



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

Application No:	DM/21/04311/FPA
Full Application Description:	Demolition of 6no. existing industrial units and erection of 4no. commercial units (Use Class B2), with associated parking, landscaping and boundary enclosures
Name of Applicant:	Harrison Commercial Properties (NE) Ltd
Address:	Blagdon Depot Frankland Lane Durham DH1 5TA
Electoral Division:	Elvet and Gilesgate
Case Officer:	Leigh Dalby (Principal Planning Officer) Tel: 03000 261 959 Email: leigh.dalby@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

The Site

1. The application site is an existing commercial / industrial site which comprises of approximately 1.16ha to the north side of the River Wear to the North of Durham City. The site currently comprises 6no. industrial units of varying scales ranging from single-storey to two-storey with significant areas of hardstanding.
2. Access to the site is from the west, via a junction off Frankland Lane, leading to Framewellgate Waterside and the A690 . There are no formal parking areas on site to serve the existing units
3. The site is located within the designated Green Belt surrounding Durham City and is bound to the north by mature trees with undeveloped land and woodland beyond. To the west of the site lays the Riverside Centre, an office building, and the National Trust owned Crook Hall which is a Grade 1 listed building and its respective North and West Barns, both Grade II Listed. To the south contains a tree belt along the

southern boundary with Frankland Lane, with Frankland Cottage, beyond. To the east runs Frankland Lane and Barkers Haugh wastewater and sewage treatment plant

4. As detailed the site is within the Green Belt but is not within an Area of Higher Landscape Value but is within Flood Zone 2.
5. The site falls within the setting of a number of designated heritage assets, including Crook Hall (Grade I listed) and the North Barn of Crook Hall and the West Barn of Crook Hall (both Grade II listed); and is considered to be within the setting of the Durham Castle and Cathedral World Heritage Site and adjacent to the Durham City Conservation area.

The Proposal

6. The application seeks planning permission for the demolition of the existing industrial units with the erection of 4no. (B2) commercial units. It is proposed that the buildings are to be finished using dark grey steel cladding and brickwork, and whilst being of varying scale have a similar design of a mono pitch roof with roller shutter doors and high-level windows. Block D is proposed to have a staggered roofline, with a brick offshoot.
7. The proposal will include 28 parking spaces, servicing areas and turning circle along with landscaping which include the retention of high-quality trees, additional hedgerows and compensatory tree planting. A new boundary fence is also proposed to secure the site.
8. The application has been brought to the Planning Committee for consideration in accordance with the Council's scheme of delegation due this being a major development.

PLANNING HISTORY

9. It is not considered there are any directly relevant site history of note, however the following applications are noted within the vicinity:
 - Maven House - DM/17/03073/FPA - Change of use to commercial car valeting (Use Class Sui Generis) – Approved 30.11.2017
 - M Motors, Frankland Workshop - DM/14/00972/FPA - Change of use of building to place of worship – Approved 08.08.2014
 - Unit 5, The Riverside Centre - DM/14/00758/FPA – Change of use of premises from office to osteopath clinic – Approved 16.06.2014
 - Unit 1 Blagdon Depot - 4/10/00640/FPA - Change of use from workshop (B1) to music rehearsal room– Approved 10.11.2010

PLANNING POLICY

NATIONAL POLICY

10. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social, and environmental, each mutually dependent.
11. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'. The following elements of the NPPF are considered relevant to this proposal;
12. NPPF Part 2 Achieving Sustainable Development - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
13. NPPF Part 4 Decision-Making - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
14. NPPF Part 6 – Building a strong, competitive economy. The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
15. NPPF Part 8 - Promoting Healthy and Safe Communities - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
16. 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.
17. NPPF Part 11 - Making Effective Use of Land - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other

uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously developed or 'brownfield' land.

18. NPPF Part 12 - Achieving Well-Designed Places - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
19. NPPF Part 13 Protecting Green Belt Land - The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Green Belt land serves 5 purposes; to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
20. 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.
21. NPPF Part 15 - Conserving and Enhancing the Natural Environment - 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.
22. NPPF Part 16 Conserving and Enhancing the Historic Environment - Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

LOCAL PLAN POLICY:

23. The following policies within the County Durham Local Plan are considered relevant in terms of this proposal:

24. Policy 1 (Quantity of Development) outlines the levels of employment land and housing delivery considered to be required across the plan period.
25. 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.
26. Policy 15 (Addressing Housing Need) establishes the requirements for developments to provide on-site affordable housing, the circumstances when off-site affordable housing would be acceptable, the tenure mix of affordable housing, the requirements of developments to meet the needs of older people and people with disabilities and the circumstances in which the specialist housing will be supported.
27. Policy 20 (Green Belt) development proposals within the Green Belt will be determined in accordance with national planning policy. There is a presumption against inappropriate development in the Green Belt unless very special circumstances can be demonstrated. The National Planning Policy Framework (NPPF) sets out several exceptions as well as other forms of development which may be inappropriate in the Green Belt.
28. 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 Parking and Accessibility Supplementary Planning Document.
29. Policy 25 (Developer Contributions) advises that any mitigation necessary to make the development acceptable in planning terms will be secured through appropriate planning conditions or planning obligations. Planning conditions will be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations must be directly related to the development and fairly and reasonably related in scale and kind to the development.
30. 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.

31. Policy 27 (Utilities, Telecommunications and Other Broadcast Infrastructure) supports such proposals provided that it can be demonstrated that there will be no significant adverse impacts or that the benefits outweigh the negative effects; it is located at an existing site, where it is technically and operationally feasible and does not result in visual clutter. If at a new site then existing site must be explored and demonstrated as not feasible. Equipment must be sympathetically designed and camouflaged and must not result in visual clutter; and where applicable it proposal must not cause significant or irreparable interference with other electrical equipment, air traffic services or other instrumentation in the national interest.
32. Policy 29 (Sustainable Design) requires all development proposals to achieve well designed buildings and places having regard to SPD and sets out 18 elements for development to be considered acceptable, including: 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'.

33. 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 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 locating of 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.

34. 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.
35. Policy 33 – Renewable and Low Carbon Energy – states that renewable and low carbon development energy development in appropriate locations will be supported. In determining planning applications for such projects significant weight will be given to the achievement of wider social, environmental and economic benefits. Proposals should include details of associated developments including access roads, transmission lines, pylons and other ancillary buildings. Where relevant, planning applications will also need to include a satisfactory scheme to restore the site to a quality of at least its original condition once operations have ceased. Where necessary, this will be secured by bond, legal agreement or condition.
36. 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
37. Policy 36 Disposal of Foul Water states that all new development should adopt the hierarchy of preference.
38. Policy 39 (Landscape) states that proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate mitigation measures where adverse impacts occur. Development affecting Areas of Higher landscape Value will only be permitted where it conserves and enhances the special qualities unless the benefits of the development clearly outweigh its impacts.
39. Policy 40 (Trees, Woodlands and Hedges) states that proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges or provide suitable replacement planting. The loss or deterioration of ancient woodland will require wholly exceptional reasons and appropriate compensation.
40. 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.

41. Policy 42 Internationally Designated Sites states that development will be refused where it cannot be ascertained, following appropriate assessment, that there would be no adverse effects on the integrity of the site, unless the proposal is able to pass the further statutory test of 'no alternatives' and 'imperative reasons for overriding public interest'.
42. Policy 56 (Safeguarding Mineral Resources) states 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. This is unless it can be demonstrated that the mineral in the location concerned is no longer of any current or potential value, provision can be made for the mineral to be extracted satisfactorily prior to the non-minerals development taking place without unacceptable adverse impact, the non-minerals development is of a temporary nature that does not inhibit extraction or there is an overriding need for the non-minerals development which outweighs the need to safeguard the mineral or it constitutes exempt development as set out in the Plan. Unless the proposal is exempt development or temporary in nature, all planning applications for non-mineral development within a Mineral Safeguarding Area must be accompanied by a Mineral Assessment of the effect of the proposed development on the mineral resource beneath or adjacent to the site of the proposed development.

Neighbourhood Plan

43. The following policies within the City of Durham Neighbourhood Plan:
44. Policy S1 (Sustainable Development Requirements of all Development and Re-development Sites Including all New Building, Renovations and Extensions) seeks to sets out the economic, social and environmental criteria that development proposals will be required to meet
45. 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.

46. Policy H3 (Our Neighbourhood Outside the Conservation Areas) requires development outside of Conservation areas to, where appropriate, demonstrate an understanding of the area of the proposed development and its relationship to the Neighbourhood area. Such development should sustain and make a positive contribution to the character and distinctiveness of the area and avoid the loss of open space and public realm that contributes to the area, to be appropriate in terms of scale, density, massing, form, layout, landscaping and open spaces and use appropriate materials and finishes.
47. 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.
48. Policy G4 (Enhancing the Beneficial Use of the Green Belt)
49. 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
50. 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
51. Policy S1 (Sustainable Development Requirements of all Development and Re-development Sites Including all New Building, Renovations and Extensions) seeks to sets out the economic, social and environmental criteria that development proposals will be required to meet

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 <http://www.cartoplus.co.uk/durham/text/00cont.htm>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY AND INTERNAL RESPONSES:

52. The following comments were received following consultation with Statutory and Internal consultees.
53. DCC Highway Authority – No objections raised in principle to the proposals on the basis the main access surface course is improved to highway standards, however, require a plan to indicate the main access with the surface improved with a white line road junction give way road marking scheme.
54. Lead Local Flood Authority (LLFA) – No objection subject to conditions
55. DCC Design and Conservation Section – No objections, the proposal will not impact any designated assets..
56. DCC Environmental Health (Noise Action Team) – No objections subject to conditions
57. DCC Environmental Health (Contaminated Land) – No objection subject to conditions
58. DCC Landscape Section – No objections.
59. DCC Tree Section – No objections.
60. DCC Ecology Section – No objection. The supplied ecological report is sufficient to inform the proposal and no further surveys are required. Need to condition the contents of section 5 (conclusion and recommendations) of the report and the enhancements shown on the supplied ecological mitigation plan.
61. DCC Public Right of Way – No objections.
62. Northumbrian Water – No objection subject to appropriate surface water drainage to be agreed by the LLFA.
63. Coal Authority – No objection subject to conditions
64. City of Durham Parish Council - The Parish Council accepts that the design and scale of the proposed development would not have a greater impact on the openness of the Green Belt than the existing development and would enhance the visual amenity of the area. Whilst the loss of 21 trees would be disappointing, it is understood that the trees which would be removed are of a low quality and would be replaced by native woodland planting.

The Parish Council understands that Rocking Horse Studio is a viable business, for which there is a clear demand and there are no similar facilities available. However, the Parish Council has been made aware of several issues relating to the building itself. It is therefore clear that there will be a need to clarify how any equivalent alternative provision will be made for the studio by the applicant. The Parish Council hopes that this can be arranged between the applicant and the Rocking Horse, and, if necessary, our Council will look to support this business

in locating alternative premises during the development stage of this site, should officers be minded to approve this application.

65. Environmental Agency – No objection subject to conditions

NON-STATUTORY RESPONSES

66. The following comments were received following consultation with non-statutory consultees:

67. City of Durham Trust – Objects to the loss of the Rocking Horse music studio, and impact on the green belt

PUBLIC RESPONSES

68. The application has been publicised by way of site notice, press advert and notification letters sent to neighbouring properties. In response 67no. letters of objection were received, along with an online petition containing 3272 signatures against the loss of the Rocking Horse studio which is an occupier of the present site. A summary of the points of objection are as follows:

- Loss of music studio which is considered to be a valuable asset to the community and Durham City
- Impact on openness of green belt
- Impact on traffic and transport

69. National Trust – Objects to the proposal due to the increased traffic and the related issues, potential impact on heritage assets (including their own property Crook Hall), impact on the openness of the Green Belt

70. Mary Kelly Foy MP – Raises concerns regarding the loss of the Rocking Horse studio as a community asset and confirms no objection in principle to the redevelopment of this site, as long it is sympathetic to the Green Belt, will not have a detrimental impact on the highways, and does not remove a vital cultural asset in the city. As it stands, this application does not meet these criteria.

APPLICANTS STATEMENT:

71. The applicant has provided the following statement in response to the points of objection raised:

72. Loss of the Rocking Horse Studio - Paragraph 120 of the NPPF states that planning decisions should afford substantial weight to the value of using suitable brownfield land. Objective 1 of the County Durham Plan seeks to improve economic performance through creating more and better jobs and increasing GVA, whilst objective 2 seeks to deliver sustainable communities through ensuring jobs and supported by a high-quality environment, services and infrastructure. Objective 8 aligns with paragraph 120 of the NPPF which seeks to make the most effective use of land, re-using land that has been previously developed. It is clear that the business is well-regarded, but its

premises are old and unsustainable in the long-term. The retention of the building is not viable in the long-term and would have severe implications on the design of the scheme and the wider redevelopment of Blagdon Depot, a site recognised as an opportunity by the Durham City Neighbourhood Plan.

The proposed units would be built to a far greater standard, are of a high level of design, and present a more efficient use of the site. These should be afforded substantial weight given the site is a previously developed brownfield site.

The Applicant is working proactively with Rocking Horse Rehearsal Rooms, to offer them the opportunity to rent one of the new units if they wish. They would also be provided with financial compensation regardless of whether they occupy a new unit which would help facilitate their relocation. If they wished to occupy one of the new units, the applicant has offered to help financially with refit costs. In addition, the City of Durham Parish Council have offered their support in providing suitable new premises for the business

73. Loss of Asset of Community Value - We understand there has been an application made to list the Rocking Horse Rehearsal Rooms as an Asset of Community Value. An Assets of Community Value - Policy Statement written by Communities and Local Government was published in 2011.

The statement identifies what the provisions for an ACV listing do. Essentially, the provisions aim to provide a community with the opportunity to buy the building on the open market if it comes up for sale. The statement is clear in identifying what the provisions do not do. They do not restrict in any way who the owner of a listed asset can sell the property to, or at what price. They do not confer a right of first refusal to community interest groups. They do not place any restriction on what the owner can do with their property, once listed, if it remains in their ownership. This is because it is planning policy that determines permitted uses for particular sites. It is open to the Local Planning Authority to decide that listing as an ACV is a material planning consideration.

In determining whether or not the building or land should be listed, it should be considered an ACV if:

- its actual current use furthers the social wellbeing and interests of the local community, or a use in the recent past has done so; and
- that use is not an ancillary one; and
- for land in current community use it is realistic to think that there will continue to be a use which furthers social wellbeing and interests, or for land in community use in the recent past it is realistic to think that there will be community use within the next 5 years (in either case, whether or not that use is exactly the same as the present or past); and
- it does not fall within one of the exemptions which we will be putting in regulations, e.g., residential premises and land held with them

The Asset of Community Value aims to provide a community group with an opportunity to purchase a building should it be put up for sale. The Policy Statement is clear that it is not designed to determine the uses for a site. It is evident that the Rocking Horse Rehearsal Rooms is a well-regarded business,

but the asset is the business, staff and customer base. The old industrial building is not where the value lies in the business. The building is poorly built and possesses no architectural or historical value.

74. To summarise, the applicant has a strong relationship with the tenants of Blagdon Depot, many of which have operated from the site for a number of years. They do not wish to disperse the businesses, but there are extenuating circumstances which necessitate this application and the redevelopment of the site.

The buildings on site are old and will require works to keep them viable in the near future. In the spirit of sustainable development, rather than retrofitting the buildings, the application seeks to build 4no. modern, energy efficient units suitable for modern industrial needs.

75. Whilst it is regrettable that this may lead to businesses on site having to relocate. The Applicant is working proactively with the tenants to provide them with the opportunity to rent one of the new units if they wish and all the businesses will qualify for financial compensation which will facilitate their transition into new premises.
76. In addition, the City of Durham Parish Council have also pledged their support to Rocking Horse Rehearsal Rooms.
77. We trust that this information will satisfy any outstanding concerns and would welcome your thoughts on the proposal. We hope that the revised scheme will allow the application to move towards a positive determination.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <https://publicaccess.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application>

PLANNING CONSIDERATIONS AND ASSESSMENT

78. The main planning considerations of this application are the compliance of the proposal with national and local planning policy, the principle of development including sustainability of the site and impact on the greenbelt, impact on highway and pedestrian safety, impact upon the visual amenity of the area, landscaping, impact on the amenity and privacy of existing and future neighbouring land users, ecology and nature conservation, flooding and drainage and any other material planning considerations.

PRINCIPLE OF DEVELOPMENT

79. As identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004 the key consideration in the determination of a planning application is the development plan. Applications should be determined in accordance with the development plan unless material considerations indicate otherwise. In this

respect the development plan for the area consists of the policies contained with the adopted County Durham Plan (2020)

80. The application site is located on the outer edge of the City of Durham core to the North of the River Wear. The site is located within the designated Green Belt. The site is bound to the north by mature trees with undeveloped land and woodland beyond. To the west of the site lays an office building, and various listed buildings, to the south contains a tree belt along the southern boundary with Frankland Lane, and a residential Cottage, beyond, to the east runs Frankland Lane and a wastewater and sewage treatment plant
81. The site is unallocated within the CDP. Policy 6 (Development on Unallocated Sites) relates to the development of sites which are not allocated in the Plan or in a Neighbourhood Plan which are either (i) within the built-up area; or (ii) outside the built-up area but well-related to a settlement (except where a settlement boundary has been defined in a neighbourhood plan) . Paragraph 4.110 advises that when assessing whether a site is well-related, the physical and visual relationship of the site to the existing built-up area of the settlement will be a key consideration.
82. In this regard, given its location within close proximity of the city centre, it is considered that the site is well related to the settlement. It is also noted that the site is within the boundary of 'our neighbourhood' as defined within the Durham City Neighbourhood Plan (DCNP).
83. Policy 6 of the CCP sets out the following criteria for consideration in the determination of relevant planning applications
 - Criteria a) requires that the proposal is compatible with any existing, allocated or permitted use of adjacent land. In this regard the site is currently used for commercial / business purposes and surrounded by other commercial enterprises in the near vicinity, therefore it is considered that the proposal is similar in nature to the existing uses, and therefore compatible.
 - Criteria b) guards against coalescence and ribbon development. The proposal does not encroach into the countryside and is contained within the current boundary constraints of the site; therefore, it is considered that the proposals would not lead to coalescence and ribbon development.
 - Criteria c) guards against the loss of open land that has recreational, ecological or heritage value, or contributes to the character of the locality. It is noted the land is undesignated in terms of recreation or ecology. The site is also located just outside of the Durham City Conservation Area. The Grade I Listed Crook Hall and other listed building are within proximity of the site as is the World Heritage Site (WHS). This is discussed in greater detail below.
 - Criteria d) requires the proposals to be appropriate in terms of scale, design, layout, and location to the character, function, form and setting of the settlement. The assessment of the proposals against Green Belt policy will inform assessment against the criteria.

- Criteria e) and f) relate to highways and transport in terms of highway capacity, highway safety and sustainable transport. The proposal will also be required to meet Policy 21 (Delivering Sustainable Transport). These matters are considered in detail below.
- Criteria g) seeks to guard against the loss of a settlement's or neighbourhood's valued facilities. This matter is considered in detail below.
- Criteria h) relates to climate change, including flooding issues. It is noted that the site falls within flood zone 2. This is considered in detail below.
- Criteria i) encourages the use of previously developed land., The application proposes the redevelopment of the current site and therefore considered to meet this criterion.
- Criteria j) states that where appropriate, the proposal should reflect priorities for urban regeneration. This is not relevant to the consideration of this application.

84. It is therefore considered that subject to the application being acceptable in regard to the matters highlighted as being discussed in detail below, and other material planning considerations that the proposed site is acceptable in principle in terms of Policy 6 of the CDP.

SUSTAINABLE DEVELOPMENT

85. The overriding objective of planning is to contribute to the achievement of sustainable development; this objective is echoed in the NPPF particularly as the presumption in favour of sustainable development is the golden thread running through the NPPF.
86. Critically, paragraph 11 of the NPPF states that, for decision-takers, applying the presumption in favour of sustainable development means approving development proposals that accord with an up-to-date development plan without delay. Whilst Paragraph 12 of the NPPF on the other hand stipulates that where a planning application conflicts with an up-to-date 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.
87. The proposed development is within relatively close walking distance to the City Centre, that provides a range of sustainable transport options for visitors and employees to reduce the reliance on private motor vehicle usage. It is therefore considered that the site is a sustainable location.
88. Policy 29 of the CDP requires all major new non-residential development will be required to achieve Building Research Establishment Environmental Assessment Method (BREEAM) minimum rating of 'very good' (or any future national equivalent). In this regard it is considered that this can be achieved through a suitably worded condition.

Impact on openness of the Green Belt

89. The site is as detailed above located within the Green Belt. Policy 20 (Green Belt) of the CDP states that development proposals within the Green Belt will be determined in accordance with national planning policy.
90. Durham City Neighbourhood Plan (DCNP) Policy G4 supports proposals in the green belt which, a) sustain, conserve, and enhance the inner bowl setting of the World Heritage Site, and the Durham City Conservation Area, and: b) do not cause significant harm to the overall quality of the Green Belt environment, particularly its openness.
91. The NPPF, CDP and DCNP should therefore be used to assess this proposal. The NPPF attaches great importance to Green Belts, and identifies, at Paragraph 138 that the Green Belt serves five purposes. Paragraph 147 of the NPPF states that 'inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'.
92. Para 148 of the NPPF goes on to state "When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations."
93. However, whilst paragraph 149 of the NPPF advises that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, exceptions to this are provided which notably include criteria g; "limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority."
94. The starting point for determination of this application in terms of the principle of development is that the construction of new buildings in the Green Belt should be considered as inappropriate development. However, it is necessary to consider whether the exceptions set out above and in Paragraph 149 of the NPPF are applicable to the proposed development.
95. In this regard, whilst the definition of previously developed land is clearly set out within Annex 2 (Glossary) of the NPPF, as being "Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was

last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.”

96. The application site comprises an existing complex of commercial buildings with hardstanding. The site is shown to be developed on OS national Grid Maps dating between 1951-1959. Therefore, the land has clearly been occupied by a permanent structure for in excess of 60 years.
97. Therefore, it is considered that the site is by definition previously developed land. Consequently, the proposal should be assessed as to whether it meets the criteria in sub-paragraph (g) of Paragraph 149 of the NPPF.
98. Sub-paragraph (g) of Paragraph 149 of the NPPF provides that development on previously developed land would not be considered to be inappropriate development where it can be demonstrated that the development would either (a) not have a greater impact on the openness of the Green Belt than the existing development or (b) not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.
99. The proposal would not contribute to meeting an identified affordable housing need and so whether the proposed development can be considered to qualify for this exception depends upon the impact of the proposal upon the openness of the Green Belt.

Impact on the Openness of the Green Belt

100. Planning Practice Guidance advice confirms that matters to consider when assessing the impact upon openness include acknowledgement that openness can have both spatial and visual impacts, the duration of the development and its remediability (taking into account any provisions to return land to its original state or to an equivalent or improved state of openness), and the degree of activity likely to be generated. However, it remains that any assessment as to whether openness would be preserved is a matter of judgement based upon the merits of each case.
101. With regards to the aspect of openness, the Council’s landscape team have advised that the site “in respect of the perception of openness is a complex site and difficult to get a true sense of the extent of existing development within it from public vantage points. At the time of site clearance and development new buildings within the site would generally be more open to view.” However, they go on to say that “With the proposed mitigation the site would become better screened in time. The layout has been designed to avoid a notable increase in the apparent scale of development when planting has established”, and

ultimately conclude “The proposals would not cause harm to the character, quality, or distinctiveness of the landscape or to important features or views”.

102. It is acknowledged that the proposed units will result in an increase-built form, however the layout and orientation of the builds is considered to not increase the visual impact of the development from outside of the site due to the retention and enhancement of boundary vegetation and the topography of the area, and the increase in mass would only be perceivable from limited positions within the application site, whilst the layout of the site is such that the openness of the green is still legible with large areas of openness maintained. Therefore, the proposed redevelopment is not considered to have a greater impact upon the openness of the Green Belt than the existing development and so is in accordance with Paragraph 149 g) of the NPPF, CDP Policy 20 and DCNP Policy G4.
103. Accordingly, it is considered that the development is not inappropriate development within the Green Belt and the policy tests in paragraphs 147 & 148 of the NPPF do not apply. A condition is recommended relating to landscaping.

Impact on the Surrounding Landscape

104. The site lies in adjacent to an Area of High Landscape Value as identified in the County Durham Plan.
105. Policy 39 (Landscape) of the CDP seeks to protect the character, quality or distinctiveness of the landscape and expects new development to incorporate appropriate measures to mitigate adverse landscape and visual effect. The policy makes clear that development affecting Areas of Higher Landscape Value (as in this case) will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of development in that location clearly outweigh the harm.
106. The Council’s landscape team have considered the application and commented that the application is acceptable within that context, and as such will not impact the wider landscape character.
107. As such it is considered that the proposal will not have a detrimental impact on the character and appearance of the landscape, and will not impact the adjacent AHLV, and is therefore considered to meet Policy 39 of the County Durham Plan.

Loss of assets of community value

108. Policy 6 of the County Durham Plan seeks to prevent the loss of valued facilities and services unless it is demonstrated that they are no longer viable. Whilst DCNP Policy C3: Protection of an Existing Community Facility states that development proposals which would result in the loss of a valued community facility for which there is demonstrable demand should make equivalent alternative provision within or adjacent to Our Neighbourhood.

109. The majority of objection, comments and the petition received relate to the perceived loss of one of the uses within the current site (Rocking Horse Studio). However, the applicants have stated that they have been working with the current occupiers in relation to relocating to one of the new units and have stated all current occupiers have been offered the opportunity to relocate to the new development.
110. It is understood from the comments received that the music studio is a valued asset to the music community offering space for musicians to learn and rehearse at reasonable prices. It is acknowledged that this is a valuable asset to the community, however the value to the community comes from the use of the building and not the actual building itself.
111. The applicants have made an offer to source alternative provisions within the redevelopment of the site for the current use, along with offers having been put forward from the City of Durham Parish Council to work with the Rocking Horse studio to aid them to source alternative sites.
112. Furthermore, the applicants have provided the context behind the need for the redevelopment of the site, in that new legislation on energy-efficiency is to be introduced in April 2023, which will require all let non domestic properties to be EPC rated B or higher by 2030. This is to help achieve the governments Net Zero emissions target by 2050.
113. The current buildings on Blagdon Depot due to their age and construction are unable to meet these requirements and therefore the applicants have stated that due to the new legislation being brought in the applicant will be unable to grant, extend or even renew existing tenancies which are due to expire in 2023, and as such the site would become essentially vacant in 2023 with all current occupiers needing to find alternative sites.
114. Therefore, it is considered that the applicants proposal to provide alternative provision within the site is sufficient to prevent the loss of the community facility and allow for the use to proceed in a modern energy efficient building. Whether the current operator choses to accept this offer is a matter of their commercial decision making but is outside of the planning remit. The application is therefore considered to be compliant to Policy 6 of the CDP and C3 of the DCNP.
115. However, this decision is taken in the backdrop that the use would have ceased in 2023, given the applicants statement that no new leases would be granted on the current buildings due to the changes in legislative requirements.

Summary of Principle of Development

116. It is considered that the proposal to re-develop the application site is acceptable in terms of Policy 6 and 20 of the County Durham Plan, Policies C3, E2 and G4 of the City of Durham Neighbourhood Plan and sections 2, 6, 11 and 13 of the NPPF subject to the remains material considerations as set out below.

Impact on Heritage Assets

117. When considering any application for planning permission that affects a conservation area or the setting of a Listed Building, the Planning (Listed Buildings and Conservation Areas) Act 1990 is relevant. S66 requires the Local Planning Authority to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses; and in relation to conservation areas, s.72 of the Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
118. The National Planning Policy Framework (NPPF) paragraph 189 goes further than stating that "Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations"; with para 190 stating that plans should set out positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats".
119. In considering the impacts of a proposal, paragraph 199 of the NPPF states "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."
120. The Design and Conservation team for DCC have stated that "The site lies within the inner setting of the Durham Cathedral and Castle World Heritage Site and lies on the pilgrimage route between the Cathedral and Finchale Priory. The site lies approximately 50m north of the boundary of the Durham City centre conservation area and lies approximately 200m east and within the setting of Crook Hall (Grade I), the barn to the north of Crook Hall (Grade II) and the barn to the west of Crook Hall (Grade II). The significance of the site lies in the role it plays in the character, appearance, significance and setting of the identified heritage assets. In its current form, the site may be considered as having a negative impact on the setting of the identified heritage assets."
121. The Design and Conservation team further state "The applicant has submitted a heritage statement which assesses the impact of the proposed development on the setting of the identified heritage assets. The conclusions contained within the report are accepted. The proposed development presents an opportunity to improve the appearance of the site and to contribute more positively to the setting of the identified heritage assets."
122. As previously detailed the application site is within some 200-300 meters of no 4 listed buildings and therefore is within the setting of these designated heritage assets; Crook Hall (grade I listed), the barns to the north and west of the hall (separately listed at grade II), and Framwell Head (grade II listed).

123. Crook Hall is included on the local list of Historic Parks, Gardens and Designated Landscape (18 March 2020) a non-designated heritage asset (NDHA). It is identified as being of local historic value, having high aesthetic value, and social and communal values due to being open to the public. The application site falls within this wider NDHA's setting.
124. NPPF Paragraph 203 advises that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
125. Whilst 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.
126. With 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.
127. DCNP 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.
128. DCNP 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.

129. In consideration of the above policy concerns and having regard to the comments by the Council's internal specialists, it is considered that the proposal will have a positive impact on the character and appearance of the adjacent conservation area, and the significance of the designated heritage assets, through the redevelopment of the site which is considered to improve the appearance of the site, and enhance the landscaping allowing the site to assimilate more positively to the setting of those designated heritage assets.
130. In addition, following the further works to the scheme the City of Durham Parish Council removed their initial objections noting that they now considered the scheme to comply with the DCNP and CDP.
131. It is therefore considered that the proposal is acceptable in relation to Policies 44, 45 of the CDP and H1 and H2 of the DCNP and sections 66 & 72 of the Listed Building Act.

Impact on the character and appearance of the streetscene

132. Policy 29 (Sustainable Design) of the County Durham Plan 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.
133. Policy S1 (Sustainable Development Requirements of all Development and Re-development Sites Including all New Building, Renovations and Extensions) seeks to sets out the economic, social and environmental criteria that development proposals will be required to meet
134. It is considered that the proposal will not have a detrimental impact on the character and appearance of the streetscene, given that the site will benefit from enhanced landscape screening and that the modern commercial units will replace older buildings that have become tired and dilapidated given their age. It is considered that the introduction of a modern purpose planned development will be an enhancement to the immediate area.
135. It is therefore considered that the proposal is acceptable in relation to Policy 29 of the CDP, Policy S1 of the DCNP and

Impact upon Residential Amenity

136. Policy 29 (Sustainable Design) of the CDP 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 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.

137. 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.
138. The above policies are in broad accordance with paragraph 130 of the NPPF which requires that planning decisions should ensure that developments will create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
139. It is acknowledged that the site is an established commercial use, with various commercial activities currently being undertaken. However, the given that the site is within an area where there are sensitive receptors the application has been supported by appropriate noise assessments. The Council's Env. Health section has been consulted on the application and have confirmed that subject to conditions relating to hours of operation and the noise mitigation measures, that the use is acceptable and unlikely to have a significant impact on the residential amenity. It is noted that the current site does not have any significant controls on the activity to be undertaken on the site, and that the imposition of controls on this development will be a betterment to the nearby neighbours.
140. Due to the location, layout, orientation and enhanced landscaping to the site it is not considered that the proposal will result in a significant detrimental residential impact on the nearest residential dwelling (Frankland Cottage) approximately 45.0m from the nearest commercial building.
141. Crime, and fear of crime are material planning considerations. Paragraph 92(b) of the NPPF states that planning decision should aim to ensure that developments provide health, inclusive and safe places that are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. In this regard it is considered that, given the location and nature of the development that the proposal meets the test of Paragraph 92 of the NPPF and Policy 29(m)(1 and 6).

142. Therefore, it is considered that the proposal is acceptable in that there would not be any unacceptable impact upon residential amenity of future or existing residents in accordance with the aims of policies 29 and 31 of the County Durham Plan, and Sections 8 and 12 of the NPPF, subject to appropriate conditions.

Highway and Pedestrian Safety

143. CDP 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 Deliver Plan.
144. Whilst CDP 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
145. DCN Policy T1 and T2, seeks to ensure that development will not have a detrimental impact on highway safety and car parking and should contribute to sustainable transport.
146. The scheme proposes to introduce the provision of formal vehicle parking and servicing areas for the units, in contrast to the current arrangement, along with highways improvements. As such it is considered that this is an improvement on the current site. The County Highways department have confirmed no objections or highway safety concerns to the proposal subject to a condition requiring improvements to the surface coursework and road markings.
147. Concerns have been raised by objectors regarding the increase in highway traffic accessing the site. At present the site contains 6 unrestricted units, which could all generate traffic at varying times of the day and night. The current proposal reduces this number to 4 units and provides enhanced highway improvements to allow for access and egress to the site along with a condition to restrict the opening hours of the use ensuring that the units are only open during specified times. It is considered that whilst there may be an increase in traffic, this increase will not lead to highway safety issues, and the enhancement to the highways and hours of operation will ensure that the traffic does not cause a nuisance to nearby properties.
148. Therefore, subject to the inclusion of the conditions regarding the proposal is considered to accord with the requirements of Policies 21 and 22 of the CDP and T1 and T1 of the DCNP.

Trees

149. Policy 40 (Trees, Woodlands and Hedges) of the CDP states that proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges or provide suitable replacement planting. The loss or deterioration of ancient woodland will require wholly exceptional reasons and appropriate compensation.
150. The proposal will result in the loss of 11 no. trees on the site within the area where the new SuDs basin is to be located. The application has been supported by an Arboricultural Impact Assessment which identifies these trees of being small scrub like trees of low values, to compensate for this loss the proposal seeks to enhance the woodland to the North of the site with a diverse mix of species and ages.
151. The Council's Arborist has assessed the proposal and concluded that the scheme is acceptable in this regard as per the Landscape sections comments.
152. Therefore, in light of the above it is considered that subject to an appropriate condition to ensure an appropriate landscape scheme is submitted the proposal is in compliance with Policy 40 of the CDP.

Ecology

153. Policy 41 (Biodiversity and Geodiversity) of the CDP restricts development that would result in significant harm to biodiversity or geodiversity and cannot be mitigated or compensated. 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 or deterioration of irreplaceable habitats will not be permitted unless there are wholly exceptional reasons and a suitable compensation strategy exists.
154. In relation to the above a County Ecologist has considered the proposal and noted that the proposal show that the scheme will deliver a BNG of 11.28%, through new planting, increasing deadwood, and the removal of Japanese knotweed and Himalayan balsam which would achieve the requirements of Policy 41. However, as the proposal involves the removal on non-native invasive species a monitoring and reporting plan is necessary. As such they have requested a condition to secure this additional information.

Drainage

155. 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.

156. Whilst 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.
157. The proposal includes a series of permeable paving and drainage channels, feeding into a SuDS basin within the Northern area of the site. The basin has been designed to accommodate 1 in 100 years events plus 45% to account for climate change. The basin is designed to discharge the water into the nearby watercourse at a rate of 1.9l/s during all flooding events.
158. The Council Drainage and Flooding section and the Environment Agency have assessed the scheme and concluded that the scheme is acceptable subject to appropriate conditions they are satisfied that the development is acceptable.
159. It is therefore considered that the scheme is acceptable in relation to Policy 35 and 36 of the CDP subject to appropriate planning conditions.

CONCLUSION

160. The proposed development is considered acceptable in principle as it is located within a sustainable location in an area which has existing commercial uses and redevelops the current site. The proposals are therefore considered to be in accordance with the presumption in favour of sustainable development as outlined in the NPPF.
161. It is considered that the redevelopment of the site would not be inappropriate development in the green belt and would not compromise the openness of the green belt, the WHS or designated heritage assets in the surrounding area and would be in accordance with policies from the County Durham Plan, City of Durham Neighbourhood Plan and the NPPF as detailed above.

RECOMMENDATION

That the application be **Approved** subject to the following conditions:

1. 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 approved plans listed in Part 3 - Approved Plans.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy(ies) 6,20,21,29,32,35,39,40,44,45 and 56 of the County Durham Plan, S1,H1,H3,E2 and G4 of the City of Durham Neighbourhood Plan and Parts 2, 4 6, 8,9, 11, 12, 13, 14,15 and 16 of the National Planning Policy Framework.

3. 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 suitable for use, in accordance with Policy 32 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure that the development can be carried out safely.

4. 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 Policy 32 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

5. The development shall be carried out in accordance with the submitted flood risk assessment (ref Blagdon Depot Flood Risk Assessment GYU-JBAU-XX-XX-RPEN-0001.S3.P02, dated December 2021, prepared by JBA Consulting) and the following mitigation measures it details:

- Mitigation measures outlined in Sections 6.1, 6.2 and 6.3 of the FRA shall be adopted

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements.

The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reasons - To reduce the risk of flooding to the proposed development and future occupants.

6. In undertaking the development that is hereby approved:

No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0730 to 1800 on Monday to Friday and 0730 to 1400 on Saturday.

No internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1700 on Saturday.

No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays.

For the purposes of this condition, construction works are defined as: The carrying out of any building, civil engineering or engineering construction work involving the use of plant and machinery including hand tools.

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. The premises shall not be in operation (including the movement of vehicles) outside the hours of 0730 to 2000 Monday to Friday, and 0800 to 1700 on Saturday, Sunday and Public / Bank Holidays.

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.

8. Prior to the development of the buildings above ground levels a scheme shall be submitted detailing how the proposal will achieve a Building Research Establishment Environmental Assessment method (BREEM) minimum rating of 'very good' (or any future national equivalent), and thereafter the development shall be implemented wholly in accordance with those details as agreed.

Reason: To ensure that the development achieves a sustainable form of development in line with Policy 29 of the County Durham Plan.

9. No development shall take place until intrusive site investigations have been undertaken to assess the ground conditions and the potential risks posed to the development by past shallow coal mining activity. A report shall thereafter be submitted to and agreed in writing by the Local Planning Authority setting out

the findings of the intrusive site investigations including a scheme of remedial work where required. Thereafter the development shall take place in accordance with the agreed details.

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 Policy 32 of the County Durham Plan and Paragraphs 178 and 179 of the National Planning Policy Framework.

10. Prior to the occupation of the development, or it being taken into beneficial use, 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 Policy 32 of the County Durham Plan and Paragraphs 178 and 179 of the National Planning Policy Framework.

11. Prior to the commencement of the development hereby approved a revised Biodiversity NetGain report and a Biodiversity Management and Monitoring Plan shall be submitted to and approved in writing by the Local Planning Authority detailing the methodology for the monitoring and reports to Durham County Council at years 2, 5, 10, 15, 20 and 30. The scheme shall thereafter be implemented fully in accordance with the approved details.

Reason - To ensure a satisfactory form of development in accordance with Policy 40 of the County Durham Plan.

12. Prior to the first use of the site hereby approved a scheme shall be submitted to the Local Planning Authority detailing the main access point with the surface improved with a white line road junction give way road marking, along with signage and waymarking to aid movement on the site and the public right of way, and thereafter shall be implemented and maintained in accordance with the agreed details prior to first use.

Reason - To ensure a satisfactory form of development and to improve highway safety in accordance with Policy 21 of the County Durham Plan

13. The development hereby approved shall be carried out in accordance with the Construction Noise Mitigation measures detailed in section 5.6 of the approved submitted document Noise Assessment by Tetra Tech (Dated December 2021).

In addition, prior to any construction works (other than ground clearance and preparatory works) a method statement in relation to construction management, traffic management, and overall site management in accordance with best practice and relevant British Standards, to minimise impacts of construction works. Shall be submitted to and agreed by the Local Planning Authority, and thereafter implemented in accordance with the agreed details.

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.

14. No development shall commence until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority.

No tree shall be felled or hedge removed until the landscape scheme, including any replacement tree and hedge planting, is approved as above.

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

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

Trees, hedges and shrubs scheduled for retention.

Details of hard and soft landscaping including planting species, sizes, layout, densities, numbers.

Details of planting procedures or specification.

Finished topsoil levels and depths.

Details of temporary topsoil and subsoil storage provision.

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

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

The Local Planning Authority shall be notified in advance of the start on site date and the completion date of all external works.

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

Reason: In the interests of the visual amenity of the area and to comply with Policy 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework. Required as a pre commencement condition to ensure that an appropriate scheme is agreed and can be implemented.

15. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in the first available planting season following the practical completion of the development.

No tree shall be felled or hedge removed until the removal/felling is shown to comply with legislation protecting nesting birds and roosting bats.

Any approved replacement tree or hedge planting shall be carried out within 12 months of felling and removals of existing trees and hedges.

Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species.

Replacements will be subject to the same conditions.

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

16. 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 Class B2 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: In the interests of the amenity of the area in accordance with Policies 29 and 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

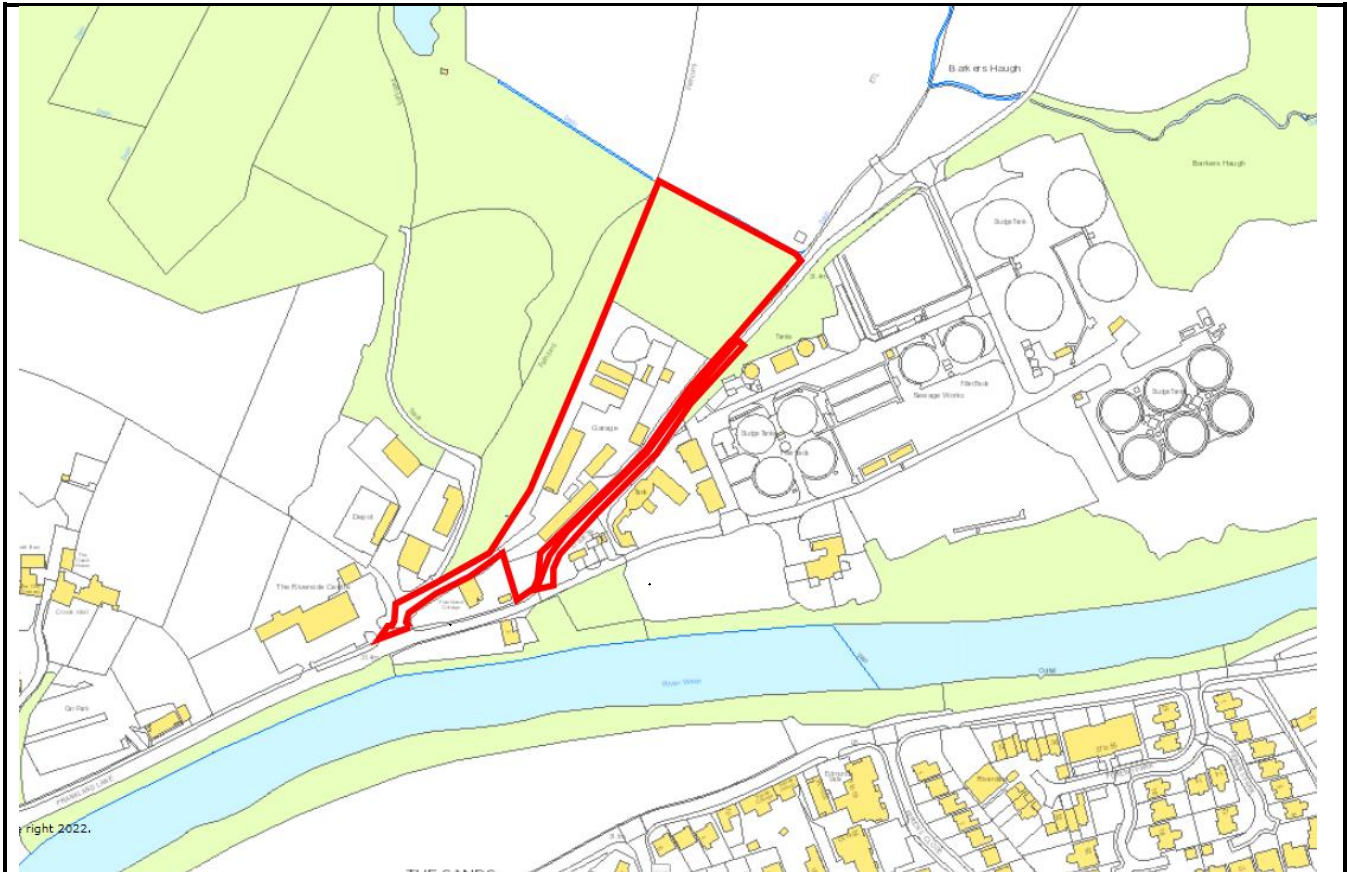
Submitted application form, plans supporting documents and subsequent information provided by the applicant.

The National Planning Policy Framework (2021)

National Planning Practice Guidance Notes

County Durham Plan (2020)

Statutory, internal and public consultation responses



Planning Services

Blagdon Depot
 Frankland Lane
 Durham
 DH1 5TA

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Date 05.12.2022

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