

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/21/03682/FPA
FULL APPLICATION DESCRIPTION:	Demolition of the Mainstreet USA offices and the erection of a new build 2-4 storey workplace building and associated landscaping.
NAME OF APPLICANT:	The Hanro Group
ADDRESS:	St Cuthberts House, Diamond Terrace , Durham DH1 5SU
ELECTORAL DIVISION:	Elvet and Gilesgate
CASE OFFICER:	Louisa Ollivere Senior Planning Officer Telephone: 03000 264878 louisa.ollivere@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The site lies north of Durham City Centre off Framwellgate Peth and adjacent to the railway viaduct. The site is currently occupied by a two storey building formerly offices for Mainstreet USA with an adjacent car park that serves the existing building. A residential terrace and associated gardens adjoin the site. A footpath serving further residential properties at nearby Sidegate also lies adjacent the site. Access to the site is gained from a shared access from Framwellgate Peth north of the site, the access is shared with residential properties of Diamond Terrace and a recently developed office occupied by the Probation Service. The site is situated in the Durham Conservation area and is adjacent to a grade II listed Fram Well Head.

The Proposal

2. Permission is sought for a new workplace building to accommodate private and public offices on all floors with part of the ground floor section facing onto Framwellgate Peth intended as a café/restaurant use. Employment levels are not detailed as potential occupiers are unknown, however the building could accommodate approximately 70 persons max.
3. The building would be set over four floors to include a lower ground set back into the site and a smaller second floor with mansard roofs. The building would be formed in a cranked L shape around the site natural boundary line and would join up with the ground floor of 1 Diamond Terrace. The building would step back at both the front and rear in blocks.

4. The outer skin of the building would have cementitious large format panelling in a light grey finish at street level with upper floors in red hung clay tiles. The windows are proposed to be timber/aluminium composites with sills, surrounds and dormer windows in a colour to match the windows or clay tiles. The larger area of glazing would be on the south-east elevation. An entrance feature doorway can be found in the south-west elevation onto the Framwellgate Peth streetscape. All windows are to be set back into the elevation.
5. In respect of sustainability, the design incorporates features such as hybrid ventilation, air source heat pumps and has been designed to achieve good levels of daylight.
6. The scheme incorporates three areas of landscaping. The first is the regeneration of land to the south of the proposal with the provision of a stone paved area for standing/seating and a small garden. The second involves coloured paving directly off Framwellgate Peth to provide access to the ground floor commercial unit, and the third is coloured paving towards the rear of the building providing access to the central building core. Roof terrace areas are also proposed.
7. A total of 5 car parking spaces are proposed to be located along the access road running adjacent to the rear elevation, 2 of which would have access to an electric charging point. The existing access to the site is to be used, however the access is proposed to be widened as part of the scheme to allow better access for emergency vehicles. The development would accommodate cycle storage for 17 bicycles along the rear elevation of the scheme off the access road. Bin storage is proposed at the rear of the building.
8. This application is reported to Committee upon the request of the City of Durham Parish Council in order that the Council may raise their concerns with Members.

PLANNING HISTORY

9. 4/07/01050/CA Demolition of St Cuthberts House and associated enclosures and offshoots to side of existing dwelling in association with erection of 5 no. terraced dwellings (Withdrawn).
10. 4/07/01051/FPA Demolition of St Cuthberts House and offshoots to side of existing dwelling and erection of 5 no. terraced dwellings of two and three storeys together with communal landscaped garden (withdrawn).
11. 4/08/00715/FPA Demolition of St Cuthberts House and offshoots to side of existing dwelling and erection of 5 no. terraced dwellings of two and three storeys together with communal landscaped garden (revised and resubmitted) (withdrawn).
12. 4/08/00716/CAC Demolition of St Cuthberts House and associated enclosures and offshoots to side of existing dwelling in association with erection of 5 no. terraced dwellings (revised and resubmitted) (withdrawn).
13. 4/09/00508/FPA Demolition of St Cuthberts House and off-shoots to side of existing dwelling and erection of 5 no. terraced dwellings of two and three storeys together with communal landscaped garden (revised and resubmitted) (Approved).

14. 4/09/00509/CAC Demolition of St Cuthberts House and off-shoots to side of existing dwelling and erection of 5 no. terraced dwellings of two and three storeys together with communal landscaped garden (revised and resubmitted) (Approved).
15. 4/12/00669/FPA Demolition of St Cuthberts House and off-shoots to side of existing dwelling and erection of 5 no. terraced dwellings of two and three storeys together with communal landscaped garden (revised and resubmitted) (Approved).
16. 4/12/00695/CAC Application for a new planning permission to replace extant planning permission 4/09/00509/CAC - Demolition of St Cuthberts House and off-shoots to side of existing dwelling and erection of 5 no. terraced dwellings of two and three storeys together with communal landscaped garden (revised and resubmitted) (Approved).
17. On neighbouring land to the north-east an office building was recently developed, replacing a building known as Framwell House (DM/18/01115/FPA).

PLANNING POLICY

NATIONAL POLICY

18. A revised National Planning Policy Framework (NPPF) was published in July 2021 (with updates since). The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
19. 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.
20. *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.
21. *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.

22. *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
23. *NPPF Part 7 - Ensuring the vitality of town centres.* Planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period.
24. *NPPF Part 9 - Promoting sustainable transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
25. *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.
26. *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.
27. *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.
28. *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, 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. Amongst other aims decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site to impacts that could arise from the development. Noise should be mitigated and reduced to a minimum potential adverse impact to avoid noise giving rise to significant adverse impacts on health and quality of life. Decisions should ensure that new development can be integrated effectively with existing businesses. Existing businesses should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business could have a significant adverse effect on new development the applicant should be required to provide suitable mitigation.
29. *NPPF Part 16 – Conserving and enhancing the historic environment.* Heritage assets range from site and buildings of local historic value to those of the highest

significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

NATIONAL PLANNING PRACTICE GUIDANCE:

30. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; climate change; design: process and tools; effective use of land; historic environment; land affected by contamination; land stability; natural environment; neighbourhood planning; noise; town centres; and use of planning conditions.

LOCAL PLAN POLICY:

The County Durham Plan (2020) (CDP)

31. *Policy 6 Development on Unallocated Sites* supports development on sites not allocated in the Plan or Neighbourhood Plan, but which are either within the built-up area or outside the built up area but well related to a settlement will be permitted provided it: is compatible with use on adjacent land; does not result in coalescence with neighbouring settlements; does not result in loss of land of recreational, ecological, or heritage value; is appropriate in scale, design etc to character of the settlement; it is not prejudicial to highway safety; provides access to sustainable modes of transport; retains the settlement's valued facilities; considers climate change implications; makes use of previously developed land and reflects priorities for urban regeneration.
32. *Policy 9 Retail Hierarchy and Town Centre Development* seeks to protect and enhance the hierarchy of Sub Regional, Large Town, Small Town, District and Local retail centres in the county
33. *Policy 21 Delivering Sustainable Transport* Requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development should have regard to the Parking and Accessibility Supplementary Planning Document and Strategic Cycling and Walking Delivery Plan.
34. *Policy 22 Durham City Sustainable Transport* seeks to reduce the dominance of car traffic, address air quality and improve the historic environment within the Durham City area
35. *Policy 26 Green Infrastructure* states that development will be expected to maintain and protect, and where appropriate improve, the County's green infrastructure network. Advice is provided on the circumstances in which existing green infrastructure may be lost to development, the requirements of new provision within development proposals and advice in regard to public rights of way.

36. *Policy 29 Sustainable Design* requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out 18 elements for development to be considered acceptable, including: making positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals. Provision for all new residential development to comply with Nationally Described Space Standards, subject to transition period. Provision for alterations and extensions to residential property to be sympathetic to existing building and character and appearance of area Provision for signage, adverts, street furniture and public art to be appropriate and sympathetic to users and local setting and not detrimental to visual amenity or public highway safety Provision for major developments to appropriately consider the public realm in terms of roads, paths, open spaces, landscaping, access and connectivity, natural surveillance, suitable private and communal amenity space that is well defined, defensible and designed to the needs of its users. Provision for new major residential development to be assessed against Building for Life Supplementary Planning Document, to achieve reductions in CO2 emissions, to be built to at least 30 dwellings per hectare subject to exceptions. All new development to achieve BREEAM minimum rating of 'very good'.
37. *Policy 31 Amenity and Pollution* sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that they can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.
38. *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.
39. *Policy 35 Water Management* requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. All new development must ensure there is no net increase in surface water runoff for the lifetime of the development. Amongst its advice, the policy advocates the use of SuDS and aims to protect the quality of water.
40. *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.

41. *Policy 41 Biodiversity and Geodiversity* restricts development that would result in significant harm to biodiversity or geodiversity and cannot be mitigated or compensated. The retention and enhancement of existing biodiversity assets and features is required as are biodiversity net gains. Proposals must protect geological features, have regard to Geodiversity Action Plans and the Durham Geodiversity Audit and where appropriate promote public access, appreciation and interpretation of geodiversity. Development proposals where the primary objective is to conserve or enhance biodiversity or geodiversity will be permitted if they comply with other local plan policy. Development proposals which are likely to result in the loss of deterioration of irreplaceable habitats will not be permitted unless there are wholly exceptional reasons and a suitable compensation strategy exists.
42. *Policy 43 Protected Species and Nationally and Locally Protected Sites* development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided or the proposal meets licensing criteria in relation to European protected species.
43. *Policy 44 Historic Environment* seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets. The policy advises on when harm or total loss of the significance of heritage assets can be accepted and the circumstances/levels of public benefit which must apply in those instances.
44. *Policy 45 Durham Castle and Cathedral World Heritage Site* seeks to ensure that developments within the world heritage site sustain and enhance the significance of the designated asset, are based on an understanding of, and will protect and enhance the outstanding universal values (OUVs) of the site in relation to the immediate and wider setting and important views into, and out of the site. Any harm to the OUVs will not be permitted other than in wholly exceptional circumstances.
45. *Policy 56 Safeguarding Mineral Resources*. Sets out that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within a Mineral Safeguarding Area unless certain exception criteria apply.

NEIGHBOURHOOD PLAN:

The Durham City Neighbourhood Plan (2021) (DCNP)

46. *Policy S1: Sustainable Development Requirements of all Development and Redevelopment Sites Including all New Building, Renovations and Extensions* sets out the economic, social and environmental criteria that development proposals will be required to meet.
47. *Policy H1: Protection and Enhancement of the World Heritage Site* requires development within the Durham Cathedral and Castle World Heritage Site to sustain, conserve and enhance its outstanding universal value and support the

current adopted management plan. Development within the WHS must take account of the historical and present uses of the site, propose high quality design, use appropriate materials and seek balance in respect of scale, density, massing, form, layout, landscaping and open spaces. Development proposals within Our Neighbourhood will need to sustain, conserve, and enhance the setting of the WHS where appropriate, by carrying out an assessment on how the development will affect the setting, including views to and from the WHS, protect important views and take opportunities to open up lost views and create new views and vistas.

48. *Policy H2: The Conservation Areas* expects development within the City Centre Conservation Area to sustain and enhance its special interest and significance identified within the conservation area character appraisal taking account of sustaining and enhancing the historic and architectural qualities of buildings, continuous street frontages, patterns, boundary treatments, floorscape and roofscapes, avoiding loss or harm of an element that makes a positive contribution to its individual significance and surrounding area, using appropriate scale, density, massing, form, layout and materials, using high quality design sympathetic to the character and context, its significance and distinctiveness
49. *Policy G1: Protecting and Enhancing Green and Blue Infrastructure* seeks to support developments that retain existing green or blue assets with significant recreational, heritage, cultural, ecological, landscape or townscape value and developments that provide additional green or blue assets, particularly if there is an identified deficiency. Any new or replacement assets must be appropriate to the context and setting. The policy requires developments to protect and enhance public rights of way and footpaths and green corridors. It offers support to proposals that provide net gains for biodiversity. The policy requires features of geological value to be protected. The policy seeks to protect and enhance the banks of the River Wear by supporting proposals with desirable access that do not have significant impacts on current assets. The policy also seeks to protect dark corridors by ensuring developments minimise lighting in such areas.
50. *Policy E2: Other Employment Sites* Offers support to the development of Fowler's Yard (Durham Arts Quarter) and for the development of windfall brownfield sites for mixed use office and business and residential units of all types.
51. *Policy E4: Evening Economy Policy* supports development that would promote/support the early evening and night time economy provided that they contribute to the vitality and viability of the centre and add to /improve the cultural and diversity offer. Such developments are required to provide a strategy for public safety and provide evidence in relation to impacts upon amenity.
52. *Policy D1: Land for Residential Development* supports housing development at Main Street USA or The Avenue which can be either new build or conversion.
53. *Policy T1: Sustainable Transport Accessibility and Design* seeks to ensure that development proposals will be required to demonstrate best practice in respect of sustainable transport accessibility and design

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <https://www.durham.gov.uk/cdp>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

54. *City of Durham Parish Council* – Strongly object to the proposed development on the following grounds:
55. Policy D1 of the DCNP allocates the application site for housing development. Therefore, the proposed commercial redevelopment is in clear conflict with the provisions of DCNP policy D1.
56. The proposed development will significantly change the character and appearance of this part of the conservation area. The new building would result in a much higher density of development. The footprint, height, scale and massing of the development would be substantially greater than the building which currently occupies the site. It is proposed to replace a 1.5 storey property which provides approximately 200m² of commercial floorspace, with a 2-4 storey property providing almost 900m², that could accommodate 62-70 people. The design and appearance of the proposed new building, whilst attempting to follow the same building line as Diamond Terrace, does not reflect that of its immediate surroundings. The inappropriate scale and massing of the proposed development, alongside the increased height, would have an overbearing impact on the other properties situated on Diamond Terrace. It is considered this would result in substantial harm to the significance of this part of the conservation area.
57. Policy 44 of the CDP is clear that development will be expected to sustain the significance of designated and non-designated heritage assets. Also, that great weight will be given to the conservation of all designated assets and that these assets should be conserved in a manner appropriate to their significance. This is also reflected in DCNP policies H2 and S1. Therefore, in accordance with national and local planning policy, planning permission should be refused unless it can be demonstrated that the harm is necessary to achieve substantial public benefits that outweigh the harm. The Parish Council does not consider that this information has been provided as part of the planning application.
58. The level of parking provision falls below the parking standards identified within the County Durham Parking and Accessibility Standards (2019) and therefore conflicts with the provisions of CDP policy 21.
59. Lack of clarity over uses proposed.
60. A hot food takeaway in this location would not accord with the requirements of CDP policy 30 or DCNP policy E4, particularly with regard to the impact on residential amenity.
61. *Highway Authority* – Consider that the proposal for 5 spaces is acceptable given the location of the site, in close proximity to the centre of Durham and the train station. However, it is advised that the applicant should also look to provide Electric Vehicle charging into some of the spaces associated with the development. It is noted that 17 cycle parking spaces are proposed. Further details of these spaces are also required. The Officer recommends that it would be beneficial for these spaces to be covered to allow cycles to be parking in inclement weather. The Officer advises that DCC Parking Standards say 2 disabled spaces should be provided where the total number of spaces is less than 10. However, the way the spaces relating to this development are laid out, parallel

to the carriageway it is not considered likely that these could be accommodated without impeding on the carriageway and therefore the Officer on balance accepts the provision of standard parking spaces only.

62. *Network Rail* – Have no objection in principle to the development, but outline some requirements which must be met, especially with the proximity of the development to a steep railway embankment and high voltage overhead line equipment that forms the East Coast Main Line. These include a condition to agree a demolition and construction methodology, use of crane, plant and machinery, drainage and boundary treatments in advance of works commencing and standard railway informatives.
63. *The Coal Authority* - Have no objection subject to conditions to ensure intrusive site investigations and any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, be implemented on site and confirmation that the works have been certified by a suitably competent person.
64. *Historic England* – Have no comments to make.

NON -STATUTORY RESPONSES:

65. *Business Durham* – Views awaited.

INTERNAL CONSULTEE RESPONSES:

66. *Spatial Planning* – Advise that the site is an unallocated site within the CDP, but note that it is however located within close proximity of the city centre where a mix of uses are within close proximity. As the site is unallocated it is advised that assessment against Policy 6 (Development on Unallocated Sites) is required. The Officer advises that the site is clearly within the built-up area of Durham City and advises that the development will need to comply with criteria a-j of Policy 6.
67. As the site is located outside of the defined Durham City centre it is advised that Policy 9 (Retail Hierarchy and Town Centre Development) of the CDP is applicable, this sets out a retail hierarchy, and seeks to protect the vitality and viability of all centres within the hierarchy.
68. The Officer advises that Policy 9 of the CDP identifies that proposals for main town centre uses, as defined by the NPPF, not located within a defined centre will be required to provide a sequential test. This reflects advice within the NPPF, paragraphs 87 and 88. It is advised that the proposal would constitute a main town centre use (Class E(g) office space, Class E(b) food and drink which is mostly consumed on the premises and Class E(c) financial and professional services. Given the sites location, within 300m of Durham City Centre, the Officer notes that it would constitute an edge of centre site requiring justification.
69. The Officer notes from the sequential information provided that there are sequentially preferable units vacant within the city centre, and that the applicants claim that none of the vacant units available are capable of offering the comparable amount of floorspace to the application proposals and that it has not been possible to disaggregate the uses, stating that there are specific operational and viability requirements which mean the E(b) and E(c) space need to form part of the wider office development.

70. The applicant's justification is accepted by Officers, particularly since it is noted that the existing site has permission for office development. The Officer considers that there is no obvious site where this can be accommodated within the city centre and it would not be logical for the applicant to consider disaggregation of the different elements of the scheme. It is also noted that the site is within close proximity of the city centre and also the railway station, in this regard whilst not located within the city centre, the site is seen as a highly sustainable location. Policy Officers therefore conclude that the proposals would be in accordance with Policy 9.
71. With regards to the implication of the Durham City Neighbourhood Plan (DCNP) Policy (D1), it is noted that the application site is specifically referenced in Policy D1 which states that housing development on the Main Street USA site will be supported. It is advised that the supporting text to the Policy identifies that the site could provide for 5 terraced houses. Whilst the Policy supports housing on the site, the Officer is of the opinion that it does not preclude other uses coming forward, subject to a proposal's acceptability against other relevant policies, and in that respect, it is not viewed as an allocated housing site. Reference is made to paragraph 180 of the Inspectors Report of the DCNP which highlights a main modification to D1 following Examination, within his report, the inspector clarifies that the Plan is not formally allocating the site. This led to a main modification to Policy D1 that removed reference to the site being allocated.
72. The Officer advises that The CDP provides details of how the County's Local Housing Need (LHN) will be met through housing allocations and these allocations are based on significant evidence including an understanding that the site is available to come forward to ensure delivery, which in this instance appears not to be the case. It is advised that the Main Street USA site identified in Policy D1 is not required to meet the County's LHN and as such would be considered as a windfall site if it came forward for housing as supported through Policy D1. It is also noted, that given that the site is in office use and the development proposes redevelopment for offices, albeit on a larger footprint, the principle of office development has already been established on part of the site.
73. Given all of the above, whilst Officers note that there would be merit to the site being developed for housing as per Policy D1, the policy would not preclude the site coming forward for the proposed use.
74. *Design and Conservation Officer*- Points out that the proposed development site lies within the Durham City Centre Conservation Area and within the setting of numerous heritage assets. It is recommended that the impact of the proposed development on the character, appearance and setting of those assets should be a primary consideration in the determination of the application.
75. The Officer considers that the development directly addresses the domestic scale residential streets of Diamond Terrace and Sidegate. The Officer considers that within the immediate context of the site is the ongoing development of Milburngate Phase 2 which includes larger, commercial scale development.
76. In respect of heritage assets, the Officer notes that the site is located within the north-western part of Durham City centre conservation area and adjacent to the Grade II* listed railway viaduct and Fram Well Head (Grade II). The Officer also noted that the site lies within the inner setting of the Durham Castle and Cathedral World Heritage Site (WHS), the boundary of which is defined in the World Heritage Site Management Plan.

77. The Officer is aware that a previous application for demolition of the building and erection of 5no. terraced dwellings was originally approved in 2008 and then permission renewed in 2012.
78. The Officer suggests that the principle of demolition of the building has been established previously, and therefore, the design and conservation team would not object to the proposed demolition. The Officer considers that the redevelopment of the site offers an opportunity for enhancement in this part of the conservation area.
79. It is the view of the Officer that the proposed scale and massing broadly reflects that previously approved, seeing a terrace bookended by 3 storey development adjacent to Framwellgate Peth. Whilst this proposal is for a workplace building, the Officer considers that externally the building draws upon the vernacular architecture of the adjacent residential, terraced housing. It is considered that the proposal responds to and works positively with the existing topography, reinforces the existing building line and gives strong definition to the street through active built frontage. The Officer considers that the architectural approach is locally inspired, taking reference from and providing a contemporary interpretation of the local vernacular, with a vertical rhythm and fenestration pattern. However, it is recommended the applicant revisit the material and colour palette of the roof area to ensure it sits appropriately adjacent to the existing terraced housing and amongst the wider context historic roofscape.
80. Whilst the proposed development would result in a change to this part of the conservation area, it is considered that the change is not considered harmful to the character and appearance of the street, and broadly reflects the scale and massing of development previously approved.
81. It is concluded that the proposed development is considered to meet the requirements set out by national and local policy, and subject to the recommended amendments, therefore there is no objection to the proposal from a design and conservation perspective.
82. *Ecology* - Advise that the bat survey is sufficient to inform the proposal and no further survey is required. It is recommended that that adherence to the contents of section 8 of the report and the attached Method Statement be a condition on any approval.
83. *Landscape Officer* – Requests that a detailed landscape scheme is needed and should be made subject of condition.
84. *Trees Officer* - Advises that the proposed development should not influence nearby tree cover as mature trees are outside the site boundary and separated by a cobbled street and cut through leading to Sidegate, however, shading may be problematic due to leaf cover from mature tree stock situated to the south. The Officer advises that vegetation which surrounds the site is poor and does not contribute to the site or the conservation area and that no trees within the site boundary warrant individual tree preservation orders.
85. *Environmental Health (Nuisance)* - Officers advise that the proposal is not sensitive but is in a sensitive area, with numerous sensitive receptors in close proximity of the site. The main concern associated with this proposal is noise emitted during operation impacting upon the amenity of nearby sensitive receptors. Upon review of the noise impact submitted by Apex acoustics, the Officer requires conditions in relation to noise levels, to ensure nearby sensitive

receptors are not impacted by this development. With such a condition the Officer is satisfied, based on the information submitted with the application, that the development is unlikely to cause a statutory nuisance.

86. *Environmental Health (Contamination)* - recommends conditions to ensure that no development shall commence until a land contamination scheme has been submitted to and approved in writing by the Local Planning Authority and that further investigations and remediation are undertaken if required and appropriately verified. Informatives are also required in relation to unforeseen contamination being encountered.

PUBLIC RESPONSES:

87. A total of 26 letters of consultation were sent out to surrounding residents and a site notice posted. This has resulted in 12 letters of objection from local residents and The Sidegate Residents' Association.

88. The concerns of local residents are summarised as follows:

- The character of the area will change from predominantly residential to predominantly commercial.
- The planning proposal is not allocated as a development in the CPD and therefore for the proposal to be successful, it has to be 'within a built-up area, or outside the built-up area but well related to a settlement,' The proposal does not mention Sidegate, but does not relate the application site to it. Instead, they relate the site to the City Centre developments along the riverside, where scale would not be an issue.
- Sidegate is a rare surviving medieval street that contributes to the character and appearance of the City of Durham Conservation Area and therefore the City as a whole. It is a designated Heritage Asset. Increasingly it is being negatively impacted by cumulative effects of surrounding development and thus there is a strong case for Sidegate to be protected from further developments that are inappropriate in terms of design, size and scale.
- The proposal is not domestic scale but akin to larger developments in the city.
- The proposal is not sympathetic to the 2 streets of Victorian houses.
- The height should be reduced to two storeys to fit in with the terraces.
- The building will tower above the houses and block out much needed light, especially in summer months.
- Unlike now, there will be no break in the 33 metres long development and therefore, no direct light coming from the NW onto the path and gardens nearest to the development, which are key features of the Terrace.
- The proposal will dominate the Sidegate area which is an historic entrance to Durham City, a World Heritage site.
- The materials to be used are not sympathetic.
- Parking is not detailed, it may be where residents have always parked and have garages.
- Access is already problematic and increased car use and parking in the area will magnify the dangers of access from the main road which has both speeding and congestion issues at different points of the day.
- The widening of the access would impact on pedestrians and cyclists using the busy shared pavement of Framwellgate Peth.
- There are already issues with noise and air pollution, this will be exacerbated.
- Impacts to amenity of residents.

- There is a presumption against inappropriate development in the greenbelt and there is no greenbelt assessment.
- The proposal would have a negative impact on key views, including those up and down Framwellgate Peth and long distance views from The Sands, Hillcrest, St Mary Magdalene and NEDL.
- There is conflict with City of Durham Neighbourhood Plan Policy S1
- The proposal contravenes DCNP Policies H2 and S2 in terms of its scale, density, massing, form and layout and as it does not harmonise with its context.
- The application makes no reference to the proposed development's impact on the adjacent Fram Well Head and Sidegate, the key heritage assets in the neighbourhood.
- The application fails to reference Policy D1 of the Durham City Neighbourhood Plan (DCNP) that identified this site as suitable for housing

89. *The City of Durham Trust* – Objects based on the negative impact on the Conservation Area, World Heritage Site (WHS) setting, the adverse impact on existing housing and access and failure to provide residential development as supported by the DCNP. It is considered that the proposal also contravenes policies 21, 29, 44 of the CDP and policies S1, H1,H2, D1 and T1 of the DCNP.

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

<https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=R1ISUOGDIZR00>

APPLICANTS STATEMENT

90. The proposed redevelopment of the former 'Main Street USA' property at Diamond Terrace presents an important opportunity to support redevelop a vacant brownfield site on a key gateway entrance route to Durham City.
91. The existing office building currently provides a relatively small floor plate which is heavily compartmentalised and has poor natural light. Whilst it occupies a prominent position, the building is not suitable for modern office use. The specification of the building also falls well below the expectations of a modern occupier, both in terms of environmental performance, noise insulation between floors and provision of natural light.
92. The existing site provides an excellent opportunity to deliver a building with an improved configuration and specification, capable of attracting occupiers who may otherwise be compelled to look out of town or further afield, back into Central Durham. Such occupiers would bring high quality, well paid jobs to the City Centre. In redeveloping the site from scratch, the applicant will invest over £2 million to deliver the proposed new building, which has the potential to offer a unique product that does not exist in Durham City Centre at present; a high specification, modern building offering open plan floor plates which are appropriate in scale and delivers a modern solution that meets occupiers needs, both in terms of staff wellbeing and environmental goals, whilst also incorporating integral commercial floor space at ground level for a food and drink or service offer catering for office workers and passing trade.
93. It is anticipated that the new building in its entirety will appeal to occupiers who are currently located either out of centre, or in constrained premises within the City Centre which is limiting their ability to grow. In this context, the design of the

proposed scheme has been carefully considered to provide a wide range of flexibility to the market, being able to cater for self-contained suites up to a tenant looking to occupy a single building of 866 m², which is intended to address some of the supply issues currently restricting growth in Durham's office market. The provision of a 109m² small food and drink/commercial facility at the ground floor level is also considered integral to the financial viability of this development.

94. The appointed leasing agents, Cushman & Wakefield, are aware of several requirements in Durham ranging from 2,000 sqft to 5,000 sqft that have not yet been satisfied due to a lack of available options. There is a real lack of development pipeline of smaller office buildings to cater for occupiers in the local market. Diamond Terrace would address this shortfall and help to retain occupiers in Durham City Centre that might otherwise locate elsewhere.
95. The sequential assessment submitted with this application demonstrates that the proposed development will deliver a unique office product that does not exist in Durham City Centre at present, meeting a particular market requirement for smaller, flexible and high quality new office space situated just 70 to 80 m from the edge of the designated Durham City Centre boundary, with excellent linkages to the Centre and Rail Station. On this basis the requirements of the County Durham Plan Policy 9 have been satisfied.
96. The redevelopment of this site is compliant with national planning policy objectives, which seek to support sustainable development and place significant weight on the need to support economic growth and productivity, taking into account both local needs and wider opportunities for development (revised NPPF, July 2021, Paragraph 81). Paragraph 86 of the NPPF makes clear that planning policies should promote the long-term vitality and viability of centres, by allowing them to grow and diversify, in a way that responds to rapid changes, allows a suitable mix of uses and reflects their distinctive characters. It also emphasises the importance of meeting needs for retail, leisure, office and other main town centre uses over a 10 year period, and ensuring that this is not compromised by limited site availability.
97. The current support of this site for residential use is reflective of the extant permission for the Demolition of St Cuthbert's House (now known as the former 'Main Street USA' property). However, this residential use has not come forward since the grant of permission in 2012 due to viability constraints and as such, the applicant is seeking an alternative, more suitable development option, reflective of its existing use as an office location. The principle of an office building in this location is clearly acceptable given the existing use of the building and its sustainable location on the edge of centre and in close proximity to the train station.
98. The design of the building has been carefully considered in the context of the neighbouring terraced properties, conservation area and nearby Durham Cathedral and Castle World Heritage Site to ensure the scale, materials and design of the building is fully in keeping with this context. As a result, the applicant believes this proposal represents the best possible use of this site, providing an opportunity to support substantial investment to meet existing business needs in Durham City and providing a high quality, viable opportunity to redevelop this brownfield site on a key gateway route.

PLANNING CONSIDERATIONS AND ASSESSMENT

99. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with Paragraph 47 of the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to the principle of the development, amenity, heritage and design, climate change, ecology, impacts on landscaping and green infrastructure, land stability, contamination and mineral safeguarding, highways considerations, flood risk and drainage and railway safety.

The Principle of the Development

100. The development plan for the neighbourhood area is both the County Durham Plan (CDP) and the City of Durham Neighbourhood Plan (CDNP).
101. Under the DCNP, the application site is specifically referenced in Policy D1. It states that housing development on the Main Street USA site will be supported. The supporting text to the Policy identifies that the site could provide for 5 terraced houses. Whilst the policy supports housing on the site, it does not preclude other uses coming forward, subject to a proposal's acceptability against other relevant policies, and in that respect, it is not viewed as an allocated housing site. Paragraph 180 of the Inspectors Report of the DCNP highlights a main modification to D1. The inspector clarifies that the DCNP is not formally allocating the site. This led to a main modification to Policy D1 that removed reference to the site being allocated.
102. The CDP provides details of how the County's Local Housing Need (LHN) will be met through housing allocations and these allocations are based on significant evidence including an understanding that the site is available to come forward to ensure delivery. The Main Street USA site identified in Policy D1 is not required to meet the County's LHN and as such would be considered as a windfall site if it came forward for housing as supported through Policy D1.
103. Whilst there would be housing supply merits to the site being developed for housing as per supportive thrust of the DCNP Policy D1 in this regard the policy does not preclude the site coming forward for the proposed use.
104. The site is not allocated under the CDP and as a result Policy 6 is one of the main determining policies. Policy 6 states proposals will be permitted within or adjacent to the built-up area provided that they are well related to the settlement and, amongst other criteria, are compatible with existing and allocated surrounding uses, are appropriate in terms of scale, design, layout, and location to the character, function, form and setting of the settlement and are sustainably located. The development of the application site would accord with Policy 6 as it is within the built-up area for Durham City, albeit outside the defined town centre. Detailed consideration of the scheme against the relevant criterion (a – j) of the policy will occur in later sections of this report.
105. Both the proposed office and café/restaurant uses are town centre uses and the site falls outside of the town centre. As such Policy 9 of the CDP requires a sequential assessment to be undertaken. The Policy advises that where an

application fails the sequential test or would have a significant adverse impact on investment or the vitality and viability of a town centre it should be refused. The NPPF also requires the use of sequential tests and advises that for edge of centre or out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. It also advises local planning authorities to demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.

106. The applicants have submitted a sequential test which recognises that there are sequentially preferable units vacant within the city centre but consider that none of the units are comparable in terms of the amount of floorspace the site can offer. They also advise that the uses proposed rely on one another in terms of operation and viability and cannot be considered in isolation. Informed by the response of Spatial Planning, Officers accept these conclusions. It should be noted that the use of the vacant existing building on site proposed for demolition was also an office and therefore the proposal is seeking to replace an office building with one predominantly housing another office, albeit of a greater scale. Furthermore, the existing vacant premises could be re-occupied as an office without the requirement for planning permission. Given the edge of centre location and, relative close proximity of the City Centre, its range of facilities therein and the access to a range of transport modes, the site is also considered to be within a sustainable location in that regard. The proposals are therefore considered to accord with CDP Policy 9 and the principle of further commercial use on the site is accepted.
107. Furthermore, paragraph 81 of the NPPF advises that decisions should help create the conditions in which businesses can invest, expand, and adapt and that significant weight should be placed on the need to support economic growth and productivity. The proposal would bring investment to the area and may encourage a significant amount of employment on site which is much welcomed from this perspective.

Amenity Considerations

108. Policy 29 of the CDP requires proposals to provide high standards of amenity and privacy and minimise the impact of development upon the occupants of existing adjacent and nearby properties. Policy 31 of the CDP requires development to have no unacceptable impact on living conditions. It advises that proposals which will have an unacceptable impact, such as through noise, will not be permitted unless satisfactory mitigation measures can be demonstrated. Policy S1 and E4 of the DCNP provide similar advice to ensure that any impacts upon neighbouring occupiers or impacts of pollution are acceptable. Paragraph 130 (f) of the NPPF requires developments to have a high standard of amenity. Paragraph 185 of the NPPF requires new development to be appropriate to its location taking into account the likely effect of pollution on health, living conditions and the sensitivity of the area. The framework requires development to mitigate and reduce to a minimum potential adverse impact resulting from noise from new development and to avoid noise giving rise to significant adverse impacts on health and quality of life.
109. The site is close to residential properties and concerns have been raised by local residents in relation to noise, air pollution and loss of light. The Parish Council are also concerned that the proposal may include a hot food takeaway use and impact on local amenity.

110. It has been confirmed that the proposed commercial use would involve class E Food and drink which is mostly consumed on the premises rather than a hot food takeaway use and therefore the usual concerns in relation to strong odour and litter etc are not applicable. This can be ensured via a condition.
111. The Council's Environmental Health Officer Officers advise that the proposal has the potential to have noise impacts during operations. However, based upon the noise impact assessment information submitted, the EHO is satisfied that conditions can ensure that noise levels from any plant experienced by local residents would not be at a level that would either cause a statutory nuisance or raise concerns about noise in terms of residential amenity. The use of the roof terraces late at night for social events etc has the potential to cause disturbance to residents however the hours of use for these areas can be controlled via condition.
112. With respect to air pollution, due to the proximity of residential properties to the east of the site, it is considered that dust control measures would be required during the demolition construction phase to be set out within a Construction Management Plan, this can be ensured by way of planning condition.
113. In terms of privacy, the development incorporates two roof terraces which will be open to employees to use as well as for maintenance, however the privacy for residential occupiers adjacent the site and south of the site would be protected due to the 1.4m high walls and planting areas proposed that would restrict views.
114. In terms of light and outlook, the dwelling that would be most impacted would be the adjacent no. 1 Diamond Terrace which is currently in the ownership of the developer who had plans to convert this to an HMO for which planning application has recently been refused. Should the dwelling remain a dwelling with no alterations then 3 gable end windows would have their outlook affected as a result of the development. However, two of these windows are not principal windows nor to habitable rooms (a bathroom and landing) and the one principal window (secondary lounge area) already has poor light and outlook on account of high boundary fencing. The degree of impact that the proposal has over and above the existing situation is not significant and the relationship is considered to remain acceptable. The previous approved housing scheme would have had a similar impact to this neighbouring window as well.
115. Concerns have been raised by local residents that the development would block out light to properties, a path and gardens particularly in summer months. In respect of light, the applicants have submitted a sunlight assessment that indicates that the neighbouring yard to 1 Diamond Terrace is the main area affected by the proposed development. In comparison to the current situation the main impacts would be greater overshadowing in the afternoon for most of the year, however, this is similar to what would have been experienced if the previous housing development had been constructed.
116. There will be an increase in overshadowing of the front garden areas in front of 1-5 Diamond Terrace in the summer evenings when compared to the current situation on site. However, the sunlight assessment details that the loss of light would be akin to the loss of light that would have resulted from the planning approval for 5 dwellings on the site and previously considered acceptable by the Council. Furthermore, the submitted sunlight assessment shows that there are also significant shadowing impacts from the existing surrounds and existing building sought for demolition. In terms of the footpath in front of Diamond Terrace it is noted that this is already in shadow in the early evening all year round and this remains unchanged. The footpath to Sidegate is similarly already in

shadow for much of the year but will become more overshadowed in the summer evenings however the impacts would be similar to the previous planning approval for housing on the site. It is not envisaged that this would deter use of the footpath as it would be adjacent to a more open landscaped area with good surveillance from the proposed building and nearby dwellings.

117. It is therefore considered that whilst there would be some negative impacts to amenity from the development that the impacts would not have an unacceptable impact on living conditions or general amenity. On this basis it is considered that the proposed development is in accordance with Policy 31 of the County Durham Plan, Policies S1 and E4 of the DCNP and Paragraph 130 of the NPPF in that respect.

Heritage and Design

118. The proposed development site lies within the Durham City Centre Conservation Area and adjacent to the Grade II* listed railway viaduct and Grade II Fram Well Head. The site also lies within the inner setting of the Durham Castle and Cathedral World Heritage Site (WHS). The impacts upon which are a primary consideration.
119. Policy 45 of the CDP requires proposals to sustain and enhance the significance of the Durham Castle and Cathedral World Heritage Site, be based on an understanding of the outstanding universal value of the WHS with regard to the adopted World Heritage Site Management Plan (WHSMP) and Statement of Outstanding Universal Value and protect and enhance the Outstanding Universal Value, the immediate and wider setting, and important views across, out of and into the site. It advises that development that would result in harm the WHS or its setting will not be permitted other than in wholly exceptional circumstances.
120. Policy H1 of the City of Durham Neighbourhood Plan follows the thrust of the above policy but also requires opportunities to be taken to open up lost views and create new views and vistas of the WHS.
121. Policy 44 of the CDP expects development to sustain the significance of designated and non-designated heritage assets, including any contribution made by their setting. It requires development proposals to contribute positively to the built and historic environment and should seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets whilst improving access where appropriate.
122. The policy advises that great weight will be given to the conservation of all designated assets and their settings and advises that such assets should be conserved in a manner appropriate to their significance, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Development which leads to less than substantial harm to a designated heritage asset will be weighed against the public benefits of the proposal. Development which leads to substantial harm to, or total loss of, the significance of a designated heritage asset will only be acceptable where it can be demonstrated that it is necessary to achieve substantial public benefits that outweigh that harm or loss, or where number of criteria set out in the policy all apply.
123. In respect of listed buildings Policy 44 advises that development should respect the historic form, setting, fabric, materials, detailing, and, any other aspects including curtilage, which contribute to the significance of the building or structure

and should retain the character and special interests of buildings when considering alternative viable uses.

124. In respect of conservation areas Policy 44 requires the demonstration of understanding of the significance, character, appearance and setting of the conservation area and how this has informed proposals to achieve high quality sustainable development, which is respectful of historic interest, local distinctiveness and the conservation or enhancement of the asset; and that regard is given to the manner in which the proposal responds positively to the findings and recommendations of conservation area character appraisals and management proposals; and respects and reinforces the established, positive characteristics of the area in terms of appropriate design (including pattern, layout, density, massing, features, height, form, materials and detailing). Policy H2 of the City of Durham Neighbourhood Plan follows the general thrust of the above policy albeit with some more details and specific design criteria a-l. This also reflects Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which imposes a duty on the LPA to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
125. The above policies are in conformity with and reflect Parts 199-207 of the NPPF which covers how to consider potential impacts on heritage assets.
126. In more general design terms, Policy 29 of the CDP requires all development proposals to achieve well designed buildings having regard to supplementary planning documents and other local guidance documents where relevant, and contribute positively to an area's character, identity and landscape features, helping to create and reinforce locally distinctive communities. Similar sustainable design guidance is provided through DCNP Policy S1.
127. Section 12, Paragraph 130 of the NPPF requires developments to add to the overall quality of an area, be visually attractive, be sympathetic to the local character and history, establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming, and distinctive places to live, work and visit.
128. Concerns have been raised by local residents that the proposal fails to assess the significance of the adjacent listed buildings and historic areas within the conservation area. Whilst it is acknowledged that the submitted Heritage Statement does lack some detail, ultimately it has not prevented Design and Conservation Officers being able to adequately assess the impact of the proposals nor have they requested further details to enable their assessment. Historic England have raised no detailed comments on the application.
129. There are no concerns in relation to the setting or views of the World Heritage Site or listed buildings. In respect of the conservation area, the current building on site is not considered worthy of retention and the demolition of which has previously been considered acceptable therefore there is no concerns in this regard. It is considered that the redevelopment of the site offers an opportunity for enhancement in this part of the Conservation Area. Whilst local residents refer to Sidegate being a designated heritage asset, it is in fact a non-designated heritage asset, nonetheless the Victorian street is of interest particularly as it is a historic entrance into the City.
130. In respect of significance, whilst the proposed development would result in a change to this part of the Conservation Area, this is not considered harmful to the character and appearance of the street, furthermore it is akin to the scale and

massing of development previously approved on the site and overall results in a neutral impact.

131. Local residents, the City of Durham Trust and the Parish Council are concerned about the design, dominant size and scale of the development, impact on key views and cumulative impacts of surrounding developments upon the two domestic Victorian terraces and would prefer a 2-storey development. However, the proposed scale and massing broadly reflects that previously approved, seeing a terrace bookended by 3 storey development adjacent to Framwellgate Peth. Whilst this is a four-floor development this involves a lower ground floor set into the site. The building steps back at both the front and rear in blocks similar to the elevation of Diamond Terrace and the building steps down in height as it approaches the residential terrace to a lower height than the previous approved development.
132. Whilst this proposal is for a workplace building, externally the building draws upon the vernacular architecture of the adjacent residential, terraced housing. The proposal responds to and works positively with the existing topography, reinforces the existing building line, and gives strong definition to the street through active built frontage. It is acknowledged that the materials do not match those of the Victorian dwellings, a concern of residents, however the architectural approach is locally inspired, taking reference from and providing a contemporary interpretation of the local vernacular, with a vertical rhythm and fenestration pattern. In response to concerns raised over the colour of the materials for the roof the applicants have proposed an alternative darker red blend clay tile which would be more harmonious with the adjoining terrace but admittedly will not match the terrace roof materials. Whilst there has been significant development at Milburngate/Framwellgate Waterside this is not comparable in footprint size and scale to that proposed, and, given the distance of approximately 100m away and being asset at a much lower level to this development it is not considered that these developments raise concerns in regard to cumulative impact.
133. Local residents are also concerned that the character of the area will change from residential to commercial as a result of the proposal. However, it is considered that given the former commercial use on the site which was seen predominantly from the main road with the office building in the background that the character is already commercial from this main viewpoint. Pedestrians walking along Sidegate will see the commercial building in the context of residential properties however from this viewpoint the character only alters slightly to become more commercial than before but still predominantly residential.
134. As there would not be harm to the significance of the designated and non designated heritage assets the proposal is considered to be in conformity with the above national, local and neighbourhood plan policies in respect of the historic environment and design. With no harm caused to the Conservation Area or listed buildings no conflict is considered to occur with the statutory duties under the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character and appearance of a conservation area and to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest that they possess.

Planning For climate change

135. Policy 29 of the CDP requires all development proposals to minimise greenhouse gas emissions, by seeking to achieve zero carbon buildings, minimise the use of

non-renewable and unsustainable resources. Similarly, amongst its advice, DCNP Policy S1 seeks to ensure that development utilises energy efficiently, minimising consumption and carbon emissions. Paragraph 157 of the NPPF requires development to take account of landform, layout, building orientation, massing, and landscaping to minimise energy consumption.

136. Although not a zero-carbon building, this is a low carbon building with a hybrid ventilation system to minimise energy usage. Air source heat pumps are proposed to generate heating for the internal offices. In addition, the building has been designed to have significant amount of daylight to reduce the amount of lighting required. The proposal is considered to perform acceptably in relation to the aforementioned policy guidance.

Ecology

137. CDP Policy 41 requires development to not significantly harm biodiversity and to minimise impacts to biodiversity and provide net gains for biodiversity. Policy 43 of the CDP advises that all development likely to have an adverse impact on protected species to not be permitted unless there is appropriate mitigation or compensation and the legal tests are met if a licence is required. Similarly, DCNP Policy S1 seeks to protect and enhance the biodiversity and geodiversity of the neighbourhood plan area. Section 15 of the NPPF requires the safeguarding of protected species. The application is supported by a bat survey which concludes a negligible risk to bats but recommends precautionary measures be undertaken and the Ecologist is satisfied that subject to these measures being conditioned there would be no harm to biodiversity or protected species. As a result, the proposals are considered to accord with Policy 43 of the CDP, Policy S1 of the DCNP and Section 15 of the NPPF.

Landscaping and Green Infrastructure

138. Policy 40 of the CDP advises that proposals for new development will not be permitted that would result in the loss of, or damage to, trees of high landscape, amenity, or biodiversity value unless the benefits of the proposal clearly outweigh the harm. The policy requires new development to retain existing trees where they make a positive contribution to the locality or the development and that any trees that are lost are replaced.
139. Policy 29 requires landscaping proposals to respond to topography, existing features, and wildlife habitats. It requires consideration of views of and from the site and that the design reflects any features characteristic of the locality such as boundaries, paving materials, and plant species. It welcomes opportunities for wildlife and in the case of edge of settlement development requires an appropriate level of structural landscaping to screen or assimilate the development into its surroundings and provide an attractive new settlement boundary.
140. The proposal would not impact on any trees but shading may be problematic due to leaf cover from mature tree stock situated to the south. Given that this is a workplace and the shading is only likely in a small area for parts of the year it is not considered that this would lead to pressure to remove any surrounding trees.
141. As there is minimal detail in relation to the outdoor amenity areas it is considered that a landscaping scheme will be necessary to ensure appropriate planting. This can be ensured via condition.

142. Policy 26 of the CDP and Policy G1 of the DCNP each seek development to protect and enhance public rights of way and footpaths, green infrastructure and green corridors. The footpath to Sidegate is already in shadow for much of the year but will become more overshadowed in the summer evenings however the impacts would be similar to the now expired planning approval for housing on the site. It is not envisaged that this would have a significant negative impact on this footpath and it has been borne in mind that there would be some enhancement of the footpath with better surveillance and surrounding landscaping.

Land Stability, Contamination and Mineral Safeguarding

143. The site is within an area at high risk of coal mining legacy and is previously developed land. Policy 32 of the CDP restricts development on despoiled, degraded, derelict, contaminated or unstable land unless it can be demonstrated that such issues can be addressed by mitigation measures, the risks are not unacceptable and all investigations and risk assessments have been undertaken. Section 15 of the NPPF requires Local Planning Authorities to prevent new development from being put at unacceptable risk from land stability. In terms of land stability, aligned with the comments of the Coal Authority, conditions can ensure intrusive site investigations and any remediation works and/or mitigation measures be undertaken to address land instability arising from coal mining legacy. In terms of contamination further details are required in relation to the landscaped areas however this detail and any identified works required can be ensured via condition.
144. The application site is located within a Mineral Safeguarding Area to which CDP Policy 56 relates. This policy advises that planning permission will not be granted for non-mineral development that would lead to a sterilisation of mineral resources unless certain criteria apply or the development is deemed exempt. One such exemption is where a development proposal comprises of an infill within a built-up frontage within a settlement. As this development proposal seeks the demolition and replacement of an existing building adjacent to Framwellgate Peth the application is considered to meet this exemption criteria.

Highways Considerations

145. Policy 21 of the CDP requires all development to deliver sustainable transport by amongst other less relevant criteria ensuring that any vehicular traffic generated by new development can be safely accommodated and ensuring development has regard to Parking and Accessibility Supplementary Planning Documents. Policy 22 of the CDP addresses Durham City Sustainable Transport and seeks to manage demand and transport improvements so as to reduce the dominance and impact of vehicles.
146. Paragraph 110 of the NPPF advises that development has opportunities to promote sustainable transport modes, that a safe and suitable access to the site can be achieved for all users, that the design and parking meet national guidance and that any impact upon the network can be mitigated. Paragraph 112 requires developments to incorporate pedestrian and cycle priority, address the needs of people with disabilities and reduce mobility, create places that are safe, secure and attractive, allows for service and emergency vehicles access and to enable charging of plug in and other ultra-low emission vehicles.
147. Policy T1 of the DCNP requires development proposals to be supported by evidence of how they contribute to sustainable transport accessibility and design where appropriate. It requires approach routes and access within the site to be

accessible. It requires adverse transport impacts to be avoided where practicable or mitigated. It requires alterations to existing roads to have good permeability and connections, traffic calming measures and a high-quality public realm.

148. Whilst the concerns raised by local residents in regard to the difficulties they experience with the access onto the busy highway are noted, the Highway Authority has no concern over highway capacity or safety or emergency access with the access alterations being proposed. The widening works are also a concern raised by residents however both these works and the additional access width would have minor impacts on the experience of pedestrian and cyclists on Framwellgate Peth.
149. Local residents were concerned that parking would include an area that residents use for parking however this is no longer the case and the plans have been amended with the proposal now proposing a low level of parking with 5 spaces adjacent to the proposed building. As the Parish Council points out this is well below the level of parking required by adopted parking standards. However, given the location of the site, in close proximity to the centre of Durham and the train station, it is agreed with the Highway Authority that this is an acceptable level of parking provision in this instance as the location allows sustainable transport options to be explored easily. Furthermore staff/customers would be unlikely to park on surrounding roads due to restrictions and the areas currently used for resident parking are protected by residential parking permits that are in place.
150. There is no formal provision for disabled parking, with 2 spaces being required by the parking and accessibility standards, however the space requirements would mean that this cannot be accommodated on the site without unacceptably narrowing the access road. In this instance the Highway Authority are willing to accept standard spaces. Consideration should be given to ensuring that there is an appropriate number of spaces that are in a sensible proximity to the relevant building and that their use is controlled in some way to enable availability for disabled persons. The applicants have agreed that two parking spaces would be prioritised for disabled staff/customers and details of how this will be achieved can be controlled via condition.
151. Section 149 of the Equality Act 2010 requires public authorities when exercising their functions to have due regard to the need to i) the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct, ii) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and iii) foster good relations between persons who share a relevant protected characteristic and persons who do not share that characteristic.
152. In this instance, the proposed development will likely have impacts upon the disabled given the absence of accessible parking bays which meet standards. Mitigation is proposed, however, in the aforementioned scheme to ensure priority parking for the disabled. It should also be considered that the site, at present, is unoccupied and provides no function or employment. Should, for instance, a disabled person gain employment at the new development, there may be some detriment to them in the absence of fully compliant accessible parking. However, equally, it is the new development generating that employment position. Having carefully assessed the impacts officers consider that the impacts upon individuals with protected characteristics are not such as would result in the application being recommended for refusal.

153. Provision has been made for cycle parking on site which has been amended to be partly covered in line with advice from Highways. A condition can ensure that the proposed dual Electric Vehicle charging point is incorporated on site before the site is brought into use.
154. Bearing the above in mind, whilst there would be some conflict with the Council's parking standards and some conflict with CDP Policy 21 and DCNP Policies S1 and T1 and advice at paragraph 112 of the NPPF due to the absence of dedicated accessible parking, no objections have been raised by the Highway Authority. A condition can be added to the planning permission so as to prioritise the availability of accessible parking at the site in the absence of spaces which meet parking standards and this is considered to mitigate the absence to the extent that in the round the degree to which parking provision is compromised is not considered so significant to draw objection from officers and warrant refusal of the application.

Flood Risk and Drainage

155. Policy 35 of the CDP requires that all development consider the effect of development on flood risk and ensure there to be no net increase in surface water run-off for the lifetime of the development. Similarly, amongst its advice Part 14 of the NPPF requires Local Planning Authorities to ensure that developments do not result in an increase in flood risk off site.
156. The application site is located within Flood Risk Zone 1 and therefore on land least prone to any river flooding. It is considered that a condition can be utilised to agree the final drainage proposals for the development having regard to the requirements of Policy 35 to ensure the control of surface water run-off and adherence to the hierarchy of surface water disposal.
157. Policy 36 of the CDP requires foul water to drain to a hierarchy with connection to the public sewer being the most suitable option. The drainage is proposed to a main sewer which is appropriate.

Railway Safety

158. As the development is close to a steep railway embankment and high voltage overhead line equipment that forms the East Coast Main Line a condition will be required to agree the demolition and construction methodology, use of crane, plant and machinery, drainage and boundary treatments in advance of works commencing alongside other standard railway informatives.

Other Issues

159. Residents have referred to the development being within the Greenbelt and needing to be assessed against Greenbelt policies however the site falls outside of the Greenbelt.
160. Concerns have been raised that there is a lack of clarity over the type of uses proposed. The applicants have clarified that the primary use is Class E(g) office space with an area allocated at ground floor level, and accessed via a separate ground floor entrance, offering flexible accommodation for commercial uses within either Use Class E (b) (food and drink which is mostly consumed on the premises), or Use Class E (c) (the provision of services principally to visiting members of the public i. financial services ii. professional services or iii. any other

services which it is appropriate to provide in a commercial, business or service locality). This flexibility is required as potential occupiers are unknown.

CONCLUSION

161. The development is within the built-up area and is considered a sustainable unallocated site suitable for development. Whilst in an edge of town centre location, the proposed mix of uses is considered suitable given the floorspace, operation and viability requirements whilst a sequential assessment has been submitted and accepted. Furthermore, the proposed commercial development is replacing a commercial building. The proposal would bring investment to the area and may encourage a significant amount of employment on site. Whilst the DCNP supports housing on the site, it does not preclude other uses coming forward, subject to a proposal's acceptability against other relevant policies and the County Durham Plan has a sufficient supply of allocated housing sites. The principle of the development is therefore acceptable.
162. Whilst some impact upon the residential amenity of neighbouring occupiers has been identified, it is concluded that this impact would not be at a level so as to be unacceptable.
163. The design and visual impact of the development is considered acceptable with no harm to heritage assets identified.
164. The parking provision is below the level of parking required by the adopted parking standards and some conflict with the DCNP is identified as a result. However, the site is within a sustainable location and the Highway Authority have not raised objections to the development.
165. The development is considered acceptable in regard to all other material planning considerations.
166. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. In light of the recent adoption of the CDP, the Council has an up to date development plan. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up to date development plan without delay. Paragraph 12 of the NPPF advises that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
167. The development is considered to be in general compliance with the Development Plan, adhering to the content of the majority of policies within the CDP and DCNP. However, some conflict with CDP Policy T21 and DCNP Policies S1 and T1 has been identified due to the Council's adopted parking standards not being met, particularly the absence of 2 no. dedicated accessible parking standards designed to necessary standards. However, this can be mitigated to an extent through a condition to ensure a scheme which prioritises the parking spaces being provided for the use of a disabled member of staff or visitor.

168. On balance, taking into account the merits of the scheme in representing an efficient use of brownfield land and delivering employment opportunities in a development of appropriate design and character, the scheme is considered to remain acceptable despite the degree of aforementioned conflict with specific CDP and DCNP policies and approval is recommended.

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 plans:

Cycle parking	AD(0)01	19/01/22
Landscape Plan	AD(0) 15 rev A	19/01/22
Revised External Materiality		04/02/22
Terrace layout	AD(0)03 Rev A	15/02/22
Location Plan	AL(0) 01A	15/11/21
Lower Ground Floor Plan	AL(0)11	25/10/21
Ground Floor Plan	AL(0)11	25/10/21
First Floor Plan	AL(0)12	25/10/21
Second Floor Plan	AL(0)13	25/10/21
Proposed Elevations	AL(0)20	25/10/21
Proposed Elevations	AL(0)21	25/10/21
Proposed Sections	AL(0)30	25/10/21

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy 27 of the County Durham Plan and Part 10 of the NPPF.

3. Prior to occupation of each part of the building occupied by a business/company details of business opening hours of internal and external areas (inclusive of external amenity/terrace areas), and, if applicable customer opening hours shall be submitted to and approved in writing by the Local Planning Authority. The premises shall not be open outside the approved hours.

Reason: In the interests of the residential amenity of surrounding properties in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

4. Notwithstanding any details of materials submitted with the application no development shall commence until samples of all walling, roofing and paving materials have been 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.

5. Notwithstanding the submitted information, prior to the first occupation of the development 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.

6. The rating level of noise emitted from fixed plant/machinery on the site shall not exceed 40dB LAeq (1 hour) between 07.00-23.00 and 30dB LAeq (15 mins) between 23.00-07.00. The measurement and assessment shall be made according to BS 4142: 2014+A1: 2019. (On written request by the planning authority the operator shall, within 28 days, produce a report to demonstrate adherence with the above rating level).

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.

7. Prior to their installation details of any fume extraction and/or ventilation equipment shall be submitted to and approved in writing by the Local Planning Authority. All equipment detailed as part of the approved scheme shall thereafter be retained, operated and maintained in accordance with the approved details so long as the use continues.

Reason: In the interest of the amenities of neighbouring properties in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

8. 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:

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

Details of methods and means of noise reduction/suppression.

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

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

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

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

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

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

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

Routing agreements for construction traffic.

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

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

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

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

The Construction Management Plan shall demonstrate consultation with the Asset Protection Project Manager at Network Rail and include any measures necessary to protect railway land/assets.

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 and public safety 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.

9. The development shall take place in accordance with the mitigation and method statement outlined in the Bat survey and risk Assessment by Veronica Howard dated August 2021.

Reason: In the interests of safeguarding protected species in accordance with policy 43 of the County Durham Plan and section 15 of the NPPF.

10. No development shall commence until a land contamination scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be compliant with the YALPAG guidance and include a Phase 1 preliminary risk assessment (desk top study).

If the phase 1 assessment identifies that further investigation is required a Phase 2 site investigation shall be carried out, which shall include a sampling and analysis plan. If the Phase 2 identifies any unacceptable risks, a Phase 3 remediation strategy shall be produced and where necessary include gas protection measures and method of verification.

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

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

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

12. No development shall commence until;
 - a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;
 - b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.

13. Prior to the occupation of the development, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or 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 methods

and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.

14. Prior to the occupation of the development a scheme shall have been submitted to and approved by the Local Planning Authority which details measures to ensure that two of the parking spaces detailed on the approved plans shall be prioritised for disabled employees or customers. The development shall thereafter be occupied in accordance with the approved scheme.

Reason: In the interests of the needs of people with disabilities and reduced mobility in accordance with paragraph 112b of the NPPF.

15. The electric vehicles charge point detailed on the approved plans shall be installed and operational on site prior to the uses commencing and shall remain on site in perpetuity.

Reason: To enable charging of plug-in and other ultra-low emission vehicle in a safe, accessible and convenient locations in accordance with Policy 21 of the County Durham Plan and paragraph 112 of the NPPF.

16. No development other than demolition shall take place until a scheme of surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall demonstrate that there will be no net increase in surface water runoff for the lifetime of the development and seek to ensure that runoff rates are as close as practicable to the greenfield rate. The submitted scheme shall also demonstrate that surface water is managed at source wherever possible and disposed of in accordance with the hierarchy of surface water disposal.

Reason: In the interests of ensuring surface water is adequately disposed of in accordance with Policy 35 of the County Durham Plan.

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 2015 (as amended) (or any revocation and re-enactment of that order), the premises shall be used only for uses contained within Use Classes E (b) (food and drink which is mostly consumed on the premises), Use Class E (c) (the provision of services principally to visiting members of the public i. financial services ii. professional services or iii. any other services which it is appropriate to provide in a commercial, business or service locality) and E(g) office of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any revocation and re-enactment of that order) and for no other use.

Reason: To define the consent and in the interests of the amenity of the area in accordance with policy 31 of County Durham Plan and Part 15 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

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) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.)

BACKGROUND PAPERS

County Durham Plan 2020

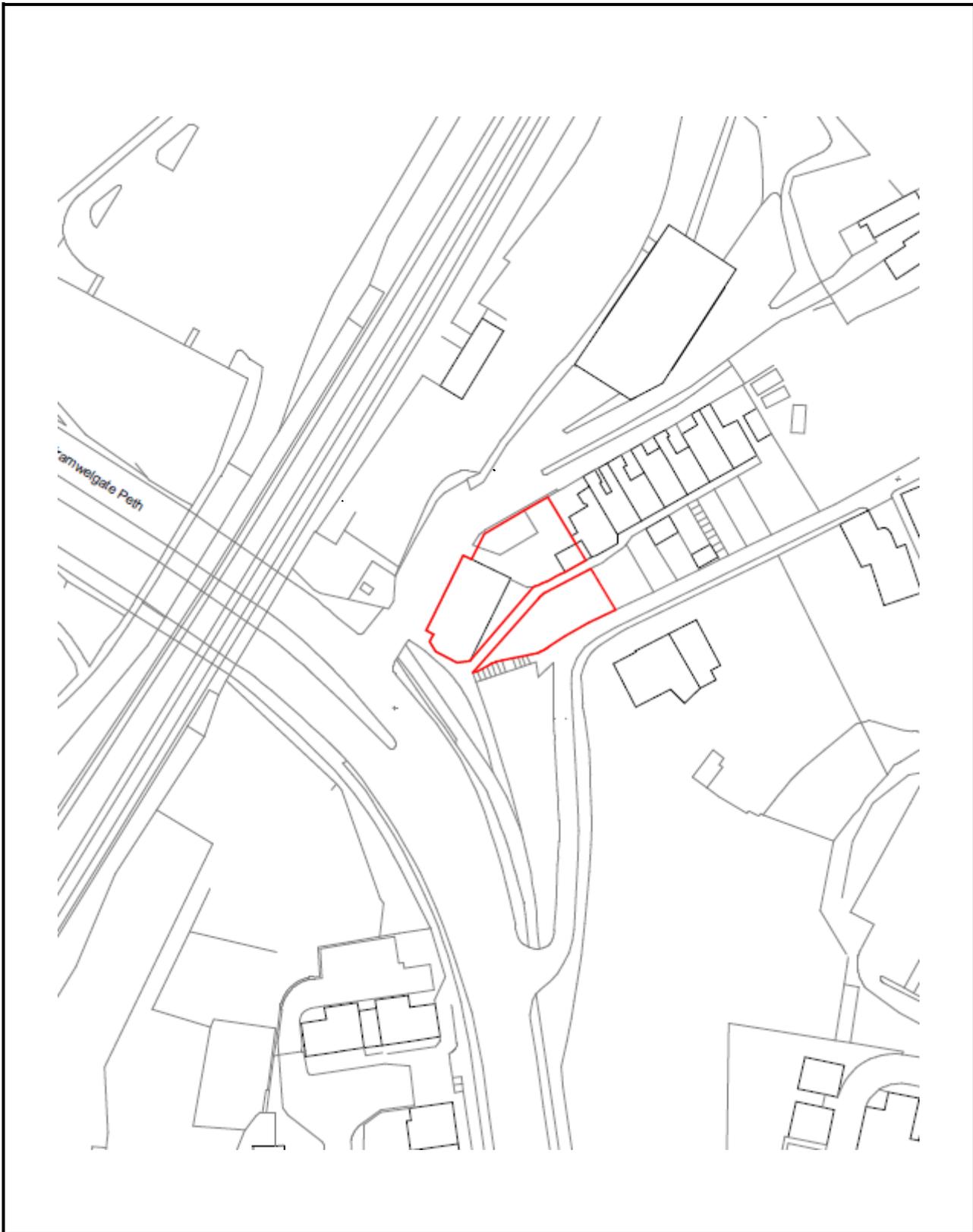
City of Durham Parish Council Durham City Neighbourhood Plan 2020 to 2035 (2021)

County Durham Parking and Accessibility Standards 2019

The National Planning Policy Framework (2021)

Internal and public consultation responses

Submitted forms, plans and supporting documents



Planning Services

DM/21/03682/FPA
St Cuthberts House
Diamond Terrace
Durham

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Comments

Date 08.03.2022

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