

# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION NO:</b>	<b>DM/16/00018/FPA</b>
<b>FULL APPLICATION DESCRIPTION:</b>	<b>New diagnostics and treatment centre</b>
<b>NAME OF APPLICANT:</b>	<b>Mr M Kerridge</b>
<b>ADDRESS:</b>	<b>Land To The South Of New Ferens Park, Belmont Industrial Estate Road, Durham</b>
<b>ELECTORAL DIVISION:</b>	<b>Belmont</b> <b>Laura Eden</b> <b>Planning Officer</b>
<b>CASE OFFICER:</b>	<b>03000 263980</b> <a href="mailto:laura.eden@durham.gov.uk">laura.eden@durham.gov.uk</a>

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## DESCRIPTION OF THE SITE AND PROPOSALS

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### The Site

1. The application site comprises of a vacant area of shrub land located south of New Ferens Park which is within the Belmont Business Park. To the north of the site is New Ferens Park football stadium, with the football leisure facility known as Soccarena to the north west. Directly to the east is the main spine road which runs through the industrial estate with office buildings located beyond. To the south of the site is a recently approved car showroom which is under construction. There is a highway directly to the south of this with the Broomside Park public house and Premier Inn Hotel sited beyond. To the south west there are the car dealerships Cooper Durham Mini and SG Petch Nissan. It is noted that the site is allocated in the City of Durham Local Plan as an employment site.

### The Proposal

2. Planning permission is sought to construct a new diagnostics and treatment centre which will provide a purpose built centre to cater for community renal dialysis and day surgery.
3. The building would be two storeys high and would be situated in the north-eastern corner of the site. A site entrance would be created off the main spine road to the east and the access road would run along the southern boundary of the site and would connect to a car park providing 93 car parking spaces.
4. The proposed building would be a simple box design with flat roof. The building would measure 57 metres long by 22 metres wide and would have an overall height of 8.5 metres. It would be constructed from a variety of different materials including grey facing brickwork, through colour render, dark grey aluminium cladding and windows. Landscaping strips are proposed to all boundaries in addition to tree planting within the site.

5. This application is being referred to the planning committee as it constitutes a major planning application.

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## **PLANNING HISTORY**

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6. 4/07/00451/FPA - Office development to include electricity substation, associated retail unit, car parking and landscaping - - this approval was for the application site and land to south.
7. 4/10/00170/FPA - Application seeking new planning permission to replace extant permission 07/00451 (Office development to include electricity substation, associated retail unit, car parking and landscaping)
8. DM/14/03708/FPA - New car showroom with ancillary service workshop, external forecourt and parking, offices and a café – this approval is for the site directly to the south of the site

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## **PLANNING POLICY**

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### **NATIONAL POLICY:**

9. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
10. 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'.
11. The following elements are considered relevant to this proposal;
12. NPPF Part 1 – Building a Strong and Competitive Economy. The Government attaches significant weight on the need to support economic growth through the planning system. Local Planning Authorities should plan proactively to meet the development needs of business and support an economy fit for the 21<sup>st</sup> century.
13. NPPF Part 4 – 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.
14. NPPF Part 7 – Requiring Good Design. The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.

15. NPPF Part 8 – Promoting Healthy Communities. The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
16. NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change. Planning plays a key role in helping shape places to secure Local Planning Authorities should adopt proactive strategies to mitigate and adapt to climate change. Local Planning Authorities should have a positive strategy to promote energy from renewable and low carbon sources. Inappropriate development in areas at risk of flooding should be avoided.
17. NPPF Part 11 – Conserving and Enhancing the Natural Environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, 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.

The above represents a summary of the NPPF considered most *relevant* the full text may be accessed at:

<http://www.communities.gov.uk/publications/planningandbuilding/nppf>

## **LOCAL PLAN POLICY:**

### **City of Durham Local Plan**

18. Policy E14 (Trees and Hedgerows) sets out the Council's requirements for considering proposals which would affect trees and hedgerows. Development proposals will be required to retain areas of woodland, important groups of trees, copses and individual trees and hedgerows wherever possible and to replace trees and hedgerows of value which are lost. Full tree surveys are required to accompany applications when development may affect trees inside or outside the application site.
19. Policy E15 (Provision of New Trees and Hedgerows) states that the Council will encourage tree and hedgerow planting.
20. Policy E16 (Protection and Promotion of Nature Conservation) is aimed at protecting and enhancing the nature conservation assets of the district. Development proposals outside specifically protected sites will be required to identify any significant nature conservation interests that may exist on or adjacent to the site by submitting surveys of wildlife habitats, protected species and features of ecological, geological and geomorphological interest. Unacceptable harm to nature conservation interests will be avoided, and mitigation measures to minimise adverse impacts upon nature conservation interests should be identified.
21. Policy EMP5 (Prestige Industrial Sites - General) states that the Belmont Business Park is designated as a prestige industrial site and only proposal falling within use classes B1 and B2 should be allowed.
22. Policy EMP6 (Prestige Industrial Development at Belmont) states that an additional 2.5 hectares of land will be provided for prestige industrial development.

23. Policy T1 (Traffic - General) states that the Council will not grant planning permission for development that would generate traffic likely to be detrimental to highway safety and / or have a significant effect on the amenity of occupiers of neighbouring property.
24. Policy T10 (Parking - General Provision) states that vehicle parking should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development.
25. Policies Q1 and Q2 (General Principles Designing for People and Accessibility) states that the layout and design of all new development should take into account the requirements of all users.
26. Policy Q5 (Landscaping General Provision) sets out that any development which has an impact on the visual amenity of an area will be required to incorporate a high standard of landscaping.
27. Policy Q7 (Industrial and Business Development) seeks to promote an attractive image of the District and thereby stimulate inward investment through the provision of well-designed buildings which are appropriate to their designation.
28. Policy U8a (Disposal of Foul and Surface Water) requires developments to provide satisfactory arrangements for disposing foul and surface water discharges. Where satisfactory arrangements are not available, then proposals may be approved subject to the submission of a satisfactory scheme and its implementation before the development is brought into use.
29. Policy U14 (Energy Conservation – General) states that the energy efficient materials and construction techniques will be encouraged.

#### **RELEVANT EMERGING POLICY**

##### The County Durham Plan

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

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## **CONSULTATION AND PUBLICITY RESPONSES**

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#### **STATUTORY RESPONSES:**

31. Northumbrian Water - No objection however request a condition is imposed to ensure that development is implemented as per the submitted drainage scheme.
32. The Coal Authority – Object to the scheme as no coal mining risk assessment has been submitted. This can be dealt with by a planning condition, in accordance with the Council’s validation procedure.

## **INTERNAL CONSULTEE RESPONSES:**

33. Ecology - No objection however contents of section 10 of the Ecological Appraisal report need to be conditioned
34. Landscape – No objection however recommend conditions are imposed requiring a detailed planting plan and timing condition
35. Environmental Health (Noise) – No objection
36. Environmental Health (Contamination) – No requirement for contaminated land risk assessment
37. Archaeology - There are no known archaeological objections to this scheme
38. Sustainability – Condition relating to sustainability is required to be imposed
39. Highways – No objection however there is a requirement for financial contribution to be secured to fund the costs of a traffic regulation order and road marking works to prohibit parking in and around the development site in addition to longer stay, secure enclosed and covered cycle parking for staff to be provided.
40. Policy – Technically contrary to policy as proposes D1 use on a site specifically for B1 and B2 however the proposed use is considered compatible and it will generate employment and benefits would outweigh the concerns therefore no objection raised.
41. Drainage – Submitted information appears acceptable in principle however further details are required in relation to surface water drainage.

## **PUBLIC RESPONSES:**

42. The application has been advertised on site and in the local press. Neighbouring residents were also notified individually of the proposed development. One letter has been received from Belmont Parish Council who are largely supportive of the scheme however want the status of trees within the site checked as they believe they have TPO's placed on them.

## **APPLICANTS STATEMENT:**

43. The applicant was given the opportunity to submit an Applicant's Statement however due to time constraints opted not to submit one.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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44. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to principle of development, impact on surrounding land uses, visual impact, highway issues, ecology and other issues.

Principle of development

45. The application site is specifically allocated for prestige industrial development in Policy EMP6 of the City of Durham Local Plan. There is also a general policy for prestige industrial sites (Policy EMP5) which states that business (Use Class B1) and general industry (Use Class B2) will be permitted, provided there is no significant detrimental effect on the environment or on the amenities of the occupiers of adjoining or nearby properties. Consideration should also be given to the council's Employment Land Review (ELR) which constitutes an up to date economic land availability assessment and is compliant with Planning Practice Guidance. This site is identified in the ELR as employment use although not necessarily for prestige development indicating a less restrictive approach.
46. Having regard to the above this proposal is strictly speaking contrary to the CDLP in that it falls outside of the B1 and B2 use classes. However, the proposed use will bring employment in the health sector with the planning application indicating 80 jobs, 40 of which will be newly generated employment. On this basis the proposal could be considered to be an employment use in its own right although not falling within the B use classes.
47. The health sector is not included in the list of 'main town centre uses' as contained in the NPPF Glossary therefore a sequential approach to site location is not required. There has been a recent approval for a new car showroom with ancillary service workshop, external forecourt and parking, offices and a café on land immediately to the south of the application site. Furthermore, the development site is situated within the immediate vicinity of other car showrooms, a hotel, a pub and football ground therefore would be compatible with adjoining uses
48. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policies will depend upon the degree of consistency with the NPPF. Greater weight would need to be afforded to the guidance contained within the National Planning Policy Framework which is more up to date than the policies of the local plan. The NPPF advocates a presumption in favour of sustainable development and seeks to encourage the delivery of social facilities and services communities need. It is not considered that there would be any significant adverse impacts that would significantly and demonstrably outweigh the benefits. Whilst it is acknowledged that the proposal is in conflict with local plan policy EMP5, it is considered that the release of the land for a health related D1 use on the Belmont Business Park would be compatible with surrounding uses including other non B1 and B2 uses. The proposed use will bring employment in the health sector with the planning application indicating 80 jobs, 40 of which will be newly generated employment. The proposal is considered acceptable in principle and would be in compliance with the economic guidance within the NPPF.
49. For the reasons outlined within this report it considered that the proposed diagnostics and treatment centre is an appropriate use within the prestige industrial estate however other D1 – non-residential institution uses may not be. It is therefore considered appropriate to impose a condition restricting any other uses without consent first being sought from the Local Planning Authority.

50. As previously discussed, the proposed development would be located within an established business park which has a variety of uses including offices, industrial units, depots, leisure facilities and car showrooms. Within the immediate vicinity of the development there is a car showroom to the south, to the north is New Ferens Park football stadium, with the football leisure facility known as Soccarena to the north west and offices located further east on the opposite side of the spine road. Given the nature of the surrounding uses it is not considered that the operations or comings and goings of staff and visitors associated with a diagnostics and treatment centre would have any adverse impact on neighbouring businesses in terms of noise and disturbance over and above that already present within the estate. Furthermore, given the placement of the building on the site it is considered that there is sufficient separation distances between the proposed building and those in the immediate vicinity to ensure no significant adverse amenity issues arise. Some 65 metres to the south of the site and separated by an intervening car showroom use is a hotel. The hotel is located adjacent to a busy road, near to the entrance of the industrial estate and is surrounded by other businesses. Visitors to the establishment would therefore be used to some degree of disturbance as result and it is not considered that the proposed diagnostic and treatment centre would have any significant adverse impacts over and above this.
51. Colleagues in the environmental health section have been consulted and offer no objection to the scheme.
52. Overall, it is considered that the proposals detailed in this application would not have an adverse impact on surrounding uses and the proposals would be in accordance with policies EMP5 and Q7 of the local plan.

#### Visual Amenity

53. In terms of the layout of the site the main building would be positioned in the north east corner of the site, adjacent to the main spine road running through the estate, and would extend along the northern boundary. The access road would run along the southern boundary eventually opening up into the main car parking area located to the west. The site would benefit from landscaping to all boundaries and from internal tree planting. This arrangement is considered to be appropriate as the building occupies a prominent location and offers a focal point when entering the estate.
54. The building is an extensive two storey box like structure that would benefit from single storey elements and detached external plant/storage buildings. It would have a modern and contemporary feel with an attractive mix of materials that would complement the buildings in the surrounding areas. Conditions relating to the specific external materials including hard surface treatment are proposed.
55. It is proposed that there would be a single storey plant building and bin store area to the west of the main building. Whilst their general location and respective heights are acceptable plans of the external appearance of these structures are still being drawn up by the developer. These are minor elements of the overall scheme, however, and conditions have therefore been added to secure their suitable design. On the basis of the details submitted to date it is considered that an appropriate scheme can be agreed.
56. A landscaping scheme has also been submitted in support of the proposals and has been amended positively to reflect to advice of the landscape officer including a

wider landscaping strip to the southern boundary. Overall it is considered that the submitted scheme is well thought out, however further details are required in relation to a detailed planting plan. A standard condition has therefore been recommended.

57. There are three existing trees that lie outside of the red line boundary to the west of the site. The submitted landscape plan indicates these trees are to be retained and protected in accordance with the relevant British Standard during the construction works.
58. Overall it is considered that the proposals are acceptable in visual terms and would be in accordance with policies EMP5, E14, E15, Q5 and Q7 of the local plan.

## Highways

59. In support of the application a transport assessment has been prepared and submitted which sets out the potential travel demand and parking provision for the development. The Council's highways officer has assessed the report and does not dispute the conclusions reached in relation to the location of the access point and the number of parking spaces proposed. The new development should provide ample car parking spaces for both patients and staff. Normally maximum car parking standards would be applied however in this case it would not be considered to be appropriate given that inadequate car parking is often an acute problem at hospital facilities and that due to medical reasons patients may have to travel to the site from further afield using their own transport. On this basis it is unlikely that sustainable travel would be improved. Furthermore, there are existing parking problems on Ferens Park and Belmont Industrial Estate access road which could be exacerbated by the proposal as there is no absolute certainty that the anticipated demand can be met. On this basis the highways officer considers it appropriate and necessary for the developer to make a financial contribution of £5,000 to fund the costs of a traffic regulation order for road marking and signing works to prohibit parking in and around the Ferens Park access road, Belmont Industrial Estate access road and the new development access. It is proposed to condition this through a Grampian-type condition relating to off-site works.
60. Although four cycle parking spaces have been provided within the scheme these would only be considered appropriate for short stay cycle visitors. There is a need for longer stay, secure, enclosed and covered cycle parking for staff. Details could not be agreed as part of the application process therefore the matter is proposed to be dealt with by means of a planning condition.
61. Subject to the above it is considered that the proposed development would not compromise highway safety.

## Ecology

62. The presence of a European Protected Species (EPS) is a material planning consideration. The Conservation of Habitats and Species Regulations 2010 have established a regime for dealing with derogations which involved the setting up of a licensing regime administered by Natural England. Under the requirements of the Regulations it is an offence to kill, injure or disturb the nesting or breeding places of protected species unless it is carried out with the benefit of a licence from Natural England.
63. Notwithstanding the licensing regime, the Local Planning Authority must discharge its duty under the regulations and also consider these tests when deciding whether to



grant permission for a development which could harm an EPS. A Local Planning Authority failing to do so would be in breach of the regulations which requires all public bodies to have regard to the requirements of the Habitats Directive in the exercise of their functions.

64. The applicant has submitted Preliminary Ecological Appraisal with the application. The survey concludes that the survey area contained several habitats of ecological value and that works should be avoided during the bird breeding and hedgehog hibernation periods. Furthermore, the two trees located to the western boundary have the potential to support roosting however these lie outside the development site and would be retained and protected during construction work. The Council's Ecology Officer has been consulted on the ecology survey and no objections have been raised on the provision that the recommendations and future survey work section of the report is conditioned. As the survey indicates a low impact risk on protected species there is no requirement to obtain a licence from Natural England and therefore the granting of planning permission would not constitute a breach of the Conservation of Habitats and Species Regulations 2010. It is therefore considered that the proposals would be in accordance with saved policy E16 of the local plan and part 11 of the NPPF.

#### Other issues

65. The County's Environmental Management Team has been consulted on the application and they have raised no objections in terms of noise, air quality or contaminated land.

66. The Council's Drainage Officer and Northumbrian Water have been consulted on the proposed application. No objections have been raised however a condition has been requested for details of surface water drainage to be submitted prior to works commencing on site. A condition is recommended accordingly. It is therefore considered that the proposal would not have an adverse impact in terms of drainage or flooding.

67. The Council's Sustainability Officer has not raised any objections however a condition is recommended for further information to be submitted in relation to sustainability embedded into the development. A condition is recommended accordingly.

68. The Council's Archaeology Team have not raised any objections to the proposed scheme as the site does not lie within a recording area. The site lies within a high risk coal mining referral area therefore a condition has been added requiring the submission of a coal mining risk assessment.

69. The Parish Council has written the only letter of representation. They note they are generally supportive of the scheme however raise a query in relation to the existing trees to the west of the site. This matter has been addressed within the report.

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## **CONCLUSION**

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70. Whilst it is acknowledged that the proposal is in conflict with local plan policy EMP5 it is not considered that there would be any significant adverse impacts that would significantly and demonstrably outweigh the benefits of the proposal. The use of the land for a health related D1 use on the Belmont Business Park would be compatible with surrounding uses including other non B1 and B2 uses. There has been a recent approval for a car showroom on the southern portion of the overall site. Furthermore, the proposed use will bring employment in the health sector with the planning application indicating 80 jobs, 40 of which will be newly generated employment. The proposal is considered acceptable in principle and would be in compliance with the economic guidance within the NPPF.
71. The overall scale, appearance and layout of the building and associated works is considered to be acceptable. An appropriate landscaping scheme is also proposed. Conditions relating to external materials including hard surfaces are proposed in addition to landscaping details and timings.
72. The main access point is considered to be acceptable as too is the proposed car parking numbers. On this basis the Highways Authority have not raised any objections. That being said a financial contribution secured through a Section 106 Agreement is required to fund the costs of a traffic regulation order and road marking works to prohibit parking in and around the vicinity of the development. Furthermore, a scheme to agree appropriately designed longer stay cycle parking is required.
73. An ecology report has been submitted indicating that the proposed development would not compromise protected species. The County Ecologist has not raised any objections subject to a section of the report being conditioned. Given this, there is no requirement to obtain a licence from Natural England and therefore the granting of planning permission would not constitute a breach of the Conservation of Habitats and Species Regulations 2010.
74. All other matters such as sustainability, coal mining and drainage can be addressed through the imposition of suitably worded planning conditions.

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## **RECOMMENDATION**

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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: Application form, drg. no. 2561-D-00-001 REV P1(location plan), drg. no. 2561-D-00-002 REV P1 (proposed site plan), drg. no. 2561-D-00-003 REV P1 (proposed floor plans), drg. no. 2561-D-00-004 REV P1 (proposed roof plans), drg. no. 2561-D-00-005 REV P1 (proposed site sections), design and access statement, Energy Statement dated November 2015 Rev 1, Flood Risk Assessment prepared by Billinghamurst George and Partners Ref 15N643 Revision A dated November 2015, Preliminary Ecological Appraisal Report prepared by EcoSurv Ltd dated 16/11/2015, Transport Assessment prepared by Novo55 Consulting dated 02/12/2015 all received 04/01/2016, drg. no 15N643-100-P3, (drainage scheme), drg. no. 2561-D-SK-001 A (run-off) and Phase 2 Site Investigation Report S150828/SI prepared by Solmek Ltd dated October 2015 all received 08/03/2016, drg. no. 959\_001 REV B (landscape plan) received 11/03/2016.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with saved policies EMP5, EMP6, T1, T10, Q1&2, Q5 and Q7 of the City of Durham Local Plan.

3. Notwithstanding any details of materials submitted with the application no development shall commence until samples of the external walling and roofing 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 saved policies EMP5, EMP6 and Q7 of the City of Durham Local Plan.

4. Prior to the commencement of the development details of the surface treatment and construction of all hardsurfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with saved policies EMP5, EMP6 and Q7 of the City of Durham Local Plan.

5. Prior to the commencement of the development details of the bin store shall be submitted to and approved in writing by the Local Planning Authority. The bin store shall be constructed and available for use prior to the occupation of the building in accordance with the approved details.

Reason: In the interests of the visual amenity of the area and to comply with saved policies EMP5 and Q7 of the City of Durham Local Plan.

6. Prior to the commencement of the development details of the external plant building shall be submitted to and approved in writing by the Local Planning Authority. The plant building shall be constructed in accordance with the approved details and available for use prior to the occupation of the building.

Reason: In the interests of the visual amenity of the area and to comply with saved policies EMP5 and Q7 of the City of Durham Local Plan.

7. Prior to the commencement of the development a scheme to embed sustainability and minimise carbon from construction and in-use emissions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in complete accordance with the approved scheme and retained while the building is in existence.

Reason: In the interests of sustainable construction and energy generation in accordance with the aims of with saved policy U14 of the City of Durham Local Plan and Part 10 of the NPPF.

8. No development shall take place until a detailed scheme for the disposal of surface water from the development hereby approved has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To prevent the increased risk of flooding from any sources and in accordance with saved policy U8A of the City of Durham Local Plan and part 10 of the NPPF.

9. 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 saved policy Q5 of the City of Durham Local Plan

10. All planting, seeding or turfing shall be carried out in the first planting and seeding seasons following the completion of the development and any trees or plants which within a period of 5 years from the completion die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of the appearance of the area and to comply with saved policy Q5 of the City of Durham Local Plan

11. Before the diagnostics and treatment centre hereby approved is brought into use, the proposed longer stay, secure and enclosed cycle storage provision shall be implemented in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Thereafter the cycle storage provision shall be maintained in such a manner as to ensure availability at all times for the parking of cycles.

Reason: In order to encourage sustainable means of travel in accordance with saved policy T10 of the City of Durham Local Plan and Part 4 of the NPPF.

12. No development shall take place unless in accordance with section 10 (recommendations and future survey work) of the Preliminary Ecological Appraisal Report prepared by EcoSurv Ltd dated 16/11/2015.

Reason: In the interests of preserving protected species in accordance with saved policy E16 of the City of Durham Local Plan and Part 11 of the NPPF.

13. No development shall take place until the results of an intrusive site investigation of ground conditions having regards to coal mining legacy in the vicinity of the site have been submitted to and approved in writing by the Local Planning Authority. Where the results of the site investigation necessitate the need for remedial measures to be undertaken then said remedial measures must also be submitted to the Local Planning Authority and the development must thereafter be implemented in accordance with the approved details.

Reason: In the interests of land stability and coal mining legacy issues having regards to Policy U13 of the City of Durham Local Plan and Part 11 of the NPPF. Required to be pre-commencement so that any site instability issues are understood and can be catered for prior to development commencing.

14. Notwithstanding the provisions of the Town and Country Planning (Uses Classes) Order 1987, (or any Order revoking or re-enacting that Order with or without modifications), the premises shall be used as a diagnostic and treatment centre or any other medical related use only and for no other purpose, including any other activity within the same class of the schedule to that Order.

Reason: In the interests of ensuring the vitality of the prestige industrial estate in accordance with saved policies EMP5, EMP6 and Q7 of the City of Durham Local Plan.

15. Before the development is first brought into use a traffic regulation order shall be made to support a scheme of signing and lining on the Belmont Industrial Estate in the vicinity of the diagnostics and treatment centre. Thereafter the scheme shall be implemented in accordance with the approved details.

Reason: To discourage off-site parking on the Belmont Industrial Estate in accordance with Policy T1 and T10 of the City of Durham Local Plan 2004.

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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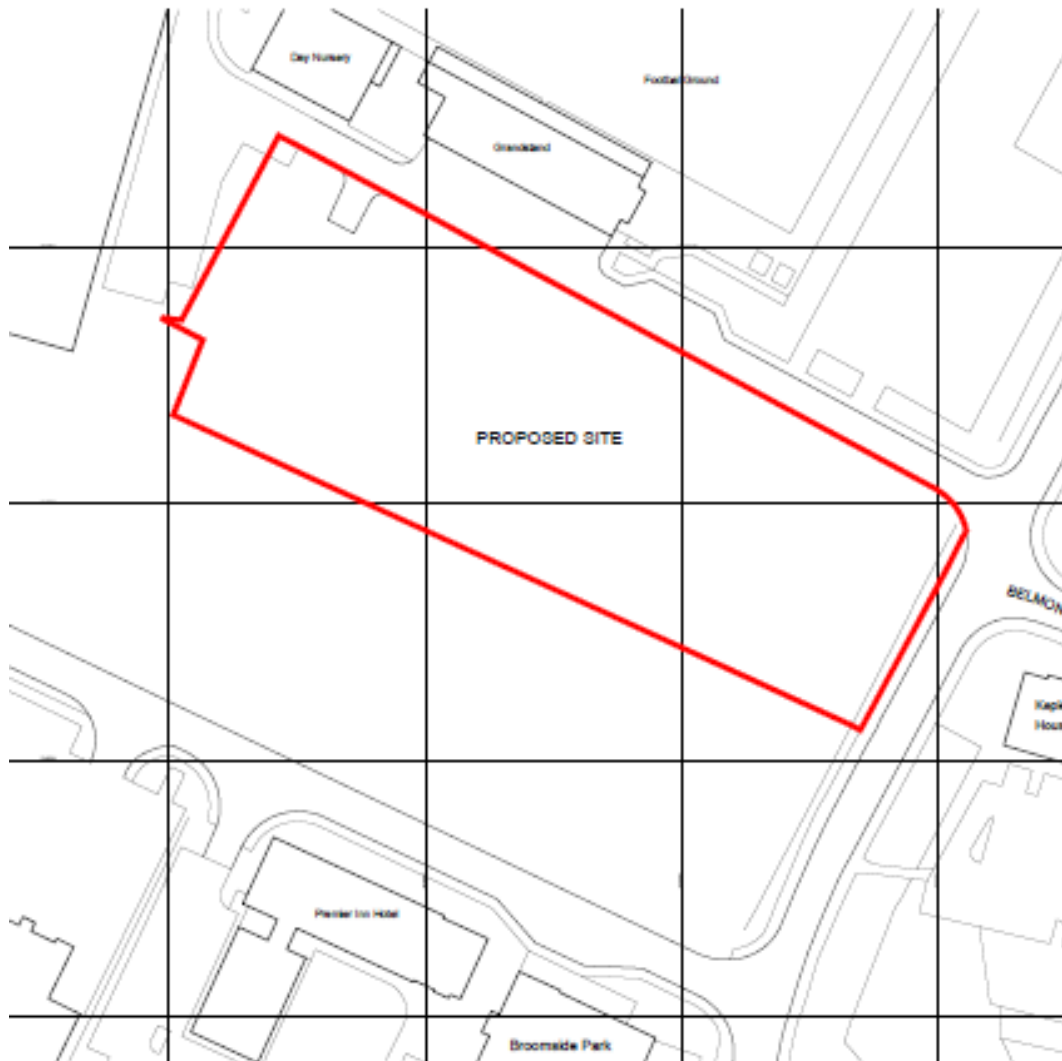
The Local Planning Authority in arriving at its decision to approve the application has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering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

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## **BACKGROUND PAPERS**

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Submitted Application Forms, Plans and supporting documentation  
City of Durham Local Plan  
National Planning Policy Framework  
Internal consultee responses  
Public responses  
Responses from statutory and other consultees  
National Planning Policy Guidance



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**Planning Services**

**New diagnostics and treatment centre at Land To The South Of New Ferens Park, Belmont Industrial Estate Road, Durham Ref: DM/16/00018/FPA**

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**Date**  
**12<sup>th</sup> April 2016**