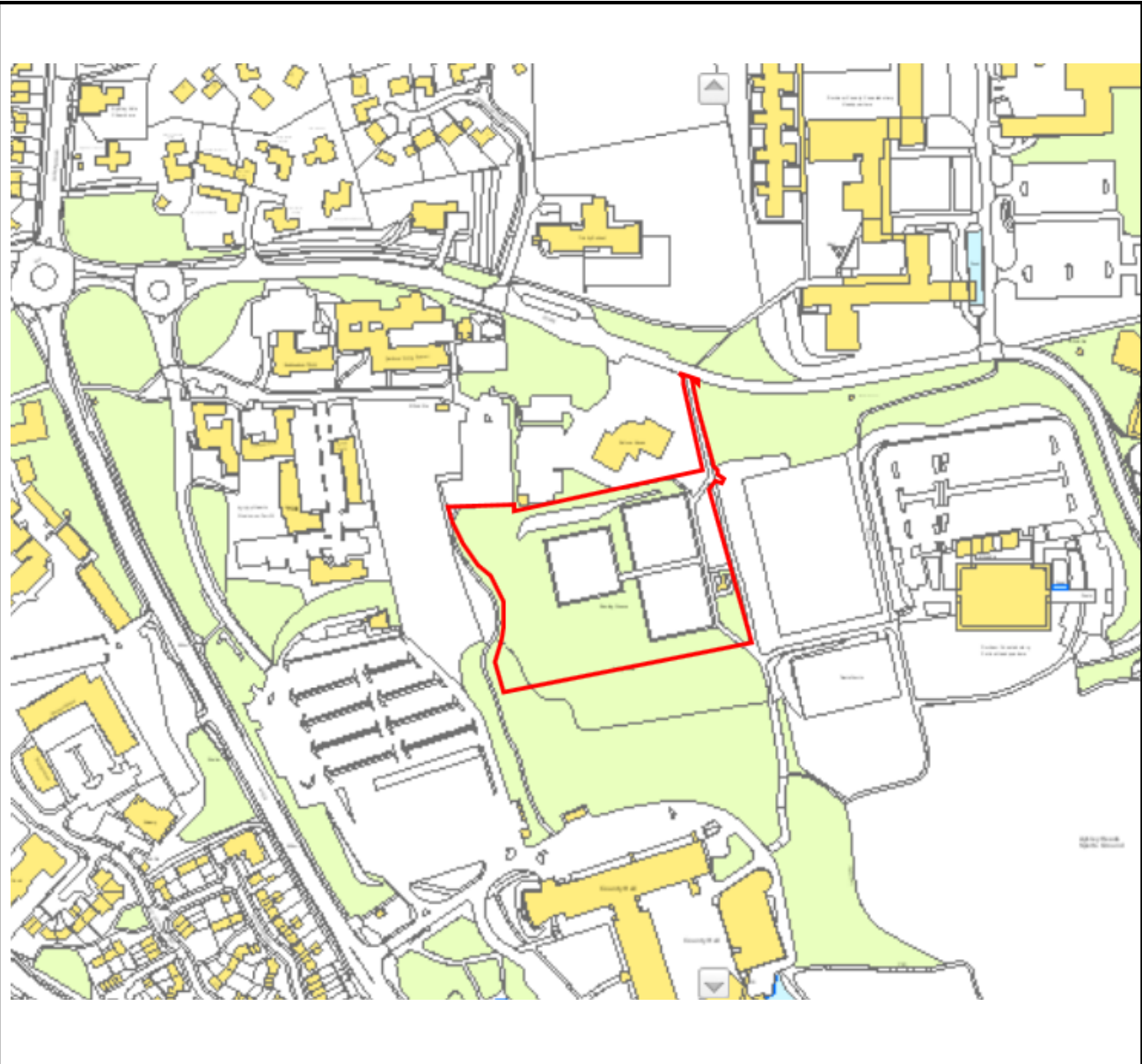
Reason: In the interests of building a strong and competitive economy in accordance with Part 1 of the NPPF. This condition is pre-commencement as it concerns construction workforce employment.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

- Submitted application form, plans, supporting documents and subsequent information provided by the applicant.
- National Planning Policy Framework (2012)
- Planning Practice Guidance Notes
- City of Durham Local Plan 2004
- Emerging County Durham Local Plan
- Statutory, internal and public consultation responses



Planning Services

Erection of two storey office building with associated access, parking and landscaping, Former Croquet Lawns Aykley Heads DH1 5TS (DM/15/01548/FPA)

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Comments

Date October 2015

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