



## County Planning Committee

**Date** Tuesday 2 July 2019  
**Time** 1.00 pm  
**Venue** Council Chamber - County Hall, Durham

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### Business

#### Part A

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest
4. Minutes of the meeting held on 4 June 2019 (Pages 3 - 8)
5. Applications to be determined
  - a) DM/19/01060/OUT - Land to the west of Startforth Park Startforth DL12 9AL (Pages 9 - 38)  
Outline planning application (all matters reserved other than access) for the erection of up to 210 dwellings and associated infrastructure.
  - b) DM/19/01316/FPA - Jade Business Park Phase 1 Jade Enterprise Zone Murton SR7 8RN (Pages 39 - 66)  
Erection of 7 units (5 buildings) for B2/B8 industrial use with integrated offices and associated service yards, car parking and landscaping
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration
7. Any resolution relating to the exclusion of the public during the discussion of items containing exempt information

#### Part B

**Items during which it is considered the meeting will not be open to the public (consideration of exempt or confidential information)**

8. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

**Helen Lynch**  
Head of Legal and Democratic Services

County Hall  
Durham  
24 June 2019

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

Councillor J Robinson (Chair)  
Councillor F Tinsley (Vice-Chair)

Councillors J Atkinson, A Bell, J Clare, K Corrigan, K Hawley,  
I Jewell, C Kay, A Laing, G Richardson, A Shield,  
J Shuttleworth, A Simpson, M Wilkes and S Wilson

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**Contact: Ian Croft**

**Tel: 03000 269702**

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**DURHAM COUNTY COUNCIL**

At a Meeting of **County Planning Committee** held in Council Chamber - County Hall, Durham on **Tuesday 4 June 2019 at 1.00 pm**

**Present:**

**Councillor J Robinson (Chair)**

**Members of the Committee:**

Councillors J Atkinson, J Clare, J Clark, I Jewell, G Richardson, A Shield, J Shuttleworth, A Simpson and F Tinsley (Vice-Chair)

**1 Apologies for Absence**

Apologies for absence were received from Councillors A Bell, K Hawley, C Kay, A Laing and S Wilson.

**2 Substitute Members**

Councillor J Clark as substitute Member for Councillor Wilson.

**3 Declarations of Interest**

There were no declarations of interest.

**4 Minutes**

The Minutes of the meeting held on 7 May 2019 were confirmed as a correct record and signed by the Chairman.

**5 Applications to be determined**

**a DM/18/03622/OUT - Land To The North West Of High Beechburn Farm, Crook, DL15 8JE**

The Committee considered a report of the Senior Planning Officer regarding an outline application for up to 350 dwellings including means of access (all other matters reserved) on land to the north-west of High Beechburn Farm, Crook (for copy see file of Minutes).

S Pilkington, Senior Planning Officer provided a detailed presentation of the application which included a site location plan, aerial photograph of the site,

site photographs, a view of the proposed access through Beechburn Industrial Estate and proposed masterplan.

Councillor A Patterson, local Member addressed the Committee to object to the application.

The officer's report was detailed and the reasons for refusal were abundant. The application site was currently agricultural fields and outside the settlement limits of Crook. The development would lead to the loss of natural habitat and green open space. Although the agricultural land was grade 3b, which was not the best and most versatile, in terms of the area it was in it was prime agricultural land, with most land in the area only used for grazing.

The site was not near to any local facilities and while the development proposed 10% of the properties for older people, the location was not in the right place with the nearest GP surgery being over 1 mile away.

The proposed access to the development through an industrial estate was a major concern. The industrial estate had been identified as a future employment site and residential development such as proposed could have a negative impact on future expansion of the industrial estate.

Highways officers had objected to the proposed access with concerns over visibility splays. While there would be sufficient secondary school places, there were not enough primary school places in the area to accommodate the proposed development. There was also insufficient GP provision in the area to accommodate the development.

Councillor Patterson asked the Committee to refuse the application.

Councillor A Reed, local Member addressed the Committee to object to the application. She informed the Committee that she endorsed the recommendation of refusal, adding that 350 houses would equate to approximately 1400 residents and this was in addition to other developments in the area. The GP surgery was currently under strain and this development would worsen the situation. Local primary schools were full to capacity, as was the local dental practice. The proposed development was wrong at his moment in time and Councillor Reed asked the Committee to refuse the application.

Councillor Shield informed the Committee that the reasons for refusal were easily understood. The proposed development was in the wrong place, had poor accessibility, encroached into the countryside and breached local and national planning policies. Councillor Shield **moved** approval of the recommendations, that the application be refused.

Councillor Shuttleworth considered that 350 dwellings at this location was a lot for the area, and after considering the representations of local Members, he **seconded** refusal of the application.

Councillor Richardson endorsed the comments which had been made. Reference had been made to the Local Plan for reasons to refuse the application, yet the Committee had previously been informed that Local Plans were out of date.

Councillor Tinsley informed the Committee that where local development plans were considered to be obsolete then under NPPF Paragraph 11 there was a presumption of development unless there were significant and demonstrable reasons not to. This development would be an encroachment into the countryside, was set high so would be visible, proposed access through an industrial estate which was not acceptable. The proposed masterplan showed a density of 25 units per hectare and there would be a lack of open space on the development. Finally, there was a lot of information lacking from the applicant.

Upon a vote being taken it was

**Resolved:**

That the application be refused for the reasons contained in the report.

**b DM/18/02483/MIN - Heights Quarry, Westgate, Bishop Auckland**

The Committee considered a report of the Senior Planning Officer regarding an application for a north-western extension to Heights Quarry for the winning and working of 6.97 million tonnes of limestone, extension of time to 2046 and restoration of the site to a mix of habitats, pasture land, woodland, and public access at Heights Quarry, Westgate, Bishop Auckland (for copy see file of Minutes)

C Shields, Senior Planning Officer provided a detailed presentation of the application which included a site location plan, aerial photograph of the site, photographs from within the quarry and a photograph of the site access form the A689. The Senior Planning Officer referred the Committee to the proposed Condition 23 in the report and reported that this would be amended to provided separate headings for each sphere of operation, but the effect of the Condition would remain unchanged.

Mr P Nailon, local resident and representing the Wear Rivers Trust, addressed the Committee to object to the application.

On behalf of the Wear Rivers Trust (WRT), Mr Nailon informed the Committee that paragraph 170 of the officer's report stated that 'the submitted hydrological assessment disputes...' the WRT submission that the destruction of catchment headwaters area would adversely impact on Park Burn's hydrology. The fact that the channel was virtually dry during a visual inspection in May 2015 did not contradict the water storage or natural flood management function of the surrounding wetland area during wet conditions. The Aggregate Industries hydrogeological assessment offered a selective view of the local hydrological conditions derived from a snapshot inspection. The upper burn often ran dry as the water stored in the surrounding wetlands was gradually depleted during dry periods. The burn flowed strongly in direct reaction to sustained rainfall with water flowing through the wetland areas as the ground reached water retention capacity. Collecting and piping the water from above the area quarried, and into the remaining channel branch would remove that storage and filtration function making in-channel flows more reactive and 'flashy' and of a shorter duration, increasing downstream flood risk in direct contradiction to the current £2.5 million Weardale Natural Flood Management national pilot project which aimed to slow the flow of water, partly through the creation of the habitat type which would be destroyed by the quarry extension.

As a local resident, Mr Nailon expressed concern about the potential for noise, particularly given the long working hours proposed of 6 a.m. to 7 p.m. Monday to Saturday and 7 a.m. to 12 noon Sunday with 70 dB for up to 8 weeks a year and up to 42 dB outside defined working hours. Whilst Mr Nailon understood that the proposal did not wish to impose 'unreasonable burdens on the mineral operator' noise levels up to the maxima would be disruptive and distressing to immediate residents. The area was very quiet with current operations generating only occasional background noise as the quarry had been driving east for many years.

Paragraph 127 referred to a noise monitoring protocol and suppression measures stating 'due to the remote location of the site the applicant had not provided existing or predicted noise levels and would only carry out monitoring in the event of a complaint'. Mr Nailon suggested that working in a remote location was not a valid reason for not undertaking a study on existing and forecasted noise levels.

Mr Nailon proposed that before a final decision was made on the planning application the following items with regard to noise were considered:

- Noise monitoring and suppression measures be reviewed and that existing and forecast noise levels be published;
- Maximum working hours be reviewed in the context of existing and forecast noise levels.

If noise levels proved to be unsustainable and impacted on residents' quality of life Mr Nailon asked whether Aggregate Industries would provide compensation.

Referring to visual impact Mr Nailon informed the Committee that existing security lighting was not well designed, was visible from the A689 and impacted on otherwise dark skies. Lighting in the quarry extension should be designed as not to destroy the very dark skies which were enjoyed around C78 above Crooks Alter up to Scarside Head which lay outside ambient light from Westgate.

Geoff Storey addressed the Committee on behalf of the applicant. The Environment Agency had raised no objections to the proposal and the advice of the Environment Agency had been taken regarding the protection of groundwater and groundwater fed receptors and appropriate Conditions had been proposed. Referring to noise, Mr Storey referred the Committee to paragraph 81 of the report which showed that Environmental Health and Consumer Protection had raised no objection to the proposal subject to conditions in respect of noise. He said that the Company had responded to comments regarding lighting during the consultation period and a condition was proposed in terms of lighting.

He directed the Committee to the applicant's statement in paragraphs 95 to 97 of the officer's report. He noted that the quarry was a significant source of direct and indirect employment in Weardale and contributed approximately £660,000 per annum to the local economy through wages and employment of local contractors.

Mr Storey asked the Committee to approve the application.

The Senior Planning Officer informed the Committee that the quarry operators had responded to the issues raised by Mr Nailon regarding lighting and there was a Condition proposed relating to lighting and dark skies. Hours of operation at the quarry were currently unrestricted and there were national limits set regarding noise. The quarry had not generated any noise-related complaints. The quarry site was moving away from the nearest housing. Referring to hydrology, advice had been taken from statutory consultees and the Council's own drainage section, none of which had raised objections.

Councillor Shuttleworth informed the Committee that the quarry was the biggest employer in Weardale above Stanhope. He had previously had one issue reported to him over the last 22 years and this had been sorted by the quarry operators overnight. Councillor Shuttleworth **moved** approval of the application.

Councillor Tinsley informed the Committee that while he had some sympathy with the hydrology issues raised, and there could be a potential issue with Park Burn, there were numerous burns running into the River Wear, and this proposal would have a minimal impact on downstream flood risk and would not be a reason for refusal. The maintenance of economic activity was important and Councillor Tinsley **seconded** approval of the application.

Councillor Shield referred to the comments at paragraph 84 regarding ecology and the advice that aftercare be extended from 5 years to 25 years and sought clarity on this. The Senior Planning Officer replied that while ecology had suggested an extended period for aftercare to 25 years this had been discussed and considered not necessary, with the statutory 5 years being considered sufficient for the site.

Upon a vote being taken it was

**Resolved:**

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

## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION No:</b>	DM/19/01060/OUT
<b>FULL APPLICATION DESCRIPTION:</b>	Outline planning application (all matters reserved other than access) for the erection of up to 210 dwellings and associated infrastructure.
<b>NAME OF APPLICANT:</b>	Gladman
<b>ADDRESS:</b>	Land to the West of Startforth Park, Startforth, DL12 9AL
<b>ELECTORAL DIVISION:</b>	Barnard Castle West
<b>CASE OFFICER:</b>	Colin Harding, Senior Planning Officer, 03000 263945 <a href="mailto:colin.harding@durham.gov.uk">colin.harding@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. The application site consists of an irregular shaped parcel of land, located beyond the western edge of Startforth in the South West of the County. The site extends to approximately 8.95 hectares (ha) in area and comprises agricultural fields. There is a level change across the site, with the land falling approximately 24m in a north easterly direction. The site is bound by the existing residential development of Startforth Park to the east, and agricultural fields and recreation areas associated with HMYOI Deerbolt beyond the northern boundary. To the south, further agricultural fields lie beyond the A67 Bowes Road. The south western corner of the site is adjacent to Westwood farm. Existing vehicular access to the site is provided via a field access from the A67 at the south eastern corner of the site. Mature trees and hedgerows are present around the site, in particular on the western boundary, and there are a number of trees within the site itself which are identified within the application as being veteran trees. The site also exhibits evidence of historic ridge and furrow, and lies within an Area of High Landscape Value.
2. A public right of way (Footpath No.3, Startforth) runs adjacent to the northern and north-eastern boundary of the site, and provides access from the A67, through Startforth Park and into Deepdale Wood. Barnard Castle Conservation Area is located approximately 900m to the north east of the site, within which a number of listed buildings are located. High Westwood (with attached outbuildings), is a Grade II listed building located approximately 125m to the south east of the site. Further Grade II listed buildings such as Startforth Hall, Low Startforth Hall, Startforth House, Startforth

Lodge and Holy Trinity Church are located within the local area, but are no closer than 500m from the application site.

3. With regards to sites of ecological interest, Deepdale Wood Local Wildlife Site (LWS) lies approximately 100m to the north of the site. Deepdale Wood also includes areas of Ancient Woodland. Additionally, Flatts Wood LWS, Waterman's Island LWS and Pecknells Wood LWS lie within 1km of the site, generally located to the north and north east. To the south east, Thorsgill Wood LWS lies within 1.3km, and Teesbank Woods, Rokeby LWS within 1.8km. Furthermore, Kilmond Scar Site of Special Scientific Interest (SSSI) lies approx. 2.5km to the south west of the site, and Cotherstone Moor SSSI and the North Pennine Moors Special Protection Area (SPA) and Special Area of Conservation (SAC) lie approx. 4km to the north west at their closest point. The North Pennines Area of Outstanding Natural Beauty (AONB) also commences approximately 4km to the west.

### The Proposal

4. This planning application seeks outline planning permission including the means of access (all other matters reserved) for the erection of 210 dwellings. An indicative site layout has been submitted identifying that the development would be arranged around a north-south circulation road, with areas of open space located centrally and to the western boundary. A Sustainable Urban Drainage System (SuDS) basin is indicated in the northern portion of the site, with the sole vehicular access taken from Bowes Road to the eastern site boundary. The supporting information sets out that 20% of the dwellings would be offered on an affordable basis.
5. This planning application is being reported to County Planning Committee because it is a residential development with a site area in excess of 4 hectares.

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## **PLANNING HISTORY**

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6. There is no relevant planning history to the site.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

7. A revised National Planning Policy Framework (NPPF) was published in July 2018 (with updates since). The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
8. In accordance with Paragraph 213 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.
9. *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.

10. *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.
11. *NPPF Part 5 Delivering a Sufficient Supply of Homes* - To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
12. *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.
13. *NPPF Part 8 Promoting Healthy and Safe Communities* - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
14. *NPPF Part 9 Promoting Sustainable Transport* - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
15. *NPPF Part 11 Making Effective Use of Land* - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
16. *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.
17. *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.

18. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
19. *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/guidance/national-planning-policy-framework>

21. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; conserving and enhancing the historic environment; consultation and pre-decision matters; design; determining an application; flood risk; health and wellbeing; housing and economic land availability assessment; housing and economic needs assessment; land affected by contamination; land stability; light pollution; natural environment; neighbourhood planning; noise; open space, sports and recreation facilities, public rights of way and local green space; planning obligations; travel plans, transport assessments and statements; use of planning conditions and; water supply, wastewater and water quality.

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

#### **LOCAL PLAN POLICY:**

Teesdale District Local Plan (2002) (TDLP)

22. *Policy GD1 – General Development Criteria*. All new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.
23. *Policy ENV1 – Protection of the Countryside*. Sets out that the countryside should be protected and enhanced, development will only be allowed for the purposes of agriculture, farm diversification, or other compatible uses as defined by local plan policies.
24. *Policy ENV3 – Development Within or Adjacent To An Area of High Landscape Value*. Sets out that development will be permitted where it does not detract from the area's special character, and pays particular attention to the landscape qualities of the area in the siting and design of buildings.
25. *Policy ENV5 – Development Within or Adjacent to Nature Conservation Sites* – states that proposals not connected to and related to the management of the site will not be

permitted if they have significant effects on the sites, unless there is no alternative, and there are reasons of overriding public interest.

26. *Policy ENV6 – Safeguarding Sites of Special Scientific Interest and National Nature Reserves.* States that proposals not be permitted if they have an adverse effect directly, or indirectly on the sites, unless there is no alternative, and there are reasons of overriding public interest.
27. *Policy ENV7 – Development Affecting Local Nature Conservation Sites.* States that development proposals, liable to damage the value of sites of local nature conservation importance will not be approved unless the case for the development clearly outweighs the harm and that the harm is mitigated through careful design and compensatory measures.
28. *Policy ENV8 – Safeguarding Plant and Animal Species Protected by Law.* States that development that would significantly harm said protected species will not be permitted unless mitigating action is achievable and that the overall effect will not be detrimental to the species and the overall biodiversity of the district.
29. *Policy ENV9 – Development affecting Ancient Woodland.* States that development that would damage areas of ancient woodland will not be permitted unless there are no alternative and available sites for the proposal.
30. *Policy ENV10 – Development affecting Trees or Hedgerows.* Development will only be permitted where it avoids unreasonable harm or loss of any tree protected by a preservation order, a tree within a conservation or any trees, tree belts or hedgerow which contribute to landscape diversity, setting of buildings, protected species habitat or visual amenity.
31. *Policy ENV12 – Protection of Agricultural Land.* Development of the best and most versatile agricultural land will not be permitted unless opportunities have been assessed for accommodating development need on previously developed site, on land within the boundaries of existing developed areas, and on poorer quality farmland.
32. *Policy ENV14 – Protection of Water Quality.* States that development that would unacceptably prejudice the quality of surface or ground water will not be permitted.
33. *Policy ENV15 – Development affecting Flood Risk.* Development which may be at an unacceptable risk of flooding, or may increase the risk of flooding elsewhere will not be permitted.
34. *Policy ENV17 – Sewage Infrastructure and Sewage Disposal.* Proposals which will increase the demands for off-site sewage infrastructure will be permitted only where adequate capacity already exists or satisfactory improvements can be provided.
35. *Policy BENV3 – Development adversely affecting Character of a Listed Building.* Development which would adversely affect the character of a listed building or its setting will not be permitted.
36. *Policy BENV11 – Archaeological Interest Sites.* Requires appropriate field evaluation prior to the determination of applications. Development which would unacceptably harm the setting or physical remains of sites of national importance, will not be approved. Development which would unacceptably harm the setting or physical remains of sites of regional or local importance where an appropriate scheme of works to either preserve or excavate remains is secured.

37. *Policy H1 – Specific Sites Allocated for Residential Development.* Allocates specific sites for residential development.
38. *Policy H1A – Open Spaces within Developments.* In new residential development of more than 10 dwellings, open space will be required to be provided within or adjacent to the development, in accordance with specified standards.
39. *Policy H3 – Housing Development on Sites of More than 0.4ha* – Identifies that housing development on sites over 0.4ha within the settlement limits of identified settlements will be approved where it accords with Policy GD1 and ECON3.
40. *Policy H6 – New Housing in the Open Countryside* – New dwellings will not be permitted in the countryside unless it can be shown to be essential in any particular location to the needs of agriculture or forestry, and where the need cannot reasonably be met within an existing town or village.
41. *Policy H12 – Design.* The local planning authority will encourage high standards of design in new houses and housing sites.
42. *Policy H14 – Provision of Affordable Housing within Residential Developments.* In appropriate circumstances as identified by a needs assessment of the district, seek to negotiate with developers for an element of affordable housing.
43. *Policy TR10 – Development affecting Public Rights of Way* – Development which would directly affect a public right of way will only be permitted if an acceptable and equivalent alternative route is provided.
44. *Policy T2 – Traffic Management and Parking.* Car parking provision in new development will be limited to that necessary to ensure the safe and efficient operation of the site.
45. *Policy T7 – Public Transport.* Seeks to encourage the provision of public transport services and infrastructure including through its policies relating to the location of developments.
46. *Policy T8 – Encourage Cycling.* Seeks to encourage cycling in the district including in respects to development layout.

**RELEVANT EMERGING POLICY:**

The County Durham Plan

47. Paragraph 48 of the NPPF states that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. An 'Issues & Options' consultation was completed in 2016 on the emerging the County Durham Plan (CDP) and the 'Preferred Options' stage CDP was subject to consultation in summer 2018. On the 16<sup>th</sup> January 2019, Cabinet approved the 'Pre-Submission Draft' CDP for consultation. However, the CDP is not sufficiently advanced to be afforded any weight in the decision-making process at the present time.

Startforth Neighbourhood Plan

48. The Startforth Parish Neighbourhood Area has been designated, but the Neighbourhood Plan has not yet reached a point where weight can be afforded to it.

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## CONSULTATION AND PUBLICITY RESPONSES

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### STATUTORY RESPONSES:

49. *Startforth Parish Council* – Objects to the proposed development. Concerns relate to a lack of adequate amenities, facilities and services. The nearest facilities and services such as GPs, dentist, schools, bank and post office are in Barnard Castle. It would take longer than 20 minutes for primary school children to walk to schools, even if this was considered a safe journey. There is concern that the information provided by the applicant on this issue is perhaps misleading or inaccurate. Even where facilities exist, simple research will reveal that many are at capacity or over-capacity already. With regards to traffic and road safety it is considered that the only facilities and services are in Barnard Castle, accessed over the single-lane County Bridge, controlled by 3-way traffic lights and surrounded by on-road parking by residents and visitors. If there is an incident on the A66, there is bedlam through Startforth and Barnard Castle. Traffic volume and behaviour on the A67, despite the recent widening scheme, causes grave concern and there is a paucity of safe crossing places for pedestrians, including schoolchildren. There is also concern that this development would lead to the doubling of the number of dwellings in the village in a period of less than 10 years, since 2011. Additional concerns are raised with regards to the assertions of the developer in relation to the ecological value of the site, and it is noted that Startforth Park is served by a private sewer, and that should incapacity issues arise, that residents of Startforth Park would be unacceptably affected.
50. *Startforth Parish Neighbourhood Plan Group* – Objects to the proposed development. It is acknowledged that no weight can be afforded to the Neighbourhood Plan. The Group have however, consulted extensively with local Startforth residents and the overwhelming response has been that no further large housing developments are appropriate, due to the absence of local amenities and the large number of new houses already built or being constructed, (hence the significant number of objections lodged against this application.) Residents living in Startforth enjoy its quiet rural village setting. The application is flawed, with the broad-brush statement that there are "no unacceptable adverse impacts." All local residents are aware that local amenities from the proposed site can only be accessed by car. This will mean at least another 200 cars - hardly green and sustainable. Another glaring inaccuracy is the claim that the development would use amenities in Startforth and Barnard Castle. All essential amenities are in Barnard Castle, a car journey away. Building a 210 house development beyond the existing settlement line in an agricultural field that can only be accessed by car is not a sustainable development and will not be welcomed by the vast majority of local residents.
51. *Highways Authority* – Advise that the A67 roadside environment post-development would remain predominantly rural and in such a context, a further westward extension of the 40mph speed limit, by a further 155m, would lack credibility and is therefore not supported. Additional demonstrations are advised with regards to the proposed visibility splays, and it is noted that as proposed they would require the loss of a large, mature tree.
52. *Drainage and Costal Protection* – Object to the proposed development. The application does not provide sufficient information to verify compliance with Council policy and national standards. Additional information required includes a drainage

strategy which should include detailed preliminary drainage layout drawings showing pipe runs, attenuation storage areas and SuDS features, preliminary landscape proposals, and preliminary hydraulic calculations including storage calculations for Greenfield run-off. Approval should be withheld until further details of the disposal of surface water from the development are submitted and approved by the Local Planning Authority in consultation with the Drainage and Coastal Protection Section.

#### **INTERNAL CONSULTEE RESPONSES:**

53. *Spatial Policy* – Advise that the scheme should be considered in the context of whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. The benefits identified by the applicant are not site specific and would be associated with developing housing in any location. Weighing against this is the harm which would accrue from development. This relates to the townscape, and landscape implications (AHLV) and the view that the development of the site would not be a natural extension to the settlement and the fact it would unacceptably affect the landscape character of the countryside. Walking and cycling from the site into Barnard Castle to access services and facilities is also not a realistic alternative to the private car. At the present time, the LPA contends that it can demonstrate a 5-year supply of deliverable housing sites, which means that the weight to be given to boosting the supply of housing is not as significant as it would be in instances where there is not a 5YHLS. Police advice in regards to a range of other planning matters is also provided including the provision of open space and affordable housing requirements.
54. *Landscape* – Object to the proposed development. This proposal is fundamentally problematic in landscape terms. It would form a clear incursion into attractive open countryside and would have a detrimental effect both on the immediate landscape, and also on the rural approach to Startforth and Barnard Castle, beyond. The proposal appears to be in actual or potential conflict with the following landscape related Teesdale District saved policies GD1, ENV1, ENV3, and H6. These conflicts arise from the principle of the development, not its detail, and cannot be rectified by design changes.
55. *Landscape (Arboriculture)* – Advise that site contains a group of trees that are important in terms of age, size and visual impact, and should be retained. The rough outline layout plan does appear to retain them and seems to allow adequate space around them for suitable long term retention so on that basis, no objection is raised on arboricultural grounds providing that a condition is attached to provide a suitable and acceptable final design, tree protection plan and method statement.
56. *School Places and Admissions Manager* – Advise that a development of 210 houses could produce an additional 33 primary pupils and 12 additional secondary pupils. It is identified that based on projected school rolls, taking into account the likely implementation timeframe of the development, there are sufficient primary and secondary school places to accommodate the development.
57. *Affordable Housing* – Advise that the area has a need for more 2 bedroomed affordable properties to rent and 3 bedroomed affordable home ownership. There is higher demand for bungalow accommodation in comparison to neighbouring areas. This site is in an area which has a higher demand for affordable rented properties in comparison to neighbouring areas. Just under a third of those actively seeking affordable rented properties are aged over 65, therefore provision should be made which meets the demands of older persons. Advise on the layout of affordable units is provided and further discussions on the precise type of affordable housing provision is advised.

58. *Ecology* – Object to the proposed development. The Preliminary Ecological Assessment recommends that Bat Activity Surveys, Badger Surveys, updated Botanical Surveys, and Shadow HRA are carried out. These works have not been submitted, and without them, potential impacts upon European Protected Species cannot be assessed, and screening cannot be carried out with regards to the SAC/SPA and LWS. Additionally, there is not sufficient detail to determine whether the development would deliver net gain for biodiversity. In its current form the application cannot be determined as there is outstanding information (especially relating to legally protected species and sites) and it is not possible to determine if the application meets the biodiversity requirements of the NPPF.
59. *Environmental Health and Consumer Protection (Air Quality)* – Advise that an air quality impact assessment has been submitted assessing the impact of the development. It is advised that the modelled levels of air quality would be below the national air quality objectives and no objections to the operational phase of the development are raised though the preparation of a travel plan to encourage sustainable travel and provision of electric charging vehicle infrastructure is advised. In respects to the construction phase of the development a construction management plan is advised.
60. *Environmental Health and Consumer Protection (Contaminated Land)* – No objections are raised. Officers advise a conditional approach in relation to land contamination to secure additional survey work and mitigation where required.
61. *Environmental Health and Consumer Protection (Pollution Control)* – Advise that the development would be located in close proximity to potential noise sources in the form of the A67, Deerbolt YOI and Westwood Farm. The identification of traffic noise as the primary source is accepted, although a precautionary approach to mitigation comprising upgraded glazing/ventilation should be used both on properties closest to the road, and taking into account the adjacent farm. It is understood from information accompanying the application that farm is not in active use for the keeping of livestock and as result odour issues should not arise. However, it is highlighted that agricultural use could recommence on the site.
62. *Archaeology* – Object to the proposed development. It is considered that the site should be subject to a field evaluation in the form of geophysical survey, followed by trial trenching to test and confirm the results of the survey. This work should be undertaken pre-determination.
63. *Access and Rights of Way* – No public right of way is directly affected by the proposal, although public Footpath No 3, Startforth is adjacent to the northern boundary of the site. Formal connections from the site onto footpath 3, due to its topography through Deepdale Nature Reserve is not encouraged.
64. *Design and Conservation* – Advise that the proposed development site lies within the setting of numerous designated heritage assets. The impact of the development on the setting of those assets should be a primary consideration in the assessment of the application. There are no designated heritage assets within the site.
65. Development of the site would lie within the setting of the Grade II listed High West Wood with attached outbuildings and the potential non-designated heritage assets within the West Wood complex of buildings. The application is in outline form with all matters reserved except access and therefore it is difficult to fully assess the impact on the heritage assets.

66. With regard to the other identified designated heritage assets, due to the existing plan form, topography and vegetation there will be limited intervisibility between the site and those assets. Therefore, there will be no impact on their setting.
67. *Sustainable Transport* – State that whilst the majority of the site would be within 400m of a bus stop, services are infrequent and would not meet the minimum standards for development in the rural west. There is little scope for the provision of additional services. Following amendments, the submitted Travel Plan is considered acceptable.
68. *Employability Section* – Request that targeted recruitment and training clauses are included within a S106 planning obligation or via condition.

#### **EXTERNAL CONSULTEE RESPONSES:**

69. *Northumbrian Water* – No objection is raised to the development. It is noted that the developer is yet to finalise the detailed drainage strategy including the proposed discharge location to the public sewerage network. Consequently, at this stage the planning application does not provide sufficient detail with regards to the management of foul water. A condition is therefore requested.
70. *Durham Constabulary* – Consideration should be given to a 40mph speed limit on the A67 in the vicinity of the development/site access point. In the absence of a detailed layout plan, full commentary of the layout and design of the development proposed is not possible. However, “rabbit runs” passing the rear of dwellings potentially making them vulnerable to criminality should be avoided whilst a good light scheme to key routes is advised. The local Startforth Park and Grangefields estates are relatively low crime/incident areas for the Police with main complaints regarding speeding vehicles on the A67 and generally not parking/neighbour disputes.

#### **PUBLIC RESPONSES:**

71. The application has been publicised by way of press notice, site notice, and individual notification letters to neighbouring residents and businesses.
72. 93 letters of objection and 1 letter of support have been received in relation to the development as summarised below.

#### **Objection:**

##### *Principle/Sustainability of development*

- There are appropriate sustainable development sites identified within the Draft County Durham Plan which should eliminate the need to develop agricultural land
- No consideration has been given to the presence, or otherwise, of local amenities.
- There are no amenities in Startforth, with residents wholly reliant upon local services in Barnard Castle.
- Increased pressure upon services in Barnard Castle, including healthcare, education, banks and post offices.
- There are insufficient employment opportunities within Barnard Castle, meaning an inevitable increase in car use.
- The primary school in Startforth recently closed, reducing the number of spaces overall
- Schools and doctors in Barnard Castle are already overstretched
- The development would be too far from Barnard Castle to walk, and all required journeys are likely to be made by car. The path over County Bridge is narrow and

dangerous, and the topography between the site and services in Barnard Castle is not conducive to pedestrian journeys.

- Public transport provision is poor as there are only 4 buses per day to Startforth park, which only run Monday to Friday
- No requirement for additional houses in Startforth, and the County as a whole can demonstrate a 5 year housing land supply.
- Current new developments in Startforth are not selling quickly
- If approved, this development would mean that 436 new dwellings on 3 estates surrounding Startforth Park would have been approved within 4 years. Startforth has already contributed to meeting the future need for housing
- Any new recreational paths, landscaping and play spaces would be too far from the rest of Startforth

### *Highways*

- Concerns on the impact of increased traffic on the highway network
- Concerns that the increase in traffic using County Bridge would cause serious structural damage
- The proposed access is unsafe as it is on the brow of a hill and the A67 is a high speed road
- Lack of parking spaces within Barnard Castle which would be exacerbated by this development

### *Residential Amenity*

- Impact on residential amenity during construction
- Loss of light or overshadowing
- Loss of privacy

### *Visual, Landscape and Heritage Impacts*

- Houses would likely be “lego” houses
- Concerns over the impact of the proposed development upon the character of Startforth, which would no longer be a village, and would simply have become a satellite of Barnard Castle. Startforth is historically a village in its own right
- The site lies within an Area of High Landscape Value, outside of the housing development area, and is a greenfield site. This development would constitute urban sprawl
- Concerns that the entry to Barnard Castle from Bowes would be marred by more ribbon development, devaluing the draw of the historic market town.
- Developing this site would mean no visual break between Deepdale Woods and Startforth Park, the mature lone trees in the field contribute to visual amenity
- Loss of trees
- Impact upon listed buildings and conservation areas
- Impact on archaeology

### *Ecology*

- Local wildlife would be disrupted. The site is currently used as a breeding ground for Curlews, Lapwings, Skylarks and Oystercatchers, and concerns are raised over the quality and accuracy of the submitted ecology report. Other wildlife that has been seen using the site include Deer, Siskin, Nuthatch, Tree Sparrows, Greater Spotted Woodpecker and Sparrowhawk
- Concerns about the additional pressures that the development would bring to Deepdale Woods and the designated wildlife sites

## Other Issues

- Contrary to the assertions of the applicant, there are no businesses within Startforth that would benefit from this development
- Application is driven only by opportunistic profit, and there would be no benefit to Startforth
- The spending ability of new residents has been over-estimated
- Concerns that the drainage system would not be able to cope
- Concerns that the developer would seek to connect to the Startforth Park private sewer, which would cause potential issues for local residents
- In an area with an ageing population, no provision for housing suitable for older persons has been made
- Concerns are raised over the business tactics of the applicant, and not like to see County Durham taken advantage of

73. *Barnard Castle Town Council* - Objects to the proposed development. The site is considered to be on the fringe of Startforth necessarily disconnected from the services it purports to be supported by. There is no provision to develop or directly support local services and infrastructure, in particular primary schooling, primary and secondary care facilities, community retail and social centres. There will be an unacceptable additional number of car journeys generated by the development. A disproportionate number of these will use the A67 north, through the centre of Barnard Castle leading to bottle-necks and delays on the County Bridge, which is a principal vehicle and pedestrian crossing point on the River Tees. There will be consequentially unacceptable and unsustainable demands placed on the road network and parking infrastructure of Barnard Castle.

74. *Campaign to Protect Rural England (CPRE)* – Objects to the proposed development. It is noted that the site is a large area of open countryside and is not allocated within the pre-submission draft of the County Durham Plan. Attention is drawn to the topography of the area, particularly Bowes Road. It is noted that there are other new residential developments on Bowes Road but these are closer to Barnard Castle, and further down the hill. Attention is also drawn to the need for pedestrians to cross a T-Junction, cross the narrow bridge, and then undertake a fairly steep climb in order to access Barnard Castle. This is considered to affect the sustainability of the site. Furthermore, it is represented that the proposed development would be a major intrusion into the countryside that is not needed, and it is highlighted that the Council can demonstrate an adequate 5-year supply of housing. Overall, it is represented that the application is contrary to Policy ENV1 of the TDLP, that it is not a proposed allocation, and is not required when the County can demonstrate a 5-year housing supply.

## Support

### *Principle*

- The national housing shortage requires that many thousands of new homes be built urgently, this application is a necessary part of addressing that need.

## APPLICANTS STATEMENT:

75. Nothing received.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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76. 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 the development, housing land supply, locational sustainability of the site, landscape and visual impact, layout and design, highway safety and access, heritage issues, open space/recreation provision, ecology, residential amenity, flooding and drainage and planning obligations. Other remaining issues are also discussed.

### Principle of Development

77. 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 Teesdale District Local Plan (TDLP) remains the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF.
78. The TDLP was adopted in 2002 and was intended to cover the period to 2010. However, NPPF Paragraph 213 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Notwithstanding this, it is considered that a policy can be out-of-date if it is based upon evidence which is not up-to-date/is time expired depending on the circumstances. Paragraph 213 also sets out that due weight should be given to existing policies, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
79. In terms of policies most relevant to the principle of a residential development at the site, firstly TDLP Policy ENV1 sets out that in order to protect the countryside, development beyond the defined settlement limits will only be allowed for the purposes of agriculture, rural diversification projects, forestry, nature conservation, recreation or local infrastructure needs, or an existing countryside use where there is identified need. TDLP Policy H1 allocates a range of sites for housing development in sustainable locations, none of which include the application site. TDLP Policy H3 identifies that housing development will be permitted on sites over 0.4ha, comprising previously developed within the development limits of named settlements, including Startforth. TDLP H6 states that new housing will not be permitted in the countryside unless it can be shown to be essential to the needs of agricultural or forestry.
80. The development of the application site would conflict with TDLP Policy ENV1 and H6, representing a substantial encroachment into the countryside. Whilst TDLP Policies H1 and H3 are relevant, they are not directly applicable to this application nor does the proposal draw any support from them.

81. The NPPF does not prevent a local planning authority from defining settlement boundaries to control development, however these would need to be based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area. Given the age of the evidence which informed them, policies within the TDLP in relation to establishing settlement boundaries and location of new housing are considered out of date. Whilst this does not mean that they should be disregarded or be given no weight, the weight that can be afforded to policies ENV1 and H6 is reduced.
82. 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<sup>6</sup> ; 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.
83. The footnote 6 to Paragraph 11 d) i. specifies policies relating to habitats sites (and those listed in Paragraph 176). Paragraph 177 of the NPPF advises that the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site. This is relevant in this case as discussed in more detail in the ecology section of this report. Accordingly, the presumption in favour of sustainable development set out at Paragraph 11 is not engaged.

#### Housing Land Supply

84. Paragraph 73 of the NPPF maintains the requirement for Local Planning Authorities (LPAs) to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.
85. Within County Durham all the extant development plans are more than five years old and their housing figures need revising so the starting point for calculating land supply will be local housing need using the Government's standard methodology. The 'Pre Submission Draft' (Jan 2019) stage of the emerging County Durham Plan (CDP) is aligned with the standardised methodology and identifies a housing need figure of 1,308 dwellings per annum (dpa). At this time, the Council is able to demonstrate in excess of 5 years supply of deliverable housing land against this figure. The Council also has commitments of an additional supply beyond the deliverable 5-year supply period.

86. In a recent written representations appeal involving a site in Esh Winning, the Inspector took the view that housing supply had not been demonstrated by the Council in the terms of paragraph 74 of the Framework. However, the Planning Inspectorate have subsequently confirmed that the Inspector misapplied paragraph 74, as it was impossible for the Council to have an Annual Position Statement in place at the time of the appeal. In addition, in three further, more recent, written representation appeals, the Inspector outlined that there are also the requirements of Paragraph 73 under which councils are required to identify annually a supply of housing sites to provide a minimum of 5YHLS, set against local housing needs where strategic policies are more than 5 years old. The Council's approach to demonstrating a 5YHLS is, therefore, considered to be appropriate in the circumstances, and in line with the requirements of the NPPF.
87. The Government has also recently published its Housing Delivery Test (HDT) results alongside the publication of the update NPPF in February 2019. The HDT outcome for the Council indicates that housing delivery has been above the requirement over the last three years, which is evidence that delivery of housing on the ground is on track and exceeding our housing targets.
88. To summarise, the Council's position remains that the NPPF has confirmed the use of the standard method for calculating local housing need and, as the emerging CDP is aligned with the figure derived from the standardised methodology (1,308dpa), a supply in excess of 5 years of deliverable housing can be demonstrated. Accordingly, the weight to be afforded to the boost to housing supply as a benefit of the development is clearly less than in instances where such a healthy land supply position could not be demonstrated.

#### Locational Sustainability of the Site

89. Policy GD1 of the TDLP seeks to promote that new development is carefully located to help to reduce the need for additional car journeys and that through locating land uses within easy access to each other and to the public transport network will give the opportunity to use alternative methods of transport. The policy also advocates limiting parking provision so as to encourage the use of other transport modes and giving priority to pedestrians and cyclists within developments. This encouragement of cycling is replicated in Policy T8. Similarly, TDLP Policy T7 seeks to support the content of Policy GD1 and seeks to support public transport by locating major development proposals on or close to public transport routes.
90. TDLP Policies GD1, T8 and T7 are considered generally consistent in this respect with paragraph 103 of the NPPF which sets out that the planning system should actively manage patterns of growth including to promote walking, cycling and public transport use. 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. Paragraph 110 of the NPPF also sets out that applications for development should give priority to pedestrian and cycle movements, facilitate access to high quality public transport, address the connections between people and places and the integration of new development into the natural and built environment. It is acknowledged, however, that where Policy GD1 seeks to limit parking in development this is informed by parking standards of some age and includes reference to the displaced PPG13. The NPPF at paragraph 106 provides the more up to date national advice in this regard and essentially establishes a presumption against maximum parking standards. On the issue of parking therefore TDLP Policy GD1 is somewhat out of date. However, in the round both TDLP Policies GD1 and TR7 can still be afforded significant weight in the decision-making process.

91. Startforth is a settlement that is almost entirely devoid of meaningful levels of local services. The village has no shop, pub, and following its closure in 2016, no school. It does however have a church, community centre, children's nursery and small children's play area. The only significant employer in the village is Deerbolt HMYOI. It is also home to Teesdale Conservation Volunteers "Rotters" community composting site. As a result, residents of the village are forced to look towards Barnard Castle, located to the north of the River Tees in order to meet the majority of their everyday needs.
92. Whilst Barnard Castle is, in general, considered to be served by an appropriate range of services and amenities, consideration is required to be given as to the ability of future occupiers to access these services and amenities. In this respect, the application is accompanied by a Transport Assessment and Travel Plan, which assess the accessibility of the site to local services and facilities, by foot, bicycle and bus, as well as impacts upon the highway network in terms of vehicular traffic.
93. In terms of distances to services and amenities, the applicant makes reference to a range of distances that are generally considered acceptable set out in the Chartered Institute of Highways and Transportation (CIHT) documents including 'Guidelines for Providing for Journeys on Foot' and 'Planning for Walking', and The Department for Transport's 'Manual for Streets'. In general, it is considered that a walking distance of 1650-2000m or a 20-minute walk is considered at the upper end of what future residents could be expected to walk, taking into account topography and desirability of routes.
94. In this respect, the majority of services and amenities needed to sustain a development of this size are located within Barnard Castle, including larger supermarkets, health facilities and schools. Taken from the centre of the site, the submitted information establishes that there are no local services within 400m (5 minute walk) of the site, two bus stops are located within 800m (10 minute walk), with further bus stops, the community centre, nursery and children's playground within 1.2km (15 minute walk) and the church within 1.6km (20 minute walk). All other services are located to the north of River Tees, and the most southerly part of Barnard Castle town centre would be within 2km (25 minute walk) of the centre of the site, which would provide access to a number of shops, pubs, places of worship, a library, an arts centre and a supermarket. However, other services such as schools and health centres would be located even further away, and beyond reasonable walking distance.
95. Additionally, there is a significant change in topography between the application site and Barnard Castle town centre, with it being necessary to cross the River Tees. Journeys in either direction would involve a descent towards the river, and then a climb away from it. The climb towards Barnard Castle in particular is relatively steep, and whilst the gradient towards the application site is gentler, the distance is further. All pedestrian traffic would be required to cross County Bridge which although subject to a weight limit, is still heavily trafficked, as it forms the main route from Barnard Castle and lower Teesdale towards the A66. The bridge does have a footway on its western side, but this, like the bridge itself, is relatively narrow. It is considered likely that given the nature of the routes and distances to the town centre, it would discourage future residents from accessing the town centre by foot.
96. In terms of access by bus it is the 71 service which would be nearest stopping service to serve the development. The bus stop is located within Grangefields and offers a service to Barnard Castle. However, there are only 4 journeys per day between the hours of 0915 and 1550 Monday to Friday only. Additionally, there is a once daily service from Startforth Park to Teesdale School, and an additional twice daily Wednesday service. The local bus service is therefore not particularly frequent, and

the service starts relatively late in the day, and ceases relatively early. Additional bus services to Durham and Darlington are accessible from within Barnard Castle, however, to walk to these bus stops rather than connect would be far less convenient with them being located up to 2km from the site.

97. The Council's Sustainable Transport Section advise that current bus services from the vicinity of the site do not meet their minimum standard expectations in this part of the County which is an hourly service. It is also considered an unlikely commercial prospect that further services could be provided. Sustainable Transport therefore conclude that the site is not adequately accessible by public transport though it is acknowledged that walking distances to the bus stops for much of the site are within acceptable distances.
98. The site is considered relatively accessible by cycle, however, this relies on utilising the proposed vehicular access, along Bowes Rd, with no existing dedicated cycle routes or lanes serving the development.
99. It is recognised that a proportion of the site would be within, albeit on the limit of, what would be considered acceptable walking distances to services in the centre of Barnard Castle. However, taken in the round, given the limited frequency of bus services, the distance of the site from services and facilities in the town centre, and the nature of pedestrian routes proposed it is unlikely that the development would promote accessibility by a range of methods and as a result is considered contrary to Policies GD1 and T7 of the TDLP and Paragraphs 103 and 110 of the NPPF. This is considered to represent an adverse impact of the development to be weighed in the planning balance.
100. It is noted that the applicant, within the application, considers that the locational sustainability of the proposed development is comparable with the approved housing site to the south of HMYOI Deerbolt. However it is considered that site is significantly closer to Barnard Castle (approx. 0.5km closer as a minimum), located towards the bottom of the river valley, and has better access to local bus services. Therefore, it is considered to not be reasonable to consider that the sites are directly comparable in this regard.

#### Landscape and Visual Impact

101. TDLP Policy GD1 seeks to protect and enhance the countryside of the Teesdale, requiring that developments do not unreasonably harm the rural landscape of the area, have a detrimental impact on the rural landscape of the area, has regard to and retains landscape features while requiring that major developed sites incorporate structural landscaping. TDLP Policy ENV1 seeks to protect and enhance the countryside by restricting development proposals except for agricultural or other compatible uses in the countryside as permitted by Local Plan policies. TDLP Policy ENV3 states that development within an Area of High Landscape Value (AHLV) will be permitted where it does not detract from the area's special character and pays particular attention to the landscape qualities of the area. TDLP Policy ENV10 seeks to protect trees and hedgerows including both those which have formal means of protection but also those not protected by which contribute positively to the locality and this policy is considered consistent with the NPPF.
102. These policies are considered consistent with Parts 12 and 15 of the NPPF with paragraph 170 (b) recognising the intrinsic character and beauty of the countryside, trees and woodland whilst paragraph 127 (c) requires that development is sympathetic to its landscape setting. NPPF paragraph 170 (a) stating that valued landscapes should be protected and enhanced. However, it is recognised the strategy of Policy

ENV1 of the TDLP in restricting development proposals for agricultural or other compatible uses in the countryside is only partially consistent with the NPPF which takes a more permissible attitude towards a wider range of development types in the countryside and therefore this policy can only be afforded moderate weight. In line with the previous findings of a Planning Inspector, TDLP Policy ENV3 is considered to also be only partially consistent with NPPF and can therefore only be afforded moderate weight. Due to its general consistency with the NPPF, Policy GD1 can be afforded significant weight in the decision-making process.

103. The Council's Landscape Team identify that the site lies in the Pennine Dales Fringe, and can be identified as being within the Boldron & Lartington Broad Character Area, which has the Broad Landscape Type of Gritstone Vale. The local character of the site can be described as "Vale farmland: pasture". The site lies within an Area of High Landscape Value, and within the County Durham Landscape Strategy has a strategy of 'conserve and restore'.
104. The site is primarily visible from the A67, which passes the south eastern boundary of the site, and from the public footpath that passes immediately outside the northern, and part of the eastern, boundaries. It is pasture with hedges and mature hedgerow trees, as well as some large, mature trees within the site. The site slopes downwards towards the north east, following the road. This allows views north across the site towards the North Pennines in the distance. Although both the tall perimeter fence of Deerbolt YOI and the southern edge of Startforth Park housing estate are visible across the site when travelling north east on the A67, the views are significantly filtered by both topography and the mature trees within and surrounding the site. It is considered that this edge of Startforth has the clear appearance of a mature boundary between town and country.
105. Travelling south west on the A67, the landscape opens up abruptly across the site giving an attractive view across pasture to mature trees on the skyline. There is a strong sense of arriving in the countryside, emphasised by the open pasture on the opposite side of the A67.
106. The footpath beside the northern edge of the site benefits greatly from the open views across the site. It leaves Startforth Park between the field hedge and the rear gardens of two dwellings, and then turns to run between the hedge at the northern edge of the site and the Deerbolt perimeter fence, which forms a complete visual screen to the north. The hedge round the site is sufficiently unmanaged to permit views through it and across the site.
107. The Council's Landscape Team identify that the effect of the proposal would be transformative on the landscape of the site and on this edge of Startforth, and would be a clear intrusion into attractive open countryside.
108. Overall, having regard to the advice of the Council's Landscape Officer, the development would represent a significant encroachment into the surrounding countryside, which would not be sensitively related to the existing settlement pattern and would not respect existing natural and landscape features in conflict with Policies GD1, ENV1, ENV3 of the TDLP in this respect, and Paragraphs 170 and 127 of the NPPF, representing a significant adverse impact that needs to be taken into account in the planning balance.

#### Layout and Design

109. TDLP Policies GD1 and H12 require development to be designed and built to a high standard and should contribute to the quality and built environment of the surrounding

area. Furthermore, development should be in keeping with the character and appearance of the area, and be appropriate in terms of form, scale, mass, density and layout, to its location. Parts 12 and 15 of the NPPF also seek to promote good design, while protecting and enhancing local environments. Paragraph 127 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. Due to their consistency with the NPPF, significant weight should be afforded to TDLP Policies GD1 and H12 in this respect.

110. The NPPF at paragraph 129 also encourages the use of assessment frameworks based on Building for Life 12 (BfL12). In this respect the application has been considered by the Councils Design Review Workshop which, utilising BfL12 as an assessment framework, scored the site poorly, particularly with regards to landscape impact and connectivity, but also with regards to character and layout.
111. These concerns are replicated in separate comments from the Councils Design and Conservation Officer, who advises that the supporting information bases any proposed character around street hierarchy rather than built development and sense of place. Whilst reference has been made to numerous built forms and materials, on the basis of local reference points, some of these reference points are simply modern standard housetypes with no particularly local character.
112. However, it is acknowledged that the application is in outline with all detailed matters reserved except access. Therefore there is opportunity at the reserved matters stage to further assess the layout and design of the development. In principle it is considered likely at the reserved matters stage the quantum of development could be provided with a form of layout, design etc which would meet acceptable standards.
113. The site contains a veteran tree located on its western fringe and such trees are afforded particular protection within the NPPF. The application proposes that the tree remain in an area of retained landscape buffer and should be achievable at the reserved matters stage. The ancient woodland at Deepdale Wood should remain unaffected having regards to TDLP Policy ENV9 (partially consistent with the NPPF). Public right of way Footpath No 3, Startforth would not be directly affected by the development and therefore in compliance with TDLP Policy TR10 (NPPF consistent).
114. Overall, based on the submitted information, it is considered that whilst acknowledging there are deficiencies in the indicative layout and design submissions under the application, it outline in nature of the application and controls should exist at the reserved matters stage in order to achieve a development of acceptable quality having regards to policies GD1 and H12 of the TDLP and Part 12 of the NPPF.

#### Highway Safety and Access

115. TDLP Policy GD1 set out that developments should be served by a safe means of access and development should not create unacceptable levels of traffic which exceed the capacity of the local road network and this advice is considered to be consistent with the advice of the NPPF. Policy GD1 and T2 both advise in regards to parking and seek to limit parking as far as practicable. As previously explained, advice in regards to parking within the TDLP is now considered to be somewhat out of date and weight to the advice on parking within policies GD1 and T2 should be reduced as a result. Concerns over highway safety, including the capacity of the road network to accommodate additional flows and the safety of the surrounding roads have been raised by local residents.

116. In support of the planning application the applicant has submitted a Transport Assessment (TA) that considers the impact of the development on the surrounding road network. In reviewing the proposals, the Highway Authority advise that the submitted TA requires further work with regards to traffic modelling, and as a result the full impacts of the development cannot currently be assessed. Whilst discussions have taken place with the applicant's transport consultant, a revised assessment has not been forthcoming.
117. In terms of the proposed vehicular access, the Highways Authority raise concerns regarding the specification of the proposed visibility splays, and the possibility of mature trees in the existing hedgerow having to be removed to facilitate an acceptable access is highlighted.
118. Overall, on the advice of the Highway Authority, it is considered that insufficient information has been submitted, to demonstrate that a satisfactory means of access could be created, and to demonstrate that the development would have an acceptable impact on the wider highway network. There is therefore insufficient information for the Council to assess whether the scheme is in compliance with TDLP Policy GD1 in this respect and paragraphs 108 and 109 of the NPPF.

#### Heritage Issues

119. Barnard Castle Conservation Area, containing a number of listed buildings, is located approximately 900m to the north east of the site. High Westwood, a Grade II listed building is located approximately 125m to the south east of the site. Further Grade II listed buildings such as Startforth Hall, Low Startforth Hall, Startforth House, Startforth Lodge and Holy Trinity Church are located within the local area, but are no closer than 500m to the application site.
120. However, it is advised by the Councils Design and Conservation Section that there is limited intervisibility between the proposed development site and most of the identified designated heritage assets and therefore there would not be impacts upon their significance. Design and Conservation do state that it is difficult to fully assess the impact of the proposed development upon High West Wood (Grade II listed), and associated non-designated heritage assets. Design and Conservation state that this is due to the outline nature of the planning application and thereby an absence of full details of the scheme. The submitted heritage desk-based assessment concludes that the application site does not contribute towards the heritage significance of the High West Wood complex, and therefore the proposed development, would equally not have any impact upon the significance of the assets in question.
121. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty that, when considering whether to grant planning permission for a development that 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 that it possesses. If harm is found this must be given considerable importance and weight by the decision-maker. In many instances an application for outline planning permission without the benefit of full and precise details of the development can be an inappropriate application route where impacts upon heritage assets are apparent.
122. However, on balance officers agree with the applicant's submissions that harm to heritage assets at High West Wood is not likely to occur. Intervisibility between the listed buildings and the development would be limited partly by the grouping at Westwood farm. Areas of final landscaping and open space likely necessary to ensure an acceptable layout at the reserved matters stage would further aid in screening. The

setting of the High West Wood assets is not considered particularly extensive. Overall officers conclude having regards to the heritage significance of the assets, the distances and intervisibility involved that harm High West Wood would not occur.

123. Paragraph 193 of NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
124. The NPPF also advises that where a development would have substantial harm upon designated heritage assets, that planning permission should be refused, unless the loss would be outweighed by public benefits, and in other specific circumstances. Where a development would have a less than substantial impact upon the significance of designated heritage assets, such harm should be weighed against the public benefits of the proposal.
125. TDLP Policy BENV3 states that where a development would adversely affect the setting of a listed building, permission should be refused. As this policy is more restrictive than the process set out in NPPF, it is considered that more limited weight can be afforded it.
126. As it is considered that in this instance there would be no harm to the significance of High Westwood the proposal is considered compliant with TDLP Policy BENV3 and the NPPF advice in this regard.
127. In relation to Archaeology, Policy BENV11 seeks to conserve the historic heritage of the District by the maintenance, protection and enhancement of areas of particular archaeological interest. This policy is considered consistent with Paragraph 189 of the NPPF which sets out that, where a site on which development is proposed, includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. TDLP Policy GD1 has a criteria-based requirement that is reflective of Policy BENV11. Policies GD1 and BENV11 should be afforded full weight in this respect.
128. The applicant has not submitted any field evaluation in relation to the archaeological value of the application site. Footnote 63 of the NPPF sets out that non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets. In general terms, this would equate to archaeological findings of national significance and could include a requirement to retain in situ or protect the setting of such assets. This could affect the quantum of development that could be accommodated on site in this respect. On balance, it is considered that there is a relatively small risk that the potential archaeological features would be of national / high regional significance, however, a precautionary approach must be taken at this stage and it is, therefore, assumed that the potential archaeological interests of the site are significant. The information is also insufficient to enable the LPA to assess compliance with relevant policy.
129. With no field evaluation having been undertaken, the application fails to fully describe the significance of the archaeological interest of the site thereby in conflict with TDLP Policy BENV11 and NPPF paragraph 189. Having regard to Paragraph 194 the NPPF and its associated footnote, should the archaeological interest on the site be of the highest significance then this engages specific tests applicable to designated heritage assets within the NPPF against which the application would need to be assessed.

## Open Space/ Recreation Provision

130. Policy GD1 of the TVDLP sets out that adequate open space should be incorporated within the design and layout of the site. This is detailed further in TDLP Policy H1A, which sets out targets for informal play and amenity space, or as an alternative, developers are expected to make a contribution to the provision of such facilities on developments of more than 10 dwellings. NPPF paragraph 96 highlights that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Paragraph 127 requires amongst its advice that developments function well and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space).
131. The targets referred to in Policy H1A and the background supporting information of the policies have been revised under the Council's Open Space Needs Assessment (OSNA) 2018, which is considered the most up to date assessment of need for the purposes of Paragraph 96 of the NPPF. Therefore, whilst the general thrust of Policies GD1 and H1A is consistent with the content of the NPPF, the evidence base in respects to open space requirements has changed and, in that sense, the policies are not fully up to date.
132. The OSNA sets out the requirements for public open space on a population pro rata basis. For a development of 210 houses the OSNA advises that amenity/natural green space and childrens playspace should be provided on site and the quantity requirements would be 6,930m<sup>2</sup> and 231m<sup>2</sup> respectively. The OSNA advises that for a development of the scale proposed that a financial contribution towards remaining open space typology improvements off site would ordinarily be appropriate. An off-site financial contribution towards these remaining open spaces would require securing via a S106 legal agreement and the necessary amount would be £310,926.
133. Overall, through control which can be exercised at the reserved matters stage and off-site contributions which can be obtained via a S106 legal agreement in the event of an approval adequate open space provision and improvements should be deliverable in accordance with advice within TDLP policies GD1 and H1A and paragraphs 96 and 127 of the NPPF.

## Ecology

134. TDLP Policy GD1 seeks to ensure that developments would not endanger or damage important national or wildlife sites or that of the ecology of the wider area. TDLP Policy ENV5 seeks to protect nationally and internally designated ecological sites, Policy ENV6 seeks to protect SSSIs and national nature reserves and ENV7 seeks to protect locally designated ecological sites. Finally, Policy ENV8 seeks to protect species protected by law and including their habitats. These policies are each considered consistent with Part 15 of the NPPF which seeks to ensure that developments protect and mitigate harm to biodiversity interests, encourages net biodiversity gains and stringently protects ecological sites of the highest significance.
135. A Preliminary Ecological Appraisal has been submitted in support of the application. The report identifies that the site is within 10km of three internationally designated wildlife sites, lies within 1km of a Deepdale Woods LWS, and furthermore that the site itself contains hedgerows, mature and veteran trees. The submitted information recommends that further bat activity surveys, badger surveys and botanical surveys are carried out. In addition, it is recommended that consultation is undertaken with regards to the North Pennine Moors SAC/SPA and the LWS, and that a shadow HRA

report is produced in order to fully understand impacts upon the European protected sites.

136. The Councils Ecology Section advise, in line with the submitted report, that the additional ecological surveys should be undertaken in advance of any approval of the application, in order to assess impacts and secure appropriate mitigation if required. The additional survey work deemed necessary includes that in respects to European Protected Species upon which the LPA has a duty to assess the likelihood of an EPS license (if one was found necessary) being granted set against the derogation test requirements of the Habitats Directive brought into effect by the Conservation of Habitats and Species Regulations 2017.
137. With regards to the ecological sites, in order to determine whether planning proposals are likely to harm a European Protected Site(s) or not, an assessment of their effects is required. This is known as Habitats Regulations Assessment (HRA). Whilst it is the responsibility of the Council, as the competent authority, to undertake the HRA, those proposing or submitting planning applications will need to provide the Council with sufficient information and evidence to enable proper assessment to be undertaken.
138. If following HRA, taking mitigating measures into account, it is established that harm is likely to occur, or if there is uncertainty over the effects of a planning proposal, the Council will be required to proceed on a precautionary basis and not grant consent. The Council would only be able to grant consent under these circumstances if three additional, sequential tests (known as derogations) are met. These tests must be interpreted strictly and include; that no feasible less damaging alternative solutions to the proposal exist; imperative reasons of overriding public interest can be demonstrated; and compensatory measures can be secured. The precautionary approach to the HRA process means that a significant effect on the European Site should be considered likely if it cannot be completely excluded on the basis of the available information. The absence of information is not a basis to assume no negative effect. In this instance HRA related submissions in respects to the development are considered inadequate, proper and fully informed assessment of potential effects upon the SPA and SAC cannot be determined and as a result a significant effect on those sites cannot be discounted.
139. It is further considered that there is not sufficient detail within the submitted indicative masterplan to determine if the application will deliver a net gain for biodiversity, without details of the public open space being provided. Changes to the proposed layout could include the use of retained trees to provide a framework for green corridors, and an increase in the amount of semi-natural public open space.
140. Overall, objection must be raised due to the aforementioned lack of survey work, inadequate submissions in respects to the HRA process and absence of consideration as to whether or how the development would achieve a net biodiversity gain. It is considered that there is insufficient information to demonstrate that the proposals would protect relevant species and sites and thereby comply with TDLP Policies GD1, ENV5, ENV7 and ENV8 and Part 15 (paragraphs 170 and 177) of the NPPF in this respect and also to enable the Council to discharge its obligations under the Conservation of Habitats and Species Regulations 2017.
141. NPPF paragraph 177 states that the presumption in favour of sustainable development does not apply where a development proposal is likely to have a significant effect on a habitats site (which includes the SAC and SPA relevant here), unless an appropriate assessment has concluded that it would not adversely affect the integrity of the habitats site. The precautionary approach to the HRA process means that a significant effect on the European Site should be considered likely if it cannot be completely

excluded on the basis of the available information. It is therefore considered that the presumption in favour of sustainable development is not engaged as a result.

## Residential Amenity

142. 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. TDLP Policy GD1 states that new development should be compatible with surrounding existing land uses and should seek to deter crime and increase personal safety. The policy also advises in regards to a range of pollutions and public health. This policy is considered to be consistent with NPPF in this regard and can be afforded full weight in the decision making process.
143. The submitted masterplan demonstrates that separation distances in excess of 21m between habitable room windows to existing neighbouring residential dwellings can be achieved, which would prevent any loss of amenity/overlooking in this respect. Further scrutiny of this matter and the internal site layout would be given at the reserved matters stage, particularly having regard to the above discussion on open space that the required levels of such space have not been indicated on the layout.
144. A noise impact assessment has been submitted in support of the application, which considers the existing noise climate and impact on the development. It concludes that the acoustic environment is such that there could be potential noise generated from both HMYOI Deerbolt and also from Bowes Road. In reviewing this matter, the Environmental Health and Consumer Protection (Pollution) Officers consider that although noise events may occur from time to time at HMYOI Deerbolt, these events should not be regular, or of a long duration, and therefore are not likely to have a significant impact upon residential amenity. With regards to road noise, the proposed mitigation measures of acoustic glazing to properties closest to the road is considered acceptable. The submitted noise information did not record any noise activity at the farm.
145. The applicant has stated that the farm is not in active use as an agricultural business with no livestock kept on site. On this basis, issues of noise and odour from the site should not a present an issue. However, it should be highlighted that the farm could return to being operational with the risk that associated noise and odour could occur.
146. Given the circumstances, however, it is considered that any impacts from the farm would not be so demonstrably significant to warrant refusal of the application. The control on final layout at the reserved matters stage and conditions relating to final adoption of noise mitigation measures would provide a means to mitigate potential future impacts.
147. In order to limit the potential disturbance for existing and future residents during construction, Environmental Health and Consumer Protection Officers recommend that a construction management plan be secured to deal with construction related impacts. Subject to the imposition of such a condition, construction related impacts could be adequately mitigated.
148. In relation to land contamination, the applicant has submitted a desk top study and a site investigation and gas monitoring report which identifies that there is a low risk of contaminants being present on site. However, further site investigation work is recommended. After reviewing the submitted report, Environment, Health and Consumer Protection (Contaminated Land) Officers advise that the submitted desk top

study is acceptable and recommends a conditional approach to further land contamination investigations including site sampling.

149. The Environmental Health and Consumer Protection (Air Quality) Officers advise the site is not in close proximity of any Air Quality Management Areas. However, an Air Quality Assessment has been submitted, assessing the impact of the development. It concludes that the modelled levels of air quality are below the national air quality objectives and, therefore, no objections to the application are made. The Environmental Health and Consumer Protection (Air Quality) Officer agrees with the conclusions of the report and raises no objections in regard to either the operational or construction phases of the development. It is advised, in respects to the construction phase of the development, that a dust action management plan be secured by condition whilst travel plan/sustainable transport initiatives are advised in respects to the operational phase.
150. Overall no objections which would warrant refusal of the application on grounds relating to residential amenity issues with the development considered compliant TDLP Policy GD1 and Parts 12 and 15 of the NPPF.

### Flooding and Drainage

151. 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, informed by a site-specific flood risk assessment. TDLP Policy ENV15 also advises on development and flood risk and whilst the general thrust of the policy is consistent with the advice in the NPPF it is somewhat out of date in its references to now superseded national advice.
152. The application is accompanied by a flood risk assessment (FRA), which highlights that the application site is within flood zone 1 with a low flood risk probability. The FRA also sets out a drainage strategy including the incorporation of Sustainable Urban Drainage (SuDS) including a detention basin to attenuate surface water before discharging to a water course at a rate attenuated to existing greenfield run-off rates. The use of SuDS in major development is a requirement in the NPPF (unless there are exceptional circumstances), is encouraged within TDLP Policy ENV15 whilst the need to maintain water quality is the objective of TDLP Policy ENV14 (NPPF consistent) and is a benefit of a fully developed SUDS scheme.
153. The Councils Drainage and Coastal Protection officers advise that whilst the FRA is relatively comprehensive, insufficient detail with regards to the proposed surface water management strategy has been provided.
154. In considering this matter, and recognising the outline nature of the application, it is considered that a final site layout could potentially be developed to include SuDS features, recognising that a final detailed design may impact on the quantum of development achievable.
155. In relation to foul water, the information submitted with the application states that it is not yet confirmed how foul water disposal would be addressed. With regards to this, Northumbrian Water consider that insufficient information has been submitted, and have recommended a conditional approach. Local residents advise that foul water infrastructure at Startforth Park is not adopted, and it is unclear whether the applicant would be able to achieve a suitable connection.

156. TDLP Policies GD1 and ENV17 state that new developments should provide adequate surface and foul water drainage. These policies are considered to be largely consistent with Part 14 of the NPPF and can be afforded significant weight.
157. Further discussions have been held with Northumbrian Water who have stated that the applicant has submitted a pre-development enquiry direct to them. Northumbrian Water have stated that public foul sewers do exist in the local area to which a connection could potentially be made. In the circumstances whilst the application fails to demonstrate a foul drainage strategy and to this end is not demonstrating clear compliance with relevant TDLP Policies ENV17 and GD1, it would appear that a mains foul water connection is achievable. Having regards to this and the Northumbrian Water recommendation that a condition could be applied to any planning permission, a specific refusal reason in regard to foul drainage is not recommended.

### Planning Obligations

158. Policy H14 of the TDLP sets out that the Council will, where a relevant local need has been established, seek to negotiate with developers for the inclusion of an appropriate element of affordable housing. This policy is considered consistent with paragraph 62 of the NPPF which sets out that where a need has been established, an appropriate level of affordable housing should be provided. The council's Strategic Housing Market Assessment is the most up to date evidence base used to inform the need for affordable housing. This document confirms that there is a net shortfall of affordable homes per annum and also provides evidence to inform the tenure split for affordable housing. In terms of the split between social/affordable rented and intermediate tenure products, the SHMA outlines a tenure split of 76.5% affordable (social) rented and 23.5% intermediate tenure. For the purposes of implementation, as part of a planning application the tenure split as set out in the SHMA is rounded to an 80:20 ratio (Affordable (social) rented: intermediate tenure).
159. The site falls within a high viability area, this means that 20% of properties on the scheme would need to be affordable, this equates to 42 units if the site delivered 210 units. There is a requirement to provide 10% of the private and intermediate properties for older people through either the provision of bungalows or suitably adapted dwellings. The applicant has indicated that this level of provision would be delivered, with the delivery and tenure to be secured through a planning obligation under S106 of the Town and County Planning Act 1990 (as amended).
160. The NPPF at Paragraph 72 sets out that the Government attaches great importance to ensuring sufficient availability of school places to meet the needs of existing and new communities. The School Places and Admissions Manager advises that based on projected school rolls, taking into account the likely implementation timeframe of the development there are sufficient primary and secondary school places to accommodate the development.
161. Although the NHS have been consulted with regards to this application, no response has been received, and as a result it is not possible to accurately assess the impact that the development would have upon local medical practices, however it would appear that practices within Barnard Castle are currently accepting patients, suggesting that they are not presently at full capacity. Accordingly, it is considered that it would not be reasonable to seek to impose a financial contribution upon the applicant in this regard.
162. Discussion on the off-site open space contribution requirements is also held earlier in this report.

## Other Issues

163. NPPF Paragraphs 170 and 171 advice on the economic and other benefits of the best and most versatile agricultural land and where significant development of best and versatile agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. TDLP Policy ENV12 also seeks to protect best and most versatile land and is considered consistent with the NPPF. A site-specific investigation into the land classification has been submitted identifying that that the site does not contain best and most versatile agricultural land (grade 3b).
164. The application site lies in close proximity to, but not within an area of Ancient Woodland. TDLP Policy ENV9 states that permission should be refused where it would damage ancient woodland. In this instance the development would be unlikely to cause direct damage to the Ancient Woodland, although recreational pressures would likely increase as a result of the development. On balance, and having regards to the specific wording of TDLP Policy ENV9, officers consider that the level of harm would not be likely to be sufficient to warrant the refusal of the application on this basis.

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## **CONCLUSION**

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165. The development would result in development beyond the established settlement boundaries of Startforth, negatively impacting on the character and appearance of the countryside and a designated Area of High Landscape Value, in conflict with policies GD1, ENV1, ENV3 and H6 of the TDLP and Paragraphs 127 and 170 of the NPPF.
166. The development would not promote accessibility via a genuine choice of transport modes contrary to Policies GD1 and T7 of the of the TDLP and Paragraphs 103 and 110 of the NPPF. Based on the submitted information the development is considered to represent poor design contrary to TDLP Policies GD1 and H12 and having regards to advice at Paragraphs 127 and 129 of the NPPF.
167. Insufficient information has been submitted to establish whether the development could achieve a suitable means of access and would have an acceptable impact on the wider highway network, contrary to TDLP Policy GD1 and paragraphs 108 and 109 of the NPPF.
168. It is considered that the application contains insufficient submission and assessment to demonstrate or inform that the development would not result in significant adverse effects upon habitats sites, Local Wildlife Site or upon the biodiversity of the site including protected species. As a result, the development is considered contrary to TDLP Policies GD1, ENV5, ENV7 and ENV8 and paragraphs 170 and 177 of the NPPF.
169. The application includes insufficient assessment and evaluation of the significance of the archaeological interest of the site in conflict with Policy BENV11 of the TDLP and paragraph 189 of the NPPF.
170. As a significant effect on a habitats site cannot be excluded and in accordance with NPPF paragraph 177 this has the effect of disengaging the presumption in favour of sustainable development at paragraph 11 of the NPPF. As a result, the application should be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. Clear conflict with the Development Plan

has been identified together with conflict with the NPPF as a key material planning consideration.

171. It is acknowledged that some benefits would emerge from the development, summarised below;
- The development would assist in maintaining housing land supply however this at a time when the Council can demonstrate in excess of 5 years of deliverable housing land supply. Accordingly, the weight to be afforded to the boost to housing supply as a benefit of the development is reduced.
  - Typical of any residential housing development, the development would provide direct and indirect economic benefits within the locality and from further afield in the form of expenditure in the local economy. This would include the creation of construction jobs, as well as further indirect jobs over the lifetime of the development. A temporary economic uplift would be expected to result from the development and expenditure benefits to the area, albeit primarily in Barnard Castle, as opposed to Startforth.
  - The development would provide an increased range of house types including 20% affordable housing units which would meet an identified short fall within the County.
172. However, overall on balance, these benefits would not outweigh the aforementioned conflicts with the TDLP and elements of the NPPF.
173. The proposal has generated some public interest, with a number of letters of objection, as well as a single letter of support having been received. The objections and concerns raised have been taken account and addressed within the report.

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## **RECOMMENDATION**

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That the application be **REFUSED** for the following reasons:

1. The Local Planning Authority considers that the development would represent a significant encroachment into the countryside, which would not be sensitively related to the existing settlement pattern and would result in a detrimental impact upon an Area of High Landscape Value landscape which would not respect the existing landscape setting in conflict with Policies GD1, H6, ENV1 and ENV3 of the Teesdale District Local Plan and Paragraphs 127 and 170 of the National Planning Policy Framework.
2. The Local Planning Authority considers that the location of the development would not promote accessibility via a genuine choice of transport modes contrary to Policies GD1 and T7 of the of the Teesdale District Local Plan and Paragraphs 103 and 110 of the National Planning Policy Framework.
3. The Local Planning Authority considers that the application includes insufficient assessment and evaluation of the significance of the archaeological interest of the site in conflict with Policy BENV11 of the Teesdale District Local Plan and paragraph 189 of the National Planning Policy Framework.
4. The Local Planning Authority considers that the application contains insufficient submission and assessment to demonstrate that the development would have an acceptable impact on the wider highway network. The application also does not demonstrate that a safe and satisfactory means of access to serve the development can be achieved. The development is therefore considered contrary to policy GD1 of

the Teesdale District Local Plan and having regards to the advice at paragraphs 108 and 109 of the National Planning Policy Framework.

5. The Local Planning Authority considers that the application contains insufficient submission and assessment to demonstrate or inform that the development would not result in significant adverse effects upon the North Pennine Moors Special Area of Conservation and Special Protection Area. Furthermore, the application contains insufficient submission and assessment to demonstrate or inform that the development would not result in unacceptably harmful impacts upon Deepdale Wood Local Wildlife Site or upon the biodiversity of the site including protected species. As a result, the development is considered contrary to Teesdale District Local Plan Policies GD1, ENV5, ENV7 and ENV8 and paragraphs 170 and 177 of the National Planning Policy Framework.

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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

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## **BACKGROUND PAPERS**

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

The National Planning Policy Framework (2018)

National Planning Practice Guidance Notes

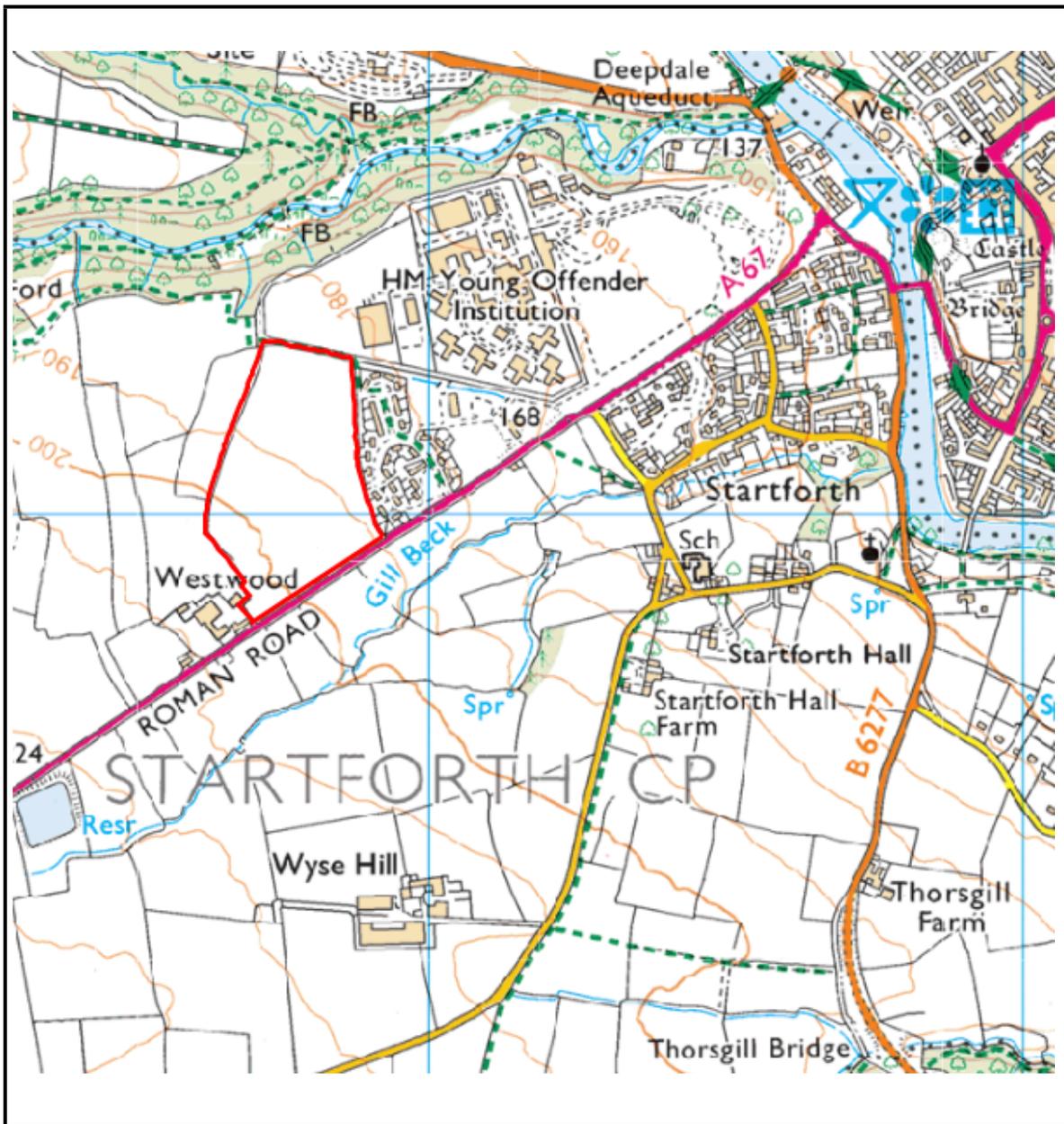
Teesdale District Local Plan

The County Durham Plan (Pre Submission Draft)

The County Durham Strategic Housing Land Assessment

The County Durham Strategic Housing Market Assessment

Statutory, internal and public consultation responses



**Planning Services**

DM/19/01060/OUT

Outline planning application (all matters reserved other than access) for the erection of up to 210 dwellings and associated infrastructure.

Gladman

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**Comments**

**Date** 2 July 2019

**Scale** Not to scale

# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION NO:</b>	<b>DM/19/01316/FPA</b>
<b>FULL APPLICATION DESCRIPTION:</b>	<b>Erection of 7 units (5 buildings) for B2/B8 industrial use with integrated offices and associated service yards, car parking and landscaping</b>
<b>NAME OF APPLICANT:</b>	<b>Buckinghamshire Properties Limited</b>
<b>ADDRESS:</b>	<b>Jade Business Park Phase 1, Jade Enterprise Zone, Murton, SR7 8RN</b>
<b>ELECTORAL DIVISION:</b>	<b>Murton</b>
<b>CASE OFFICER:</b>	<b>Laura Eden Senior Planning Officer 03000 263980 <a href="mailto:laura.eden@durham.gov.uk">laura.eden@durham.gov.uk</a></b>

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## DESCRIPTION OF THE SITE AND PROPOSALS

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### The Site

1. The application site is broadly rectangular in shape and comprises of approximately 5.1 hectares of grassland in addition to some existing infrastructure provision. It is located approximately 1km south of Murton, 1.3km to the north east of South Hetton and 1.3km to the south west of Dalton Park comprising of land associated with the former Hawthorn coke works. The site forms part of a wider area which benefits from extant planning permission for industrial use (originally granted in 2005, amended in 2012). Works to remediate the site commenced in 2007 and in 2011 the access road leading to the site from A182 was completed. Structural planting belts were also created predominantly to the northern and southern site boundaries.
2. Vehicular access into the site is taken directly off the A182 via an existing, as yet unopened, access road which leads to the development site. The A182 connects to the A19 to the east, via a dumbbell roundabout arrangement which provides access to Seaham, Dawdon and Parkside in addition to the wider highway network. The A182 junctions with the B1285 to the north and provides access to the residential areas of Murton and South Hetton in addition to the A690 and A1 (M) to the west. A public bridleway (BW 29 Murton) crosses through the site (approx. E-W direction). A Sustrans National Cycle Network route (NCN1) also lies within close proximity to the site.
3. Two Sites of Special Scientific Interest (SSSIs) lie in close proximity of the development site with Hesleden Moor East lying approximately 460m to the east and Hesledon Moor West being located approximately 480m to the west. There are Local Wildlife Sites at Coop House Wood (two sites approximately 130m to the south and 420m to the east) and Hesledon Moor West (approximately 370m to the west). Hawthorn Conservation Area, containing a number of Grade II listed buildings, is located approximately 2.3km

to the east of the proposed built development. The nearest listed building to the site is the Grade II Church of The Holy Trinity, 870m to the north of the site.

## The Proposal

4. The proposal seeks full planning permission for flexible B2/B8 industrial use amounting to 15,320sqm with integrated offices and associated service yards, car parking and landscaping. This would comprise of five single storey buildings as outlined below;
  - Unit 1100/1200 - 61.4 m long x 31.1 m wide x 10.2 m high (ridge). Units 1100 and 1200 would both benefit from a respective gross internal floor area of approximately 1,116 sqm
  - Unit 1300/1400 - 68.9 m long x 43.1 m wide x 10.9 m high (ridge). Units 1300 and 1400 would both benefit from a respective gross internal floor area of approximately 1,645 sqm
  - Unit 2000 - 61.4 m long x 29.5 m wide x 11.2 m high (ridge). Unit 2000 would both benefit from a gross internal floor area of approximately 1,988 sqm
  - Unit 3000 - 76.3 m long x 36.4 m wide x 11.5 m high (ridge). Unit 3000 would both benefit from a gross internal floor area of approximately 3,069 sqm
  - Unit 4000 - 106.3 m long x 44.8 m wide x 14.1 m high (ridge). Unit 4000 would both benefit from a gross internal floor area of approximately 4,742sqm
  - A total of 279 car parking spaces are proposed including accessible spaces and electric vehicle charging points. Secure, covered, staff and visitor cycle parking spaces are also included. Each plot also includes bin storage provision.
5. Units 1100, 1200, 1300 ,1400, 2000 and 3000 would be located towards the southern and eastern site boundary part of the site, with unit 4000 being set further back within the site and the central spine road. The existing landscape buffer to the south is proposed to be retained with an additional 6m of planting proposed. Landscape buffers of 9m and 15m wide respectively, are proposed along the northern and eastern site boundaries.
6. With regards to scale and design, all of the units would be of modern design, typical of the form of unit proposed. They would be constructed from colour coated, profiled cladding in a various shade of grey with feature areas in Jade. Window would be powder coated aluminium in Jade with entrances in Merlin Grey.
7. The main vehicular access to the site would be via the existing link road taken off the A182. A secondary (emergency) access route is proposed to north, connecting onto the private access road which leads onto the adopted highway and the junction with the B1285 Church Lane in Murton beyond. Pedestrian footpaths are already in place along the existing access roads within the site.
8. This application is being reported to the County Planning Committee as it relates to a non-residential development proposal exceeding 10,000sqm floor space.

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## **PLANNING HISTORY**

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9. Full planning permission (PLAN/2005/0955) was granted in 2007 for the industrial development comprising of B1 (business use), B2 (general industrial use) and B8

(storage and distribution). The permission was implemented through the construction of the link road. Planning permission was later granted in 2012 (5/PL/2011/0473) which permitted a variation to timescales in which to carry out the highway improvement works to the A182 as required by condition 14 of the earlier approval. This permission was not subject to a time limit for implementation on the basis that development had already commenced pursuant to the earlier permission.

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## PLANNING POLICY

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### NATIONAL POLICY

10. A revised National Planning Policy Framework (NPPF) was published in July 2018 (with updates since). The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
11. In accordance with Paragraph 213 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 communities. *Developments* should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.

16. *NPPF Part 9 – Promoting sustainable transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
17. *NPPF Part 11 – Making effective use of land.* Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
18. *NPPF Part 12 – Achieving well-designed places* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
19. *NPPF Part 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.
20. *NPPF Part 15 - Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
21. *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/guidance/national-planning-policy-framework>

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

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

## LOCAL PLAN POLICY:

The District of Easington Local Plan (2001) (DELP)

23. *Policy 1 – General Principles of Development.* Due regard will be had to the development plan when determining planning applications. Account will be taken as to whether the proposed development accords with sustainable development principles while benefiting the community and local economy.
24. *Policy 3 – Protection of the Countryside.* Development outside the “settlement limits” will be regarded as development within the countryside. Other than specifically allowed for by other policies, development in the countryside will not be approved.
25. *Policy 15 - Protection of Sites of Special Scientific Interest and National Nature Reserves.* Seeks to protect such areas by only permitting development which adversely affects such areas where this no alternative solution and the development is in the national interest.
26. *Policy 16 – Protection of Sites of Nature Conservation Importance, Local Nature Reserves and Ancient Woodlands.* Advises that development which is likely to adversely affect such a site will only be approved where is no alternative solution and the development is of national interest.
27. *Policy 18 – Species and Habitat Protection.* Development which adversely affects a protected species or its habitat will only be approved where the reasons for development outweigh the value of the species or its habitat.
28. *Policy 19 - Management of Areas of Nature Conservation.* Seeks to protect all areas of nature conservation interest including through the application of other relevant conservation interest related policies within the Local Plan so as to control inappropriate development.
29. *Policy 22 - Preservation and Enhancement of Conservation Areas.* The council will seek to preserve or enhance the character, appearance or setting of the district's conservation areas
30. *Policy 24 – Protection of Listed Buildings.* This policy states that any developments which adversely affect the character, appearance, special architectural features or setting of a listed building will not be approved.
31. *Policy 35 – Design and Layout of Development.* The design and layout of development should consider energy conservation and efficient use of energy, reflect the scale and character of adjacent buildings, provide adequate open space and have no serious adverse effect on the amenity of neighbouring residents or occupiers.
32. *Policy 36 – Design for Access and the Means of Travel.* The design and layout of development should ensure good access and encourage alternative means of travel to the private car.
33. *Policy 37 – Design for Parking.* The design and layout of parking should seek to minimise the level of parking provision.
34. *Policy 38 – Designing out Crime.* The design and layout of development will be required to have due regard to personal safety and the security of property, particularly in the hours of darkness.

35. *Policy 39 – Design for Art.* Encourages the provision of artistic elements within new development.
36. *Policy 74 - Footpaths and Other Public Rights of Way.* Public Rights of Way will be improved, maintained and protected from development.
37. *Policy 75 - Provision for Cyclists and Pedestrians.* Provision for cyclists and pedestrians will be reviewed to establish a safe and convenient network within, and between settlements.
38. *Policy 77 - Public Transport Services.* Seeks to encourage the improvement of public transport services and rail transport of freight.

#### **EMERGING PLAN:**

##### The County Durham Plan

39. Paragraph 48 of the NPPF states that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. An 'Issues & Options' consultation was completed in 2016 on the emerging the County Durham Plan (CDP) and the 'Preferred Options' stage CDP was subject to consultation in summer 2018. On the 16th January 2019, Cabinet approved the 'Pre Submission Draft' CDP for consultation. However, the CDP is not sufficiently advanced to be afforded any weight in the decision-making process at the present time.

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## **CONSULTATION AND PUBLICITY RESPONSES**

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#### **STATUTORY RESPONSES:**

40. *Dalton-le-Dale Parish Council* – No comments received
41. *Highways England* - Offer no objections, advising that the development should not have an impact on the Strategic Road Network, subject to suggested planning conditions being attached to any approval.
42. *Highway Authority* – Overall the impacts associated with this development on the highway network are considered to be acceptable. An appropriate means of access, site layout including parking arrangements has been agreed following the submission of amended plans and additional information. There are no highway objections to these proposals.
43. *Drainage and Coastal Protection* – No objections providing a condition is imposed to ensure the development is carried out in accordance with the submitted surface water management scheme.
44. *Coal Authority* – The application site does not fall within the defined high risk development area therefore there is no requirement to consult. If planning permission is granted the Coal Authority's Standing Advice should be brought to the developer's attention by means of an Informative.

## INTERNAL CONSULTEE RESPONSES:

45. *Spatial Policy* – Advise that the starting point for determining the acceptability of planning proposals is the Development Plan, in this case the District of Easington Local Plan (DELP). The site was previously allocated within the DELP (Policy 50) which supported the reclamation and redevelopment of the land to provide open space, landscaping and a prestige industrial estate including B1 (business), B2 (general industry) and B8 (warehousing). Planning permission was previously granted for (PLAN/2005/0955) for industrial uses (B1, B2 and B8). The consent was considered implemented although the majority of the site remains largely undeveloped. Policy 50 was not saved and remaining policies within the DELP of relevance to the site are considered to relate to specific matters rather than influencing the principle of the development. The acceptability of the development must, therefore, be considered in the context of Paragraph 11(d) of the NPPF as there are no relevant policies within the Local Plan which inform on the principle of development.
46. *Archaeology* - No objection is raised and no further works are required.
47. *Design and Conservation* – No objections are raised in relation to heritage impacts. The proposed layout should ensure that streets are well defined by built development with a level of active frontage, particularly in key vehicular gateway locations.
48. *Ecology* – Raise no objection subject to securing a financial contribution and the imposition of conditions. Biodiversity offsetting is required to ensure there is no net loss to biodiversity. Therefore, a contribution of £53,725.36 is required to be used by the Council towards biodiversity enhancements in accordance with the framework identified in Durham County Council's Local Biodiversity Compensation Strategy document. Conditions relating to the adherence to the recommendations outlined within the ecology report, a detailed landscaping scheme and maintenance regime to be agreed.
49. *Environment, Health and Consumer Protection (Air Quality)* – No objections are raised subject to a condition relating to a dust action plan.
50. *Environment, Health and Consumer Protection (Pollution Control)* – No objection, subject to conditions to secure noise validation assessments for individual occupiers, a management plan relating to the emergency access and hours of construction.
51. *Environment, Health and Consumer Protection (Contaminated Land)* – Advise a conditional approach in relation to land contamination.
52. *Landscape* – There is no in principle objection to the redevelopment of this site for B2/B8 usage on the basis that the existing mature structure planning is retained and protected. The space allocated to future structural planting is regarded as minimal and more generous belts (a minimum of 15m) are considered appropriate. Furthermore, isolated internal planting areas within the development should be generous enough to accommodate large trees that can enjoy a long and useful life expectancy.
53. *Landscape (Arboriculture)* – No objection provided the existing woodlands are retained and protected during construction.
54. *Public Rights of Way* – The applicant will be required to apply for a diversion of the section of Bridleway 29 directly affected by this proposal under Section 257 of the Town and Country Planning Act. This application offers an excellent opportunity to make improvements and upgrades to the public rights of way as well as NCN1 Sustrans cycle route.

55. *Regeneration and Economic Development* – The team wishes to offer strong support to the proposal. The redevelopment of this reclaimed former coalfield site is a long held aspiration in terms of regeneration in the east of the county and the A19 corridor. This has been supported by previous investments and the designation of Jade within the North East LEP Enterprise Zone programme which includes plans to invest in transport infrastructure and utilities to support development across the entire Jade site. The delivery of this first phase will provide a range of much need new building stock, will help to establish the site's position in the local and regional property market as well as encourage further development to come forward in the future. The proposed mix of property sizes and overall design is also welcomed.
56. *Sustainable Travel* – Advise that the site is considered inaccessible in terms of public transport given that there is in excess of 800m to the nearest served stops in South Hetton along unit and vergeless carriageway. Direct and convenient access to the workplace for cyclist and pedestrians would be lost through the proposal to divert the existing bridleway onto NCN1. This is not desirable as it effectively halves the network, pushing additional traffic onto a route which is not desirable and requires substantial improvements. Alternative options which retain the bridleway and create a high quality traffic free route through the site should be fully considered. Whilst a Travel Plan has been submitted in support of the application it requires amendment therefore this requirement should be secured by condition.

#### **EXTERNAL CONSULTEE RESPONSES:**

57. *Business Durham* – Evidence shows that County Durham has a shortage of new industrial units which is restricting the growth of local companies and those wanting to relocate to the area. The site at Jade, formerly Hawthorn Business Park, has been available for development since its remediation in 2002 however development was hindered due to the previous supply of sites and premises and the economic recession. Recovery in the industrial property market in recent times plus its designation as a Round 2 Enterprise Zone means that a plan for infrastructure has been put in place which this development project will trigger. The development will create 400 jobs and there is good reason to be confident of early lettings therefore this is considered an important site for job creation in County Durham.
58. *Police Architectural Liaison Officer* – No comments.
59. *The Ramblers Association* – No comments received.
60. *Northumbrian Water Limited* – Raise no objection, subject to the development being carried out in accordance with the submitted drainage strategy.

#### **PUBLIC RESPONSES:**

61. The application has been publicised by way of press notice, site notice, and individual notification letters to neighbouring residents.
62. One letter of representation has been received. The local resident, whilst supportive of the proposal in principle, objects to the development as they do not consider the application addresses existing traffic problems in the area.

*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:**

63. Since the completion of remediation to the Hawthorn Colliery and Coking Works some twenty years ago this site of over 50 acres has sat vacant despite being earmarked as an employment site. The planning application for the 155,000 sq ft scheme will generate much needed employment and anchor the scheme potentially generating other occupier interest.
64. The site is constrained on three sides by the existing infrastructure roads and planting, and the layout has been designed to respond positively to this. Substantial landscaping has been incorporated along the site frontages for maximum visual impact; the inclusion of swales and planting choice helping to maintain ecological diversity.
65. The development consists of a mix of B2/B8 units in sizes designed to appeal to regional and national occupiers. The site and units have been designed to be flexible. A variety of unit sizes have been provided to attract a wide range of potential occupiers. Analysis from our property agents shows that there are enquiries in the market within the size band proposed and the development would be well placed to attract them.
66. The buildings have been designed to have a strong, modern, industrial appearance whilst responding to the inherent challenges of the site. Visual interest is maintained through changes in material and colour, and the relative positions of the offices and service yard.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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67. 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 the development, locational sustainability of the site, highway safety and access, impact on the character of the surrounding area, layout and design, residential amenity, ecology, flooding and drainage, heritage and archaeology and other matters.

### The Principle of the Development

68. 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 District of Easington Local Plan (DELP) remains 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.
69. The DELP was adopted in 2001 and was intended to cover the period to 2006. However, NPPF Paragraph 213 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Notwithstanding this, it is considered that a policy can be out-of-date if it is based upon evidence which is not up-to-date/is time expired depending on the circumstances. Paragraph 213 also sets out that due weight should be given to existing policies, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

70. The site was previously allocated within the DELP. Policy 50 supported the reclamation and redevelopment of the former Hawthorn Cokeworks site to provide open space, landscaping and a prestige industrial estate including B1 (business), B2 (general industry) and B8 (warehousing). Policy 30 (ii) also supported the reclamation of the site. Planning permission (PLAN/2005/0955) was originally granted in 2007 for industrial uses (B1, B2 and B8). The permission was commenced through the construction of the link road from the A182 although the majority of the site remains largely undeveloped. Permission was later granted in 2012 (5/PL/2011/0473) this permission was varied and permitted a variation to timescales in which to carry out the highway improvement works to the A182 as required by condition 14 of the earlier approval. This permission was not subject to a time limit for implementation on the basis that development had already commenced pursuant to the earlier permission.
71. DELP Policy 3 defines development limits for the settlements of the former district. Development outside the 'settlement limits' will be regarded as development within the countryside. The policy states that other than specifically allowed for by other policies, development in the countryside will not be approved. The proposals map for Murton confirms that the site of the proposed development is located outside of the defined development limits. DELP Policy 1 relates to the general principle of development. It sets out a number of principles to be applied to the location and design of new development including all new development to be within defined settlement boundaries, except where a proposed development would be allowed by other policies (i). As Policy 50 was not saved, the site is located outside the settlement limits with no designation.
72. It is acknowledged that the settlement limit policies are based upon evidence relating to the projected development requirements for the lifespan of the local plan (the plan period), which has now passed. Whilst they provide a useful starting point for identifying the extent of the built up area and countryside, and for considering the locational credentials of any proposal, they are considered to be out of date for the purposes of interpreting paragraph 11 of NPPF.
73. In terms of national policy, the NPPF identifies that planning should help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by coordinating the provision of infrastructure (paragraph 8). It further states at paragraph 80 that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. In addition, the NPPF advises that planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations.
74. The site has been considered in the production of the emerging County Durham Plan (CDP) and the accompanying evidence, notably the Employment Land Review (ELR). The ELR assessed the site of the previous of planning permission. It concluded that the site was of good quality and recommended that the site should be allocated as an employment site for B1, B2 and B8 uses to meet employment land needs to 2035. It also notes that the site has been selected as one of the North East Local Enterprise Partnerships' (NELEP) Enterprise Zones. The NELEP's Strategic Economic Plan (SEP) entitled More and Better Jobs sets out a clear vision to deliver this. As such the site is allocated for B1, B2 and B8 uses in the Pre Submission draft of the CDP (Policy 2). The CDP is not sufficiently advanced to be afforded any weight in the decision-making

process at the present time however it serves an indication of the direction of Council policy.

75. Whilst planning permission was originally granted in 2007 (PLAN/2005/0955 and later varied as part of 5/PL/2011/0473) for industrial uses (B1, B2 and B8) the majority of the site remains largely undeveloped. Although this application represents a smaller part of the wider site, it will potentially provide the catalyst to encourage further development on the remainder of the site. A potential occupier is already in place for Unit 4000 who currently employ 65 staff with the potential to expand to circa 75-80 staff on relocation. The planning statement which accompanies the application estimates that Jade Business Park Phase 1 could deliver the following economic benefits during the construction and operation phase on the assumption that the total floorspace for B2/B8 uses:
- An estimated £10 million in capital investment;
  - Support 100 temporary direct construction jobs throughout the build period;
  - Support a further 150 indirect/induced jobs in the construction industry supply chain and related services throughout the build period;
  - Deliver a temporary uplift in economic output (measured in terms of Gross Value Added) of £10.9 million per annum throughout the build period;
  - Support the creation of approximately 260 direct FTE jobs;
  - Deliver an uplift in direct Gross Value Added of £12.8 million per annum; and
  - Support a further 115 multiplier FTE jobs across the local area and wider region.
76. Whilst the local plan policy most relevant to the determination of this application was not saved (Policy 50), the proposal draws support from national policy as well as emerging local policy and the supporting evidence. A material consideration is that the site already benefits from an implemented consent for industrial use
77. Policy 50 and 30 were not saved, Policies 1(i) and 3 are considered to be out of date and remaining policies within the DELP of relevance to the site are considered to relate to specific matters rather than influencing the principle of the development. The acceptability of the development must, therefore, be considered in the context of Paragraph 11(d) of the NPPF. Paragraph 11 sets out that planning permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provide clear reasons for refusing the development proposed; or, 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.
78. 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.
79. The acceptability of the proposed development rests on whether any adverse impacts of approving the development would significantly and demonstrably outweigh the benefits or whether there are any specific policies in the NPPF that indicate development should be restricted. Clearly, this assessment can only be considered following an examination of all of the issues within the planning balance.

#### Locational Sustainability of the Site

80. Collectively DELP policies 1 (iii), 36 and 37 require developments to provide for satisfactory, safe, attractive and convenient provision for pedestrians, cyclists, public transport, cars and other vehicles including linkages between residential areas and places of employment where appropriate for all users. Policies 74, 75 and 77 relate to the provision, improvement and protection of pedestrian (including public rights of way), cycle and public transport infrastructure. These policies are considered consistent with the NPPF which also seeks to promote accessibility by a range of methods therefore can be given full weight in considering the application. Specifically, the NPPF sets out at Paragraph 103 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 108 the NPPF states that appropriate opportunities to promote sustainable transport modes should be taken whilst paragraph 110 amongst its advice seeks to facilitate access to high quality public transport.
81. The site is clearly located outside of the established extent of both Murton and South Hetton. The closest bus stop to the development is located at Grasmere Terrace in South Hetton which is approximately 800m from the site boundary. In the direction of the Murton the closest stops are located adjacent Forster Avenue approximately 1.1km away from the site boundary. The services that operates from these stops are typically an hourly Monday to Saturday service (excluding Sundays and Bank Holidays) which runs until the early/mid evening. When considering these figures, it is noted that the majority of distances are either within 'Preferred Maximum' or 'beyond Preferred Maximum', of the Institution of Highways and Transportation (CIHT) "Providing for Journeys" document and are therefore towards the higher end of distances or beyond, that people may reasonably be expected to walk to access bus services or directly to work. The walking routes involved are predominantly along unadopted, un-lit paths and vergeless carriageway although there are no significant topographical restrictions. The Council's Sustainable Transport Team do not consider that the site is well served by public transport opportunities in light of the distances to the nearest bus stops and the routes involved. Sustainable Transport add that whilst the site remains as a cul-de-sac type arrangement there is little prospect of the public transport being able to serve the site.
82. In terms of cycle access, the site does perform better, with the site lying in close proximity to a Sustrans National Cycle Network route (NCN1) and within approximately a 5-10 minute cycle ride into South Hetton or Murton.
83. Paragraph 98 of the NPPF outlines that decisions should protect and enhance public rights of way and access including taking opportunities to provide better facilities for users. Policy 1 (v) of the DELP also seeks to protect existing PROW therefore is

consistent with the NPPF and can be afforded full weight. A public bridleway (BW 29 Murton) roughly crosses through the centre of the site in an E-W direction. To facilitate redevelopment it is proposed to partially reroute the bridleway along a section of Sustrans National Cycle Network route (NCN1). In this respect a diversion order under Section 257 of the Town and Country Planning Act 1990 will be necessary. The Council's Public Rights of Way Officer raises no objection although notes that this application provides an excellent opportunity to make improvements to both the local public rights of way network and NCN1 to improve sustainable transports links between Jade Business Park and the surrounding settlements.

84. Sustainable Transport considered that the proposed arrangement would result in the loss of a direct and convenient access to the workplace for cyclist and pedestrians effectively halving the network and pushing additional traffic onto a route which is not desirable and requires substantial improvements. They consider alternative options which retain the bridleway and create a high quality traffic free route through the site should be fully considered.
85. The developer has responded to the above and sought to include improvements where possible. However the applicant has stated that the development must be considered in a strategic context. In this regard it is recognised that the application site forms a smaller part/Phase 1 of a larger vision to develop the wider site into a Business Park/NELEP Enterprise Zone. At this moment in time there are constraints to fully developing sustainable transport options including that the current layout and scale of the development couldn't support a bus route in addition to the routes to the nearest bus stops involving sections of third party ownership. Similarly, they consider it would be more appropriate to look at securing improvements to both the local public rights of way network and NCN1 when the remainder of the site comes forward for planning permission and the development parameter plans (including constraints and opportunities) are fully considered. Notwithstanding this, the layout does make provision for covered and secure cycle storage provision and the site performing well in relation to cycling opportunities.
86. In conclusion, the failure of the development to fully achieve sustainable transport objectives is an adverse impact which needs to be weighed in the planning balance. It is however recognised that improvements have been made in this regard where possible (cycle storage), the development is not of a scale where it could sustain a bus route and this matter would be fully considered should the remainder of the site come forward and when a quantum of development proposed would be more akin to making this a feasible option. The proposal would therefore only partially accord with Paragraphs 103, 108 and 110 of the NPPF and Policies 1 (iii), 36, 37, 74, 75 and 77 of the DELP (NPPF consistent) in this respect.

#### Highway Safety and Access

87. DELP Policies 35, 36 and 37 all require that development proposals to achieve a satisfactory means of access onto the wider highway network and encourage access to sustainable modes of transport and sufficient parking on site. These Policies are considered consistent with the NPPF which also seeks to promote accessibility by a range of methods, while ensuring that a safe and suitable access can be achieved and therefore can be given full weight in considering the application. There is no specific policy within the EDLP that relates to the impacts of development upon the highway network.
88. Key national advice in respects to transport and highways related matters is included within Part 9 of the NPPF. Amongst its advice Paragraph 108 states that development should ensure that; given the type of development and its location; safe and suitable

access to the site can be achieved for all users; and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. NPPF Paragraph 109 then advises 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.

89. Key documentation submitted within the application in respects to highways issues includes a Transport Assessment (TA) and Travel Plan (TP). Collectively the submitted documentation considers the potential impacts of the development and the adequacy of the site for the development with respect to a range of highways and transport related issues. A new access would be formed on the northern arm of the existing access roundabout however, the connection with Murton would be retained as an emergency access only, with the primary access via the spine road to / from the A19.
90. The TA demonstrates that the likely vehicular trip for generation for the development would be in the region of 74 two-way vehicular movements during the AM peak and 75 two-way vehicular movements during the PM peak, equivalent to a maximum of 2 vehicle movements per minute during any peak period. This is significantly below the levels approved for the extant Hawthorn Development Zone (5/PLAN/2005/0955) and the proposed Jade Business Park Phase 1.
91. A Development Impact Assessment has also considered the impact at the localised Dumbell roundabouts of the A19/ East Durham link Road. The modelling scenario uses Temprow growth data and consented development proposals including Dalton Park Phase 2, Hawthorn Development Zone and Hawthorn Quarry traffic. Whilst the identified 74/75 peak hour trips together with background growth would increase queue lengths on the A19 northbound slip road these queues could be comfortably accommodated within the two lane approach to the junction without impacting on deceleration space or highway safety. All other legs of the dumbbell junction would operate within capacity with the added development flows. The Highway Authority do not consider that the impact of the development would be severe and raise no objection to the proposal.
92. As the development has the potential to impact on the strategic road network (the A19) Highways England have been consulted. Having considered the amended TA they offer no objection to the proposal recommending the imposition of planning conditions to secure a Construction Traffic Management Plan, a Signage Strategy for Development and a Travel Plan.
93. In respect of other highways issues, the Highways Authority is satisfied that the site access arrangements, layout and parking are acceptable following the submission of a revised location plan and swept path analysis pursuant to two junctions required to facilitate the secondary (emergency) access.
94. Overall, the highways impact of the proposed development is considered to be acceptable, subject to the conditions recommended by Highways England and therefore in accordance with DELP Policies 35, 36 and 37 and Part 9 of the NPPF.

#### Impact on the Character and Appearance of the Surrounding Area, Layout and Design

95. EDLP Policy 1 sets out that development should achieve a high standard of landscaping which relates well to the natural and built environments, the protection of landscape character, trees and hedgerows and to safeguard the visual amenity of people living and working in the vicinity of the site. Policy 35 requires development to reflect the scale and character of the surrounding area. Part 12 of the NPPF also seeks to promote good design, while protecting and enhancing local environments. Paragraph 127 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. Due to their compliance with the NPPF significant weight can be afforded to DELP Policies 1 and 35 in this respect.

96. There are no landscape related designations on or around the site however, the site lies within a DCC adopted Landscape Improvement Priority Area where the spatial strategy is to restore and enhance. The site is well screened in surrounding views given the existence of structure planting to north and south and would be more readily seen in views from the existing public rights of way and cycle route within the vicinity of the site. Whilst, the units will also likely be visible in longer distance views (the rooftops) the principle of development of a similar scale has previously been accepted through the earlier consents.
97. The accompanying arboricultural reports classifies the trees in the surrounding area (the structural planting to north and south) as Category B2 meaning they are considered to be of moderate quality and value due to their landscape value as a collective group. To facilitate the secondary (emergency) access point and associated sight lines a number of trees within the existing structural planting to the north will be required to be removed. Given only a relatively small section requires removal and additional planting is proposed no objection is raised. The trees to be retained can be protected throughout the construction period in accordance with Council's landscape and arboricultural section advice. This requirement can be secured by condition.
98. Internally, new landscape buffers/corridors are proposed along the eastern and northern edges of the development block measuring 15m and 9m respectively. The existing landscape buffer to the south is proposed to be retained with an additional 6m of planting proposed. The landscape officer would recommend more generous belts are provided (a minimum of 15m) and that isolated internal planting areas within the development are generous enough to accommodate large trees that can enjoy a long and useful life expectancy. The landscape strategy is considered sufficient to inform the local plan policy requirements subject to conditions to secure a detailed landscape scheme including future management and maintenance arrangements.
99. With the exception of Unit 4000, buildings have been located at the edge of the site which helps to screen parking and servicing areas. The scale and massing of the buildings is typical of industrial development of this nature. They are of modern design constructed from colour coated, profiled cladding in a various shade of grey with feature areas in Jade. Windows would be powder coated aluminium in Jade with entrances in Merlin Grey. Sufficient detail has been provided within the application and there is no requirement to impose a condition in this regard. The design and conservation officer, whilst noting there were some opportunities for improvement, raised no overall objection to the scheme.
100. The design and layout of development is required to have due regard to personal safety and the security of property, particularly in the hours of darkness by virtue of DELP Policy 38. This can be afforded full weight given its consistency with Part 8 of the NPPF. Parking areas, both vehicular and for cyclists, as well as internal walking routes are generally overlooked. The proposal has been considered by the Police Architectural Liaison Officer who has no comments to offer in relation to the proposal.
101. EDLP Policy 39 sets out that the Council will encourage the provision of works of art as part of development. However, the NPPF is silent on art, and as such, Policy D9 is considered to not be fully consistent with the NPPF and therefore more limited weight

should be afforded to the policy. In this case, it is considered that public art provision is not necessary to make the development acceptable.

102. The principle of developing this site is therefore considered acceptable in landscape and visual terms. Subject to the imposition of conditions the development is therefore considered to comply with DELP Policies 1 and 35, as well as Parts 12 and 15 of the NPPF.

#### Residential Amenity

103. EDLP Policies 1 and 35 require the design and layout of development to have no serious adverse effect on the amenity of those living or working in the vicinity of the development site. Policy 37 of the EDLP requires that the design and layout of development have regard to personal safety and the security of property. These Policies are considered NPPF compliant with a core planning principle at Paragraph 127 of the NPPF stating that planning should always seek to secure a good standard of amenity for existing and future occupants of land and buildings. Part 8 of the NPPF amongst other guidance advises on the need to create safe and accessible environments where crime and disorder and the fear of such are considered. Part 15 of the NPPF seeks to avoid noise from giving rise to significant new impacts.
104. The development is considered to be noise generating. At this stage the end users are unknown, however it is assumed that the possible sources of noise are from external plant, external operations and vehicle movements. A noise impact assessment has been submitted in support of the application which includes background monitoring in the locale to identify the existing background noise level. This in turn allows for the setting of relevant noise rating levels at the nearest residential properties, these being properties located at Woodlands and Windermere Road and East Little Coop House Farm. To ensure that noise arising from the development does not lead to significant reduction in amenity for these neighbouring properties the relevant noise levels can be affixed by condition. Considering the separation distances between the development and the nearest noise source it is not considered that the condition would significantly limit the operations on the site.
105. The assessment does not however consider the potential impact arising from noise associated with the movement of vehicles. Whilst the provisions of BS 4142:2014 address this issue within service yard areas it would not cover the passing HGV movements along the link road that connects to the site to the A182. It is assumed that the proposed B8 uses will operate on a 24-hour basis including during the night time when background levels are at their lowest and residents are most sensitive to noise. East little Coop farm and the residential properties from Barwick street onwards are likely to be worst affected. These properties are however located 120m from where the HGVs would pass. Whilst the increased use of the road (especially into the night time period) will change the acoustic character of the locale, given the separation distances involved Environment, Health and Consumer Protection officers do not consider that the impact will breach the threshold level stated in BS 8233:2014 in relation to either the LAeq or LAmax. Whilst this may result in some reduction in amenity to these residents the impact would not be considered to be significantly adverse.
106. A secondary (emergency) vehicular access route is proposed to north, connecting onto the private access road which leads onto the adopted highway and the junction with the B1285 Church Lane in Murton beyond. This route passes in close proximity to a number of residential properties. Environment, Health and Consumer Protection have recommended a condition is imposed to secure an emergency access management plan to control the use and minimise the impacts to surrounding properties.

107. Whilst there is the potential for disturbance to arise during the construction period given the distances between the site and the nearest residential properties and intervening landscaping it is not considered that a Construction Management Plan (CMP) is required with an hours of working condition providing sufficient mitigation in this case.
108. Similarly, they do not consider that the development will have a significant effect on air quality and there is no requirement to undertake further assessment. There would not be an adverse impact on the environment having regard to paragraph 181 of the NPPF.
109. Whilst it is considered that the development would be in accordance with DELP Policies 1, 35, 37 and 104, as well as Part 15 of the NPPF in this regard, it is also considered that the minor adverse impact of the proposed development upon residential amenity in terms of noise should be weighed in the overall planning balance.

## Ecology

110. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests. Specifically, Paragraph 175 states that if significant harm to biodiversity resulting from a development cannot be avoided, that planning permission should be refused. EDLP Policy 15 states that development which is likely to adversely affect Sites of Special Scientific Interest (SSSI) and National Nature Reserves (NNR) will only be approved where there is no alternative solution, or there are imperative reasons of over-riding national interest for the development. EDLP Policy 16 relates to notified sites of nature conservation importance, local nature reserves and areas of ancient woodland.
111. EDLP Policy 18 states that development that would significantly adversely affect any protected species, or its habitat, will only be approved where the reasons for the development outweigh the value of the species or habitat. EDLP Policy 19 seeks to promote the interests of nature conservation.
112. Two SSSIs lie in close proximity of the development site with Hesleden Moor East lying approximately 460m to the east and Hesleden Moor West being located approximately 480m to the west. There are also non statutory Local Wildlife Sites at Coop House Wood (two site approximately 130m to the south and 420m to the east) and Hesleden Moor West (approximately 370m to the west).
113. A Preliminary Ecological Assessment and appropriate additional surveys on protected species accompany the application which conclude that there are no significant impacts arising from development on nationally and internationally protected species or habitats. Great crested newts are absent from the site and its environs. There are no direct impacts on roosting bats and although some loss of foraging habitat will occur this is not regarded as significant given the surrounding landscape and that lighting impacts are limited to a small section of the woodland plantation associated with the development site; no significant impacts on bats are expected. Nearby SSSI and LWSs are not expected to be significantly impacted upon by development as there is a well-established network of surfaced PROW and Bridleways that do not directly impact on statutory and non-statutory sites designated for nature conservation. The type of development is unlikely to result in unauthorised incursion into designated sites. To mitigate the impact of the development the report suggests a series of recommendations which can be secured by condition.
114. Ecology officers have however raised concerns that in its current form the development would result in a loss of biodiversity without sufficient on-site mitigation to offset this. An assessment of these biodiversity losses has been undertaken which calculates the level of required compensation. A contribution of £53,725.36 is required to be used by the

Council towards biodiversity enhancements. This financial contribution would be ring fenced and utilised in accordance with the framework identified in Durham County Council's Local Biodiversity Compensation Strategy. On-site improvement works in addition to a management plan for the habitats to be created on site could be secured through condition. Overall this approach would ensure that there is no net loss of biodiversity in regard to Paragraph 175 of the NPPF.

115. No interference with protected species is identified as a result of the development. A European Protected Species Licence is therefore not considered to be required as a result of the development having regards to the requirements of the Habitats Directive brought into effect by the Conservation of Habitats and Species Regulations 2017. There would also be no residual adverse impacts upon biodiversity. Subject to conditions being imposed the proposal would be in accordance with DELP Policies 15, 16, 18 and 19, as well as Part 15 of the NPPF. The Council's Ecologist offers no objection to the scheme on this basis.

#### Flooding and drainage

116. 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, informed by a site-specific flood risk assessment.
117. The application is accompanied by a Flood Risk Assessment and Surface Water Management Strategy report which highlights that the application site is within Flood Zone 1 with a low flood risk probability. The drainage strategy has been amended to take account of the most recent comments from the Council's Drainage and Coastal Protection section and includes measures to improve the water quality ensuring insignificant levels of pollution leave the site. These requirements can be secured by condition. Northumbrian Water raise no objections subject to the imposition of a condition.
118. In relation to foul water, it is proposed to connect to the existing sewerage network, to which Northumbrian Water raise no objections.
119. On this basis no objections to the development on the grounds of flood risk or drainage are raised having regards to Part 14 of the NPPF.

#### Heritage and Archaeology

120. The Council's Archaeologist notes that the site has been extensively quarried and so any below ground remains will have been destroyed. On this basis no objection is raised and no further work is required. The proposal is therefore considered to comply Paragraph 189 of the NPPF.
121. There are no designated or non-designated heritage assets within close proximity of the development site. Hawthorn Conservation Area, containing a number of Grade II listed buildings, is located approximately 2.29km to the east of the proposed built development. The nearest listed building to the site is the Grade II Church of The Holy Trinity, 870m to the north of the site. The Planning (Listed Buildings and Conservation Areas) Act 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. Any such harm must be given considerable importance and weight by the decision maker.

122. It is considered that there would be no intervisibility between the site and surrounding heritage assets due to the distances involved, the intervening buildings, topography and landscaping. The proposal would not adversely impact on the setting of either the Conservation Area or listed buildings. Design and Conservation officers have raised no objections to the proposal on heritage grounds. Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
123. In this case it is considered that there would be no harm. The proposals would therefore accord with Part 16 of the NPPF and the requirements of DELP Policies 22 and 24 which are considered partially consistent with the content of the NPPF and can be attributed weight in the decision making process.

#### Other Issues

124. A Phase 1 Preliminary Risk Assessment, Geoenvironmental Appraisal and Gas Risk Assessment was submitted in support of the application. Environmental Health Officers agree the document is sufficient in relation to identifying the risk associated with contaminated land and ground gas on the proposed end user. Further information is however required to fully inform the remediation strategy including the details of the ground gas measures and method of verification which can be secured by condition. This will ensure that the site is suitable for its intended use taking account of any risks arising from contamination the proposal would accord with Part 15 of the NPPF.
125. The site lies outside the coal mining high risk area. The Coal Authority's Standing Advice can be brought to the developer's attention by means of an informative. The proposal would meet the requirements of Part 15 of the NPPF in demonstrating that the application site can be made safe and stable and as such the Coal Authority raise no objection to the scheme on this basis.
126. The proposal has generated limited public interest with only one letter of representation having been received. The local resident, whilst supportive of the proposal in principle, objects to the development as they do not consider the application addresses existing traffic problems in the area. The objections and concerns raised have been taken account and addressed within the report.

#### Planning Balance

127. The acceptability of the development should be considered in the context of Paragraph 11(d) of the NPPF as there are no relevant policies within the Local Plan which inform on the location of new industrial development whilst other policies most important to the determination of the application are out of date. Furthermore, there are no NPPF policies that protect areas or assets of particular importance provide a clear reason to refuse the application and therefore in order to justify the refusal of planning permission any adverse impacts of a proposed development must significantly and demonstrably outweigh any benefits.

#### *Benefits*

128. Whilst planning permission was originally granted in 2007 (PLAN/2005/0955 and later varied as part of 5/PL/2011/0473) for industrial uses (B1, B2 and B8) the majority of the site remains largely undeveloped. Although this application represents a smaller part of

the wider approved site it has the potential to provide the catalyst to encourage further development on the remainder of the site. The applicant has submitted that a potential occupier is already in place for Unit 4000 who currently employ 65 staff with the potential to expand to circa 75-80 staff on relocation. The planning statement which accompanies the application outlines in detail the estimated benefits that Jade Business Park Phase 1 could result in. These significant economic benefits throughout both the construction and operational phases of development include an estimated £10 million capital investment and the creation of approximately 260 direct FTE jobs.

129. The development would result in the positive re-use of previously developed and reclaimed site resulting in environmental improvements to the area. This benefit and the reuse of brownfield land should be afforded weight in the planning balance.
130. Overall, based upon the ecological works proposed in addition to the financial contribution to be secured it is considered that the development would lead to net gain in terms of biodiversity.

#### *Adverse Impacts*

131. It is identified that there would be a minor adverse impact upon residential amenity in terms of noise arising from the development.
132. The development fails to fully achieve sustainable transport objectives.

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## **CONCLUSION**

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133. Section 38(6) of the Town and Country Planning Act states that planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise.
134. Policy 50 supported the reclamation and redevelopment of the former Hawthorn Cokeworks site to provide open space, landscaping and a prestige industrial estate including B1 (business), B2 (general industry) and B8 (warehousing). Policy 30 (ii) also supported the reclamation of the site. Both policies were not saved, Policies 1(i) and 3 are considered to be out of date and remaining policies within the DELP of relevance to the site are considered to relate to specific matters rather than influencing the principle of the development.
135. The NPPF forms a material consideration and states at paragraph 11 that plans and decisions should apply a presumption in favour of sustainable development, and that for decision making 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.

136. As the result of the local plan context the NPPF indicates that the development should be approved unless there are specific policies within the NPPF that provide a clear reason for refusal, or where any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of doing so. There are no specific policies to which limb d(i) above relates which are applicable to the determination of this application.
137. It is identified that there would be a minor adverse impact upon residential amenity in terms of noise arising from the development and that the development fails to fully achieve sustainable transport objectives. These adverse impacts do not significantly and demonstrably outweigh the benefits of the scheme namely that significant weight should be placed on the need to support economic growth and productivity. The proposal would have significant economic benefits. Therefore, with the presumption in favour of sustainable development being engaged, officers recommend that planning permission should be granted.
138. The proposal has generated limited public interest with one letter of objection having been received. This objection and the concerns raised have been taken account and addressed within the report. On balance the concerns raised were not felt to be of sufficient weight to justify refusal of this application in light of the benefits of the scheme and the ability to impose conditions.

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## **RECOMMENDATION**

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That the application is **APPROVED** subject to the completion of an internal transfer of funds to the Council's ecology section to secure the following:

- £53,725.36 is required to be used towards biodiversity enhancements in accordance with the framework identified in Durham County Council's Local Biodiversity Compensation Strategy.

and subject to the following conditions:

### **Time Full**

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

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

### **Plans**

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

Drg. no. 1012 Rev. P03 site plan received 23/04/2019

Drg. no. 0104 Rev. P01 bin store type 1 plan and elevations received 23/04/2019

Drg. no. 0105 Rev. P01 bin store type 2 plan and elevations received 23/04/2019

Drg. no. 0106 Rev. P01 cycle shelters received 23/04/2019

Drg. no. 0108 Rev. P01 landscape strategy plan received 23/04/2019

Drg. no. 1010 Rev. P01 Plot 1000 (units 1100/1200) ground floor plan received 23/04/2019

Drg. no. 1011 Rev. P01 Plot 1000 (units 1100/1200) first floor plan received 23/04/2019

Drg. no. 1012 Rev. P01 Plot 1000 (units 1100/1200) roof plan received 23/04/2019  
 Drg. no. 1013 Rev. P01 Plot 1000 (units 1100/1200) office plans received 23/04/2019  
 Drg. no. 2010 Rev. P01 Plot 1000 (units 1100/1200) elevations received 23/04/2019  
 Drg. no. 1020 Rev. P02 Plot 1000 (units 1300/1400) ground floor plan received 23/04/2019  
 Drg. no. 1021 Rev. P02 Plot 1000 (units 1300/1400) first floor plan received 23/04/2019  
 Drg. no. 1022 Rev. P02 Plot 1000 (units 1300/1400) roof plan received 23/04/2019  
 Drg. no. 1023 Rev. P01 Plot 1000 (units 1300/1400) office plans received 23/04/2019  
 Drg. no. 2020 Rev. P02 Plot 1000 (units 1300/1400) elevations received 23/04/2019  
 Drg. no. 1030 Rev. P02 Plot 2000 ground floor plan received 23/04/2019  
 Drg. no. 1031 Rev. P02 Plot 2000 first floor plan received 23/04/2019  
 Drg. no. 1032 Rev. P02 Plot 2000 roof plan received 23/04/2019  
 Drg. no. 1033 Rev. P02 Plot 2000 office plans received 23/04/2019  
 Drg. no. 2030 Rev. P02 Plot 2000 elevations received 23/04/2019  
 Drg. no. 1040 Rev. P02 Plot 3000 ground floor plan received 23/04/2019  
 Drg. no. 1041 Rev. P02 Plot 3000 first floor plan received 23/04/2019  
 Drg. no. 1042 Rev. P02 Plot 3000 roof plan received 23/04/2019  
 Drg. no. 1043 Rev. P02 Plot 3000 office plans received 23/04/2019  
 Drg. no. 2040 Rev. P02 Plot 3000 elevations received 23/04/2019  
 Drg. no. 1050 Rev. P05 Plot 4000 ground floor plan received 23/04/2019  
 Drg. no. 1051 Rev. P04 Plot 4000 first floor plan received 23/04/2019  
 Drg. no. 1052 Rev. P03 Plot 4000 roof plan received 23/04/2019  
 Drg. no. 1053 Rev. P07 Plot 4000 office plans received 23/04/2019  
 Drg. no. 2050 Rev. P04 Plot 4000 elevations received 23/04/2019  
 Drg. no. PI/HHAW/500/014 Section 104 proposed surface and foul water drainage received 23/04/2019  
 Geoenvironmental Appraisal report no. D8669 rev. no. D8669/01 by Dunelm Geotechnical and Environmental dated 04/09/2018  
 Preliminary Geoenvironmental Assessment (Phase 1 Desk Study) doc. ref. 1014936.RPT.GL.001 Rev. B by Cundall dated 16/04/2019  
 Gas Risk Assessment letter ref. D8669/GRA by Dunelm Geotechnical and Environmental dated 02/05/2019  
 Detailed Remediation and Verification and Verification Strategy doc. ref. 1014936.RPT.GL.003 dated 04/06/2019  
 Articulated vehicle tracking for secondary access received 13/06/2019  
 Drg. no. 0100 Rev. P04 Location Plan received 17/06/2019  
 Drg. no. 0111 Rev. P01 Extended location plan received 18/06/2019

*Reason: To define the consent and ensure a satisfactory form of development is obtained in accordance with Policies 1, 35, 36, 37, 38, 74 and 75 of the District of Easington Local Plan and the NPPF.*

### **Construction Traffic Management Plan**

3. No development shall commence until a Construction Traffic Management Plan has been submitted to and approved by the Local Planning Authority in conjunction with Highways England. Thereafter the approved Construction Traffic Management Plan shall be adhered to throughout the construction period.

*Reason: In the interest of maintaining Strategic Road Network operation and safety in accordance with Part 9 of the NPPF. Required to be pre-commencement as the Construction Traffic Management Plan must be approved prior to the construction traffic visiting the site.*

### **Contaminated Land (Phase 3)**

4. No development shall commence until a land contamination scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be compliant with the YALPAG guidance and include a further Phase 3 remediation strategy shall be produced to include details of the gas protection measures and method of verification.

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

### **Contaminated Land (Phase 4)**

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

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

### **Tree Protection Plan**

6. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until a scheme has been agreed in writing with the Local Planning Authority for the protection of the trees to be retained that lie within the structural planting areas to the north and south of the site. The trees shall be protected through the erection of fencing and comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar in accordance with BS 5837:2012. Protection measures shall remain in place until the cessation of the development works unless the local planning authority agrees in writing to any variation.

*Reason: To protect trees from construction damage. In the interests of visual amenity of the area having regards to Policy 1 of the District of Easington Local Plan and Parts 12 and 15 of the NPPF. Required to be pre-commencement as the trees must be protected ahead of the construction activities occurring which pose potential risk to their health.*

### **Landscape Scheme**

7. No development, other than site remediation works, shall commence until a detailed landscaping scheme including details of the biodiversity mitigation measures has been submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include 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.

- The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc.
- A timetable for the implementation of the various elements of the landscaping scheme including the landscape buffer planting, biodiversity mitigation measures, general landscaping within each of the plots.

The approved landscaping scheme shall be implemented and completed in accordance with the approved details and timescales.

Any trees or plants which die, fail to flourish or are removed within 5 years of 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 Policies 1 and 35 of the District of Easington Local Plan and Parts 12 and 15 of the National Planning Policy Framework.*

### **Road Signage Strategy for the Development**

8. No unit shall be occupied until road signage has been erected in accordance with a Road Signage Strategy which has been first submitted to and agreed by the Local Planning Authority in conjunction with Highways England. Thereafter the signage shall be retained whilst the business park is in operation.

*Reason: In the interest of maintaining Strategic Road Network operation and safety in accordance with Part 9 of the NPPF.*

### **Travel Plan**

9. No unit shall be occupied until a Travel Plan founded on the Framework Travel Plan submitted with the planning application and conforming to BSI National Specification for Workplace Travel Plans (PAS500) guidance has been submitted to and agreed in writing by the Local Planning Authority in conjunction with Highways England. Once approved the Travel Plan must be adhered to for the lifetime of the development.

Reason: In the interest of maintaining Strategic Road Network operation and safety in accordance with Part 9 of the NPPF.

### **Landscape Maintenance**

10. No unit shall be occupied until a scheme for the ongoing maintenance of the areas of landscaping and areas for biodiversity enhancement within the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. In the event of proposals to maintain the public open space by means other than through transfer to the Local Authority then the scheme shall provide for details of an agreed maintenance and cutting schedule in perpetuity.

Reason: In the interests of the visual amenity of the area and to comply with Policies E1, L2 and D1 and D9 of the Sedgfield Borough Local Plan and Parts 12 and 15 of the National Planning Policy Framework.

### **Secondary (Emergency) Access Management Strategy**

11. The secondary (emergency) vehicular access point to the north of the site leading onto the unadopted road shall not be brought into use until such time as a 'Secondary (Emergency) Access Management Strategy' has been submitted to and approved in

writing by the Local Planning Authority. As a minimum requirement the strategy shall include details of when the access will open, when it can be used, how access will be restricted to prevent unauthorised usage and a mechanism to update the strategy to reflect the operational requirements of individual occupiers of the site. The approved strategy shall be adhered to for the lifetime of the development.

*Reason: In the interests of the amenity of surrounding residents and in order to comply with Policies 1 and 35 of the District of Easington Local Plan and Part 15 of the NPPF.*

### **Noise Validation Report**

12. Within 28 days of each individual occupier being operational a noise validation assessment shall be carried out and a report submitted in writing to the Planning Authority. The aim of the validation shall be to ensure that the rating level of the noise emitted from commercial operations/plant (excluding vehicles travelling beyond the boundary of the site) shall not exceed the stated levels at the following locations:

Woodlands and Windermere Road 42dB (1hr) 07.00 - 23.00 and 30dB LAeq (15 minutes) 23.00-07.00.

East Little Coop House Farm, Hesledon Moor East Farm and Barwick Street 44dB (1hr) 07.00 - 23.00 and 33dB LAeq (15 minutes) 23.00-07.00.

The measurements and assessment shall be made in accordance with BS4142:2014.

*Reason: In the interests of the amenity of surrounding residents and in order to comply with Policies 1 and 35 of the District of Easington Local Plan and Part 15 of the NPPF.*

### **Surface Water Drainage**

13. The development shall be carried out in complete accordance with the drainage scheme within the following documents:

Drainage Strategy ref. no. 1014936.RPT.CL.002 Rev A dated 16.04.19  
Drg. no. CLXX(52)4001 received 13/06/2019

The drainage scheme must thereafter be fully maintained and managed for the lifetime of the development.

*Reason: To prevent the increased risk of flooding from any sources in accordance with Part 14 of the NPPF.*

### **Ecology Mitigation**

14. The development shall take place in strict accordance with the recommendations detailed in Section H of the Ecological Appraisal and Bat Surveys Version R03 by E3 Ecology Limited dated June 2019.

*Reason: In the interests of biodiversity protection and enhancement in accordance with Part 15 of the NPPF.*

### **Working Hours**

15. 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 0800 to 1400 on Saturday.

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

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

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

*Reason: To protect the residential amenity of existing and future residents from the development to comply with Policies 1 and 35 of the Easington Local Plan and Parts 8 and 15 of the National Planning Policy Framework.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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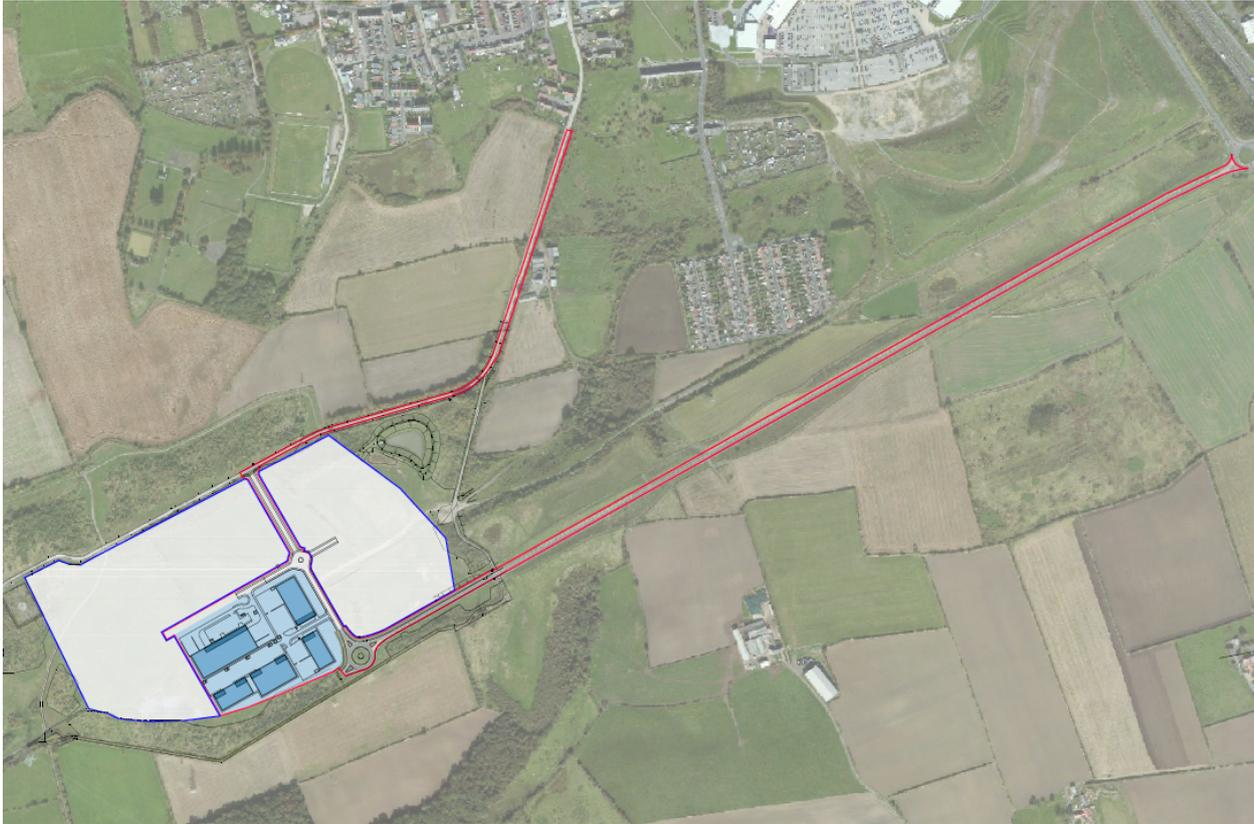
The Local Planning Authority in arriving at its decision to support this application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering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

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## **BACKGROUND PAPERS**

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- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2019)
- National Planning Practice Guidance notes.
- District of Easington Local Plan
- DCC Sustainable Urban Drainage Systems Adoption Guide 2016
- Statutory, internal and public consultation responses



**Durham**  
County Council

**Planning Services**

Ref: DM/19/01316/FPA

Erection of 7 units (5 buildings) for B2/B8 industrial use with integrated offices and associated service yards, car parking and landscaping  
Buckinghamshire Properties Limited  
Jade Business Park Phase 1, Jade Enterprise Zone, Murton, SR7 8RN

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**Comments**

**Date** 2<sup>nd</sup> July 2019

**Scale** Not to Scale

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