

Regeneration and Local Services
 Durham County Council
 Planning Development (Strategic)
 Room 4/123-128, County Hall, Durham DH1 5UL Main
 Telephone: 03000 262 830



APPROVAL OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

Application Number: **DM/19/01316/FPA**

Applicant

Buckinghamshire Properties Limited
 Mr Guy Marsden
 36/38 Berkeley Square
 London
 W1J 5AE

Agent

Frank Shaw Associates
 Mr David Willis
 Penmore House
 Hasland
 Chesterfield
 Derbyshire
 S41 0SJ

PART 1 – PARTICULARS OF THE APPLICATION

Proposed: Erection of 7 units (5 buildings) for B2/B8 industrial use with integrated offices and associated service yards, car parking and landscaping

At: Jade Business Park Phase 1
 Jade Enterprise Zone
 Murton
 SR7 8RN

Date of Application: 25 April 2019

PART 2 – PARTICULARS OF DECISION

The **Durham County Council** hereby give notice in pursuance of the Town and Country Planning Act 1990 that planning permission has been **GRANTED** for the carrying out of the development referred to in Part 1 hereof in accordance with the application and plans submitted subject to the following conditions and reasons:

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.

Reason: To define the consent and ensure that 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.

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.

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.

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.

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.

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.

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.

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.

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 Sedgefield Borough Local Plan and Parts 12 and 15 of the National Planning Policy Framework.

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.

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.

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.

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.

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.

PART 3 – APPROVED PLANS

Plan	Drawing No.	Date Received
bin store type 1 plan and elevations	0104 Rev. P01	23/04/19
bin store type 2 plan and elevations	0105 Rev. P01	23/04/19
cycle shelters	0106 Rev. P01	23/04/19
landscape strategy plan	0108 Rev. P01	23/04/19
Plot 1000 (units 1100/1200) ground floor plan	1010 Rev. P01	23/04/19
Plot 1000 (units 1100/1200) first floor plan	1011 Rev. P01	23/04/19
Plot 1000 (units 1100/1200) roof plan	1012 Rev. P01	23/04/19
Plot 1000 (units 1100/1200) office plans	1013 Rev. P01	23/04/19
Plot 1000 (units 1100/1200) elevations	2010 Rev. P01	23/04/19
Plot 1000 (units 1300/1400) ground floor plan	1020 Rev. P02	23/04/19
Plot 1000 (units 1300/1400) first floor plan	1021 Rev. P02	23/04/19
Plot 1000 (units 1300/1400) roof plan	1022 Rev. P02	23/04/19
Plot 1000 (units 1300/1400) office plans	1023 Rev. P01	23/04/19
Plot 1000 (units 1300/1400) elevations	2020 Rev. P02	23/04/19
Plot 2000 ground floor plan	1030 Rev. P02	23/04/19
Plot 2000 first floor plan	1031 Rev. P02	23/04/19
Plot 2000 roof plan	1032 Rev. P02	23/04/19
Plot 2000 office plans	1033 Rev. P02	23/04/19
Plot 2000 elevations	2030 Rev. P02	23/04/19
Plot 3000 ground floor plan	1040 Rev. P02	23/04/19
Plot 3000 first floor plan	1041 Rev. P02	23/04/19
Plot 3000 roof plan	1042 Rev. P02	23/04/19
Plot 3000 office plans	1043 Rev. P02	23/04/19
Plot 3000 elevations	2040 Rev. P02	23/04/19
Plot 4000 ground floor plan	1050 Rev. P05	23/04/19
Plot 4000 first floor plan	1051 Rev. P04	23/04/19
Plot 4000 roof plan	1052 Rev. P03	23/04/19
Plot 4000 office plans	1053 Rev. P07	23/04/19
Plot 4000 elevations	2050 Rev. P04	23/04/19
Section 104 proposed surface and foul water drainage	PI/HHAW/500/014	23/04/19
Light pollution study	BSXX(63)1001	24/05/19
Geoenvironmental Appraisal report by Dunelm Geotechnical and Environmental	report no. D8669/01	04/09/18
	1014936.RPT.GL.00	16/04/19
Preliminary Geoenvironmental Assessment (Phase 1 Desk Study) doc. by Cundall	1 Rev B	02/05/19
	ref. D8669/GRA	04/06/19
Gas Risk Assessment letter by Dunelm Geotechnical and Environmental	ref.	13/06/19
	1014936.RPT.GL.00	17/06/19
Detailed Remediation and Verification and Verification Strategy doc.	3	18/06/19
Articulated vehicle tracking for secondary access	0100 Rev. P04	23/04/19
Location Plan	0111 Rev. P01	
Extended location plan	1012 Rev. P03	
site plan		

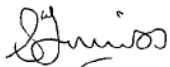
STATEMENT OF PROACTIVE ENGAGEMENT

1. The Local Planning Authority in arriving at its decision to approve the 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) of the Town and Country Planning (Development Management Procedure) (England) Order 2015

SIGNATURE

Signed:

Date: 12 July 2019



S Timmiss
Head of Development and Housing

INFORMATIVES

Coal Authority Standing Advice

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

Standing Advice valid from 1st January 2019 until 31st December 2020

IMPORTANT NOTICE
THIS PERMISSION IS NOT VALID UNLESS THE CONDITIONS LISTED ARE COMPLIED WITH

NOTES TO APPLICANT

Further Information

This certificate is issued under the Town and Country Planning Acts and Orders and does not constitute a permission, approval or consent for any other purpose. Applications must therefore be made for any other permission, approval or consent (including Building Regulations approval or the approval of the Council as ground landlord where appropriate) which may be necessary in connection with the proposed development or anything incidental thereto, or the use to be made of the premises which form the subject of such development. Further approval of this local planning authority must be obtained for any subsequent alterations to the approved plans.

Appeals to the Secretary of State

* If the applicant is aggrieved by the decision of the Council to refuse permission, they may appeal under Section 78 of the Town and Country Planning Act 1990, within six months of the date of this notice. In the case of 'Householder' or some forms of minor commercial development, the appeal must be made within 12 weeks of the date of this notice. If an enforcement notice relates to the site, there may be a shorter period for making the appeal. Please contact us for further advice.

Purchase Notice

* If the local planning authority or Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

* In these circumstances, the owner may serve a purchase notice on the Council. This will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Compensation

* In certain circumstances compensation may be claimed from the local planning authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application.

* These circumstances are set out in Part IV and related provisions of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.

Public Rights Of Way

This planning permission does not convey any rights to stop up, divert, obstruct or otherwise effect public rights of way, and appropriate orders must be sought for these purposes before any development starts.

The Definitive Map of Public Rights of Way can be viewed at www.durham.gov.uk.

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NOTIFICATION OF COMMENCEMENT OF DEVELOPMENT

Planning Reference: DM/19/01316/FPA
Address of Works: Jade Business Park Phase 1 Jade Enterprise Zone Murton
SR7 8RN
Case Officer: Laura Eden

I confirm that the above development will begin on site on: _____

and end approximately on: _____

Name (please print) _____

Signed: _____ Date: _____

Contact Tel No: _____

Submission of this notice will allow us to help you by monitoring your development effectively. Please return it at least 2 weeks before work begins on site to planning@durham.gov.uk or the address above.

IMPORTANT INFORMATION

There may be a number of conditions attached to your planning permission. Please read this carefully and note those details which require the approval of Durham County Council before your development begins on site. It is particularly important that these conditions are fully complied with as failure to do so may have the effect of invalidating your planning permission. The approval of a further planning application would then be necessary in order for you to proceed with the development.

Once the development has commenced the Monitoring and Enforcement Officer may inspect the site to ensure that the requirements of all conditions are fully met and that your approved plans are being precisely followed. In the event of any non-compliance Durham County Council will consider the taking of enforcement action to remedy the situation.

Thank you for your co-operation