

# COMMITTEE REPORT

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## APPLICATION DETAILS

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**APPLICATION NO:** DM/16/02335/FPA

**FULL APPLICATION DESCRIPTION:** Distribution centre with associated vehicular and pedestrian access, car parking and landscaping, and erection of 4 units (blocks 1, 6, 8 and 9) for mixed industrial and storage use.

**NAME OF APPLICANT:** Mandale Investments Ltd

**ADDRESS:** Philips Components Ltd, Belmont Industrial Estate, Belmont, Durham

**ELECTORAL DIVISION:** Belmont

**CASE OFFICER:** Graham Blakey, Senior Planning Officer  
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## DESCRIPTION OF THE SITE AND PROPOSALS

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### The Site

1. The former LG Philips site lies within the eastern part of the Belmont Industrial Estate which is in turn located on the north eastern edge of Durham City. The site is accessed directly from the Estate's distributor road, which joins Broomside Lane to the south by means of a recently improved traffic signal controlled junction. Broomside Lane joins the A690 via a grade separated junction to the west, and this dual carriageway directly links the city centre to the south, and Junction 62 of the A1 (M) to the north. Land levels generally follow in steps from the east (A1) to west (A690), with differing levels across the Estate between this site and the existing units to the north and west which are set at a lower level.
2. The nearest residential areas to the proposed development lie to the east at Carville, 100m across the A1(M), and to the south in both Gilesgate and Gilesgate Moor, around 700m at their closest points across from Broomside Lane. There are no landscape or nature conservation designations within or adjacent to the site boundary. An embankment within the application site has been assessed as having Durham Biodiversity Action Plan quality grassland worthy of protection.
3. The application site is on land identified within the City of Durham Local Plan (CDLP) as a Prestige Industrial Estate.

## The Proposal:

4. The application site consists of a parcel of land that covers several of the partly constructed industrial blocks and the extreme north east of the site which is currently vacant. Proposed is the latest phase of the works to the site and has two main parts to the development. Firstly, the erection of a 5,387sqm (57,985sqft) distribution warehouse with associated hardstanding for lorry vehicle movements. Secondly, the variation in the use of the previously approved B1 (Light Industrial) Blocks 1, 6, 8 and 9 totalling 7,637sqm (82,204sqft) to B2 (General Industrial) and B8 (Storage and Distribution). As these blocks have not been fully constructed or occupied a new application has been submitted.
5. The new distribution centre would be made up of 5,109sqm (55,000sqft) of warehouse space (B8 use) and 278sqm (2,993sqft) of ancillary office space. The proposed building would reach a height of 10.75m (35 feet) and be constructed from trapezoidal profiled sheeting colour dark grey similar to the rest of the new development at the site. Areas of hardstanding for lorry movements would be located to the north and south of the unit, with car parking for staff located centrally.
6. The 'new' blocks would be erected as per the previously approved details creating 7,637sqm (82,203sqft) of floor space. The buildings would feature a mixture of traditional dual pitched roofs and a multi-valley waved design, and would reach 9-9.25m in overall height. Construction would be from trapezoidal profiled sheeting in a dark grey colour similar to the rest of the new development at the site. Several of the steel frames for the proposed 'Block' buildings have already been erected at the site. Mostly the Blocks are proposed as large open-plan warehousing / industrial units, the exception to this is Block 6 which is now proposed to be subdivided internally to nine smaller units with associated large vehicle openings to the south elevation and fire exits to the rear (north).
7. The application is reported to the County Planning Committee as it constitutes a major industrial development of over 10,000m<sup>2</sup> floorspace.

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## **PLANNING HISTORY**

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8. Planning Permission No. 4/06/00558/FPA was granted in September 2006 for the erection of 10 office buildings, a single unit restaurant and associated car parking (Phase 1 – south west portion of the site).
9. Planning Permission No. 4/07/00375/FPA was granted in November 2008 for the erection of new office units and conversion of existing buildings to offices plus 994 car parking spaces (Phase 2 – remainder of site).
10. Planning Permission No. 4/11/00256/FPA was granted July 2011 for the renewal of planning permission for the erection of new office units and conversion of existing buildings to offices plus 720 parking spaces, as amended by 4/09/00976/VOC, (Phase 2 – remainder of site).
11. Various amendments to the layout of Phase 2 were approved between 2013 and 2015 that included the amalgamation of some Blocks, differing of contributions, greater flexibility in planning use (i.e. to B1, B2 and B8), and associated minor external alterations.

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# PLANNING POLICY

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## NATIONAL POLICY

12. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF). 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. 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’.
13. 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. The following elements of the NPPF are considered relevant to this proposal.
14. *NPPF 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 of a low carbon future.
15. *NPPF Part 4 – Promoting Sustainable Transport.* The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. It is recognised that different policies and measures will be required in different communities and opportunities to maximize sustainable transport solutions which will vary from urban to rural areas. Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
16. *NPPF 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 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.
17. *NPPF 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.
18. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The planning system should contribute to, and enhance the natural environment by; protecting and enhancing valued landscapes, recognizing the benefits of ecosystem services, minimising impacts on biodiversity and providing net gains in biodiversity where possible, preventing new and existing development being put at risk from unacceptable levels of soil, air, water or noise pollution or land instability, and remediating contaminated and unstable land.

19. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite (NPPG). This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to: climate change; design; flood risk; land affected by contamination; natural environment; noise; planning obligations; travel plans, transport assessments and statements; use of planning conditions and; water supply, wastewater and water quality.

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

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

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

20. *Policy E16 – Nature Conservation – The Natural Environment.* This policy 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.
21. *Policy EMP5 – Prestige Industrial Sites.* This policy identifies Belmont Industrial Estate as a prestige industrial estate suitable for use class B1 and B2 uses.
22. *Policy T1 – Transport – General.* This policy states that the Council will not grant planning permission for development that would generate traffic likely to be detrimental to highway safety and / or have a significant effect on the amenity of occupiers of neighbouring property.
23. *Policy T2 – Road Proposals – Justification.* States that the Council will grant planning permission for development that would facilitate inward investment and economic prosperity, improve road safety standards, have the minimum of adverse effect on the local environment and assist public transport/cycle provision.
24. *Policy T20 – Cycling – Provision of Cycle Parking.* Sets out a requirement to encourage the provision of facilities for parking cycles in the city centre and at other appropriate locations.
25. *Policy Q5 – Landscaping – General –* requires all new development which has an impact on the visual amenity of the area in which it is located to incorporate a high level of landscaping in its overall design and layout.
26. *Policy Q6 – Landscaping – Structural Landscaping –* requires new development to edge of settlement locations to provide peripheral structural landscaping within the site to minimise any adverse visual impact.
27. *Policy Q7 – Industrial and Business Development.* Sets out that new development should be of a standard appropriate to the designated area in which it is located.
28. *Policy U5 – Pollution Prevention – General.* Planning permission for development that may generate pollution will not be granted if it results in; an unacceptable adverse impact upon the quality of the local environment; the amenity of nearby and adjoining land and property or; will unnecessarily constrain the development of neighbouring land.

29. *Policy U8a - Disposal of Foul and Surface Water.* Requires developments to provide satisfactory arrangements for disposing foul and surface water discharges. Where satisfactory arrangements are not available, then proposals may be approved subject to the submission of a satisfactory scheme and its implementation before the development is brought into use.
30. *Policy U14 - Energy Conservation – General.* States that the energy efficient materials and construction techniques will be encouraged.

**RELEVANT EMERGING POLICY:**

The County Durham Plan

31. 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 (CDP) was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that Report was quashed by the High Court following a successful Judicial Review challenge by the Council. In accordance with the High Court Order, the Council has withdrawn the CDP and a new plan being prepared. In the light of this, policies of the CDP can no longer carry any weight. As the new plan progresses through the stages of preparation it will begin to accrue weight.

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

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

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## **CONSULTATION AND PUBLICITY RESPONSES**

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**STATUTORY RESPONSES:**

32. *Highway Authority* – Raise no objection. Officers consider that the change from B1 to B2/B8 would reduce the overall vehicle movements at peak times, therefore having less of an impact upon the highway network. Officers are satisfied that it can be demonstrated that an HGV can manoeuvre into the various loading areas without encroaching on footways. In addition details have been provided showing areas where carriageways are to be widened. It is recommended that details of the location of cycle and electric vehicle (EV) parking are required through condition. Visibility splay at the northern most internal junction are considered acceptable following the submission of additional detail.
33. *Highways England* – Consulted, no comments received.
34. *Coal Authority* – Object to the proposals. The site does fall within the defined Development High Risk Area and no Coal Mining Risk Assessment has been submitted with the application.
35. *Northumbrian Water* – Raise no objections. No details of an agreement to enter into the public sewer have been submitted by the applicant. Condition to agree details is therefore recommended.

## **INTERNAL CONSULTEE RESPONSES:**

36. *Environment, Health and Consumer Protection (Contaminated Land)* – Raise no objections. Officers advise that a condition should be added to any planning permission requiring the completion and submission of detailed Phase 4 verification report.
37. *Environment, Health and Consumer Protection (Noise, Light, Odour and Dust)* – Raise no objections. It is noted that the proposed development is in close proximity to a significant 24hr noise source namely the A1 therefore although elements of the development have potential noise impacts associated with officers do not consider they are likely to increase the existing noise climate. Officers consider that as the application relates to a distribution centre the planning department should satisfy themselves in relation to potential impact of HGV movements further afield, especially during the late night/early morning hours. No adverse comments are made in terms of the potential of the development to cause a statutory nuisance, as defined by the Environmental Protection Act 1990. However, the Planning Authority may wish to consider the comments provided above, in determining whether there will be a loss of amenity as a result of the proposal.
38. *Ecology* – Raise no objections. The applicant has clearly identified the biodiversity resource through appropriate surveys and has agreed to create compensatory habitats for those habitats to be lost and is managing the remaining resource on site in line with best practice. The compensation and mitigation provided by the applicant is sufficient to meet the requirements of the NPPF.
39. *Design and Conservation* – Raise no objections. The development proposals are considered to be acceptable given the previous approvals and the sites location within the established mixed use industrial estate, the scale, mass, and general approach to design is appropriate to the location and end use. On this basis no objection is raised from a heritage and design standpoint, but is suggested that the materials proposed for use are secured by the imposition of standard planning conditions.
40. *Landscape* – Raise concerns. Officers note that the submitted scheme contains no landscape details beyond that which are evident on the site plan and the reference to landscaping in the Planning Statement. While soft landscaping spatial provision surrounding Blocks 1, 6, 8 & 9 might be adequate to soften the effect of built development, no such areas attend the proposed north east corner Distribution Unit. This is particularly lacking at the Unit's north end site boundary and at the south end palisade fencing to the south and south west of Blocks 8 and 9.
41. *Sustainability* – Raise no objections. Photo-voltaic panels across development to reduce carbon output by 10% proposed.
42. *Travel Planning Advisor* – Raise no objections to the proposal having reviewed the submitted Travel Plan against the BSI 'National Specification for Workplace Travel Plans' (PAS 500) a number of recommendations are made. These can be incorporated into a revised Plan required through condition should planning permission be granted.

## **PUBLIC RESPONSES:**

43. The application was advertised within the press, on site and letters were sent to neighbouring properties.

44. One representation has been received from a neighbouring business raising objections to the application. The matters raised relate mainly to highways and access, and are summarised below.
- Marked increase in the volume and type of traffic using the roads in to the estate which will have an adverse effect on those currently based here;
  - Main entrance into estate off Broomside Road does not seem appropriate for increased HGV traffic; in addition current parking on both sides of the road along parts of the internal estate road is already an issue;
  - The access road from the Industrial Estate Service Road on to the site is not appropriate for HGV type traffic, with very high speed bumps on the access road;
  - Concerns about the safety and maintenance of these access roads with increased and heavy traffic use.

#### **APPLICANTS STATEMENT:**

45. The current application proposals relate to the development of Blocks 1, 6, 8 and 9 and Distribution Centre with associated vehicular and pedestrian access, car parking, landscaping, and bin stores at LG Philips, Belmont Industrial Estate, Durham. The application site forms part of the wider LG Philips (Phase 2) site which is allocated as a Prestige Industrial Site under the provisions of 'saved' Policy EMP5 of the City of Durham Local Plan and the wider Phase 2 site benefits from an implemented planning permission for the provision of office floorspace.
46. The change of use of the approved B1 floorspace to B2 / B8 use would have a significantly reduced impact on the operation of the local highway network during peak periods than the consented B1 floorspace and the proposed minor design amendments remain entirely complementary to the existing built form in the locality.
47. We are therefore of the opinion that the application proposals comprise of a sustainable form of development that will deliver a number of clear and substantial social, economic and environmental benefits for the local area and support the aims and objectives of the Development Plan in force for the area, as well as national guidance contained within the NPPF. We would therefore respectfully request that the LPA resolve to support the proposals through the grant of planning permission subject to any conditions deemed necessary.

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

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

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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48. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with Paragraph 212 of the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to: principle of the development; design and visual impact; highway safety issues; ecology; residential amenity and flood risk and drainage.

## The Principle of the Development

49. The application site is identified for B1 (Business) and B2 (General Industrial) use within the CDLP, and forms part of the wider LG Philips site (identified as Phase 2), which is a strategically important employment site that will deliver substantial benefits for the local economy. Planning permission is already in place and implemented which covers the erection of the various 'Blocks' that are proposed within the central area of the site, these are in various stages of construction and are proposed for B1 light industrial/office use.
50. Apart from the subdivision of Block no. 6 into nine smaller units with associated additional openings to the elevations, the main difference to Blocks 1, 6, 8 and 9 from their extant planning permission is their proposed use for mixed industrial and storage (i.e. B2 and B8 uses).. Similarly, the 5,387sqm new distribution centre would propose a new building within use class B8 also. Policy EMP5 of the CDLP specifies Belmont Industrial Estate as a prestige estate that should contain use class B1 development and restricted B2 development where it has limited impacts upon the surrounding area. The restrictive nature of CDLP Policy EMP5 is at odds with the NPPF and its requirement to promote sustainable economic growth to create jobs and prosperity (Paragraphs 18 – 21). As a result, Policy EMP5 can only be considered partly consistent with the NPPF (Paragraph 215). A more open and less restrictive approach to other types of economic development should be considered.
51. It is noted that there are also similar B2 and B8 uses present on the estate, appearing to have been on site for some years, in close proximity to the application site (e.g. a beer and wine distribution hub). A local bus company, Arriva North East, relocated its workshop and depot facility to a building to the north of the application site around 5 years ago from the city centre. These are examples of where the weight that can be attributed to CDLP Policy EMP5 has been weakened through previous decision taking, and demonstrating further consistency with the economic prosperity as directed by Paragraphs 18-21 of the NPPF.
52. As a result, the proposed development that is located within the boundaries of an industrial estate and which comprises a previously developed site is considered to be appropriately located to satisfy the aims of the NPPF to support sustainable economic growth (Paragraphs 18-21) and which also fulfils the compliant aspects of CDLP Policy EMP5 in regards to principle. Other material considerations still apply and will have to be assessed and will be appropriately weighted in the decision making process.

## Design and Visual Impact

53. The application site does not hold any landscape protection designations; however, CDLP Policy EMP5 does promote a high standard of design through adherence to CDLP Policies Q5, Q6 and Q7. Policies Q5 and Q6 require new development that has an impact upon the visual amenity of an area, or edge of settlement to incorporate appropriate landscaping in mitigation. Policy Q7 requires the effective management of siting, layout and external appearance of new industrial development. These Policies are consistent with Paragraph 58 of the NPPF which states that new development should be visually attractive as a result of good architecture and appropriate landscaping.
54. The proposed Blocks, centrally located within the overall LG Philips site, are surrounded by built development to the south and west and are laid out to follow the pre-approved layout. Their scale and general appearance has not altered from a



previous approval and so the landscape impacts previously considered acceptable would continue to be so.

55. The new distribution centre proposed to the north east part of the site is a substantial difference to the previously approved small office block development, and which have been built in other areas of the overall site. The building at 10.75 metres tall sits as tall as the aforementioned Blocks elsewhere on the estate and so is likely to be a visible structure in the wider landscape. The eastern boundary of the estate is flanked by the A1(M) and features a substantial and mature wedge of structure planting that at this point would result in reduced visibility of the new distribution centre from the motorway.
56. Views from the west across the River Wear and wider valley do make it possible to view the built development of the estate from places such as Newton Hall. The prominent building visible is the indoor football venue "Soccerena" located to the south west corner of the estate. The previously approved Blocks on the estate form substantially less intrusive features and so the impact upon the wider landscape is less. With the distribution centre proposal of a similar scale and height it is not considered that the centre would have an undue impact upon the wider area in accordance with CDLP Policies EMP5, Q5 and Q6.
57. Within the estate, the continuity of building materials and a consistent layout would result in a clear perception of each building that would allow logical, easy to follow movement through the estate. The Council's Design and Conservation officer acknowledges the synergy with pre-existing contemporary warehousing in the vicinity and the matching scale, massing and general approach taken and has offered no objections to the proposals. Small elements of landscape planting have been added to the scheme to soften the appearance of the car parking and expanses of hardstanding to the new distribution centre and follow the broad comments of the Landscape Officer to soften the internal views of the new development from within the estate. The proposals are therefore considered to be in line with the requirements of CDLP Policies EMP5 and Q7.
58. Landscape officers have raised concern regarding a lack of landscaping along the boundaries of the proposed distribution centre, considering that the application provides an opportunity to introduce greenery to the estate. Some attempts have been made by the applicant to introduce planting to the northern boundary of the proposed site, however these lack detail. A condition to require details of the proposed landscaping across the application site would be considered appropriate in this instance.
59. Overall, the visual impact of the proposed new distribution centre would be considered to be limited to pre-existing impacts from the built development to date. The strong structure planting to the A1(M) provides both suitable screening and a green back drop for the development to be set against. The layout of the development reads well with viewpoints of key buildings and points of interest. The proposal is therefore considered to accord with the requirements of CDLP Policies EMP5, Q5, Q6 and Q7, and Parts 7 and 10 of the NPPF.

#### Highway Safety Issues

60. Inclusion of a development of the scale and nature proposed would have an impact upon the highway network in the vicinity of the development. The NPPF requires that all developments generating significant amounts of movement should be supported by a Transport Statement or Transport Assessment. It highlights that development should only be prevented or refused on transport grounds where the residual cumulative

impacts of development are severe. NPPG directs LPAs to make judgements on proposed developments and the impacts associated with large amounts of vehicle movements. CDLP Policy T1 is consistent with the requirements of the NPPF to prevent detrimental impacts upon the highway network. The application is accompanied by Transport Statement and Travel Plan documents.

61. A change from B1 use to mixed industrial and storage uses has been assessed within the submitted Transport Statement. The Highway Authority considers that the trip generation associated with the industrial and storage uses would result in a reduction in peak hour vehicle movements and can be accommodated on the local road network successfully. This conclusion was reached by similar means within submitted the transport statement and is acknowledged by the Highway Authority.
62. By its very nature a distribution centre would be associated with HGV vehicle movements at a greater frequency than most other industrial uses. The position of the centre to the north east of the estate places the building at 1km from Broomside Lane, the main access point. Issues of visibility at junctions within the estate, safe cycle and pedestrian access to the site and the concerns raised by a nearby business regarding the increase in HGV traffic are all considerations.
63. Amended plans indicated that the internal junction north of Wear House via which the HGV vehicles would access the proposed distribution centre would have an enlarged 2.4m x 70m visibility splay to the south in light of the HGV usage. The Highway Authority considers this to be a suitable level of visibility to ensure no conflict in vehicle movements.
64. Similarly, the erection of mixed industrial and storage use buildings across the site would be likely to increase HGV movements throughout the development. The Transport Assessment states that the internal roads within the development site would be increased in width to accommodate increased HGV use. Following the submission of additional plans the Highway Authority is satisfied that the applicant has demonstrated that an HGV can manoeuvre into the various loading bays without encroaching onto footways.
65. The NPPF, in encouraging sustainable modes of transport, promotes cycling as part of new developments. The proposal should therefore look to accommodate parking provision for cyclists and electric vehicles; however no details have been submitted in this regard. A condition to agree this detail would therefore be appropriate in this instance.
66. Concerns raised by a local business on the estate revolve around the increased HGV traffic that would arise from the proposed development. Issues of on-road parking, speed bumps and other potential conflicts on the internal estate road can be resolved with changes to the road through continuation of the parking restrictions and removal / alteration of speed bumps as and where necessary. The Highway Authority has considered that the change from B1 to B2/B8 would reduce vehicle flows overall and while there would be a change to HGV movements these could occur within a wider range of working hours and so have a further reduced impact upon the rest of the estate.
67. A framework Travel Plan has been submitted with the application, this loose focused document has been prepared with limited knowledge of the future occupants of the proposed units. The Highway Authority and Travel Planning Team have both requested that a condition requiring the submission of a final Travel Plan be applied to any planning permission.

68. Overall, the change from B1 office space to mixed B2/B8 and the construction of a large distribution centre would not, it is considered, result in a severe residual cumulative impact upon the highway network as outlined by the NPPF. The change would result in a reduced level of peak flow traffic and there would be sufficient alterations to the internal road layout of the estate to accommodate the likely change in the nature of traffic movement. The proposal is considered to accord with the requirements of CDLP Policies T1, T2 and T20, which are consistent with the NPPF, and Part 4 (Promoting sustainable transport) of the NPPF.

## Ecology

69. Paragraph 109 of the NPPF requires LPAs when assessing new development to minimise impacts on biodiversity and provide net gains where possible. CDLP Policy E16 is consistent with the approach of the NPPF and protect against loss of habitat and to provide mitigation against impacts from a development. The application site forms part of an area of Durham Biodiversity Action Plan (DBAP) quality grassland which previously formed part of the mitigation strategy for other phases of the redevelopment of the LG Philips site. This is confirmed by the submitted ecological report, which notes two areas of grassland, a larger area where development is proposed and an embankment to the south of the proposed distribution centre. The larger area would be lost as part of the proposals.
70. Subsequently, the ecology report concludes that mitigation for the larger area of grassland should instead be explored off-site. The Council's Ecology officer is supportive of this approach as the loss of the DBAP grassland can be compensated for and has worked with the applicant to produce a list of items required for the creation of habitat elsewhere. In cost terms, a contribution from the developer of £15,000 would enable the offsite creation of 0.8ha of species rich grassland. It is proposed to be secured by way of a planning obligation under Section 106 of the Town and County Planning Act 1990. The geographical location for where the monies would be spent would be specified within the obligation.
71. The grass embankment to the south of the distribution centre is proposed for retention, with the ecological report highlighting the initiation of a management plan to retain and enhance the biodiversity of the site. The applicant has subsequently submitted the management plan and the Council's Ecology officer considers it sufficient to secure the aims of Paragraph 109 of the NPPF to minimising impacts on biodiversity and providing net gains in biodiversity where possible.
72. The proposed planning obligation is considered necessary to make the development acceptable. It is considered that the three planning tests set out in paragraph 204 of the NPPF and Section 122 of The Community Infrastructure Levy Regulations 2010 are met. These being that matters specified are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development. The development, proposed to an area of previous mitigation planting for the overall scheme is considered to meet these tests for relevance, siting and scale of the requested obligation.
73. With the contribution to be made for the provision of off-site mitigation and with the management plan in place to retain and enhance the grass embankment on site, the proposal would be considered to accord with the aims of Paragraph 109 of the NPPF.

## Residential Amenity

74. The site is bordered to the north west and east by dual carriageway arterial roads (A690 and A1(M)), with housing fronting on to the A1(M) in Carville across the motorway from the application site (the closest being some 100m from site boundary). To the south Broomside Lane separates the industrial estate from the residential areas of Gilesgate and Gilesgate Moor approximately 700m from the application site.
75. Being located wholly upon an industrial estate, the impacts upon the amenity of neighbouring residential properties is likely to come from secondary impacts associated with the operation of the businesses such as vehicle movements or noise from plant and machinery. Paragraph 123 of the NPPF directs decision-makers to avoid noise from new development that would give rise to significant adverse impacts on health and quality of life, and where possible mitigate and reduce other adverse impacts. NPPG outlines that noise disturbance that causes significant observed adverse effects upon health and quality of life should be avoided by the planning process. The NPPG also offers quantification of the levels of impact and the weight each should be given in the decision making process. CDLP Policy U5 follows the direction of the NPPF by not allowing development that would have an unacceptable adverse impact upon the amenity of nearby and adjoining land and property.
76. The Environment, Health and Consumer Protection officer does not raise any objections to the position of the building and its operation internally to the site. The presence of the A1(M) adjacent, which is considered to be a significant noise source 24hours a day, is likely to cause the greatest disturbance upon residential amenity in the vicinity. The operation of the distribution centre is likely to cause impacts that would sit below the level of disturbance from the motorway; however impacts could still be possible. Unrestricted hours of operation are requested by the applicant. These are not considered to adversely affect the amenity of residents nearby in light of the above. Notwithstanding general business operational impacts, no details of external plant or machinery have been provided for the proposed units. Their inclusion could have the potential to impact residential amenity late at night / early in the morning and therefore a condition requiring the submission of details of any equipment to be installed prior to its installation would be appropriate.
77. The potential for off-site impacts through HGV movements during the late night/early morning hours is noted. Access to the wider road network would be via Broomside Lane, A690 and A1(M). The residential areas to the south of the estate already have some form of noise impact from the existing operation of the estate that include a local bus company depot and a beer and wine distribution hub. The addition of the distribution centre would add to the established vehicle movements resulting in some additional cumulative impact. However, this is unlikely to significantly alter the current noise climate experienced by residents nearby and so is not considered sufficient to warrant refusal of the application.
78. This proposal would add HGV vehicle movements to the road network accessing the site, as acknowledged by the Transport Statement. However, this is against a backdrop of an already established level of HGV and bus movements during the night and early morning hours. As such this proposal would be likely to cause noticeable but not intrusive impacts upon those neighbouring properties, a level not considered to cause undue impact upon residential amenity and so the development is in accordance with CDLP Policy U5, which is consistent with the NPPF, and Paragraph 123 of the NPPF.

## Flood Risk and Drainage

79. Paragraph 94 of the NPPF directs decision makers to adopt a proactive strategy to mitigate against climate change, accounting for flood risk and water supply and demand. CDLP Policy U8a follows from the aims of the NPPF by ensuring that development should only be allowed where they include satisfactory arrangements for the disposal of foul and surface water. The site does not lie within an area considered to be at risk of surface water flooding, being positioned outside of flood risk areas as designated by the Environment Agency.
80. The proposed development forms part of the wider re-development. Construction work that has taken place already at the former LG Philips, whereby a previous drainage strategy for connection to the mains sewerage system had been agreed by the Council and Northumbrian Water. This development would be consistent with the approach previously agreed and so is considered to accord with the aims of CLDP Policy U8a, which is consistent with Part 10 of the NPPF.

## Other Issues

81. Providing large buildings of this nature has the potential to result in a large carbon footprint through their construction and subsequent operation. Part 10 of the NPPF directs new development to reduce energy consumption and promote on site generation where possible. CDLP Policy U14 builds upon this requirement through encouraging use of energy efficient materials and construction techniques as well efficient design and on-site renewable energy generation. The submitted Sustainability Report outlines the use of solar photo-voltaic (PV) panels to generate electricity that would have the net result of reducing carbon dioxide output by 10.62%. As such the Sustainability and Climate Change officer is satisfied that the proposed scheme would reduce the carbon energy consumption of the development. This would be considered in line with the aims of CDLP Policy U14, viewed as consistent with the NPPF, and Part 10 of the NPPF and appropriate in this instance.
82. The application site straddles areas of the Coal Authority's defined coal mining "high risk" and "low risk" areas. The Coal Authority object due to a lack of coal mining risk assessment with the application. As a result, a condition requiring the submission of a coal mining risk assessment would be necessary as part of any planning permission.
83. Environment, Health and Consumer Protection officers raise no objections in relation to contaminated land. However, a condition requiring the submission of a validation statement after completion of the development should be imposed on any planning permission.

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## **CONCLUSION**

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84. The proposed development comprises a mixed industrial and storage use industrial development proposed to land designated as prestige industrial estate. CLDP Policy EMP5 restricts B8 use on the site, and accordingly, the proposals would not be wholly in accordance with Policy EMP5. However, the restrictive nature of the Policy is such that it is not consistent with the economic growth vision outlined in the NPPF, and as such the Policy cannot therefore be afforded significant weight in terms of the principle of the development. The wider industrial estate does include a number of established similar uses, such as wine and beer distribution hub and a local bus company depot. The principle of the proposed B2/B8 development is therefore considered to be acceptable.

85. The proposed buildings are large structures. Nevertheless given their position within an established industrial estate against the back drop of structure tree planting to the A1(M) boundary and other buildings in the estate, with which the general design ethos and palette of materials has been shared, both reduce the visual impact of the development to acceptable levels. Issues of highways, flood risk, residential amenity, legacy coal mining, contaminated land and sustainability have all been assessed and subject to conditions potential impacts can be adequately mitigated.
86. The site hosts DBAP grassland habitat, which should be maintained and enhanced. As a result of the proposed development the grassland would be lost. However, the applicant proposes off-site mitigation to be secured through a planning obligation.
87. The proposal has generated an objection from a neighbouring user of the estate in relation to the proposed access arrangements for the site. Concerns are expressed regarding the single access into the estate, intensification of the access and estate roads. These concerns have been taken 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.

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## RECOMMENDATION

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That the application be **APPROVED** subject to the completion of a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 to secure the following:

- i) £15,000 in lieu of on-site provision of Durham Biodiversity Action Plan grassland habitat.

And subject to the following conditions:

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

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

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

Date	Plan No.	Title
20/06/2016	137 Rev D	Existing Site and Location Plan
Oct 16	648-06-184	Proposed Site Plan
07/10/2016	162 Rev E	Distribution Centre – Site Plan
20/06/2016	164 Rev A	Distribution Centre – Prop Elevations
20/06/2016	155 Rev J	Distribution Centre – Office Floor Plan
20/06/2016	181	Block 1 – Proposed Elevations
20/06/2016	180 Rev A	Block 1 – Proposed Floor Plan
05/09/2016	2040	Block 6 – Proposed Elevations
05/09/2016	2036 Rev D	Block 6 – Proposed Floor Plan
20/06/2016	135 Rev F	Blocks 8 and 9 – Proposed Elevations
20/06/2016	136 Rev G	Blocks 8 and 9 – Proposed Floor Plans
20/06/2016		Ecology Report, Dendra, 19/07/2016

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies EMP5, T1, T2, T20, Q5, Q6, Q7 and U8A of the saved City of Durham Local Plan 2004.

3. Notwithstanding the details shown on the submitted application, the external building materials to be used shall match the existing buildings elsewhere on the development in terms of colour, texture and size.

Reason: In the interests of the appearance of the area and to comply with Policy EMP5 of the City of Durham Local Plan 2004.

4. Prior to the occupation any of the hereby approved buildings a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. Once agreed, the proposed development shall be carried out in accordance with the approved plans.

Any submitted scheme must be shown to comply with legislation protecting nesting birds and roosting bats.

The landscape scheme shall include accurate plan based details of the following:

Trees, hedges and shrubs scheduled for retention.

Details of hard and 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.

Seeded or turf areas, habitat creation areas and details etc. Details of land and surface drainage.

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

The local planning authority shall be notified in advance of the start on site date and the completion date of all external works.

Trees, hedges and shrubs shall not be removed without agreement within five years.

Reason: In the interests of the visual amenity of the area and to comply with Policies Q5, Q6 and Q7 of the City of Durham Local Plan 2004.

5. Development shall not take place unless coal mining risk assessment has been submitted to and agreed in writing by the Local Planning Authority. The development shall then be carried out in strict accordance with the approved details.

Reason: To ensure the site is safe and stable to accommodate the proposed development in accordance with Paragraphs 120 and 121 of the NPPF.

6. Within 3 months of the commencement of the development details of the foul and surface water drainage shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To prevent pollution of the water environment in accordance with Policy U8a of the City of Durham Local Plan 2004 and Part 10 of the NPPF.

7. Within 6 months of the occupation of any of the approved buildings, a final Travel Plan conforming to the National Specification for Workplace Travel Plans, PAS 500:2008 bronze level, shall be submitted to the LPA for approval. Once approved the Travel Plan must be complied with for the lifetime of the development.

Reason: In the interests of reducing the vehicular traffic impact of the development, in accordance with objectives of Policy T1 of the City of Durham Local Plan 2004 and Part 4 of the NPPF.

8. Prior to the occupation of any buildings hereby approved a Phase 4 Verification Report (Validation Report) outlining details of any soil importation on to the site shall be submitted to and agreed in writing with the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors in accordance with Part 11 of the NPPF.

9. Prior to the installation of any flues, vents or extracts, details shall be submitted to, and approved in writing by the Local Planning Authority. Thereafter, implementation shall be carried out in accordance with the approved details and all equipment operated and maintained in accordance with the manufacturers' instructions.

Reason: In the interests of visual amenity in accordance with Policy Q7 of the City of Durham Local Plan 2004 and Part 7 of the NPPF.

10. Prior to the occupation of any of the approved buildings, the road widening works as shown on Drawing No. 648-06-184 'Proposed Site Plan' shall be implemented in full.

Reason: In the interests of highway safety in accordance with objectives of Policies T1 and T2 of the City of Durham Local Plan 2004 and Part 4 of the NPPF.

11. Prior to the occupation of any of the approved buildings, details of secure and covered cycle parking shall be submitted to and approved in writing by the local planning authority. Thereafter implementation shall be in accordance with the approved details. The cycle parking shall be retained thereafter in perpetuity.

Reason: In the interests providing sustainable transport choice, in accordance with Policy T20 of the City of Durham Local Plan 2004 and Part 4 of the NPPF.

12. Prior to the occupation of any of the approved buildings, electrical vehicle charging points shall be installed and operational within the site, full details of which shall be agreed in writing with the local planning authority. The charging points shall be retained thereafter in perpetuity.

Reason: In the interests of reducing carbon emissions, in compliance with Part 10 of the NPPF.

13. There shall be no storage in the open of goods, materials, equipment or waste materials.

Reason: In the interests of visual amenity in accordance with Policy Q7 of the City of Durham Local Plan 2004 and Part 7 of the NPPF.



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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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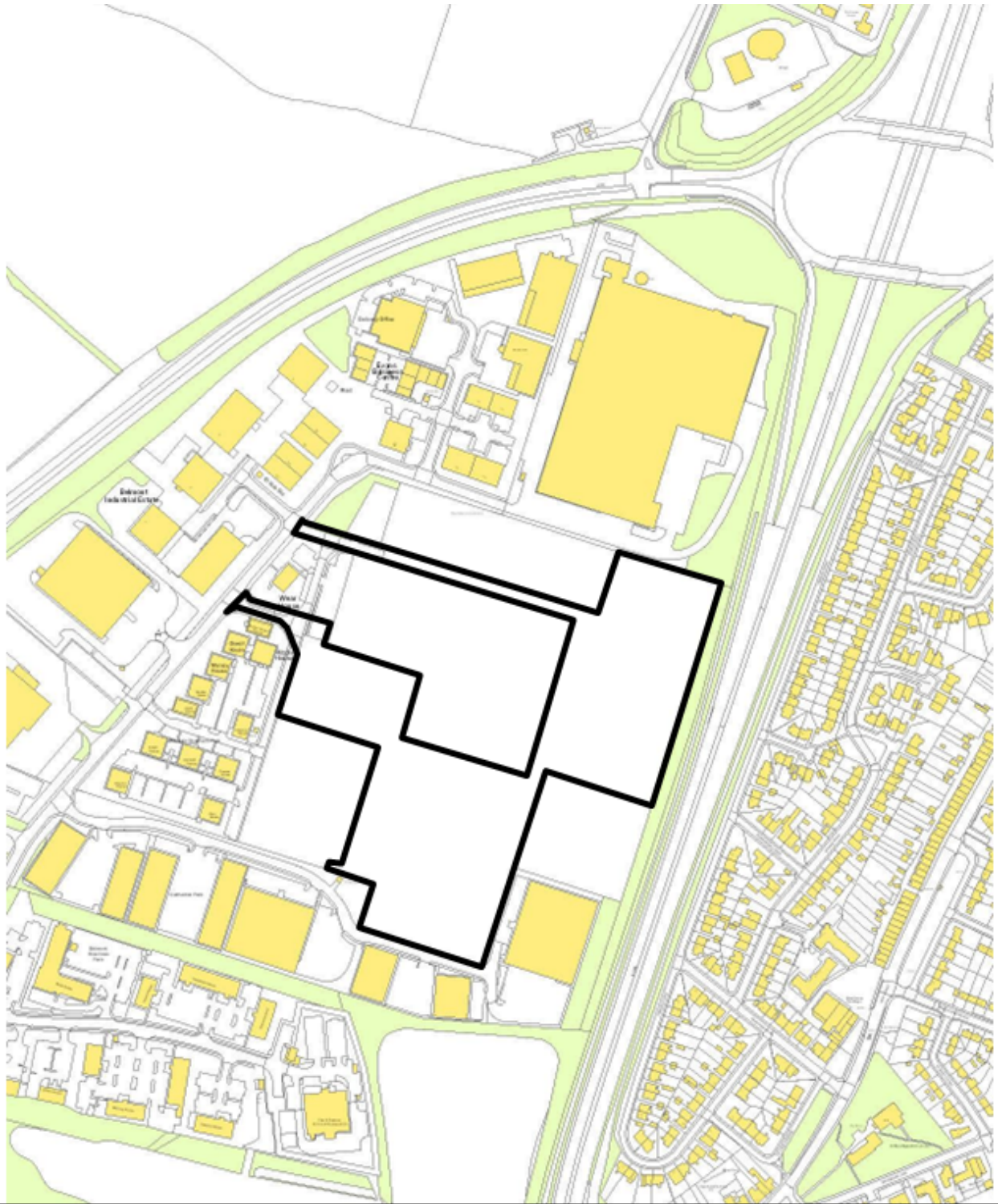
The Local Planning Authority in arriving at its decision to approve the application has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering 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.)

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## **BACKGROUND PAPERS**

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



**Planning Services**

**DM/16/02335/FPA**

Distribution centre with associated vehicular and pedestrian access, car parking and landscaping, and erection of 4 units (blocks 1, 6, 8 and 9) for B2 and B8 use at Philips Components Ltd, Belmont Industrial Estate, Belmont, Durham.

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**Comments**

**Date** October 2016

**Scale** Not to scale