



County Planning Committee

Date Tuesday 3 October 2023
Time 9.30 am
Venue Council Chamber, County Hall, Durham

Business

Part A

1. Apologies
2. Substitute Members
3. Declarations of Interest
4. Minutes of the meeting held on 11 September 2023 (Pages 3 - 22)
5. Applications to be determined
 - a) DM/23/01412/FPA - Unit 3, Hackworth Road, North West Industrial Estate, Peterlee, SR8 2JQ (Pages 23 - 50)
Reconfiguration and extension of Copart Peterlee site to develop additional car storage facilities (Use Class B8), boundary treatment, landscaping and associated infrastructure works.
 - b) DM/22/03529/FPA - Woodham Academy, Washington Crescent, Newton Aycliffe, DL5 4AX (Pages 51 - 76)
Demolition of existing school buildings and replacement with playing fields and landscaping
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

Helen Bradley
Head of Legal and Democratic Services

County Hall
Durham
25 September 2023

To: **The Members of the County Planning Committee**

Councillor G Richardson (Chair)
Councillor A Bell (Vice-Chair)

Councillors J Atkinson, D Boyes, M Currah, J Elmer, J Higgins,
P Jopling, C Martin, M McKeon, I Roberts, A Savory, K Shaw,
A Simpson, S Wilson and S Zair

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DURHAM COUNTY COUNCIL

At a Meeting of **County Planning Committee** held in Council Chamber, County Hall, Durham on **Monday 11 September 2023 at 9.30 am**

Present:

Councillor G Richardson (Chair)

Members of the Committee:

Councillors J Atkinson, A Bell (Vice-Chair), D Boyes, M Currah, J Elmer, C Martin, E Peeke (substitute for P Jopling), I Roberts, K Shaw, A Simpson and S Wilson

Apologies:

Apologies for absence were received from Councillors J Higgins, P Jopling, M McKeon, A Savory and S Zair

1 **Apologies**

Apologies for absence were received from Councillors P Jopling, A Savory and S Zair.

2 **Substitute Members**

Councillor E Peeke as substitute Member for Councillor P Jopling.

3 **Declarations of Interest**

There were no declarations of interest from Members.

4 **Minutes of the meeting held on 4 July 2023**

The minutes of the meeting held on 4 July 2023 were confirmed by the Committee as a correct record and signed by the Chair.

5 **Applications determined**

- a **DM/22/00010/MIN - Former Colliery Spoil Heap, Hesleden, Durham**

The Committee considered a report of the Senior Planning Officer regarding an application for the continued restoration of colliery spoil heap, including extraction, processing and export of combustible material, limestone and sand for a period of 10 years (for copy see file of Minutes).

C Shields, Senior Planning Officer informed the Committee that there had been an update to the NPPF on 5 September 2023 but this had made no material change to the way this application was assessed.

The Senior Planning Officer gave a detailed presentation of the application which included a site location plan, aerial photograph, site layout and site photographs from the south, the west, the east and the north. Members had previously attended a site visit.

L Wardle of Monk Hesleden Parish Council addressed the Committee to object to the application. The Parish Council had objected to the original planning application relating to this site in May 2014 and 9 years later had resolved once again to object to the current application. The objections in 2014 of traffic movement, road safety and enforcement of planning conditions were still relevant today together with, and perhaps the most concerning, the impact of this application on the health and wellbeing of the residents of Hesleden village.

The committee report referenced National Planning Policy, County Durham Minerals Local Plan, County Durham Plan, and relevant emerging policies together with consultation involving statutory consultees and internal consultees. Monk Hesleden Parish Council was a statutory consultee.

Parish Councils were statutory bodies and the voice of communities. The report was dismissive of the voices of the community. Monk Hesleden Parish Council submitted their objections in April 2023 detailing 17 material planning considerations and Ms Wardle highlighted some of the points raised.

The Highways Authority had highlighted the need for pre and post development surveys for the length between the site entrance and the junction with the B1281, this was a condition of the previous application. The report detailed that since worked started on this site in 2018 only one repair had been completed, there was no mention of a further survey and the site is now working at full capacity, this raised concerns with regards to monitoring and the current condition of the highway.

It should be noted the Parish Council agreed to erect the Multi-Games Arena in 2019 as it was anticipated the reclamation of the spoil would be completed shortly after and therefore no additional traffic safety measures were required. Due to the continuation of this site, there was a need for additional

safety measures to be considered. This matter had been raised at the community liaison committee with the promise of the erection of netting by the applicant but to date this has not been installed. At the request of the Hesleden Residents Association the Parish Council were asked to install this facility with funding from the Hesleden Restoration Community Fund Community of £25,000. To provide residents with an immediate benefit from the restoration it was agreed the Parish Council would fund the project at a cost of £49,000 and the grant to be paid in instalments as the materials were removed. There was currently an amount owed of £5,000 which despite constant invoices had not been paid.

The County Durham Plan had a core principle to promote health communities. Paragraph 5.308 of the County Durham Plan stated that "Many people in County Durham today live in different social circumstances and experience differences in health, well-being, and length of life. Improving the health of the whole population and reducing health inequalities is key. Good health is central to people's happiness and wellbeing. It is important at an individual and social level, as it creates social and economic value. Alternatively, the cost of poor health can be measured in both human terms – lost years of life and active life, and in economic terms – the cost to the economy of additional illness. Research consistently reports that the majority of our health outcomes are explained by factors other than healthcare." The continuation of quarrying within the community extended the impacts of quarrying, especially in terms of noise, dust, and air quality to the detriment of the amenity and well-being of residents. Durham County Council's Public Health Team, in their response to the consultation makes reference to a Health Impact Assessment and stated that the author of the comment had not had access to documents submitted in the course of the original application made in 2014; therefore, could not comment further on the need for an HIA. It was also noted that requesting such an assessment as this stage could be academic, as the site had been operating for several years, and the current application was for an extension of time for the existing operation. An HIA might only be relevant in circumstances where there was a material change to the operation in question. If this was not the case, an HIA was not likely to add further benefit at this stage. It was concerning the author had not had access to the previous application and whilst it was acknowledged this was a new application there had been a material change due to the removal of limestone and sand. The Parish Council considered that the application should have been supported by a HIA.

Referring to monitoring and enforcement Ms Wardle informed the Committee that Durham County Council was consulting on budget proposals for 2024/25 and Medium-Term Financial Plan 2023-28. Despite some additional government funding and assuming that there would be continued annual increases in council tax, the Council was forecasting the need to make £56

million in savings over the next four years, with savings of £12.1 million required next year. The consultation proposed savings from back office and efficiencies and the deletion of posts within the planning services team. This raised the question how could this site be effectively monitored, and conditions enforced when it could be argued the planning authority did not have the resources? The applicant was required to provide accurate and correct information as and when requested by the planning authority and it was essential for there to be a pro-active and swift management by the Council. The Parish Council were of the view this had not been the case up to now and could not envisage there would be any improvement going forward.

Referring to restoration and aftercare, Ms Wardle informed the Committee that these were matters requiring subsequent approval, and the Parish Council had assumed this would not involve consultation with the Parish Council. Transparency was essential to ensure residents were well informed and not being made aware of matters via third parties. The report referred to a 5-year aftercare period and clarity was needed. Monk Hesleden Parish Council did not have the resources to take over the ownership of this site. There was every possibility there would be no aftercare, thereby leaving the village of Hesleden with the legacy of a dangerous eyesore for perpetuity

In conclusion the Committee was urged consider the impact of the application on the residents of Hesleden, the surrounding area, Durham County Council and tax payers who may ultimately be responsible for the management and maintenance of this area. Monk Hesleden Parish Council asked that the application be refused.

Councillor R Crute, local Member informed the Committee that the other Ward Member, Councillor S Deinali was unable to attend the meeting and therefore he would be presenting Councillor Deinali's representations before presenting his own.

Councillor Deinali was both a ward Member and a resident of Hesleden, having lived in Hesleden and surrounding villages all of her life and she wished to provide local knowledge that might help to convince the Committee that the pit heap did not contribute towards promoting a safe and healthy community.

The day-to-day running of the site could exacerbate already present hazards and the local area was not suitable for the quantity, weight and size of the vehicles that frequently go in and out of the village.

The operation of the site impacted upon residents' amenity in ways that were not outlined in the report and the application had a negative impact upon health and living conditions.

Hesleden was a small village connected to Castle Eden via a country road that had a mixed speed limit of 60mph and 40mph. The road had quite a lot of bends which were demonstrated by chevron signs. When driving along the road on a general day, it was just wide enough for two cars to pass on a bend at a slow speed without having to move to the side. In some places, there was a solid wall of mud on either side and therefore nowhere to move to should the need arise.

Quite often, when using this road, the lorries from the pit heap had to span the road to be able to get around the bends. This caused a significant hazard on top of the already present hazard of the bends. Not only that but when on the bends adjacent to the footpath on this road, the lorries often crossed onto the footpath to manoeuvre, which was proven by the eroded verge. This presented a hazard for pedestrians using this footpath.

To get onto this road from Hesleden, the lorries must exit the junction at the top of Gray Avenue. The exit was on a bend and could often have poor visibility due to the bushes, both for the traffic turning onto the road and also that which was on the road. To exit the junction, the lorries had to make a wide turn onto the road or risk hitting the footpath on the corner. The visibility on the corner required a rapid turn and therefore the lorries had frequently clipped the footpath, again demonstrated by the damage and erosion. This demonstrated that the operation of the lorries was contributing towards an already hazardous route.

Moving into the village, at the other end of Gray Avenue, there was a tight bend on the road which led on to Front Street. Councillor Deinali had many concerns raised regarding poor visibility along with parked cars and speeding lorries coming down Gray Avenue towards the pit heap site. As the lorries go straight ahead on this road and did not take the bend, they often crossed to the opposite side of the road to enter the closed footpath leading down to the site. This hazard had caused many near misses with residents' vehicles.

The next part of the lorries journey required it to go down a closed footpath, very much like a dirt track. This track passed very closely to the village MUGA where children and young people played. Although there was a low fence around the MUGA, balls frequently escaped the area and had children chasing after them. Despite a speed limit on this track, the lorries did not have full visibility of the play area due to the Workingmen's Club building. Once again, this caused a hazard.

Before reaching the entrance to the site, the lorries must cross over a frequented walkway which was used by tourists and local residents. Although the footpath that the lorries used had a diversion for pedestrians entering the walkway from the village, any pedestrians using the walkway still had to pass in the path of the lorries. Again, this did not contribute towards or promote a safe environment.

As you can see, the layout of the local area already has hazards however these hazards become much more dangerous with the lorries added to the equation.

Lorries passed by Gray Avenue, along the winding road and then also pass The Factory at Castle Eden as well as other houses that lined the main road. The lorries, in the main, were covered with dust sheets to prevent dust from spreading however this had proven to be ineffective. Residents along the streets mentioned had often had to clean their cars from the dust and occasionally had found that the dust trapped between the window of the car and the seal, causing damage. The dust sheets had also not prevented spoil from being spilled on the bends along the road, some of which had spilled out onto the adjoining footpath.

The dust from the pit heap itself had a huge impact on the day-to-day lives of the residents of Hesleden and Castle Eden. The amount of dust deposited in gardens and on houses would depend on which way the wind was blowing. Residents living in Harold Wilson Drive, Hillcrest Place, Gray Avenue and The Factory could not utilise their outdoor area fully and could not open windows of their homes. The level of dust meant that it was impossible to hang out laundry, impossible to let children play out and impossible to relax in the comfort of their homes. The inability to hang laundry out on a hot day resulted in having to use a dryer or radiators. This made living conditions unbearable in the heat but and resulted in spending of additional money at a time where there was a cost-of-living crisis and inflation was through the roof. Children could not play out because of the dust and could not use the MUGA or the field close by. This application did not promote a healthy community.

The level of dust not only impacted upon residents who lived in the streets close to the area or on the route of the lorries but also affected those who had allotments close to the site. Residents had expressed that they could not enjoy the relaxation of gardening in their allotments due to dust and the effect it had on their breathing. This was not only affecting the health of residents but also their living conditions, their leisure time and their general happiness.

This application did have an adverse effect on highway safety, impacted upon the amenity of residents, impacted upon health both directly and indirectly, impacted upon public rights of way and it adversely impacted the

living conditions of residents. It failed to promote a healthy and safe community.

Before presenting his comments Councillor Crute felt compelled to raise concerns about some rumours taking hold in the community that this planning application had already been decided. Residents had confirmed that the site operator had told anyone prepared to listen that this was a done deal.

While Councillor Crute knew this not to be the case he had concerns that those rumours circulating locally had the effect of undermining the planning process in general, but specifically they reflected a deep disrespect for the role of the Committee.

Councillor Crute set out the concerns of both local members, on behalf of local residents about the adverse impact that this development had and continued to have on the community.

Councillor Crute informed the Committee that he had submitted a letter of objection to a previous planning application at this location to the council in 2014. Many points of contention recorded at that time remained unresolved and formed the basis of objections to the current planning application.

Objections to the current planning application could be summarised in the following material planning considerations. This was simply a list of which Councillor Crute would expand on each one.

- Loss of amenity for residents, especially in Hesleden and Castle Eden
- Impact on health of dust emissions from the site
- Impact of noise and nuisance from the site
- Traffic generation and associated safety concerns
- Environmental impact on the surrounding area

Councillor Crute's comments were based on local Members own personal observations, correspondence from residents and regular contact over the years with residents from Blackhall, Hesleden and Castle Eden, all individual communities affected in one way or another by the impact of this ongoing development.

The works to remove spoil from the former pit heap in Hesleden, including preparatory works, began on site in July 2017 and since then residents and business in the area had to contend with its impact.

Traffic generation included the cumulative impact that several wagons, both empty and full, and frequently unsheeted, had when passing through the villages, leaving behind dust, mud and other debris on roads and pavements,

noise from the engines, and damage to highway surfaces and kerbstones at junctions at Gray Avenue and the Castle Eden war memorial on route to the A19 Interchange at Castle Eden.

In addition, the increased volume of traffic continued to cause concern to residents and visitors travelling between the main A19 trunk road in Castle Eden and a popular, nationally recognised holiday resort at Crimdon, and this of course had a detrimental impact on visitors from outside the area gaining safe access to the East Durham Coast which was a vital element of the council's Visitor Economy Strategy.

Residents had reported frequent dust emissions which had an impact all year round. This matter had been brought to local Members attention on a number of occasions, in correspondence, at ward surgeries at a number of local public meetings held within the past two years. The problem was reported to be particularly bad during the spring, summer and autumn months when dust was blown across the whole settlement of Hesleden, depending on the prevailing wind conditions, with dust accumulating on vehicles, on door and window ledges and clothes drying on the lines. Residents reported that during these times they were not able to leave their doors and windows open, nor were they able sit outside their homes or enjoy outdoor activities for any meaningful length of time. The site operators had given assurance that mitigation measures would be put in place, for example netting around the entrance to the site, but this had not happened.

It was also a concern that planning conditions applied to the site had not been met which led to little confidence that planning conditions from this application would be met.

It was worth noting that in terms of health deprivation Hesleden residents were ranked in the lower quartile nationally, so it was a particular concern that frequent dust emissions from the site were having an additional unacceptable and adverse impact on residents' health and on their quality of life.

Councillor Crute informed the Committee that it was noted that the development site encroached onto Hesleden Dene. Images showed a sheer drop from the working site, down an exposed limestone cliff and into the Dene itself. For many years this area had thrived as a natural habitat for birds, insects and flora and there were local concerns that this development had already had a negative environmental impact at these locations. An extension of time allowed to remove spoil from the former pit heap would continue to erode the natural habitat, regardless of potential outcomes described in the planning report.

A major concern of residents was the management and restoration of the site after works have been completed.

Before the initial planning consent was granted the developer had assured residents that the works would be completed within 20 months and that site restoration works would return the location to an improved condition compared to what it was before works commenced. Images of the site today raised concerns that those promises were unlikely to be met. This had eroded trust in the development and the development alike.

Consequently, there were genuine concerns about the developer's ability and commitment to reclaim the site following works. It was an additional concern that the developer operating the site in future may be someone different to the current operator.

Councillor Crute asked whether any evidence was available that the operator could produce to prove that they had a track record of site restoration. As things stood, based on the persistent delays to date, residents had no faith that the site could eventually be reclaimed for the long-term benefit of the community.

Finally, in acknowledging that members would require material planning considerations at hand if they were to reject this application Councillor Crute referred to the following policies which were confirmed in the case officer's report to be relevant to this instance:

Local Plan Policy 31 confirmed that development would be permitted only where it could be demonstrated that there would be no unacceptable impact on health, living or working conditions.

In addition, the same policy confirmed that development would not be permitted where inappropriate odours, noise and vibration could not be mitigated against. Testimony from residents confirmed that noise dust and dirt from the site was both constant and unacceptable.

Policy 47 suggested that development should only be permitted where the proposal would not have an unacceptable adverse impact on either the environment, human health or the amenity of local communities.

Policy 50 in respect of the working of magnesian limestone and sand proposals for new working on prominent escarpment slopes, development would be resisted in order to avoid unacceptable landscape and visual effects.

Mineral Plan Policy M37 unless it could be demonstrated that the amenity of local communities could be protected from adverse impacts of mineral

working, mineral development would not be permitted where extraction or associated activities were within 250 metres of a group of 10 or more dwellings. There were several dwellings along Gray Avenue, Front Street, Hazel Drive, Harold Wilson Drive and Hillcrest Place all within 250 metres of the site and adversely affected by ongoing works.

Mineral Plan Policy M45 referred to the cumulative impact of past, present and future workings which it was felt would have a prolonged adverse and unacceptable impact on the community.

Minerals Plan Policy M52 referred to the ability and commitment of the site operator to operate and reclaim the site in accordance with the agreed scheme. As mentioned earlier no evidence had been seen to back up the operator's claim that the site could be properly restored.

Referring to relevant emerging Policy, Policy MW1 referred to unacceptable adverse impacts on human health and the amenity of local communities, the local strategic road network and public rights of way network. These factors were considered separately in other Policies relating to noise, relating to air quality and dust and relating to transport matters, and this policy refers specifically to vehicular traffic generated by the proposed development having an unacceptable adverse impact on highway safety.

Given the concerns raised in the comments made, all of them supported by relevant material planning considerations, and in light of the unacceptable conditions residents have had to endure for many years, Councillor Crute urged, in the strongest terms, members of the Committee to reject this planning application. It had blighted the community for many years past, and the application held out nothing more than the prospect of more filth, dust, noise and disruption for many years to come.

Councillor S McDonnell addressed the Committee as a new resident of Castle Eden, having lived there for less than 3 months.

Councillor McDonnell lived in Beech Wood which ran parallel to the B1281, with a U-shaped layby immediately opposite, behind the bus stop. The B1281 was a very busy road, as it was used for commuting from the east to either north or south via the A19, or west, towards Durham and the A1.

The road had a speed restriction of 40mph but as was too often the case, there were many people driving cars, vans and lorries, who ignored the speed limit and often, in Councillor McDonnell's estimation, hit speeds that were well in excess of 50mph.

Councillor McDonnell informed the Committee that she moved into Beech Wood on 23 June and it became very apparent, very quickly how many

lorries used the road. This was not just the quarry traffic, there were a number of large HGV's using the road. The road was a B road, a country road and very uneven in places. So much so, as lorries hit certain bits of it, Councillor McDonnell's informed the Committee that her building literally jolted and the noise was incredible.

After heavy rains each carriageway, just beyond the bus stops on either side of the road, became completely flooded because of the dips in the road.

Neighbours in Beech Wood also experienced the jolt.

The layby opposite was repaired by the County Council last year, but the repair couldn't possibly have been done with the number of HGV's using it in mind because it was already in a terrible state.

The quarry was only allowed to have one lorry in as one goes out, so they parked up in the layby, As a lorry left the quarry and headed through the village they gave a blast of their horn to alert the next driver who was waiting that he was good to go.

Councillor McDonnell argued that the B1281 itself was not suitable for HGV's and certainly nothing like the number of them that used it and she dreaded to think of the impact that another 7 years of HGV's would have on her building and the homes of neighbours.

While it could be argued that this could be covered by building insurance Councillor McDonnell could not imagine the underwriters would ignore the fact that there were maybe 60 – 80 HGV's thundering past every day and especially when they felt the regular jolt.

The insurers would expect residents to claim from whichever firm is running the quarry, but as B & S Waste had recently gone into liquidation and it was a new company that had submitted this application Councillor McDonnell raised doubt at the ability or success of doing this.

Mr R McKinny, a local resident from Hesleden addressed the Committee on behalf of the local community. Mr McKinney lived near to the site and was a founding member of the No To The Quarry Action Group which had been present at all three well attended community meetings. There was unanimous objection to anything but the immediate cessation of all activity within the quarry.

Mr McKinny was also present to convey the strong emotion that existed in relation to the quarry. This was the sadness the community felt for the pollution of the natural woodland, fear for the resident's health, the annoyance of sounds of large industrial vehicles barrelling down country roads and the anger at the destruction of properties from dust from the site.

Most of all there was a sense of betrayal and injustice that this application had been submitted and was being considered. The initial planning application had been supported by the community who had been asked to write letters in support of the application because for two years work the community would be provided with a perfect green space to enjoy. The community was still waiting for this. This application was a cynical cash grab by the applicant with no concerns for the community which was damaging the health of the community.

There were community concerns about health and wellbeing and Mr McKinny considered it to be outrageous that a new HIA had not been produced since limestone was started to be mined from the quarry. Limestone was a substantially different material which had its own concerns. The National Planning Framework clearly stated that it was a concern for local authorities to ensure healthy living and a healthy environment. This quarry did not promote healthy living. Healthy living would be promoted by rejecting the application and giving the community the green space it was promised. Mr McKinny urged the Committee to reject the application.

Mr G McGill addressed the Committee in support of the application. Mr McGill informed the Committee that when he first came to County Durham, immediately after the miners strike, he was responsible for the Haswell/Hart Walkway Project and was frequently called out when this site caught fire. The site had experienced frequent combustion historically because of the volume of coal deposits under the ground. That problem remained until the site was fully restored.

The coal industry in Durham created jobs and wealth, but also noise, dust, traffic and smell and mining was responsible for the urban pattern of development of the County, including villages like Hesleden.

All of the collieries had since been closed and what remained were some of the problems of the industry such as the spoil mound at Heseleden, which was being tackled by the ongoing extraction of coal and other materials to make it safe and remove inherent risks in the ground.

The work being undertaken had never been subject to enforcement action or breach of condition and the applicant had worked closely with Council officers and the community at all times to manage risks and mitigate environmental impacts.

Materials were being removed from the site on health and safety grounds because they could not be left in the ground otherwise fires would be experienced.

Reclamation was expensive and although monies had been allocated for this, it may not happen unless complete restoration took place and these risks would remain.

The application was also about creating jobs and wealth again, and dealt with climate change issues in the process, for example it avoided the need for coal imports and production of bricks from waste material rather than extraction of new clay from the ground.

Issues and problems that arose were addressed via the Liaison Committee which last met in March 2023 and by regular exchanges with various officers in different Council services who regularly visited the site.

Vehicle movements under this application would be reduced by less than half from 44 to 20 overall.

The application delivered developer contributions and a new MUGA had been created in proximity to the site £25,000 contribution, with the last £5,000 to be paid in accordance with the completion agreement. There was a total £64,000 developer contributions already agreed to be paid.

In addition, a restoration bond had been agreed, valued at £50,000 currently and if the application was approved, another amount of nearly £175,000 to facilitate restoration at completion of the extraction, to make the site safe and this would happen.

The application brought ecology benefits with the site presenting an opportunity to create UK Biodiversity Action Plan Priority Habitats to benefit priority species. The applicant was in discussion with Durham Wildlife Trust which had expressed an interest in taking over the site and managing it in future as there was a 30 year management plan.

Some disruption had taken place locally in terms of the impacts from site operation but officers agreed that the impacts were all within acceptable tolerances and parameters.

The Senior Planning Officer informed the Committee that the issue of a HIA was discussed with the Public Health Team and Environmental Health Officers. A material change to how the site was working could trigger the need for a HIA but it was considered that simply extending the working to include limestone and sand was not a material change, the site was operating in the same way.

Concerns had been raised around monitoring and enforcement, the planning service had a dedicated monitoring enforcement officer working who only monitored minerals and landfill sites and site visits were paid for by the

developer, which funded their role. This site was visited multiple times a year by arranged visits but if any issues arose the site would be visited the same or next day.

Referring to the long term management of the site there would be 5 years of aftercare to be delivered by whoever the landowner was at the time. This application had the requirement for a s39 legal agreement to ensure the 30 year management of the site following restoration.

Councillor A Bell expressed surprise that the quarrying of lime had not triggered the need for a new HIA. Councillor Bell asked how often air monitoring was undertaken, when it was last done and what the outcomes were. Councillor Bell also sought clarity on the issue of netting which had been mentioned by the speakers.

Ms Wardle replied that she was referring to netting for alongside the MUGA which the developer had said they would provide to prevent balls going over onto the road. Councillor Crute replied that the developer had said they would put netting across the entrance to the site which never happened.

Councillor Bell added that he had attended the site visit and was amazed that at the entrance to the site there was a pile of lime dust and a pile of coal dust/spoil in an elevated position.

D Gribben, Senior Environmental Health Officer informed the Committee that monitoring was carried out on a monthly basis. The most recent results were for July from 10 July to 7 August. The parameters measured were dust deposition and dust soiling. Dust deposition was how much dust was deposited onto a surface per day. Generally, a level of 200 mg m² per day was considered a statutory nuisance. The levels had been considerably below this and for the month of July at Hillcrest was 27.8, at the Bleachery was 44.7 at Southfield Farm was 21.2 and at Johns was 35.6. Referring to dust soiling the levels at Hillcrest were between noticeable and possible complaint, with most readings being between negligible and noticeable.

Councillor Bell asked whether readings varied with seasons. The Senior Environmental Health Officer replied that generally during winter months levels reduced and levels increased during hot spells of weather. The company had installed sprinklers around the eastern boundary of the site as a way of suppressing dust.

Councillor Elmer noted that it was considered there was no need for a HIA because this application did not change from the previous application, but the materials being extracted were completely different. Limestone was an alkali and much more problematic as a dust and Councillor Elmer sought clarity on the reason for no HIA with this application.

J Hayes, Senior Environmental Health Officer replied that Public Health had determined on the HIA with some involvement from Environmental Health. Discussions had taken place with representatives from planning and Public Health. The Public Health response was that the site had been operating for some time, there had been some lime withdrawn from the site and the controls which were or could be in place would reduce the impact of any dust leaving the site. There were many sites in County Durham which quarried lime without issue. There was an environmental permit for this site and this controlled dust emissions from the site. There were process guidance notes in relation to environmental permits.

C Teasdale, Principal Planning Officer added that assessments had been undertaken in terms of noise and dust and air quality and these were key issues that had been raised. These assessments had been submitted and had been assessed by officers who had raised no particular concerns subject to appropriate mitigation conditions.

Councillor D Boyes referred to emails Members of the Committee had received regarding the financial status of the applicant and asked what weight, if any, the Committee could place on this.

The Senior Planning Officer replied that the site had been owned by the landowner throughout. The first application was submitted by Hargreaves Ltd and the landowner bought this permission back from Hargreaves. Since then the landowner had worked in partnership with another company under the name B and S Recycling Ltd, but since this application was submitted the landowner was operating solely as the landowner. There were no concerns about the Company operating the site.

Councillor Richardson asked for further details about fires at the site. Mr McGill replied that the incidence of fires had been considerably more in the past than now because coal had been removed from the site. However, there was still coal in the ground and until all of this was taken out and the ground made safe an element of risk remained.

Councillor A Bell considered the community was supportive of the initial application because of the degree of risk from the coal, but years on this risk had been reduced. Councillor Bell was asking himself why the company had diversified into lime extraction when all of the coal had not yet been removed.

The Chair then sought views of the Committee on the application.

Councillor D Boyes informed the Committee that he had sat on the Committee which determined the original application and at the time had

concerns about traffic issues and the number of HGVs using the road. At the time Councillor Boyes was also concerned about health issues regarding the amount of dust which would be produced as a result of this operation. From the representations made at the Committee it appeared that his concerns had been borne out. Councillor Boyes concern was that Environmental Health Officers considered that with mitigation processes in place the health issues would be negligible and Highways Officers considered there would not be a material increase in problems in terms of HGVs. If the Committee was to overturn officer recommendation and refuse the application he asked whether there were any material changes since 2016.

Councillor J Elmer was concerned about the application. Both at National and County level there were carbon reduction targets and the UN Secretary General had criticised the progress of the UK and other countries for not achieving their carbon reduction targets. Fossil fuels should be kept in the ground and additional extractions should not be licensed. The coal which would be extracted from this site was not high grade coal, it was very low grade coal, coal which a previous coal extractor considered unsuitable. The energy yield from this coal in relation to the amount of carbon emissions produced was as bad as it could be.

Referring to the restoration of the site Councillor Elmer informed the Committee that the existing application and the approvals relating to that existing application already required a restoration of the site. Around County Durham there were numerous disused Limestone quarries which had re-vegetated naturally to become extremely valuable wildlife habitats through plants naturally colonising on the on the floors of those quarries. In terms of restoration Councillor Elmer considered there was not much that needed to be done other than a reprofiling of the site and the areas of coal dust capped with the clay with a thick layer of magnesian limestone on top which already existed on the site. Councillor Elmer rejected the idea that the site would require an expensive restoration as all materials needed to do this were on site.

One of the objectives of the County Durham Plan, Objective 17, was low carbon to reduce the causes of climate change and support the transition to a low carbon economy. This application was far from this. Policy 31 related to amenity and pollution. The representations made demonstrated the negative impact this site had on amenity and pollution.

NPPF Policies 153 to 155 referred to planning for climate change. All of these gave the Committee the opportunity to refuse the application given the impact it would have on climate change and Councillor Elmer moved that the Committee overturn the officers recommendation and refuse the application.

Councillor C Martin, while sympathising with the views put forward, shared Councillor Boyes perspective on the application. The Committee's role was to consider applications from a planning perspective and take an objective view. Planning Policy gave significant weight to the extraction of minerals from sites and therefore the Committee needed to hit a higher bar to be able to overturn the application. Any Planning Policies used to overturn the application therefore needed to be of significant weight.

Councillor A Bell seconded Councillor Elmer's motion to refuse the application for the reasons outlined by Councillor Elmer.

Councillor K Shaw informed the Committee that he was minded to support the motion to refuse the application. The evidence provided by the working time this site had been operating was more than enough to refuse the extension of working time. Hesleden Dene ancient woodland formed barriers on three sides of the site, tree preservation orders were in place and it was in a site of high landscape value. It was within the designated Hesleden Dene Local Wildlife Site, there were protected butterflies on the site.

Councillor Boyes, while appreciating that there was a desire to refuse the application, reminded the meeting that while Environmental Health Officers, Highways Officers and Planning Officers were all recommending approval there was a danger that the Committee's decision could be overturned on appeal.

C Cuskin, Senior Regulatory and Enforcement Lawyer, sought clarity from Councillor Elmer on the reasons he was proposing for refusing the application. Councillor Elmer had mentioned Policy 31 of the County Durham Plan and the Senior Regulatory and Enforcement Lawyer understood there were two elements to Councillor Elmer's refusal, one being the threat of climate change and the other being unacceptable impacts of the scheme. The Senior Regulatory and Enforcement Lawyer expressed concern at using NPPF 153 to 155 as a reason for refusal because this related to the preparation of local plans to reduce carbon use and prepare for climate change. The Senior Regulatory and Enforcement Lawyer added that she would be more comfortable if Policy 31 was used as a reason for refusal and sought clarity on what elements Councillor Elmer thought the application unacceptable.

Councillor Elmer replied that climate change was the biggest issue to all people's health. This application was about the extraction of the most carbon emitting material which would then be burned. While NPPF 153 was about plan preparation, NPPF 154 and 155 were about carbon reduction. However, Councillor Elmer agreed that Policy 31 relating to local amenity and impacts was a stronger Policy to use for refusal.

Councillor J Atkinson informed the Committee that this application already had a load of evidence from local residents because the site had been operating for a number of years.

The Senior Planning Officer informed the Committee that should the application be refused the site would be left in its current state. From a safety point of view this would be unacceptable. Paragraphs 238 to 240 in the officer report set out an option proposed by the applicant for a basic restoration of the site of capping off the combustible material and creating a safe slope. The applicant had stated there was material on site to be able to do this but this would take time, estimated at up to 12 months. If the application was refused the Council would need to consider enforcement action to ensure restoration was delivered.

Moved by Councillor Elmer, **Seconded** by Councillor A Bell and

Resolved:

That the application be refused due to its impact on amenity and pollution contrary to Policy 31 of the County Durham Plan.

Councillors Boyes, Higgins, Roberts, Shaw and Wilson left the meeting.

b DM/22/03757/FPA - Land West Of Trimdon House Lodge, Fishburn, TS21 4BA

The Committee considered a report of the Senior Planning Officer regarding an application for the formation of a solar farm including installation of solar panels, security fencing, CCTV cameras, an internal access track, underground cabling, invertors, substations, grid connection, environmental enhancement measures and other ancillary development on land west of Trimdon House Lodge, Fishburn (for copy see file of Minutes).

The Senior Planning Officer gave a detailed presentation of the application which included a site location plan, aerial photograph, proposed site layout, site photographs of the existing solar panels and other site photographs. Members had previously attended a site visit.

Ms K Morgan, landowner addressed the Committee. Ms Morgan informed the Committee that she was married to Philip Morgan. Philip and his brother were the third generation to farm West House Farm, growing costs and variable markets for produce resulted in making a living and support a family on a farm of this size increasingly difficult.

The land quality of the proposed site was marginal and was now severely affected by rye grass reducing both the yield and quality of arable crops. The

rye grass was now highly resistant to herbicides which had been confirmed following analysis. This meant that the feasibility of the proposed sites to grow cereals was now borderline.

The proposed solar development was a unique opportunity to farm electricity and return fields to grass, which they were previously when the farm was operating as a dairy farm and would allow the farm business to be diversified.

Wildlife and the environment were important and sheep would be grazed around the solar panels, ensuring the land continued to be in agricultural use. Ms Morgan asked the Committee to support the application.

Mr R Hillman addressed the Committee. The West Farm Solar Project had received support from local groups including the Fishburn Flying and Shooting Clubs which would be some of the nearest neighbours to this project. Over 100 letters of support had been received and Fishburn Parish Council had voted unanimously to support the project. Discussions had taken place in the local community by holding two pre-application community open days in June 2022 and February 2023. Local residents had the opportunity to review and feedback their comments on the project and the applicant had continued to engage with the Parish Council to reach agreement on a community benefit fund that could over the 40-year life of the project deliver much needed investment of approximately £1m to the Fishburn area.

During construction the project would support around 100 jobs and throughout its operational life a further 10 to 15 roles would be created through ongoing maintenance and management. Wherever possible local labour and facilities would be used and this would contribute to economic growth within the local area. The project would deliver approximately £4m through business rates over the life of the project. There was sufficient land available to install over 40 megawatts of clean energy which was enough resource to produce nearly 60,000 megawatt hours of energy per year, equivalent to the power consumed by over twenty thousand houses. This was approximately half the number of households in the City of Durham. It was fully recognised that energy, agriculture and biodiversity were important to the UK and County Durham and by working closely with the landowners at Fishburn had have sought to deliver a balanced proposal which integrated all three land uses. It would help two farming families diversify their income from the land and over a sustained period of time reduce reliance on volatile markets and increasing fuel and fertilizer costs. County Durham had just over 36 000 hectares of land that was used for arable production. The Fishburn solar Park was 75 hectares which represented only 0.2 per cent of the arable land in County Durham. The proposal had officer recommendation for approval, had Parish Council and community support

and had been rigorously examined and tested by Council experts and found to be compliant with guidance and policy.

Councillor M Currah informed the Committee he had sought further details about the finances associated with the project and questioned whether the proposed benefit to be given back to the community was a fair amount. Mr Hillman replied that a significant level of investment was needed at the development stage which was at the risk of the applicant. The Regulatory and Enforcement Senior Lawyer advised the Committee that the profitability of the scheme was not a valid planning consideration and urged Members not take this into account when determining the application. Contributions could only be sought to make a development acceptable and in this case any proposed contribution was voluntary.

Councillor Peeke queried the lifespan of the solar panels. Mr Hillman replied that the panels would have a warranty against defects of between 12 and 15 years. The panels after 25 years produced approximately 80 to 90 percent of original capacity. There was a lot of recyclable material within the panels.

Councillor C Martin congratulated the applicant in achieving community consensus and welcomed the proposed community contribution, although he agreed this seemed to be low. Councillor Martin moved approval of the application.

Councillor J Atkinson seconded approval of the application.

Resolved:

That the application be approved subject to the Conditions contained in the report.

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/23/01412/FPA
FULL APPLICATION DESCRIPTION:	Reconfiguration and extension of Copart Peterlee site to develop additional car storage facilities (Use Class B8), boundary treatment, landscaping and associated infrastructure works.
NAME OF APPLICANT:	Copart UK Ltd
ADDRESS:	Unit 3, Hackworth Road North West Industrial Estate, Peterlee SR8 2JQ
ELECTORAL DIVISION:	Easington
CASE OFFICER:	Louisa Ollivere, Senior Planning Officer 03000 264878, Louisa.ollivere@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

Site:

1. The application site which extends to some 9.5 hectares and includes the Copart current premises is located to the west of Hackworth Road at the northern end of the North West Industrial Estate, Peterlee. Copart is a global provider of online vehicle auction and remarketing services to automotive resellers such as insurance, rental car, fleet and finance companies.
2. The larger area of this application site is a large field put to pasture. A Public Right of Way, Footpath 10 runs west-east through the site adjacent to the northern boundary. The site lies within the major Hazard Sites Consultation Zone and the Shotton Airfield and Peterlee Drop Zone Safeguarding area.
3. The site is bounded on the north by pasture field and a field used as a solar farm. To the south lies further industrial premises used primarily for car storage/repair/recycling purposes and an area subject of a planning application under consideration for a waste material wet processing plant, waste recycling centre, concrete block manufacturing plant, biomass energy plant and associated offices, infrastructure and works (DM/20/02425/WAS). To the west is further pasture land. To the east is a further parcel of land in use for car storage.
4. The site is accessed from Hackworth Road and industrial estate roadways, which in turn join Shotton Road to the south which connects to the A19 via a roundabout, and local roads towards Durham and the A1(M).

Proposal:

5. This application proposes external car storage (Storage and Distribution (B8)) alongside boundary treatment, landscaping and associated infrastructure works. The storage would be within 10 areas within the western part of the site and enclosed with palisade security fencing with the westernmost part of the field to be planted with an area of scrub planting. New hedge planting would take place adjacent to the security fencing on the southern boundary. The PROW would be retained as an area of grassland adjacent to existing and proposed hedgerow and a new post and wire stock fence on the northern boundary.
6. Two new areas of concrete hardstanding would be created to the north and south of the current building. The proposal includes 8m high lighting columns and cameras.
7. The proposal would create 9 full time jobs in addition to the 47 currently on site. The opening times would be as the site currently operates (7am to 6pm Monday to Friday).
8. This application is being reported to the County Planning Committee as it relates to a site area over 4ha comprising a B8 use class.

PLANNING HISTORY

9. DM/14/01391/AD Display of three non-illuminated twin post signs (two at entrance and one located in the south east corner of the site) (retrospective application). (Approved).

PLANNING POLICY

NATIONAL POLICY

10. A revised National Planning Policy Framework (NPPF) was published in September 2023. The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
11. In accordance with Paragraph 219 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
12. *NPPF Part 2 Achieving Sustainable Development* - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.

13. *NPPF Part 4 Decision-Making* - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
14. *NPPF Part 6 Building a Strong, Competitive Economy* - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
15. *NPPF Part 8 Promoting Healthy and Safe Communities* - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive and safe communities. Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and community facilities and services should be adopted.
16. *NPPF Part 9 Promoting Sustainable Transport* - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
17. *NPPF Part 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.
18. *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.
19. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

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

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; climate change; determining a planning application; flood risk and coastal change; healthy and safe communities; light pollution; natural environment; noise; planning obligations; transport assessments and statements; use of planning conditions.

LOCAL PLAN POLICY:

The County Durham Plan (October 2020)

21. *Policy 2 Employment Land* - supports business, general industrial and storage and distribution development within specified employment allocations and also protects other existing employment sites from being changed to non-employment uses, unless appropriate marketing has been undertaken or that the use would not compromise the main employment use and would comply with retail Policy 9 where main town centre uses are being proposed. Where a non-employment development is proposed on the protected employment sites, any existing jobs on site must be relocated. Specific further protection and safeguarding is outlined for land north of NETpark, at Integra 61 and Project Genesis, Consett.
22. *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.
23. *Policy 10 Development in the Countryside* - states that development will not be permitted unless allowed for by specific policies in the Plan or Neighbourhood Plan or unless it relates to exceptions for development necessary to support economic development, infrastructure development or development of existing buildings. The policy further sets out 9 General Design Principles for all development in the Countryside.

Provision for economic development includes: agricultural or rural land based enterprise; undertaking of non-commercial agricultural activity adjacent to applicant's residential curtilage. All development to be of design and scale suitable for intended use and well related to existing development.

Provision for infrastructure development includes; essential infrastructure, provision or enhancement of community facilities or other countryside based recreation or leisure activity.

Provision for development of existing buildings includes: change of use of existing building, intensification of existing use through subdivision; replacement of existing dwelling; or householder related development.

24. *Policy 14 Best and Most Versatile Agricultural Land and Soil Resources* - Development of the best and most versatile agricultural land, will be permitted where it is demonstrated that the benefits of the development outweigh the harm, taking into account economic and other benefits. All development proposals relating to previously undeveloped land must demonstrate that soil resources will be managed and conserved in a viable condition and used sustainably in line with accepted best practice.

25. *Policy 21 – Delivering Sustainable Transport* – Requires planning applications to address the transport implications of the proposed development. All development shall deliver sustainable transport by delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings.
26. *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.
27. *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.
28. *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 sites 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 the proposal must not cause significant or irreparable interference with other electrical equipment, air traffic services or other instrumentation in the national interest.
29. *Policy 28 Safeguarded Areas* – Within safeguarded areas development will be subject to consultation with the relevant authority and will be permitted within the defined consultation zones of the Major Hazard Sites and Major Hazard Pipelines, where it can be demonstrated that it would not prejudice current or future public safety. The Policy also requires that development would not prejudice the safety of air traffic and air traffic services, that there would be no unacceptable adverse impacts upon the operation of High Moorsley Meteorological Officer radar and the operation of Fishburn Airfield, Shotton Airfield and Peterlee Parachute Drop Zone Safeguarding Areas.
30. *Policy 29 Sustainable Design* - Requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out detailed criteria which sets out that where relevant development is required to meet including; making a positive contribution to an areas character and identity; provide adaptable buildings; minimise greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; providing suitable landscape proposals; provide convenient access for all users; adhere to the Nationally Described Space Standards (subject to transition period).
31. *Policy 31 Amenity and Pollution* - Sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or

cumulatively, on health, living or working conditions or the natural environment and that the development can be effectively integrated with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised to an acceptable level.

32. *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.
33. *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. Proposals for additional flood defences will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.
34. *Policy 39 Landscape* – States that proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate mitigation measures where adverse landscape and visual impacts occur. Development affecting Areas of Higher landscape Value will only be permitted where it conserves and enhances the special qualities of the landscape, unless the benefits of the development clearly outweigh its impacts. Development proposals should have regard to the County Durham Landscape Character Assessment and County Durham Landscape Strategy and contribute, where possible, to the conservation or enhancement of the local landscape.
35. *Policy 40 Trees, Woodlands and Hedges* – States that proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges. Where trees are lost, suitable replacement planting, including appropriate provision for maintenance and management, will be required within the site or the locality.
36. *Policy 41 Biodiversity and Geodiversity* – Restricts development that would result in significant harm to biodiversity or geodiversity and cannot be mitigated or compensated. The retention and enhancement of existing biodiversity assets and features is required as well as biodiversity net gains. Proposals are expected to protect geological features and have regard to Geodiversity Action Plans and the Durham Geodiversity Audit and where appropriate promote public access, appreciation and interpretation of geodiversity. Development proposals which are likely to result in the loss or deterioration of irreplaceable habitat(s) will not be permitted unless there are wholly exceptional reasons, and a suitable compensation strategy exists.
37. *Policy 43 Protected Species and Nationally and Locally Protected Sites* - development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided

where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided, or the proposal meets licensing criteria in relation to European protected species.

NEIGHBOURHOOD PLAN:

38. There is no Neighbourhood Plan for this area.

[The above represents a summary of those policies considered relevant. The full text, criteria, and justifications can be accessed at: <http://www.durham.gov.uk/article/3266/Development-Plan-for-County-Durham> \(Adopted County Durham Plan\)](http://www.durham.gov.uk/article/3266/Development-Plan-for-County-Durham)

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

39. *Highway Authority* – Have raised no objection subject to informatives in relation to Street Works Permit Scheme and licence for working within the Highway.
40. *HSE* – Does not advise, on safety grounds, against the granting of planning permission.
41. *Active Travel England* – No comments have been provided.
42. *Environment Agency* – Have raised no objection, the development does not involve any foul water connection.
43. *Northumbrian Water* – No comments have been provided, the development does not involve any foul water connection.
44. *Drainage* – Have raised no objections. The submitted drainage strategy, while highly engineered, is acceptable.
45. *Shotton Airfield* – No comments have been provided.

INTERNAL CONSULTEE RESPONSES:

46. *Spatial Policy* – Note that whilst part of the existing business is located within the designated employment site as per the CDP, the proposed works in this application are considered to be on 'white land' outside of the designated employment site. Relevant national policies are identified as part 6 of the NPPF (Building a Strong, Competitive Economy) and Part 12 of the NPPF (Achieving Well-Designed Places). Relevant CDP Policies include Policy 2 Employment Land, Policy 6 Development on Unallocated Sites, Policy 10 Development within the Countryside, Policy 21 Sustainable Transport, Policy 27 (Utilities, Telecommunications and Other Broadcast Infrastructure), Policy 28 Safeguarded Areas, Policy 29 Sustainable Design, Policy 31 Amenity and Pollution, Policy 32 Despoiled, Degraded, Derelict, Contaminated and Unstable Land, Policy 35 Water Management, Policy 39 Landscape.
47. The Officer points out that Policy 2 (Employment Sites) of the CDP states undeveloped land and plots at the following employment sites and at proposed extensions to these

existing employment sites, as shown on the policies map, are allocated for B1 (Business), B2 (General Industrial) and B8 (Storage and Distribution) unless specifically stated. It is noted that the existing business is located within a designated employment area as provided by CDP Policy 2. However, the proposed extension to the business is not included with the employment area and is considered to be 'white land'. As the business is already established, from a policy perspective Officers consider that disaggregation would make little sense and it is reasonable to conclude that a split site wouldn't be desirable. Therefore, an expansion on to the 'white land' would be considered acceptable provided that any impacts are acceptable and the proposal accords with other policies within the CDP.

48. The Officer considers that Policy 6 (Development on Unallocated Sites) of the CDP is applicable that states that 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 (except where a settlement boundary has been defined in a neighbourhood plan) but well-related to a settlement, will be permitted provided the proposal accords with all relevant development plan policies and criteria listed in Policy 6. Policy 10 (Development in the Countryside) of the CDP is also identified as of relevance and this states that development in the countryside will not be permitted unless allowed for by specific policies in the Plan, relevant policies within an adopted neighbourhood plan relating to the application site or where the proposal relates to an exception listed in the policy. It is noted that the exceptions include at point b, where development is necessary to support the expansion of an existing business falling beyond the scope of a rural land-based enterprise.
49. In respect of Policy 21 (Sustainable Transport) of the CDP advises that the transport implications of development must be addressed as part of any planning application, where relevant this could include through Transport Assessments, Transport Statements and Travel Plans. Whilst Policy 21 advises that all development shall deliver sustainable transport, it is advised that only criterion c) appears applicable to the proposed development. Criterion c) advises, "ensuring that any vehicular traffic generated by new development, following the implementation of sustainable transport measures, can be safely accommodated on the local and strategic highway network and does not cause an unacceptable increase in congestion or air pollution and that severe congestion can be overcome by appropriate transport improvements."
50. *Landscape* – It is advised that the proposed landscape principles plan responds to previous concerns relating to the design of the proposals. The landscape principles plan is considered appropriate in terms of proposed species and approach but information regarding plant numbers, locations, establishment specifications, a landscape maintenance, specification, schedules of operations is requested to ensure that the landscape proposals would establish successfully and are sustainable.
51. *Trees* – There are no direct impacts on the existing trees therefore there is no objection. The loss of the hedge is accepted as the AIA identifies this hedge of relatively low value and as there will be ample compensation via new hedge, shrub and tree planting on the site which will enhance landscape and biodiversity value in future.
52. *Environment, Health and Consumer Protection (Nuisance)* – Confirm they are not aware of any matters concerning the premises and believe the proposed new enhanced alterations are within reasonable parameters for the current operational use. It is advised that this would indicate that the development will not lead to an adverse impact providing relevant good practice and guidance is complied with.

53. Considering, the scale of the development, it is considered that the construction phase is likely to be relatively brief and assuming works are kept within suitable hours (via an appropriate condition), it is not expected that the impact of this phase likely to lead to a breach of the levels stated in the TANS and it is advised that this would indicate that the development will not lead to an adverse impact. The Officer is satisfied, based on the information submitted with the application, and with a construction hours condition that the development is unlikely to cause a statutory nuisance.
54. *Environment, Health and Consumer Protection (Contaminated Land)* – Have no adverse comments to make and confirm there is no need for a contaminated land condition, informatives are confirmed as required in relation to unforeseen contamination.
55. *Environment, Health and Consumer Protection (Air Quality)* – With regards to the construction phase, the Officer advises that to mitigate any impact of dust emissions arising during this phase of the development the submission and approval of a Construction Environmental Management Plan is required prior to the commencement of work on site. It is also advised that the mitigation measures as set out in the air quality assessment should be reviewed and revised, where required, when details of the methods of working and plant to be used on site are known. In regards to the operational phase it is advised there is no need for any further assessment.
56. *Ecology* – Advise that the supplied Ecological Appraisal report is sufficient to inform the proposal in respect of protected species and habitats and no further survey is required. It is noted that the report contains mitigation for the loss of bird breeding opportunity on the existing site and 5 bird boxes are proposed to be installed in the new ecological mitigation area. The Ecology Officer advises that this number is increased to 10 boxes as it is a large area and should offer good bird foraging opportunity.
57. With regards to biodiversity net gain information, it is noted that the development is likely to achieve a net gain of 0.26 habitat units (1.5% BNG) and a gain of 1.26 hedgerow units (29.28% BNG). They consider this level of biodiversity net gain is acceptable. It is noted that a draft Habitat Management Plan for the biodiversity net gain mitigation has been submitted. Whilst the principles of this plan are acceptable it is advised that the final Habitat Management Plan must include for monitoring of the created habitats and reporting to DCC Planning on the results of the monitoring surveys in years 2,5,10,15,20 and 30 after habitat creation and will need to be secured through a S106 Agreement or similar.
58. *Public Rights of Way Officer* – Advise that their only concern is vegetation related and that it must be ensured that there is no vegetation overhang on the footpath at any time. It is noted that the proposal involves cutting the hedges yearly during the Winter months which should ensure the path is kept clear, it is suggested that regular inspections are carried out to check the path is not narrowed by vegetation. In general, it is advised that this Public Right of Way must not be blocked by any building, barriers, building material, waste or fencing either for the duration of any works or once works are complete. Any works carried out that impact or damage the surface of the footpath must be made good. It is advised that the safety of members of the public using the right of way must be ensured at all times. It is advised that if a temporary diversion or temporary closure of a Public Right of Way is going to be needed this will need to be discussed with the Temporary Road Closures Team directly.

PUBLIC RESPONSES:

59. The application was advertised in the local press, by site notice and by direct notification to neighbouring properties. No letters of objection or otherwise have been received.

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

<https://publicaccess.durham.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

APPLICANTS STATEMENT:

60. The proposed development seeks to extend the existing car storage business use on the site which is considered a suitable use for the site given its established existing use, prior planning history and close proximity to the North West Industrial Estate to comply with Policy 2 of the Local Plan. This also aligns with Paragraphs 84 and 85 of the NPPF being adjacent to the settlement of Peterlee. The scheme has also been assessed against Policies 6 and 10 and found to meet the various criteria within these policies particularly to facilitate the growth of an existing successful business and be of an acceptable design approach. It will not also affect any nearby safeguarded areas including the sterilisation of minerals.
61. In granting permission for the application will result in the creation of 9 new jobs as well as the consolidation of the existing role of the site within the Copart business which currently employs 47 members of staff. There will also be indirect job creation through the construction period.
62. The scheme includes a new comprehensive landscaping and management strategy to ensure that visual impact is managed and reduced and is effectively screened from neighbouring uses. Additional green infrastructure assets will be provided on the extension to the west including 2.7ha of habitat creation to ensure a biodiversity net gain is attained. This accords with the objectives of Policies 26, 29, 39 and 41 of the Local Plan. In minimising visual impacts on the urban fringe the proposed development is also deemed to accord with the County Durham Landscape Strategy (2008).
63. The proposed development would not result in a net loss for area based habitats and for hedgerows with the creation of new habitats on the northern and western boundary. As a result, the Proposed Development delivers a 29.28% biodiversity net gain for hedgerows and 1.5% for area-based habitats, in accordance with Paragraph 174 of the National Planning Policy Framework and Policies 40 and 41 of the County Durham Plan.
64. The application site is accessible for the purposes of the proposed use and it is provided with suitable connections to the surrounding highway network. The projected increases of number of vehicles (staff and operational use) on the network is likely to be imperceptible. The proposed development is therefore in accordance with Policy 21 of the Local Plan and Paragraph 111 of the NPPF. The proposed use will also comply with Policies 21 and 29 of the Local Plan in relation to safety though the placing of lighting and CCTV.
65. The proposed development incorporates sustainable drainage measures within the scheme including an attenuation tank to control the flow of surface water across the site. The proposed development therefore complies with Policy 35 of the Local Plan and Paragraph 169 of the NPPF. The Public Right of Way along the northern boundary

of the site remains unaffected by the proposed development in accordance with Policy 26 of the Local Plan.

66. All other technical matters have been discussed and agreed with officers to comply with the relevant policies within the Local Plan and material considerations within the NPPF.
67. The proposed development therefore presents a sustainable form of development that unlocks a number of planning benefits including:
- Enabling the economic growth of a successful business on an existing employment site of similar use.
 - Creation of 9 new jobs as well as the consolidation of the existing Copart business which currently employs 47 members of staff.
 - Provision of 2.7 hectares of the site to be used for habitat creation through wild flower and scrub planting to deliver an on-site biodiversity net gain.
 - Provision of a new landscaping strategy that enhances hedgerow biodiversity by 29% across the site including the creation and maintenance of new hedgerow habitats on the northern and western boundaries
 - Provision of sustainable drainage measures on site in order to reduce surface water run off rates
 - Retention and incorporation of the Public Right of Way which remains unaffected.

PLANNING CONSIDERATIONS AND ASSESSMENT

68. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues raised relate to the principle of development, building a strong, competitive economy, amenity and pollution, design and landscape considerations, green infrastructure, ecology, locational sustainability, highway safety and access, flooding and drainage, contamination and land stability and other technical and material matters.

Principle of the Development

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

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

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

71. Where a planning application conflicts with an up-to-date development plan paragraph 12 of the NPPF advises that 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. As the CDP is up to date, paragraph 11(d) of the NPPF is not engaged.
72. Policy 2 of the CDP identifies protected current and allocated employment land on the North West Industrial Estate. However, the proposed site for the storage area is considered to be on 'white land' outside of the designated employment site. As the business is already established, from a policy perspective Officers consider that disaggregation would make little sense and it is reasonable to conclude that a split site would not be desirable. Therefore, an expansion on to the 'white land' would be considered acceptable provided that any impacts are acceptable and the proposal accords with other policies within the CDP.
73. As the proposed storage site is outside of the built-up area main CDP policies to assess the proposal against are policy 6 (Development on Unallocated Sites) and policy 10 (Development in the Countryside). Policy 6 advises that development of sites which are not allocated in the Plan or in a Neighbourhood Plan which are outside the built-up area but well-related to a settlement, will be permitted provided the proposal accords with all relevant development plan policies and meets 10 criteria (a-j). It is considered that the proposed storage site is well related to the settlement of Peterlee as it adjoins areas of urban/industrial form which make up part of the settlement on three sides. In this instance the relevant criteria are a, c, d, e, f, h and j which relate to compatibility, loss of open land, impacts to character of the area, highway safety, sustainability, flooding and urban regeneration. There is no conflict with these criteria and these issues are covered in more detail later in the report.
74. In addition to being unallocated, as this site extends into the countryside CDP policy 10 would also be applicable. This restricts development in the countryside unless allowed for by specific policies in the CDP or neighbourhood plan or where the proposal meets exceptions relating to economic development, infrastructure or development of existing buildings. As detailed above the proposal gains support from policy 6 of the CDP. The proposal would also gain support as an exception in respect of economic development as policy 10 supports the expansion of an existing business falling beyond the scope of a rural land based enterprise where it can be clearly demonstrated this it is, or has the prospect of being, financially sound and will remain so. The proposed expansion of this established business is reflective of the financial success of the business and there are no concerns in this regard.
75. Policy 10 of the CDP also requires developments to comply with design requirements (criteria l-t). The design of the site is considered in detail later in the report however there is not considered to be conflict with this policy.
76. Given the site is in general accordance with the above policies the proposal is considered acceptable in principle with regard to CDP Policies 6 and 10.

Building a strong, competitive economy

77. Paragraph 81 of the NPPF advises that decisions should help create the conditions in which businesses can invest, expand and adapt. It advises that significant weight be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Policy 6 criteria j of the CDP requires developments, where appropriate, to reflect priorities for urban regeneration. It is envisaged that the expanded site would enhance the role and importance of the Peterlee site within the wider business and consolidate the existing customer service operations, including 47 positions at Peterlee which would be and a further 9 jobs would be created. It would therefore build upon key County Durham regeneration ambitions of vibrant and successful towns, sustainable neighbourhoods, and being a top location for business. This aspect carries significant positive weight.

Amenity and pollution

78. CDP Policy 31 is the principal CDP policy in respect to amenity and pollution and in summary advises that development will be permitted where it would result in no unacceptable impacts upon the health, living or working conditions or the natural environment and that can be integrated effectively with any existing business and community facilities. CDP Policy 29 requires, amongst its advice, that development minimises impact upon nearby occupiers and contributes towards healthy neighbourhoods, considering the health impacts of development and the needs of existing and future users.
79. Part 8 of the NPPF provides advice on how development can achieve healthy, inclusive and safe places. Parts 12 and 15 of the NPPF require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution.
80. With the site being located adjacent to an industrial estate the nearest receptors are the occupants of offices and commercial units on the industrial estate. As this is an already operational site the noise impacts from the use are known and Environmental Health Officers are satisfied that the new proposed extension to the site with its enhanced alterations are within reasonable parameters for the current operational use. This would indicate that the development will not lead to an adverse impact in terms of noise providing relevant good practice and guidance is complied with.
81. Considering the scale of the development, the construction phase is likely to be relatively brief and construction working hours can be made the subject of a condition to ensure noise levels do not harm amenity or cause a statutory nuisance.
82. The construction phase of the development would also be dust generating and the applicants have detailed mitigation measures within the AQ assessment which includes providing clear communications, site management and monitoring details and details of how the site would be prepared and maintained, how plant/machinery would be operated and details of waste management. Environmental Health Officers have advised that this mitigation needs to be updated once the construction contractors are known to reflect any changes to working methods and plant and this detail would need to form part of a Construction Environmental Management Plan (CEMP). The submission of which, and adherence to, any approved CEMP can be controlled via planning condition. There are no anticipated dust impacts during operation and no dust mitigation is required therefore at that stage.

83. No concerns have been raised by Environmental Health Officers in relation to light pollution which is as expected given the industrial context. The CEMP would control any impacts in terms of temporary lighting during construction.
84. Subject to adherence to conditions recommended as part of this report, it is considered that the impact of the development on nearby receptors in respect of noise, including noise from traffic and noise and dust during the construction phase, would not be significant as to justify withholding planning permission. Specific conditions are put forward by the Council's Environmental Health Officer's, which are designed to ensure that the amenity of local receptors would be preserved. With such conditions imposed, it is considered that, overall, the scheme would comply with CDP Policies 29 and 31 and Parts 12 and 15 of the NPPF.

Design and Landscape Considerations

85. Part 12 of the NPPF seeks to secure high quality design, with Paragraph 126 explaining that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 130 seeks to ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character; and establish or maintain a strong sense of place.
86. Collectively, Policies 29 and 39 of the CDP seek to secure good standards of design in new development, whilst balancing the needs of the built, natural and historic environments and making clear that all development proposals will be required to achieve well designed buildings and places. Policy 29 of the CDP outlines that development proposals should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities. The policy also requires the minimisation of the use of non-renewable and unsustainable resources. In accordance with this policy landscaping should be appropriate to the context, create attractive views where possible, reflect local characteristics, create opportunities for wildlife, ensure landscaping is maintained and managed and in the case of edge of settlement development provide structural landscaping to provide a new settlement boundary.
87. Policy 40 of the CDP restricts development that would result in the loss of, or damage to trees of high landscape, amenity or biodiversity value unless the benefits of the proposal clearly outweigh the harm.
88. The proposed layout of the application site extends the site westwards and northwards which will make this a larger site in comparison to the applicant's current site on the estate; however, it will still reflect the general wider western and northern boundaries of this part of the industrial estate. The proposed enclosures are reflective of others on the perimeter of units on this industrial estate. In terms of sustainable design, a statement has been submitted to confirm the use of energy efficient lighting, landscape planting for shade and to offset CO2 emissions and proposes suitable segregation, storage and collection of recyclable waste in addition to the biodiversity net gain and locational sustainability credentials of the site.
89. There are no landscape designations on or around the site nor are there any trees protected by a Tree Preservation Order on the site. The site is visible from the adjacent industrial estate premises to the east and south. Wider views from the south and east are obscured by existing industrial buildings and there are elevated views across the site from Public Footpath 10 Easington along the north boundary and more distant views from the B1283 road to the north.

90. The proposed development would result in the removal of an established area of open pasture and bring about an increase in urban and industrial character which would represent an incursion into the countryside to the north and west beyond the land which is currently categorised as urban. However, given the industrialised context and the substantial landscaping being proposed the level of harm would not be unacceptable and a robust future settlement boundary would be achieved.
91. With regards to the enjoyment of the PROW, the landscaping plan proposes scrub planting along part of the route but within the eastern part of the site the PROW would become between palisade fencing and new hedgerow with close views possible of the storage areas through the fencing, there will therefore be some loss of quality of southern views but this southern view has historically been of industrial land and therefore this is accepted. The position close to the industrial storage area at this part of the site is accepted as the PROW already runs close to the solar farm adjacent to the north therefore the experience is already of entering into an urban rather than rural area at this point.
92. The planting proposals within the site include, grassland/Wildflower Meadow, new hedging, new hedgerow trees, and proposed scrub planting alongside the existing hedgerows. However further detail is required in relation to plant numbers, locations, establishment specifications, maintenance, specification and schedule of operations to ensure that the landscape proposal would establish successfully and are sustainable. The applicants are agreeable to a landscaping scheme condition to ensure the delivery of the above.
93. To facilitate the development a line of hedgerow to the west of the current building on site would need to be removed. The Trees Officer is satisfied with this removal given the replacement planting that is being proposed. Mitigation measures such as protective fencing can prevent a risk of damage to the roots and aerial parts of the retained hedgerows as a result of construction related activities. A condition can ensure that appropriate measures as set out in BS 5837:2012 'Trees in relation to design, demolition and construction' are undertaken on site.
94. Subject to the aforementioned planning conditions, it is considered that the proposal would reinforce local character and sustainable design and landscaping and tree protection can be secured in accordance with Policies 29, 39 and 40 of the CDP and Part 12 of the NPPF.

Green Infrastructure

95. Policy 26 of the CDP requires Public Rights of Way to be maintained and improved where possible and only lost if a suitable alternative is achievable. It is welcomed that the PROW on site is to be maintained. The new hedgerow would need to be maintained on a regular basis to ensure that it does not encroach onto the PROW and an informative can advise of this legal requirement.

Ecology

96. Paragraph 174 of the NPPF makes clear that planning policies and decisions should contribute to and enhance the natural and local environment. It sets out a number of ways in which this can be achieved, including by minimising impacts on and providing net gains for biodiversity.
97. Paragraph 180 of the NPPF indicates that when determining planning applications, local planning authorities should apply a number of principles, the first of which

indicates that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

98. Collectively, Policies 41 and 43 of the CDP seek to protect and enhance the natural environment within the County, giving priority to protected species and designated landscapes, and with an emphasis on securing net gains for biodiversity. Policy 41 states that proposals for new development will be expected to minimise impacts on biodiversity by retaining and enhancing existing assets and features and providing net gains for biodiversity including by establishing coherent ecological networks. It makes clear that measures should be appropriate, consistent with the biodiversity of the site and contribute to the resilience and coherence of local ecological networks.
99. Policy 41 of the CDP requires proposals for new development to not be permitted if significant harm to biodiversity resulting from the development cannot be avoided, or appropriately mitigated, or, as a last resort, compensated for. Policy 43 relates to protected species and nationally and locally protected sites and similarly requires any development that would have an adverse impact on the ability of species to survive, reproduce and maintain or expand their current distribution to propose appropriate mitigation, or as a last resort compensation.
100. The application is accompanied by a Preliminary Ecological Appraisal (PEA) that identifies that the site is 1.2 km from Tuthill Quarry SSSI but that due to the separation distance there are unlikely to be any functional links between the two sites. No impacts on the designated site are anticipated as a result of the proposed development. In terms of priority habitats, the PEA advises that there will be up to approximately 167 m of species-poor hedgerow that will be lost to facilitate access along the eastern side of the Site. In addition, a small gap will be provided in the northern hedgerow for access purposes and this will result in the loss of 15 m of hedgerow. The remaining hedgerows will be retained and the loss will be compensated for by additional hedgerow planting along the north-eastern boundary of the Site (to infill the existing gapped hedgerow); and the creation of new species-rich hedgerows along the southern and western boundaries. Providing protective measures are in place no negative impacts on the priority habitat 'hedgerows' are anticipated and there will be an enhancement of this habitat type.
101. In respect of Protected species, the development of the site will result in the loss of a small number of territories of locally common bird species, through the loss of short sections of hedgerow, arable land and increased disturbance within the site. The majority of the species recorded will, however, have the opportunity to use alternative foraging and/or nesting locations, due to the availability of suitable farmland habitats beyond the site boundary. Disturbance impacts are likely to be temporary in nature. The development will result in the loss of habitat for one pair of breeding skylark. The status of skylark in County Durham is described as being an abundant resident and common passage migrant that has shown some local declines in recent years. These declines are mainly in lowland, agricultural areas although it is still common. Based on the use of the land for arable production that is likely to be subject to rotational cropping, it is reasonable to assume that skylarks would be periodically displaced from the site depending on the crop type and management. The birds displaced from the development site will be likely to utilise available suitable habitat in the surrounding area. The site is on the edge of existing urban development associated with Peterlee with extensive areas of arable fields in the much wider area to the west and south. Taking this into account, the loss of habitat supporting one skylark territory is unlikely to significantly impact the conservation status of the local population.

102. The residual impact of habitat loss and disturbance on breeding birds is considered to be adverse but only at the site level. Appropriate timing of works or survey of active nest locations prior to any works would protect breeding birds as detailed in the PEA report. The report also contains mitigation for the loss of bird breeding opportunity on the site as 5 bird boxes are proposed to be installed in the new ecological mitigation area. The ecologist has requested that this be increased to ten as it is a large area and would offer a good bird foraging opportunity. This can be required by condition alongside to the adherence to the other mitigation detailed in the report.
103. In respect of Bats, the Security lighting may affect the use of the hedgerows by foraging and commuting bats, particularly common pipistrelle. The PEA advises that mitigation will be achieved by designing lighting with reference to relevant Bat Conservation guidance. Mitigation is also proposed by avoiding lighting the hedgerows and the newly created area of scrub by keeping the lighting columns as far away as possible from these habitat features and using downward directional LED luminaires and considering baffles, hoods or cowls where appropriate to minimise light spillage. With these mitigation features in place to reduce light spillage onto sensitive habitats, in combination with the additional scrub and hedgerow planting within the site which will enhance the foraging resource, the impact on bats is not considered to be significant. As above this mitigation can be controlled via condition.
104. The application has been supported by a biodiversity net gain assessment. Which indicates a net gain for area based habits and for hedgerows post development. For area-based habitats there will be an increase of 1.5% compared to the baseline situation, and for hedgerows there will be an increase of 29.28%. This level of biodiversity net gain is acceptable. The ecologist has detailed that the draft Habitat Management Plan principles are acceptable but requires a more detailed plan to include monitoring and reporting and that this be secured by way of a S106 and/or S39 agreement.
105. Subject to securing an appropriate management plan and implementation of on-site compensation measures, it is considered that the impact of the proposals on the biodiversity value of the site would be suitably compensated for in accordance with CDP policies 41 and 43, and net gains for biodiversity would be achieved. The proposals would not be likely to directly affect European Protected Species.

Locational Sustainability of the Site

106. Policy 21 of the CDP requires all developments to deliver sustainable transport by providing appropriate, well designed, permeable and direct routes for walking, cycling and bus access, so that new developments clearly link to existing services and facilities together with existing routes for the convenience of all users. Policy 29 of the CDP requires that major development proposals provide convenient access for all users whilst prioritising the needs of pedestrians, cyclists, public transport users, people with a range of disabilities, and emergency and service vehicles whilst ensuring that connections are made to existing cycle and pedestrian networks.
107. Paragraph 104 of the NPPF makes clear that transport issues should be considered from the earliest stages of plan-making and development proposals. Reasons for this include so that opportunities to promote walking, cycling and public transport use are identified and pursued, and so that the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account.
108. Paragraph 105 of the NPPF states that the planning system should actively manage patterns of growth in support of these objectives and indicates that significant development should be focused on locations which are or can be made sustainable,

through limiting the need to travel and offering a genuine choice of transport modes. However, it does go on to say that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in decision making.

109. Paragraph 110 of the NPPF states that in assessing applications for development, it should be ensured appropriate opportunities to promote sustainable transport modes can be, or have been, taken up.
110. The site and wider North West Industrial Estate performs acceptably in terms of accessibility other than by private motor vehicle. The closest bus stops to the application site that are serviced are located at Mill Hill, some 385m to the south east of the site boundary. There is a service to and from Peterlee town centre that operates from the stop, typically half hourly services, running from early morning to early evening Mon-Sat, thereby providing access to the site by means other than private vehicles. This distance to nearest bus stop is within the 'desirable' range of the Institution of Highways and Transportation (CIHT) "Providing for Journeys" document and is, therefore, towards the low end of distances that people may reasonably be expected to walk to access bus services to or from their place of work. Guidance would, therefore, suggest that this distance may encourage use of public transport by those requiring access to the site. For these reasons, public transport opportunities are considered to be acceptable and the site continues to perform well against the requirements set out in Policy 21 of the CDP in this respect.
111. Given the location of the site some distance beyond residential areas of Peterlee and Shotton Colliery walking is not considered to be a reasonable option for those requiring access to this part of the Industrial Estate, despite the suggestions made within the submitted Transport Assessment.
112. In terms of cycle access, there are no cycleways provided along Hackworth Road or Mill Lane with the closest being located on Shotton Road to the south of the site and accessed via Mill Lane. Shotton Road provides an east-west link and provides an almost continuous cycle link from the industrial areas in towards Peterlee town centre. Peterlee roundabout is signalised and as such enables a traffic free crossing point over each lane of vehicle flows. It is generally considered that cycling could be considered a realistic mode of travel for journeys up to 5km. Based on this rule of thumb the area which could be accessed by a relatively short journey by bike includes the whole of Peterlee. In addition, Shotton Colliery to the west, Horden to the east and Easington to the north are all also all within relatively short range cycling distance to the site.
113. It is therefore the case that the application site performs acceptably in terms of access to public transport and modes other than the private motor vehicle. Furthermore, regard must be had to the wider strategic context of delivering economic growth through the creation of much-needed areas of employment land across the County with good access to the strategic road network. This application would benefit this strategic employment site, with most of the estate now completed and operational with long established businesses.
114. Whilst no Travel Plan (TP) has been submitted to further improve upon accessibility, this is accepted given that this is an existing and long established business and as the proposal would not involve a significant increase in staff on site.
115. In summary, officers consider the proposal generally accords with the aims of Policy 21 of the CDP and paragraphs 104-113 of the NPPF.

Highway Safety and Access

116. Objective 18 of the CDP seeks to ensure that new development is accessible, contributing to reducing the need to travel, thereby reducing the impacts of traffic and congestion on the wider environment, communities and health. In this context, the requirements of Policy 21 of the CDP requires that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity and that developments deliver well designed pedestrian routes and sufficient cycle and car parking provision. Similarly, Policy 29 advocates that convenient access is made for all users of the development together with connections to existing cycle and pedestrian routes.
117. Paragraph 111 of the NPPF makes clear that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Within this context, Paragraph 112 provides for a number of criteria against which new development proposals should be assessed, with Paragraph 113 indicates that all developments that will generate significant amounts of movement should be required to provide a Travel Plan (TP), and the application should be supported by a transport statement (TS) or transport assessment (TA) so that the likely impacts of the proposal can be assessed.
118. The proposal would not generate significant additional vehicle movements above the present numbers, nonetheless the application is supported by a Transport Statement (TS). This document considers the potential impacts of the development and the issues relating to highways safety, network capacity, access and other transport related issues.
119. Access into the site would remain as existing via an existing bell mouth junction from Hackworth Road. Access from Mill Hill to Hackworth Road is via a standard priority junction. Mill Hill provides further access to various industrial and commercial uses within the industrial estate. To the south east it provides a link onto the Peterlee Roundabout which in turn provides a direct connection onto the A19. The A19 provides a north / south link connecting the east coast of England and provides strategic access across the UK. There is car parking within the site boundary for 70 vehicles for staff. As this in an informal arrangement this can increase or decrease as required.
120. There are no concerns raised by the Highway Authority relating to the access, layout or parking.
121. The Transport Statement details current trip generation and details how the site will operate following the expansion with an anticipated limited vehicle increases in the region of an additional 2 two way movements per hour which can be safely accommodated on the highway network. The proposal, therefore, cannot reasonably be considered to give rise to a 'severe' impact within the context of the NPPF.
122. Overall, the highway impacts of the proposed development are considered to be acceptable and in accordance with Policies 21 and 29 of the CDP as well as Part 9 of the NPPF.

Flooding and Drainage

123. Policies 35 and 36 of the CDP relate to flood water management and infrastructure. Policy 35 requires development proposals to consider the effects of the scheme on flood risk and ensure that it incorporates a Sustainable Drainage System (SuDs) to manage surface water drainage. Development should not have an adverse impact on

water quality. Policy 36 seeks to ensure that suitable arrangements are made for the disposal of foul water.

124. National advice within the NPPF and PPG with regard to flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to flood zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where a sequential test and some instances exception test are passed, informed by a site-specific flood risk assessment.
125. The submitted Flood Risk Assessment confirms that the development lies in Flood Risk Zone 1 and at the lowest potential risk from flooding. The submitted drainage strategy and supporting information has been reviewed by the Council's Drainage and Coastal Protection Team in their capacity as Lead Local Flood Authority (LLFA), who have advised the details are acceptable. A condition can ensure that the development adheres to these details.
126. On this basis, no objections to the development on the grounds of flood risk or drainage are raised, and the application is considered acceptable in accordance with Policies 35 and 36 of the CDP and Part 14 of the NPPF.

Contamination and Land Stability

127. Policy 32 of the CDP requires sites to be suitable for use taking into account contamination and unstable land issues. Paragraph 183 of the NPPF requires sites to be suitable for their proposed use taking account of ground conditions and any risks arising from land instability and contamination.
128. The site is a low-risk site in terms of Coal Mining Legacy and the groundworks are not significant therefore an informative in relation to Coal Mining Risk would be sufficient to address any risk.
129. In respect of contamination, a Phase 1 and Phase 2 Geo-Environmental site investigation report has been submitted and identifies the site to have a very low environmental risk rating and advises that remediation is not necessary at the site. Environmental Health Officers agree with the findings and conclusion but request an informative relating to unforeseen contamination. With such informatives the site would be suitable for use and appropriately remediated in accordance with Policy 32 of the CDP and Paragraph 183 of the NPPF.

Other Matters

130. Policy 27 of the CDP seeks to ensure that commercial development is served by high speed broadband connection. As this is not a new development but an expansion of an existing operation whose operations are already heavily reliant on good internet connections this is not a concern at this site.
131. Policy 14 of the CDP advises that development of the best and most versatile agricultural land, will be permitted where it is demonstrated that the benefits of the development outweigh the harm, taking into account economic and other benefits. The policy also advises that all development proposals relating to previously undeveloped land must demonstrate that soil resources will be managed and conserved in a viable condition and used sustainably in line with accepted best practice.

132. The site is predominantly grade 3a Good to Moderate agricultural land (60%) with 18.4% 3b land and also 10.5% non agricultural land. Whilst grade 3a land is considered to be Best and Most Versatile Land the applicants have set out the benefits of the case as being economic growth and job creation, and the environmental net gain from the new habitat creation and biodiversity enhancement to the site which they consider outweigh the loss of the agricultural land. Furthermore, as this is an existing business it would not be reasonable to expect the business to operate over a split site. These benefits are considered to outweigh the loss of the agricultural land and the operational requirements are not disputed.
133. In respect of soil, a soil resource management strategy has not been submitted but a condition can ensure these details are agreed prior to commencement. With such a condition the proposal is considered to accord with this policy.
134. Policy 28 of the CDP advises that within safeguarded areas development will be subject to consultation with the relevant authority and will be permitted within the defined consultation zones of the Major Hazard Sites and Major Hazard Pipelines where it can be demonstrated that it would not prejudice current or future public safety. Within the defined Shotton Airfield and Peterlee Parachute Drop zone safeguarding areas (including parachute landing areas), proposals for development which could adversely impact upon the operation or lead to closure of the facilities will be carefully considered. Proposals will be permitted where it can be demonstrated that they would not prejudice the safety of air traffic and air traffic services and they would not have an unacceptable adverse impact upon the operation of the Peterlee Drop Zone unless the benefits of the proposed development clearly outweigh the resulting harm. When considering relevant planning applications within the defined safeguarded areas the council will ensure that developers always consider both potential individual and cumulative impacts. Where demonstrated to be necessary mitigation will always be sought to either remove or reduce the potential impact upon each safeguarded area to acceptable levels.
135. Although the site is within a consultation zone of a Major Hazard Site (Laminox) the HSE does not advise, on safety grounds, against the granting of planning permission. Shotton Airfield has been consulted on the application but has have not responded. Nonetheless, only the proposed landscaping area is situated within the agreed 500-meter overshoot zone from the airfield, with the built/storage parts of the site outwith this area. Furthermore, this proposal does not involve hazards such as electric power lines, turbines, large areas of standing water or aerial hazards over 90m in height therefore it is not considered that the development alone or alongside the surrounding development would adversely impact upon the operations of the airfield. The proposal is therefore considered acceptable in terms of policy 28 of the CDP.
136. Part of the site is located within a mineral safeguarding area for glacial sand and gravel, as defined on the policies map of the CDP. CDP Policy 56 seeks to protect the County's mineral interests by preventing planning permission for non-mineral development that would lead to the sterilisation of identified resources, unless one of a number of limited circumstances apply. In this instance, the site has been previously worked and would be unlikely to be subject of future quarrying due to its position adjacent to the existing developed land and small size. Therefore, there is not considered to be policy conflict in respect of this policy.
137. Policy 25 of the CDP 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. In this instance an agreement under section 39 of the Wildlife and Countryside Act is required to ensure agreement and undertaking of final biodiversity Scheme and Management Plan.

138. Section 149 of the Equality Act 2010 requires public authorities when exercising their functions to have due regard to the need to i) the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct, ii) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and iii) foster good relations between persons who share a relevant protected characteristic and persons who do not share that characteristic. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

CONCLUSION

139. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Council has an up-to-date development plan, the County Durham Plan (CDP) adopted in 2020. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up-to-date development plan without delay (paragraph 11c).
140. Where a planning application conflicts with an up-to-date development plan permission should not usually be granted. However, 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.
141. The storage site is an unallocated site within the countryside but generally complies with CDP policy and would allow for the expansion of a protected employment site of strategic importance for the Council with economic, employment and regeneration benefits. The principle of the development is, therefore, considered acceptable in accordance with Policy 2, 6 and 10 of the CDP and part 6 of the NPPF.
142. It is considered that conditions can ensure the development would not result in a level of harm to the amenity of local receptors in accordance with the aims of Policies 29, 31 and 32 of the CDP. Conditions also ensure that noise and dust impacts during construction would be appropriately controlled.
143. The proposed layout of the application site and associated infrastructure would follow the form of the industrial estate. Given the industrialised context the effects on landscape character will be minimal, particularly with the significant landscaping proposed.
144. The Public Right of Way on site would be suitably maintained in accordance with CDP policy 26.
145. The development of the site would lead to the loss of species-poor hedgerow and the loss of a small number of territories for locally common bird species and one pair of breeding skylark. There is the potential that lighting would impact the use of the hedgerows by foraging and commuting bats. However, the mitigation proposed and advised by DCC ecology to be secured by condition would ensure suitable protection and alternative replacement habitat.

146. An appropriate level of BNG is proposed in accordance with Policies 41 and 43 of the CDP. A planning obligation can secure the delivery.
147. The site performs acceptably in terms of locational sustainability meeting the aspirations sought in Policy 21 of the CDP.
148. The development would not be prejudicial to highway safety or have a severe cumulative impact on network capacity and would deliver sufficient parking provision. in accordance with Policies 21 and 29 of the CDP as well as Part 9 of the NPPF.
149. The proposals are considered acceptable in respect of flooding and drainage subject to condition. The site is suitable for the proposed use in respect of contamination. There are no other technical concerns related to the proposals, which are broadly considered to be acceptable and in accordance with the aims of the County Durham Plan.
150. The loss of the Best and Most Versatile Land is justified given the economic and environmental benefits of the case and given the need to avoid a split site.
151. The proposal has generated no public interest.
152. In the overall planning balance, the negatives in terms of the loss of some best and most versatile agricultural land and the resultant urban incursion into the countryside and minor loss of wildlife habitat during construction are considered to be outweighed by the positive aspects of the development. These are most notably the benefits to Peterlee and the wider County Durham area of economic growth and benefits to be gained through the support of and delivery of strategic employment. The site benefits from being in a sustainable location and the proposal would result in significant new levels of ecological habitat creation and the creation of a robust new settlement boundary to screen this part of the estate. The proposals are considered acceptable in this respect and, it is therefore recommended that planning permission be granted.

RECOMMENDATION

That the application be APPROVED subject to a planning obligation securing a 30 year Habitat Management Plan for the biodiversity net gain mitigation on site and subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

Proposed Site Plan	5318/13/E	15/08/23
Proposed Formation Levels	21166-700	10/08/23
Proposed Drainage Construction Levels	211660510 T01	10/08/23
Manhole Schedules	211660505	10/08/23
Proposed Drainage & Levels Layout	21166-500 T02	10/08/23
Preliminary Lighting Design	DR-E-63-001 Rev P5	18/05/23
Proposed Site Sections	5318-14b	18/05/23

Location Plan	5318-10	18/05/23
Landscape Principles	001A	18/05/23
BNG Metric		17/05/23
Arboricultural Impact Assessment		18/05/23
Dust Risk Assessment and Management		18/05/23
Flood Risk Assessment and Drainage Strategy		18/05/23
Lighting Assessment Report		18/05/23
Transport Statement		18/05/23

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 2, 21, 29, 31, 32, 35, 39, 40, 41 and 43 of the County Durham Plan and Parts 2, 4, 6, 8, 9, 12, 14 and 15 of the National Planning Policy Framework.

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

14. Details of temporary lighting during construction.

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

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

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

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

4. No 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: In the interests of residential amenity having regards to policy 31 of the County Durham Plan.

5. No development shall commence until a detailed landscaping scheme together with a time table for its implementation 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 Pre-commencement as hedgerow removal required to facilitate the development and this requires timely replacement to ensure protection of species in accordance with the above policies.

6. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in accordance with the approved timetable for implementation.

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.

7. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges, indicated on the approved tree protection plan as to be retained, are protected by the erection of fencing, placed as indicated on the plan and comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar approved in accordance with BS.5837:2012.

No operations whatsoever, no alterations of ground levels, and no storage of any materials are to take place inside the fences, and no work is to be done such as to affect any tree.

No removal of limbs of trees or other tree work shall be carried out.

No underground services trenches or service runs shall be laid out in root protection areas, as defined on the Tree Constraints Plan.

Reason: In the interests of the visual amenity of the area and to comply with Policies 29 and 40 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

8. The development shall take place in accordance with the mitigation measures outlined in part 4 of the Ecological Appraisal Proposed Extension of the Copart UK site, Peterlee by BSG Ecology dated 15th May 2023. Notwithstanding the above a total of ten bird boxes will be installed within the ecological mitigation area prior to the use of the new storage area commencing and these shall be retained or replaced in perpetuity.

Reason: To safeguard protected species in accordance with Policy 43 of the County Durham Plan and part 15 of the NPPF.

9. No development shall commence until a soil resource management strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall clearly describe the proposed use of all soils on site and demonstrate that soil resources will be managed and conserved in a viable condition and used sustainably in line with accepted best practice. The strategy should detail soil handling, storage and replacement methods to be used appropriate to the grade of soil and intended after-use. The strategy shall also include details of the proposed soil depths upon replacement and plant and machinery to be used as well as, where appropriate, steps to prevent the spread of any soil-borne plant or animal diseases. If soils are to be removed from site, then details of quantities and a programme for removal shall be submitted. Thereafter, development shall take place in accordance with the approved details.

Reason: In the interests of the protection of soil resources and to comply with Policy 14 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required pre-commencement as groundworks will commence the development.

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 on 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 (2023)
- National Planning Practice Guidance notes
- County Durham Plan 2020
- Statutory, internal and public consultation responses



Planning Services

Reconfiguration and extension of Copart Peterlee site to develop additional car storage facilities (Use Class B8), boundary treatment, landscaping and associated infrastructure works.

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DM/23/01412/FPA

Date October 2023	Scale Not to Scale
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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/22/03529/FPA
FULL APPLICATION DESCRIPTION:	Demolition of existing school buildings and replacement with playing fields and landscaping
NAME OF APPLICANT:	Galliford Try Construction Limited
ADDRESS:	Woodham Academy Washington Crescent Newton Aycliffe DL5 4AX
ELECTORAL DIVISION:	Aycliffe East
CASE OFFICER:	Chris Shields Senior Planning Officer 03000 261394 chris.shields@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

Site

1. The application site comprising the existing school and sports hall is located on Washington Crescent in a residential area on the northern fringe of Newton Aycliffe, to the south of Woodham village. To the north, the site is adjacent to woodland and the watercourse of Woodham Burn and to the east, beyond a shared footpath/cycleway, are the school existing playing fields outside of the application site. Residential properties fronting Wolsey Close, Neile Road and Washington Crescent are located to the south, and are largely separated from the site by mature trees and hedgerows. To the west, the site is bound by undeveloped fields. More widely, the site is located approximately 800 metres northeast of Newton Aycliffe town centre and 800m south of Woodham village centre.
2. The overall school site measures 8.16ha. In February 2023 planning permission was granted for a new 3 storey school within the school site on an area of 6.32ha. This application is for the demolition of the existing school, which occupies 1.84ha of the overall school site.
3. The site is located entirely within a Low Risk Coalfield Development area. The site is entirely located with Flood Zone 1, a Major Groundwater Vulnerability zone and within a Groundwater Source Protection Zone (SPZ). Due to the location of the site the Agricultural Land Classification value is Grade 4 (urban) and is therefore not of a best and most versatile quality.
4. There are no landscape or ecological designations within, or in the immediate vicinity of the site. The Moor Local Nature Reserve (LNR) is located approximately 1km to the north west, Byerley LNR is located approximately 1.8km to the west, Aycliffe Nature Park Local Wildlife Site (LWS) is located approximately 1.6km to the south. Simpasture Junction LWS is located approximately 2.5km to the west and Shildon

Sidings is located approximately 3.3km to the west. Middridge Quarry Site of Special Scientific Interest (SSSI) is located approximately 3.3km to the west.

5. There are no designated heritage assets within the site and none within a 2.5km radius.
6. The site is located within a residential area. The nearest residential properties to the site are located immediately adjacent (5 to 10 metres) to the southern boundary on Wolsey Close, Washing Crescent and Neile Road. To the north the nearest properties are located on Grange Court, Whitton Court, Grindon Court, Mulgrave Court and Middleham Way approximately 100m from the site boundary but also separated by the Woodham Burn valley and woodland.
7. There are no public rights of way within or in the vicinity of the site. Public footpath No.31 (Great Aycliffe Parish) is located approximately 60m to the north of the school site within the Woodham Burn valley.
8. Land adjacent to the school site to the west is allocated for housing in the County Durham Plan (reference H32) with an anticipated yield of 100 no. dwellings.

The Proposal

9. This proposal is for the demolition of the existing Woodham Academy school buildings once the new school is completed and handed over for occupation. Following completion of demolition works a new playing field and informal soft landscaping would be created on the site of the former school.
10. The new playing field would measure 100m by 64m with design and drainage in accordance with Sport England standards.
11. The proposed demolition works are scheduled to start in September 2024 with the first 4 months of work involving specialist asbestos removal.
12. This application is being reported to the County Planning Committee because it involves major development of more than 2ha.

PLANNING HISTORY

13. The existing school buildings at Woodham Academy date from 1952. Planning permission was granted in February 2023 under reference DM/22/03528/FPA for a new 3 storey school building and new sports building; associated landscaping, bin store, redeveloped access loop, reconfigured car parking, new accessible parking, and photovoltaic panel canopy; and temporary construction access and parking. Planning permission was granted subject to planning conditions and completion of an agreement under Section 39 of The Wildlife and Countryside Act 1981 to secure biodiversity management for the life of the development.

PLANNING POLICY

NATIONAL POLICY

14. A revised National Planning Policy Framework (NPPF) was published in September 2023. The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and

environmental, which are interdependent and need to be pursued in mutually supportive ways.

15. In accordance with Paragraph 219 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
16. *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.
17. *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.
18. *NPPF Part 8 – Promoting Healthy and Safe Communities* – The planning system can play an important role in facilitating social interaction and creating healthy, inclusive and safe communities. Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and community facilities and services should be adopted.
19. *NPPF Part 9 – Promoting Sustainable Transport* – Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
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* – The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, site of biodiversity or geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
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.

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

23. 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; climate change; determining a planning application; flood risk and coastal change; healthy and safe communities; historic environment; light pollution; natural environment; noise; renewable and low carbon energy; travel plans, transport assessments and statements; use of planning conditions; water supply, wastewater and water quality

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

LOCAL PLAN POLICY:

The County Durham Plan (October 2020)

24. *Policy 4 – Housing Allocations* – identifies the locations for new housing within the County. Applications for housing on these allocations if in accordance with the site-specific requirements of the policy and infrastructure requirements should be approved if in accordance with other relevant policies in the plan.
25. *Policy 6 – Development of Unallocated Sites* – States the 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 the character of 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; encourages the use of previously developed land and reflects priorities for urban regeneration.
26. *Policy 21 – Delivering Sustainable Transport* – Requires planning applications to address the transport implications of the proposed development. All development shall deliver sustainable transport by delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings.
27. *Policy 26 – Green Infrastructure* – States that development proposals will not be permitted that would result in the loss of open space or harm to green infrastructure assets unless the benefits of the development clearly outweigh that loss or harm and an assessment has been undertaken which has clearly shown the open space or land to be surplus to requirements. Where valued open spaces or assets are affected, proposals must incorporate suitable mitigation and make appropriate provision of equivalent or greater value in a suitable location. Where appropriate there will be engagement with the local community.

28. *Policy 29 – Sustainable Design.* Requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out detailed criteria which sets out that where relevant development is required to meet including; making a positive contribution to an areas character and identity; provide adaptable buildings; minimise greenhouse gas emissions and use of non renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; providing suitable landscape proposals; provide convenient access for all users; adhere to the Nationally Described Space Standards (subject to transition period).
29. *Policy 31 – Amenity and Pollution -* Sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that the development can be effectively integrated with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised to an acceptable level.
30. *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.
31. *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.
32. *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.
33. *Policy 39 – Landscape –* States that proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate mitigation measures where adverse landscape and visual impacts occur. Development affecting Areas of Higher landscape Value will only be permitted where it conserves and enhances the special qualities of the landscape, unless the benefits of the development clearly outweigh its impacts. Development proposals should have regard to the County Durham Landscape Character Assessment and County Durham Landscape Strategy and contribute, where possible, to the conservation or enhancement of the local landscape.
34. *Policy 40 – Trees, Woodlands and Hedges –* States that proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges. Where trees are lost, suitable

replacement planting, including appropriate provision for maintenance and management, will be required within the site or the locality.

35. *Policy 41 – Biodiversity and Geodiversity* – Restricts development that would result in significant harm to biodiversity or geodiversity and cannot be mitigated or compensated. The retention and enhancement of existing biodiversity assets and features is required as well as biodiversity net gains. Proposals are expected to protect geological features and have regard to Geodiversity Action Plans and the Durham Geodiversity Audit and where appropriate promote public access, appreciation and interpretation of geodiversity. Development proposals which are likely to result in the loss or deterioration of irreplaceable habitat(s) will not be permitted unless there are wholly exceptional reasons and a suitable compensation strategy exists.
36. *Policy 43 – Protected Species and Nationally and Locally Protected Sites* – States that development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided, or the proposal meets licensing criteria in relation to European protected species.
37. *Policy 44 – Historic Environment* – Requires development proposals to contribute positively to the built and historic environment. Development should seek opportunities to enhance and where appropriate better reveal the significance and understanding of heritage assets.

NEIGHBOURHOOD PLAN:

Great Aycliffe Neighbourhood Plan (July 2017)

38. *Policy GANP CH1 – Landscape Character and Townscape* – states new development should, where appropriate maintain existing hedgerows, trees and woodland and encourage the planting of new trees and hedgerows.
39. *Policy GANP T1 – Parking Impacts on Existing Infrastructure* – states that development proposals that include a reliance on existing streets shall not be permitted where on-street parking would impact on the safety of road users or have an unacceptable adverse impact on the character of the area and adequate provision has not been made on-site for parking and access for deliveries, service vehicles, tradesmen working on-site, workers, social visitors and residents.

The above represents a summary of those policies considered relevant. The full text, criteria, and justifications can be accessed at: <http://www.durham.gov.uk/article/3266/Development-Plan-for-County-Durham> (Adopted County Durham Plan and Adopted Great Aycliffe Neighbourhood Plan)

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

40. *Great Aycliffe Town Council* – has advised that they have no comments to make.
41. *Highway Authority* – Officers made comments on the application for the new buildings that are relevant for this proposal as well. Officers initially objected to the proposals due to inadequate onsite parking and safety implications of the construction access on

to Neile Road. The scheme was subsequently amended to direct construction traffic to the existing main entrance on Wolsey Close and retain this access for teaching staff and pupils. Construction workers parking would be accessed from Neile Road and access for demolition traffic would also use Neile Road. Following this amendment Highways officers accepted that the access arrangements would be acceptable. A condition is recommended to require a swept path analysis of Neile Road for demolition traffic.

42. *Drainage & Coastal Protection* – Officers made comments on the application for the new buildings that related to the full site. Details were requested for final calculations that were subsequently submitted and approved under planning condition.
43. *Sport England* – has raised no objections to the proposal. Officers have assessed the proposals and note that once the existing school has been demolished there would be a net increase in playing field area of 0.1ha. Notwithstanding this, conditions have been requested to ensure the timely delivery of the replacement playing fields to a good standard and also for submission and compliance with a community use agreement for the sports facilities.

INTERNAL CONSULTEE RESPONSES:

44. *Spatial Policy* – has raised no objections to the proposals. Officers have provided advice in respect of the principle of development and appropriate national, local and neighbourhood plan policies for determining the application.
45. *Environmental Health and Consumer Protection (Nuisance)* – has raised no objections in respect of noise impact. Officers have commented that working hours should be restricted to 0800 – 1800 Monday to Friday and 0800 – 1400 Saturdays with no working on Sundays.
46. *Environmental Health and Consumer Protection (Air quality)* – has raised no objections to the proposal. Officers requested a Construction and Environmental Management Plan (CEMP) be secured by condition for this application and the application for the new buildings. The CEMP has been subsequently submitted and approved and covers the new build and demolition works.
47. *Environmental Health and Consumer Protection (Contaminated land)* – has raised no objections and have stated there is no requirement for a contaminated land condition.
48. *Ecology* – has raised no objections to the proposals. Officers sought clarifications in respect of bat mitigation and biodiversity net gain but were satisfied following the submission of additional information.
49. *Landscape* – has raised no objections to the proposals. Officers have requested conditions to secure full details of hard and soft landscaping with a requirement to deliver long term management of soft landscaping.
50. *Design and Conservation* – has raised no objections to the proposals.

PUBLIC RESPONSES:

51. The applications have been advertised by site notice and in the local press as part of the planning procedures. Notification letters were sent to individual properties in the vicinity of the site. One letter of objection has been received in response to the consultation.

52. The issue raised in the objection letter relates to highway access and safety, particularly in relation to the school bus as it is stated that this cannot access the site because of the tight corner from Washington Crescent to Wolsey Close. It is also stated that many people drive on the path due to congestion.

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

<https://publicaccess.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application>

APPLICANTS STATEMENT:

53. The proposed redevelopment of Woodham Academy will provide a state-of-the-art new school building and sports facilities for its pupils. The school was selected by the Department for Education (DfE) to receive funding under the Schools Rebuilding Programme (SRP), due to the poor quality of the existing school accommodation. The new school buildings will ensure the academy is fit for the future by providing a high-quality and spacious learning environment. This improvement in the learning environment will have a positive impact on the quality of education and the well-being of pupils who attend Woodham Academy. The school is at the heart of its community and the redevelopment proposals will help to ensure that they can deliver the education and skills children need to succeed in life.
54. The new school buildings have been designed to tackle climate change through being Net Zero Carbon in Operation (NZCiO), which is a significant commitment in terms of sustainable design. The proposed development will use technologies such as air source heat pumps and PV panels, which will reduce carbon emissions and contribute towards a cleaner environment. In addition, the proposals include an increase in electric vehicle charging facilities and cycle parking, which will encourage more pupils and staff to travel to school by sustainable modes of transport, further contributing to the environmental improvements of the proposals.
55. The improved sports facilities such as the new sports hall, swimming pool and activity centre will provide the school with greater opportunities to promote student participation in sports and expand the school sports curriculum and range of extracurricular activities. The new sports facilities will also be accessible to the local community through a Community Use Agreement. The new facilities will offer venues for events such as training sessions, swimming lessons, community sports and coaching. This will improve the access of the local community to high quality sports facilities within walking or cycling distance of their homes. This in turn will promote healthier lifestyles and reduce the reliance on private vehicles.

PLANNING CONSIDERATIONS AND ASSESSMENT

56. 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 advice within 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 development, layout and design, locational sustainability of the site, access and traffic, residential amenity, contamination and coal mining risk, flooding and drainage, landscape, ecology, recreational amenity, cultural heritage, other matters and public sector equality duty.

The Principle of the Development

57. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP) and the Great Aycliffe Neighbourhood Plan (GANP) comprise the statutory development plan relevant to this proposal and are the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035. The GANP was adopted in July 2017 and covers the period 2016 to 2036.
58. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means:
- c) approving development proposals that accord with an up-to-date development plan without delay; or
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or,
 - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
59. In light of the recent adoption of the CDP, and the GANP, the Council now has an up-to-date development plan. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up-to-date development plan without delay (Paragraph 11 c). Accordingly, Paragraph 11(d) of the NPPF is not engaged.
60. The application site is located within the Woodham area of Newton Aycliffe and is adjacent to a site allocated for housing within CDP Policy 4 with the reference H32 (Land at Woodham College) for 100 houses. CDP Policy 4 states that applications which come forward for housing development on allocated housing land will be approved where they comply with other requirements of the CDP. The allocation was adopted in the knowledge that the school and playing fields existed and would continue to operate on the adjoining site. The school has co-existed with surrounding developments satisfactorily and there is no reason to suspect that the proposal would prejudice the housing allocation.
61. Paragraph 95 of the NPPF emphasises the importance of sufficient school places to meet the needs of existing and new communities. Local Planning Authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. The proposed demolition of the existing school would allow the approved new school to deliver the required level of sports provision for this site and can be viewed in terms of the requirements of CDP Policy 6, along with other policy requirements of the CDP.

62. Policy 6 of the CDP states that 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 (except where a settlement boundary has been defined in a neighbourhood plan) but well-related to a settlement, will be permitted provided the proposal accords with all relevant development plan policies and:
- a) is compatible with, and is not prejudicial to, any existing, allocated or permitted use of adjacent land;
 - b) does not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development;
 - c) does not result in the loss of open land that has recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigated or compensated for;
 - d) is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of, the settlement;
 - e) will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity;
 - f) has good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement;
 - g) does not result in the loss of a settlement's or neighbourhood's valued facilities services unless it has been demonstrated that they are no longer viable; or
 - h) minimises vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding;
 - i) where relevant, makes as much use as possible of previously developed (brownfield) land; and,
 - j) where appropriate, it reflects priorities for urban regeneration.
63. The application site is not allocated for educational use within the CDP but benefits from an established use as a school site. The site is located in a built-up area and therefore the acceptance criteria associated with CDP Policy 6 are engaged. Many of the criteria associated with CDP Policy 6 are considered in more detail elsewhere in this report. However, with regard criterion a), the application site is currently occupied by a school, and it is considered that education is the established and prevailing land use. The use of the land has therefore been demonstrated to be compatible with the existing adjacent land uses.
64. With regard to criteria b) part of the site is previously developed land with a clear boundary that is already surrounded by other, existing development and would therefore not lead to ribbon development or coalescence with other settlements. With respect to criterion c) the application site is not publicly accessible and has very limited recreational and ecological value and no heritage value. The proposal to demolish the existing school would facilitate the creation of additional playing fields, thereby improving the recreational value of the site and the proposed planting and landscape features would add ecological value. Continuing the use of the site for education would maintain the character in the locality.

65. With respect to criterion d) the approved school is a three storey building with a rectangular plan form. The new school would be complimented by the proposed demolition of the existing school and creation of replacement playing field.
66. Criteria e) and f) relate to transport and access. The site is well located within a residential area with bus stops less than 100m from the site entrance. The site would have multiple pedestrian access points and would have adequate parking provision for staff and would not have a detrimental impact on the highway network.
67. With respect to criteria g) the development would not negatively impact or result in the loss in neighbourhood facilities or services.
68. The wider development would provide modern, energy efficient buildings with carefully considered drainage and green energy systems on previously developed land currently occupied by a school in accordance with criteria h), i) and j).
69. In summary it is considered that the development of the application site would accord with CDP Policy 6 as it is considered to be located within the built up area, would not significantly affect the landscape character and lies within acceptable distances to local community facilities, services and sustainable transport links. The reasoning behind this judgement is set out in the consideration of the scheme against the relevant criterion of the Policy in later sections of this report. It is also considered that the proposal would not conflict with CDP Policy 4 as the housing allocation would not be prejudiced by the continuation of an education use on the application site.

Layout and Design

70. CDP Policy 29 outlines that development proposals should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities. Parts 12 and 15 of the NPPF also seek to promote good design, while protecting and enhancing local environments. Paragraph 130 of the NPPF also states that planning decisions should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.
71. Within the wider school site there are trees to the south and east of the existing school building that would be retained. A more dense woodland planting belt in the south east corner, northern and eastern boundaries would also be retained. The demolition of the existing school would impart a visual change to the area, particularly to the south where the existing building is clearly visible. The new school building has previously been found to be acceptable.
72. In response to CDP Policy 29 it is considered that the development would positively contribute to the character and townscape of the area and would create a modern school site capable of providing and accommodating up to date educational needs.
73. The applicant has not demonstrated that the new school would achieve a Building Research Establishment Environmental Assessment Method (BREEAM) 'very good' rating but has instead demonstrated that it would achieve Net Zero Carbon in Operation, thereby confirming that the overall development would be highly efficient.
74. Subject to the imposition of a condition requiring details of hard and soft landscaping it is considered that the development would accord with CDP Policy 29 and Part 12 of the NPPF in respect of good design.

75. Criteria f of Policy 6 of the CDP requires that developments on unallocated sites have good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement. Policy 21 of the CDP requires all developments to deliver sustainable transport by providing appropriate, well designed, permeable and direct routes for walking, cycling and bus access, so that new developments clearly link to existing services and facilities together with existing routes for the convenience of all users. Policy 29 of the CDP requires that major development proposals provide convenient access for all users whilst prioritising the needs of pedestrians, cyclists, public transport users, people with a range of disabilities, and emergency and service vehicles whilst ensuring that connections are made to existing cycle and pedestrian networks. Specifically, the NPPF sets out at Paragraph 105 that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. At Paragraph 110 the NPPF states that appropriate opportunities to promote sustainable transport modes should be taken whilst Paragraph 112 amongst its advice seeks to facilitate access to high quality public transport.
76. The proposed development would be located on a site currently occupied by a school and is surrounded by residential properties. The site provides access to the A167 via an established route through Wolsey Close, Washington Crescent and Central Avenue and would provide adequate parking on site for staff and visitors. The site is served by existing pedestrian entrances that would continue to be used during construction and operation of the new school and there is a good network of pavements to the site to allow people to walk. Cycle parking would be provided on site to facilitate and encourage staff and pupils to cycle to school. In addition, there are bus stops less than 100m from the site entrance.
77. In conclusion, the development would promote accessibility by a range of methods in accordance with Policies 6 criterion f, 21 and 29 of the CDP and Paragraphs 98, 103, 108 and 110 of the NPPF.

Access and Traffic

78. Paragraph 110 of the NPPF states that safe and suitable access should be achieved for all users. In addition, Paragraph 111 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe. CDP Policy 21 states that the transport implications of development must be addressed as part of any planning application, where relevant this could include through Transport Assessments, Transport Statements and Travel Plans.
79. Policy GANP T1 states that development proposals that include a reliance on existing streets shall not be permitted where on-street parking would impact on the safety of road users or have an unacceptable adverse impact on the character of the area and adequate provision has not been made on-site for parking and access for deliveries, service vehicles, tradesmen working on-site, workers, social visitors and residents.
80. An objector to the development has raised issues of traffic impacts on Washington Crescent and accessibility for the school bus. Site access was considered as part of the new build application and found to be acceptable, and it is not considered necessary to revisit this as part of this application.

81. A Travel Statement (TS) and Construction Phase Plan have been submitted in support of the application. The TS provides a baseline assessment of the existing school, highway network and highways safety. Details are provided of the proposed development, site access and parking, refuse and servicing vehicles, proposed school opening times and construction management. The TS concludes that the proposed development, including demolition, is in a highly sustainable location with no local highway safety issues and that there would be no impact on traffic or parking demand in comparison with the existing situation.
82. The Construction Phase Plan, as originally submitted, showed access for teaching staff, construction workers and student pedestrian access to be from Neile Road, which is not currently used for school access at all. The main entrance would only be accessible for construction vehicles. Following discussions with the Highway Authority, the applicant has amended the construction access arrangements so that staff and pupils would continue to access the school from the existing main entrance, construction traffic would enter the site via new entrance immediately adjacent to the main entrance with appropriate segregation. Construction staff would access the temporary construction from Neile Road, and demolition traffic would also use Neile Road. It is important to note that demolition work would not commence until construction of the new school is complete so there would not be any overlap. . Construction and demolition traffic would be time managed to strictly avoid any vehicles arriving during school drop off and pick up times.
83. Following submission of the revised Construction Phase Plan, the Highway Authority consider the access arrangements for both the construction, demolition and operational periods to be acceptable. Conditions were requested for a pre-commencement and post-completion road condition survey, incorporating Wolsey Close, Washing Crescent, Neile Road and Dafoe Crescent. The pre-construction survey has already been submitted and agreed. A condition is also requested for a pre-commencement swept path analysis of Neile Road for demolition traffic.
84. No objection is raised by the Highway Authority subject to appropriate conditions. It is considered that the proposals have been appropriately assessed through a Transport Statement and would not result in harm to the safety of the local or strategic highway network and would not cause an unacceptable increase in congestion or air pollution. Subject to the condition set out above the development would not conflict with CDP Policy 21, GANP Policy T1 and Part 9 of the NPPF.

Residential Amenity

85. Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of air or noise pollution. Development should, wherever possible, help to improve local environmental conditions such as air quality and water quality. Paragraph 185 of the NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. Paragraph 186 of the NPPF advises that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. Paragraph 187 of the NPPF advises that planning decisions should ensure that new development can be integrated

effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs).

86. CDP Policy 31 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.
87. The nearest residential properties to the site are located immediately adjacent (5 to 10 metres) to the southern boundary on Wolsey Close, Washing Crescent and Neile Road. To the north the nearest properties are located on Grange Court, Whitton Court, Grindon Court, Mulgrave Court and Middleham Way approximately 100m from the site boundary but also separated by the Woodham Burn valley and woodland. There are no public rights of way within or in the vicinity of the site. Public Footpath No.31 (Great Aycliffe Parish) is located approximately 60m to the north of the site within the Woodham Burn valley.
88. A Noise Impact Assessment has been submitted in support of the application. The assessment provides baseline data for the existing acoustic environment around the site and a consideration of the potential noise from the operation of the building and sports pitches against British Standards and the Councils Technical Advice Notes (TANs). The assessment concludes that operation of the school and sports pitches during normal school hours would be consistent with the noise environment in the area and no mitigation is required. No lighting is proposed for the outdoor sports areas.
89. During construction and demolition, the proposed hours of working are 0800 to 1800 Monday to Friday and 0800 to 1400 on Saturdays. It is not proposed to work on Sundays, Bank or public holidays.
90. Environmental Health and Consumer Protection (Nuisance Action) officers have considered the submitted information and have not raised any issues, agreeing with the conclusions of the submitted impact assessment.
91. An Air Quality Assessment has been submitted in support of the application. The assessment provides a baseline analysis, details of assessment methodology, legislation and policy and consideration of the potential impacts. The assessment identifies that the proposals have the potential to cause air quality impacts at sensitive locations during the construction phase. These may include fugitive dust emissions and road traffic exhaust emissions from construction vehicles travelling to and from the site. During the construction phase of the development there is the potential for air quality impacts as a result of fugitive dust emissions from the site. This has been assessed in accordance with the IAQM methodology. It is advised that, assuming good practice dust control measures are implemented, the residual significance of potential air quality impacts from dust generated by demolition, earthworks, construction and trackout activities would not be significant. Potential impacts during the construction phase of the proposed development may occur due to road traffic exhaust emissions associated with vehicles travelling to and from the site. This has been assessed against the screening criteria provided within the IAQM[10] guidance document. Due to the low number of anticipated vehicle movements associated with the proposals, road traffic exhaust impacts have been predicted to be not significant.

92. Environmental Health and Consumer Protection (Air quality) officers have considered the proposals and raise no objections in respect of potential nuisance or air pollution. Officers welcome the recommendations with the air quality assessment to implement a construction management plan for the construction and demolition phase and for a travel plan to be adopted during the operational phase. Conditions would be imposed to secure these measures.
93. There would be some disturbance to residential properties during construction and demolition. This disturbance would be time limited and necessary to provide new educational facilities. A Construction Phase Plan has been submitted to control and mitigate any potential impacts from construction, this would be secured by planning condition. It is considered that the proposed development would not create an unacceptable impact on health, living or working conditions or the natural environment. The proposals would not result in unacceptable noise, air quality or light pollution and, subject to the imposition of the conditions recommended above, it is considered that the proposals would provide an acceptable standard of residential amenity in accordance with CDP Policy 31 and Part 15 of the NPPF.

Contamination and Coal Mining Risk

94. Part 15 of the NPPF (Paragraphs 120, 174, 183 and 184) requires the planning system to consider remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land where appropriate. Noting that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner. CDP Policy 32 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.
95. A Phase 1 Desk Study and Phase 2 Site Investigation have been submitted in support of the application. This assessment concludes that that there may be possible sources of contamination on the site.
96. The site is within a Low Risk Coalfield Development area. A Coal Mining Risk Assessment is therefore not required but an informative would be provided to the applicant regarding development in this location.
97. Environmental Health and Consumer Protection (Contaminated Land) officers have considered the proposals and raise no objections in respect of land contamination. No conditions are requested.
98. It is considered that the proposed development would be suitable for the proposed use and would not result in unacceptable risks which would adversely impact on the environment, human health and the amenity of local communities and it is considered that the proposals would provide an acceptable standard of residential amenity in accordance with CDP Policy 32 and Part 15 of the NPPF.

Flooding and Drainage

99. Part 14 of the NPPF directs Local Planning Authorities to guard against flooding and the damage it causes. Protection of the water environment is a material planning consideration and development proposals, including waste development, should ensure that new development does not harm the water environment. Paragraph 174 of the NPPF advises that planning decisions should contribute to and enhance the

natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of water pollution. Development should, wherever possible, help to improve local environmental conditions such as water quality.

100. Paragraph 167 of the NPPF states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment it can be demonstrated that it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate, and any residual risk can be safely managed.
101. CDP Policies 35 and 36 of the CDP relate to flood water management and infrastructure. Policy 35 requires development proposals to consider the effects of the scheme on flood risk and ensure that it incorporates a Sustainable Drainage System (SuDS) to manage surface water drainage. Development should not have an adverse impact on water quality. Policy 36 seeks to ensure that suitable arrangements are made for the disposal of foul water. National advice within the NPPF and PPG with regard to flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to flood zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where a sequential test and some instances exception test are passed, informed by a site-specific flood risk assessment
102. The site is entirely located with Flood Zone 1 and a Minor Groundwater Vulnerability zone. Due to the location of the site the Agricultural Land Classification value is Grade 4 (urban) and is therefore not of a best and most versatile quality.
103. A Flood Risk Assessment (FRA), SuDS Management Plan and Drainage Philosophy have been submitted in support of the application. The FRA concludes that the risk of flooding to the proposed primary school on the greenfield parcel of land off Durham Road is low from all forms of flooding as categorised in the NPPF and Technical Guidance. This confirms the flood designation for the site, and it is stated that the proposed uses of land are appropriate in this Flood Zone.
104. The SuDS Management Plan has identified that there are limited opportunities within the site to incorporate open SuDS such as filter strips, swales, basins or ponds. It is therefore proposed to provide permeable paving and attenuation tanks with hydro brakes to control surface water flow. The management plan also provides details of monitoring and maintenance of the SuDS features. Surface water from the site would drain to public sewer.
105. Drainage and Coastal Protection officers provided comments on the drainage strategy as part of the application for the new buildings, which covered the wider site. Final drainage details were provided by condition for the wider site and were found to be acceptable.
106. It is therefore considered that the proposed development would not lead to increased flood risk, both on and off site, and through the use of SUDs would ensure there is no net increase in surface water runoff for the lifetime of the development. It is therefore considered that the proposals would not conflict with CDP Policies 35 and 36 and Part 14 of the NPPF.

Landscape

107. Paragraph 174 of the NPPF states that decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes in a manner commensurate with their statutory status or identified quality in the development plan.
108. CDP Policy 39 states that proposals for new development will 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 will be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. Development affecting Areas of Higher Landscape Value 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.
109. CDP Policy 40 states that proposals for new development will not be permitted that would result in the loss of, or damage to, trees of high landscape, amenity or biodiversity value unless the benefits of the proposal clearly outweigh the harm. Where development would involve the loss of ancient or veteran trees it will be refused unless there are wholly exceptional reasons, and a suitable compensation strategy exists. Proposals for new development will not be permitted that would result in the loss of hedges of high landscape, heritage, amenity or biodiversity value unless the benefits of the proposal clearly outweigh the harm. Proposals for new development will not be permitted that would result in the loss of, or damage to, woodland unless the benefits of the proposal clearly outweigh the impact and suitable replacement woodland planting, either within or beyond the site boundary, can be undertaken.
110. Policy GANP CH1 states new development should, where appropriate maintain existing hedgerows, trees and woodland and encourage the planting of new trees and hedgerows.
111. The site is not located within on close proximity to any designated landscapes. There are also no areas of ancient woodland, protected trees or trees in conservation areas within or in close proximity to the site.
112. A Landscaping Masterplan, Tree Survey and Arboricultural Impact Assessment (AIA) have been submitted in support of the application. The AIA has identified 86 trees within influencing distance of the application site, comprised of largely middle aged landscaping around the periphery of the school grounds with more mature trees growing around the north west and north east boundaries of the development site.
113. The wider development proposals would involve the removal of 22 individual trees and tree groups comprising an area of approximately 0.0426ha. No hedgerow would be removed. This loss would be mitigated through the planting of 22 trees and an area of whips equivalent to the felled area, which would replace the lost tree cover after 20 years.
114. Indicative landscaping plans have been provided to show hard and soft landscaping within the site, including playing fields, pathways and planting.
115. Landscape officers have considered the proposals and raised no objections. Conditions are recommended to confirm full details of hard and soft landscape proposals. Hard landscape details should include all enclosing elements, street furniture and street lighting locations. As stated above, details of external finishing materials should include finished levels, and all construction details confirming materials, colours, finishes and fixings.

116. Soft landscaping details should include a detailed planting plan and specification of works indicating soil depths, plant species, numbers, densities, locations inter relationship of plants, stock size and type, grass, and planting methods including construction techniques for pits in hard surfacing and root barriers. Details of rabbit protection should be provided. All existing or proposed utility services that may influence proposed tree planting shall be indicated on the planting plan.
117. In support of the planting schedule, details of proposed soft landscape management plan should be provided. The soft landscape management plan shall include long term design objectives, management responsibilities and maintenance schedules for all landscape areas/ retained vegetation, other than small privately owned domestic garden. Landscape maintenance shall be detailed for the initial 5 year establishment from date of completion of the total scheme regardless of any phased development period followed by a long-term management plan for a period of 30 years. This is encapsulated within the Biodiversity Management Plan secured under the Section 39 (Wildlife and Countryside Act) agreement agreed as part of the planning permission for the wider site.
118. The proposed demolition works would remove a building that will be redundant following the completion of the new school build and the vacated area would provide space for playing fields and associated landscaping. It is therefore considered that the proposal would not conflict with CDP Policies 39 and 40, GANP Policy CH1 and Part 15 of the NPPF.

Ecology

119. Paragraph 180 of the NPPF sets out the Government's commitment to halt the overall decline in biodiversity by minimising impacts and providing net gains where possible and stating that development should be refused if significant harm to biodiversity cannot be avoided, mitigated or, as a last resort, compensated for. CDP Policy 41 reflects this guidance by stating that proposals for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or, as a last resort, compensated for. CDP Policy 43 states that development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts.
120. The presence of protected species is a material consideration in planning decisions as they are a protected species under the Wildlife and Countryside Act 1981 and the European Union Habitats Directive and the Conservation of Habitats and Species Regulations 2017 (as amended) (the Regulations). The Habitats Directive prohibits the deterioration, destruction or disturbance of breeding sites or resting places of protected species. Natural England has the statutory responsibility under the Regulations to deal with any licence applications but there is also a duty on planning authorities when deciding whether to grant planning permission for a development where a licence is required to apply three derogation tests contained in the Regulations in order to determine whether a licence is likely to be granted. These state that the activity must be for imperative reasons of overriding public interest or for public health and safety, there must be no satisfactory alternative, and that the favourable conservation status of the species must be maintained. Brexit does not change the Council's responsibilities under the law.
121. There are no ecological designations within, or in the immediate vicinity of the site. The Moor Local Nature Reserve (LNR) is located approximately 1km to the north west,

Byerley LNR is located approximately 1.8km to the west, Aycliffe Nature Park Local Wildlife Site (LWS) is located approximately 1.6km to the south. Simpasture Junction LWS is located approximately 2.5km to the west and Shildon Sidings is located approximately 3.3km to the west. Middridge Quarry Site of Special Scientific Interest (SSSI) is located approximately 3.3km to the west.

122. A Preliminary Ecological Appraisal (PEA), Ecological Impact Assessment, Biodiversity Net Gain Assessment and Preliminary Roost Assessment have been submitted in support of the application.
123. The PEA provides an analysis of baseline conditions for the site and an assessment of habitats and species on the site. It is noted that the existing buildings on the site are not of a type that are typically associated with the presence of roosting bats but the surrounding trees and hedgerow could support a bat population and further survey of the buildings is recommended prior to demolition. Similarly, the existing buildings could provide a limited extent of bird nesting habitat. No other species, including Great Crested Newt, common reptiles, dormice, otter, vole or other protected species were found on the site or considered likely to be supported by the available habitat. The PEA concludes that, notwithstanding the requirement for further bat surveys, the site would provide opportunity to incorporate appropriate measures to mitigate any potential impacts to ecological features and to demonstrate 'biodiversity net gain in accordance with NPPF and local planning policy.
124. The supporting Ecological Impact Assessment sets out measures for mitigation and enhancement including planting of grass, scrub and trees, management of hedgerows to maximise benefit to wildlife, gapping up of hedgerows, creation of green roofs for the buildings, creation of hibernacula and installation of bird and bat boxes. The assessment concludes that it is anticipated that the proposals may proceed with no significant adverse effect on protected or notable habitats and species assessed within this report. This is with the exception of bats that are assessed separately.
125. A Preliminary Roost Assessment was initially submitted in the absence of a full bat survey. The objective of the survey was to assess the existing buildings in terms of their potential to support, or find actual evidence of, roosting bats. The assessment concludes that, based upon the building and tree features recorded during the external assessments, the sports hall at north of the site and all trees assessed were deemed to provide negligible bat roost potential; the remainder of the buildings are deemed to provide low bat roost. It was identified that it would not be possible to determine the presence of roosting bats within the buildings without further nocturnal survey work. The assessment therefore recommended that a single nocturnal survey to be undertaken during the bat season (May – August inclusive) in appropriate weather conditions prior to the demolition of the existing school buildings.
126. A bat survey report has been subsequently submitted in support of the application. The surveys were carried out on the existing school building during the 2023 season. A total of 4 survey visits were carried out and this identified a bat roost (Common Pipistrelle) within the northern elevation of the main block of the existing school. The report identifies mitigation measures to offset the loss of the habitat due to the proposed demolition by erecting a bat box in the retained trees to the north prior to the commencement of works. The report states that further surveys of the buildings would be carried out in advance of demolition of the building to confirm the absence of bats.
127. Bats are a protected species and the presence of protected species such as bats is a material planning consideration. The bat survey report states that loss of a roost of any size requires a European Protected Species licence, which must be obtained prior to the work being carried out on the building. The report recommends that a licence is

sought under the Earned Recognition Scheme due to the low conservation value of the roost to be lost. With appropriate compensation and mitigation implemented through the licence, loss of the roost is unlikely to have a significant effect on the conservation status of the species.

128. In respect of the three derogation tests contained in the Regulations, the development would be critical for the delivery of a new school for the area as the required for replacement sports provision. In addition, the existing building housing the identified would need to be removed to prevent it becoming a hazard once vacated. The development is therefore of overriding public interest and would protect public health and safety. Leaving the existing school building would sterilise potential space for education provision within the wider site that could not be provided elsewhere and there is therefore no satisfactory and suitable alternative to the demolition of the existing building. Finally, the bat survey has stated that the loss of the bat roost is unlikely to adversely affect the favourable conservation status of the species. Ecology officers have raised no issues in relation to bats and consider that there would be no impediment to a licence being granted.
129. The Biodiversity Net Gain Assessment is supported by a DEFRA's Biodiversity Metric 3.1. The metric advises that the baseline site provides 29.12 habit units and 5.61 hedgerow units. Post development and taking into account the habitat creation set out in the paragraphs above, the wider school site would provide 30.34 habitat units and 6.46 hedgerow units equating to a net gain of 4.17% for habitat and 15.07% for hedgerow.
130. Ecology officers have considered the proposals and raised no objections. Officers initially sought clarity in relation to bat mitigation and biodiversity net gain. The applicant has agreed to a condition requiring the installation of an additional bat box, in accordance with mitigation recommended within the bat survey report. The applicant has also confirmed that the proposed biodiversity net gain set out in the metric for the wider site would be delivered as part of the landscaping proposals to be agreed by condition. Landscaping for the full site would be maintained as part of an existing planning obligation under Section 39 of The Wildlife and Countryside Act 1981 entered into under Planning Permission No. DM/22/03528/FPA to secure biodiversity management for the life of the development.
131. Ecology officers are satisfied with the submitted information and recommended conditions.
132. The proposed new school buildings themselves would provide biodiversity enhancement to the site and, whilst there may be temporary displacement of wildlife during the construction and demolition process, the net increase in biodiversity value would adequately mitigate any residual harm. It is considered that the proposed demolition would not impact upon any nationally or locally protected sites or protected species. It is therefore considered that the proposals would not conflict with CDP Policies 41 and 43 and Part 15 of the NPPF in respect of avoiding and mitigating harm to biodiversity.

Recreational Amenity

133. Part 8 of the NPPF seeks to promote healthy communities with a key reference being towards the protection and enhancement of public rights of way and access. Paragraph 99 of the NPPF states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless an assessment has been undertaken showing the facility to be surplus to requirements; the loss resulting from the proposed development would be replaced by equivalent or

better provision in terms of quantity and quality in a suitable location; or the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

134. CDP Policy 26 states that development proposals will not be permitted that would result in the loss of open space or harm to green infrastructure assets unless the benefits of the development clearly outweigh that loss or harm and an assessment has been undertaken which has clearly shown the open space or land to be surplus to requirements. Where valued open spaces or assets are affected, proposals must incorporate suitable mitigation and make appropriate provision of equivalent or greater value in a suitable location. Where appropriate there will be engagement with the local community.
135. The proposed demolition would assist in providing space for a range of outdoor play spaces and pitches across the wider school site that would also be available for community use outside of normal school hours. The area subject of this specific application would provide space for playing fields to mitigate the area lost to the new school building. Informal hard play areas are to be spread around the new school building.
136. Sport England has been consulted on the application and has raised no objections. Officers have carried out an assessment of the existing and proposed sports provision and concluded that once the existing school is demolished there would be a 0.1 hectare net increase in playing field provision. Notwithstanding this, officers have requested conditions to secure delivery and quality specification of the proposed playing fields. It has also been requested that a community use agreement be provided by condition. These conditions are appended to the planning permission for the new school building and do not need to be repeated.
137. Subject to the site being developed in accordance with the proposed site plan and detailed hard and soft landscaping plans supporting this scheme, as referred to above, it is considered that the temporary loss in open space on the wider site would be mitigated by the replacement playing field and overall improvement in sports provision on the site in addition to the new school. It is therefore considered that the proposal would accord with CDP Policy 26 and Part 8 of the NPPF.

Cultural Heritage

138. In assessing the proposed development regard must be had to the statutory duty imposed on the Local Planning Authority under the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character and appearance of a conservation area. In addition, the Planning (Listed Buildings and Conservation Areas) Act 1990 also imposes a statutory duty that, when considering whether to grant planning permission for a development which affects a listed building or its setting, the decision maker shall 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. If harm is found this gives rise to a strong (but rebuttable) statutory presumption against the grant of planning permission. Any such harm must be given considerable importance and weight by the decision-maker.
139. Part 16 of the NPPF requires clear and convincing justification if development proposals would lead to any harm to, or loss of, the significance of a designated heritage asset. CDP Policy 44 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.

140. There are no designated heritage assets within the site and none within a 2.5km radius. The application site has been significantly disturbed by the existing school buildings and any archaeological remains in this area would have already been lost. Trial trenching of the wider site has not identified any significant archaeological remains.
141. Design and Conservation officers have considered the proposal and raised no objections in respect of cultural heritage and as the development would not be intervisible with any designated heritage assets or their setting, it is considered that there would be no heritage harm.
142. It is considered that the proposal would cause no harm to heritage assets or archaeological remains in accordance with CDP Policy 44 and Part 16 of the NPPF

Public Sector Equality Duty

143. Section 149 of the Equality Act 2010 requires public authorities when exercising their functions to have due regard to the need to i) the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct, ii) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and iii) foster good relations between persons who share a relevant protected characteristic and persons who do not share that characteristic.
144. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

CONCLUSION

145. The proposed demolition would assist in the delivery of a modern, efficient secondary school for Newton Aycliffe on a site currently in use for education purposes by providing space for playing fields to mitigate the area occupied by the new school buildings. The new school would provide a significant benefit to the community, would be sustainable and well designed, and in keeping with and complementary to its surroundings.
146. The development has been considered against relevant development plan policies and material considerations and was found to be acceptable.
147. The proposed demolition has generated minor public interest, with only one letter of objection having been received. Concerns expressed regarding the proposal have been taken into account, and carefully balanced against the benefits of the scheme in terms modern education provision.
148. The proposed development is considered to broadly accord with the relevant policies of the County Durham Plan and Great Aycliffe Neighbourhood Plan and relevant sections of the NPPF.

RECOMMENDATION

149. That the application is **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 Local Planning Authority shall be given at least seven days prior written notification of the date of commencement of the demolition works.

Reason: To ensure the development is carried out in accordance with the approved documents.

3. The development hereby approved shall be carried out in strict accordance with the following approved plans:

REFERENCE	DRAWING / DOCUMENT TITLE
Plans	
BS2717.001.001.01	Existing Ground Floor Plan
BS2717.001.002.00	Existing First Floor Plan
SRP1099-OOB-Z0-ZZ-D-L-0003_P05	Existing Site Layout
SPR1099-OOB-ZZ-ZZ-D-L-0040_P05	Site Sections as proposed Sheet 1
SPR1099-OOB-ZZ-ZZ-D-L-0041_P05	Site Sections as proposed Sheet 2
SPR1099-OOB-ZZ-ZZ-D-L-0042_P04	Site Sections as proposed Sheet 3
SRP1099-1HZ-ZZ-XX-M-Y-0001 Rev. A	Topographical and Underground Utilities Survey (as
SRP1099-DES-Z0-ZZ-D-E-6310 P02	Lighting Strategy Drawing Site Wide
SRP1099-DES-Z0-ZZ-D-Z-9600 P02	Mechanical and Electrical Services Proposed External Underground Infrastructure (as proposed)
SRP1099-DES-Z0-ZZ-D-Z-9602 P02	Mechanical and Electrical Services Proposed Site-wide
SRP1099-OOB-Z0-ZZ-D-L-0001_P09	Site Landscaping Plan General
SRP1099-OOB-Z0-ZZ-D-L-0070_P05	External Sports Provision
SRP1099-OOB-Z0-ZZ-D-L-1000_P04	Site Location Plan Application 1
SRP1099-OOB-Z0-ZZ-D-L-1001_P07 (27.01.23)	Landscaping Masterplan Application 1
SRP1099-OOB-Z0-ZZ-D-L-1002_P06 (27.01.23)	Site Layout Application 1
SRP1099-OOB-Z0-ZZ-D-L-1003_P05	Proposed Landscape Plan (Proposed Planting Plan)
SRP1099-SPA-ZZ-XX-D-A-2003_P02	Demolition Plan
SRP1099-OOB-Z0-ZZ-D-L-1008_P03 (27.01.23)	Bat Mitigation Plan
SRP1099-OOB-Z0-ZZ-D-L-1009_P02 (27.01.23)	Bird Mitigation Plan
Documents	
November 2022, SRP1099-AYL-ZZ-ZZ-P-T-0001	Planning Statement including Statement of Community Health Impact Assessment
November 2022, SRP1099-SPA-ZZ-XX-T-A-0002	Design and Access Statement
15 th November 2022, SRP1099-ARC-XXX-XX-T-O-0001	Supplementary Ground Investigation Letter
23-11-2022, TS01A	Transport Statement
22-11-2022, TP01A	Travel Plan
23/12/2021, SRP1099-1HZ-ZZ-Z1-T-Y-0001	Phase 2 Ground Investigation Report
18 th November 2022, SRP1099-APX-ZZ-ZZ-T-J-0005	Noise Impact Assessment
18 th November 2022, SRP1099-APX-ZZ-ZZ-T-J-0006	Air Quality Assessment
SRP1009-BGP-ZZ-Z0-T-C-0003 Rev.P04 (24.01.23)	Drainage Philosophy
SRP1009-BGP-ZZ-Z0-T-C-0004 Rev.P02 (24.01.23)	Flood Risk Assessment
SRP1009-BGP-ZZ-Z0-T-C-0005 Rev.P03 (24.01.23)	SuDS Management Plan
22/11/2022, SRP1099-DES-ZZ-ZZ-T-Z-5014-Issue P02	Energy & Sustainability Statement
21/11/2022, SRP1099-DES-ZZ-ZZ-T-Z-6300 Rev. P01	Lighting Strategy Report
SRP1099-GTC-XX-XX-T-X-0026 Rev. P05 (25.01.23)	Construction Phase Plan
SRP1099-GTC-ZZ-ZZ-T-X-9000 Rev. S5-P02	Sustainability Checklist For Developers
November 2022, SRP1099-TEP-ZZ-ZZ-T-0001 Rev. P02	Tree Survey and Arboricultural Impact Assessment
K8034/R15140, Rev.5 (09.01.23)	Archaeological Desk-Based Assessment
September 2022	Preliminary Roost Assessment Report
24/11/2022, 7059_R02	BNG Assessment and Biodiversity Management Plan
24/11/2022, 7059_v01	BNG Calculations Metric
GN-HSS-L03-101, Rev. P02	Soil Management Strategy

22/11/2021, SRP1099-1HZ-ZZ-XX-T-Y-0003	Phase 1 Ground Investigation Desk Study
21/12/2021, SRP1099-1HZ-ZZ-XX-T-Y-0004	Preliminary Ecological Appraisal (PEA)
Rev.R01 (09.12.23)	Ecological Impact Assessment (EclA)
25.01.23	Arboricultural Method Statement (AMS)

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 21, 31, 33, 39 and 41 of the County Durham Plan and Parts 9, 14 and 15 of the National Planning Policy Framework.

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

Reason: In the interests of protecting the amenity of neighbouring site occupiers and users from the impacts of the construction phases of the development having regards to Policies 21 and 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required to be a pre-commencement condition and the details of the construction management statement must be agreed before works on site commence.

- Demolition operations shall only take place within the following hours:
0800 to 1800 Monday to Friday
0800 to 1400 Saturday

No operations including the maintenance of vehicles and plant shall take place outside of these hours or at any time on Bank, or other Public Holidays, save in cases of emergency when life, limb, or property are in danger. The Local Planning Authority shall be notified as soon as is practicable after the occurrence of any such operations or working.

Reason: In the interests of residential amenity and highway safety in accordance with the County Durham Plan Policy 21 and Part 15 of the National Planning Policy Framework.

- Prior to the commencement of demolition works a swept path analysis of the vehicle route through Neile Road shall be submitted to the Local Planning Authority for approval in writing.

Reason: To ensure vehicles can enter and exit the site without causing harm to the highway structure or impacting highway safety in accordance with County Durham Plan Policy 21 and Part 9 of the National Planning Policy Framework.

- The development shall be carried out in accordance with the submitted flood risk assessment and SuDS Management Strategy. The mitigation measures detailed with the SuDS Management Strategy shall be fully implemented prior to development being brought into use. These measures shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to ensure there is no increase of flood risk elsewhere as a result of this development in accordance with Policy 35 of the County Durham Plan and Part 14 of the National Planning Policy Framework.

8. Prior to the development being brought into use full details of hard and soft landscape proposals shall be provided to the Local Planning Authority for approval in writing. Hard landscape details should include all enclosing elements, street furniture and street lighting locations. Details of external finishing materials should include finished levels, and all construction details confirming materials, colours, finishes and fixings. Soft Landscaping details should include a detailed planting plan and specification of works indicating soil depths, plant species, numbers, densities, locations inter relationship of plants, stock size and type, grass, and planting methods including construction techniques for pits in hard surfacing and root barriers. Details of rabbit protection should be provided. All existing or proposed utility services that may influence proposed tree planting shall be indicated on the planting plan.

Reason: In the interests of the visual amenity of the area and to comply with County Durham Plan Policies 29 and 39, Great Aycliffe Neighbourhood Plan Policy CH1 and Parts 12 and 15 of the National Planning Policy Framework.

9. Within 2 months of the date of this planning permission a bat box shall be erected in accordance with the Mitigation and Enhancement Measures set out in Section 6.3 of the submitted Woodham Academy Bat Survey Report (July 2023). The bat box shall be positioned to ensure it is adversely affected by an external lighting and retained in perpetuity.

Reason: In order to retain protected species without causing harm in accordance County Durham Plan Policy 41 and Part 15 of the National Planning Policy Framework.

10. The development hereby approved shall be carried out in full accordance Section 6.3 of the submitted Woodham Academy Bat Survey Report (July 2023).

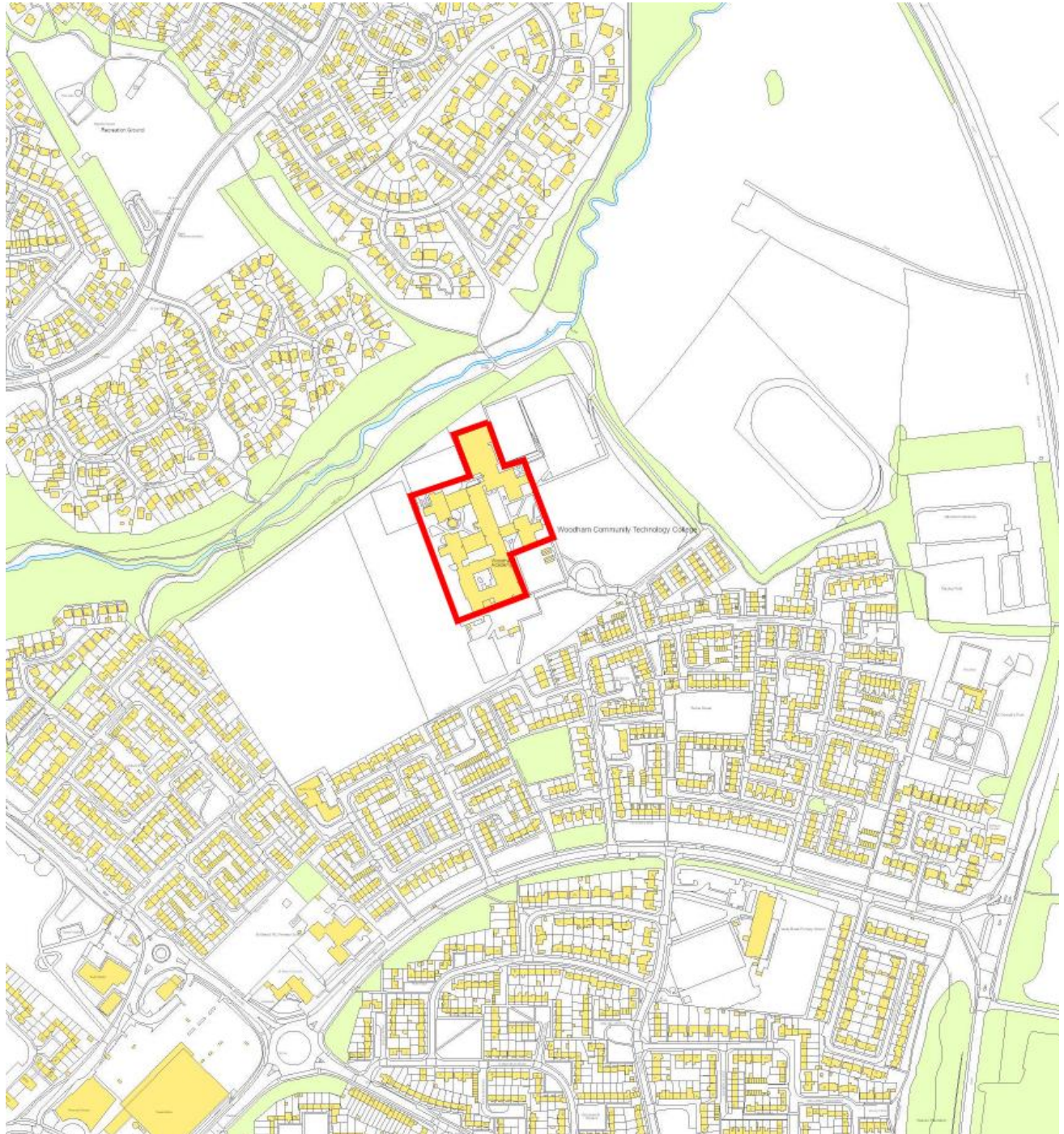
Reason: In order to retain protected species without causing harm in accordance County Durham Plan Policy 41 and Part 15 of the National Planning Policy Framework.

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
- Great Aycliffe Neighbourhood Plan (2017)
- Statutory, internal and public consultation response



Planning Services

DM/22/03529/FPA

Demolition of existing school buildings and replacement with playing fields and landscaping- Woodham Academy Washington Crescent Newton Aycliffe DL5 4AX

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Comments

Date September 2023

Scale Not to Scale