

## COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	<b>DM/19/01316/FPA</b>
<b>FULL APPLICATION DESCRIPTION:</b>	<b>Erection of 7 units (5 buildings) for B2/B8 industrial use with integrated offices and associated service yards, car parking and landscaping</b>
<b>NAME OF APPLICANT:</b>	<b>Buckinghamshire Properties Limited</b>
<b>ADDRESS:</b>	<b>Jade Business Park Phase 1, Jade Enterprise Zone, Murton, SR7 8RN</b>
<b>ELECTORAL DIVISION:</b>	<b>Murton</b>
<b>CASE OFFICER:</b>	<b>Laura Eden</b> <b>Senior Planning Officer</b> <b>03000 263980</b> <a href="mailto:laura.eden@durham.gov.uk">laura.eden@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 broadly rectangular in shape and comprises of approximately 5.1 hectares of grassland in addition to some existing infrastructure provision. It is located approximately 1km south of Murton, 1.3km to the north east of South Hetton and 1.3km to the south west of Dalton Park comprising of land associated with the former Hawthorn coke works. The site forms part of a wider area which benefits from extant planning permission for industrial use (originally granted in 2005, amended in 2012). Works to remediate the site commenced in 2007 and in 2011 the access road leading to the site from A182 was completed. Structural planting belts were also created predominantly to the northern and southern site boundaries.
2. Vehicular access into the site is taken directly off the A182 via an existing, as yet unopened, access road which leads to the development site. The A182 connects to the A19 to the east, via a dumbbell roundabout arrangement which provides access to Seaham, Dawdon and Parkside in addition to the wider highway network. The A182 junctions with the B1285 to the north and provides access to the residential areas of Murton and South Hetton in addition to the A690 and A1 (M) to the west. A public bridleway (BW 29 Murton) crosses through the site (approx. E-W direction). A Sustrans National Cycle Network route (NCN1) also lies within close proximity to the site.
3. Two Sites of Special Scientific Interest (SSSIs) lie in close proximity of the development site with Hesleden Moor East lying approximately 460m to the east and Hesledon Moor West being located approximately 480m to the west. There are Local Wildlife Sites at Coop House Wood (two sites approximately 130m to the south and 420m to the east) and Hesledon Moor West (approximately 370m to the west). Hawthorn Conservation Area, containing a number of Grade II listed buildings, is located approximately 2.3km

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

## The Proposal

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

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## **PLANNING HISTORY**

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

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

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## PLANNING POLICY

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### NATIONAL POLICY

10. A revised National Planning Policy Framework (NPPF) was published in July 2018 (with updates since). The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
11. In accordance with Paragraph 213 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
12. *NPPF Part 2 - Achieving Sustainable Development.* The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
13. *NPPF Part 4 - Decision-making.* Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
14. *NPPF Part 6 – Building a strong, competitive economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
15. *NPPF Part 8 – Promoting healthy and safe communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. *Developments* should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.

16. *NPPF Part 9 – Promoting sustainable transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
17. *NPPF Part 11 – Making effective use of land.* Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
18. *NPPF Part 12 – Achieving well-designed places* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
19. *NPPF Part 14 – Meeting the challenge of climate change, flooding and coastal change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
20. *NPPF Part 15 - Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
21. *NPPF Part 16 - Conserving and Enhancing the Historic Environment* - Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

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

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

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

## LOCAL PLAN POLICY:

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

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

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

#### **EMERGING PLAN:**

##### The County Durham Plan

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

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## **CONSULTATION AND PUBLICITY RESPONSES**

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#### **STATUTORY RESPONSES:**

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

## INTERNAL CONSULTEE RESPONSES:

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

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

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

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

#### **PUBLIC RESPONSES:**

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

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

## **APPLICANTS STATEMENT:**

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

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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67. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with advice within the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to: the principle of the development, locational sustainability of the site, highway safety and access, impact on the character of the surrounding area, layout and design, residential amenity, ecology, flooding and drainage, heritage and archaeology and other matters.

### The Principle of the Development

68. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The District of Easington Local Plan (DELP) remains the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF.
69. The DELP was adopted in 2001 and was intended to cover the period to 2006. However, NPPF Paragraph 213 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Notwithstanding this, it is considered that a policy can be out-of-date if it is based upon evidence which is not up-to-date/is time expired depending on the circumstances. Paragraph 213 also sets out that due weight should be given to existing policies, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

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

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

75. Whilst planning permission was originally granted in 2007 (PLAN/2005/0955 and later varied as part of 5/PL/2011/0473) for industrial uses (B1, B2 and B8) the majority of the site remains largely undeveloped. Although this application represents a smaller part of the wider site, it will potentially provide the catalyst to encourage further development on the remainder of the site. A potential occupier is already in place for Unit 4000 who currently employ 65 staff with the potential to expand to circa 75-80 staff on relocation. The planning statement which accompanies the application estimates that Jade Business Park Phase 1 could deliver the following economic benefits during the construction and operation phase on the assumption that the total floorspace for B2/B8 uses:
- An estimated £10 million in capital investment;
  - Support 100 temporary direct construction jobs throughout the build period;
  - Support a further 150 indirect/induced jobs in the construction industry supply chain and related services throughout the build period;
  - Deliver a temporary uplift in economic output (measured in terms of Gross Value Added) of £10.9 million per annum throughout the build period;
  - Support the creation of approximately 260 direct FTE jobs;
  - Deliver an uplift in direct Gross Value Added of £12.8 million per annum; and
  - Support a further 115 multiplier FTE jobs across the local area and wider region.
76. Whilst the local plan policy most relevant to the determination of this application was not saved (Policy 50), the proposal draws support from national policy as well as emerging local policy and the supporting evidence. A material consideration is that the site already benefits from an implemented consent for industrial use
77. Policy 50 and 30 were not saved, Policies 1(i) and 3 are considered to be out of date and remaining policies within the DELP of relevance to the site are considered to relate to specific matters rather than influencing the principle of the development. The acceptability of the development must, therefore, be considered in the context of Paragraph 11(d) of the NPPF. Paragraph 11 sets out that planning permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provide clear reasons for refusing the development proposed; or, any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
78. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means:-
- c) approving development proposals that accord with an up to date development plan without delay; or
  - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or,
  - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
79. The acceptability of the proposed development rests on whether any adverse impacts of approving the development would significantly and demonstrably outweigh the benefits or whether there are any specific policies in the NPPF that indicate development should be restricted. Clearly, this assessment can only be considered following an examination of all of the issues within the planning balance.

#### Locational Sustainability of the Site

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

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

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

#### Highway Safety and Access

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

access to the site can be achieved for all users; and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. NPPF Paragraph 109 then advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

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

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

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

also states that planning decisions should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit. Due to their compliance with the NPPF significant weight can be afforded to DELP Policies 1 and 35 in this respect.

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

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

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

#### Residential Amenity

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

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

## Ecology

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

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

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

#### Flooding and drainage

116. National advice within the NPPF and PPG with regard to flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to flood zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment.
117. The application is accompanied by a Flood Risk Assessment and Surface Water Management Strategy report which highlights that the application site is within Flood Zone 1 with a low flood risk probability. The drainage strategy has been amended to take account of the most recent comments from the Council's Drainage and Coastal Protection section and includes measures to improve the water quality ensuring insignificant levels of pollution leave the site. These requirements can be secured by condition. Northumbrian Water raise no objections subject to the imposition of a condition.
118. In relation to foul water, it is proposed to connect to the existing sewerage network, to which Northumbrian Water raise no objections.
119. On this basis no objections to the development on the grounds of flood risk or drainage are raised having regards to Part 14 of the NPPF.

#### Heritage and Archaeology

120. The Council's Archaeologist notes that the site has been extensively quarried and so any below ground remains will have been destroyed. On this basis no objection is raised and no further work is required. The proposal is therefore considered to comply Paragraph 189 of the NPPF.
121. There are no designated or non-designated heritage assets within close proximity of the development site. Hawthorn Conservation Area, containing a number of Grade II listed buildings, is located approximately 2.29km to the east of the proposed built development. The nearest listed building to the site is the Grade II Church of The Holy Trinity, 870m to the north of the site. The Planning (Listed Buildings and Conservation Areas) Act imposes a statutory duty that, when considering whether to grant planning permission for a development which affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting or any

features of special architectural or historic interest which it possesses. Any such harm must be given considerable importance and weight by the decision maker.

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

#### Other Issues

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

#### Planning Balance

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

#### *Benefits*

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

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

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

#### *Adverse Impacts*

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

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## **CONCLUSION**

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133. Section 38(6) of the Town and Country Planning Act states that planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise.
134. Policy 50 supported the reclamation and redevelopment of the former Hawthorn Cokeworks site to provide open space, landscaping and a prestige industrial estate including B1 (business), B2 (general industry) and B8 (warehousing). Policy 30 (ii) also supported the reclamation of the site. Both policies were not saved, Policies 1(i) and 3 are considered to be out of date and remaining policies within the DELP of relevance to the site are considered to relate to specific matters rather than influencing the principle of the development.
135. The NPPF forms a material consideration and states at paragraph 11 that plans and decisions should apply a presumption in favour of sustainable development, and that for decision making this means:
- c) approving development proposals that accord with an up to date development plan without delay; or
  - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
    - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or,
    - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

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

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## **RECOMMENDATION**

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

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

and subject to the following conditions:

### **Time Full**

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

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

### **Plans**

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

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

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

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

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

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

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

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

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

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

### **Construction Traffic Management Plan**

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

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

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

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

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

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

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

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

### **Tree Protection Plan**

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

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

### **Landscape Scheme**

7. No development, other than site remediation works, shall commence until a detailed landscaping scheme including details of the biodiversity mitigation measures has been submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include the following.
  - Trees, hedges and shrubs scheduled for retention.
  - Details of hard and soft landscaping including planting species, sizes, layout, densities, numbers.
  - Details of planting procedures or specification.
  - Finished topsoil levels and depths. - Details of temporary topsoil and subsoil storage provision.
  - Seeded or turf areas, habitat creation areas and details etc.

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

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

Any trees or plants which die, fail to flourish or are removed within 5 years of completion of the development shall be replaced in the next planting season with others of similar size and species. Replacements will be subject to the same conditions.

*Reason: In the interests of the visual amenity of the area and to comply with Policies 1 and 35 of the District of Easington Local Plan and Parts 12 and 15 of the National Planning Policy Framework.*

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

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

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

### **Travel Plan**

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

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

### **Landscape Maintenance**

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

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

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

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

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

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

### **Noise Validation Report**

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

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

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

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

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

### **Surface Water Drainage**

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

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

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

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

### **Ecology Mitigation**

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

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

### **Working Hours**

15. No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1400 on Saturday.

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

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

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

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

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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

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## **BACKGROUND PAPERS**

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



**Durham**  
County Council

**Planning Services**

Ref: DM/19/01316/FPA

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

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**Comments**

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

**Scale** Not to Scale