



County Planning Committee

Date **Tuesday 4 October 2022**

Time **9.30 am**

Venue **Council Chamber, County Hall, Durham**

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest
4. Minutes of the meeting held on 6 September 2022 (Pages 3 - 24)
5. Applications to be determined
 - a) DM/21/02901/OUT - Jade Business Park, Jade Enterprise Zone, Murton, SR7 8RN (Pages 25 - 56)
Outline planning permission for Phase 2 of Jade Business Park in Murton, comprising a mix of B2 and B8 unit use with associated service yards, car parking and landscaping
 - b) DM/20/03591/FPA - Land West Of Units 1-3 Admiralty Way Seaham, SR7 7DN (Pages 57 - 76)
Erection of a petrol filling station and drive thru' coffee outlet (Class E), along with access, car parking, drive thru' lane, external seating area, refuse stores, hard and soft landscaping and associated works
6. 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
26 September 2022

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

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

Councillors D Boyes, J Higgins, C Hunt, P Jopling, C Marshall,
C Martin, M McKeon, B Moist, P Molloy, I Roberts, K Shaw,
A Simpson, S Wilson and S Zair

Contact: Kirsty Charlton

Tel: 03000 269705

DURHAM COUNTY COUNCIL

At a Meeting of **County Planning Committee** held in Council Chamber, County Hall, Durham on **Tuesday 6 September 2022 at 9.30 am**

Present:

Councillor G Richardson (Chair)

Members of the Committee:

Councillors A Bell (Vice-Chair), C Hunt, P Jopling, C Marshall, C Martin, M McKeon, P Molloy, I Roberts, K Shaw, S Zair, B Coult (substitute for A Simpson) and J Quinn

Apologies:

Apologies for absence were received from Councillors D Boyes, J Higgins, B Moist, A Simpson and S Wilson

1 Apologies for Absence

Apologies for absence were received from Councillors D Boyes, B Moist and A Simpson.

2 Substitute Members

Councillor B Coult was present as substitute for Councillor A Simpson.

3 Declarations of Interest

Councillor Coult declared a none-prejudicial interest in item no. 5b) as Local Member.

Councillor Marshall declared a non-prejudicial interest in item no. 5a) as the former Cabinet Member for Economic Regeneration.

4 Minutes

The minutes of the meeting held on 5 July 2022 and special meeting on 26 July 2022 were agreed as a correct record and signed by the Chair.

5 Applications to be determined

a DM/21/03574/OUT - Land At Sniperley Park, West Of The A167 And North And South Of The B6532, Durham

The Committee considered an application for the demolition of existing buildings adjacent to B6532 and outline planning permission (all matters reserved except access) for a maximum of 1,550 dwellings (Use Class C3), a local Centre (use

classes E and F2), public house (use class sui generis) and primary school (use class F1), associated infrastructure and landscaping at Land at Sniperley Park, West Of The A167 And North And South Of The B6532, Durham (for copy see file of minutes).

G Blakey, Principal Planning Officer, addressed the Committee and advised that the proposal was subject to an appeal the Planning Inspectorate against non-determination of the application. The Committee were being asked to consider the report and make a resolution based upon the decision they would have made if the application was being determined in the usual manner. This resolution would then be carried forward for consideration at Public Inquiry.

The Principal Planning Officer, provided a detailed presentation on the application which included a site location plan, aerial photographs and site photographs.

Councillor G Holland, representing City of Durham Parish Council, confirmed that the report and conclusion of the Principal Planning Officer was fully endorsed by the Parish Council and that the application should be refused on all thirteen specific failures.

The Parish Council wanted to focus on the point made in most recent correspondence which had paid particular attention to the failure to demonstrate the ability to feasibly and viably provide a district heating system across the development.

Councillor Holland noted that energy security was an ever-increasing threat to all residents, not just in County Durham, but throughout the United Kingdom and all new housing should be built to be as self-sufficient as possible in terms of their energy provision. The district energy heating system mentioned in the report would not meet that essential provision.

The Parish Council had suggested several potential renewable energy opportunities that should be optimised. If not County Durham would not achieve the level of sustainability required in both the County Durham Plan and the Sniperley Masterplan, of which the vision was for zero-carbon homes. Councillor Holland added that zero-carbon must be the chosen target, throughout all future homes in County Durham.

Sniperley Park offered the County Council an opportunity to lead the way nationally by building homes that were not only energy protected, but also matched the comfort and welfare needs of future residents. He reiterated that the Parish Council endorsed the report and fully support its recommendations.

Councillor M Wilkes, Local Member, confirmed that despite being a former member of the Planning Committee for many years, he had never seen such an extensive list of reasons for refusal and nor had he experienced a developer refusing to agree to basic Section 106 requirements.

Councillor Wilkes advised that the Council could not allow the application to go through which placed such a massive financial risk to the Local Authority. The

combined cost of the Section 106 requirements alone for both applications could exceed £20m and it would be unthinkable for any Local Authority in the Country to pay for this scale of infrastructure. It was predicted that Section 106 money was over £10m for schools on and off site and this would not be received if the application was to be approved.

Councillor Wilkes was appalled at the behaviour of certain developers and stated that the Council were not there to provide this on their behalf and had to protect the integrity of the planning system and the public purse. He questioned how a developer that was aware of local and national planning policies and of policies within the County Durham Plan, could fail to agree to the extent that this developer had in this application.

The County Durham Plan was clear that on developments of this scale, developers must allocate land for recreation such as allotments or contribute money for alternative sites. This site clearly required many plots and this application was so low on allotment space it would be an insult to the County Durham Plan and the open space needs assessment. This part of the County had one of the lowest levels of allotment space and the highest waiting lists, which is why the Council were already working on a new site for existing residents. It was unacceptable to ignore the findings of the open space needs assessment.

Councillor Wilkes confirmed that the County Durham Plan was clear that district heating systems should be considered. The Council were waiting on a report from the Coal Authority as to whether the site would be able to use a mine water heating system that would save residents thousands, however due to the expense the developer would not consider it.

With regards to the full masterplan which had not yet been agreed, Councillor Wilkes suggested that these developments were about squeezing in as many houses as possible which was not acceptable financially, environmentally or on planning merits.

Finally Councillor Wilkes made reference to the objections and felt it was clear that these applications should not be passed and believed that when the application went to a Public Inquiry, the Council would have the backing of public opinion behind them.

The Chair confirmed that Neil Westwick from Lichfields was in attendance on behalf of the Applicant and although he did not wish to speak on the item, he had agreed to answer any questions.

Councillor Bell referred to the lengthy process of a Public Inquiry, which was a much longer route to take than having the Council determine the application and he asked why the developer had decided to go down this route.

Mr Westwick advised that whilst discussing the application with Planning Officers' there were a number of outline matters that were not included as part of the application, such as the provision of schools, healthcare and allotments. On this basis the Applicant had taken the only option open, which was to appeal.

Councillor Jopling raised an issue regarding the conduct of Councillor Marshall as she had noticed him speaking with the Applicants prior to the Planning Committee and wondered whether this presented an element pre-determination. Councillor Marshall responded that as the Leader of the Labour Group, he did have relationships with many developers as he had a responsibility to ensure the Council continued to drive the economy forward. Councillor Marshall, commented that he had already assured the Committee that he had an open mind with regards to the application when he declared an interest.

Councillor McKeon asked for clarification from the developer with regards to their position on renewable energy. Mr Westwick advised that the paper which had been submitted had been determined to be unviable and undeliverable. He also acknowledged that changes in building regulations in 2025 would ensure that air source heating was standard, so beyond that gas boilers could not be installed.

In response to a further question from Councillor McKeon regarding whether the Applicant would reconsider their position on receipt of the report from the Coal Authority, Mr Westwick responded that a report had been submitted to the Council which clearly set out the position of the Applicant.

Councillor Marshall queried the timeline from receipt of the application to the date that it should have been determined. The Sniperley Masterplan had been considered by Cabinet and Councillor Marshall had written three letters to highlight the risk to the Council of non-determination.

The Principal Planning Officer confirmed that the Council's consultees and other Authorities were not fully satisfied with the position of the Applicant and had therefore sought advice on viability from the Coal Authority. This was a reason for refusal at this stage.

In response to the question regarding the timeline, the Principal Planning Officer confirmed that the application was received in late November 2021 and according to the statutory timescale for determination, it should have been completed by 15 March 2022.

Councillor Marshall asked for some clarity on the Sniperley Masterplan and T Bennett, Principal Policy Officer confirmed that during 2021 the Council took the decision to lead on the Masterplan, primarily as the main parties were not working collaboratively at the time and no developer-led masterplan existed. The Council had worked alongside their consultants to produce a masterplan that would guide work on the delivery phase. It had been consulted on in winter 2021 and adopted a few months prior to the meeting.

With regard to further questions from Councillor Marshall regarding the endorsement of the masterplan, the Principal Policy Officer confirmed that it had been to Cabinet for approval and then adopted under delegated powers.

In response to a question from Councillor Bell regarding the impact a Public Inquiry would have on the delay and development, the Principal Planning Officer confirmed

that liaison with the developer would continue and there were dates to agree statements of common ground. The inquiry would be held in January, giving time to work with the applicant where necessary.

Councillor Shaw queried the number of times the Council had been subject to an appeal for non-determination. The Principal Planning Officer did not have the figure to hand, but the Chair confirmed that the figure was not required to determine the application.

Councillor Martin advised that the conclusion within the report made this an easy decision to make, it was a large housing development and he did not see how it could go ahead without money for schools, GP's and open space. Planning Officers had concluded that the developer was not willing to pay enough money and, in his opinion, to accept the application would cause harm to the people of Durham City and the tax payer. He was minded to agree with the recommendation and reject the application.

Councillor Jopling agreed that there were so many reasons for the application to be refused. This was an enormous application on arable land that would result in the loss of rights of way and playing fields. Objections had been raised by Sports England and Primary Care in the area was already at capacity. The most important issues in her opinion were climate change and the natural environment and she could not understand why planning applications of this size would include gas boilers when the developer knew that they would be superseded by new building regulations.

Councillor Jopling highlighted the concerns raised within the public responses which needed to be taken seriously, such as the need for a western bypass, play areas that were situated in close proximity to pylons and the lack of electric vehicle charging points. The Council could not keep saying they would deal with these issues on the next application. She moved refusal of the application for the reasons outlined in the report.

Councillor McKeon informed the Committee that she knew the area well and was not against the principle of development, however this was an application which would create a whole new community and this application did not live up to expectations. One of the main issues she had related to sustainable transport. The Council were encouraging people to move towards net zero but this had not been addressed sufficiently and there was also no masterplan, despite building next to one of the busiest central roadways in the area. Councillor McKeon confirmed that if the developer expected to build a whole new community, they had to also expect the responsibility of Section 106 contributions and on that basis, was minded to refuse the application, she seconded the motion.

Councillor Roberts confirmed that she had visited the site the previous afternoon only to realise that the original plan had been amended to create additional houses. The Council wanted to leave a legacy for the County and she fully supported the recommendation to refuse.

Councillor Bell also agreed with the recommendation. The site could be described as the jewel in the crown of the County Durham Plan and although the 13-week statutory deadline had passed, given the size of the scheme, there should have been some leeway to allow officers time to ensure it was correct. It was disappointing that the Applicant had chosen to Appeal and suggested that it would be good if that decision was reviewed in order for the Applicant to liaise with officers.

Councillor Marshall was bewildered at the situation between the Council and the Applicant. It had been described as one of the jewels in the crown of the County Durham Plan and was integral to delivering 30000 new jobs and homes. He had sat through a public examination where similar arguments had been made but the Committee had to accept that the principle development would go ahead.

Councillor Marshall confirmed that despite the thirteen reasons for refusal, this application was integral with dealing with the housing crisis and it included provision for schools and medical care. The Applicant had not refused to provide monetary contributions, yet it seemed there were some issues in reaching an agreement with Council Officers.

He referred to the costs that could be associated with non-determination of the application at a time when savings of £24m had to be found. Following further comments from Councillor Marshall the Chair stated that he would not allow the debate to become political.

The Planning Development Solicitor referred to the recommendation in the report and confirmed that the reason it was phrased as *minded to approve* was that it was no longer a decision for the Council, but for the Planning Inspectorate. All Members could do at this stage was express a view as to how they would have determined the application, which would be used as a basis to guide officers in the defence of the appeal.

Resolved

That the application be **minded to refuse** for the reasons outlined in the report.

b DM/21/02360/FPA - Land North And East Of Sniperley Farm, Durham, DH1 5RA

The Committee considered a hybrid planning application consisting of outline planning permission (all matters reserved) for an extension to the Sniperley Park and Ride and full planning permission for the development of 370 dwellings associated access and works and demolition of former farm buildings at Land North and East of Sniperley Farm, Durham (for copy see file of minutes).

G Blakey, Principal Planning Officer, provided a detailed presentation on the application which included a site location plan, aerial photographs and site photographs.

Councillor G Holland, City of Durham Parish Council, confirmed that the report and conclusion of the Principal Planning Officer was fully endorsed by the Parish Council and he specifically raised concerns regarding the level of renewable energy being delivered.

Councillor Wilkes suggested that the bewilderment which had arisen from the previous applications was due to fact that developers were unwilling to pay for infrastructure on both applications.

The total houses proposed by both developers equated to 1920, despite the County Durham Plan allocating 1700 on the site. Of those 370 were being proposed by Bellway and this site was quite clearly over developed. All of the reasons for declining it were the same as before, including the lack of Section 106 contributions.

The County Durham Plan was clear that there must be a significant distance from the new development to Sniperley Hall, which was not the case with this application and existing homeowners adjacent would also be significantly disadvantaged. A promise had been made to them during consultation on the County Durham Plan and that promise would not be fulfilled if this proposal was approved.

Councillor Wilkes advised that a sustainable transport plan was critical and the lack of public transport and inability to get a bus through the site was unacceptable. There had been failures in demonstrating a functioning surface water drainage system, which he considered was unacceptable given the need to ensure new developments were protected against flooding. There was insufficient information to ensure ecological compliance, despite the ecological emergency recently declared by the Council. He did not think that it was possible to see a worse application than the previous one and finally stated that Durham County Council was not under the influence of developers.

James Hall spoke on behalf of the Applicant and gave a brief background to his experience with Durham County Council, having achieved mostly positive outcomes. He had been involved in several other applications which were in the adopted plan. He had also assisted in securing the allocation of Sniperley and attended the examinations. He recognised how important the site was and fully understood the issues.

Mr Hall confirmed that he had worked constructively with Officers since April 2020 to prepare the application and personally attended over fifty meetings. The developer had submitted a revised scheme which had been rejected by Officers. They had gone above and beyond what was normally expected of them, providing ten exemplary dwellings, a wide variety of house types and styles, a Sustainable Urban Drainage System, a substantial linear park and a large area of greenbelt compensation with biodiversity net gain land.

The developer had made numerous changes to the application, reducing the numbers from 450 to 370 units and most recently resubmitted an application for 368 units and most of the minor details had been corrected. This had not been

mentioned in the report, which Mr Hall considered to be a fundamental flaw in the process.

This new scheme was under consultation, buildings had been retained where possible and it included a proposed link road with bus services. The developer had always accepted that they would pay a fair share of Section 106 contributions and had already agreed the transfer of land to the park and ride and to pay an NHS contribution.

Mr Hall explained that the developer had sought independent costings for a new primary school to check the accuracy, but had never questioned the need. There was provision for new footways and they had redesigned links for the park and ride and a link road had been included which was bus capable. None of this had been presented to Members.

Mr Hall considered several of the reasons for refusal did not apply to the scheme and others could be conditioned, so he could not understand why the recommendation was for refusal. The developer had never refused to deliver on schools, housing or allotments, nor were they avoiding their responsibilities or policy requirements.

Mr Hall suggested that this was an allocated site which should not be going to a Public Inquiry, but every time the application was somewhere near to acceptable, there seemed to be more reasons to refuse. Officers had also indicated to the Planning Inspectorate that there were only a couple of issues to resolve.

He urged Members to ask Officers to engage in meaningful negotiations and defer the application to allow constructive engagement before the Inquiry which was not until 2023. He confirmed that there were two masterplans, one was joint with the other developer.

The Chair asked whether the Applicant intended to withdraw the appeal to enable further discussions, but Mr Hall refused. He advised that the developer had been led to believe there were only a few reasons for refusal yet thirteen were included the final report. Although the Applicant believed issues could be narrowed down, he suggested Officers were unable to negotiate freely and the Applicant felt that the only way to have the application determined was to go to a Public Inquiry. This was the first time Mr Hall had appealed against non-determination of an application in his career.

In response to a comment from the Chair suggesting that the Applicant wanted the benefit of cooperation from the Council whilst also appealing against non-determination, Mr Hall confirmed that he would prefer that the application for 368 dwellings, was properly considered. It had been uploaded onto the Council's website and taken down the following day.

The Chair considered the appeal was premature and if the Applicant wanted the most recent submission to be considered, he suggested that they withdraw the Appeal and negotiate with Officers.

In response to a question from Councillor Jopling regarding the inference that Officers' were not able to operate freely, Mr Hall advised that he had previous positive experience with the Council and had been able to reach mutually acceptable agreements, however with this application the Officers had continued to remain dissatisfied. Mr Hall also questioned the accuracy of the presentation and refuted suggestions that the developer was not forthcoming as they had made consistent attempts to alleviate the issues. There had been no mention of the design code, masterplan or consultation produced by the developer.

The Chair asked Mr Hall whether the developer had met the expected requirements of the Council with regards to the County Durham Plan and he confirmed that the application had been presented as over development, but the density was well within accepted numbers and significantly lower than that envisaged by the County Durham Plan examination. In terms of the Policy requirements they had never hesitated in agreeing to their obligations and tried to work constructively with the Council, never missing a meeting.

The Chair reiterated that the appeal for non-determination was premature in his opinion, and he gave the Applicant the opportunity to withdraw the appeal in order to try and reach an agreement with the Council. The site had been approved for housing and the Planning Officer had explained very well why the application did not meet the required standards.

Mr Hall disputed the timing of the Appeal as he had been working on the application since April 2020. Both developers had done everything they could, but as owners of the site they needed to make progress. The thirteen reasons for refusal had proven that a consensus could not be reached.

Mr Hall advised that the common ground discussions would continue but the developer would prefer the Council considered the recent submission at a future Committee and he suggested that this would not alter the process or timetable.

Councillor Hunt asked why Members had not seen the revised plans and A Inch, Strategic Development Manager, confirmed that a further submission had been received, however the Council were subsequently notified that the Applicant intended to Appeal due to non-determination. The Applicant had opted to continue with the Appeal rather than allow the Planning Officers the proper opportunity to consider the revised scheme and therefore the scheme before Members was for 370 dwellings rather than the revised scheme the Applicant was consulting on, which would be considered as part of the Appeal process.

In response to a question from Councillor McKeon with regards to the application Members were being asked to determine, the Chair confirmed Members were considering the content of the report provided. Councillor McKeon was concerned that any decision made in respect of this report would be invalid when a revised application existed.

Councillor Jopling acknowledged that the Applicant had been given the opportunity to withdraw the Appeal to allow Officers to consider the revisions. She did not consider it should be deferred.

The Planning Development Solicitor clarified that it was not unusual to receive amendments to applications that were subject to Appeal and they would be dealt with as part of the Appeal process.

Councillor Marshall confirmed that Members had heard that the Applicant and Officers were at loggerheads and in his opinion, it was unfair to ask the Applicant to withdraw the Appeal. The Council should be making every attempt to come to an agreement as there were some issues that seemed credible, but others that could be agreed. He queried whether there was any time to defer the application to allow negotiations to take place prior to the appeal.

The Strategic Development Manager confirmed that as part of the appeal process both parties would continue to liaise.

Councillor Marshall suggested that political changes were accountable for the issues, which had been alluded to by developers. Councillor Wilkes objected to this comment and the Chair requested that Councillor Marshall refer only to material planning considerations when speaking on the application.

Councillor McKeon confirmed that the application did include legitimate planning grounds for refusal, but it was clear there had been a breakdown in communication. There would be almost 2000 families moving into the site in the future and Members had to ensure houses and communities were fit for purpose. She was not sure how the application had not been determined after so much time, but would prefer to defer the application as it had been subject to revisions. She seconded the motion from Councillor Marshall.

Councillor Jopling confirmed that the Committee were not against the principle of development, but the Council wanted to ensure houses were sustainable and would not result in problems for buyers to correct. The Council had to ensure that houses were fit for purpose and provided sensible heating systems.

Councillor Martin noted that comments were similar to the previous application, but he reminded Members that despite the accusatory comments, the taxpayer would ultimately pay for the problems if the application was not right.

With regards to deferring the decision, Councillor Martin suggested that amendments were normally to account for small changes and he would need to be convinced that problems of this scale could be solved. There were so many discrepancies with the County Durham Plan and he suggested that the developer had the opportunity to defer the Appeal and had chosen not to. He moved the recommendation to refuse the application, which was seconded by Councillor Hunt.

Councillor McKeon maintained that the option to defer would allow a short period of time for intense negotiations and finding common ground. With regards to the challenge of Section 106 contributions, Councillor McKeon advised that even when secured in full, there were always associated costs that the Council would have to subsidise.

The Planning and Development Solicitor reminded Members of the timetable for the Appeal and confirmed that if the application was deferred until October, it would impact on the timescales of the appeal. In response to a further question from Councillor McKeon, he advised that the Council were able to request a revised timetable, however the outcome of such a request could not be predicted and if refused would then impact on the Appeal.

Councillor Marshall suggested that the application was not far from being agreed, so it would be best to defer the application until October. He added that regardless of what the Committee determined, both applications would be determined by the Planning Inspectorate.

Councillor Bell advised that the Committee were not the decision maker for the application and the Applicant would have to withdraw the Appeal at this stage for the Council to make a determination.

The Chair stated that the land had been approved for development in principle and would be developed if parties came to a sensible agreement.

Councillor Hunt confirmed that despite giving the Applicant the opportunity to withdraw the Appeal, they had chosen not to and therefore she suggested to move to a vote.

The Committee voted against deferral of the application, and it was

Resolved

That the application be **minded to refuse** for the reasons outlined in the report.

c DM/21/02849/OUT - Land To The West Of Valley Road, Pelton Fell, DH2 2NN

The Committee considered an application for the erection of up to 80 dwellings and associated infrastructure with all matters reserved except access (all matters reserved) on land to the west of Valley Road, Pelton Fell (for copy see file of minutes).

L Ollivere, Senior Planning Officer, provided a detailed presentation on the application which included a site location plan, aerial photographs and site photographs.

The Senior Planning Officer provided an update with regards to condition no. 9 and confirmed that the date should be 2022 and not 2020 as stated in the report.

Mr C Haggon, Strategic Land Lead at Taylor Wimpey, addressed the Committee and confirmed that they were a five-star house builder that employed 32 staff from County Durham at their Northeast Headquarters. He endorsed the recommendation for approval and confirmed that the developer had worked closely with consultees, eventually reducing numbers from 150 to 80 to address concerns regarding accessibility and landscape impact.

Mr Haggon confirmed that Phase 1 of the Chester Grange development in Pelton Fell had proven popular with purchasers, 50% of the plots had already been sold and 85% of buyers were from County Durham, 40% of them were first time buyers.

This outline application was Phase 2 and the project team had worked with Officers to ensure they arrived at the best scheme for this site. Robust assessments had been undertaken to demonstrate that the application was sound and in compliance with National Policy

The benefits of the scheme included 12 affordable homes, 8 bungalows, a new children's play area, financial contributions towards other youth facilities in the local area, education capacity, new homes bonus payments, and biodiversity net gain. The developer had engaged with local ward Members throughout the process and had recently agreed to deliver additional offsite footpath improvements to the benefit of existing and new residents.

In response to statutory consultation only a single objection had been received with regards to the highway impact from the increased number of homes, however this had been addressed by a Transport Statement which demonstrated that there was capacity for this development. The development was within walking distance of bus stops and shops, and the developer had committed to a Travel Plan which included free short term passes for residents.

The objector had also raised concerns regarding the pressure on GP capacity, which had been mitigated by a Section 106 agreement to increase capacity at the surgery. The matters raised had been satisfactorily addressed and he urged the Committee to approve the application.

In response to a question from Councillor Bell on the timing of construction, Mr Haggon confirmed that a pre-application would be submitted the following week. He confirmed that Phase 1 was due to be finalised in December 2023 however the developer wanted to ensure continuity on site and hoped to commence Phase 2 before Phase 1 was finished.

In addition to a further question from Councillor Bell, he confirmed that there would be a play area on site and a contribution made to upgrade offsite play space.

In response to a question from Councillor McKeon regarding pedestrian access, Mr Haggon confirmed that although the application was outline at this stage there was an indicative masterplan with proposed footpaths highlighted. All houses were within 600m of a bus stop and there were footpath links through phase 1 to blue house bank, linking to a PROW to the southeast of the site. Phase one had been completed and footpaths were at either side of the Highway entrance and would be continued in Phase 2.

Councillor Jopling asked for confirmation that the roadworks for Phase 1 would be completed before the settlement had been finished and the Senior Planning Officer confirmed that prior to the occupation of the first dwelling in Phase 2, the roads should be completed.

Councillor Bell confirmed that highway improvements that were conditioned on Phase 1 had not been completed and asked if they were being carried forward into Phase 2. P Harrison, Highway Development Manager confirmed that the works were on a forward plan for implementation.

Councillor Marshall confirmed that he was familiar with the area and this application would have an enormous impact, transforming it from an area that was run down to a diverse mix of opportunity. It was well thought out and there were not many objections from residents which was due to the way the developer had carried out the Phase 1. He moved the recommendation to approve the application.

Councillor Bell referred to the contribution towards secondary education provision and the issue of both local secondary schools Park View and Hermitage being full since the loss of Roseberry Community College. He asked whether the money had been aligned to any school in particular. The Senior Planning Officer confirmed that money would go to North East Learning Trust for The Hermitage and confirmed that there were no plans for the school to expand as yet, but if they had no scope to expand the money would be offered to the next nearest school.

Councillor Bell referred to previous contributions for Park View Academy which had not been utilised alluded to the fact that academies were their own admissions authority and the local authority could not force them to take the money. There was still money from section 106 contributions that remained unspent.

Councillor Zair praised the application and highlighted it as an example of applicants and officers working together to achieve positive outcomes.

Resolved

That the application be APPROVED subject to the completion of a S106 Legal Agreement to secure the following:

- The requirement to enter into a S.39 Agreement upon submission of landscaping details as a reserved matter to secure the long-term management and maintenance, including monitoring strategy of the biodiversity land.
- The delivery of 15% affordable housing comprising
- £165,540 towards securing additional secondary education provision.
- £34,640 to increase GP surgery capacity in the area.
- £118,448 towards improving off site play space for youths and other space typologies in the Electoral division.

And subject to the conditions outlined in the report.

d DM/22/00120/FPA - Land South Of Spennymoor Electricity Substation (south), Thinfold Lane, Thinfold, DH6 5JX

The Committee considered an application for Installation of an energy storage facility, including battery containers, power conversion units, transformers,

substation, grid connection infrastructure, vehicular access and associated works at Land South of Spennymoor Electricity Substation (south), Thinfold Lane, Thinfold (for copy see file of minutes).

C Shields, Senior Planning Officer, provided a detailed presentation on the application which included a site location plan, aerial photographs and site photographs.

The Senior Planning Officer advised the Committee of additional comments which had been received.

Campaign for Protection of Rural England (CPRE) had sent an additional letter to advise that there was no reference to guidance issued by the Energy Institute. The Senior Planning Officer advised that the guidance largely repeated local and national planning policy and was therefore determined unnecessary. They had raised the risk of fire and explosion which was included in the guidance and although this was an operational issue, the Applicant had agreed a fire prevention management plan to mitigate any risks.

There Senior Planning Officer confirmed that there had been another letter from a resident raising an issue with the description of the location as it was not south of Spennymoor, however the description referred to was south of *Spennymoor Electricity Substation*. They also raised an issue with the historical nature of the site, however no objections had been raised by design and conservation or archaeological officers and geographical surveys had confirmed no significant findings however it was still recommended for trial trenching to be carried out prior to work commencing. He confirmed that 25 letters of objection had been received not 24 as stated.

Mr R Cowen, CPRE had expressed concerns as outlined and although he accepted the area was degraded by the current substation, in his opinion the landscape points raised by local residents were still relevant.

Mr Cowen was very concerned about the risk of fire and he disagreed that it was not a material planning consideration. He had seen the content of the letter submitted by the Applicant and it contained information that he should have accompanied the application. As it stood, his concerns had been answered.

Mr Keven Storey objected to the proposal. The Committee were not being asked if battery storage should be built, or for their opinions on green energy, but were being asked if it should be placed in arable land, in front of a town with limited used for recreation and exercise. The impact of which could not be understated, it was devastating.

Mr Storey advised that the application was contrary to policy and it was stated throughout the report that it would cause harm. The Applicant had not demonstrated a need for this development at this location. Noise had not been addressed and despite assurances residents would be the ones to suffer.

There were brownfield sites located near to the site, which were only being avoided due to the expense of cabling, however the applicant should have been directed to investigate the potential use of these sites.

In summary, Mr Storey advised that the Committee should not approve the application due to the landscape harm and loss of amenity. He also confirmed that there was an ongoing consultation for another similar development within metres of the same site. This had not been referred to in the report, but he believed the Council had a duty to consider the cumulative effect.

This consultation was with regards to another battery storage unit planned for the western area of the site. If the application was approved Mr Storey suggested that it would set a precedent for the other proposals. He asked the Committee to withhold the decision or refuse the application for Officers to consider the cumulative impact. Mr Storey suggested that to make a decision without viewing the site was irresponsible as it was not possible to see the issue or assess the impact.

Ms Jenna Folkard addressed the Committee and gave a background to the operational changes of electricity. Due to the increase in supply and demand energy companies had to match the energy they produced to the amount generated. These facilities were essential to ensure stable energy systems.

This project would be adjacent to the existing structure, away from residential properties and outside of any landscape designations. The total area was 4.6 hectares of which 80% was considered subgrade land and used for biofuel production and cattle feed. The field would be screened and significant landscape plan was proposed.

After considering feedback from residents the containers would be a nonreflective colour, further reducing the visual impact. The site design included enhanced biodiversity measures including woodland planting, the creation of a pond and other habitats for wildlife resulting in a biodiversity net gain of 25%, much higher than the required standard.

Measures were in place to maintain the public right of way throughout the construction and visibility following completion would be limited by woodland planting.

Ms Folkard confirmed that this type of energy was amongst the cheapest forms of new electric generation and would benefit the UK energy grid network and all consumers. It would also provide £150k business rates to Durham County Council every year to fund services. The application had been subject to comprehensive environmental and technical reviews by statutory consultees, and no issues had been raised that could not be addressed by condition. She asked the planning Committee to approve in accordance with the recommendation.

Ms Folkard finally took the opportunity to respond to the concerns regarding fire risk. Whilst there was no policy in planning that required an assessment, it had been taken into account through the design process and in June the Applicant had

submitted a letter which detailed the most credible risk and several layers of protection to mitigate it. The Applicant was the largest independent renewable energy company, with health and safety paramount and they were confident they were leading on this matter.

In response a number questions from Members, Ms Folkard explained how power which came from the grid would be generated and stored and confirmed that there was no current storage facility on site at the moment, which was the reason for the application.

In response to a question from Councillor McKeon, Ms Folkard explained the energy that was generated had to be balanced with use and as renewable energy generation was intermittent and dependant on weather conditions, the balance being altered could result in failure and blackouts. By drawing on the Spennymoor substation, this battery system would discharge power back into the grid and deal with these imbalances.

Councillor Jopling queried why the Applicant did not look at the alternative brownfield sites in the area and Ms Folkard advised that any energy storage system had to be next to, or as close as possible to the substation. If not, there would be underground cabling and overhead lines but also the further away the storage, the less efficient it was. This location had a viable connection, which is why the site had been targeted.

Councillor Martin was sympathetic to concerns raised by residents, however the planning officers had done their utmost to ensure the facility would be shielded from view. This type of facility was needed for future and given the choice he would prefer a battery storage facility than a power station or nuclear powerplant. The Applicant had demonstrated the rationale of the location and it was not within the Committees remit to suggest it would be better suited elsewhere. It was not near any housing and would cause zero disturbance, therefore Councillor Martin moved approval of the application.

Councillor McKeon confirmed that the site was near to the boundary of her own division. There were no planning grounds that the Committee could put forward that would be sufficient at appeal. There had been a power cut to the north in Parkhill earlier in year during a major storm, the frequency of which would only increase due to climate change. There was an aging infrastructure nationally for power and the Council needed to support renewable energy at some point. She understood where the objectors were coming from but there were no legal reasons to refuse the application, therefore she seconded the proposal.

Councillor Hunt considered this to be a good application and whilst she appreciated the need for these facilities, however she could not understand why greenbelt and agricultural land were being used to build them and could therefore not support the application.

Councillor Molloy also understood the comments from Ms Folkard regarding the location of the storage, however it did contravene some landscape policies and if it went ahead, the Council could be faced with another application to the north of the

site from a solar farm which had been refused on the same policies. In addition, this was arable land and irrespective of what the land was used for, it would be lost, so he would not support the application.

Councillor Bell was also concerned regarding the loss of an agricultural field. In response to a question regarding the energy source, the Senior Planning Officer confirmed that the energy coming into the substation would be representative of the national mix which was typically 50% renewable.

The Senior Planning Officer acknowledged that it was contrary to various policies however this did not mean that it should be refused, there were other considerations which had enabled it to conform, and it had been demonstrated that the benefits of the scheme outweighed the harm.

In response to a question from Councillor Richardson, the Senior Planning Officer confirmed that there was a consultation but no planning application and the Council could therefore not consider the cumulative effect. He emphasised that at enquiry stage, it could not be assumed that an application would come forward.

In response to a question from the Chair, Councillor J Quinn explained the location of the consultation site to the immediate right of the substation according to the map included in the consultation.

Councillor Marshall acknowledged that locations for battery storage was limited and highlighted the stability these facilities created. It was difficult for a Committee to argue the need to consider renewables and supporting the grid but vote against them due to them taking up arable land, as unfortunately most of the facilities to connect to were located in fields. There were no planning grounds to refuse the application and he supported the scheme.

In response to a question from the Chair, Ms Folkard confirmed that the scheme under consultation was not by the same Applicant, but she highlighted that it may not come to a full application stage.

Resolved

That application be APPROVED subject to the completion of a planning obligation under Section 39 of The Wildlife and Countryside Act 1981 and the conditions outlined in the report.

DM/22/00120/FPA - Land South Of Spennymoor Electricity Substation (south), Thinford Lane, Thinford, DH6 5JX

The Committee considered an application for Installation of an energy storage facility, including battery containers, power conversion units, transformers, substation, grid connection infrastructure, vehicular access and associated works at Land South of Spennymoor Electricity Substation (south), Thinford Lane, Thinford (for copy see file of minutes).

C Shields, Senior Planning Officer, provided a detailed presentation on the application which included a site location plan, aerial photographs and site photographs.

The Senior Planning Officer advised the Committee of additional comments which had been received.

Campaign for Protection of Rural England (CPRE) had sent an additional letter to advise that there was no reference to guidance issued by the Energy Institute. The Senior Planning Officer advised that the guidance largely repeated local and national planning policy and was therefore determined unnecessary. They had raised the risk of fire and explosion which was included in the guidance and although this was an operational issue, the Applicant had agreed a fire prevention management plan to mitigate any risks.

The Senior Planning Officer confirmed that there had been another letter from a resident raising an issue with the description of the location as it was not south of Spennymoor, however the description referred to was south of *Spennymoor Electricity Substation*. They also raised an issue with the historical nature of the site, however no objections had been raised by design and conservation or archaeological officers and geographical surveys had confirmed no significant findings however it was still recommended for trial trenching to be carried out prior to work commencing. He confirmed that 25 letters of objection had been received not 24 as stated.

Mr R Cowen, CPRE had expressed concerns as outlined and although he accepted the area was degraded by the current substation, in his opinion the landscape points raised by local residents were still relevant.

Mr Cowen was very concerned about the risk of fire and he disagreed that it was not a material planning consideration. He had seen the content of the letter submitted by the Applicant and it contained information that he should have accompanied the application. As it stood, his concerns had been answered.

Mr Keven Storey objected to the proposal. The Committee were not being asked if battery storage should be built, or for their opinions on green energy, but were being asked if it should be placed in arable land, in front of a town with limited used for recreation and exercise. The impact of which could not be understated, it was devastating.

Mr Storey advised that the application was contrary to policy and it was stated throughout the report that it would cause harm. The Applicant had not demonstrated a need for this development at this location. Noise had not been addressed and despite assurances residents would be the ones to suffer.

There were brownfield sites located near to the site, which were only being avoided due to the expense of cabling, however the applicant should have been directed to investigate the potential use of these sites.

In summary, Mr Storey advised that the Committee should not approve the application due to the landscape harm and loss of amenity. He also confirmed that there was an ongoing consultation for another similar development within metres of

the same site. This had not been referred to in the report, but he believed the Council had a duty to consider the cumulative effect.

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Ms Jenna Folkard addressed the Committee and gave a background to the operational changes of electricity. Due to the increase in supply and demand energy companies had to match the energy they produced to the amount generated. These facilities were essential to ensure stable energy systems.

This project would be adjacent to the existing structure, away from residential properties and outside of any landscape designations. The total area was 4.6 hectares of which 80% was considered subgrade land and used for biofuel production and cattle feed. The field would be screened and significant landscape plan was proposed.

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/21/02901/OUT
APPLICATION DESCRIPTION:	Outline planning permission for Phase 2 of Jade Business Park in Murton, comprising a mix of B2 and B8 unit use with associated service yards, car parking and landscaping.
NAME OF APPLICANT:	Durham County Council
ADDRESS:	Jade Business Park, Jade Enterprise Zone, Murton SR7 8RN
ELECTORAL DIVISION:	Murton
CASE OFFICER:	Andrew Inch, Strategic Development Manager 03000 261155, Andrew.inch@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

Background

- Phase 1 of Jade Business Park (DM/19/01316) was granted approval in July 2019 for the erection of 7 units comprising of mixed B2 industrial use with integrated offices, service yards, car parking and landscaping. Phase 2 is an extension to the consented business park which proposes to wrap around and integrate with Phase 1.

The Site

- The application site lies adjacent to the initial phase of development of Jade Business Park. It is broadly rectangular in shape and comprises of 14.45 hectares of grassland. The site is partially developed and located in the Hawthorn Development Zone, comprising of former Hawthorn colliery land which has been reclaimed. Jade business park is located just to the west of the A19 trunk road and the Durham Heritage Coastline and, at some distance, is surrounded by three communities: Murton, South Hetton and Hawthorn, Murton being the largest community. The site is bounded by a mix of farmland, woodland and remediated amenity land.

3. The business park is readily accessible with vehicular access into the site taken directly off the A182/A19 via a purpose-built carriageway which was constructed in 2008 and leads directly to it. The A182 provides southbound access 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, which leads north and provides access to the northbound carriageway of the A19, as well as residential areas of Murton and South Hetton in addition to the A690 and A1 (M) further 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. Significant bus services are available on Church Lane, just beyond the north-eastern corner of the Park.
4. 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 Hesleden 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 Hesleden 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 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

5. The proposal seeks outline planning permission with all matters reserved for the development of the remainder of Jade Business Park (plots B, C and D) to provide B2 (General Industrial) and B8 (Storage and Distribution) commercial floorspace. The proposals have been revised during the course of the application to remove elements which sought uses falling within former Class B1 (Business), which now fall within Use Class E (Commercial, Business and Service). The proposals now focus on providing development to be occupied by only B2/B8 uses, with a maximum floorspace of 53,780 sqm. B2 use across the application site will be limited to a maximum of up to 27,406sqm with the remainder falling under B8 use. The floorspace envelopes for the building plots, as set out in the submitted parameters plan and are as follows:
 - Plot B – B2/B8 use across 4.57 ha, maximum of 13,690 sqm with 260 parking spaces
 - Plot C – B2/B8 use across 3.40 ha, maximum of 15,155 sqm with 288 parking spaces
 - Plot D - B8 use across 5.85 ha, maximum of 24,935 sqm with 237 parking spaces
6. As the application is submitted in outline form with all matters reserved, the overall layout of the proposed development will be the subject of future Reserved Matters applications as the park is developed, however the application has been supported by a proposed masterplan strategy for the site's development. In addition, indicative layout plans show that incidental offices may be incorporated within the envelope of a building or as a pod which sits in front of the building. Together with a green corridor and landscape frontage, landscaping in the car parking and the articulation of the offices, it is expected the scheme would provide an animated and attractive frontage to the development.
7. With regards to scale and design, the appearance of these plots would be subject of future Reserved Matters applications, although a Design Code has been submitted which envisages a development consistent with that undertaken on Phase 1. The document indicates that all of the units would be of contemporary aesthetic, typical of the form of unit proposed. They would be constructed from profiled metal sheets and composite flat panels. Additional materials will be used in specific locations such as

around entrances, offices or focal points in order to create contrast and local identity; the office provision will be predominantly glazed to provide greater animation to the front of each unit. The Parameters Plan and Design Code both indicate that overall scale would see buildings up to a maximum height of 20m constructed across the site.

8. The main vehicular access to the site would be via the existing link road taken off the A182. A secondary (emergency conditions only) access route is available from the substation access track to the north to allow the Park to remain accessible. The access road leads into the adopted highway and the junction with the B1285 Church Lane in Murton beyond.
9. Pedestrian footpaths are already in place along the existing access roads within the site. As part of the redevelopment of the site, an existing public right of way will need to be diverted. As this application is in outline form the detail of the diversion is not yet known.
10. This application is being reported to the County Planning Committee as it relates to a non-residential development proposal exceeding 10,000sqm floor space.

PLANNING HISTORY

11. In February 2007 an outline application (5/PLAN/2005/0955) for industrial development comprising B1 business use, B2 general industrial use and B8 storage and distribution was granted planning permission. The development was commenced but not completed. In July 2019 planning permission (DM/19/01316/FPA) was granted for planning history for the erection of 7 units (5 buildings) for B2/B8 industrial use with integrated offices and associated service yards, car parking and landscaping. As noted above this permission has been implanted in full.

PLANNING POLICY

NATIONAL POLICY

12. A revised National Planning Policy Framework (NPPF) was published in July 2021. 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.
13. The following elements of the NPPF are considered relevant to this proposal.
14. *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.
15. *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.

16. *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.
17. *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.
18. *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.
19. *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.
20. *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.
21. *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.
22. *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.
23. *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>

24. 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; determining a planning application; flood risk and coastal change; healthy and safe communities; historic environment; land affected by contamination; light pollution; natural environment; neighbourhood planning; noise; open space, sports and recreation facilities; town centres and retail; travel plans, transport assessments and statements; use of planning conditions; viability and; water supply, wastewater and water quality.

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

LOCAL PLAN POLICY:

The County Durham Plan:

25. *Policy 1 – Quantity of New Development.* Indicates a need for 300 hectares of strategic and general employment land for office, industrial and warehousing purposes across the plan period up to 2035.
26. *Policy 2 – Employment Land.* Supports business, general industrial and storage and distribution development within specified employment allocations and also protects other existing employment sites from being changed to non-employment uses, unless appropriate marketing has been undertaken or that the use would not compromise the main employment use and would comply with retail Policy 9 where main town centre uses are being proposed. Where a non-employment development is proposed on the protected employment sites, any existing jobs on site must be relocated. Jade Business Park is allocated as employment land in the Local Plan, contributing 18.85ha towards the overall figure sought in Policy 1. This includes land already developed out under Phase 1, including the access road into the Park.
27. *Policy 10 – Development in the Countryside.* Makes clear that development in the countryside will not be permitted unless allowed for by specific policies in the Plan, or where it relates to a number of exceptions listed within the policy which include certain forms of economic and infrastructure development, as well as the redevelopment of brownfield sites. The policy sets out a number of general design principles for all development in the countryside, which seek to ensure that the character of the area is appropriately preserved alongside the setting of heritage assets, amenity of residents and safety of the highway network amongst other factors.
28. *Policy 21 - Delivering Sustainable Transport.* Requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development should have regard to Parking and Accessibility Supplementary Planning Document.
29. *Policy 25 - Developer Contributions.* Advises that any mitigation necessary to make the development acceptable in planning terms will be secured through appropriate planning conditions or planning obligations. Planning conditions will be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations must be directly

related to the development and fairly and reasonably related in scale and kind to the development.

30. *Policy 26 – Green Infrastructure.* States that development will be expected to maintain and protect, and where appropriate improve, the County's green infrastructure network. Advice is provided on the circumstances in which existing green infrastructure may be lost to development, the requirements of new provision within development proposals and advice in regard to public rights of way.
31. *Policy 28 – Safeguarded Areas.* Within safeguarded areas development will be subject to consultation with the relevant authority and will be permitted where it can be demonstrated that it would unacceptably adversely affect public safety, air traffic safety, the operation of High Moorsley Meteorological Officer radar.
32. *Policy 29 – Sustainable Design.* Requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out detailed criteria which sets out that where relevant development is required to meet including; making a positive contribution to an areas character and identity; provide adaptable buildings; minimise greenhouse gas emissions and use of non renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; providing suitable landscape proposals; provide convenient access for all users; adhere to the Nationally Described Space Standards (subject to transition period).
33. *Policy 31 - Amenity and Pollution.* Sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that they can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.
34. *Policy 32 – Despoiled, Degraded, Derelict and Contaminated Land.* Requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.
35. *Policy 35 - Water Management.* Requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. All new development must ensure there is no net increase in surface water runoff for the lifetime of the development. Amongst its advice, the policy advocates the use of SuDS and aims to protect the quality of water.
36. *Policy 36 - Water Infrastructure.* Advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and waste water infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.

37. *Policy 39 – Landscape.* Proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate mitigation measures where adverse impacts occur.
38. *Policy 40 - Trees, Woodlands and Hedges.* Proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges or provide suitable replacement planting. The loss or deterioration of ancient woodland will require wholly exceptional reasons and appropriate compensation.
39. *Policy 41 - Biodiversity and Geodiversity.* Restricts development that would result in significant harm to biodiversity or geodiversity and cannot be mitigated or compensated. The retention and enhancement of existing biodiversity assets and features is required as are biodiversity net gains. Proposals must protect geological features, have regard to Geodiversity Action Plans and the Durham Geodiversity Audit and where appropriate promote public access, appreciation and interpretation of geodiversity.
40. *Policy 43 - Protected Species and Nationally and Locally Protected Sites.* Development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided, or the proposal meets licensing criteria in relation to European protected species.
41. *Policy 44 - Historic Environment.* Seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets. The policy advises on when harm or total loss of the significance of heritage assets can be accepted and the circumstances/levels of public benefit which must apply in those instances.
42. *Policy 56 Safeguarding Mineral Resources.* Sets out that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within a Mineral Safeguarding Area unless certain exception criteria apply.

NEIGHBOURHOOD PLAN POLICY:

43. There is no Neighbourhood Plan for this area.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

44. *National Highways -* The proposed traffic flows and junction assessments are acceptable. The proposed junction mitigation works at the A19 North/B1285 Dalton Park junction have been tested and are acceptable. National Highways recommend three conditions be attached to outline planning permission. Condition 1 to limit the total floorspace allocated for B2 use for reasons relating to trip generation by restricting B2 land use to a maximum

of 27,406sqm. Condition 2 to prevent occupation of the development until planned mitigation road works on the A19 North/B1285 Dalton Park junction as planned by Durham County Council for 2023 have been delivered. Condition 3 to secure the submission and approval of a construction phase traffic management plan to be adhered to through the life of the construction phase. Subject to these conditions being imposed, National Highways withdraw their previous objection.

45. *Highway Authority* – No objections. On the basis of the submitted information and relevant assessed junctions, it is considered that all the junctions work to an acceptable level with the development occupied in both the opening year and 10 years after opening. The current A19/A182/B1285 dumbbell roundabouts will be replaced by a signalised arrangement funded and delivered by the Council. A Stage 1 Road Safety Audit has been carried out and shown no significant issues. Parking is indicated to be provided in accordance with DCC standards; however, being an outline application, this could be dealt with in the reserved matters along with cycle parking and EV charging.

46. *Drainage and Coastal Protection (Lead Local Flood Authority)* – No objection, subject to a condition requiring the final design to be in accordance with the submitted Master Plan - Drainage Strategy Revision A 3rd February 2021, incorporating SuDS features for surface water treatment and attenuation of flows to QBAR rural rate as described in the document.

47. *Natural England* – No objection - based on the plans submitted the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

48. *Northumbrian Water Limited* – No objection, provided the application is approved and carried out in strict accordance with the submitted document entitled “Drainage Strategy”, which states foul flows shall discharge via the existing on site private foul network which ultimately discharges to the public combined sewer at manhole 7102. All surface water flows shall discharge to the watercourse.

INTERNAL CONSULTEE RESPONSES:

49. *Spatial Policy* – No objections, the application proposes uses that the site is allocated for and therefore the principle of development is supported.

50. *Ecology* – No objections. No impacts are expected on statutory and non-statutory sites designated for nature conservation with no designated sites being directly impacted upon. Any potential recreational impacts on nearby Sites of Special Scientific Interest are mitigated for by the footpath routes avoiding the SSSIs and the provision of clear site signage. No negative impacts are expected on European Protected Species. Great Crested Newts are absent from the site. No significant impacts are expected on bird species. Common species of invertebrate will be impacted upon by development, this will be mitigated for through the provision of suitable native planting within the site and the off-site enhancement of grasslands. No significant impacts on invertebrates are expected.

An appropriate draft Biodiversity Management and Monitoring Plan has been provided which outlines the methods to be employed to deliver the required number of biodiversity units off-site. A financial contribution of £400,000 should be secured to deliver the management and monitoring of the off-site location for a minimum of 30 years.

51. *Landscape* - No objection. Acknowledge that the application site is allocated within the development plan and that the principle of development has therefore been established.

The submitted Design Code appropriately shows locations and dimensions of areas of existing woodland to be retained, which is an important element of the wider masterplan, considering the visual impact of proposed buildings. It is important that existing planting is retained, managed and supplemented with new strategic landscape buffers. In the early years of the development, the proposed buildings would, in combination with the existing buildings bring about a magnitude of change which would exceed low, as the upper facades of the buildings and rooftops would be noticeable from areas of settlement. Given the height of existing trees in comparison to the existing and proposed buildings, shown in the visual representation VP3, visual effects would be slight to moderate and adverse, which would exceed the conclusions made in the applicant's landscape appraisal. This again highlights the importance of retained trees and the success of supplementary planting, to meet with the longer-term predictions made in the submitted Landscape Appraisal.

All new planting proposals should be supplemented with management and maintenance objectives, specification, schedules of operations relating to frequency and timing and cross referenced to detailed planting plans and species lists (relevant to plant replacements). As mentioned previously, this phase should assimilate positively with the previous development phase to create a recognisable landscape character throughout the entire Business Park.

52. *Landscape (Trees)* - The submitted assessment and method statements are comprehensive and acceptable. The proposals would require the removal of two groups of trees and a section of three others, however their loss would not have a significant impact on amenity taking account of additional tree planting indicated in the proposed masterplan. There are no objections from an arboricultural perspective.
53. *Design & Conservation* – Advise that the amended design code reflects previous discussions with regard to the built development.
54. *Archaeology* – the former Hawthorn Mine and subsequent land reclamation works are likely to have destroyed any remains and therefore through pre-application discussions it has been determined that no further archaeological work is required.
55. *Sustainable Travel Team* - The site is considered very challenging with regards to ensuring good transport links and general access as it is highly unlikely that this will ever be a through route. The majority of units are proposed as low-density employment and that in itself is a negative for successful transport services but when coupled with staggered shift patterns, it is difficult to see how any service (dedicated or extension to existing) could operate to the site on a commercial basis. Taking into account the above, it looks unlikely that the shape of the existing public transport network will change in any meaningful way. For this reason focus of transport/access improvement should be on ensuring 'direct, suitable' footpath links to services at South Hetton and Murton. Though current measurements are a fair reflection of distance and it is true that services at South Hetton and Murton are frequent and provide good links to local and regional centres, the walking distances and routes are neither convenient nor suitable. The existing route however is partly on private land, unlit and is difficult to see how improvements can be made.
56. *Environmental Health (Air Quality)* - AECOM have independently reviewed the documents submitted with the application and note that the construction impact assessment omits nearby sites which may be emitting dust during the same period, however, otherwise concludes that it is largely suitable. The overall assessment of air quality in respect of operation is considered suitable, however a number of deficiencies within the submitted information will need to be addressed at reserved matters stage. These include a lack of reference to operational phase traffic impacts on nearby SSSIs

and lack of reference to IAQM guidance on the assessment of air quality impacts on designated nature conservation sites.

57. *Environmental Health (Contaminated Land)* - An intrusive site investigation is not considered necessary and ground gas protection measures are required. The importation of soils will be limited due to excess on site from earthworks. Given the information provided and in light of development of the wider site, there are no objections to the proposals and no requirement for pre-commencement conditions. A number of other conditions are recommended to secure remediation and verification in relation to potential ground contamination, alongside an informative to cover an eventuality where previously unforeseen contamination is found during construction.
58. *Nuisance Action Team* – Having considered the proposals, granting planning permission would potentially result in a statutory nuisance being created in relation to noise from road traffic leading to a change in acoustic character for nearby receptors. However, conditions seeking to control the level of noise from commercial operations and/or plant are sufficient to mitigate the potential of a statutory nuisance.
59. *Rights of Way Officer* – Murton bridleway 29 will be affected by the development and discussions are ongoing as to the diverted route. There is an un-investigated claim which comes into the site through the buildings already present, however there are no concerns overall and the claim could be accommodated on the diversion if founded.
60. *Business Durham* – No objections. The current demand for industrial units outpaces the existing supply of industrial space from businesses inside and outside the County. The proposed new development will go some way to alleviating this need by increasing the opportunities for inward investment and providing opportunities for local growing businesses.

EXTERNAL CONSULTEE RESPONSES:

61. *Durham Constabulary Crime Prevention Unit* – advice is provided in relation to specific detailed design measures that should be incorporated.

PUBLIC RESPONSES:

62. The application has been advertised by way of a press and site notice and individual notification letters to neighbouring residents. No representations have been received.

The above is not intended to repeat every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at:
<https://publicaccess.durham.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

APPLICANTS STATEMENT

63. Jade Business Park in Murton is owned by the Council and was split into two phases. The Council funded Phase 1 of the development which was established in 2020, comprising seven new employment units within 156,000 sq. ft. of light industrial use. Buckinghamshire Properties Limited developed out Phase 1, supported by Durham Council, and Business Durham manages the Phase 1 accommodation with all seven units now fully let. These units currently employ 160 people with this expected to rise further to over 250 people in the next five years. Buckinghamshire Properties Limited is now in a position to complete the remaining Phase 2 of development at Jade, working with Durham Council once outline planning permission is granted, but this time with mainly private and commercial funding. This final phase of development will provide a further 550,000 sq. ft of floorspace with an additional seven units proposed, ranging in

size from 20,000 sq. ft. to 250,000 sq. ft. and when completed could support a further 1000 jobs.

64. The Jade application site, formerly known as Hawthorn Colliery, is wholly owned by the Council and was reclaimed from its previous use as a coal mine and coke works, one of a small group of Durham Collieries that would survive into the 1990s. The works ceased and were demolished, and the land reclaimed as part of the Hawthorn Development Zone projects. In 2007, outline planning consent was granted for the construction of a 22 hectare Industrial development that would accommodate storage and distribution and general industrial use comprising of 25 units. Remediation of the former coke works were completed and a high standard road linking the A19 with the site designated for the consented Hawthorn Industrial Estate was constructed by Durham County Council in 2011. A financial crisis in 2008 however had led to a global recession and the UK suffered a severe downturn stemming business development growth and as a result the consented Hawthorn development was not built. In 2015, the site was granted Enterprise Zone status as part of a wider North East Local Enterprise Partnership (NELEP) offering. Occupiers were given an incentive equivalent of up to £275,000 of rate relief up to March 2021 and NELEP receive the business rates for 25 years with some of these proceeds being used to invest in on-site infrastructure. The success of the first phase of Jade has provided an opportunity for the remainder of the site to be considered for further speculative development but this time funded directly by private development.
65. The Council Plan 2020 - 2023 includes the ambition “to create more and better jobs” by supporting businesses emerging from the pandemic and effects of lockdown and by developing a pipeline of projects and investment plans at major employment sites across the County. The Jade development site is the main employment land allocation in East Durham, providing more than 50% of the employment land allocated in the East Durham area for the Plan period (to 2035). Jade is one of the County’s five strategic employment sites, the only one in East Durham, and links to one of the key aspects of the County Durham Vision “*1.1 We will deliver a range of accessible employment sites across the county*”. Jade is also recognised in the North East Strategic Economic Plan as one of the region’s major employment sites and coupled with enterprise zone status, makes the employment proposition strategically significant for the region.
66. As evidenced by the recent Economic Review commissioned by the Council, more modern industrial space is needed to support the growth of small and medium enterprises and inward investment in the County. The case to bring forward speculative industrial development is stronger than ever but although rental yields are improving, there remains a key role for the Council, working in partnership with the private developers, in providing financial security to enable these schemes to go ahead. Realising the economic ambition of this proposal and effective use of remediated land could act as a catalyst for wider regeneration in the area.
67. Naturally Phase 2 will be an expansion of the Phase 1 Business Park development and this is best use of the location site with the existing high standard transport links and emerging opportunities to utilise renewable energy sources. The ambition is to capitalise and build on the success of Phase 1 to bring new opportunities to the area and provide a much-needed employment offer that will also complement the 3,285 new homes that are allocated to East Durham in the County Durham Plan. The proposed industrial and warehouse units would be offered to larger established companies that operate a modern management structure that would see the creation of safe and secure jobs with good working conditions.

PLANNING CONSIDERATIONS AND ASSESSMENT

68. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that as 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 as well as the planning history for the site. In this context, it is considered that the main planning issues in this instance relate to: the principle of development, local 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

The Development Plan

69. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration and is therefore relevant to the assessment of any proposals for development of the site. The County Durham Plan (CDP) is the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF.
70. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
- (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or,
 - (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
71. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035. As there is an up to date development plan, paragraph 11(d) of the NPPF is not engaged. Policy 1 of the CDP sets out the need for new development across the plan period up to 2035, indicating that 300 hectares of strategic and general employment land for office, industrial and warehousing purposes is required.
72. The general thrust of the CDP is that it seeks to steer new development to locations which are sustainable, with Objective 5 seeking to maintain a clear hierarchy of vibrant, diverse and distinct retail centres that are the focus for commercial, retail, leisure, culture and other appropriate uses. Town Centres are therefore generally seen as the focus for new development across the plan area, and in this context Policy 10 seeks to limit development in the countryside unless allowed for by specific policies in the plan or where a number of exceptions apply.
73. The application site is located outside of the settlements of Murton and South Hetton. For planning purposes, the application therefore falls within the countryside where Policy 10 seeks to restrict development. Exceptions to this are set out within the policy,

which states that development ‘will not be permitted unless allowed for by specific policies in the plan’.

74. The site has been allocated in the CDP through Policy 2 and is intended to deliver in excess of 18 hectares of employment land, contributing towards the overall employment land requirement sought across the plan area through to 2035 within Policy 1. In accordance with Policy 10, policy 2 is therefore the specific policy which allows for this development.
75. With good links to the strategic road network, Jade Business Park is one of 10 sites around the region that has been given Enterprise Zone status by the North East Local Enterprise Partnership (LEP). Businesses located within the Enterprise Zone, through the LEP, are intended to receive a number of benefits to drive economic growth. For this reason, nearly 20 hectares of land is allocated for development at the site.
76. Phase 1 of the site has already been delivered, having been granted planning permission under application DM/19/01316/FPA which included improvements to the access roads to enable their conversion to highway enabling unobstructed access to the site from the A19/A182 junction to the east. Phase 1 was completed in 2020 and all seven units are fully occupied.
77. This application relates to further phases of development of the business park, all of which sit within the allocation established in Policy 2. As a matter of principle, therefore, the proposed construction of additional development for uses falling within Use Classes B2 and B8 is considered to be acceptable and would contribute towards meeting the need for additional employment land across the County up to 2035 in line with the general economic strategy of the County Durham Plan and in accordance with CDP Policy 2.

Locational Sustainability of the Site

78. Policy 21 of the CDP makes clear that the transport implications of development must be addressed as part of any planning application. It requires that all development delivers sustainable transport and sets out a number of ways in which this is to be achieved. The policy seeks to facilitate investment in sustainable modes of transport, with preference to walking and cycling, and seeks to secure appropriate, well-designed and permeable routes for walking, cycling and bus access, so that new developments clearly link to existing services and facilities together with existing routes for the convenience of all users.
79. Paragraph 104 of the NPPF makes clear that transport issues should be considered from the earliest stages of plan-making and development proposals. Reasons for this include so that opportunities to promote walking, cycling and public transport use are identified and pursued, and so that the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account.
80. Paragraph 105 of the NPPF states that the planning system should actively manage patterns of growth in support of these objectives and indicates that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. However, it does go on to say that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in decision making.
81. Paragraph 110 of the NPPF states that in assessing applications for development, it should be ensured appropriate opportunities to promote sustainable transport modes

can be, or have been, taken up; that safe and suitable access to the site can be achieved for all users; that the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance; and, that any significant impacts from the development on the transport network or on highway safety can be cost effectively mitigated to an acceptable degree.

82. Notwithstanding that the application site is allocated within the CDP for employment uses, it remains the case that the site falls beyond the established extent of both Murton and South Hetton. The closest bus stops to the application site are located at Grasmere Terrace in South Hetton, approximately 800m from the site boundary. Northward toward Murton, the nearest bus stops are approximately 1100m away. The services that operate from these stops are typically an hourly Monday to Saturday service, running from early morning to early/mid evening, and in theory provide access to the site by means other than private vehicles. However, as noted in past applications at the site, the distances to nearest bus stops are either within the ‘preferred maximum’ or ‘beyond the preferred maximum’ of the Institution of Highways and Transportation (CIHT) “Providing for Journeys” document and are, therefore, towards the higher end (or indeed beyond the higher end) of distances that people may reasonably be expected to walk to access bus services to or from their place of work. Guidance would, therefore, suggest that these distances may discourage use of public transport by those requiring access to the site.
83. The Sustainable Travel Team have been consulted on the application. As the site is in effect a cul-de-sac and over a mile from existing transport routes, it is conceded that the development would not justify a dedicated bus stop or a service diversion. As such, it is considered that the site continues to be poorly served by public transport opportunities given the distances to nearest bus stops and routes involved. For these reasons, public transport opportunities are considered to be limited and the site continues to perform poorly against the requirements set out in Policy 21 of the CDP in this respect.
84. For similar reasons and given the location of the site some distance beyond nearby settlements of Murton and South Hetton, walking is not considered to be a reasonable option for those requiring access to the business park despite the suggestions made within the submitted Transport Assessment.
85. In terms of cycle access, the site does perform better, with the site lying in proximity to a Sustrans National Cycle Network route (NCN1) and within approximately a 5-10 minute ride across relatively easy terrain of Murton and South Hetton. The larger settlements of Hetton-le-Hole, Houghton-le-Spring and Seaham are accessible by bike, with most areas within approximately 20-30 minutes of the application site.
86. In addition to the need to promote opportunities for sustainable transport set out in Paragraph 104, Paragraph 100 indicates that planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users. Policy 26 indicates that development will be expected to maintain or improve the permeability of the built environment and access to the countryside for pedestrians, cyclists and horse riders.
87. Policy 21 of the CDP seeks, amongst other requirements, to improve access to public transport links by providing direct routes for bus access, as well as delivering, accommodating and facilitating investment in sustainable modes of transport, including bus and rail transport. The Council’s Accessibility and Network Planning Team have considered the approach taken within the submitted Transport Assessment (TA) and concludes that the site is not readily accessible to nearby bus stops. The proposed nature of low-density employment use (light industrial and warehouse) means the anticipated job numbers (up to 1250 inclusive of Phase 1) coupled with staggered shift

patterns, means it is difficult to see how any bus service (dedicated or extension to existing) could operate to serve the site on a commercial basis. As there is a no through road leading to the business park, diverting an existing public transport service would necessitate in excess of a 3 mile round trip diversion from the nearest current bus route.

88. Discussions have taken place with the Council's network travel manager, and it is accepted there is no cost justification for bus operators to divert their express service for this distance nor provide a dedicated service to Jade Business Park. There are still opportunities for staff to utilise public transport, particular those living on or near the route of the existing services, but there is currently no realistic prospect for a dedicated public transport service or bus stop at the Business Park site. Some improvements are recommended, one being the provision of suitable internal bus stop options to future proof the site, however, it is unlikely that they would facilitate any such improvements to public transport options at the site and would only serve to draw criticism from the public, as no service would operate here for the reasons considered above. Consultation with National Highways has identified that the nature of the business park as a cul-de-sac arrangement offers no scope for any increase in traffic flow from the site, and so employee numbers would be unlikely to reach levels which would justify a bus service, either private or public. The provision of bus stops within the site at this stage is therefore considered unnecessary and it would not be reasonable for the local planning authority to pursue these based on feedback from consultees.
89. It therefore remains the case that the application site performs relatively poorly in terms of access to public transport. Addressing this, regard must be had to the wider strategic context of delivering economic growth through the creation of much-needed areas of employment land across the County with good access to the strategic road network. These applications form additional phases of the wider vision to develop Jade Business Park into a strategic employment site, of which the initial phase has now been completed and is operational.
90. This overarching strategic aim needs to be considered in the overall planning balance and weighed against the failure of the development to fully achieve sustainable transport objectives. To that end, the applicants are proposing a park-wide Travel Plan (TP) which sets out initiatives to further improve upon the accessibility issues identified above. This TP provides measures which in turn provide opportunities to encourage employees of businesses at the park to use sustainable travel modes immediately following occupation, rather than attempting a modal shift following establishment of non-sustainable travel habits. The TP offers benefits for those accessing the site, in turn contributing towards improvements to the site's accessibility in line with physical interventions required as part of the development.
91. A public right of way which roughly crosses through the centre of the site (Murton Bridleway 29) was partly diverted as part of Phase 1 works and in consultation with the Rights of Way Team, Officers are aware of an un-investigated claim for a new right of way to be established, which comes into the site through buildings already present. To facilitate the site's further development, the existing right of way would need to be diverted further, which will necessitate a statutory consultation and formal process. Consistent with the consideration of previous applications, it is considered that the diversion of existing rights of way can deliver improvements to the network overall. The Rights of Way Team Officers are currently considering potential options and note that the un-investigated claim for a new right of way can be accommodated within any diversion.
92. The diversion of the existing bridleway is not the subject of this application and, as such, there are no details currently provided of the nature or route of the diversion required, however, Officers are satisfied that these can be accommodated. Officers are also

satisfied that the diversion of the existing bridleway and potential incorporation of the claimed route would be capable of delivering improvements to the existing network of public rights of way around the business park. In turn, the proposals would be capable of delivering improvements to the site's accessibility in line with the requirements of Policies 21 and 26 of the CDP. An application under Section 257 of the Town and Country Planning Act 1990 (as amended) for the diversion of the bridleway would follow any grant of outline planning permission.

93. In summary, officers recognise that the development of the site would not fully accord with the aims of Policy 21 of the CDP. However, subject to accordance with a condition securing the TP and its implementation going forward and having regard to the issues considered above, when weighed against the wider economic benefits of facilitating economic growth across the County through the development of the site and recognising that some improvements upon existing locational sustainability issues can be achieved through this application, it is considered that the proposals are acceptable overall. The proposed development would, therefore, be partially consistent with the aims of Policy 26 of the CDP, but wholly consistent with the aims of Policies 2 and 26 overall.

Highway Safety and Access

94. Objective 18 of the CDP seeks to ensure that new development is accessible, contributing to reducing the need to travel, thereby reducing the impact of traffic and congestion on the wider environment, communities and health. In this context, the requirements of Policy 21 of the CDP collectively seek to ensure the safety of the road network for all users and secure safe and suitable access.
95. Paragraph 111 of the NPPF makes clear that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Within this context, Paragraph 112 provides for a number of criteria against which new development proposals should be assessed, with Paragraph 113 indicates that all developments that will generate significant amounts of movement should be required to provide a Travel Plan (TP), and the application should be supported by a transport statement (TS) or transport assessment (TA) so that the likely impacts of the proposal can be assessed.
96. The proposals have been supported by a TA and, as referred to above, are accompanied by a site-wide TP. These documents have been updated during the course of the application to take account of feedback from National Highways, with the most recent TA dated August 2022. Collectively, these documents consider the potential impacts of the development and the issues relating to highways safety, network capacity, access and other transport related issues and reflect the areas shown on the parameters plan submitted in support of the application.
97. Access to the site has already been established through the grant of planning permission for the initial phase of the development, with key infrastructure in place for latter phases of development. Access into the park is made via the existing access road leading from the A19/A182/B1285 roundabout. This access road has recently been brought to an adoptable standard, with new signage, upgraded lighting and a new 50mph speed limit applied. The business park roads, roundabouts and paths were repaired and upgraded with new street lighting and a 30mph speed limit applied. A gated access road was incorporated as part of Phase 1 works to provide emergency access when the A19 is closed or gridlocked. The highway network surrounding the site has therefore been substantially improved as part of initial phases of the development, on which these proposals would expand.

98. The application proposes a series of further accesses taken from the existing road network within the site. These are shown within indicative layouts submitted with the application and would serve individual zones envisaged within it. Whilst these layouts are indicative, they provide an indication of the potential layout of the site, parking capacity and access arrangements for smaller and larger vehicles. These are generally considered acceptable bearing in mind the aspirations of the Travel Plan, with the detail to be brought forward as part of future applications dealing with reserved matters.
99. The TA considers trip generation from these layouts and draws on anticipated numbers of users based on the overall quantum of development being sought at outline stage. The trip generation is based on a 'worst-case scenario' in terms of vehicle numbers and forms the basis of the assessment based on Class B2 and B8 Uses. The floor space assessed is reflected on the parameters plan and indicative layout plan submitted in support of the proposals with the associated car parking provision for the B2 and B8 uses shown on the indicative layout plan and included within the assessment. The car parking provision is consistent with that suggested within the Parking and Accessibility SPD with warehousing and storage provision figure applied in respect of the B8 use in view of overall requirement to reduce traffic generation and promote more sustainable modes of transport.
100. As the development has the potential to impact on the strategic road network, National Highways have been consulted. Extensive discussions have been had between the LPA, the Applicants and National Highways to address concerns relating to matters affecting the strategic road network, including capacity issues and planned roadworks.
101. The upper parameters considered by National Highways see the quantum of development limited to 51,906sqm of B2/B8 uses, of which a maximum of 27,406sqm would be set aside for uses falling within Class B2 (General Industrial). At these levels, proposed traffic flows are considered to be acceptable, and the proposals would not raise any capacity issues on the local and wider strategic road networks. It is important to distinguish, however, that this scenario anticipates occupancy of the development commencing within 2023 coinciding with planned road improvements at the Dalton Park A19 North/B1285 junction, which are forecast to be completed that year.
102. National Highways note that a junction capacity assessment of the existing A19 North / B1285 junction layout has not been undertaken, with the baseline assuming that certain road improvements will have been undertaken at the point at which the units are ready for occupation. On the basis that these works are carried out in line with the current programme, the additional traffic generation from the development would be capable of being accommodated on the highway network within theoretical capacity during am and pm peak periods.
103. In order to ensure that this is the case, National Highways have recommended a condition be imposed preventing occupation until planned road improvements at junctions nearby the site have been undertaken. This would ensure that the strategic road network and junctions connected with it do not become overloaded by additional vehicles associated with the development. This condition is considered necessary given the absence of any assessment within the TA relating to the junction capacity of the existing A19/B1285 arrangements.
104. Looking to the future, as further phases of road improvements are undertaken around the A19 interchange, modelling undertaken by the Applicant's transport consultants indicates that junctions will continue to operate within theoretical capacity. The proposed infrastructure improvements anticipated to be delivered by 2024 at junctions nearby the site would be implemented in advance of those same junctions operating

beyond their theoretical capacity and, as such, it is concluded that the increase in vehicular traffic associated with the development can be accommodated on the highway network when factoring in planned road improvements.

105. In addition to this, National Highways recommend a condition be imposed limiting the amount of floorspace assigned for uses falling within Class B2 to a maximum of 27,406sqm. This is on the basis of the upper limits considered within the TA, thereby ensuring that any increase on these limits which would potentially impact upon safe operation of the strategic road network can be adequately assessed. A further condition is proposed to secure a construction method statement covering the construction phase of the development, to ensure continued operation of the strategic road network in the vicinity of the development site.
106. Subject to accordance with these conditions, there are no concerns raised by National Highways, and the proposals would not be considered prejudicial to the continued operation of the A19 trunk road in the vicinity of the application site.
107. The Highway Authority have similarly concluded that the proposals would not have a negative impact on the local road network in the vicinity of the site, that parking is to be provided in accordance with DCC standards and that further matters relating to the provision of cycle parking and EV charging can be dealt with at reserved matters stage.
108. Overall, the highways impact of the proposed development is considered to be acceptable, subject to the conditions recommended by National Highways, and is therefore deemed to be in accordance with the requirements of Policy 21 of the CDP and the aims of the NPPF.

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

109. Part 12 of the NPPF seeks to secure high quality design, with Paragraph 126 explaining that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 130 seeks to ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character; and establish or maintain a strong sense of place.
110. Collectively, Policies 26, 29, 39, 40 and 44 of the CDP seek to secure good standards of design in new development, whilst balancing the needs of the built, natural and historic environments and making clear that all development proposals will be required to achieve well designed buildings and places.
111. The application is submitted in outline form with all matters reserved. Details in respect of layout, scale, landscaping and appearance are therefore reserved for future consideration. However, indicative layouts have been submitted in support of the application and these are accompanied by a Design Code and proposed Parameters Plan. Together, these give an indication of how the development of the site could be achieved, with the Design Code's purpose to ensure that development of future phases of the business park are consistent with the initial one.
112. There are no landscape designations on or around the site, and the site is well screened in surrounding views given the existence of structure planting to the north and south. The natural topography also helps to obscure the site from medium to longer range views, particularly from the south and east. The site would be readily visible from short range views, particularly those from the surrounding highway network and network of public rights of way, given how flat and open the development site is.

113. Whilst the detailed development is reserved for future consideration, given the above it is considered necessary to ensure that certain design parameters are set at outline stage. In consultation with the Design and Conservation and Landscape Teams, a detailed Design Code has been submitted which envisages the development would be brought forward consistent with the initial phase of the business park in terms of its scale and appearance. Building heights will be similar to those already constructed, with smaller units reaching heights of 7 and 10m whilst larger units expected to reach 15m in height. In line with the parameters plan, the Design Code expects a maximum building height of 20m and sets out that the approach to appearance and landscaping will be a continuation of that implemented on Phase 1.
114. In respect of design, given the application is in outline form there are no objections from the Design and Conservation Team. The Design Code submitted is considered to be acceptable and would be capable of ensuring the delivery of a suitably designed scheme for the site which is consistent with Phase 1. The submitted Phase 2 Site Plan Option three shows landscape buffers which should enable the inclusion of landscape proposals discussed in the Design Code document. The Parameter Plan P03 also shows buffer planting to the Park Boundary to facilitate future screening, a green corridor and landscaped frontages, including those to be determined. This approach is appropriate to an outline planning application provided that the future landscape proposals are fully detailed through reserved matters and accord with the proposed Design Code.
115. The application has been supported by appropriate arboricultural surveys and assessments, which the Landscape Section consider are informative and acceptable. It is therefore important that existing planting is retained, managed and supplemented with new strategic landscape buffers. Given the height of existing trees in comparison to the existing and proposed buildings, visual effects would be slight to moderate and adverse, which would exceed the conclusions made in the applicant's landscape appraisal. This again highlights the importance of retained trees and the success of supplementary planting, to meet with the longer-term predictions made in the submitted Landscape Appraisal. Subject to an appropriately worded condition securing additional tree planting for visual attenuation, there are no objections from an arboricultural perspective from the Landscape Section.
116. In absence of any of the reserved matters being put forward for consideration at outline stage, it is considered necessary to impose a number of specific conditions relating to the detailed design and landscaping of the site. A further condition is recommended to ensure that development brought forward in future applications is done so in accordance with the Design Code, and in line with recommendations set out in the Arboricultural Impact Assessment, Method Statement and Tree Protection Plans. All new planting proposals should be supplemented with management and maintenance objectives, specification, schedules of operations relating to frequency and timing and cross referenced to detailed planting plans and species lists (relevant to plant replacements). As mentioned previously, this phase should assimilate positively with the previous development phase to create a recognisable landscape character throughout the entire Business Park.
117. Further conditions in respect of landscaping are also recommended, which would in turn help to secure improvements to the natural environment. Subject to accordance with those conditions, it is considered that the site can be delivered with a high-quality design consistent with that constructed across the initial phase of the development. The proposals are therefore considered acceptable in accordance with the aims of Part 12 of the NPPF, and Policies 26, 29, 39, 40 and 44.

Residential Amenity

118. CDP Policy 31 is the principal CDP policy in respect to amenity and pollution and in summary advises that development will be permitted where it would result in no unacceptable impacts upon the health, living or working conditions or the natural environment and that can be integrated effectively with any existing business and community facilities. CDP Policy 29 requires, amongst its advice, that development minimises impact upon nearby occupiers and contributes towards healthy neighbourhoods, considering the health impacts of development and the needs of existing and future users.
119. Part 8 of the NPPF provides advice on how development can achieve healthy, inclusive and safe places. Parts 12 and 15 of the NPPF require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution.
120. 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.
121. The Nuisance Action Team have considered the acoustic survey submitted by the Applicants consider that the grant of planning permission may result in a statutory nuisance being created. This is primarily linked to the noise from traffic which would be most noticeable during the night. The acoustic assessment indicates that night-time noise levels will be moderate adverse, leading to a change in acoustic character for certain nearby receptors. However, it is acknowledged that the assessment is based on a worst-case scenario and that in reality, due to the location of the site and separation distances involved, actual night-time use of the development is unlikely to significantly interfere with the amenity of nearby receptors, and it is therefore considered that the potential impacts are likely to be below 'moderate adverse'. The impact is likely to be lessened further through the removal of potential uses falling within Class E, which would be more likely to involve higher levels of trip generation.
122. Subject to adherence to conditions recommended as part of this report, it is considered that the impact of the development on nearby residents in respect of noise, including noise from traffic and during the construction phase, would not be so significant as to justify withholding planning permission. Specific conditions are put forward by the Council's Nuisance Action Team, which are designed to ensure that the amenity of local residents at Woodlands and Windermere Road, East Little Coop House Farm, Hesleden Moor East Farm and Barwick Street are all preserved.
123. In addition to the above, Environmental Health Officers have considered the potential impacts of the development in respect of land contamination and air quality. The site has been subject to testing and the initial phase one application considered potential for contamination across the wider site, including the Phase 2 and 3 area. On this basis, intrusive site investigations are not considered necessary to inform this development

proposal on the basis that a need for ground gas protection measures (CS2) has been identified for the wider site.

124. Air quality is not considered to be a significant issue based on the information provided, noting that the Travel Plan incorporates measures to reduce affects. The Air Quality Assessment submitted with the application is considered acceptable and subject to various mitigation measures being implemented during the construction phase and beyond, the proposals are considered acceptable in respect of air quality.
125. The development of the site, as with the initial phase, would involve infrastructure and lighting to serve car parks, roads and external public realm areas. The lighting assessment submitted in support of the application identifies a number of mitigation measures as part of the overall lighting strategy for the site, which the Nuisance Action Team recommend be secured by way of condition. They also suggest consideration be given to a curfew, however given the location, distances involved to nearby receptors and approach taken on the initial phase of the development this is not considered to be necessary.
126. Having regard to the above, it is considered that the proposals would not result in any adverse impact sufficient enough to justify withholding planning permission for the development. Although background noise levels are likely to be exceeded during night time as a result of traffic noise, these assumptions are based on a worst-case scenario and in reality, the potential impacts are likely to fall below the 'moderate adverse' referred to within the acoustic survey. Subject to the imposition of appropriately worded conditions, the proposals would preserve the amenity of existing residents and provide adequate accommodation for future users in line with the aims of the NPPF and in accordance with the requirements of Policies 6, 29, 31 and 32 of the CDP.

Ecology

127. Paragraph 174 of the NPPF makes clear that planning policies and decisions should contribute to and enhance the natural and local environment. It sets out a number of ways in which this can be achieved, including by minimising impacts on and providing net gains for biodiversity.
128. Paragraph 180 indicates that when determining planning applications, local planning authorities should apply a number of principles, the first of which indicates that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
129. Collectively, Policies 39, 40, 41 and 43 seek to protect and enhance the natural environment within the County, giving priority to protected species and designated landscapes, and with an emphasis on securing net gains for biodiversity. Policy 41 states that proposals for new development will be expected to minimise impacts on biodiversity by retaining and enhancing existing assets and features and providing net gains for biodiversity including by establishing coherent ecological networks. It makes clear that measures should be appropriate, consistent with the biodiversity of the site and contribute to the resilience and coherence of local ecological networks.
130. The application has been subject to extensive survey to understand baseline ecological conditions at the site. The ecological appraisal a diverse neutral grassland, with small areas of immature and semi-mature broadleaf plantation woodland. The site possesses potential foraging and commuting habitat for protected species of wildlife, with further surveys recording the presence of breeding birds and discounting the likelihood for great crested newts, although small numbers of smooth and palmate newts were recorded in

some ponds alongside common toad and frog. To mitigate against the effects of the site's development on these baseline conditions, it is proposed to provide hedgehog/reptile/amphibian hibernacula during woodland management, alongside the installation of bat and bird boxes across the site and within woodland. Off-site measures would provide mitigation for ground nesting species of birds. On the basis of the surveys undertaken the Ecology section are satisfied that there would be no direct impacts on Protected Species and, therefore, consideration of the derogation tests is not required in this case.

131. It is clear from the surveys undertaken that the site is of biodiversity value. Its development would result in significant net losses for biodiversity, resulting in a loss of valued habitat. In accordance with Policy 41 of the County Durham Plan, it is considered necessary for the proposals to mitigate or compensate for the impacts caused by the development.
132. The application has been supported by a biodiversity net gain assessment. Calculations indicate a net loss for biodiversity on the site of -65.53%. To account for these losses, it is proposed to provide off-site biodiversity enhancement. A comprehensive landscaping proposal is set out within the supporting surveys and assessments, all of which are proposed to be secured in the form of a management plan, which the Applicant is intending to secure by means of a financial contribution. The proposed compensation package has been assessed and would result in the creation of improved habitat, providing net gains for biodiversity of up to 4.97%. In order to deliver the net gain, a financial contribution of £400,000 would need to be secured to ensure the implementation and management of the off-site compensation measures on land in the ownership of the Council.
133. Based on this, the proposals would secure net gains for biodiversity alongside other additional enhancement measures which are not considered within the metric, including creation of hedgehog/reptile/amphibian hibernacula or habitat piles during woodland management, and installation of additional bat and bird boxes across the site to complement Willow tit boxes installed in Spring 2022.
134. Subject to securing the relevant financial contribution, an appropriate management plan and implementation of on-site compensation measures, it is considered that the impact of the proposals on the biodiversity value of the site would be suitably compensated for, and net gains for biodiversity would be achieved. The proposals would not be likely to directly affect European Protected Species. The proposals are considered to be acceptable in accordance with Policies 39, 40, 41 and 43 of the County Durham Plan, and acceptable in line with paragraphs 174 and 180 of the NPPF.

Flood Risk and Drainage

135. 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.
136. 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 is considered acceptable, with the LLFA recommending that the final design be undertaken in accordance with

this strategy by incorporating SuDS features for surface water treatment and attenuation of flows to QBAR rural rates as set out in the document.

137. In relation to foul water, it is proposed to connect to the existing sewerage network. No objections are raised by Northumbrian Water, subject to conditions requiring adherence to the Drainage Strategy submitted in support of the application. On this basis, no objections to the development on the grounds of flood risk or drainage are raised, and the application is considered acceptable in accordance with Policies 26, 29, 35 and 36 of the CDP.

Heritage and Archaeology

138. The Archaeology Team note that the site has been extensively quarried in the past and has since been restored. As a result, any below ground remains are likely to have been destroyed and as such there are no objections and no further archaeological work is considered necessary. The proposals are acceptable in this respect in accordance with the aims of Paragraph 194 of the NPPF and Policy 44 of the CDP.
139. There are no designated or non-designated heritage assets within proximity of the development site. Hawthorn Conservation Area, located approximately 2.29km to the east of the application site and a short distance beyond the A19, is an area designated for its architectural and historic interest which is home to a number of Grade II listed buildings. The nearest listed building to the site is the Grade II Church of The Holy Trinity, 870m to the north of the site.
140. The Planning (Listed Buildings and Conservation Areas) Act 1990 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.
141. Given the distances involved, topography of the landscape and abundance of screening at and around the site, it is considered that the proposals would not be read in context with the heritage assets identified above. There are no objections from the Design and Conservation Team in respect of these assets, and as a result it is considered that the proposal would not adversely impact on the setting of either the Conservation Area or listed buildings. Despite the lack of detail at this outline stage, on the basis of the parameters set out in the Parameters Plan and within the Design Code, there are no concerns on heritage grounds with the proposed development.
142. In the absence of any harm, the proposals would accord with Part 16 of the NPPF and the requirements of Policy 44 of the CDP. Having regard to the requirements of Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), Officers are satisfied that the setting of nearby listed buildings would be preserved and that the character of the Hawthorn Conservation Area would be preserved.

Other Issues

143. A small area of the site is located within a mineral safeguarding area for glacial sand and gravel, as defined on the policies map of the CDP. CDP Policy 56 seeks to protect the County's mineral interests by preventing planning permission for non-mineral development that would lead to the sterilisation of identified resources, unless one of a number of limited circumstances apply. One of these is where there is an overriding

need for the non-minerals development which outweighs the need to safeguard the mineral.

144. The wider site has been subject to extensive mineral workings in the past and has since been restored. Given this, the small size of the area in question and the fact that the site is allocated in the CDP for development, it is considered that a need for non-mineral development has been established. There is an overriding need for employment land across the plan area, with the site earmarked for the delivery of almost 20 hectares overall. On this basis, the proposals are considered acceptable in accordance with Policy 56 of the CDP and therefore no minerals assessment is considered necessary.
145. CDP Policy 28 states that within safeguarded areas, as shown on the policies map, development will be subject to consultation with the relevant authority and that individual and cumulative impacts are considered.
146. In this case, the site is located within the High Moorsley Meteorological Office Radar safeguarding area, where Policy 28 seeks to ensure that development demonstrates that there will be no unacceptable adverse impact upon operation of the site. Officers are satisfied at this stage that the site's development can be brought forward without adversely affecting the Met Office radar systems, with further consideration to this to be given at reserved matters stage once the overall scale of individual buildings is known.
147. CDP Policy 29 requires that all major new non-residential development to achieve Building Research Establishment Environmental Assessment Method (BREEAM) minimum rating of 'very good'. Given the outline nature of the proposals, it is considered that a condition can be imposed to secure this and ensure compliance with Policy 29.

Public Sector Equality Duty

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

CONCLUSION

149. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Council has an up-to-date development plan, the County Durham Plan (CDP) adopted in 2020. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up-to-date development plan without delay (paragraph 11c).
150. The site falls outside of any recognised settlement, and for planning purposes falls within the countryside. Policy 10 supports development in these locations where it is specifically allocated in policies elsewhere in the plan. The site is allocated for employment uses within Policy 2 of the CDP and is recognised as a site of strategic importance for the Council to deliver its economic strategy for the County through to 2035. The proposals relate to further phases of development at Jade Business Park, which has seen the initial phase delivered and occupied. The principle of the

development is, therefore, considered acceptable in accordance with Policies 2 and 10 of the CDP.

151. The site performs relatively poorly in terms of its locational sustainability; however, improvements are proposed to established rights of way around the site which would improve access to local services, facilities and public transport links. These would contribute towards promoting sustainable transport modes; however, Officers conclude that locationally the site would continue to perform below the aspirations sought in Policy 21 of the CDP. This shortfall presents a conflict with the aims of the CDP which needs to be considered against the wider economic benefits of developing the site for employment uses.
152. Overall, it is considered that the proposals would not result in a level of harm to the amenity of local residents which would justify withholding planning permission. Acoustic surveys acknowledge that worst case scenarios based on the proposals in their originally submitted form (including Class E uses) would result in minor adverse impacts on nearby receptors in terms of noise. The likelihood is that these effects would be lessened, with day-to-day operations anticipated to be consistently below the worst-case scenario on which the acoustic assessment has been made. Conditions are nonetheless recommended to ensure that this is the case and provide assurance that noise levels at receptors is at or below acceptable thresholds in accordance with the aims of Policies 29, 31 and 32 of the CDP.
153. Although indicative, the submitted plans provide for a suitable layout with adequate levels of parking and manoeuvring space. Subject to conditions there are no highway safety issues raised by this application, and both the Highway Authority and National Highways raise no objections. The proposals are considered acceptable in this respect in accordance with Policies 21 and 29 of the CDP.
154. Whilst all matters are reserved for future consideration, the Design and Access Statement and Design Code establish suitable design standards which would ensure an acceptable and consistent appearance across all phases of the development. Subject to consideration of further details are reserved matters stage, the proposals are considered acceptable in accordance with Policy 29 of the CDP.
155. The public right of way (Murton Bridleway 29) requires diversion as part of the site's development. No details are provided at this stage; however, it is anticipated that improvements can be made to the network, with consideration to be given to any diversion through Section 275 of the Town and Country Planning Act 1990 (as amended) in the future.
156. The development of the site would lead to the loss of habitat and without mitigation would result in adverse impacts upon the natural environment. To compensate for this, off-site mitigation is proposed in the form of habitat improvement works. As the council is the applicant it cannot enter into a legal agreement with itself to secure the contribution and therefore, the financial contribution is to be secured by way of a transfer of funds to the Council's Ecology section and any planning permission would be withheld until this has taken place. The financial contribution would assist in delivering a 30-year management plan in accordance with the framework identified in the Council's Biodiversity Compensation Strategy. Subject to accordance with relevant conditions, and subject to securing an internal transfer of funds, the proposed development would result in net gains for biodiversity in compensation for the on-site impacts resulting from the proposed development.
157. The proposals are considered acceptable in respect of flooding and drainage, and there would be no impact upon the setting of nearby designated heritage assets. No

archaeological work is required, and no further intrusive investigations are considered necessary across the site in respect of contamination. There are no other technical issues related to the proposals, which are broadly considered to be acceptable and in accordance with the aims of the County Durham Plan.

158. In the overall planning balance, the adverse impacts identified above are considered to be outweighed by the many positive aspects of the development, most notably the economic benefits to be gained through the delivery of strategic employment land in line with the Council's wider economic strategy for the County. The proposals are considered acceptable in this respect and, it is recommended that planning permission be granted.

RECOMMENDATION

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:

- £400,000 to be used towards biodiversity enhancements as part of a 30-year management plan in accordance with the framework identified in Durham County Council's Biodiversity Compensation Strategy

and subject to the following conditions:

Reserved Matters

1. Approval of details of appearance, landscaping, layout and scale (hereinafter called 'the reserved matters') for each phase, or part thereof, (identified in the Parameters Plan – ref. 16077-FSA-XX-XX-DR-A-0205 Rev P03 – as Plots B, C and D) shall be obtained from the local planning authority before development of that phase is commenced.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

Time Limit

2. Applications for approval of reserved matters of each phase, or part thereof, shall be made to the Local Planning Authority before the expiration of three years beginning with the date of this permission. Thereafter, the development must be begun no later than the expiration of two years from the final approval of the reserved matters.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

Plans

3. The development hereby approved shall be carried out in strict accordance with the following approved plans:
 - Site Boundary Plan Ref. DCC JP2 001 revision B
 - Parameter Plan Ref. 16077-FSA-XX-XX-DR-A-0205 revision P03
 - Phase 2 Site Layout Plan (Option 3) Ref 21037-FSA-XX-XX-DR-A-0104 revision P05
 - Jade Phase 2 BNG Mitigation Site Littletown Ref. DCC JP2 002 revision A
 - Engineering Layout B1285 Dalton Park Signals Ref. 1430345_DCC_HE_DR_03_08 revision P01
 - B1285 A19 Dalton Park Signals Ref. DUR 151_02_22_1 Revision A

- Arboricultural Impact Assessment Retained Trees Plan Ref. AIA TPP Dated 30.6.20
- Arboricultural Impact Assessment Method Statement Ref. AMS TPP Dated 30.6.20
- Arboricultural Impact Assessment Method Statement Ref. AMS EXI Dated 30.6.20

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 1, 2, 21, 29 and 31 of the County Durham Plan and Parts 2, 4, 7, 9, 11 and 12 of the National Planning Policy Framework.

Land Use

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 2015 (as amended) (or any revocation and re-enactment of that order), the premises shall be used only for uses described within this application contained within Use Class B2 (General Industrial) and B8 (Storage and Distribution) of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any revocation and re-enactment of that order) and for no other use.

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

5. Notwithstanding the detail contained within the application, there shall be no more than 53,780 sqm of overall floorspace of which no more than 27,406 sqm of floorspace shall be used for purposes falling within Use Class B2 (General Industrial).

Reason: To ensure the safe operation of the Strategic Road Network, in accordance with Policy 21 of the County Durham Plan.

Construction Phasing

6. Notwithstanding the detail contained within the application, a phasing plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, development shall not be brought forward other than in complete accordance with the Phasing Plan unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the safe operation of the Strategic Road Network, in accordance with Policy 21 of the County Durham Plan.

Construction Traffic Management Plan

7. No development within any phase shall be undertaken until a Construction Phase Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority in consultation with National Highways. Thereafter, development shall be carried out in accordance with the approved Construction Phase Traffic Management Plan.

Reason: To ensure the safe operation of the Strategic Road Network, in accordance with Policy 21 of the County Durham Plan.

Construction Management Plan

8. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:
 1. A Dust Action Plan including measures to control the emission of dust and dirt during construction.

2. Details of methods and means of noise reduction/suppression.
3. Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
4. Details of measures to prevent mud and other such material migrating onto the highway from all vehicles entering and leaving the site.
5. Designation, layout and design of construction access and egress points.
6. Details for the provision of directional signage (on and off site).
7. Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure.
8. Details of provision for all site operatives for the loading and unloading of plant, machinery and materials.
9. Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period.
10. Routing agreements for construction traffic.
11. Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
12. Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
13. Management measures for the control of pest species as a result of demolition and/or construction works.
14. Detail of measures for liaison with the local community and procedures to deal with any complaints received. The management strategy shall have regard to BS 5228 "Noise and Vibration Control on Construction and Open Sites" during the planning and implementation of site activities and operations.

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

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

Highway Mitigation Works

9. No development shall be occupied unless and until the road works at the A19 North/B1285 Dalton Park junction have been completed.

Reason: To ensure the safe operation of the Strategic Road Network, in accordance with Policy 21 of the County Durham Plan.

Contaminated Land

10. Remediation works shall be carried out in accordance with the approved remediation and verification strategy. No development within any phase 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.

Landscape Scheme

11. No development, other than site remediation works, shall commence within each phase, or part thereof, until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The landscape scheme in respect of that phase, or part thereof, shall include the following:

- Trees, hedges and shrubs scheduled for retention.
- Details of supplementary tree buffer planting to the Park boundary
- 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.

All new planting proposals should be supplemented with management and maintenance objectives, specification, schedules of operations relating to frequency and timing and cross referenced to detailed planting plans and species lists (relevant to plant replacements). This phase should assimilate positively with the previous development phase to create a recognisable landscape character throughout the entire Business Park.

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, phase or part thereof, 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 26, 29, 39, 40 and 41 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

12. No unit shall be occupied within any phase 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 26, 29, 39, 40 and 41 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

Noise Validation

13. 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: To protect the amenity of local residents in accordance with Policies 29 and 31 of the County Durham Plan.

Working Hours

14. 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 local residents and occupants of nearby premises from the development in accordance with Policies 29 and 31 of the County Durham Plan.

Travel Plan

15. 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. The new Travel Plan shall replace the current Travel Plan established for Phase 1 and shall include measures that would apply to a fully occupied business park, that being the combined site employment of Phase 1 and Phase 2. 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 Policy 21 of the County Durham Plan with Part 9 of the National Planning Policy Framework.

Development Lighting

16. No building shall be occupied until details of any external lighting have first been submitted to and approved in writing by the Local Planning Authority prior to the development hereby permitted being brought into use. The detail provided shall demonstrate adherence to the ILP guidance notes for the reduction of intrusive light. The external lighting shall be erected and maintained in accordance with the approved details thereafter.

Reason: In order to minimise light spillage and glare, in accordance with Policy 31 of the County Durham Plan and Local Plan and Part 15 of the National Planning Policy Framework.

Drainage

17. No development shall commence until a final foul and surface water drainage scheme based on Drainage Strategy Revision A 3rd February 2021 has been submitted to and

agreed in writing by the Local Planning Authority. Such scheme shall include SuDS features for surface water treatment and attenuation of flows to QBAR rural rate and shall ensure that foul flows discharge to the combined sewer at manhole 7102 and ensure that surface water discharges to the existing watercourse. The development shall thereafter be carried out in accordance with the agreed scheme.

Reason: To prevent the increased risk of flooding from any sources in accordance with Policies 35 and 36 of the County Durham Plan and Part 14 of the National Planning Policy Framework.

BREEAM

18. No building hereby approved shall be occupied until a final certificate has been issued certifying that BREEAM (or any such equivalent national level of sustainable building which replaces that scheme) rating 'very good' has been achieved.

Reason: In the interests of sustainable development and in accordance with Policy 29 of the County Durham Plan.

BACKGROUND PAPERS

- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2021) and NPP Guidance notes.
- County Durham Plan (2020)
- DCC Sustainable Urban Drainage Systems Adoption Guide 2016
- County Durham Parking and Accessibility Standards 2019
- Statutory, internal and public consultation responses



 Planning Services	DM/21/02901/OUT Phase 2 of Jade Business Park in Murton, comprising a mix of B2 and B8 unit use with associated service yards, car parking and landscaping.
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	Date 4 th October 2022 Scale NTS



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No: DM/20/03591/FPA

FULL APPLICATION DESCRIPTION: Erection of a petrol filling station and drive thru' coffee outlet (Class E), along with access, car parking, drive thru' lane, external seating area, refuse stores, hard and soft landscaping and associated works

NAME OF APPLICANT: C G Robinson And Sons Ltd & C J Leonard And Sons Ltd

ADDRESS: Land West Of Units 1-3 Admiralty Way Seaham SR7 7DN

ELECTORAL DIVISION: Dawdon

CASE OFFICER: Barry Gavillet, Senior Planning Officer
03000 261958, barry.gavillet@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site relates to a parcel of agricultural land extending to some 11.73 hectares, which is located to the north of the A182 and west of Admiralty Way and the Fox Covert Industrial Estate and is situated to the south of Seaham. The site is north of the approved Garden Village. The site is clear of any vegetation and has been used previously as a compound when constructing the adjacent industrial estate.
2. The site doesn't lie in an area covered by any national or local landscape designations. An area defined as Area of Higher Landscape Value in the County Durham Plan lies to the immediate east.
3. There are no public rights of way or heritage assets within the proposed development site. Approximately 460m north-west of the site is Stony Cut Bank and the line of the South Hetton Railway. It is visible on the first edition OS map circa 1860 and may be considered a non-designated heritage asset with communal value as a well-used route.

The Proposal

4. Planning permission is sought for the erection of a Petrol Filling Station (PFS), pump canopy and a coffee drive thru. There would be a total of 61 parking spaces, 30 associated with the coffee shop, of which 4 will be electric and 2 disabled and the rest associated with the PFS. The development area itself is less than 1 hectare and the total proposed floorspace is 654sqm.

5. The application has been revised since the scheme was originally submitted, which sought permission for a large static caravan site as well as additional retail space. Both these elements have now been removed from the scheme entirely.
6. The planning application is being reported to the County Planning Committee at the request of Councillor Kevin Shaw.

PLANNING HISTORY

7. There is no relevant planning history relating to the application site.

PLANNING POLICY

NATIONAL POLICY

8. 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. In accordance with Paragraph 213 of the National Planning Policy Framework, 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 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.
12. *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.

13. *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.

14. *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.

15. *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.

16. *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.

17. *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 Page 73 pollution and land stability and remediating contaminated or other degraded land where appropriate.

<https://www.gov.uk/guidance/national-planning-policy-framework>

NATIONAL PLANNING PRACTICE GUIDANCE:

18. 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; determining a planning application; flood risk; healthy and safe communities; land affected by contamination; housing and economic development needs assessments; housing and economic land availability assessment; natural environment; noise; public rights of way and local green space; planning obligations; use of planning conditions; and water supply, wastewater and water quality.

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

LOCAL PLAN POLICY:

The County Durham Plan

19. *Policy 6 - Development of Unallocated Sites* - States the development on sites not allocated in the Plan or Neighbourhood Plan, but which are either within the built-up area or outside the built up area but well related to a settlement will be permitted provided it: is compatible with use on adjacent land; does not result in coalescence with neighbouring settlements; does not result in loss of land of recreational, ecological, or heritage value; is appropriate in scale, design etc to the character of settlement; it is not prejudicial to highway safety; provides access to sustainable modes of transport; retains the settlement's valued facilities; considers climate change implications; encourages the use of previously developed land and reflects priorities for urban regeneration.
20. *Policy 9 - Retail Hierarchy & Town Centre Development* - The council will protect and enhance the hierarchy of Sub Regional, Large Town, Small Town, District and Local retail centres in the county.
21. *Policy 10 – Development in the Countryside*. Makes clear that development in the countryside will not be permitted unless allowed for by specific policies in the Plan, or where it relates to a number of exceptions listed within the policy which include certain forms of economic and infrastructure development, as well as the redevelopment of brownfield sites. The policy sets out a number of general design principles for all development in the countryside, which seek to ensure that the character of the area is appropriately preserved alongside the setting of heritage assets, amenity of residents and safety of the highway network amongst other factors.
22. *Policy 21 - Delivering Sustainable Transport*. Requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development should have regard to Parking and Accessibility Supplementary Planning Document.
23. *Policy 26 – Green Infrastructure*. States that development will be expected to maintain and protect, and where appropriate improve, the County's green infrastructure network. Advice is provided on the circumstances in which existing green infrastructure may be lost to development, the requirements of new provision within development proposals and advice in regard to public rights of way.
24. *Policy 29 – Sustainable Design*. Requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out detailed criteria which sets out that where relevant development is required to meet including; making a positive contribution to an areas character and identity; provide adaptable buildings; minimise greenhouse gas emissions and use of non renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; providing suitable landscape proposals; provide convenient access for all users; adhere to the Nationally Described Space Standards (subject to transition period).
25. *Policy 31 - Amenity and Pollution*. Sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that they can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to

potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.

26. *Policy 32 – Despoiled, Degraded, Derelict and Contaminated Land.* Requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.
27. *Policy 35 - Water Management.* Requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. All new development must ensure there is no net increase in surface water runoff for the lifetime of the development. Amongst its advice, the policy advocates the use of SuDS and aims to protect the quality of water.
28. *Policy 36 - Water Infrastructure.* Advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and waste water infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.
29. *Policy 37 - Durham Heritage Coast and Wider Coastal Zone -* The council will seek to protect and enhance the Durham Heritage Coast and wider Coastal Zone. Development proposals within the Durham Heritage Coast or wider Coastal Zone, as defined on the policies map.
30. *Policy 39 – Landscape.* Proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate mitigation measures where adverse impacts occur.
31. *Policy 40 - Trees, Woodlands and Hedges.* Proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges or provide suitable replacement planting. The loss or deterioration of ancient woodland will require wholly exceptional reasons and appropriate compensation.
32. *Policy 41 - Biodiversity and Geodiversity.* Restricts development that would result in significant harm to biodiversity or geodiversity and cannot be mitigated or compensated. The retention and enhancement of existing biodiversity assets and features is required as are biodiversity net gains. Proposals must protect geological features, have regard to Geodiversity Action Plans and the Durham Geodiversity Audit and where appropriate promote public access, appreciation and interpretation of geodiversity.
33. *Policy 43 - Protected Species and Nationally and Locally Protected Sites.* Development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and

maintain their distribution will not be permitted unless appropriate mitigation is provided, or the proposal meets licensing criteria in relation to European protected species.

34. *Policy 44 - Historic Environment*. Seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets. The policy advises on when harm or total loss of the significance of heritage assets can be accepted and the circumstances/levels of public benefit which must apply in those instances.

NEIGHBOURHOOD PLAN POLICY:

35. There is no Neighbourhood Plan for this area.

<https://www.durham.gov.uk/cdp>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

36. *National Highways* – Offer no objections.
37. *Highway Authority* – No objection to the revised scheme and on the basis of amended plans in relation to an existing junction and appropriate visibility splays. A construction management plan is requested and it is noted that it would be necessary for the applicant to enter into an agreement under Section 278 of the Highways Act 1980, in order to allow the required works within the existing highway to be carried out and this would be added as an informative on any planning approval.
38. *Northumbrian Water Limited* – Have commented that the planning application does not provide sufficient detail with regards to the management of foul and surface water from the development for Northumbrian Water to assess their capacity to treat the flows from the development. Therefore, NWL have requested a condition for a detailed scheme for the disposal of foul and surface water from the development.
39. *Drainage and Coastal Protection (Lead Local Flood Authority)* – have advised that in view of a revised layout/boundary the site would appear to be a minor application and as such our policy on SuDS would not apply and the LLFA would have no comments to make. However due to the potential pollution risk from a development of this type we would still recommend a sustainable design using good practices for water quality and quantity.
40. *Environment Agency* - object to the planning application, as submitted, because the application includes a petrol filling station with underground tanks and associated infrastructure (pipework and drainage) and the risks to groundwater from the development are unacceptable. The applicant has not supplied adequate information to demonstrate that the risks posed to groundwater can be satisfactorily managed.
41. *Natural England* – Have no objections and state that the development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.
42. *The Coal Authority* - raise no objection to the revised proposals on the basis that they remain entirely outside the defined Development High Risk Area.

43. *Seaham Town Council* – No comments received in relation to the revised scheme. However, the Town Council initially objected to the application for a static caravan site, petrol station, drive through café and retail units. The Town Council stated that its location just opposite what will be the new garden village is totally wrong and would spoil not just the aesthetics but the whole ethos of what the garden village is all about with its environmental credentials. This along with the litter generated and the traffic impact are of concern and also the fact that other static caravan sites have proved to generate anti-social behavior and not just accommodate tourists but less desirable visitors who are not just on a holiday by staying long term on the site and involved in crime and drugs. They state that also already have enough cafes, drive throughs and petrol stations in the area already generating too much litter.

INTERNAL CONSULTEE RESPONSES:

44. *Spatial Policy* – Comment that the application proposes a Petrol Filling Station with associated retail and a drive thru café, this has been considered against Policy 9 and deemed acceptable in principle. The site of the proposed development is in an environmentally sensitive location prominent on the approach to Seaham on the A182. The site is located within close proximity of the coast and, therefore, consideration will also need to be given to the environmental impacts of this proposed development in the context of CDP Policies 6, 21, 29, 37, 39, 41 and 42.

45. *Ecology* – Note from the Natural England response they are satisfied that no adverse effects on the SSSI and SAC are likely from the proposal and it can be screened out. Given the small scale of the development the LPA would not request the use of the DEFRA metric. However, the applicant would still need to deliver a biodiversity net gain and this would be accomplished via a planning condition that requires the applicant to deliver a landscape scheme/plan showing habitat enhancements e.g. scrub planting, species rich grassland creation on the wider landholding. The submitted Preliminary Ecological Appraisal informed sufficiently, the impact on protected species, and no objections are raised in this respect.

46. *Contaminated Land* – Confirm that they have assessed the available information and historical maps with respect to land contamination. A landfill is identified 158m north of the site and, therefore, a condition is required for a contaminated land risk assessment.

47. *Environmental Health (Noise)* – advise that a technical review has been undertaken of information submitted in relation to the likely impact upon amenity in accordance with the relevant TANs (Technical Advice Notes). It is noted that the information submitted demonstrates that the application complies with the thresholds stated within the TANS, and this would indicate that the development would not lead to an adverse impact. Specifically in relation to the PFS and Drive Thru, the noise impact assessment demonstrated that there was likely to be a low impact upon future sensitive receptors to the south of the A182 and that no specific acoustic mitigation measures would be required. Officers are satisfied, based on the information submitted with the application, that the development is unlikely to cause a statutory nuisance.

48. *Environmental Health (Air Quality)* – advise that as the air quality assessment was undertaken when the development was larger, with a greater potential to impact local air quality, it is considered that the current assessment is suitable to accompany the reduced size application and no objections are raised.

49. *Landscape* – The site doesn't lie in an area covered by any national or local landscape designations. An Area of Higher Landscape Value lies to the immediate east. The

higher ground of the ridgeway is relatively prominent in the landscape, being visible from higher ground to the west towards Cold Hesledon / East Farm (including sections of the A182 and bridleway 15), to the south around Kinley Hill and footpaths in that area, and to the north in the Deneside area along the B1287. It is visible at close quarters from Admiralty Way. In views from the adjacent section of the A182 it is screened by topography where the road lies in cutting. Initially, the proposals entailed some substantial modifications to the landform in the north of the site, including the use of retaining walls, to create a development platform and internal access road. They would have entailed widespread smaller modifications to the topography across the site, also entailing the use of retaining walls, to accommodate internal access roads and levelled plots. The layout plan appears to show a section of the roadside hedge removed south of the filling station / drive through. Plans have been amended to show the retaining walls removed.

50. *Trees* – Have no objection from an arboricultural perspective.
51. *Archaeology* – have advised that further archaeological evaluation can be secured by an appropriate planning condition, including by way of a phased works condition.
52. *Design and Conservation* - The proposed development area is now confined to a small part of the site, opposite the existing buildings off Admiralty Way. The architectural approach to the petrol filling station and drive-thru unit are as expected for this type of development. There are no objections to the amended proposals from a design and conservation perspective.
53. *Heritage Coast* - had initial concerns relating to landscape but these were related to the withdrawn caravan park.

EXTERNAL CONSULTEE RESPONSES:

54. *Durham Constabulary (Police Architectural Liaison Officer)* - had initial concerns regarding traffic and anti-social behaviour, however, these concerns were related to the withdrawn caravan park.

PUBLIC RESPONSES:

55. The application has been publicised by way of site and press notice, and notification letters to neighbouring residents. Five letters have been received as a result of the consultation process.
56. One letter of support has been received that states that the application will be positive in terms of tourism and the local economy.
57. Two letters of objection have been received relating to highway safety, parking, crime and anti-social behaviour (however, these are mostly in relation to the caravan park, which has now been removed from the application).
58. The National Trust raised concerns in relation to the originally submitted scheme in terms of its impact on nature conservation interests and the heritage coast, in particular.
59. CPRE raised concerns in relation to the proposals for static caravans but did not have any objections to the proposals for a petrol station, café and shops.

The above is not intended to repeat every point made and represents a summary of the comments received on this application.

The full written text is available for inspection on the application file which can be viewed at:

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

APPLICANTS STATEMENT

60. We have worked alongside the Local Planning Authority to deliver an acceptable scheme on this site. The original proposals have been reduced in scale and ambition dramatically to accommodate concerns raised during the course of the application and we now have a scheme that is supported by officers. The proposed Petrol Filling Station and drive thru coffee shop will service users of the A182 and further build on the facilities enjoyed by residential and business users in the area.

PLANNING CONSIDERATIONS AND ASSESSMENT

61. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues relate to the principle of development, retail and town centre policy, landscape impact, highways, ecology, land stability, archaeology and flooding, drainage & groundwater.

The Principle of the Development

The Development Plan

62. 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 and is therefore relevant to the assessment of any proposals for development of the site. The County Durham Plan (CDP) is the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF.

63. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development 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.

64. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035. As there is an up to date development plan, paragraph 11 (d) of the NPPF is not engaged.

65. Policy 6 (Development on Unallocated Sites) of the County Durham Plan (CDP) relates to the development of sites which are not allocated in the Plan or in a Neighbourhood Plan which are either (i) within the built-up area; or (ii) outside the built-up area but well-related to a settlement. Paragraph 4.110 advises that when assessing whether a site is well-related, the physical and visual relationship of the site to the existing built-

up area of the settlement will be a key consideration. In this case, the specific part of the site that would be developed is considered to be well related to the existing Foxcover Industrial Estate located to the east of the site. Policy 10 states that development in the countryside will not be permitted unless allowed for by specific policies in the Plan, relevant policies within an adopted neighbourhood plan relating to the application site or where the proposal relates to one or more of the following exceptions; economic development, infrastructure development or the development of existing buildings. In this case, given that the site is, in principle, considered well-related to the settlement and that it would accord with Policy 6, it would in turn accord with Policy 10. The proposals should, therefore, be considered against the specific criteria set out in CDP Policy 6 and based on the criteria below is considered acceptable in principle.

66. Criteria a requires that the proposal is compatible with any existing, allocated or permitted use of adjacent land. The site is located within close proximity of the Heritage Coast and internationally designated sites, and this will be discussed further in the context of Policy 37, Policy 41 and Policy 43. This alongside the comments of specialist officers will allow consideration against this criterion. The site is in close proximity to the permitted Garden Village development. It is considered that the proposed development would not be prejudicial to the Garden Village and its residential uses or village centre community uses.
67. Criteria b guards against coalescence and ribbon development. The consideration of this with regards to its location in proximity to neighbouring settlements and the form and character of Seaham has been assessed and is considered acceptable.
68. Criteria c guards against the loss of open land that has recreational, ecological or heritage value, or contributes to the character of the locality. Whilst the site is not formally designated, the site is located in close proximity of the Heritage Coast and internationally designated sites.
69. Criteria d requires the proposals to be appropriate in terms of scale, design, layout, and location to the character, function, form and setting of the settlement.
70. Criteria e and f relate to highways and transport in terms of highway capacity, highway safety and sustainable transport.
71. Criteria g seeks to guard against the loss of a settlement's or neighbourhood's valued facilities. The proposals do not give rise to any loss of such facilities.
72. Criteria h relates to climate change, including flooding issues. It is noted that the site does not fall within any flood zones and is not at risk from surface water flooding.
73. Criteria i encourages the use of previously developed land. The application site is considered to not constitute previously developed land.
74. Criteria j states that where appropriate, the proposal should reflect priorities for urban regeneration.

application proposes a petrol filling station which has associated retail and a drive thru coffee outlet. Policy 9 (Retail Hierarchy and Town Centre Development) of the CDP sets out a retail hierarchy, of relevance to this site, Seaham is identified as a large town centre, Murton is recognised as a local centre. The policy seeks to protect the vitality and viability of all centres within the hierarchy.

76. Policy 9 of the CDP identifies that proposals for main town centre uses, as defined by the NPPF, which are not located within a defined centre will be required to apply a sequential test. This reflects advice within Paragraphs 86 and 87 of the NPPF. Given the site's location, 2.7km from Seaham town centre and 3.5km from Murton local centre, it would constitute an out of centre site and would require a sequential test.

77. The applicant has provided a sequential test, which details at length case law on applying it, in relation to issues such as availability, suitability, and disaggregation. Their analysis which relates to the proposal demonstrates that there are no alternative available sites to accommodate the proposed development. The conclusions are broadly agreeable. There is a clear locational and market requirement for the petrol filling station to be located in a prominent visible roadside location, easily accessible from the main highway network and alongside this the associated retail would clearly not be disaggregated.

78. With regards to the drive thru café, the applicants state that it is different from the traditional high street café, again having the same locational requirements as the filling station. It is accepted that there are no such locations within Seaham town centre or Murton local centre where this could be located.

Impact Assessment

79. The application proposes 654sqm of development that would be considered as main town centre uses. This would be below the threshold in terms of any requirement to assess any impacts on Seaham town centre. The applicant has provided some analysis with regards to Murton local centre; however, it is noted that the threshold of 400sqm relates specifically to retail floorspace and therefore the impact of the drive thru would not need to be accounted for as this element of the proposal does not cross the floorpace threshold. Irrespective of this, it is considered that the offer in Murton local centre would not compete with the proposed development and any retail impact would be minimal.

80. Given the above, it is considered that the application meets the requirements of CDP Policies 6 and 9 and, overall, the proposal is considered acceptable in principle.

Landscape impact

81. Part 12 of the NPPF and CDP Policy 29 seek to ensure good design in new developments. New development should be appropriate in terms of scale, design, layout, and location to the character, function, form and setting of the settlement. It should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities; and also create buildings and spaces that are adaptable to changing social, technological, economic and environmental conditions and include appropriate and proportionate measures to reduce vulnerability, increase resilience and ensure public safety and security.

82. Policy 29 states that all development proposals will be required to achieve well designed buildings and places. Whilst the site is not located within an AHLV, the site is prominent on the landscape approaching Seaham from the west and is also within close proximity of the Heritage Coast and Wider Coastal Zone. Therefore, careful consideration of the proposed design has been required. In addition, Policy 39 states that proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. It goes on to state that proposals will be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects.

83. At the request of the Landscape team, changes have been made to the proposed development to minimise the impact of the scheme on the landscape. These changes saw the original retaining wall removed in favour of a sloping banked arrangement that could be planted and additional tree planting to the western boundary. It is therefore considered that the proposals would accord with Policies 29 and 39 of the CDP.

Highway impacts

84. Part 9 paragraph 111 of the NPPF states 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. CDP Policy 21 seeks to ensure that any vehicular traffic generated by new development, following the implementation of sustainable transport measures, can be safely accommodated on the local and strategic highway network and does not cause an unacceptable increase in congestion or air pollution and that severe congestion can be overcome by appropriate transport improvements. New developments should provide for appropriate, well designed, permeable and direct routes for walking, cycling and bus access, so that new developments clearly link to existing services and facilities together with existing routes for the convenience of all users.

85. Following comments from the Highway Authority, additional level plans have been submitted which indicate the removal of the junction which was highlighted as a concern. The most recent level drawings depict a 2.4 x 90 metres visibility splay. This area would need to be kept clear in both the horizontal and vertical plane. In addition to the changes that have been incorporated above, a suitably worded condition is requested to require a Construction Management Plan (CMP) to demonstrate how the developer would undertake the works safely, including amongst other items, to avoid depositing mud and debris on the public highway, avoidance of dust, loading/unloading areas, and to reduce vehicle movements at peak times. The CMP must also indicate where workers' vehicles will be parked and proposed traffic management measures. Subject to the above condition and changes to the drawings, the Highway Authority have no objection to the proposals.

86. National Highways previously requested that the applicant provide details regarding the number of pumps associated with the petrol filling station and the size of the drive thru' coffee outlet. The applicant has provided information stating the proposed petrol station will have eight-pumps and the drive thru' coffee outlet comprises 167sqm of floor space. On this basis, National Highways concluded that the proposed development would not have a material, detrimental, impact on the Strategic Road Network.

87. On the basis of the above, National Highways and the Highway Authority have no objections and, therefore, it is considered that the proposals would be in accordance with NPPF part 9 and Policy 21 of the CDP.

Ecology

88. Part 15 of the NPPF ensures that when determining planning applications, Local Planning Authorities (LPA) seek to conserve and ensure that measurable gains in biodiversity are achieved. CDP Policy 41 seeks to ensure new development minimizes impacts on biodiversity by retaining and enhancing existing diversity assets and features. Proposals for new development should not be supported where it would result in significant harm to biodiversity or geodiversity.
89. Natural England's response states that they are satisfied that no adverse effects on the SSSI and SAC are likely from this proposal. The application is supported by a Preliminary Ecological Appraisal which identifies that the development would not affect protected species. The Ecology team are satisfied with the conclusion in this regard. A condition requiring development to be carried out in accordance with the recommendations set out in the Ecological Appraisal is, however, recommended.
90. Given the small scale of the development, the LPA would not request the use of the DEFRA metric. The applicant will still need to deliver a biodiversity net gain and this could be secured via a planning condition that requires the applicant to deliver a landscape scheme/plan showing habitat enhancements e.g. scrub planting, species rich grassland creation on the wider landholding. On this basis the proposals are considered to accord with Part 15 of the NPPF and Policy 41 of the CDP.

Archaeology

91. Policy 44 of the CDP seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets. The policy advises on when harm or total loss of the significance of heritage assets can be accepted and the circumstances/levels of public benefit which must apply in those instances. A request was made for a geophysical survey of the site. However, the applicant has provided evidence that the site has previously been stripped and laid to hard core to accommodate the site compound of a previous phase of development nearby. They have requested a condition be imposed with respect to the potential for any remaining archaeology which has been agreed. Archaeology officers have raised no objections in relation to any other heritage assets and it is therefore considered that the proposals would accord with Policy 44 of the CDP.

Flooding, Drainage & Groundwater

92. Part 14 of the NPPF seeks to resist inappropriate development in areas at risk of flooding, whilst ensuring that new development does not give rise to increased flood risk elsewhere. CDP Policies 35 and 36 concern water management. All development proposals are required to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. This includes completion of a Flood Risk Assessment (FRA), where appropriate.
93. This application was originally submitted for a much larger area, the static caravan element having since been removed from the scheme. The red line for the application remains the same as the originally submitted application. The development proposed now falls below the thresholds where sustainable urban drainage information is required to accompany an application, or where the Lead Local Flood Authority (LLFA) is responsible for flood risk management.

is required to be consulted. However, given the presence of a large area of hardstanding proposed as well as the nature of the use, and as recommended by the LLFA, a condition is proposed to ensure that surface water run-off is properly handled, and any filtration of the water required is put in place to address this technical issue.

94. With respect to flood risk, the site is in flood zone 1, the lowest risk level. In relation to the risks to groundwater, the Environment Agency (EA) have objected and requested further information by way of a report. It is considered that this would result in a technical solution being devised that would ensure risk to groundwater is appropriately mitigated and controlled. The report would dictate the specific design solution needed for the fuel tanks themselves and, in the circumstances, it is considered appropriate to impose a planning condition requiring the details to be submitted and agreed before development commences. A pre-commencement condition of this nature would follow the guidance set out in PPG. Accordingly, it is considered that the proposals would accord with Part 14 of the NPPF and Policies 35 and 36 of the CDP.

Other matters

95. The Coal Authority raises no objection to the revised proposals on the basis that they remain entirely outside the defined Development High Risk Area, and the proposals would, therefore, comply with CDP Policy 32 in this regard.

CONCLUSIONS

96. Following the amendment of the scheme and the submission of additional information it is considered that the proposals are acceptable. The scheme now proposed would primarily serve passing traffic rather than generating additional trips. The provision of a drive thru coffee facility with a Petrol Filling Station is an increasingly common offering at such facilities and it is considered that the scheme would comply with relevant CDP policies, subject to appropriate planning conditions. The responses made by the public have been addressed in the above report. The application site is therefore considered an appropriate location for the uses proposed and the application is, accordingly, recommended for approval.

RECOMMENDATION

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

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

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

2. The development hereby approved shall be carried out in strict accordance with the approved plans listed in below:

L021135 – 001 Location Plan
L021135 – 003 Rev B Proposed Site Plan
L021135 – 004 PFS Plan
L021135 – 005 PFS Elevations
Page 70 L021135 – 006 DT Café Plan

L021135 – 007 DT Café Roof Plan

L021135 – 009 DT Café Elevations

L021135 – 010 Section A-A

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 6, 21, 29, 31, 34 and 35 of the County Durham Plan and Parts 2, 4, 6, 8, 9, 11, 12, 14 and 15 of the National Planning Policy Framework.

3. Notwithstanding any details of materials submitted with the application no development shall commence until details of the make, colour and texture of all walling and roofing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

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

4. Before the development hereby approved is brought into operation details of all means of enclosure of the site on roadside boundaries shall be submitted to and approved in writing by the Local Planning Authority. The enclosures shall be constructed in accordance with the approved details thereafter and retained for the lifetime of the development.

Reason: In the interests of the visual amenity of the area and highway safety, to comply with Policies 6, 29 and 21 of the County Durham Plan and Parts 9 and 12 of the National Planning Policy Framework.

5. No development shall commence until a land contamination scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be compliant with the YALPAG guidance and include a Phase 1 preliminary risk assessment (desk top study). If the phase 1 assessment identifies that further investigation is required a Phase 2 site investigation shall be carried out, which shall include a sampling and analysis plan. If the Phase 2 identifies any unacceptable risks, a Phase 3 remediation strategy shall be produced and where necessary include gas protection measures and method of verification.

Reason: To ensure that the presence of contamination is identified, risk assessed and proposed remediation works are agreed in order to ensure the site 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.

6. 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.

7. Four EV charging points must be erected in a location to be agreed in writing with the Local Planning Authority and along with the secure cycle parking shown on the approved plans, made available when the use is brought into operation and retained thereafter.

Reason: In the interests of sustainable development and to comply with Policy 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.

8. No development shall commence until a scheme of foul and surface water drainage, including treatment of water, has been submitted to and agreed in writing by the Local Planning Authority. Development shall thereafter take place in accordance with the agreed scheme.

Reason: In the interests of sustainable drainage as required by Policies 6, 35 and 36 of the County Durham Plan and Part 14 of the National Planning Policy Framework.

9. Before the development hereby approved is brought into operation a detailed scheme for the operation of lighting proposed on the site including hours of use must be submitted to and approved in writing by the Local Planning Authority and thereafter operated in full accordance with said written agreement.

Reason: In the interest of residential amenity to ensure compliance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

10. Prior to the commencement of any part of the development or any works of demolition, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall be prepared by a competent person and shall consider the potential environmental impacts (noise, vibration, dust, & light) that the development may have upon any nearby sensitive receptors and shall detail mitigation proposed, as a minimum this should include, but not necessarily be restricted to, the following:

- A Dust Action Plan including measures to control the emission of dust and dirt during construction taking into account relevant guidance such as the Institute of Air Quality Management "Guidance on the assessment of dust from demolition and construction" February 2014
- Details of methods and means of noise reduction
- Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
- Details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;
- Designation, layout and design of construction access and egress points;
- Details for the provision of directional signage (on and off site);
- Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure;
- Details of provision for all site operatives for the loading and unloading of plant, machinery and materials
- Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period;
- Routing agreements for construction traffic.
- Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.

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

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

Reason: In the interest of residential amenity to ensure compliance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

11. All elements of the development hereby approved must only be operated within the hours 0600hrs until 2300hrs inclusive, 7 days a week.

Reason: In the interest of residential amenity to ensure compliance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

12. All sound attenuation measures detailed in the noise assessment 'Land Off Admiralty Way, Seaham- Noise Impact Assessment' reference 8532.1 dated 1 December 2020 Rev. A produced by Apex Acoustics Ltd, published 4 December 2020 are fully implemented prior to the beneficial occupation of the development and permanently retained thereafter.

Reason: In the interest of residential amenity to ensure compliance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

13. Before the development hereby approved is brought into operation a detailed habitat planting plan will be submitted to and approved in writing by the Local Planning Authority. The planting plan will include scrub planting and species rich grassland creation on the wider landholding, in order to achieve a biodiversity net gain. Thereafter development shall take place in strict accordance with the agreed planting plan.

Reason: To conserve protected species and their habitat in accordance with Policy 41 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

14. Notwithstanding the information shown on the submitted plans, a scheme of surface water drainage, prepared by a competent and appropriately qualified person, with treatment of water shown, must be submitted to and agreed in writing with the Local Planning Authority before the surfacing of the site commences. Thereafter development shall take place in strict accordance with the agreed scheme.

Reason: In the interests of sustainable drainage as required by Policies 6 and 35 of the County Durham Plan and Part 14 of the National Planning Policy Framework.

15. No development shall commence until a hydrogeological risk assessment has been submitted to and in consultation with the Environment Agency, approved in writing by the Local Planning Authority. The assessment shall demonstrate that the risks to groundwater posed by this development will be satisfactorily managed. This shall include an assessment of the depth to the water table in relation to the tanks, potential pathways, attenuation, take into account other water features in the area and, the potential impacts. Thereafter development shall take place in strict accordance with the agreed scheme and be retained for the lifetime of the development.

Reason: To demonstrate that the risks posed to groundwater can be satisfactorily managed in line with Paragraph 174 of the National Planning Policy Framework.

16. No development shall commence until a Written Scheme of Investigation setting out a phased programme of archaeological work in accordance with 'Standards For All Archaeological Work In County Durham And Darlington' has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work will then be carried out in accordance with the approved scheme of works.

Reason: To safeguard any archaeological interest in the site, and to comply with Policy 44 of the County Durham Plan and Part 16 of the National Planning Policy Framework. Required to be a pre-commencement condition as the archaeological investigation/ mitigation must be devised prior to the development being implemented.

17. No part of an individual phase of the development as set out in the agreed programme of archaeological works shall be occupied until the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation. The provision made for analysis, publication and dissemination of results, and archive deposition, should be confirmed in writing to, and approved by, the Local Planning Authority.

Reason: To comply with Policy 44 of the County Durham Plan and paragraph 205 of the National Planning Policy Framework, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure information gathered becomes publicly accessible.

18. The development shall not be brought into use until a scheme for litter management has been submitted and agreed in writing by the Local Planning Authority. The development shall be operated in accordance with the agreed scheme in perpetuity.

Reason: In the interest of residential amenity to ensure compliance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

19. The development hereby approved shall be carried out in accordance with the recommendations at section of the Preliminary Ecological Appraisal (Delta Simons, October 2020).

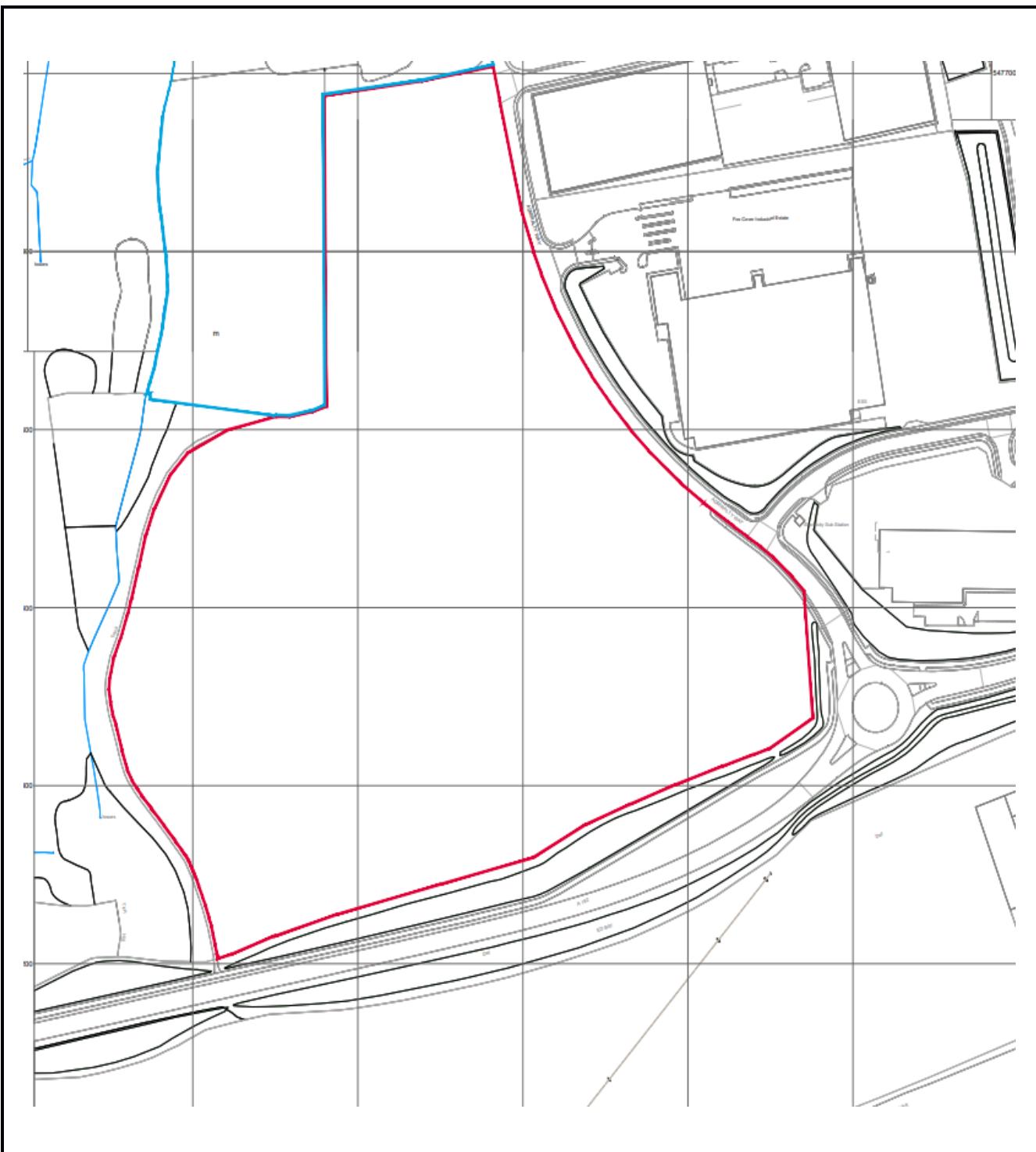
Reason: To conserve protected species and their habitat in accordance with Policy 41 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

- Submitted application form, plans, supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2021)
- National Planning Practice Guidance notes
- County Durham Plan
- Statutory, internal and public consultation responses



 Planning Services	<p>DM/20/03591/FPA Erection of a petrol filling station and drive thru' coffee outlet (Class E), along with access, car parking, drive thru' lane, external seating area, refuse stores, hard and soft landscaping and associated works - Land West Of Units 1-3 Admiralty Way Seaham</p>
<p>This map is based upon Ordnance Survey material with the permission o Ordnance Survey on behalf of Her majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2022</p>	<p>Comments</p> <p>Date 4th October 2022 Scale NTS</p>

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