

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/18/00608/FPA
FULL APPLICATION DESCRIPTION:	Erection of a three-storey office and training centre (Use Class B1 / D1) with access, car parking, delivery / service bay.
NAME OF APPLICANT:	Mandale Investments Limited
ADDRESS:	Former Phillips Components Ltd Belmont Industrial Estate Durham DH1 1TH
ELECTORAL DIVISION:	Belmont
CASE OFFICER:	Graham Blakey, Senior Planning Officer 03000 264865 graham.blakey@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The former LG Philips site lies within the eastern part of the Belmont Industrial Estate which is in turn located on the north eastern edge of Durham City. The site is accessed directly from the estate's distributor road, which joins Belmont Road to the south by means of a recently improved traffic signal controlled junction. Belmont Road joins the A690 via a grade separated junction to the west, and this dual carriageway directly links the city centre to the south, and Junction 62 of the A1 (M) to the north.
2. The application site consists of a parcel of land lying towards the northern edge of the former LG Philips site and forms part of Phase 2 of the redevelopment of this employment site. The development has various phases of which several have been implemented, including Phase 2 in which this application resides.

The Proposal

3. This application relates to the erection of a single, three storey office block with a total gross internal floor area (GIA) of 1,050 sq. metres, and increase of 430 sq. metres over the original building (or 41%). The building would be used for mixed Use Class B1 (offices) and D1 (non-residential institutions) and would replace one of the five previously approved office blocks. This block was previously approved as a two storey unit that formed part of Phase 2 of the overall redevelopment of the LG Philips site (ref: DM/15/02309/FPA) and an increase in office space is being sought to meet the requirements of an identified end-user.

4. Design and landscaping principles would be carried forward for the previously approved scheme and would see the building remain part of five set within a landscaped car park and being of contemporary design with mono-pitched roofs in dark grey profiled composite panels with powder coated verges. Elevations would consist of pewter coloured architectural coursed masonry blockwork, with terracotta infill panels for relief. Elevations would be punctured by square windows, with a front elevation entrance feature taking the form of a two storey glazing with ground floor door. 45no. car parking spaces are proposed for the enlarged building, up 8 spaces upon the original approval for the two storey unit at the site. 76 full-time equivalent jobs are to be created by the proposed office building.
5. This planning application is being reported to Central and East Planning Committee because it is mixed use development with a floor area in excess of 1,000 sq. metres.

PLANNING HISTORY

6. Planning Permission No. 4/06/00558/FPA was granted in September 2006 for the erection of 10 office buildings, a single unit restaurant and associated car parking (Phase 1 – south west portion of the site).
7. Planning Permission No. 4/07/00375/FPA was granted in November 2008 for the erection of new office units and conversion of existing buildings to offices plus 994 car parking spaces (Phase 2 – remainder of site).
8. Planning Permission No. 4/11/00256/FPA was granted July 2011 for the renewal of planning permission for the erection of new office units and conversion of existing buildings to offices plus 720 parking spaces, as amended by 4/09/00976/VOC, (Phase 2 – remainder of site).
9. Various amendments to the layout of Phase 2 were approved between 2013 and 2015 that included the amalgamation of some Blocks, differing of contributions, greater flexibility in planning use (i.e. to B1, B2 and B8), and associated minor external alterations.
10. Planning permission No. DM/16/02335/FPA was granted in December 2016 for the erection of a Distribution Centre and for amendments to 4no. blocks to allow greater flexibility in planning use (i.e. B2 and B8).

PLANNING POLICY

NATIONAL POLICY

11. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF). The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'.

12. In accordance with Paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
13. *NPPF Part 1 – Building a Strong, Competitive Economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.
14. *NPPF Part 2 – Ensuring the Vitality of Town Centres.* Planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period.
15. *NPPF Part 4 – Promoting Sustainable Transport.* The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. It is recognised that different policies and measures will be required in different communities and opportunities to maximize sustainable transport solutions which will vary from urban to rural areas. Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
16. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning. Planning decisions must aim to ensure developments; function well and add to the overall quality of an area over the lifetime of the development, establish a strong sense of place, create and sustain an appropriate mix of uses, respond to local character and history, create safe and accessible environments and be visually attractive.
17. *NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.* Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy.
18. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The planning system should contribute to, and enhance the natural environment by; protecting and enhancing valued landscapes, recognizing the benefits of ecosystem services, minimizing impacts on biodiversity and providing net gains in biodiversity where possible, preventing new and existing development being put at risk from unacceptable levels of soil, air, water or noise pollution or land instability, and remediating contaminated and unstable land.
19. *NPPF Part 12 – Conserving and Enhancing the Historic Environment.* Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

20. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; conserving and enhancing the historic environment; design; ensuring the vitality of town centres; flood risk; land stability; light pollution; natural environment; noise; open space, sports and recreation facilities, public rights of way and local green space; planning obligations; travel plans, transport assessments and statements; use of planning conditions and; water supply, wastewater and water quality.

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

LOCAL PLAN POLICY:

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

21. *Policy E16 – Nature Conservation – The Natural Environment.* This policy is aimed at protecting and enhancing the nature conservation assets of the district. Development proposals outside specifically protected sites will be required to identify any significant nature conservation interests that may exist on or adjacent to the site by submitting surveys of wildlife habitats, protected species and features of ecological, geological and geomorphological interest. Unacceptable harm to nature conservation interests will be avoided, and mitigation measures to minimise adverse impacts upon nature conservation interests should be identified.
22. *Policy EMP5 – Prestige Industrial Sites.* This policy identifies Belmont Industrial Estate as a prestige industrial estate suitable for use class B1 and B2 uses.
23. *Policy T1 – Transport – General.* This policy states that the Council will not grant planning permission for development that would generate traffic likely to be detrimental to highway safety and / or have a significant effect on the amenity of occupiers of neighbouring property.
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. *Policy T20 – Cycling – Provision of Cycle Parking.* Sets out a requirement to encourage the provision of facilities for parking cycles in the city centre and at other appropriate locations.
26. *Policy Q5 – Landscaping – General.* Requires all new development which has an impact on the visual amenity of the area in which it is located to incorporate a high level of landscaping in its overall design and layout.
27. *Policy Q6 – Landscaping – Structural Landscaping.* Requires new development to edge of settlement locations to provide peripheral structural landscaping within the site to minimise any adverse visual impact.
28. *Policy Q7 – Industrial and Business Development.* Sets out that new development should be of a standard appropriate to the designated area in which it is located.
29. *Policy Q15 - Art in Design.* Encourages artistic elements within the design and layout of new development.

30. *Policy U5 – Pollution Prevention – General.* Planning permission for development that may generate pollution will not be granted if it results in; an unacceptable adverse impact upon the quality of the local environment; the amenity of nearby and adjoining land and property or; will unnecessarily constrain the development of neighbouring land.
31. *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.
32. *Policy U10 – Natural Flood Plains.* Proposals shall not be permitted in flood risk areas or where development may increase the risk of flooding elsewhere unless it can be demonstrated by way of sequential test that there is no alternative option available at lower risk, there will be no unacceptable risk of flooding, there will be no unacceptable increase in risk of flooding elsewhere and appropriate mitigation measures can be put in place to minimise the risk of flooding which can be controlled by planning condition.
33. *Policy U14 - Energy Conservation – General.* States that the energy efficient materials and construction techniques will be encouraged.

RELEVANT EMERGING POLICY:

The County Durham Plan

34. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan (CDP) was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that Report was quashed by the High Court following a successful Judicial Review challenge by the Council. In accordance with the High Court Order, the Council has withdrawn the CDP and a new plan being prepared. In the light of this, policies of the CDP can no longer carry any weight. As the new plan progresses through the stages of preparation it will begin to accrue weight.

The above represents a summary of those policies considered most relevant. The full text, criteria, and justifications of each may be accessed at: <http://www.durham.gov.uk/article/3266/Whats-in-place-to-support-planning-and-development-decision-making-at-the-moment> (City of Durham Local Plan)

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

35. *Highway Authority –* Raise no objections. The previous approval for the overall site in 2008 set out the impacts upon the wider network and mitigation measures have since been installed. The uplift in floorspace is relatively limited in the wider context of the site and would not result in safety implications to the surrounding highway network. The amendment provides sufficient additional car parking spaces for the increased floorspace and 2no. electric car parking bays should be provided.
36. *Northumbrian Water –* Raises no objections.

37. *Drainage and Coastal Protection* – Raise no objection.
38. Coal Authority – A mine shaft on-site and a zone of influence of a mine shaft off-site affect the development site. Full assessment to identify the exact location of the mine shaft on site has taken place and located the shaft, however concerns are maintained as the assessment of risk from this shaft upon the current proposed development and any mitigation require full detailing.

INTERNAL CONSULTEE RESPONSES:

39. *Design and Conservation* – Raises no objections. This would be comparative to the scale of other approved units within the wider industrial estate. The 3-storey unit remains consistent in terms of the contemporary industrial-architectural aesthetic and materiality of the approved and will unify the appearance of surrounding units.
40. *Landscape* – Raise no objections subject to an increase in shrub species mix options across the development.
41. *Ecology* – Raise no objections.
42. *Environment, Health and Consumer Protection (Contaminated Land)* – Raise no objections. A planning condition is suggested requiring the submission of a verification report upon completion of the development.
43. *Environment, Health and Consumer Protection (Noise, Dust and Odour)* – Raise no objections. The proposed development falls outside the scope of the Technical Advice Notes.

PUBLIC RESPONSES:

44. The application was advertised within the press, on site and letters were sent to neighbouring properties. At the time of writing no representations were received from local residents.

APPLICANTS STATEMENT:

45. The application site forms part of the former LG Philips (Phase 2) employment site, which lies within the eastern part of the Belmont Industrial Estate, Durham. Phase 1 of the redevelopment of the site has been completed following the grant of planning permission for the erection of 10 office buildings and a single restaurant unit, with the units are almost fully occupied.
46. The site subject of the current application forms part of Phase 2 of the redevelopment and planning permission for the provision of approximately 37,500 sq.m of B1 office floorspace, granted consent in 2008, part of which featured the erection of 5no. office blocks granted consent in 2015. In the face of changing market conditions, the landowner has sought to vary the type and format of employment floorspace to be provided across the site in recent years through a number of planning applications relating to different parts of the wider site.
47. The current application proposals will only result in a modest increase in office floorspace compared to that approved in 2015 for the 5no. office blocks through the replacement of an approved two-storey office block with a three-storey unit. The proposed modest uplift in floorspace will not give rise to an increase in vehicular movements that would have an adverse impact on the safe operation of the local highway network. The proposed development will be served by a total of 47 No. car parking spaces, which is slightly higher than the suggested maximum car parking standards for office developments on business parks outlined in the County Durham Parking & Accessibility Standards.

48. The design approach that has been adopted follows the principles adopted by the earlier planning approval and the scale, massing, height, layout and materials of the proposed office block complements the consented development within the wider LG Phillips site and Belmont Industrial Estate. The proposed office block will be of a predominantly masonry blockwork construction (Colour – Pewter) with terracotta coloured blockwork infill panels. A double height glazed entrance will be provided to the principal elevation incorporating a curved entrance canopy. The building will have a mono-pitched roof finished with a 'Trapezoidal' profiled composite panel system (Colour – Dark Grey).
49. The proposed office block will represent the latest stage in the delivery of Phase 2 of this strategically important employment site ensuring that the substantial local employment benefits associated with the redevelopment of the site can continue to be realised in accordance with the objectives of the adopted Local Plan and NPPF. It has also been demonstrated that the application proposals represent an appropriate form of design, which complements the existing and approved built form in the locality and that the proposed development will not have an adverse impact on the safe operation of the local highway network.
50. The proposed development therefore represents a sustainable form of development that would accord with the adopted Development Plan in force for the area. We would therefore respectfully request that the LPA resolve to support the proposed development through the grant of planning permission subject to any conditions deemed necessary.

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

PLANNING CONSIDERATIONS AND ASSESSMENT

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

The Principle of the Development

52. The application site is identified for B1 (Business) use within the CDLP, and forms part of the wider LG Philips (Phase 2) site, which is a strategically important employment site that will deliver substantial benefits for the local economy and benefits from an implemented planning permission for approximately 37,500 sq. m of new office floorspace. The current application site benefits from planning permission for the erection of 5 office blocks with a total gross floor area of 2,785 sq. m and associated car parking. The principle of such development has therefore been clearly established. The current application proposals seek to replace a consented two-storey office block with a three-storey office building to meet the requirements of an identified end user.

53. The proposed office blocks therefore represent the latest stage of the delivery of Phase 2 of this strategically important previously developed employment site, ensuring that the substantial local employment benefits associated with the redevelopment of the overall site can continue to be realised.
54. The proposals include a D1 use which is office based training. Whilst D1 uses are not specifically listed within the CDLP Policy EMP5 it remains an office based activity very much akin to any activities which would occur under a B1 use. Therefore albeit there is an element of the proposal which has a degree of conflict with Policy EMP5 the proposal would maintain the objective of the policy of having appropriate office based employment/activities being housed at the site.
55. Though offices are identified as a "Main Town Centre" use within the NPPF the application site forms part of a CDLP allocation for office based businesses. Though evidence contained within the latest Employment Land Review is more up to date than that which informed Policy EMP5 at the time of its adoption, the Policy is still considered to have consistency with the NPPF which amongst its advice states that a range of suitable sites to meet main town centre use need should be allocated.
56. As a result, no objections are raised to the principle of the development having regards to the nature of the proposal, the designated prestige industrial nature of the site with no requirement for the proposals to comply with the sequential test approach for office site selection having regard to Part 2 of the NPPF.

Landscape Impact, Layout and Design

57. CDLP Policies Q1, Q2, Q5 and Q7 require new industrial development to take in to account of users requirements, minimise vehicle, pedestrian and cyclist conflict, be set within an appropriate landscaping scheme and in keeping with the surrounding area. These requirements are consistent with the NPPF which is supportive of specific design and landscaping requirements.
58. The proposed replacement three storey office building is considered by Design and Conservation officers to be appropriate to the site's location and surroundings, relative to their scale, massing, design and layout. The revised building would be in keeping with the design palette established on site. Landscaping proposals are similarly in keeping with the agreed scheme as consented by the original five office building scheme. The increase in building height would not, in the view of Landscape officers, result in an adverse visual impact upon the wider landscape and would not result in a cumulative impact in conjunction with other constructed office buildings on site. Therefore, on balance, and subject to a condition ensuring materials match the existing office development, the design and layout are considered to be acceptable, meeting the objectives of NPPF compliant Policies Q1, Q2 and Q7 of the CDLP and Part 7 of the NPPF.

Highway Safety and Access

59. The NPPF sets out at Paragraph 32 that safe and suitable access can be achieved for all people while setting out that developments should not result in cumulative impacts upon the highway network that would be considered severe. CDLP Policy T1 is consistent with the requirements of the NPPF to prevent detrimental impacts upon the highway network. Policy T10 requires developments to reduce vehicle parking to promote sustainable transport choices. Policy T20 requires new designs to accommodate sufficient cycle parking in new layouts. While Policies T2 and T20 can be considered fully consistent with the aims of the NPPF, Policy T1 cannot be afforded full weight in the decision making process as it is considered a more stringent test in comparison to the requirements of Paragraph 32 of the NPPF.

60. The Highway Authority is satisfied that the local road network can safely accommodate any additional traffic generated by a form of development that only differs slightly from the extant planning permission. The Council's car parking standards have been met by the revised proposals with an increase in available car parking. Sufficient cycle parking has been proposed onsite, with details of its exact design suitable for consideration by planning condition. No electric vehicle parking spaces are indicated upon the proposed site layout and so a condition is requested by the Highway Authority to provide some in perpetuity. Though an applicable policy, CDLP Policy T10 is considered inconsistent with the content of the NPPF as the NPPF is considered to permit a more flexible approach to parking standards and furthermore the parking standards which have informed Policy T10 are out of date. As a result the Policy is attributed very limited weight in the decision making process.
61. Wider network impacts have been addressed by the original planning consent for 37,500 sq. metres of office space in 2008 and mitigation required at the A1(M) / A690 junction has been installed. As a result, the Highways Authority have no objection to the increase in floorspace proposed as part of this application. Subsequently, it is concluded that this is a sustainable location for office use, a principle already established by earlier planning permissions, with acceptable connectivity to bus routes that traverse Belmont Road to the south and safe access for cyclists, offering transport mode choices other than the private car. Accordingly the objectives of Policy T1 and T20 of the CDLP and Part 4 of the NPPF are considered to have been met.

Neighbouring Amenity

62. The site is bordered to the north west and east by dual carriageway arterial roads (A690 and A1(M)), with housing fronting on to the A1(M) in Carville across the motorway from the application site (the closest being some 100m from site boundary). To the south Broomside Lane separates the industrial estate from the residential areas of Gilesgate and Gilesgate Moor approximately 700m from the application site.
63. Being located wholly upon an industrial estate, the impacts upon the amenity of neighbouring residential properties are likely to come from secondary impacts associated with the operation of the businesses such as vehicle movements or noise from plant and machinery. Paragraph 123 of the NPPF directs decision-makers to avoid noise from new development that would give rise to significant adverse impacts on health and quality of life, and where possible mitigate and reduce other adverse impacts. NPPG outlines that noise disturbance that causes significant observed adverse effects upon health and quality of life should be avoided by the planning process. The NPPG also offers quantification of the levels of impact and the weight each should be given in the decision making process. CDLP Policy U5 follows the direction of the NPPF by not allowing development that would have an unacceptable adverse impact upon the amenity of nearby and adjoining land and property.
64. Environment, Health and Consumer Protection officer's consider that the scale and nature of the development would not have an adverse impact upon the neighbouring properties. The nature of the proposed use would likely see predominant activity during normal office hours and so during a time where the surrounding noise climate will likely be at its highest. Limited HGV movements would be expected from the final use and so off-set impacts from vehicle movements as a result of the increased floorspace would be considered negligible.
65. As a result, the proposals would not cause unacceptable impacts upon residential amenity and so the development is in accordance with CDLP Policy U5, which is consistent with the NPPF, and Paragraph 123 of the NPPF.

Flood Risk and Drainage

66. Paragraph 94 of the NPPF directs decision makers to adopt a proactive strategy to mitigate against climate change, accounting for flood risk and water supply and demand. CDLP Policy U8a follows from the aims of the NPPF by ensuring that development should only be allowed where they include satisfactory arrangements for the disposal of foul and surface water. The site does not lie within an area considered to be at risk of surface water flooding, being positioned outside of flood risk areas as designated by the Environment Agency.
67. The proposed development forms part of the wider re-development. Construction work that has taken place already at the former LG Philips, whereby a previous drainage strategy for connection to the mains sewerage system had been agreed by the Council and Northumbrian Water. This development would be consistent with the approach previously agreed and so is considered to accord with the aims of CDLP Policy U8a, which is consistent with Part 10 of the NPPF. No increase in the potential for flooding is considered to result from the development in accordance with CDLP Policy U10 (partially NPPF consistent) and Part 10 of the NPPF.

Other Issues

68. The application site straddles areas of the Coal Authority's defined coal mining "high risk" and "low risk" areas. The Coal Authority object due to a lack of a coal mining risk assessment with the application. The applicant has been working with the Coal Authority resolve issues in regard to the presence of a mine shaft on the wider site and its mitigation which were still progressing at the time of writing of this report. Therefore it is proposed at this time to include a condition to require the submission of what would be a revised coal mining risk assessment to enable resolution of this matter.
69. Environment, Health and Consumer Protection officers raise no objections in relation to contaminated land. However, a condition requiring the submission of a validation statement after completion of the development should be imposed on any planning permission.
70. The area of the proposed development is already part of a wider building site and currently takes the appearance of such a site. As a result, of the application site being centrally located within the building compound area, no vegetation or habitat is present on site and so the Council's Ecology officer has raised no objections to the proposals. There is no conflict with CDLP Policy E16 (NPPF consistent) or relevant sections of Part 11 of the NPPF as a result.
71. CDLP Policy Q15 requires new development of this scale to provide public art within the application site to improve design and layout of the scheme. The proposals form part of a larger previously approved development under which a scheme is controlled by way of condition. Therefore, there is no further requirement to control this aspect as part of this further application.

CONCLUSION

72. The acceptability of business development in this location has been established by earlier planning permissions. The site is identified within the City of Durham Local Plan for B1 (Business) and B2 (General Industry). This proposal represents a modest change to an approved development which would encourage economic investment by providing enhanced floorspace flexibility for potential operators. The D1 training centre use is considered akin to the office based B1 proposals which the CDLP accepts on the site and no objections to its inclusion in the proposal are raised.

73. The position of the proposed building within the industrial estate against the back drop of similar structures, with which the general design ethos and palette of materials has been shared, reduces the visual impact of the development.
74. No design, landscape, highways, drainage, or other material issues are raised, with issues surrounding legacy coal mining and contaminated land controlled by way of planning condition.
75. Paragraph 14 of the NPPF establishes a presumption in favour of sustainable development. In this instance it is considered that the CDLP is not absent, silent or out of date having regards to the nature of the development and the relevant policies against which it should be assessed. In such instances Paragraph 14 of the NPPF advises that the presumption in favour of sustainable development means that development proposals which accord with the development plan should be approved without delay (unless material planning considerations indicate otherwise). Likewise, and in accordance with Paragraph 12 of the NPPF, development which conflicts with a development plan should be refused unless, again material planning considerations indicate otherwise.
76. Despite the element of conflict with CDLP Policy EMP5 it is considered no harm would occur as a result of this and the proposals are acceptable.
77. The proposal has generated no public interest with no comments received at the time of writing.

RECOMMENDATION

That the application is **APPROVED** subject to the following conditions:

Time Full

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.

Plans

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

Plan	Drawing No.	Date Received
Proposed Location & Site Plans	648-06-1375	26 Feb 2018
3 Storey Proposed Elevations	648-06-1326 E	26 Feb 2018
Finchale House Ground Floor Plan	648-06-1366 B	26 Feb 2018
Finchale House First Floor Plan	648-06-1367 B	26 Feb 2018
Finchale House Second Floor Plan	648-06-1369 B	26 Feb 2018
Private Drainage Plan	H76033-D-014 C	9 Mar 2018

Reason: To define the consent and ensure a satisfactory form of development is obtained in accordance with Policies E16, EMP5, T1, T10, T20, Q5, Q6, Q7, Q15, U5, U8a, U10 and U14 of the City of Durham District Local Plan and parts 1, 2, 4, 7, 10, 11 and 12 of the NPPF.

Coal Mining

3. No development shall take place until a coal mining risk assessment/investigation into the coal mining legacy issues at the site has been submitted to and agreed in writing by the Local Planning Authority. In the event that such submissions require the results of an intrusive site investigation and remedial measures to be undertaken, no development shall take place until those intrusive site investigation/remedial measures have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in strict accordance with the approved details.

Reason: To ensure the site is safe and stable to accommodate the proposed development in accordance with Paragraphs 120 and 121 of the NPPF. The condition is required to facilitate the resolution of mitigation measures before building work commences.

External openings, vents and flues

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

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

Cycle Parking

5. Prior to the occupation of the building hereby approved, details of secure cycle parking shall be submitted to and approved in writing by the local planning authority. Thereafter implementation shall be in accordance with the approved details.

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

Electric Vehicle parking

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

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

Landscape implementation and management

7. Prior to the occupation of the building hereby approved, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme of landscaping shall include details of hard and soft landscaping, planting species, sizes, layout, densities, numbers, method of planting and maintenance regime, as well as indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development. Thereafter implementation shall take place in accordance with an agreed timetable scheme.

Reason: To meet the objectives of Policy Q7 of the City of Durham Local Plan and Part 8 of the NPPF.

External Materials

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

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

Land contamination

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

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

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

- Submitted application form, plans, supporting documents and subsequent information provided by the applicant
- The National Planning Policy Framework (2012)
- Conservation of Habitats and Species Regulations 2017
- National Planning Practice Guidance
- City of Durham Local Plan
- Statutory, internal and public consultation responses



Planning Services

DM/18/00608/FPA

Erection of a three-storey office and training centre (Use Class B1 / D1) with access, car parking, delivery / service bay.

Former Phillips Components Ltd, Belmont Industrial Estate, Durham, DH1 1TH

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Comments

Date May 2018

Scale Not to scale