

## COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION No:</b>	<b>DM/21/02468/FPA</b>
<b>FULL APPLICATION DESCRIPTION:</b>	<b>Erection of 9no. B2/B8 blocks together with associated car parking and service areas</b>
<b>NAME OF APPLICANT:</b>	<b>Mandale Construction Limited</b>
<b>ADDRESS:</b>	<b>Former LG Philips Site Belmont Industrial Estate Durham</b>
<b>ELECTORAL DIVISION:</b>	<b>Belmont</b>
<b>CASE OFFICER:</b>	<b>Barry Gavillet Senior Planning Officer 03000 263968 <a href="mailto:barry.gavillet@durham.gov.uk">barry.gavillet@durham.gov.uk</a></b>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### Site:

1. The former LG Philips site lies within the eastern part of the Belmont Industrial Estate, a mixed B1, B2 and B8 employment land site, which is in turn located on the north eastern edge of Durham City.
2. The site is accessed directly from the estate's distributor road, which in turn joins Belmont Road to the south that leads to 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.

#### Proposal:

3. This application proposes the erection of 9no. B2/B8 blocks together with associated car parking and service areas with a total site area of 5.2 hectares and a floorspace of 20,425 square metres along with 437 car parking spaces. The site comprises the unbuilt areas to the remainder of the former LG Philips site, where it is bounded by adjacent employment units (existing and under construction) to the south and west and a local access road. A previous application has been approved on the site for the erection of 9no. B2/B8 blocks (total floorspace of 21,073 square metres) together with associated car parking and service areas. Although originally intended to be predominantly for B1 office floorspace, in light of the changing market conditions in the intervening years, however, the landowner has varied the type and format of employment floorspace provided.
4. The proposed buildings follow an established scale and appearance of existing structures of the same proposed uses (B2/B8) featuring lower level brick walls, upper level cladding to walls and saw-tooth rooflines. Car parking areas to each of the

proposed buildings with rear service yard areas are proposed and would follow in the established palette of materials to the already constructed development adjacent.

5. The application is being reported to committee as it constitutes a major development.

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## **PLANNING HISTORY**

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6. DM/18/03605/VOC Variation/removal of condition number(s): 1, 2, 3, 6, 8, 9, 10, 11, 12, 13, 14, 15 pursuant to planning permission DM/16/01744/VOC (Phase 2). Approved 9<sup>th</sup> January 2020
7. DM/18/03604/VOC Variation of conditions 2, 5, 6, 7 and 9 and removal of condition 8 pursuant to planning permission DM/15/02309/FPA Approved 28th November 2019  
DM/18/03358/FPA Erection of 3no. blocks comprising 6no. industrial units (Use Class B2/B8) with associated car parking and service areas. Approved 31st May 2019  
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. Approved subject to S106 16th December 2016
8. DM/16/01744/VOC Variation of condition no.2 (approved plans) of DM/15/00973/VOC (erection of office development) Approved 18th August 2016  
DM/15/03764/FPA Change of use of units from B1 Office Use to Class B2 / B8 with associated external alterations Approved 27th April 2016  
DM/15/02309/FPA Erection of 5 No. B1 office blocks (4,532 sq.m GIA) and A1 / A3 unit (88 sq.m GIA) with associated vehicular and pedestrian access, car parking, landscaping, bin stores and external plant Approved 30th October 2015  
DM/14/03181/VOC Variation of condition 2 (approved plans) pursuant to planning permission CE/14/00032/VOC Approved 3rd December 2014
9. DM/20/01923/FPA - Erection of 9no. B2/B8 blocks (total floorspace of 21,073 square metres) together with associated car parking and service areas. Application approved

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

10. A revised National Planning Policy Framework (NPPF) was published in July 2021. The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
11. In accordance with Paragraph 219 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
12. *NPPF Part 2 Achieving Sustainable Development* - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It

defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.

13. *NPPF Part 4 Decision-Making* - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
14. *NPPF Part 6 Building a Strong, Competitive Economy* - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
15. *NPPF Part 8 Promoting Healthy and Safe Communities* - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive and safe communities. 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 community facilities and services should be adopted.
16. *NPPF Part 9 Promoting Sustainable Transport* - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
17. *NPPF Part 11 Making Effective Use of Land* - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
18. *NPPF Part 12 Achieving Well-Designed Places* - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
19. *NPPF Part 14 Meeting the Challenge of Climate Change, Flooding and Coastal Change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
14. *NPPF Part 15 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, site of biodiversity or geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

15. *NPPF Part 16 Conserving and Enhancing the Historic Environment* - Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

16. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; listed air quality; climate change; determining a planning application; flood risk and coastal change; healthy and safe communities; historic environment; light pollution; natural environment; noise; planning obligations; renewable and low carbon energy; travel plans, transport assessments and statements; use of planning conditions; water supply, wastewater and water quality

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

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

The County Durham Plan (October 2020)

17. *Policy 1 – Quantity of new development.* Allocates 300ha of employment lands for office, industrial and warehousing purposes up to 2035 in order to meet employment land needs and deliver a thriving economy.
18. *Policy 2 – Employment Land.* Sets out employment allocations throughout the County. In respect of this application, it is stated that in order to continue to progress the regeneration of Consett the council will support mixed use development on the Project Genesis site, as shown on the policies map, including a site of 10.8 hectares at Hownsgill Industrial Estate for general employment land, provided the development accords with relevant development plan policies.
19. *Policy 21 – Delivering Sustainable Transport –* Requires planning applications to address the transport implications of the proposed development. All development shall deliver sustainable transport by delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings.
20. *Policy 29 – Sustainable Design.* Requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out detailed criteria which sets out that where relevant development is required to meet including; making a positive contribution to an areas character and identity; provide adaptable buildings; minimise greenhouse gas emissions and use of non renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; providing suitable landscape proposals; provide convenient access for all users; adhere to the Nationally Described Space Standards (subject to transition period).

21. *Policy 31 – Amenity and Pollution* - Sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that the development can be effectively integrated with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised to an acceptable level.
22. *Policy 32 - Despoiled, Degraded, Derelict, Contaminated and Unstable Land*. Requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.
23. *Policy 35 – Water Management* – Requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. All new development must ensure there is no net increase in surface water runoff for the lifetime of the development.
24. *Policy 36 - Water Infrastructure*. Advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and waste water infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.
25. *Policy 39 – Landscape* – States that proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate mitigation measures where adverse landscape and visual impacts occur. Development affecting Areas of Higher landscape Value will only be permitted where it conserves and enhances the special qualities of the landscape, unless the benefits of the development clearly outweigh its impacts. Development proposals should have regard to the County Durham Landscape Character Assessment and County Durham Landscape Strategy and contribute, where possible, to the conservation or enhancement of the local landscape.
26. *Policy 40 – Trees, Woodlands and Hedges* – States that proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges. Where trees are lost, suitable replacement planting, including appropriate provision for maintenance and management, will be required within the site or the locality.
27. *Policy 41 – Biodiversity and Geodiversity* – Restricts development that would result in significant harm to biodiversity or geodiversity and cannot be mitigated or compensated. The retention and enhancement of existing biodiversity assets and features is required as well as biodiversity net gains. Proposals are expected to protect geological features and have regard to Geodiversity Action Plans and the Durham Geodiversity Audit and where appropriate promote public access, appreciation and interpretation of geodiversity. Development proposals which are likely to result in the loss or deterioration

of irreplaceable habitat(s) will not be permitted unless there are wholly exceptional reasons and a suitable compensation strategy exists.

28. *Policy 44 – Historic Environment* – Requires development proposals to contribute positively to the built and historic environment. Development should seek opportunities to enhance and where appropriate better reveal the significance and understanding of heritage assets.

#### **NEIGHBOURHOOD PLAN:**

29. There is no Neighbourhood Plan for this area.

*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/article/3266/Development-Plan-for-County-Durham> (Adopted County Durham Plan)*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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#### **STATUTORY RESPONSES:**

30. *Highway Authority* - consider the proposals are acceptable and comment that the site benefits from an extant permission. The proposals should be subject to conditions in relation to cycling and electric vehicle charging provision.

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

32. *Business Durham* - the principle of constructing small factory workshops and offices at Belmont is proven to be successful and is supported by Business Durham.
33. *Landscape* - Raise no objection. The landscape strategy for the site is appropriate, however the detailed scheme is lacking sufficient quality and should be agreed by condition.
34. *Environment, Health and Consumer Protection (Nuisance)* – Raise no objections subject to a condition requiring submission of a Construction Management Plan.
35. *Drainage* - no objections subject to the development being carried out in accordance with the submitted drainage scheme.

#### **PUBLIC RESPONSES:**

39. The application was advertised in the local press, by site notice and by direct notification to neighbouring properties. No letters of objection have been received in response to the consultation process.

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

<https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QVX97IGDH3O00>

#### **APPLICANTS STATEMENT:**

40. Having examined the policy context, it is clear the development proposals will accord with all of the relevant development plan policies, and there are no material considerations that indicate planning permission should be restricted. This is on the basis the proposals:
- Are largely the same as those consented recently;
  - Will support the Government's key objective of securing economic growth;
  - Will not introduce an incompatible land use;
  - Will complement the existing and approved built form in the locality;
  - Will not have an adverse impact on the safe operation of the local highway network; and
  - Are well-placed for access via sustainable means of transport and active travel modes.
41. To confirm, this application proposes no fundamental design changes to any of the buildings previously consented. In addition, the new hybrid units introduced (block 37 and Wharfe House) will be the same in design as the hybrid units already approved on the southern part of the site (Redlake and Ottery House). Consequently, it can be seen that the design of the proposals is acceptable when considered against Local Plan Policy 29 and relevant NPPF provisions.
42. In view of all the above, and as a policy compliant form of development, we respectfully request that the Council resolves to grant planning permission without delay in line with the NPPF's presumption in favour of sustainable development, subject to any conditions deemed appropriate on this occasion.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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43. 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 planning considerations, including representations received, it is considered that the main planning issues raised relate to the principle of development, locational sustainability, highway safety and access, impact on residential amenity, its layout, design and scale, and other matters.

### Principle of the Development

44. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP) is the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development.
45. For decision taking this means:-
- c) approving development proposals that accord with an up to date development plan without delay; or
  - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

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

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

46. Policy 1 of the County Durham Plan (CDP) allocates 300ha of employment lands for office, industrial and warehousing purposes up to 2035 in order to meet employment land needs and deliver a thriving economy.
47. Policy 2 of the CDP identifies that there is approximately 36.1Ha of protected employment land to the wider Belmont Industrial Estate, with a further 5.5Ha of employment land that is allocated by the policy and which makes up most of this application site. This development would draw direct support from both Policies 1 and 2 of the CDP through the provision for B2 and B8 uses within the 9no. buildings proposed. It should also be noted that the site benefits from an extant permission which could be implemented and, therefore, there is a fallback position should this application not be approved. The current proposal would seek to build out 20,425 sqm of B2/B8, rather than 21,073 sqm of consented use with a slight variation to the layout. It is, therefore, considered that the proposed development has already been accepted in principle and is in an acceptable use in this location on the industrial estate.

#### Locational Sustainability of the Site

48. Policy 21 of the CDP requires all developments to deliver sustainable transport by providing appropriate, well designed, permeable and direct routes for walking, cycling and bus access, so that new developments clearly link to existing services and facilities together with existing routes for the convenience of all users. Policy 29 of the CDP requires that major development proposals provide convenient access for all users whilst prioritising the needs of pedestrians, cyclists, public transport users, people with a range of disabilities, and emergency and service vehicles whilst ensuring that connections are made to existing cycle and pedestrian networks. Specifically, the NPPF sets out at Paragraph 105 that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. At Paragraph 110 the NPPF states that appropriate opportunities to promote sustainable transport modes should be taken whilst Paragraph 112 amongst its advice seeks to facilitate access to high quality public transport.
49. Belmont Industrial Estate features bus stops which are within the estate and are served four times daily in the AM and PM peaks. Further development within the estate will have access to these stops and the services they provide. Bus stops to Broomside Lane feature a regular service through most of the day and weekend into the city centre of Durham and to Sunderland and East Durham. While not within ideal walking distances to the application site, they remain accessible and therefore options for future users and occupiers of this development. Opportunities exist to provide cycle parking within the proposed layout to each building and a conditional approach to securing the relevant amount of cycle parking to each unit would be suitable route to ensuring that there is sufficient provision at the time of construction of each unit. In addition to this highways officers have requested the provision of electric vehicle charging points. Subject to the provision of the aforementioned cycle parking provision and electric vehicle charging points, the proposals would adhere to the requirements of Policies 21 and 29 of the CPD, together with Paragraphs 105, 110 and 112 of the NPPF.

#### Highway Safety and Access

50. Policy 21 of the CDP outlines that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity and that developments deliver well designed pedestrian routes and sufficient cycle and car parking provision. Similarly, Policy 29 advocates that convenient access is made for all users of the development together with connections to existing cycle and pedestrian routes. Specifically, the NPPF sets out at Paragraph 110 that safe and suitable access should be achieved for all people. In addition, Paragraph 111 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe.
51. A Transport Statement (TS) has been submitted to consider the potential highway and transport related impacts associated with this proposal and any mitigation required. This was provided in response to the Highway Authority requesting an up to date understanding of the situation at and around the Belmont Industrial Estate and impacts of a shift in planning use class from the existing planning permissions on the site for B1 use to B2/B8 use. It is noted in the report that there would be a reduction in the number of vehicle trips into and out of the Belmont Industrial Estate as a result of this shift from Office space to general industrial and storage and distribution. While this level of traffic is not present on the network currently it is consented and so would be expected to come forward at some point in the future. A switch in the remaining developable area of the LG Philips site to B2 / B8 uses would reduce the level of vehicular traffic accessing the industrial estate in the view of the Highway Authority.
52. The Highway Authority is therefore satisfied with that the submitted TS and the conclusions reached by the transport consultant which indicate that the proposed development will not result in severe residual cumulative impacts on the operation of the highway network and therefore no mitigation is required.
54. Overall, the highway impacts of the proposed development are considered to be acceptable and in accordance with Policies 21 and 29 of the CDP as well as Part 9 of the NPPF.

#### Impact upon Residential Amenity

55. Policies 29 and 31 of the CDP outline that developments should provide high standards of amenity and privacy, minimise the impact of development upon the occupants of existing adjacent and nearby properties and not lead to unacceptable levels of pollution. Paragraph 127 of the NPPF states that planning should always seek to secure a good standard of amenity for existing and future occupants of land and buildings. Part 8 of the NPPF amongst other guidance advises on the need to create safe and accessible environments where crime and disorder and the fear of such are considered. Part 15 of the NPPF seeks to avoid noise from giving rise to significant new impacts.
56. It is likely that a proposed use of B2/B8 would be a noise generating use, however the site is located within the centre of an established industrial estate and along side a significant noise generator in the A1(M). It is therefore considered that there would be limited impacts from this development upon the existing noise climate of the area. Impacts are also possible at the construction phase of the development and can include noise and dust impacts. A Construction Management Plan would be required by way of condition in order to control the impacts from each phase of the development upon the surrounding area.
57. Air quality impacts are possible from all new development. In this case, the existing planning permission for the site is considered to be the baseline against which air

quality impacts should be measured. A reduction in vehicle movements resulting from the requested change in proposed uses of new buildings, as discussed earlier in this report, would be considered to have a negligible to slightly beneficial impact upon air quality in and around the industrial estate.

58. The development would not lead to a significant reduction in residential amenity for existing or future nearby residents which are approximately a 120 metre distance away at their closest point beyond the A1(M) to the east, or existing and future occupiers on the industrial estate, subject to appropriate conditions. Overall, the scheme would comply with Policies 29 and 31 and Parts 12 and 15 of the NPPF.

#### Layout, Design and Scale

59. Policy 29 of the CDP outlines that development proposals should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities. Policies 39 and 40 require new development to respect landscape designations as well protecting existing trees and hedges. Policy 44 requires new development not adversely impact upon heritage assets or designations. Parts 12 and 15 of the NPPF also seek to promote good design, while protecting and enhancing local environments, with Part 16 seeking to protect heritage assets. Paragraph 130 of the NPPF also states that planning decisions should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.
60. The proposed layout of the application site follows the broad ethos of the remaining areas of the former LG Philips site, following established road patterns and building designs. This continued use of building scales, materials palettes and layout will further reinforce the current elevated level of design quality for the proposed building uses. The scale of the proposed new buildings would be commensurate with previous planning permissions for development at the site and the industrial estate locality and it is considered that the historic centre of the city and heritage assets therein are not impacted upon by the development given its scale and distance from heritage assets.
61. The nature and location of the proposed development leaves limited opportunity for new landscaping given the ability of existing structure planting to the eastern boundary to suitably limit the views of the development from the A1(M) in this location. There is opportunity to soften the hard-paved areas throughout the development with suitable soft landscaping and a strategy to that effect has been submitted for review. Landscape Officers agree with this in principle but highlight that the detailed implementation of this strategy is crucial to the survival of any planting undertaken. Therefore, a condition to agree this detailed landscaping scheme is a suitable route forward.
62. In this regard, the overall design and layout of the development would be compliant with Policy 29, 39, 40 and 44 of the CDP and Parts 12, 15 and 16 of the NPPF.

#### Drainage

63. Policies 35 and 36 of the emerging CDP relate to flood water management and infrastructure. Policy 35 requires development proposals to consider the effects of the scheme on flood risk and ensure that it incorporates a Sustainable Drainage System (SuDs) to manage surface water drainage. Development should not have an adverse impact on water quality. Policy 36 seeks to ensure that suitable arrangements are made for the disposal of foul water.

64. The submitted Flood Risk Assessment confirms that the development lies in Flood Risk Zone 1 and at the lowest potential risk from flooding. The submitted drainage strategy has been reviewed by the Lead Local Flood Authority who consider that it meets the principles of the requirements of Policy 35 in terms of disposal and treatment of surface water run-off from the site. They request that the strategy and detailed design is conditioned as part any approval to ensure that the development adheres to these principles. Northumbrian Water have previously requested that a condition to ensure that details of the foul water drainage is conditioned with any approval. It is not considered that circumstances have changed on the site since the previous approval and therefore the same condition should be applied.
65. It is considered that the development would not result in an unacceptable flood risk and development is therefore compliant with Policies 35 and 36 of the CDP and Part 14 of the NPPF.

#### Other Matters

66. Policies 41 and 43 of the CDP seek to secure net gains for biodiversity and coherent ecological networks. Policy 43 relates to protected species and nationally and locally protected sites. Part 15 of the NPPF seeks to ensure that development protect and mitigate harm to biodiversity interests, including at Paragraph 175 which states that if significant harm to biodiversity resulting from a development cannot be avoided or adequately mitigated, that planning permission should be refused. Ecology officers have previously concluded that the application site comprises unmade earth that has been in situ since the demolition of the former LG Philips factory in excess of 16 years previous. The site is therefore of limited ecological value and a subsequent landscaping scheme will provide for improvements over the existing condition of the site, complying with Policies 41 and 43 of the CDP and Part 15 of the NPPF.
67. The site has been subject to a previous review of the ground conditions upon which the development would be located. The Council's Contaminated Land Officer has previously confirmed that they would be remain satisfied should the development be carried out in accordance with previously agreed reports and methodologies and this should be conditioned. The Coal Authority have again reviewed the development of this site and have requested conditions be included with any approval that requires further details of an existing mine shaft cap are provided prior to construction within the application site. Both would ensure that the site is suitable for its intended use taking account of any risks arising from contamination and legacy coal mining activity and so the proposal would accord with CDP Policy 32 and Part 15 of the NPPF.
68. In addition to the above Policy 29 of the County Durham Plan requires all major new non-residential development to achieve Building Research Establishment Environmental Assessment Method (BREEAM) minimum rating of 'very good'. A condition should, therefore, be applied to ensure that the development achieves a very good BREEAM rating.

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## **CONCLUSION**

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69. The proposed development would be located on allocated and protected employment land at Belmont Industrial Estate, Durham City. It would feature buildings in keeping with those already constructed adjacent in terms of scale and appearance and there would be limited to negligible impacts upon existing users on the industrial estate. Impacts from drainage, ground conditions, landscaping and construction can be adequately mitigated by conditions.

70. The proposal has generated no public interest with no representations having been received. Other concerns raised have been taken account and addressed within the report with suitable conditions proposed to mitigate their concerns. It is considered that proposals are acceptable, in accordance with relevant national and local planning policies, and the application is recommended for approval.

## RECOMMENDATION

That the application be **APPROVED** 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 documents and plans:

PROPOSED SITE LAYOUT PLAN	LO21035-001 REV G	27/08/21
2 UNIT BLOCK - PLANS AND ELEVATIONS	LO21035-028 REV A	27/08/21
4 UNIT BLOCK - PLANS AND ELEVATIONS	LO21035-029 REV A	27/08/21
6 UNIT BLOCK - PLANS AND ELEVATIONS	LO21035-030 REV A	27/08/21
PROPOSED LEVELS GA	0001.P5	28/07/21
PROPOSED ROAD PROFILES	0003.P1	28/07/21
PROPOSED SITE SECTIONS	0004.P1	28/07/21
PROPOSED HIGHWAY CONSTRUCTION DETAILS	0005.P1	28/07/21
EXTERNAL WORKS	0010.P3	28/07/21
PROPOSED DRAINAGE GA	0100.P2	28/07/21
PROPOSED DRAINAGE CATCHMENT AREAS	0103.P2	28/07/21
PROPOSED MANHOLE SCHEDULE	0104.P1	28/07/21
SUDS DRAINAGE DETAILS	0105.P2	28/07/21
TYPICAL DRAINAGE DETAILS SH1	0106.P1	28/07/21
TYPICAL DRAINAGE DETAILS SH2	0107.P1	28/07/21
PROPOSED COMPLEX CONTROL DETAILS	0108.P1	28/07/21
PROPOSED HYDROBRAKE CONTROL DETAIL	0109.P1	28/07/21
PROPOSED FLOOR PLANS - OTTERY HOUSE	LO21035-020	08/07/21
PROPOSED ELEVATIONS - OTTERY HOUSE	LO21035-021	08/07/21
PROPOSED FLOOR PLANS - REDLAKE HOUSE	LO21035-022	08/07/21
PROPOSED ELEVATIONS - REDLAKE HOUSE	LO21035-023	08/07/21
PROPOSED BASEMENT FLOOR PLAN - WALDON HOUSE	LO21035-024	08/07/21
PROPOSED GROUND FLOOR PLAN - WALDON HOUSE	LO21035-025	08/07/21
PROPOSED ELEVATIONS - WALDON HOUSE	LO21035-026	08/07/21
PROPOSED SITE LAYOUT PLAN	LO21035-001 REV D	08/07/21
PROPOSED DRAINAGE PLAN	LO21035-002D	08/07/21
PROPOSED FLOOR PLAN GRETA HOUSE - B36	LO21035-006	08/07/21
PROPOSED ELEVATIONS GRETA HOUSE - B36	LO21035-007	08/07/21
PROPOSED FLOOR PLAN OUSE AND TEES HOUSE B31/B33	LO21035-008	08/07/21
PROPOSED ELEVATIONS OUSE AND TEES HOUSE	LO21035-009	08/07/21
PROPOSED FLOOR PLAN FOSS HOUSE - B32	LO21035-010	08/07/21
PROPOSED ELEVATIONS FOSS HOUSE - B32	LO21035-011	08/07/21
PROPOSED FLOOR PLAN WHARFE HOUSE - B34	LO21035-012	08/07/21
PROPOSED ELEVATIONS WHARFE HOUSE	LO21035-013	08/07/21
PROPOSED FLOOR PLAN SKERNE HOUSE	LO21035-014	08/07/21
PROPOSED ELEVATIONS SKERNE HOUSE	LO21035-015	08/07/21
PROPOSED FLOOR PLANS - BLOCK 37	LO21035-016 REV A	08/07/21
PROPOSED ELEVATIONS - BLOCK 37	LO21035-017 REV A	08/07/21

*Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 1, 2, 21, 29, 31, 32, 35, 36, 39, 30, 41 and 44 of the County Durham Plan and Parts 2, 4, 6, 8, 9, 11, 12, 14, 15 and 16 of the National Planning Policy Framework.*

3. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:
  1. A Dust Action Plan including measures to control the emission of dust and dirt during construction.
  2. Details of methods and means of noise reduction/suppression.
  3. Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
  4. Details of measures to prevent mud and other such material migrating onto the highway from all vehicles entering and leaving the site.
  5. Designation, layout and design of construction access and egress points.
  6. Details for the provision of directional signage (on and off site).
  7. Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure.
  8. Details of provision for all site operatives for the loading and unloading of plant, machinery and materials.
  9. Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period.
  10. Routing agreements for construction traffic.
  11. Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
  12. Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
  13. Management measures for the control of pest species as a result of demolition and/or construction works.
  14. Detail of measures for liaison with the local community and procedures to deal with any complaints received.

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

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

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

4. No development works (including demolition) shall be undertaken outside the hours of 8am and 6pm Monday to Friday and 8am and 1pm on a Saturday with no works to take place on a Sunday or Bank Holiday.

*Reason: In the interests of residential amenity having regards to policy 31 of the County Durham Plan.*

5. No development other than ground clearance, site preparation, or remediation works shall commence until a scheme for the provision of foul water drainage works have been submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be completed in accordance with the details and timetable agreed.

*Reason: To ensure that foul water is adequately disposed of, in accordance with Policies 35 and 36 of the County Durham Plan and Parts 14 and 15 of the National Planning Policy Framework.*

6. Prior to construction of each building hereby approved, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include the following:
  - Any trees, hedges and shrubs scheduled for retention, including method of protection.
  - Details soft landscaping including planting species, sizes, layout, densities, numbers.
  - Details of planting procedures and/or specification.
  - Finished topsoil levels and depths.
  - Details of temporary topsoil and subsoil storage provision.
  - The timeframe for implementation of the landscaping scheme.
  - The establishment maintenance regime, including the replacement of vegetation which die, fail to flourish within a period of 5 years from planting.
  - A plan showing the public/structural landscaping and private/in-curtilage landscaping.
  - Full details of the management, maintenance and accessibility of all areas of open space in perpetuity.The approved landscaping scheme shall thereafter be undertaken in accordance with the approved details and timeframes.

*Reason: In the interests of the visual amenity of the area and to comply with Policy 29 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.*

7. Notwithstanding any details of materials submitted with the application prior to the construction of external walling or roofing on any building details of the make, colour and texture of all walling and roofing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

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

8. Notwithstanding any details of materials submitted with the application prior to the construction of hard paved areas to any building details of the make, colour and texture of all materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

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

9. No development shall commence until remediation works (including shaft recapping) and any necessary mitigation measures have been carried out to address land instability arising from the presence coal mine shaft 430544-002, in order to ensure that the site is made safe and stable for the development proposed. The remedial works shall be carried out in accordance with authoritative UK guidance.

*Reason: To ensure that the presence of identified legacy coal mining activity has been satisfactorily remedied with measures agreed in order to ensure the site suitable for use, in accordance with Policy 32 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure that the development can be carried out safely.*

10. Prior to the occupation of the development a signed statement or declaration prepared by a suitably competent person confirming that the site has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the completion of the remedial works and any necessary mitigation necessary to address the risks posed by past coal mining activity.

*Reason: To ensure that the remediation works are fully implemented as agreed and the site is suitable for use, in accordance with Policy 32 of the County Durham Plan and Part 15 of the National Planning Policy Framework.*

11. Prior to the first use of the development, a Travel Plan (conforming to the National Specification for Workplace Travel Plans, PAS 500:2008, Bronze level) comprising immediate, continuing or long-term measure to promote and encourage alternatives to single occupancy car use shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include mechanisms for monitoring and review over the life of the development and timescales for implementation. The Approved Travel Plan shall thereafter be adhered to, monitored and reviewed in accordance with the approved details.

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

12. Prior to the first occupation of each building hereby approved a scheme for the ongoing maintenance of the areas of public open space and structural landscaping within the development shall be submitted to and approved in writing by the Local Planning Authority. In the event of proposals to maintain the public open space by means other than through transfer to the Local Authority then the scheme shall provide for details of an agreed maintenance schedule in agreement in writing with the Local Planning Authority.

*Reason: In the interests of the visual amenity of the area and to comply with Policies 26 and 29 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.*

13. The development hereby approved shall be provided with electric vehicle charging points in accordance with a scheme to be submitted and agreed in writing with the Local Planning Authority. The agreed scheme of charging points must be installed and available for use before occupation of each unit.

*Reason: In the interests of sustainable construction and in accordance with Policy 29 of the County Durham Local Plan and Part 14 of the National Planning Policy Framework.*

14. All of the units hereby approved shall be provided with private bike storage points in accordance with a scheme to be submitted and agreed in writing with the Local Planning Authority. The agreed storage scheme must be installed and available for use before occupation of each dwelling.

*Reason: To encourage sustainable transport modes of travel having regard to CDP Policy 21 and Part 9 of the NPPF.*

15. Throughout the completion of all phases of the development, all documents as detailed below shall be carried out by competent person(s) and shall be submitted to and agreed in writing with the Local Planning Authority.

Wardell Armstrong LLP (April 2006) LPA Receivers, Validation Report, LG Philips Displays, Belmont

Solmek (October 2015) Mandale Business Park, Belmont, Phase 2 Site Investigation Report, S150932, Mandale Group

Solmek (22nd January 2016) Ground Gas Risk Assessment, Mandale Business Park, Belmont, Durham, S1509332/GAS

(a) During the implementation of the development if any contamination is identified that has not been identified previously, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be carried out in accordance with the YALPAG guidance and where necessary a Phase 3 Remediation Strategy shall be prepared in accordance with the YALPAG guidance. The development shall be completed in accordance with any amended specification of works.

(b) Upon completion of the development, a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy (if necessary) shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development or prior to occupancy.

*Reason: The site may be contaminated as a result of past or current uses and/or is within 250m of a site which has been landfilled and the Local Planning Authority wishes to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems in accordance with Part 15 of the National Planning Policy Framework.*

16. No building shall be occupied until a final certificate has been issued certifying that BREEAM (or any such equivalent national level of sustainable building which replaces that scheme) rating 'very good' has been achieved for this development.

*Reason: In the interests of sustainable development and in accordance with Policy 29 of the County Durham Plan and Part 2 of the National Planning Policy Framework.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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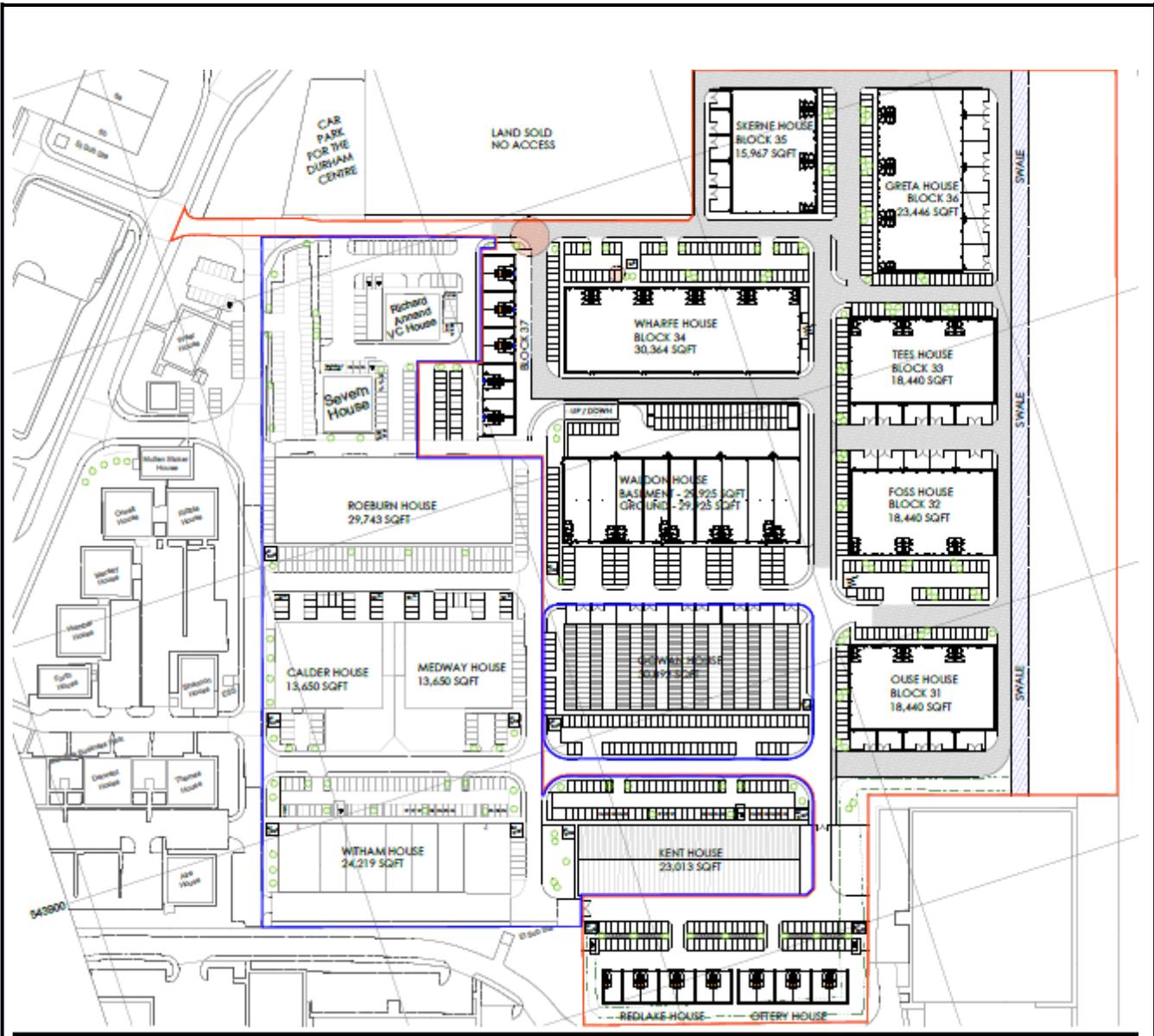
In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant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

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## **BACKGROUND PAPERS**

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- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2021)
- National Planning Practice Guidance notes
- County Durham Plan
- Statutory, internal and public consultation responses



**Planning Services**

**Erection of 9no. B2/B8 blocks together with associated car parking and service areas**

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**DM/21/02468/FPA**

**Date January 2022**

**Scale Not to Scale**