



## County Planning Committee

**Date** Tuesday 6 February 2024  
**Time** 9.30 am  
**Venue** Council Chamber, County Hall, Durham

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### Business

#### Part A

1. Apologies
2. Substitute Members
3. Declarations of Interest
4. Minutes of the meeting held on 11 January 2024 (Pages 3 - 12)
5. Applications to be determined
  - a) DM/23/01932/FPA - Land to the West of Drum Industrial Estate, Drum Road, Chester-le-Street, Durham (Pages 13 - 44)  
Erection of B8 Logistics Warehouse with ancillary B2/E(g(iii)) Industrial and E(g(i)) Offices, with associated access, parking, landscape and infrastructure works
  - b) DM/23/02905/FPA Plot 3B Merchant Park, Millennium Way, Aycliffe Business Park, DL5 6UG (Pages 45 - 68)  
Erection of industrial buildings including ancillary office space together with associated works
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

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

County Hall  
Durham  
29 January 2024

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

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

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

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## DURHAM COUNTY COUNCIL

At a Meeting of **County Planning Committee** held in Council Chamber, County Hall, Durham on **Thursday 11 January 2024 at 9.30 am**

**Present:**

**Councillor G Richardson (Chair)**

**Members of the Committee:**

Councillors J Atkinson, A Bell (Vice-Chair), M Currah, J Elmer, J Higgins, P Jopling, C Martin, M McKeon, A Savory, K Shaw, A Simpson, S Zair, R Potts and M Simmons

**Also Present:**

Councillors M Simmons and R Potts.

### **1 Apologies**

No apologies for absence were received.

### **2 Substitute Members**

There were no substitute Members in attendance.

### **3 Declarations of Interest**

In relation to item no. 5c) the following non-prejudicial declarations of interest were received;

- Councillor J Elmer as a Member of the Green Party who had objected to the item. He confirmed that he had not had any involvement in the formulation of their objection.
- Councillor C Martin as a former employee of New College Durham. He had not any communications with the College about the application.
- Councillor J Atkinson as a Member of Stockton and Darlington Railway

### **4 Minutes**

The minutes of the meeting held on 5 December 2023 were agreed as a correct record and signed by the Chair.

**5a) DM/23/00486/FPA - Bluestone Farm, Low Lands, Cockfield, Bishop Auckland, DL13 5AW**

The Committee considered a report of the Principal Planning Officer with regards to the Construction of a solar farm with all associated works equipment and necessary infrastructure at Bluestone Farm Low Lands Cockfield Bishop Auckland (for copy see file of minutes).

C Teasdale, Principal Planning Officer gave a detailed presentation which included a site location plan, aerial photographs, site photographs from various locations, and a proposed site layout plan. Members had also been invited to attend a site visit the previous day.

Councillor R Potts was in attendance as Local Member and the Chair confirmed that Members had received his written statement prior to the meeting. Councillor Potts did not wish to add anything further at the meeting.

Mr J Selwyn, spoke on behalf of the Developer and gave an introduction on the company's investment in solar energy the UK. They wanted to establish long term relationships with the local authorities and communities in which they were investing. He confirmed that a pre application had been submitted in May 2021 followed by a full application early in 2023 and the Developer had been working closely with the Council and local community to address issues that had arisen.

Mr Selwyn advised that the site was not the best and most versatile agricultural land, it was allocated as grade 3b and used for sheep grazing which would continue after construction. The site was well screened with existing buffers and the scheme had been designed to enhance and expand existing wildlife habitats. There were no statutory designations or objections and only five public objections; three of which were from the same household. Nine supporting letters had been received.

The Developer had worked with planning officers to minimise the impact of the development. It would be situated on the lowest point of the site. No objection had been received from the Landscape Officer and the Public Right of Way would not be impacted when the scheme was operational. Following extensive engagement with the community some improvements had been made.

Mr Selwyn highlighted that a significant financial contribution was proposed which would see £400,000 distributed to local community projects to benefit the area, in addition to free energy surveys for around 60 local houses. In summary, the scheme offered significantly financial contributions to the area, animal grazing would continue and there would be an increase in biodiversity

net gain. The scheme had received no statutory objections and the substantial benefits outweighed its impact.

The Principal Planning Officer confirmed that the proposed community benefits had not been afforded any weight as it was considered that identified harm could not be mitigated by financial contributions or community benefits.

Councillor Atkinson considered the application to be sound with positive benefits for the community and climate targets. He moved the recommendation for approval.

Councillor Elmer was impressed by the application, particularly that sheep would continue to be grazed and the significant biodiversity net gain. It was important to acknowledge the community benefits despite that they were not a material planning consideration. The Landscape Officer had commented on the visual impact however this was a subjective judgement. The appearance of the landscape changed dramatically over decades or centuries according to changes in use. It was important to address the global climate emergency and he therefore seconded the recommendation to approve the application.

Councillor Jopling had attended the site visit and in her opinion the site appeared to be low lying and would not cause a great deal of impact on the view. The community benefits were welcome and the Developer had made every attempt to try and mitigate any issues.

The Chair highlighted that the scheme would last a significant period of forty years.

Councillor Higgins had attended the site visit and despite the local support, he shared a different view. He referred to the scenic views which he believed would be devastated by the scheme. He considered that countryside views were part of the County's heritage and should be protected.

Councillor McKeon suggested that the biggest threat to the countryside was climate change. She referred to recent weather changes, which had created a milder climate. Soaring temperatures impacted on grass and biodiversity and the world was suffering a mass extinction event. The countryside would be lost without this type of scheme. Local residents did not object to the scheme, there was no loss of agricultural land and it had massive benefits in renewable energy and security. The UK relied on other countries and had to start investing in home grown renewable energy.

## **Resolved**

That the application be **APPROVED** subject to conditions outlined in the report and the completion of a Section 39 Agreement.

### **5b) DM/23/00294/FPA - Belmont Church Of England Junior School, Buckinghamshire Road, Belmont, Durham, DH1 2QP**

The Committee considered a report of the Principal Planning Officer regarding the demolition of existing school buildings with the exception of the drama block at Belmont Church Of England Junior School, Buckinghamshire Road, Belmont, Durham (for copy see file of minutes).

The Principal Planning Officer gave a detailed presentation which included a site location plan, aerial photographs, site photographs before construction and of the existing school buildings, the approved site layout plan and visualisation.

Ms J Patterson spoke on behalf of the Applicant to confirm that the approval of this application would enable the delivery of the full masterplan for this site. The demolition of existing buildings would free up the space to deliver the playing fields which would facilitate the enhancement of education and community facilities and allow the final stages of the scheme to be implemented.

Councillor C Martin moved the recommendation for approval which was seconded by Councillor Atkinson.

## **Resolved**

That the application be **APPROVED** subject to the conditions outlined in the report.

### **5c) DM/23/02201/FPA - New College Durham, Framwellgate Moor, Durham, DH1 5ES**

The Committee considered a report of the Senior Planning Officer with regards to a full planning application for the construction of a new all-weather playing pitch with associated lighting and the repositioning of the car park at New College Durham, Framwellgate Moor, Durham (for copy see file of minutes).

The Principal Planning Officer gave a detailed presentation which included a site location plan, aerial photographs, site photographs of the existing car park, grass pitch and location of the new access, the existing access and

planting on site, and a proposed site layout plan. Members had been invited to attend a site visit the previous day.

The Principal Planning Officer advised that the report had incorrectly referred to Camsell Court as a care home when it was in fact private accommodation for over 60's.

Councillor Simmons, Local Member, spoke on behalf of residents and advised that her views were also supported by other Local Members Councillors A Hopgood and M Wilkes. Whilst they supported New College and wanted to ensure they had the best facilities, there were a number of measures which residents considered were unable to be addressed. She acknowledged that there had been some welcome changes to the application but the field had been used by the community for decades as open space for walking and recreation and some of the open space had already been fenced off by the college.

There were concerns from residents about the visual impact from properties adjacent to the site and about the impact of lighting from the football pitch. There were also properties abutting the proposed car park, that feared the lighting interfere with residential amenity. Views of open field and hedgerows would be replaced by a car park with floodlights.

Councillor Simmons advised that the site had been prone to flooding in the past and there were concerns that the concrete car park would increase the flood risk, especially during extreme weather. She asked Members to take into account the concerns raised by residents and specifically whether the application could be refused on loss of public open space and public amenity. She suggested that the application was contrary to planning policies 26 and 39, and relevant parts of the NPPF regarding sustainable development and adverse impact on residential amenity.

Mr A Smith addressed the Committee and confirmed that his rear garden abutted the playing fields where the proposed car park would be situated. He objected to the scheme due to lighting, noise and increased traffic, all impacting on residential amenity. This was a major development which would destroy the existing green open space. The existing car park had been well landscaped and the green space enhanced the College and was used free of charge by local people. The scheme would have a detrimental impact on wildlife, increase flooding to gardens and locals would have to pay to use the facility. In addition, a temporary car park which had been situated on the field during construction several years prior, had caused flooding. The proposed facility would generate noise all year. Lockable gates had been included so the car park could not be used in the evening, however there was no security fencing. There were other areas which could be used for this facility.

M Philips spoke on behalf of the City of Durham Trust and confirmed that whilst the Trust did not have any issue with the improvement to sports facilities, the car park should have been smaller to encourage the use of public transport.

The transport statement which had been referred to in the report contained survey data from other sites to show that community use of the pitches would not cause congestion. The college had submitted previous applications highlighting a huge number of surplus parking spaces and the most recent approval for an extension to the sports hall justified the removal of spaces. There was no justification for the slight increase.

Mr Philips believed that a recent transport plan submitted by the hospital had not been accepted on the basis that a reduction in car parking spaces was needed to achieve transport goals. He criticised the travel plan which contained errors in the cycle path maps. The Councils Climate Emergency Response Plan envisaged fewer car trips. If the Applicant wanted to provide further evidence regarding use of the car park, he would request the application be deferred to allow further public representations. He suggested that if reduced car parking would lead to parking in the streets, controlled parking zones could be implemented.

The Chair reminded the Committee that the proposal included an additional 13 parking spaces.

Mr P Bradley addressed the Committee and confirmed that the proposal was critical to curriculum delivery and would enhance community engagement by offering a community resource for physical activity which would be extended to the use of other sports facilities on site. Facilities at other schools and colleges were of a better standard and there had been signs of decline in sport related studies at New College as students were choosing to study elsewhere. He noted that the current pitch was on private land and not public open space.

The college provided a football development centre in partnership with external football clubs and during winter students were transported to facilities at Spennymoor or Consett, which came at a considerable financial and environmental cost. The provision of an artificial grass pitch would enhance the timetable options and be used all year. Use had been limited to the sports hall was also used for other activities including examinations.

New College hoped that the proposal would attract students across the whole curriculum. All students would have the ability to access the development centre and there were opportunities for community use. There was a lack of all-weather pitches in the County and this scheme would



provide much needed facilities for local football teams at both junior and senior level.

Mr Bradley recognised the community concerns and the college had sought to engage during the process, extending the consultation process and holding a public meeting at Camsell Court. Various issues had been refined and were addressed in the report.

The lighting, noise and traffic impact had been deemed acceptable by officers and statutory consultees and there would be an increase in biodiversity net gain. There would be environmental savings as the college would no longer need to transport students offsite. Mr Bradley asked the Committee to approve the application.

The Principal Planning Officer confirmed that the ownership and educational use of the land had been addressed in full in the report and advised that it was not allocated land. The loss of private views had been considered and balanced against the need for a new artificial grass pitch. There was a condition to ensure use of the car park was limited and whilst this was a large car park, it would only increase by thirteen spaces. EHCP's would be provided in an accessible location. The submission of a drainage scheme was required as a condition and there would be additional landscaping.

In response to a question from Councillor McKeon, Mr Bradley advised that detailed drainage strategy had been submitted and deemed acceptable by independent experts and drainage officers. In addition to a further question regarding the loss of public amenity and extent of community use, Mr Bradley confirmed that it would be available to all of the community to use and the financial plan was to recover costs only.

Councillor Jopling queried the effects on parking if the college reduced car parking spaces on site and Mr Bradley confirmed that it was likely that vehicles would park on residential streets.

Councillor McKeon acknowledged the benefits of another artificial grass pitch in the County however she was concerned at the lack of drainage detail considering residents had experienced flooding. In relation to the comments about the number of parking spaces, she referred to various issues with public transport. Some children on the outskirts of the city were unable to get buses as they were full by the time they arrived at their stop. Many people had been affected by recent strikes and the national shortage of drivers. This facility would generate traffic from education but also football teams and she would be concerned having a pitch without adequate parking. She welcomed the installation of EVCP's and disabled bays and accepted the risk of using private land for amenity. Whilst not a material planning

consideration, she suggested that there was an opportunity to reach out to local people with confirmation of the offer and costs for use of the facilities.

Councillor Bell approved of the scheme and suggested that refusal would put the college at a huge disadvantage. Without this facility they could not attract students and he therefore moved the recommendation for approval. Councillor Atkinson supported the comments made by Councillor Bell.

Councillor Higgins had attended the site visit. He had experience of a pitch in his own local community and was aware that they attracted a lot of community use. The college had put forward what he considered to be a well thought out proposal and he seconded the motion to approve the application.

Councillor Elmer considered that selective policy extracts had been used in the presentation. Policy 21 advised that car parking should be limited to encourage sustainable transport. This was a policy to encourage people to stop using cars and encourage other means of transport such as walking and cycling. It was important for organisations to have a travel plan but this application promoted vehicles and in his opinion Policy 21 pushed against that.

He was also concerned about the loss of open green space, which would be replaced with concrete and plastic. There was no information to confirm what happened to microplastics and he was concerned that they would end up in the suds attenuation pond. He wanted to see condition 11 expanded to screen microplastics and condition 9 extended to provide for the future recycling of all plastic that was going to be used.

Councillor Martin acknowledged the impact on local residents. He appreciated concerns regarding lighting but advised that modern units had the ability for directional lighting. With regard to the loss of open space, the land was owned by the college and could be closed off at any time. He did not share the view that this was a rural setting and considered harm to be low with planting and screening included as mitigation. He believed that inhibiting parking would not encourage alternative transport, but lead to increased parking on residential streets. The County needed more artificial pitches as it allowed people to exercise all year. The scheme would bring economic benefits to the college and enhance skills. He appreciated that grassland would be lost but grass that was cut on regular basis did not include much biodiversity whereas this application would increase it.

Councillor Jopling did not consider it appropriate to reduce parking as this would impact residents. It was a viable site in a good location. She had attended the site visit and this was an educational facility, not a rural setting.

She welcomed the design improvements but agreed that it would have been better to see a drainage plan to ensure there would no impact on properties.

Councillor McKeon advised that if the Committee were considering a local secondary or primary school she would support the comments made about encouraging sustainable travel however this was a college which attracted students from across the County, some of whom were traveling from rural areas that were difficult to travel from and there were safety issues for young people cycling through the city centre. Restricting the car park would create an issue for residents and be detrimental for those on the outskirts of the city who could not get on a bus due to it being too full.

Councillor McKeon acknowledged and agreed with the point made about recycling microplastics. S Reed, Planning and Development Manager responded that the application had been thoroughly considered by consultees and no issues with microplastics had been identified. There was a scheme in principle which had been agreed with the Drainage Manager and Planning Officers would ensure that any approved scheme would accurately filter and contain microplastics.

Councillor Elmer accepted that the increase in parking spaces was marginal however a previous application which had been submitted by the college had argued that there was a massive over provision which was inconsistent with this application. In his opinion there was little being done to incentivise alternative transport uses and there could have been more included to assist cyclists and promote active travel.

### **Resolved**

That the application be APPROVED subject to the conditions outlined in the report.

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# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION NO:</b>	DM/23/01932/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Erection of B8 Logistics Warehouse with ancillary B2/E(g(iii)) Industrial and E(g(i)) Offices, with associated access, parking, landscape and infrastructure works.
<b>NAME OF APPLICANT:</b>	Arbucc (Drum) Ltd
<b>ADDRESS:</b>	Land to the West of Drum Industrial Estate Drum Road Chester-le-Street Durham
<b>ELECTORAL DIVISION:</b>	North Lodge
<b>CASE OFFICER:</b>	Louisa Ollivere, Senior Planning Officer 03000 264878, <a href="mailto:Louisa.ollivere@durham.gov.uk">Louisa.ollivere@durham.gov.uk</a>

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## DESCRIPTION OF THE SITE AND PROPOSALS

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Site:

1. The application site which extends to some 4 hectares is located to the west of Drum Road, on the western side of Drum Industrial Estate which itself lies to the northwest of Chester-le-Street. The site is allocated as employment land in the County Durham plan and is currently vacant and has been the subject of earth moving/land remodelling works following its former quarry use. The site benefits from an extant planning permission for a single B8 Distribution Unit of 17,151 sqm granted in 2012 and a further planning permission was granted at Committee in November last year for 6 detached units of industrial/warehouse development which has not been implemented (DM/22/01124/FPA).
2. The site is bounded on the north by modern, existing logistics and industrial units of varying sizes and to the south by a group of smaller two storey business park units known as Lumley Court, both of these developments lie at a lower level to this site . To the west lies open pasture and the residential area of Perkinsville. To the east is the main Drum Road Estate road and older existing industrial units.
3. The land is accessed from Drum Road, which in turn joins the A693 to the south via a roundabout, and this dual carriageway directly links to Chester-le-Street town centre and Junction 63 of the A1 (M) to the north.

## Proposal:

4. This application proposes the erection of 11,512sqm of a Storage and Distribution (B8) use within one unit, together with associated car parking, servicing and landscaped areas. The building would provide cold and chilled storage alongside ambient warehousing and ancillary staff/office facilities and a transport pod on the ground floor with additional ancillary office space at first and second floor level.
5. The proposed building is larger in height and scale to that of the existing adjacent units within this part of the estate but is of a similar height and scale to similar storage uses within the east of this Industrial Estate. The proposed unit would have a ridge height of 17.6m (13.5 at eaves). A functional modern industrial approach to the façade treatment is proposed using grey and green cladding. A car parking area is proposed to the north of the proposed building with service areas and lorry parking to the east and north east. Detailed landscaping proposals have been submitted proposing tree and shrub planting, amenity grassland, wild flora and stone/rock dressed scapes around the parking and service areas and around the proposed building and site boundary. The proposals will provide a total of 198no. parking spaces, including accessible, motorcycle and active and future EV spaces and 50 cycle spaces.
6. The site would be served by a new 7.3m wide road using the existing access point from Drum Road and would reinstate the existing access in the northern section of the site from Drum Road. Drum Road connects to the A693 roundabout.
7. It is anticipated that the proposal would secure continued employment of 196 staff who would be relocated from the Gateshead depot with further future employment for approximately 50 staff over the next 5 years.
8. This application is being reported to the County Planning Committee as it relates to a non-residential development proposal in excess of 10,000sqm of floor space.

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## **PLANNING HISTORY**

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9. 2/07/00191/FUL Erection of 11 no commercial units (Use Class B1) and 5 no self-contained units (Use Class B2/B8) together with associated landscaping, roads and infrastructure Approved 15th August 2007.
10. 2/10/00192/EOT Application to extend time limit for the implementation of previously approved planning application 07/00191/FUL for the erection of 11 no. commercial units (B1) and 5 no. self-contained units (B2/B8) together with associated landscaping, roads and infrastructure. Approved 23<sup>rd</sup> December 2011
11. 8/CMA/2/15 Proposed B8 storage and distribution unit with ancillary office accommodation and associated servicing, parking, infrastructure and landscaping Approved 28<sup>th</sup> November 2012.
12. DRC/14/00118 Discharge of conditions 3 (Materials), 4 (Landscaping Scheme), 6 (Surface Water Management) and 9 (External Lighting) of planning permission 8/CMA/2/15 Approved 29<sup>th</sup> October 2015.
13. DRC/14/00298 Discharge of condition 10 (energy consumption scheme) pursuant to approved planning reference 8/CMA/2/15.

14. DM/22/01124/FPA Construction of employment uses (Industrial/warehouse development) of 6 No. detached units totalling 14,354sqm. Approved November 2022.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

15. 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.
16. In accordance with Paragraph 219 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
17. *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.
18. *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.
19. *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.
20. *NPPF Part 8 Promoting Healthy and Safe Communities* - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive and safe communities. Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and community facilities and services should be adopted.

21. *NPPF Part 9 Promoting Sustainable Transport* - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
22. *NPPF Part 10 Supporting High Quality Communications* - The development of high speed broadband technology and other communications networks also plays a vital role in enhancing the provision of local community facilities and services. Local planning authorities should support the expansion of electronic communications networks, including telecommunications and high speed broadband.
23. *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.
24. *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.
25. *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.
26. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

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

27. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; climate change; determining a planning application; flood risk and coastal change; healthy and safe communities; light pollution; land affected by contamination; natural environment; noise; planning obligations; travel plans, transport assessments and statements and use of planning conditions.

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

## **LOCAL PLAN POLICY:**

The County Durham Plan (October 2020)



28. *Policy 1 – Quantity of new development* - allocates 300ha of employment land for office, industrial and warehousing purposes up to 2035 in order to meet employment land needs and deliver a thriving economy.
29. *Policy 2 – Employment Land* - sets out employment allocations throughout the County. In respect of this application, it is stated that at Drum Industrial Estate a total of 4.44 ha of land is suitable for B1 (Business), B2 (General Industrial) and B8 (Storage and Distribution) provided the development accords with other relevant development plan policies.
30. *Policy 21 – Delivering Sustainable Transport* – Requires planning applications to address the transport implications of the proposed development. All development shall deliver sustainable transport by delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings.
31. *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.
32. *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.
33. *Policy 27 - Policy 27 (Utilities, Telecommunications and Other Broadcast Infrastructure)* -supports such proposals provided that it can be demonstrated that there will be no significant adverse impacts or that the benefits outweigh the negative effects; it is located at an existing site, where it is technically and operationally feasible and does not result in visual clutter. If at a new site, then existing sites must be explored and demonstrated as not feasible. Equipment must be sympathetically designed and camouflaged and must not result in visual clutter; and where applicable the proposal must not cause significant or irreparable interference with other electrical equipment, air traffic services or other instrumentation in the national interest. Requires that new residential and commercial development should be served by a high-speed broadband connection and to provide appropriate infrastructure to enable future installation.
34. *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).

35. *Policy 31 – Amenity and Pollution* - Sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that the development can be effectively integrated with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised to an acceptable level.
36. *Policy 32 - Despoiled, Degraded, Derelict, Contaminated and Unstable Land* - Requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.
37. *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.
38. *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.
39. *Policy 39 – Landscape* – States that proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate mitigation measures where adverse landscape and visual impacts occur. Development affecting Areas of Higher landscape Value will only be permitted where it conserves and enhances the special qualities of the landscape, unless the benefits of the development clearly outweigh its impacts. Development proposals should have regard to the County Durham Landscape Character Assessment and County Durham Landscape Strategy and contribute, where possible, to the conservation or enhancement of the local landscape.
40. *Policy 40 – Trees, Woodlands and Hedges* – States that proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges. Where trees are lost, suitable replacement planting, including appropriate provision for maintenance and management, will be required within the site or the locality.
41. *Policy 41 – Biodiversity and Geodiversity* – Restricts development that would result in significant harm to biodiversity or geodiversity and cannot be mitigated or compensated. The retention and enhancement of existing biodiversity assets and features is required as well as biodiversity net gains. Proposals are expected to protect geological features and have regard to Geodiversity Action Plans and the Durham Geodiversity Audit and where appropriate promote public access, appreciation and interpretation of geodiversity. Development proposals which are likely to result in the

loss or deterioration of irreplaceable habitat(s) will not be permitted unless there are wholly exceptional reasons, and a suitable compensation strategy exists.

42. *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.

#### Supplementary Planning Documents

43. Parking and Accessibility Supplementary Planning Document 2023

#### NEIGHBOURHOOD PLAN:

44. There is no Neighbourhood Plan for this area.

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

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## CONSULTATION AND PUBLICITY RESPONSES

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#### STATUTORY RESPONSES:

45. *Highway Authority* - No objections raised subject to a condition that the development must not be brought into use until the site accesses as detailed on the submitted layout plan on Drum Road have been built to DCC Highways Standards. Informatives are requested in relation to the Road and Street Works Permit Scheme and drainage being dealt with at source and not discharged onto the public highway.
46. *National Highways* – No objection.
47. *Active Travel England* – recommend approval of the application subject to conditions that the cycle parking is constructed prior to occupation of the building and that the Travel Plan measures and outlines are put in place and monitored and further measures put in place if targets are not being met, followed by annual monitoring. They accept that the amended Travel Plan does not secure the principle of improvements to the link between Footpath 5 and NCN 7 are agreed. They do not consider that the lack of such measures should restrict the granting of planning permission, however they would still encourage the local authority to allocate a portion of any Section 106 contributions towards this upgrade so it can be navigated by all users.
48. *The Coal Authority* – No objection.

49. *Northumbrian Water* – No comments received to date.
50. *Drainage* – No objection.
51. *North Lodge Parish Council* – Raise concerns about the increase of traffic at the Blind Lane/Northlands roundabout and North Road/Drum Lane junction from site and staff vehicles and that any 106 monies should be allocated to the Parish for the benefit of residents.

**OTHER EXTERNAL CONSULTEE RESPONSES:**

52. *Durham Constabulary* – No objection but advise on Secure by Design Principles.

**INTERNAL CONSULTEE RESPONSES:**

53. *Business Durham* - confirm their full support for this application.
54. *Spatial Policy* – Advise that the application site is allocated under Policy 2 for employment uses; specifically, B1 (Business), B2 (General Industrial) and B8 (Storage and Distribution). As the site lies within Drum Industrial Estate, which is regarded as a protected employment site in the Plan the Officer advises that the proposed use is considered acceptable in principle. The Officer advises that policies 21, 29,31, 32, 35, 40, 41 and 56 of the CDP would be relevant policies and that the requirements of the Council's Parking Standards need to be adhered to.
55. *Landscape* – Advise that the submitted landscape plan and associated information is appropriate and comprehensive. It is considered that this will ensure that the proposed landscape scheme will establish successfully and is sustainable.
56. *Design* – Do not object. Officers advise that the scale, form and architecture of the proposed buildings reflect that typically found in industrial estate environments.
57. *Environment, Health and Consumer Protection (Nuisance)* – Raise no objections subject to conditions. These include requiring a Construction Environmental Management Plan to be agreed and followed and also a condition restricting the times and days of operation during construction. With such conditions the Officer advises that the development is unlikely to cause a statutory nuisance.
58. *Environment, Health and Consumer Protection (Contaminated Land)* – Request conditions to require a phase 3 remediation strategy and phase 4 verification report and an informative in relation to unforeseen contamination.
59. *Environment, Health and Consumer Protection (Air Quality)* – Request a condition to ensure the submission, approval and following of a Construction Environmental Management Plan to include a dust management plan to include mitigation measures outlined within the submitted air impact assessment.
60. *Sustainable Travel*- Would welcome a financial contribution for funding of works to extend and resurfacing footpath 5 link to improve access onto the C2C. A full travel would be required to cover commitments to Travel Plan co-ordinator , measures to be put in place if additional measure or funding if Travel Plan fails

61. *Integrated Passenger Transport Team* – Advise that due to the position of the site away from the existing public transport network a contribution of £80k (per annum) would be required from the developer to facilitate public transport accessibility.
62. *Ecology* – Noted that the application is lacking in information with regards to Dingy Skipper butterfly (a UK Priority Species) and advise that a survey should be completed in order to assess the ecological impacts arising from development. As the time for surveys has passed the Officer offers a solution should the timescales for securing planning be crucial. The Officer advised that the alternative is to assume Dingy Skipper presence and determine the amount of suitable habitat on site for dingy skipper and ensure that this amount of habitat is created or retained on site post development. It is advised that there must be continuity of habitat for dingy skipper i.e. any replacement habitat is established prior to the destruction of the extant habitat and the timings must allow for colonisation of created habitat. In response to this the applicants submitted further detail in regard to suitability of the site for the Dingy Skipper and mitigation for the Dingy Skipper proposing areas to remove scrub, reduce vegetation height and create temporary scrapes and the translocation of birds foot trefoil to the new areas all before any site clearance takes place. The Ecology Officer accepts this methodology provided that the translocation is undertaken prior to the end of March/early April and that the butterfly scrape areas receive additional plugs of birds foot trefoil. The Management of the scrapes should be incorporated into a management plan for the site to be secured by a legal agreement.
63. In respect of Biodiversity Net Gain, the officer advised that the DEFRA metric shows a net loss of biodiversity and advises that this will need to be dealt with and a net gain delivered, if this is not possible then the Officer advises that the applicant will need to provide an off-site location or secure delivery via a 3rd party.
64. *Trees Officer* – Notes that the Tree protection plan shows trees and hedge row located to the southwest boundary, with fencing complying with BS 5837 2012 (Drg POE\_259\_004) it is advised that this area should be adequately protected. The Officer advises that Self-sown trees within the site do not require protection, it is considered that their removal would not have a negative effect on the overall site.
65. *Public Rights of Way Officer* - Advises that public footpath no. 7 North Lodge Parish immediately abuts the west boundary of the site to be developed. It is advised that any proposed boundary fencing or planting must not encroach upon or obstruct the footpath. The Officer considers that it is inevitable that security fencing erected alongside the footpath will impact upon the aesthetic quality of the path, although it is assumed the path will retain an open aspect to the west. In respect of footpath 5 it is advised that the ramps do not form part of any PROW and are not owned by the Council, however the Officer would support any improvements funded by s106 money to this connection.

#### **PUBLIC RESPONSES:**

66. The application was advertised in the local press, by site notice and by direct notification to neighbouring properties. One letter of objection has been received in response to the consultation process from a neighbouring business whose concerns are summarised as follows:
  - Impacts to Traffic flow during construction.
  - Concerns over potential for mud on the highway
  - Concerns over ground disturbance leading to displacement of rodents to neighbouring sites.

*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:*

*DM/23/01932/FPA | Erection of B8 Logistics Warehouse with ancillary B2/E(g(iii)) Industrial and E(g(i)) Offices, with associated access, parking, landscape and infrastructure works. | Land To The West Of Drum Industrial Estate Drum Road Chester-le-Street (durham.gov.uk)*

## **APPLICANTS STATEMENT:**

67. The application proposals, offer an exciting opportunity to realise the potential of a long- standing employment land allocation through an occupier led development for Bidfood, one of the UK's leading foodservice wholesalers and suppliers. The development site represents the last remaining site yet to be developed within Drum Industrial Estate, which accommodates a variety of employment uses, including several large logistics warehouses operated by occupiers such as The CO-OP, Parcelforce and Purmo. The principles outlined within this Statement and the accompanying DAS, would secure a bespoke, high-quality development that would lead to the reuse of previously developed land in a sustainable location and provide economic growth and employment generation within the area through both construction and operational phases.
68. That economic growth can be quantified, not only in the number of existing employment numbers generated by the proposed occupier (196 by the end 2023), but also through the anticipated 25% growth of the business over the next 5 years (approx. 50 new jobs) facilitated by this new purpose-built development. Furthermore, this scale of current and future employment numbers will also bring positive new indirect, or induced, impacts to the local economy, with new expenditure captured by existing businesses in the local area from those employees.
69. The application is supported by extensive information relating to the form of the proposed development and associated technical aspects. The Planning Statement that accompanies the application has considered the context of the proposal in relation to the relevant planning policy framework and planning history for the Site. In doing so it has been demonstrated that the proposals accord with the key aims and objectives of the Development Plan and, where relevant, respond positively to the national policy context set out in the NPPF.
70. The Planning Statement concludes that development of similar scale and nature has already been accepted in principle in this location on the industrial estate. The proposals are therefore considered to accord with the provisions of CDP Policies 1 & 2 and this favourable conclusion should be given significant weight in the assessment of this application. The proposals fully comply with CDP policies 26, 29 and 39 and Part 12 of the NPPF in so much as they are of an appropriate character and scale for the surrounding commercial / employment area and are commensurate with previous planning permissions for development both of the site and in the general locality; they are targeting BREEAM "Very Good", or other equivalent sustainability metric; and their effects on landscape character would be minimal and would not be dissimilar to the previous consents granted on the Site.
71. The impacts of the development on nearby residents and other sensitive receptors can be suitably mitigated to ensure there are no unacceptable levels of pollution and to protect amenity in accordance with Policies 29 and 31 of the CDP, Part 15 and in particular Paragraph 127 of the NPPF.

72. Whilst the site could be considered to perform poorly against the requirements set out in Policy 21 of the CDP given the distances to the nearest bus stops and the access routes between these stops and the Site, this needs to be considered in the context of the Site's location within an established industrial estate which benefits from extant planning permission for similar development uses and the wider strategic context of delivering economic growth on allocated employment land with good access to the strategic road network. This overarching strategic aim needs to be considered in the overall planning balance and to assist in this the application is supported by Travel Plan (TP) which sets out initiatives to further improve upon the accessibility of the Site. Given the proposed development is predicted to result in a net reduction of peak hour vehicle trips compared to the most recent permitted (extant) development the proposed development is not predicted to have a material impact on the operation of the local highway network in accordance with Policy 21 and cannot reasonably be considered as 'severe' within the context of the NPPF (Part 9).
73. From the information provided in the Flood Risk Assessment and Drainage Strategy, the proposed development can be accomplished without presenting an unacceptable flood risk before, during and after construction, without increasing flood risk elsewhere and without detriment to the existing infrastructure. The proposals are therefore acceptable and in accordance with Policies 26, 35 and 36 of the CDP and Part 14 of the NPPF.
74. That subject to the use of conditions relating to remediation and verification of any contaminated land the proposed development would be in accordance with Policy 32 of the CDP and Paragraph 183 of the NPPF. That through the provision of a biodiversity net gain financial contribution, an appropriate landscape management plan and implementation of the proposed on-site compensation measures, it is considered that the impact of the proposals on the biodiversity value of the site would be suitably compensated for in accordance with CDP Policies 41 and 43, and appropriate levels of biodiversity net gain would be achieved.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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75. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues raised relate to the principle of development, locational sustainability, highway safety and access, impact on residential amenity, its layout, design and scale, impacts to ecology and other technical matters.

### Principle of the Development

76. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP) is the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development.

77. For decision taking this means:-
- c) approving development proposals that accord with an up to date development plan without delay; or
  - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
    - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or,
    - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
78. Where a planning application conflicts with an up-to-date development plan paragraph 12 of the NPPF advises that permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
79. As the CDP is up to date, paragraph 11(d) of the NPPF is not engaged.
80. Policy 1 of the County Durham Plan (CDP) allocates 300ha of employment land for office, industrial and warehousing purposes up to 2035 in order to meet employment land needs and deliver a thriving economy.
81. Policy 2 of the CDP identifies that there is approximately 4.44Ha of protected employment land on the Drum Industrial Estate allocated by the policy and which makes up most of this application site. This development would draw direct support from both Policies 1 and 2 of the CDP through the provision for B8 (storage and distribution) with ancillary industrial (B2/E gii) and office use (B1/Egi) within the single building proposed.
82. It is of note that Paragraph 81 of the NPPF advises that significant weight should be placed on the need to support economic growth and productivity.
83. It should also be noted that the site benefits from an extant permission which could be built out and a further planning permission yet to commence, therefore, there is potentially two fallback positions should this application not be approved.
84. The current proposal would seek to build out 11,512 sqm of B8 Storage and distribution with ancillary industrial and offices within a single large building rather than the previously consented 14,354 sqm of Egii/B2/B8 uses within 6 units or the 17,151 sqm of B8 use within a single large building. It is, therefore, considered that industrial development has already been accepted in principle and is an acceptable use in this location on the industrial estate. This weighs in favour of this application.
85. The applicants envisage that the scheme is likely to yield in the region of 178 full time and 10 part time jobs. This figure is assured as occupants are identified. This represents a significant and welcome level of inward investment into the area. This is a material planning consideration in favour of the proposal and the creation of more jobs is a key priority for the economy of County Durham.



## Locational Sustainability of the Site

86. Policy 21 of the CDP requires all developments to deliver sustainable transport by providing appropriate, well designed, permeable and direct routes for walking, cycling and bus access, so that new developments clearly link to existing services and facilities together with existing routes for the convenience of all users. Policy 29 of the CDP requires that major development proposals provide convenient access for all users whilst prioritising the needs of pedestrians, cyclists, public transport users, people with a range of disabilities, and emergency and service vehicles whilst ensuring that connections are made to existing cycle and pedestrian networks.
87. Paragraph 83 of the NPPF advises that decisions should recognise the specific locational requirements of different sectors and that this includes making provision for clusters for storage and distribution operations. 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.
88. 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.
89. 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.
90. Notwithstanding that the application site is allocated within the CDP for employment uses with excellent links to the A1(M) essential for storage and distribution operations such as this, it remains the case that the site and wider Drum Industrial Estate performs poorly in terms of accessibility other than by private motor vehicle. The closest bus stops to the application site that are serviced are located at North Road, some 1290m to the east of the site boundary. Westward, towards Perkinsville, the nearest bus stops are approximately 1325m away. There are several services that operate from these stops, typically half hourly services, running from early morning to late evening all week, and in theory, provide access to the site by means other than private vehicles. However, the distances to nearest bus stops are within the 'preferred maximum' of the Institution of Highways and Transportation (CIHT) "Providing for Journeys" document and are, therefore, towards 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.
91. Ideally a development such as this should provide a contribution towards providing a Monday to Friday daytime bus service to the site as requested by the Integrated Passenger Transport Team. Such funding has not been put forward as part of this scheme. However, even if funding were provided there would be no certainty of long-term commercial sustainability once the funding ceases. It remains the case that driver

shortages are hampering the ability to find contractors for such services therefore there is no certainty that such a contribution would attract operators. Furthermore, the staggered shift patterns, would mean it is difficult to see how any bus service (dedicated or extension to existing) could operate to effectively serve the staff on the site on a commercial basis. This position was accepted previously by the Committee when a similar scheme to develop the site was approved last year.

92. It is, therefore, conceded that it would not be reasonable to insist that this development provide such a contribution. 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.
93. Given the location of the site some distance beyond nearby settlements of Perkinsville, Pelton, South Pelaw and North Lodge, walking is not considered to be a reasonable option for those requiring access to the Industrial Estate, despite the suggestions made within the submitted Travel Plan.
94. In terms of cycle access, the site does perform better, with the site lying in proximity to two Sustrans National Cycle Network routes (NCN7 and NCN725) and within approximately a 15-20 minute ride across relatively easy terrain to Chester-le-Street, Birtley, Ouston, Perkinsville, Pelton, parts of Washington and some southern areas of Gateshead. Other local areas are accessible by bike, with many settlements within 30 minutes of the application site albeit some with more challenging terrain.
95. It therefore remains the case that the application site performs relatively poorly in terms of access to public transport and modes other than the private motor vehicle, contrary to Policy 21 of the CDP. 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. This application forms the remaining phases of the wider vision to secure the future of this strategic employment site, with most of the estate now completed and operational with long established businesses.
96. 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 Travel Plan (TP) which sets out initiatives to further improve upon the accessibility issues identified above. These include information leaflets, appointing a Travel Plan Coordinator, Promotion of bike week etc, provision of new footways, provision of covered cycle storage and monitoring of its use, provision of showering and changing facilities, cycle to work schemes, public transport season ticket loans, flexible working around public transport, possible cycle to work schemes/season tickets, loans for employees, consideration flexible working hours around public transport/car shares, promotion of car shares and incentives to car share, provision of elv car parking spaces and monitoring of car parking usage. These TP measures would, in turn, provide opportunities to encourage employees of the business to use sustainable travel modes immediately following occupation, rather than attempting a modal shift following establishment of non-sustainable travel habits. Whilst being comprehensive, Active Travel England recommend that a condition secure the measures and actions outlined in the TP and to ensure that the measures are reviewed if progress is not made on achieving the targets. This can be secured by way of an appropriate planning condition.
97. Whilst the funding of improvements to the link to the C2C from the Industrial Estate has been suggested by Active Travel England and Sustainable Transport and considered by the Applicant it is acknowledged that there are difficulties with the

delivery of this in terms of the number of different land owners involved, and as there is a ransom strip which could lead to delays with the delivery of the development and delays would risk a potential loss of investment. Furthermore, it is noted that neither previous permission for the site were subject to such a requirement. Therefore, it is accepted that this funding is not required to make the development acceptable.

98. In summary, officers recognise that the development of the site would not fully accord with the aims of Policy 21 of the CDP and paragraphs 104,105 and 110 of the NPPF. However, subject to a condition securing the provision of cycle parking and TP measures and monitoring and review 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.

#### Highway Safety and Access

99. Objective 18 of the CDP seeks to ensure that new development is accessible, contributing to reducing the need to travel, thereby reducing the impacts of traffic and congestion on the wider environment, communities and health. In this context, the requirements of Policy 21 of the CDP requires that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity and that developments deliver well designed pedestrian routes and sufficient cycle and car parking provision. Similarly, Policy 29 advocates that convenient access is made for all users of the development together with connections to existing cycle and pedestrian routes.
100. 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 supported by a transport statement (TS) or transport assessment (TA) so that the likely impacts of the proposal can be assessed.
101. The proposals have been supported by a Transport Statement (TS). This document considers the potential impacts of the development and the issues relating to highways safety, network capacity, access and other transport related issues.
102. The impacts from additional traffic and potential for congestion on the Batley/Handcock roundabout, Blind Lane/Northlands roundabout and North Road/Drum Lane Junction are concerns of local business on the estate North Lodge Parish Council.
103. The application proposes re-instating an existing vehicular access in the north east corner of the site for car access. HGV access into the site would be via an existing bell mouth in the south east corner which is to be upgraded. Access into the Industrial Estate is made via the existing access road leading from the upgraded A693 roundabout. This access road is a single lane two-way carriageway with footways to either side, lighting and a 30mph speed limit. The highway network surrounding the site has already been substantially improved as part of previous phases of the development, on which these proposals would expand.

104. The Transport Statement considered trip generation from anticipated numbers associated with the uses proposed. The statement predicts that there would be 30 and 50 two-way vehicle trips during the worst-case weekday AM and PM peak hours, which is a decrease of only 40 and 20 peak time 2 two-way vehicle trips when compared to the permitted use previously approved for the site last year. While this level of traffic is not present on the network currently it is consented and so could be expected to come forward at some point in the future.
105. As the development has the potential to impact on the strategic road network, National Highways have been consulted. National Highways are satisfied with the submitted TS and the conclusions reached by the transport consultant which indicate that the proposed development would not result in severe residual cumulative impacts on the operation of the strategic highway network and that no mitigation is, therefore, required in this respect. 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. The proposal, therefore, cannot reasonably be considered to give rise to a 'severe' impact within the context of the NPPF.
106. The original application has been amended to address new vehicle and cycle parking requirements. In respect of parking the application proposes the provision of a total of 198 car parking spaces in accordance with DCC parking standards. The total car parking provision includes 9 parking spaces for disabled persons and 16 active electric vehicle (EV) spaces and 20 passive EV spaces. This is in line with DCC requirements for a minimum of 5% of car parking spaces to be provided for disabled persons and a minimum of 5% of spaces to be provided as active EV charging spaces. The bays for disabled persons are to be located adjacent to building entrances for easy access. A total of 50 cycle parking spaces are to be provided near the entrance of the building for cyclists. Also, a total of 7 motorcycle parking spaces are to be provided at the development.
107. Overall, the highway impacts of the proposed development are considered to be acceptable and in accordance with Policies 21 and 29 of the CDP as well as Part 9 of the NPPF.

#### Residential Amenity and pollution

108. 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.
109. 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.
110. The development is considered to be noise generating. At this stage the end users are expected to be food distribution company, therefore it has been possible to understand the possible sources of noise from the external plant, external operations and vehicle movements detailed within a noise impact assessment. This includes a traffic noise assessment which concludes that changes to noise levels from traffic noise at nearest

noise sensitive receptors (NSRs) would be negligible. The Environmental Health Officer (EHO) agrees with this conclusion.

111. In respect of plant and machinery, the rated plant and vehicle movement sound impact is calculated to be 18Db below the background sound level during the daytime and 5 dB below during the night time and considering the extent of the existing acoustic environment it is concluded that the likelihood of impacts are low. The EHO are satisfied what the information submitted demonstrates that the application complies with the thresholds of the DCC Technical Advice Note (TANS) in relation to noise and would not lead to an adverse impact during operation.
112. In respect of construction noise, The EHO have requested conditions to restrict construction times/days and the submission, agreement and adherence to a Construction Management Plan.
113. During the construction phase the development would also be dust and light generating and concerns have been raised by neighbouring business in respect of potential for mud on the road and vermin from site disturbance. Bearing these issues in mind the Construction Environmental Management Plan (CEMP) would also need to cover these aspects.
114. The proposal involves lighting to all the external areas, the main building, including all external areas to the dock doors, car parking spaces, cycle storage areas, loading bays, service yard and access roads. To address potential impacts the applicants have submitted a Lighting Assessment Report. This concludes that lighting solutions such as positioning, shielding of lamps, using different levels of luminaires and efficient mounting heights would protect the adjoining properties and the railway track and minimise any potential impact upon ecology zones. The EHO is satisfied with the findings of this report.
115. Subject to adherence to the mitigation within the air quality report, noise impact assessment and external lighting assessment and the submitted conditions recommended as part of this report, it is considered that the impact of the development on nearby receptors in respect of noise, dust and light including noise would not be so significant as to harm amenity and receptors and justify withholding planning permission.
116. In addition to the above, EHO's have considered the potential impacts of the development in respect of air quality. Air quality impacts are possible from all new development. An air quality assessment and construction management plan have been submitted in respect of this issue. In this case, the impacts are considered to be acceptable generally, however, further details are required in respect of dust. EHO's are satisfied that this can be controlled by way of a planning condition requiring an updated CEMP. With such a condition imposed, it is considered that impacts from dust would be at acceptable levels.
117. It is considered, therefore, that the impacts of the development to nearby residents and receptors can be suitable mitigated to ensure there are no unacceptable levels of pollution and to protect amenity in accordance with Policies 29 and 31 of the CDP, Part 15 and in particular Paragraph 127 of the NPPF.

118. 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. Specifically in relation to storage and distribution operations paragraph 83 of the NPPF advises that decisions should recognise that these operate at a variety of scales.
119. Policies 29 of the CDP seek to secure good standards of design in new development, whilst balancing the needs of the built, natural and historic environments and making clear that all development proposals will be required to achieve well designed buildings and places. Policy 29 of the CDP outlines that development proposals should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities. In addition to the above, Policy 29 of the County Durham Plan requires all major new non-residential development to achieve Building Research Establishment Environmental Assessment Method (BREEAM) minimum rating of 'very good'.
120. Policy 39 of the CDP requires proposals for new development to not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Policy 40 of the CDP requires that development does not result in the loss of, or damage to, trees of high landscape, amenity or biodiversity value unless the benefits of the proposal clearly outweigh the harm, and, that where trees are lost, suitable replacement planting, including appropriate provision for maintenance and management, will be required within the site or the locality.
121. Whilst this would be a large and tall unit in comparison to neighbouring units and which would sit at a higher level than some neighbouring units, the scale, form and architecture of the units reflect that typically found elsewhere on this industrial estate and in general industrial estate developments for similar storage and distribution operations and is not dissimilar to a previous approved unit at this site. The materials palettes and layout would reinforce the current level of design quality for the estate. The proposed glazing features ensure legible entrances to the building. The use of differing cladding colours provides further visual interest and breaks up the overall mass of the building. The scale of the proposed new buildings would be commensurate with previous planning permissions for development within the industrial estate locality. Conditions with regards to materials can ensure that the site is delivered with a high-quality design consistent with other phases of the development.
122. An initial assessment in terms of sustainability has confirmed that the proposal would target BREEAM 'Very Good' as a minimum. A condition should, therefore, be imposed to ensure that the development achieves a very good BREEAM rating. Additional steps proposed to embed sustainability into the design include the use of high efficiency LED Lighting, the use of air source heat pumps, electric rather than gas heaters and measures to offset carbon emissions include roof mounted PV panels and air source heat pumps. Other sustainability measures include the use of SUDS and provision of electric vehicles charge points.
123. There are no landscape designations on or around the site. The site forms a relatively high plateau, which is higher than the rest of the industrial estate to the north, east and south. Visibility of the site is therefore limited in views from the adjacent industrial

areas. The fields to the west are at a similar level to that of the site and are traversed by rights of way including Public Footpaths 7 and 8 North Lodge and Bridleway 9 North Lodge and Bridleway 18 Pelton. The site is visible from these routes at close and medium range. The site is visible from the A693 road looking north-east. There are likely to be views from the upper floor rear windows of properties in Courtney Drive Perkinsville which are situated between 200 and 300m from the site. The site is visible as a distant element, looking south from dwellings to the north in Milbanke Close Ouston and from residences on higher ground to the south-west in Pelton. The proposed building would not be visible from the B1284 New Lumley Road near to Lumley Castle.

124. Given the size, height and scale of the building on the high plateau, there would be greater impacts on landscape character than the previous approved developments, however it is not possible to reduce the height as there is a functional requirement for large scale freezer equipment with maintenance areas above. Bearing this in mind and given the industrialised context with units of a similar size and scale on the Drum Estate the landscape impacts are accepted. A landscaping plan has been submitted, which proposes planting along the western boundary to partly screen the building over time, proposed new native hedgerow, tree, ornamental shrub and grass and wild flora planting. This planting scheme is generally appropriate and comprehensive however it is considered that more robust planting on the western edge would help to screen the building in views from the west. This would need to be maintained on a regular basis to ensure that it does not encroach onto the PROW and an informative can advise of this legal requirement. A revised landscaping scheme to include additional planting on the western boundary and the delivery and management of such landscaping can be secured by way of a planning condition.
125. Trees and hedge row worthy of retention on the south west boundary can be protected with a condition and other trees within the site do not require protection and their loss would not have a negative effect on the overall site.
126. Subject to the aforementioned planning conditions, it is considered that the proposal would reinforce local character and sustainable design can be secured in accordance with Policies 26, 29, 39 and 40 of the CDP and Part 12 of the NPPF.

## 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 of the NPPF indicates that when determining planning applications, local planning authorities should apply a number of principles, the first of which indicates that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
129. Collectively, Policies 41 and 43 of the CDP seek to protect and enhance the natural environment within the County, giving priority to protected species and designated landscapes, and with an emphasis on securing net gains for biodiversity. Policy 41 states that proposals for new development will be expected to minimise impacts on biodiversity by retaining and enhancing existing assets and features and providing net gains for biodiversity including by establishing coherent ecological networks. It makes clear that measures should be appropriate, consistent with the biodiversity of the site and contribute to the resilience and coherence of local ecological networks.

130. Policy 41 of the CDP requires proposals for new development to not be permitted if significant harm to biodiversity resulting from the development cannot be avoided, or appropriately mitigated, or, as a last resort, compensated for. Policy 43 relates to protected species and nationally and locally protected sites and similarly requires any development that would have an adverse impact on the ability of species to survive, reproduce and maintain or expand their current distribution to propose appropriate mitigation, or as a last resort compensation.
131. The application is accompanied by a Preliminary Ecological Appraisal (PEA) that identifies that the site has been subject to ecological surveys to understand baseline ecological conditions at the site. The ecological appraisal describes the site as semi-improved neutral grassland with areas of open mosaic characteristics, dense and scattered scrub, scattered trees and species with some poor hedgerow. The site is detailed as being of low to moderate suitability for foraging bats, The site possesses potential foraging and commuting areas for badgers. There are foraging and nesting opportunities for birds and a habitat highly suitable for invertebrates such as the Dingy Skipper and Small Heath butterfly. There are also foraging and sheltering opportunities for species such as Hedgehog.
132. The assessment recommends mitigation against the effects of the site's development on the baseline conditions, including the creation of new habitats that mimic current habitats with rotational scraping areas, installing ecological features on site such as bee bricks and bat boxes and sensitive lighting, and adhering to ecological good practice in respect of investigations and timings etc. These measures can be secured to be provided on site, through the imposition of an appropriate planning condition and a sec 39 agreement.
133. The potential greatest impacts in ecological terms would be to the Dingy Skipper butterfly, and whilst this is not a European Protected Species the potential effects of a development on habitat or species listed as protected in the UK Biodiversity Action Plan (BAP) and by Local Biodiversity Action Partnerships are capable of being a material planning consideration in the making of planning decisions as set out by Government Circular 06 2005. Also of note is The NERC Act 2006 which advises that every public authority must, in exercising its functions, have regard to, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.
134. There is a lack of detail in relation to Dingy Skipper (UK priority Species) as the site has not been surveyed for Dingy Skipper. In order to make a decision using the precautionary principle the alternative is to assume Dingy Skipper presence and determine the amount and location of suitable habitat on site for Dingy Skipper and ensure that this habitat is retained on site or created on site pre development. The applicants have detailed the amount and location of habitat on site and have confirmed and detailed the maximum amount of habitat that can be retained on site during the construction works, the capability of those areas for supporting a Dingy Skipper population and compensatory measures in the form of the scrub removal, trimming of vegetation and creation of temporary scrapes and butterfly scrapes and the translocation of birds foot trefoil into the habitat retention and improvement areas. This mitigation is considered sound in principle although the finer detail will need to be agreed prior to the works commencing. The applicants also propose a financial contribution of £120k to address the loss of habitat on site.. With this mitigation Officers are now satisfied that if there are Dingy Skippers on site that these measures would maintain a viable population in accordance with criteria a) of Policy 43 of the County Durham Plan.



135. The application has been supported by a biodiversity net gain assessment. Calculations indicate a net loss for biodiversity on the site of 27.27 Biodiversity units. To account for a proportion of these losses, and to reduce the concerns of the Ecology Section the applicants have looked at several mitigation options. The potential for the creation of biodiversity on site is constrained by the size requirements for the storage building. The applicants do not own or control any land within the local area and have failed to find any land available for sale /lease for off-site BNG in private or Council ownership in the local vicinity. This had led to a proposed a financial contribution of £120k towards the delivery of biodiversity benefits within County Durham. Within the mitigation hierarchy compensation through off-site delivery is regarded as a last resort but is accepted under policy 41 and 43 of the CDP. Furthermore, a lesser financial compensation scheme has been accepted previously at this site. This would be a slight improvement upon the most previous approved scheme for the site which involved a 29.52 net loss in biodiversity units, and a significant improvement on the older extant permission which would involve a greater loss of biodiversity with no financial compensation for biodiversity. However, it would still nevertheless not be sufficient to enable the LPA to deliver the required number of biodiversity units to generate a biodiversity net gain and there is therefore conflict with CDP Policy 41.
136. Based on this, Officers are satisfied that the proposals demonstrate appropriate mitigation and to maintain a viable population of Dingy Skipper butterfly. Whilst the proposal would fail the required net gains for biodiversity in conflict with CDP policies 41 and 43 of the CDP and paragraphs 174 and 180 of the NPPF, this conflict with policy is accepted given it would offer better compensation than previously accepted at this site.

#### Flooding and Drainage

137. Policies 35 and 36 of the CDP relate to flood water management and infrastructure. Policy 35 requires development proposals to consider the effects of the scheme on flood risk and ensure that it incorporates a Sustainable Drainage System (SuDs) to manage surface water drainage. Development should not have an adverse impact on water quality. Policy 36 seeks to ensure that suitable arrangements are made for the disposal of foul water.
138. National advice within the NPPF and PPG with regard to flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to flood zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where a sequential test and some instances an exception test are passed, informed by a site-specific flood risk assessment.
139. The submitted Flood Risk Assessment confirms that the development lies in Flood Risk Zone 1 and at the lowest potential risk from flooding. The submitted drainage strategy and hydraulic calculations have been reviewed by the Council's Drainage and Coastal Protection Team in their capacity as Lead Local Flood Authority (LLFA), who have advised the details are acceptable. A condition can ensure that the development adheres to these details.
140. In relation to foul water, it is proposed to connect to the existing sewerage network. As a drainage strategy has been accepted by the LLFA, a condition to ensure that the approved details are adhered to would suffice in relation this issue.

141. On this basis, no objections to the development on the grounds of flood risk or drainage are raised, and the application is considered acceptable in accordance with Policies 35 and 36 of the CDP and Part 14 of the NPPF.

#### Infrastructure

142. It is important to ensure that development proposals contribute to improvements in infrastructure capacity to mitigate for the additional demands that new development creates. By securing financial contributions through planning obligations, developers would help fund the physical, social and environmental infrastructure that is needed to make development acceptable and ensure that the development mitigates its impact upon existing infrastructure.
143. Policy 25 of the CDP supports securing developer contributions where mitigation is necessary to make the development acceptable in planning terms.
144. Paragraphs 55-58 of the NPPF explain the circumstances when it is appropriate for planning obligations to be used to mitigate the impacts of the development.
145. The developer is willing to enter into a Section 106 legal agreement to provide a financial contribution for off-site Biodiversity mitigation. This is necessary to make the development acceptable and would accord with Policy 25. Other contributions requested and detailed above in relation to improved cycle link and public transport, whilst desirable, are not considered necessary to make the development acceptable in planning terms.

#### Contamination and Land Stability

146. Policy 32 of the CDP requires sites to be suitable for use taking into account contamination and unstable land issues. Paragraph 183 of the NPPF requires sites to be suitable for their proposed use taking account of ground conditions and any risks arising from land instability and contamination.
147. Given the site is a high-risk site in terms of Coal Mining Legacy, a Coal Mining Risk Assessment was submitted with the application which identifies mitigation measures required to address risks from surface mining and mine shafts on site. The Coal Authority is satisfied with these mitigation measures and considers they can be addressed under Building Regulations.
148. In respect of contamination, a Phase 1 and Phase 2 Geo-Environmental site investigation report has been submitted and identifies risks associated with ground gas. Environmental Health Officers have considered this report, concluding that conditions would be required to ensure that the site is suitable for its intended use taking account of any risks arising from contamination. These conditions would relate to securing Phase 3 works (remediation works) and phase 4 (verification) reports. The Officer has also requested an informative relating to unforeseen contamination. With such conditions the site would be suitable for use and appropriately remediated in accordance with Policy 32 of the CDP and Paragraph 183 of the NPPF.

149. Policy 26 of the CDP seeks to ensure that development protect and enhance public rights of way and footpaths, green infrastructure and green corridors. Whilst PROW Officers raise concerns over fencing, this has been detailed as an adequate distance from the PROW. The landscaping proposed is adjacent to the Right of Way and must not encroach upon it. A management plan can ensure the landscaping is managed but an informative can be imposed to ensure the developers are aware the need to not obstruct or encroach upon the PROW which is a separate legal requirement.
150. The site is located within a mineral safeguarding area for coal, as defined on the policies map of the CDP. CDP Policy 56 seeks to protect the County's mineral interests by preventing planning permission for non-mineral development that would lead to the sterilisation of identified resources, unless one of a number of limited circumstances apply. In this instance, the site has been previously worked and, therefore, a minerals assessment is not required.
151. Policy 27 of the CDP outlines that new commercial development should be served by a high-speed broadband connection. Part 10 of the NPPF also has similar aims. Whilst there are no details in respect of this aspect a condition can be imposed to secure that the site incorporates infrastructure for fibre broadband.
152. It is noted that the local Parish Council ask that the 106 money be allocated to the Parish. This s106 money for biodiversity would be used in or around Chester-le-Street if this is the most practical, feasible option with the most benefit.
153. 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.

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## **CONCLUSION**

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154. 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).
155. Where a planning application conflicts with an up-to-date development plan permission should not usually be granted. However, local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

156. 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 a remaining phase of development at Drum Industrial Estate, which has seen earlier phases delivered and occupied. The principle of the development is, therefore, considered acceptable in accordance with Policy 2 of the CDP.
157. Whilst the site is well located for its storage and operational requirements in terms of proximity to the A1(M), the site performs poorly in terms of locational sustainability. Measures proposed on site 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 in a logistically sensible location.
158. The development would not be prejudicial to highway safety or have a severe cumulative impact on network capacity and would deliver well designed pedestrian routes and sufficient cycle and car parking provision. in accordance with Policies 21 and 29 of the CDP as well as Part 9 of the NPPF.
159. It is considered that conditions can ensure the development would not result in a level of harm to the amenity of local residents which would justify withholding planning permission. The proposed industrial use is a typically noise producing uses however the application has demonstrated that noise levels at receptors are at or below acceptable thresholds. The proposal is therefore in accordance with the aims of Policies 29 and 31 and 32 of the CDP.
160. The proposal targets Building Research Establishment Environmental Assessment Method (BREEAM) minimum rating of 'very good'. The proposed height and scale, although substantial and visible from residential areas and the A693 is accepted given landscaping could improve the screening from residential areas, given the functional requirements of a storage and distribution operation , and as other such uses on the estate are of a similar size and given the industrial context. Otherwise the architecture of the proposal follows the broad ethos of the wider industrial estate. The proposal is therefore acceptable in accordance with County Durham Plan Policies 29,39 and 40 and paragraphs 83,126 and 130 of the NPPF.
161. The application demonstrates that the proposal would provide appropriate mitigation to maintain a viable population of Dingy Skipper Butterfly for which the site has habitat. There would be a net loss in biodiversity units which cannot be fully compensated therefore there is conflict with CDP policies 41 and 43 and part 15 of the NPPF. Nonetheless, the applicants have proposed a financial contribution of £120k towards the delivery of biodiversity benefits within County Durham in or around Chester-le-Street if this is the most practical, feasible option with the most benefit. A section 106 legal agreement can secure the contribution and a sec 39 agreement can ensure management of conservation areas. This is accepted as a suitable compromise given the site history.
162. The proposals are considered acceptable in respect of flooding and drainage. Conditions can ensure the site is suitable for the proposed use 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 policies 35 and 36 of the County Durham Plan and part 14 of the NPPF.
163. The impacts to the adjacent public right of way are acceptable with the additional landscaping to screen the site and conditions can ensure this landscaping is delivered

and appropriately managed. The proposal would therefore accord with County Durham Plan Policy 26 and Part 8 of the NPPF.

164. The proposal has generated limited public interest with one representation having been received from the public and one from North Lodge Parish Council. Concerns raised have been taken account and addressed within the report with suitable conditions proposed to mitigate their concerns.
165. In the overall planning balance, the adverse impacts and policy conflict identified above are considered to be outweighed by the positive aspects of the development, most notably the economic benefits to be gained through the delivery of strategic employment land , involving the securing the future of 196 full time jobs and the delivery of a further 50 jobs over the next five years 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.

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## RECOMMENDATION

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That the application be **APPROVED** subject to: -

- a s106 legal agreement to secure the contribution of £120,000 to ensure the implementation and management of the off-site compensation measures on land in the ownership of the Council, and
- a S39 agreement to secure a 30-year Habitat Management Plan for the biodiversity mitigation on site.

and subject to the following conditions:

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

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

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

Indicative Site external Lighting	23LPO51-ST-EX-001	30/06/2023
Site Location Plan	PL01	30/06/2023
Proposed Drainage Layout sheet 1	4600-QCL-XX-XX-DR-C-5201 PO1	30/06/20223
Proposed Drainage Layout sheet 2	41600-QCL-XX-XX-DR-C- 5202 PO1	30/06/2023
Proposed Site Sections	PL04	30/06/2023
Proposed Building Layout	PL05	30/06/2023
Proposed Elevations	PL06	30/06/2023
Proposed Elevations and Section	PLO7	30/06/2023
Proposed Office and Transport Pod Layout	PLO8	30/06/2023
Proposed Roof Plan	PLO9	30/06/2023
Proposed Surface and Boundary Treatments	PL10	30/06/2023
Tree Protection Plan	POE_259_004	30/06/2023
Drainage Strategy		30/06/2023
Noise Impact Assessment		30/06/2023
Ecological Impact Assessment		03/08/2023
Travel Plan V3.0		23/08/2023
Dingy Skipper Suitability Map		09/01/2024

Biodiversity Metric Calculation Tool		18/01/2024
BNG Assessment		22/01/2024
EIA Addendum	PLO3A	18/01/2024
Proposed Site Plan	PL11A	14/09/2023
Proposed Cycle Storage Details		14/09/2023
Letter from Quatro Consult		14/09/2023
Proposed Level Sections and Protected Areas	4600-QCL-XX-XX-DR-C-942-PO1	7/11/23

*Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 1, 2, 21, 29, 31, 32, 35, 36, 39, 30, 41 and 44 of the County Durham Plan and Parts 2, 4, 6, 8, 9, 11, 12, 14, 15 and 16 of the National Planning Policy Framework.*

3. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall 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:
  1. 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.
  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.*

4. No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0800 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: In the interests of residential amenity having regards to policy 31 of the County Durham Plan.*

5. Notwithstanding any details of materials submitted with the application prior to the construction of external walling or roofing on any building details of the make, colour and texture of all walling and roofing materials shall be 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.*

6. Within 9 months of development commencing a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. This shall include additional screening along the western boundary. The scheme shall retain the

Dingy Skipper habitat creation measures including scrapes as detailed in the approved Ecological Impact Assessment Addendum by Biodiverse Consulting dated .

Any submitted scheme must be shown to comply with legislation protecting nesting birds and roosting bats.

The landscape scheme shall include accurate plan based details of the following:

Details of hard and soft landscaping including planting species, sizes, layout, densities, numbers.

Details of planting procedures or specification.

Finished topsoil levels and depths.

Details of temporary topsoil and subsoil storage provision.

Seeded or turf areas, habitat creation areas and details etc. Details of land and surface drainage.

The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc.

The Local Planning Authority shall be notified in advance of the start on site date and the completion date of all external works.

Trees, hedges and shrubs shall not be removed without agreement within five years.

Reason: In the interests of the visual amenity of the area and to comply with Policy 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework and in the interests of conservation of biodiversity in accordance with County Durham Plan Policy 43 and Part 15 of the NPPF.

7. All planting, seeding or turfing in the approved details of the landscaping scheme shall be carried out in the first available planting season following the practical completion of the development.

No tree shall be felled or hedge removed until the removal/felling is shown to comply with legislation protecting nesting birds and roosting bats.

Any approved replacement tree or hedge planting shall be carried out within 12 months of felling and removals of existing trees and hedges.

Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species.

Replacements will be subject to the same conditions.

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

8. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges, indicated on the approved tree protection plan as to be retained, are protected by the erection of fencing, placed as indicated on the plan and comprising a vertical and horizontal framework of scaffolding, well braced



to resist impacts, and supporting temporary welded mesh fencing panels or similar approved in accordance with BS.5837:2012.

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

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

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

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

9. No development including site clearance shall commence before all birds foot trefoil has been translocated from the suitable habitat areas outlined in the Dingy Skipper Suitability Map dated 9/01/2024 to the protection areas outlined in Section Plan 4600-QCL-XX-XX-DR-C-942-PO1 dated 7/11/2023 which shall have been subject of scrub removal, vegetation cutting and creation of scrapes prior to the translocation as detailed within an updated Ecological Impact Assessment Addendum which has been approved by the Local Planning Authority.

*Reason: In the interests of the conservation of species in accordance with Policy 43 of the County Durham Plan and Part 15 of the National Planning Policy Framework.*

10. The development shall take place in accordance with the avoidance, mitigation and compensation strategy outlined in part 4 of the Ecological Impact Assessment Addendum by Biodiverse Consulting dated 18/01/2024 . Bee bricks, Bat boxes and bird boxes will be installed prior to occupation of the unit and retained or replaced in perpetuity.

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

11. Prior to the commencement of development , other than any remediation works a Full Travel Plan shall be submitted to and approved by the Local Planning Authority which shall include the following:

Commitment to appoint a Travel Plan Coordinator at least 6 months prior to occupation

Details of commitments to additional measures or funding if the Travel Plan fails to meet the targets at any point during the life of the plan.

Commitment to funding both TPC and OTPC and the Travel Plan for the life of the site

12. The measures and actions outlined within Tables 3 and 4 of the Travel Plan (version 3.0) shall be put in place, including a first monitoring report which shall be prepared, submitted to and approved in writing by the Local Planning Authority within 8 months of the first occupation of the building. This first monitoring report shall include a review of the modal split targets and measures to be taken should progress not be made on achieving these targets. Thereafter, annual monitoring reports shall be submitted to DCC in accordance with the Travel Plan, with reference to Row E of Table 3 of the Travel Plan.

*Reason: To comply with Policy 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework and to support sustainable transport objectives including a reduction in private vehicular journeys and the increased use of public transport, walking, wheeling and cycling.*

13. No development shall not be brought into use until the site accesses as detailed on the submitted layout plan have been built to DCC Highways Standards.

*Reason: To ensure safe access in accordance with Policy 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.*

14. The agreed scheme of electric vehicle charging points must be installed and available for use before occupation of the unit.

*Reason: In the interests of sustainable construction and in accordance with Policy 29 of the County Durham Local Plan and Part 14 of the National Planning Policy Framework.*

15. Prior to first occupation of the building, the covered cycle parking shown on the proposed site plan shall be constructed. This cycle parking shall provide a minimum of 50 covered spaces and following its provision shall thereafter be kept free of obstruction and permanently available for the parking of cycles only.

*Reason: To comply with County Durham's Parking and Accessibility Standards 2019 and the guidance in LTN 1/20 on Cycle Infrastructure Design and to encourage sustainable transport modes of travel having regard to CDP Policy 21 and Part 9 of the NPPF.*

16. 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 3 remediation strategy 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.*

17. 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.*

18. No development for the construction of the building shall take place until a preassessment BREEAM report - which is based upon an approved BREEAM plan for non-residential buildings - prepared by an accredited BREEAM Assessor, indicating that the building is capable of achieving the applicable 'very good' rating as a minimum, has been issued to the local planning authority.

Thereafter the building shall be constructed to meet the applicable approved BREEAM rating as a minimum. No later than 6 months after the occupation of any the building, a certificate following a post-construction review, shall be issued by an approved BREEAM Assessor to the local planning authority, indicating that the relevant BREEAM rating has been met. In the event that such a rating is replaced by a comparable national measure of sustainability for building design, the equivalent level of measure shall be applicable to the proposed development.

*Reason: In the interests of sustainable development and in accordance with Policy 29 of the County Durham Plan and Part 2 of the National Planning Policy Framework.*

19. The development shall be constructed with infrastructure in place to ensure that full fibre broadband connection for the unit is achievable.

*Reason: To ensure a high quality of development is achieved and to comply with the requirements of Policy 27 of the County Durham Plan and Part 10 of the NPPF.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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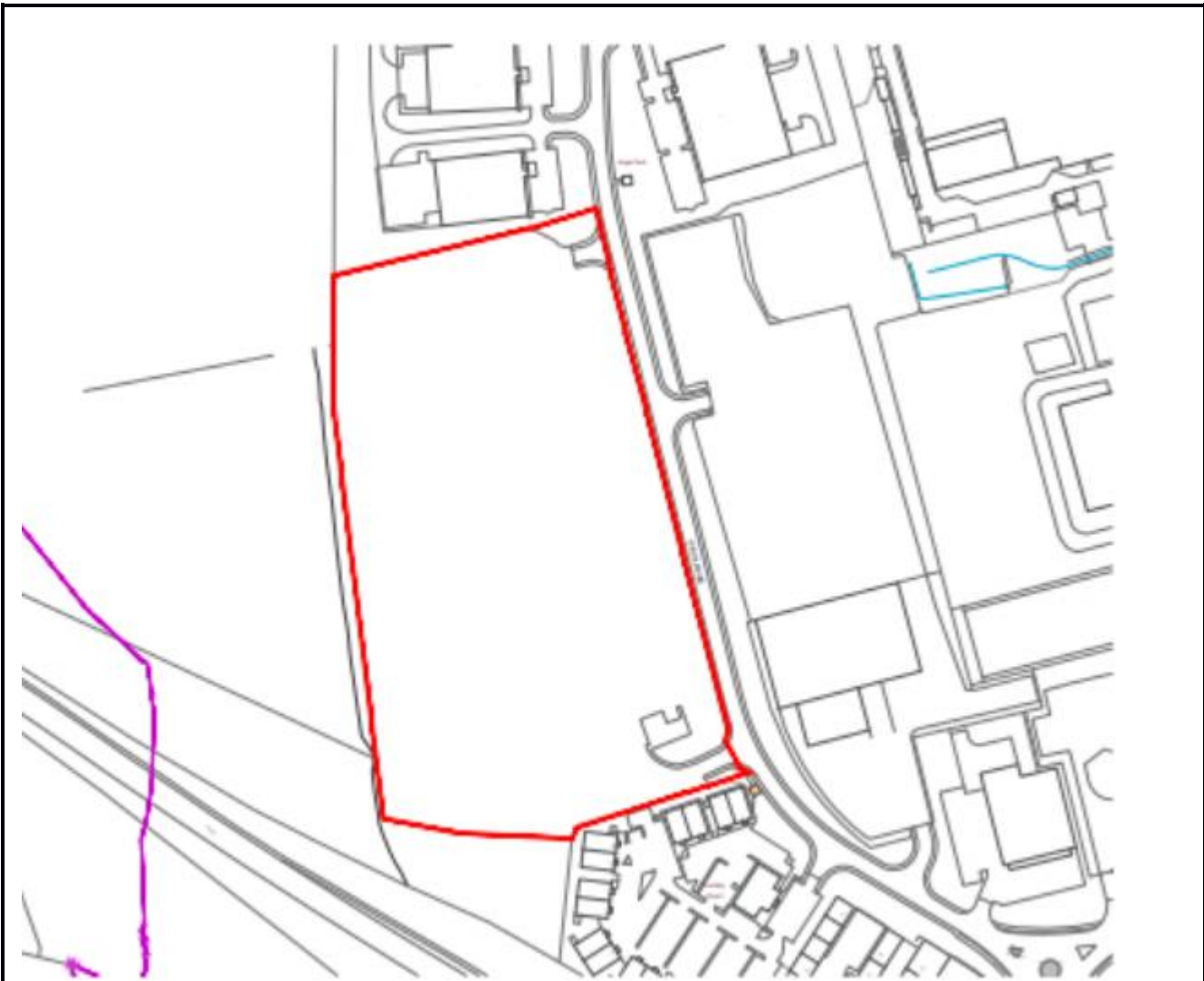
In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant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

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## **BACKGROUND PAPERS**

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- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2023)
- National Planning Practice Guidance notes
- County Durham Plan 2020
- Parking and Accessibility Supplementary Planning Document 2023
- Statutory, internal and public consultation responses



**Planning Services**

Erection of B8 Logistics Warehouse with ancillary B2/E(g(iii)) Industrial and E(g(i)) Offices, with associated access, parking, landscape and infrastructure works.

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**DM/23/01932/FPA**

**Date February 2024**

**Scale** Not to Scale

## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION No:</b>	DM/23/02905/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Erection of industrial buildings including ancillary office space together with associated works.
<b>NAME OF APPLICANT:</b>	Merchant Anglo (Amazon Park) Property Holdings Ltd.
<b>ADDRESS:</b>	Plot 3B Merchant Park Millennium Way Aycliffe Business Park DL5 6UG
<b>ELECTORAL DIVISION:</b>	Aycliffe East
<b>CASE OFFICER:</b>	Lisa Morina Senior Planning Officer Telephone: 03000 264877 <a href="mailto:Lisa.morina@durham.gov.uk">Lisa.morina@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. The application site is a vacant parcel of land located on Merchant Park which is located within the Aycliffe Business Park. The Business Park is located approximately 1.5 miles south of Newton Aycliffe Town Centre and under 1 mile from junction 59 of the A1(M).
2. The site in question is located adjacent to the Hitachi Rail factory which sits to the west which includes rail tracks that lead out from here along the northern part of the site to the Stockton and Darlington Railway line which runs to the east of the site. Aycliffe Business Park sits to the north which has recently been constructed and open space to the south, with a railway line running to the east. To the north of Hitachi, consent has recently been allowed on appeal for the construction and operation of a high temperature thermal treatment facility for clinical and hazardous wastes.
3. Sporadic landscaping exists on the site with a significant belt of planting located between the site and the above-mentioned railway line. Land levels across the site are relatively flat.
4. The site is not located within a conservation area and no listed buildings are within close proximity to the site however the Stockton and Darlington Railway is considered as a non designated heritage asset. A public right of way exists to the south of the eastern part of the site extending southwards.

## Proposal:

5. Consent is sought for the erection of three industrial buildings including ancillary office space with associated works.
6. A main access road is proposed through the middle of the site with one larger unit proposed to the west of this access road and two smaller units to the east. Each unit will be served by its own car parking area with dedicated areas for loading and plant areas also provided however limited details regarding this have been provided.
7. Outline consent has previously been approved on the site as part of a wider development to create Merchant Park. Plot 2 has been built out (industrial estate to the north) as has Plot 3A (the Hitachi site to the west) and as stated consent has recently been granted for an energy from waste facility on what is known as Plot 1A. The application site is the last remaining site to be developed as part of the previously approved outline consent. As part of the outline consent the site in question formed part of plot 3 for a large industrial unit which has subsequently been subdivided.
8. The application is presented to committee due to it being a major development in excess of 20,000 sqm.

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## **PLANNING HISTORY**

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9. 7/2007/0268/DM – Outline Application for B1 (Business), B2 (General Industry) and B8 (Storage & Distribution) Uses (comprising a maximum of 131,540 Sqm of floor space). Approved 24.07.2007.
10. 7/2010/0248/DM – Extension of time limit for planning permission 7/2007/0268/DM For B1 (Business), B2 (General Industry) and B8 (Storage & Distribution) Uses (comprising a maximum of 131,540 Sqm of floor space). Approved 11.02.2011.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

11. 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.
12. *NPPF Part 2 Achieving Sustainable Development* - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
13. *NPPF Part 4 Decision-making* - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will

improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

14. *NPPF Part 6 Building a Strong, Competitive Economy* - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
15. *NPPF Part 8 Promoting Healthy and Safe Communities* - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
16. *NPPF Part 9 Promoting Sustainable Transport* - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
17. *NPPF Part 11 Making Effective Use of Land* - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
18. *NPPF Part 12 Achieving Well-Designed Places* - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
19. *NPPF Part 14 Meeting the Challenge of Climate Change, Flooding and Coastal Change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
20. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

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

## **NATIONAL PLANNING PRACTICE GUIDANCE:**

21. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters.

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

## **LOCAL PLAN POLICY:**

### County Durham Plan

22. Policy 2 (Employment Land) supports business, general industrial and storage and distribution development within specified employment allocations and also protects other existing employment sites from being changed to non-employment uses, unless appropriate marketing has been undertaken or that the use would not compromise the main employment use and would comply with retail Policy 9 where main town centre uses are being proposed. Where a non-employment development is proposed on the protected employment sites, any existing jobs on site must be relocated. Specific further protection and safeguarding is outlined for land north of NETpark, at Integra 61 and Project Genesis, Consett.
23. 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.
24. Policy 27 (Utilities, Telecommunications and Other Broadcast Infrastructure) supports such proposals provided that it can be demonstrated that there will be no significant adverse impacts or that the benefits outweigh the negative effects; it is located at an existing site, where it is technically and operationally feasible and does not result in visual clutter. If at a new site then existing sites must be explored and demonstrated as not feasible. Equipment must be sympathetically designed and camouflaged and must not result in visual clutter; and where applicable the proposal must not cause significant or irreparable interference with other electrical equipment, air traffic services or other instrumentation in the national interest.

Any residential and commercial development should be served by a high-speed broadband connection, where this is not appropriate, practical or economically viable developers should provide appropriate infrastructure to enable future installation.

25. Policy 29 Sustainable Design details general design principles for all development stating that new development should contribute positively to an areas' character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities.

Provision for new major residential development to be assessed against Building for Life Supplementary Planning Document, to achieve reductions in CO2 emissions, to be built to at least 30 dwellings per hectare subject to exceptions. All new development to achieve BREEAM minimum rating of 'very good'.



26. 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.
27. Policy 32 (Despoiled, degraded, derelict, contaminated and unstable land) requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.
28. 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.
29. Whilst 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.
30. Policy 39 (Landscape) states that proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate mitigation measures where adverse impacts occur. Development affecting Areas of Higher landscape Value will only be permitted where it conserves and enhances the special qualities, unless the benefits of the development clearly outweigh its impacts
31. Policy 40 (Trees, woodlands and hedges) states that proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges 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) states that proposal for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or as a last resort, compensated for.
33. Policy 46 (Stockton and Darlington Railway) states development which impacts upon the historic route of the Stockton and Darlington Railway (S&DR) of 1825, the Black

Boy and Haggerleaves branch lines and the Surtees Railway, together with their associated structures, archaeological and physical remains and setting, will be permitted where the proposal: seeks to reinstate a legible route or enhance any physical remains and their interpretation on the ground, and otherwise respects and interprets the route(s) where those remains no longer exist; safeguards and enhances access (including walking and cycling) to, and alongside, the route, branch lines and associated structures, archaeological remains and their setting; does not encroach upon or result in the loss of the original historic route(s), damage the trackbed excepting archaeological or preservation works, or prejudice the significance of the asset; and does not prejudice the development of the S&DR as a visitor attraction or education resource.

34. Policy 56 (Safeguarding Mineral Resources) states 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. This is unless it can be demonstrated that the mineral in the location concerned is no longer of any current or potential value, provision can be made for the mineral to be extracted satisfactorily prior to the non-minerals development taking place without unacceptable adverse impact, the non-minerals development is of a temporary nature that does not inhibit extraction or there is an overriding need for the non-minerals development which outweighs the need to safeguard the mineral or it constitutes exempt development as set out in the Plan. Unless the proposal is exempt development or temporary in nature, all planning applications for non-mineral development within a Mineral Safeguarding Area must be accompanied by a Mineral Assessment of the effect of the proposed development on the mineral resource beneath or adjacent to the site of the proposed development.

#### Neighbourhood Plan

35. The application site is located within the Great Aycliffe Neighbourhood Plan Area. The following policies are considered of relevance:
36. Policy CH1 (Landscape Character and Townscape) states that developments must respect the landscape character of the parish and its settlements, as defined within the Great Aycliffe Heritage and Character Assessment (December 2015) and incorporate features which contribute to the conservation, enhancement or restoration of local features.
37. Policy E5 (Protection of existing trees within new development) states that proposals for new development will be expected to safeguard existing trees where appropriate and integrating them fully into the design and protecting them during construction having regard to their management requirements and growth potential. Residential or commercial development proposals where trees are present should be accompanied by a tree survey and tree protection plan and where necessary an arboriculture impact assessment.
38. Policy R3 (Supporting Local Job Opportunities) states that in order to develop and sustain the economy of Great Aycliffe, support will be given to the development of employment activities, in suitable and appropriate locations, that diversify the current offer in Great Aycliffe and particularly those activities that will provide high quality jobs which can capitalise on and/or enhance the skills of the Great Aycliffe residents.
39. Policy T3 (Cycle Provision and Walking Routes) states that major development proposals must, where appropriate, provide or contribute toward, safe well lit, accessible and attractive cycle routes and public footpaths.

## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

40. Highways – No objection
41. Durham Constabulary has provided no response.
42. LLFA raises no objection.
43. Network Rail has provided no response.
44. Business Durham provides support for the proposal.
45. Northumbrian Water has provided no response.
46. Great Aycliffe Town Council have raised no objection to the proposal.

### **INTERNAL CONSULTEE RESPONSES:**

47. Archaeology – No objection
48. Environmental Health (Air Quality) - More info required and to be secured by condition.
49. Environmental Health (Contamination) – No objection, subject to contaminated land condition regarding the submission of further details.
50. Environmental Health (Noise) – No objection subject to condition regarding noise levels.
51. Ecology – No objection
52. Design - No objection
53. Landscape – Whilst generic planting details have been provided, full landscaping details are required.
54. Policy – No objection the proposal accords with policy 2 of the CDP and policy R3 of the neighbourhood plan.
55. Public Rights of Way – No objection
56. Trees – No objection

### **PUBLIC RESPONSES:**

57. The application has been advertised by means of site notice and by notifying neighbouring occupiers by letter. To date, one letter has been received from the Friends of the Stockton and Darlington Railway who have no objection to the proposal due to the following:

- The site lies between the S&DR Bishop Line and the Hitachi works; it is well enclosed by existing broadleaf woodland planting and the new development will be barely visible from the railway.
- The application documents make no reference to Local Plan 46 regarding the S&DR, but they conclude that the proposed development would have a neutral effect on its setting and that the significance of this non-designated heritage asset would be preserved.

#### **APPLICANT'S STATEMENT:**

58. The proposed development of Plot 3B comprises the next phase of development at Merchant Park following the delivery of the Hitachi Rail facility to the west and Station Place to the north. The proposal seeks to build upon the strong industrial nature of the surrounding area by delivering three warehouse units each with ancillary office space, generating significant economic and employment opportunities in both the construction and operational phases of development. Indeed, the development conforms to the ambitions of the County Durham Plan ('CDP') and Great Aycliffe Neighbourhood Plan ('GANP') with respect to improving the economic performance and resilience of the County and developing employment activities in suitable and appropriate locations respectively.

59. The application site itself is allocated under CDP Policy 2 (Employment Land) for B1 (Business), B2 (General Industrial) and B8 (Storage and Distribution) development as part of the wider 10.12 ha parcel of employment land at Merchant Park. The proposal fully accords with this policy allocation, with the development delivering up to 24,895 sqm of flexible accommodation intended for general industrial and employment use. The proposed development also accords with the GANP, which fully supports the employment allocation at Merchant Park and the potential contribution to the County's economy.

60. Overall, the scheme accords with the NPPF's commitment to support economic growth and productivity. In particular, the development will have significant employment and economic benefits through helping drive forward economic growth within County Durham and the wider region. The development has also been assessed and found to be acceptable with respect to more technical matters including transport, flood risk, ecology, noise and sustainability. In this context, the Applicant welcomes the Officer's recommendation to grant planning permission for the development.

*The above is not intended to list 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/applicationDetails.do?activeTab=documents&keyVal=P8X9C0GDL&J00>*

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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61. As identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004 the key consideration in the determination of a planning application is the development plan. Applications should be determined in accordance with the development plan unless material considerations indicate otherwise.
62. The NPPF is a material planning consideration in this regard. The County Durham Plan (CDP) is the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF. The NPPF advises at Paragraph 219 that the weight to be afforded to existing Local Plans depends upon the degree of consistency with the NPPF.

63. The County Durham Plan is now adopted and is considered to represent the up-to-date Local Plan for the area. Consequently, consideration of the development should be led by the plan if the decision is to be defensible. In this instance the Great Aycliffe Neighbourhood Plan is also considered relevant.
64. In this context, it is considered that the main planning issues in this instance are as detailed below:

#### Principle of the Development

65. This site relates to a vacant piece of land at Aycliffe Business Park. The site in question falls within Merchant Park which is an allocated employment site within the County Durham Plan and as such Policy 2 of the CDP is considered of relevance.
66. Policy 2 states that undeveloped land and plots at the following employment sites (as listed in Table 3) are allocated for B1 (Business), B2 (General Industrial) and B8 (Storage and Distribution) unless specifically stated.
67. However, since the Examination In Public of the County Durham Plan and shortly before the Inspector's Report was issued, changes to the use class order were proposed which have now taken effect. From 1st September 2020, whilst B2 and B8 uses remain unchanged, B1 uses now fall within the new E use class. Whilst Policy 2 refers to B1 uses being acceptable on this site, the broad range of uses under the new E use class (including retail and leisure uses) may not be acceptable. The intention is however that the proposal would be acceptable for some light industrial uses which formed the former B1 use class and therefore, it is considered that a suitably worded condition is required to ensure that acceptable uses only are carried out at the site.
68. As discussed in the proposal section above, the site in question forms part of a wider outline consent (7/2007/0268/DM). Other phases which have already been built out include Phase 2 and 3a with this section being Phase 3B. The development is intended for class B1 (Light Industrial) B2 (General Industry) B8 (Storage or Distribution) uses which is considered to be in keeping with the locality and consistent with the allocation as set out in policy 2. The plans show office space provided within each building which would be used ancillary to the industrial use proposed at the site.
69. Policy R3 of the GANP is also considered relevant which states that in order to develop and sustain the economy of Great Aycliffe, support will be given to the development of employment activities, in suitable and appropriate locations, that diversify the current offer in Great Aycliffe and particularly those activities that will provide high quality jobs which can capitalise on and/or enhance the skills of the Great Aycliffe residents.
70. It is considered that industrial units on an allocated employment site would accord with this policy and the proposed development draws broad support from the Neighbourhood Plan in terms of supporting local job opportunities.
71. Given the above, it is considered that the principle of the development is considered acceptable due to its accord with policy 2 of CDP and also given the fact that outline consent has already established development of this nature on the site. This is however subject to full consideration of all other issues and the suggested condition regarding the use of the buildings to limit this to uses formerly falling within the B1 use class.

## Scale/Design

72. Policy 29 (Sustainable Design) of the County Durham Plan requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out 18 elements for development to be considered acceptable, including: making positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals.
73. In respect of the scale of the proposal, the development will deliver a maximum floorspace of 24,895m<sup>2</sup> (Gross Internal Area) divided across the three proposed units. This is considered appropriate for the size of the plot and does not appear as overdevelopment of the site and would appear appropriate when read in relation to the nearby Hitachi site and those industrial units recently constructed to the north.
74. In terms of design, the buildings have been designed to be in keeping with other industrial units within the area and are to be constructed to a Grade A shell and core Industrial Specification which includes a steel portal frame and with powder coated metal profile with curtain walling. Full specification details including colour will be agreed via condition. External areas have also been identified for the construction of associated plant relating to future operations at the site and these would be located to the side of the buildings. The application also proposes the erection of 2.4m high 358 weld mesh fencing around the perimeter of each unit which is considered acceptable and a typical addition within an industrial area.
75. In relation to the height of the buildings they range between 12 – 15m from eaves up to final roof ridge height. Whilst these are higher than those industrial units proposed to the north, they are of a similar height to the Hitachi Building to the west and the waste incinerator proposed to the north of Hitachi.
76. As such when read in relation to the surrounding buildings and the associated landscape which surrounds the wider area, it is considered that the proposals would result in an acceptable impact on streetscene and wider estate area in accordance with policy 29 of the CDP and part 12 of the NPPF.

## Impact on surrounding heritage assets

77. CDP policy 44 states that proposals should seek to ensure that developments 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.
78. CDP Policy 46 states development which impacts upon the historic route of the Stockton and Darlington Railway (S&DR) of 1825, the Black Boy and Haggerleases branch lines and the Surtees Railway, together with their associated structures, archaeological and physical remains and setting, will be permitted where the proposal: seeks to reinstate a legible route or enhance any physical remains and their interpretation on the ground, and otherwise respects and interprets the route(s) where those remains no longer exist; safeguards and enhances access (including walking and cycling) to, and alongside, the route, branch lines and associated structures, archaeological remains and their setting; does not encroach upon or result in the loss of the original historic route(s), damage the trackbed excepting archaeological or

preservation works, or prejudice the significance of the asset; and does not prejudice the development of the S&DR as a visitor attraction or education resource.

79. The application has been supported by a detailed heritage impact assessment which correctly identifies the designated and non-designated assets associated with the Stockton and Darlington Railway.(SDR). Stretches of the SDR have been designated as a Scheduled Monument, but the stretch of track closest to the site remains in active railway use and is not designated.
80. The accompanying heritage assessment states the proposed development will appear within the immediate setting of the former route of the Stockton & Darlington Railway. It will be partly screened by intervening vegetation that lines the route of the railway line and it would have no effect on the visual relationship between the railway and the former station, signal box and boundary stone. The setting of this part of the railway is already experienced in the context of industrial developments at the Aycliffe Industrial Estate that were developed during the 20th century and more recent industrial developments that have been introduced at Merchant Park. In this context, the proposed development can be accommodated within the setting of the railway given its limited sensitivity and the extent of change that it has experienced. proposed development will have a neutral impact on the setting of the Stockton & Darlington Railway and no effect on its significance. The heritage assessment confirms there does not appear to be any surviving above ground remains of the original line in this location.
81. The site of the proposed development is located approximately 350 metres to the south-west of the former Heighington and Aycliffe Railway Station and the Heighington Signal Box. It is located approximately 20 metres to the west of the former route of the S&DR and approximately 150 metres to the north-west of the boundary stone which are all considered as designated heritage assets.
82. The Design and Conservation Officer has confirmed that the assessment is considered to correctly conclude that the proposal will cause no harm directly or indirectly to the assets due to the distance from the designated assets and the landscape buffer which sits between the proposal and the SDR.
83. The proposal therefore, is considered to accord with policies 44 and 46 of the County Durham Plan and part 15 of the NPPF.

#### Sustainability

84. Policy 29 also states that all new development should minimise greenhouse gas emissions, by seeking to achieve zero carbon buildings and providing renewable and low carbon energy generation, and include connections to an existing or approved district energy scheme where viable opportunities exist.
85. It also goes on to state that all major new non-residential development will be required to achieve Building Research Establishment Environmental Assessment Method (BREEAM) minimum rating of 'very good' (or any future national equivalent).
86. A BREAM Pre-Assessment Report has been provided which shows that the buildings will achieve a VERY GOOD rating. In addition, the plans show that the buildings will be served by PV Panel and an indicative area has been provided for these. Subject to the assessment report forming an approved document and a condition for the specification details of the PV panels to be submitted, it is considered that the proposal would be acceptable in this instance.

87. Subject to the above, the proposal is considered acceptable in respect of policies 29 of the County Durham Plan and part 12 of the NPPF.

#### Noise/Impact on surrounding residents

88. CDP Policy 31 states that development will only be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that can be integrated effectively with any existing business and community facilities.
89. The proposal will also need to demonstrate that future occupiers of the proposed development will have acceptable living and/or working conditions. Proposals which will have an unacceptable impact such as through overlooking, visual intrusion, visual dominance or loss of light, noise or privacy will not be permitted unless satisfactory mitigation measures can be demonstrated whilst ensuring that any existing business and/or community facilities do not have any unreasonable restrictions placed upon them as a result.
90. Section 11 Paragraph 123 of the NPPF requires planning decisions to ensure healthy living conditions and paragraph 128 emphasises the importance of securing healthy places. Paragraph 180 of section 15 requires decisions to prevent new development from being put at unacceptable risk from, or being adversely affected by, unacceptable levels of pollution such as noise pollution.
91. Paragraph 191 seeks to ensure that new development is appropriate for its location taking into account the likely effects of pollution on health and living conditions. In terms of noise, paragraph 191 advises that planning decisions should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development - and avoid noise giving rise to significant adverse impacts on health and the quality of life.
92. The proposed layout of the properties are acceptable and suitable separation distances are provided between the proposed buildings and those in close proximity to the site. Given this, no overlooking or loss of light is considered to occur.
93. In respect of noise, the nearest residential noise sensitive receptor is approximately 460 metres Northwest of the site. The application has been supported with a Noise assessment by NJD Environmental Associates, reference NJD22-0049-001R, dated July 2022.
94. A noise assessment was prepared to consider the potential noise impacts associated with the proposed development, with background noise measurements taken between 10:00 9 July - 10:00 11 July 2022, that are considered representative of the closest existing sensitive receptors. Calculations were performed using noise modelling software and results interpreted in accordance with the relevant standards.
95. The consultant has considered the main noise sources associated with the proposed development to be deliveries, HGV movements and use of the associated car park during peak hours.
96. Results of the noise monitoring determined the day time rating level to be 25 and 26 dB(A) at the sensitive receptors, which is -10 and -9 dB(A) respectively in excess of rating over the background level. For night time, the rating level was determined as 29dB(A) at both sensitive receptors, with -2dB(A) and -3dB(A) respectively in excess of rating over the background levels. Given the results and context, the report



concludes on noise as negligible to low impact for both day and night time. This has been accepted by Environmental Colleagues and no objection is raised.

97. In paragraph 6.4.4 of the report NJD Associates recommend that indicative limits should apply for the rating noise level associated with any additional external plant that may be installed by the end user and also recognise that these indicative limits are dependent on the results of the assessment in context.
98. Due to this, the Environmental Health Officer has stated that given the results from this assessment and also in association with the TAN's, the maximum rating level of any new proposed external plant should be conditioned to be no more than 40dB LAeq (1 hour) (07:00 - 23:00) above background (which is equal to the existing background of 35dB + 5dB); and no more than 0dB LAeq (15 mins) (23:00 - 07:00) at noise sensitive receptors (which is equal to the existing background of 29dB + 0dB).
99. The latter figure differs from the noise consultant's recommendations in that they are more stringent however align with DCC's Noise TAN's and as such it is felt that this level should be conditioned.
100. Due to the size of the proposal, a construction management plan would be required and as such this can be controlled via a pre-commencement condition. Air Quality comments have also been received and given the closeness of a nearby college, it is suggested that a construction dust assessment in line with IAQM guidance is undertaken and the mitigation measures identified used to inform the Construction Environmental Management Plan. A condition regarding hours of construction is also considered necessary.
101. Given the above and subject to conditions, the proposal would be considered acceptable in respect of policy 31 of the CDP and part 15 of the NPPF.

#### Highway and Pedestrian Safety

102. Policy 21 of the CDP requires that all development ensures that any vehicular traffic generated by new development can be safely accommodated and have regard to Parking and Accessibility Supplementary Planning Document.
103. Part 9 of the NPPF states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed. In addition it 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.
104. The site is proposed to be accessed onto Millennium Way by a simple priority junction arrangement. The access road is to be 7.3 Metres and junction radii are 15 metres. Footpaths are provided on both sides of the junction and connect to the existing footways. This arrangement is considered to be acceptable.
105. The Transport Assessment in paragraph 4.2 "Vehicular Access" considers the access arrangement and indicates acceptable visibility splays which accord with design standards.
106. The Transport Assessment provides a robust assessment of the vehicular impacts of the development on the highway network. The findings of the assessment that there are no significant issues created by the development are considered to be acceptable.

107. The parking provision has been developed in accordance with the new DCC Parking and Accessibility standards. The parking provision includes allowances for accessible spaces, both active and passive electric vehicle charging and cycle parking.
108. Given the above and subject to the submission of a Construction Management Plan which can be controlled by a pre-commencement condition and informatives regarding the necessary separate highway consents being required, the principle of the proposal is agreeable from a highways perspective in accordance with policy 21 of the County Durham Plan and part 9 of the NPPF.

#### Landscape/Impact on Trees

109. Policy 39 of the County Durham Plan states proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals would be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. Policy 26 outlines developments are expected to provide new green infrastructure and ensure provision for its long-term management and maintenance. Similar requirements are outlined in Policy 29.
110. Policy 40 seeks to avoid the loss of existing trees and hedgerows unless suitable replacement planting is provided. Parts 12 and 15 of the NPPF promotes good design and sets out that the planning system should contribute to and enhance the natural and local environment by (amongst other things) recognising the intrinsic character and beauty of the countryside and optimise the potential use of the site.
111. Information has been provided which shows that there are two linear groups of young woodland trees growing to the eastern edge of the existing site. These trees are approximately ten years old and were planted as a result of the Hitachi Site. The proposal will impact the western most group with around half of these being proposed to be removed.
112. The application has been assessed by both DCC Landscape and Tree Officers. The tree officer has confirmed that given the young age of existing trees and the mitigation planting recommended as part of the application that the overall arboricultural impact will be considered low and as such, they have no objection to the scheme. A condition will be added for a tree protection plan to be submitted and agreed. No objection has also been raised from the landscape team who have stated that whilst generic planting plans have been provided, full landscaping details are required which can be controlled via condition. Advice has also been given in respect of the required landscaping details and this will be added as an informative on the application.
113. Given the above, including the young age of existing trees and the mitigation planting recommended as part of the application, the overall arboricultural impact will be considered low and as such, the proposal is considered acceptable in respect of CDP policies 39 and 40 and part 15 of the NPPF.

#### Contamination

114. Paragraph 189 of the NPPF advises that planning decisions should ensure a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. In line with this, CDP Policy 32 states that development will not be permitted unless the developer can demonstrate that:

- a. any existing despoiled, degraded, derelict, contaminated or unstable land issues can be satisfactorily addressed by appropriate mitigation measures prior to the construction or occupation of the proposed development;
- b. the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact on the environment, human health and the amenity of local communities; and
- c. all investigations and risk assessments have been undertaken by an appropriately qualified person.

115. The application has been assessed by both the Council's Land Contamination Officer and no objection is raised to the scheme subject to the inclusion of a land contamination condition requiring the submission of further information.

116. Subject to conditions the proposal is therefore, considered acceptable in respect of contaminated land issues in respect of policy 32 of the CDP.

#### Drainage

117. 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.

118. Whilst 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.

119. The Council as Lead Local Flood Authority have confirmed that they have no objection to the information received. In respect of foul drainage, the new warehouse units will rely on individual pump stations to reach a collection manhole before discharging under gravity to the PS2 communal pump station which includes the other developments which have been carried out nearby. A SUDS pond has been designed for the wider site, including this development site.

120. The proposal, therefore, is considered acceptable in respect of policy 35 and 36 of the County Durham Plan.

#### Ecology

121. Part 15 of the NPPF seeks to ensure that when determining planning applications, Local Planning Authorities seek to conserve and enhance biodiversity. Policy 41 of the CDP seeks to resist proposals for new development which would otherwise result in significant harm to biodiversity or geodiversity, which cannot be avoided, or appropriately mitigated, or, as a last resort, compensated for. Proposals for new development will be expected to minimise impacts on biodiversity by retaining and enhancing existing biodiversity assets and features and providing net gains for biodiversity including by establishing coherent ecological networks.

122. The Ecological Appraisal by OS Ecology confirms that the site is of low ecological value and no further species surveys are required. The site however is covered in the district level licencing scheme for the wider development therefore and great crested newt mitigation is covered under this. Works are therefore to be undertaken in accordance with the terms of this licence and associated working methods statement. Subject to a condition to ensure the proposal is carried out in accordance with Section 6 of the above report, the proposal is considered acceptable.
123. The Ecology officer has confirmed that the Biodiversity Net Gain report confirms that the proposed development is likely to result in the loss of 6.5 biodiversity units once the on-site habitat creation and enhancement is undertaken.
124. However, this site is a phase within a wider development at Merchant Park and a BNG metric has also been undertaken for this larger site. The results of the wider metric confirm a surplus of habitat units is available to more than off-set the loss for this proposal. This mitigation covered extensive landscaping in and around Demons Beck close to the site, together with formation of surface water attenuation ponds and works for the protection and enhancement of Demons Beck. These works were undertaken as part of the implementation of the Hitachi development but also to mitigate the impact of development on a site wide basis and in turn prepare the remaining individual plots for future development, and without the need to revisit landscape/ecology mitigation.
125. Some compensatory habitat is to be created and other habitats are to be enhanced within the development site and as such, a Biodiversity Management and Monitoring Plan is required. This can be controlled by means of entering into of Section 39 Agreement to ensure this can be met.
126. Subject to the above, the proposal therefore, is considered acceptable from an ecology viewpoint in accordance with policy 41 of the County Durham Plan and part 15 of the NPPF.

#### Other Issues

127. CDP Policy 27 requires new residential and commercial development should be served by a high speed broadband connection. A condition will be added in this respect.
128. CDP Policy 44 states in determining applications which would affect a known or suspected non-designated heritage asset with an archaeological interest, particular regard will be given to the following:
  - i. ensuring that archaeological features are generally preserved in situ; and
  - j. in cases where the balanced judgement concludes preservation in situ should not be pursued, it will be a requirement that they are appropriately excavated and recorded with the results fully analysed and made publicly available.
112. Paragraph 194 of the NPPF states in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with

archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

113. An Archaeological report was submitted as part of the application however, the archaeology previously identified on the western part of this plot was excavated in 2013. Consequently, there is no need for any archaeological condition to be included as part of this approval.
114. Areas of the site are located within a mineral safeguarding area (Magnesium Limestone), as defined on the Policies Map. Given the site is protected for employment purposes in the CDP it is considered that the need for non-mineral development has been established, and development of the site would be in accordance with criteria d of the policy. A minerals assessment is therefore not required.

#### Public Sector Equality Duty

114. 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.
115. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

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## **CONCLUSION**

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116. The site is allocated for employment uses within Policy 2 of the CDP. The principle of the development is, therefore, considered acceptable in accordance with Policy 2 of the CDP.
117. The proposal is also considered to have an acceptable impact on the visual amenity of the wider area given the design of the structures are considered to be in keeping with others within the area being typical industrial type buildings and an appropriate landscaping scheme is being proposed although full details are required to be submitted.
118. The development would not be prejudicial to highway safety or have a severe cumulative impact on network capacity and would deliver well designed pedestrian routes and sufficient cycle and car parking provision. in accordance with Policies 21 and 29 of the CDP as well as Part 9 of the NPPF.
119. It is considered that conditions can ensure the development would not result in a level of harm to the amenity of local residents and the design of the proposal is considered acceptable in accordance with the aims of Policies 29 and 31 of the CDP.
120. The application is therefore, recommended for approval subject to the conditions set out below.

## RECOMMENDATION

That the application be **APPROVED**, subject to a Section 39 Agreement to secure the long-term management, maintenance and monitoring of the biodiversity land in accordance with a Biodiversity Management and Monitoring Plan (BMMP) and subject to the following conditions:

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

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

2. The development hereby approved shall be carried out in strict accordance with the approved plans listed in Part 3 - Approved Plans.

Plan	Drawing No.	Date Received
G10292-Plot3B-Planp5.mdx		11/01/24
Drainage Report		03/01/24
Drainage and Water Management Strategy		04/12/23
BREAM Pre Assessment Report		28/09/23
Proposed Drainage Scheme	DR-C-2000-P05	03/01/24
Site Sections	DR-A-2700-P2	28/09/23
Site Location Plan	DR-A-0001-P4	28/09/23
Existing Site Plan	DR-A-0101-P2	28/09/23
Proposed Site Plan	DR-A-2001-P14	28/09/23
GA Plan - Warehouse 01 - Level 00 and 01	DR-A-3010-P6	28/09/23
GA Plan - Warehouse 02 - Level 00 and 01	DR-A-3020-P6	28/09/23
GA Plan - Warehouse 03 - Level 00 and 01	DR-A-3030-P6	28/09/23
Warehouse 01 Typical GA Elevations and Sections	DR-A-3610-P5	28/09/23
Warehouse 02 Typical GA Elevations and Sections	DR-A-3620-P3	28/09/23
Warehouse 03 Typical GA Elevations and Sections	DR-A-3630-P5	28/09/23
Detailed Planting Proposals - Sheet 01	5917-93-001-01	28/09/23
Site Plan - External Lighting Layout	C8128-TLP-DR-E-903	28/09/23
Site Plan - Proposed Statutory Authority Combined Site Services Layout	C8128-TLP-DR-ME-901	28/09/23
Landscape Master Plan	02-Rev C	28/09/23
Proposed Levels Layout	DR-Z-2001-P01	28/09/23
Ecology Appraisal		28/09/23

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

3. Prior to the commencement of any part of the development hereby approved, a phasing plan detailing the extent of development within each phase of the overall development shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To establish the extent of development in each phase so that conditions specific to each phase of the development can be discharged accordingly.

4. Prior to commencement of each phase of development as approved under condition 3 and notwithstanding any details of materials submitted with the application 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.

5. Prior to commencement of each phase of development as approved under condition 3 a detailed landscaping scheme relating to that phase of development shall be submitted to and approved in writing by the Local Planning Authority.

No tree shall be felled or hedge removed until the landscape scheme, including any replacement tree and hedge planting, is approved as above.

Any submitted scheme must be shown to comply with legislation protecting nesting birds and roosting bats.

The landscape scheme shall include accurate plan based details of the following:

Trees, hedges and shrubs scheduled for retention.

Details of hard and soft landscaping including planting species, sizes, layout, densities, numbers.

Details of planting procedures or specification.

Finished topsoil levels and depths.

Details of temporary topsoil and subsoil storage provision.

Seeded or turf areas, habitat creation areas and details etc. Details of land and surface drainage.

The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc.

The Local Planning Authority shall be notified in advance of the start on site date and the completion date of all external works.

Trees, hedges and shrubs shall not be removed without agreement within five years.

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

6. Prior to commencement of each phase of development as approved under condition 3 a land contamination scheme relating to that phase of development shall be 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 suitable for use, in accordance with Policy 32 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure that the development can be carried out safely.

7. Prior to commencement of each phase of development as approved under condition 3 a Construction Management Plan relating to that phase of development shall be 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.

8. Prior to commencement of each phase of development as approved under condition 3 a scheme detailing the precise means of broadband connection relating to that phase of development shall be submitted to and agreed in writing by the local planning. Thereafter, the development for that specific phase shall be carried out in accordance with the agreed detail.

Reason: To ensure a high quality of development is achieved and to comply with the requirements of policy 27 of the County Durham Plan.



9. Prior to commencement of each phase of development as approved under condition 3, a tree protection plan shall be submitted to and approved in writing by the Local Planning Authority.

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

10. Remediation works shall be carried out in accordance with the approved remediation strategy. The phased development shall not be brought into use until such time a Phase 4 Verification report related to that phase 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 Policy 32 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

11. Prior to occupation of each individual plot, details of the precise design and location of the solar panels proposed shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter, be carried out in accordance with the approved scheme.

Reason: To comply with requirements to minimise greenhouse gas emissions in line with details set out in policy 29c and d) of the CDP.

12. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in the first available planting season following the practical completion of the development.

No tree shall be felled or hedge removed until the removal/felling is shown to comply with legislation protecting nesting birds and roosting bats.

Any approved replacement tree or hedge planting shall be carried out within 12 months of felling and removals of existing trees and hedges.

Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species.

Replacements will be subject to the same conditions.

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

13. In undertaking the development that is hereby approved:

No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0730 to 1800 on Monday to Friday and 0730 to 1400 on Saturday.

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

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

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

Reason: 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.

14. Notwithstanding the details contained within this application and prior to the installation of any external plant proposed at each individual plot, details of such shall be submitted to and approved in writing by the Local Planning Authority. The external plant shall not exceed more than 40dB LAeq (1 hour) (07:00 - 23:00) above background (which is equal to the existing background of 35dB + 5dB); and no more than 0dB LAeq (15 mins) (23:00 - 07:00) at noise sensitive receptors (which is equal to the existing background of 29dB + 0dB). The development shall thereafter, be carried out in accordance with the approved scheme.

Reason: In the interest of the amenity of existing and future occupants in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

15. The proposal shall be carried out in accordance with the contents of section 6 (Recommendations) of the Ecological Appraisal report prepared by OS Ecology.

Reason: In the interests of protected species in accordance with policy 43 of the County Durham Plan and part 15 of the NPPF.

16. 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 falling within Use Class B2 (Heavy Industry) B8 (Storage and Distribution), Class E(g) (ii) (Research and development of products or processes) and Class E(g) (iii) Industrial processes 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 surrounding area in accordance with Policies 29 and 31 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

17. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges, indicated on the approved tree protection plan as to be retained, are protected by the erection of fencing, placed as indicated on the plan approved under condition 9 and comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar approved in accordance with BS.5837:2010.

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

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

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

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

18. Each individual phase as approved under condition 3 shall not be occupied until details of any external lighting have been submitted to and approved in writing by the Local Planning Authority. 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.

19. Each individual phase as approved under condition 3 shall not be occupied until, details of the surface treatment and construction of all hardsurfaced areas and boundary treatments have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason: In the interests of the visual amenity of the surrounding areas in accordance with Policy 29 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

20. Each individual phase as approved under condition 3 shall be not be occupied until details of all cycle storage compliant with the Council's Parking and Accessibility Standards, has been submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the agreed detail and the approved provision shall be retained for the storage of cycles at all times for the duration of the use hereby approved.

Reason: To encourage sustainable transport modes of travel in accordance with policy 21 of the County Durham Plan and Part 9 of the NPPF.

21. Each individual phase as approved under condition 3 shall be not be occupied until details of bin stores have been submitted to and approved in writing by the Local Planning Authority. The bin stores shall be constructed in accordance with the approved details and be made available prior to the occupation of the development to which they relate.

Reason: In the interests of visual amenity and highway safety in accordance with Policies 21 and 29 of the County Durham Plan and Parts 9, 12 and 15 of the National Planning Policy Framework.

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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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

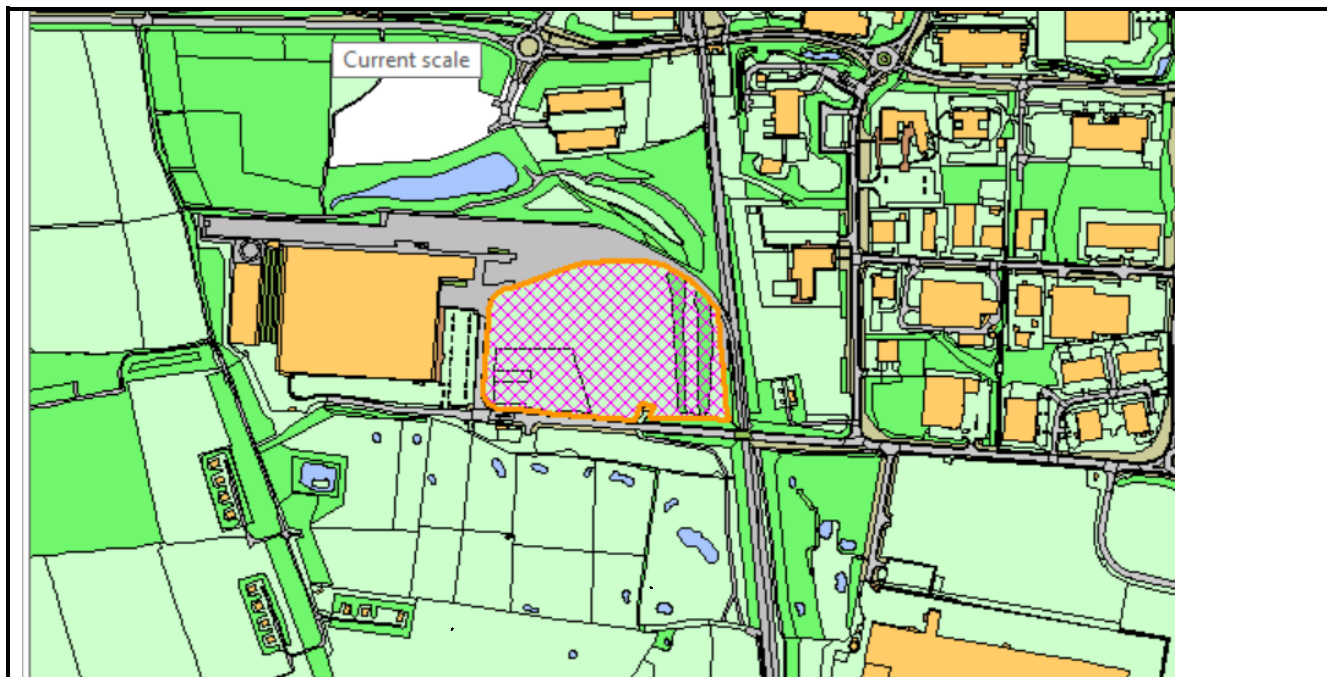
The National Planning Policy Framework (2021)

National Planning Practice Guidance Notes

County Durham Plan

Parking and Accessibility Supplementary Planning Document 2023

Statutory, internal and public consultation responses



<p><b>Planning Services</b></p>	<p>Erection of industrial buildings including ancillary office space together with associated works at Plot 3B Merchant Park Millennium Way, Aycliffe Business Park DL5 6UG Application Reference: DM/23/02905/FPA</p>	
<p>This map is based upon Ordnance Survey material with the permission of 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 2005</p>	<p><b>Date:</b> February 2024</p>	<p><b>Scale</b> NTS</p>