

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/21/01744/FPA
APPLICATION DESCRIPTION:	Installation of photovoltaic system to warehouse roof and associated works
NAME OF APPLICANT:	Zestec Asset Management
ADDRESS:	Amazon UK Services, Unit 1 Integra 61 West, Bowburn, Durham, DH6 5FG
ELECTORAL DIVISION:	Coxhoe
CASE OFFICER:	Henry Jones Principal Planning Officer 03000 263960 henry.jones@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application relates to the existing Amazon warehouse and distribution building at the Integra 61 development on the outskirts of Bowburn. The site boundary conforms with the building boundary and covers an area of approximately 4.5ha.
2. The Amazon building itself is located within Phase 3 of the wider Integra 61 site, located at the southern end of the overall development and just north of Tursdale Business Park. The building itself comprises of approximately 186,660m² of floorspace set across four storeys with a main height of 22.9m to the top of the parapet albeit with further staircase and rooftop plant features detailed which reach 25.6m.
3. The site contains no statutory or locally designated landscapes or ecological sites, no heritage assets and, there are no designated public rights of way within the site.

The Proposal

4. The application seeks planning permission for the provision of a photo voltaic (PV) system to the Amazon building. The application submits that the proposed PV system

would generate approximately 3,500kWp (the kilowatt peak power of the system) and that the energy produced could be utilised directly by the Amazon building or directed back into the National Grid. A total of 9,072 individual PV modules are proposed and would be sited on the Amazon building roof. The PV modules are proposed to be set at a 10 degree angle. Each PV module measures approximately 1.8m x 1m with a height of 0.3m.

5. Associated electrical and plant works are also proposed to the southern and northern elevations of the building. Cabling would connect the PV modules to inverters, isolators and switchboard equipment, running down and along sections of the building. The cabling would be housed in heavy duty cable trunking and cabling trays which would vary in width to a maximum of 800mm. The run of inverters and isolators on the southern elevation of the building would be housed within a wire mesh enclosure with canopy above which would have a total width of approximately 30.2m, height of 3m and projection off the elevation of 1.5m.
6. On the northern side of the building, adjacent to an existing switch/plant room further cable trunking is proposed, together with further inverters and isolators, albeit smaller in scale on this northern side. The largest of the mesh enclosures in this location would be approximately 6m in width with a height of approximately 1.7m and projection off the elevation of 0.6m. Further equipment in the form of AC combiner panels, cabling and inverters would be located within the switch/plant room itself.
7. The application is being reported to the County Planning Committee as it comprises a major non-residential development on a site in excess of 2ha.

PLANNING HISTORY

8. The wider Integra 61 development gained planning permission in February 2017 when outline planning permission with all matters reserved (except for access details of roundabout and internal distributor road) was granted for a maximum of the following; 270 dwellings (class C3), a 70 bed hotel (class C1), a 60 bed residential care home (class C2/C3), a 3.96ha solar farm, change of use of 710m² of agricultural land to residential garden space, 170,859m² of general industrial, storage and distribution (class B2/B8), 1,858m² of restricted goods retail (class A1), 409m² restaurant/café/takeaway (class A3/A5), 613m² public house (class A4), 450m² childrens nursery (class D1), 400m² GP surgery (class D1) and 1860m² car showroom (class sui generis) (DM/15/03912/OUT).
9. This planning permission was varied in August 2018 so as to permit an increase in the general industrial, storage and distribution (class B2/B8) floorspace to 279,252m² and associated amendments (DM/18/01597/VOC).
10. Reserved matters approval for the Amazon building and associated works was also granted in August 2018 (DM/18/01618/RM).
11. Reserved matters approval has been granted for a range of development on the wider Integra 61 development since the original February 2017 permission including for 170 dwellings, further industrial and warehousing development and two drive-thru café units.

PLANNING POLICY

NATIONAL POLICY

12. A revised National Planning Policy Framework (NPPF) was published in July 2021. The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
13. The following elements of the NPPF are considered relevant to this proposal.
14. *NPPF Part 2 - Achieving Sustainable Development.* The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
15. *NPPF Part 4 - Decision-making.* Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
16. *NPPF Part 6 – Building a strong, competitive economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
17. *NPPF Part 8 – Promoting healthy and safe communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
18. *NPPF Part 9 – Promoting sustainable transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
19. *NPPF Part 11 – Making effective use of land.* Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
20. *NPPF Part 12 – Achieving well-designed places* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
21. *NPPF Part 14 – Meeting the challenge of climate change, flooding and coastal change* - The planning system should support the transition to a low carbon future in a changing

climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

22. *NPPF Part 15 - Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
23. *NPPF Part 16 - Conserving and Enhancing the Historic Environment* - Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.
24. *NPPF Part 17 - Facilitating the sustainable use of minerals*. It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.

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

25. 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; climate change; determining a planning application; historic environment; natural environment; neighbourhood planning; renewable and low carbon energy and; use of planning conditions.

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

LOCAL PLAN POLICY:

The County Durham Plan (CDP)

26. *Policy 2 – Employment Land* supports business, general industrial and storage and distribution development within specified employment allocations and also protects other existing employment sites from being changed to non-employment uses, unless appropriate marketing has been undertaken or that the use would not compromise the main employment use and would comply with retail Policy 9 where main town centre uses are being proposed. Where a non-employment development is proposed on the protected employment sites, any existing jobs on site must be relocated. Specific further protection and safeguarding is outlined for land north of NETpark, at Integra 61 and Project Genesis, Consett.
27. *Policy 21 - Delivering Sustainable Transport*. Requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and

direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development should have regard to Parking and Accessibility Supplementary Planning Document.

28. *Policy 23 - Allocating and Safeguarding Transport Routes and Facilities.* Safeguards the Leamside Line and Bowburn Industrial Estate Access Road and advises that development that would prevent the future development of the allocated and safeguarded transport routes and facilities will not be permitted.
29. *Policy 25 - Developer Contributions.* Advises that any mitigation necessary to make the development acceptable in planning terms will be secured through appropriate planning conditions or planning obligations. Planning conditions will be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations must be directly related to the development and fairly and reasonably related in scale and kind to the development.
30. *Policy 26 – Green Infrastructure.* States that development will be expected to maintain and protect, and where appropriate improve, the County’s green infrastructure network. Advice is provided on the circumstances in which existing green infrastructure may be lost to development, the requirements of new provision within development proposals and advice in regard to public rights of way.
31. *Policy 28 – Safeguarded Areas.* Within safeguarded areas development will be subject to consultation with the relevant authority and will be permitted where it can be demonstrated that it would unacceptably adversely affect public safety, air traffic safety, the operation of High Moorsely Meteorological Officer radar.
32. *Policy 29 – Sustainable Design.* Requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out detailed criteria which sets out that where relevant development is required to meet including; making a positive contribution to an areas character and identity; provide adaptable buildings; minimise greenhouse gas emissions and use of non renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; providing suitable landscape proposals; provide convenient access for all users; adhere to the Nationally Described Space Standards (subject to transition period).
33. *Policy 31 - Amenity and Pollution.* Sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that they can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.
34. *Policy 33 - Renewable and Low Carbon Energy.* This policy supports renewable and low carbon energy development in appropriate locations. In determining planning applications for such projects significant weight will be given to the achievement of wider social, environment and economic benefits.

35. *Policy 39 – Landscape.* Proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate mitigation measures where adverse impacts occur. Development affecting Areas of Higher landscape Value will only be permitted where it conserves and enhances the special qualities, unless the benefits of the development clearly outweigh its impacts.
36. *Policy 41 - Biodiversity and Geodiversity.* Restricts development that would result in significant harm to biodiversity or geodiversity and cannot be mitigated or compensated. The retention and enhancement of existing biodiversity assets and features is required as are biodiversity net gains. Proposals must protect geological features, have regard to Geodiversity Action Plans and the Durham Geodiversity Audit and where appropriate promote public access, appreciation and interpretation of geodiversity.
37. *Policy 43 - Protected Species and Nationally and Locally Protected Sites.* Development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided or the proposal meets licensing criteria in relation to European protected species.
38. *Policy 44 - Historic Environment.* Seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets. The policy advises on when harm or total loss of the significance of heritage assets can be accepted and the circumstances/levels of public benefit which must apply in those instances.
39. *Policy 45 - Durham Castle and Cathedral World Heritage Site.* Requires development within the World Heritage Site and its setting to sustain and enhance the significance of the designated asset. Any harm will not be permitted other than in wholly exceptional circumstances.

NEIGHBOURHOOD PLAN POLICY:

The Cassop-cum-Quarrington Neighbourhood Plan (CCQNP)

40. *Policy CCQ3 - Locally Valued Heritage Assets.* Seeks to conserve a selection of locally designated heritage assets in a manner appropriate to their significance and support their enhancement.
41. *Policy CCQ4 – Achieving Beautiful and Successful Development.* Seeks to ensure that development delivers beauty and successful place-making and is efficient in terms of functionality and use of resources

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

42. *Highway Authority* – Raise no objections, the application raises no highway safety implications.
43. *Network Rail* - Raise no objections nor any observations on the development.

INTERNAL CONSULTEE RESPONSES:

44. *Design and Conservation* – Raise no objections. The proposed solar array would not significantly change the overall visual impact of the existing building, which was assessed as part of the original proposals and therefore, there are no concerns from a design and conservation perspective.
45. *Ecology* – Raise no objections, the development raises no ecological considerations.
46. *Environment, Health and Consumer Protection (Pollution Control)* – Raise no objections. The proposal itself is not sensitive and the nearest sensitive receptors to the site are a significant distance away. Considering the significant distance to the nearest sensitive receptor, any increase in noise as a result of the operation of the solar panels would likely be inconsequential to the amenity of sensitive receptors.
47. The information submitted demonstrates that the application complies with the thresholds stated within the Technical Advisory Notes (TANS). This would indicate that the development will not lead to an adverse impact.
48. *Landscape* – Raise no objections. The Amazon building is overlooked from the higher ground of the Limestone Escarpment including the Limestone Escarpment Ridge to the south and the southern spurs of the Northern Limestone Escarpment to the east. Receptors in that area include properties in parts of Ferryhill, Cornforth, Coxhoe, Quarrington Hill, minor roads, public rights of way and Local Nature Reserves (Crow Trees and Coxhoe Quarry Wood). Whilst there may be a degree of reflection from the roof mounted solar panels in certain weather conditions, it is considered that there would not be a significant increase in landscape or visual harm from the proposals.

PUBLIC RESPONSES:

49. The application has been advertised by way of a press and site notice, individual notification letters to neighbouring residents and publication on the weekly list of planning applications.
50. A total of 4 representations have been received. Of the representations received 2 are in support of the proposals, 1 in objection and 1 a neutral comment with queries. The comments received are summarised below.

Support

51. *Bowburn & Parkhill Community Partnership* support the proposals and consider planning permission should be granted.
52. *The Campaign to Protection Rural England (CPRE)* support the proposals and cite that CPRE have regularly commented that PV should be utilised on large commercial buildings which will help protect greenfield, agricultural land from such development. It is appreciated that there may still be concerns relating to certain issues such as glint and glare, however, the comments about this in the application are noted and it is accepted that this is not likely to be an issue on this building given its location.

Objection

- Objection is raised to any further development at Amazon on the grounds that it is already a blot on the landscape which creates light pollution harming residential amenity

Neutral

- Note that the plans propose roof mounted air handling units (AHU), the visual impacts of these are queried and it is questioned whether their scale could be reduced
- It is queried whether any glint or glare would result from the PV

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:

53. The Applicant has supported the application with both a Design and Access Statement and Planning Statement.
54. The Applicant highlights that naturally, the scale of Amazon's global operations means that they as a company represent an extremely large contributor of global emissions. Schemes such as this proposed represent one commitment from Amazon towards using its commercial warehouse buildings as an opportunity to produce clean, renewable energy both to power their operations and increase the share of renewable energy in the national grid. This proposal should be considered in the context of a move more generally toward greater environmental sustainability across all of Amazon's national and international operations.
55. Emphasis is placed on the specific design and context of this proposal which mitigates the impact of the PV installation. The citing, high of the Amazon warehouse roof, ensures that the PV system itself will be obstructed from public view and therefore removes the risks of solar glare and damage to the natural beauty/visual beauty of the area.
56. At this stage, whether the clean energy that will be produced by the PV system will be used directly by Amazon or utilised by the National Grid is unknown, however, it results in a reduced reliance on polluting energy and aids to edge the UK further towards energy sustainability and net zero emissions which the Government has, by law, committed to achieving by 2050.
57. The proposal represents efficient use of previously developed land and complies with all relevant national and local policy, and it is therefore respectfully requested that the application is approved without delay.

PLANNING CONSIDERATIONS AND ASSESSMENT

58. 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; visual, landscape and heritage impact; and pollution and amenity. Other matters are also discussed.

The Principle of the Development

The Development Plan

59. The County Durham Plan (CDP) is the statutory development plan and the starting point for determining applications. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035.
60. 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.
61. Paragraph 12 of the NPPF sets out that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
62. CDP Policy 2 relates to employment land. Policy 2 advises upon and provides guidance in relation to employment allocations for future development, safeguarded employment land for future expansion beyond the Plan period and existing, protected employment sites. The application site is allocated for employment purposes under Policy 2, part of a wider allocation at Integra 61. Further land is also safeguarded for the future expansion of Integra 61 beyond the Plan period.
63. Policy 2 advises that undeveloped land within employment sites are allocated for Business, General Industrial and Storage and Distribution uses. As the application relates to adding PV equipment to an existing building, this advice in respect to undeveloped plots of land is not applicable to the circumstances of the application.
64. CDP Policy 2 advises that development for non-employment uses on protected employment sites will not be permitted unless;
 - a. there is documented evidence of unsuccessful active marketing for employment use with at least one recognised commercial agent at local market levels, over a continuous period of at least 12 months for a change of use of a property, 2 years for the redevelopment of a protected site and development of an allocated site below 10ha and 5 years for the development of a plot of land on an allocated site of greater than 10ha; or

b. the proposed use would not compromise the main use of the site for B class uses and would comply with Policy 9 (Retail Hierarchy and Town Centre Development) where main town centre uses are proposed

65. As the proposal would not involve development on undeveloped land within the employment allocation, no land reserved for employment would be lost to the development. The proposal would add development to an existing building and plot. As a result, the proposed development would not compromise the main use of the site for employment purposes and the principle of the development would comply with CDP Policy 2.
66. CDP Policy 33 relates to renewable and low carbon energy proposals. The Policy advises that significant weight will be given to the achievement of wider social, environmental and economic benefits. The Policy also advises that proposals should include details of associated developments including access roads, transmission lines, pylons and other ancillary buildings (as necessary). Where relevant, planning applications will also need to include a satisfactory scheme to restore the site to a quality of at least its original condition once operations have ceased. Where necessary, this will be secured by bond, legal agreement or condition.
67. Paragraph 158 of the NPPF states that when determining planning applications for renewable and low carbon development, local planning authorities should:
- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
 - b) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.
68. Further guidance is provided within the Planning Practice Guidance (PPG) which amongst its advice emphasises that increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses.
69. Furthermore Part 11 of the NPPF relates to making effective use of land and paragraph 120 seeks to encourage the multiple benefits from land and gives substantial weight to the value of using brownfield land within settlements for identified needs.
70. The thrust of key Development Plan and national planning guidance is therefore positive, in principle terms, towards renewable energy proposals and the potential multiple benefits which they can bring. No harm to Integra 61 as an allocated employment site is identified. The acceptability of the proposal is therefore considered to rest with the detailed issues relating to the scheme and whether the impacts it results in are or can be made acceptable.

Visual, Landscape and Heritage Impact

71. Policy 39 of the County Durham Plan states proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals would be expected to incorporate appropriate measures to mitigate adverse landscape and visual

effects. Policy 26 outlines, amongst its advice, that developments should incorporate appropriate green infrastructure which maintains and improves landscape character. Any new green infrastructure should be appropriate to its context. Relevant advice within CDP Policy 29 includes that new development proposals are required to achieve well designed places, contributing positively to an area's character and respect attractive views. Parts 12 and 15 of the NPPF promotes good design and sets out that the planning system should contribute to and enhance the natural and local environment.

72. CCQNP Policy CCQ4 seeks to ensure that development delivers beauty and successful place-making and is efficient in terms of functionality and use of resources. Under the Policy, development is required to consider a number of maxims which in summary guide to development to achieve the following; be appealing and foster a sense of delight and wellbeing; have a positive and coherent identity and character; enhance the positive qualities of the site and setting and improve negative ones; and be efficient in terms of functionality and resource use.
73. In regard to heritage, Policy 44 is the dedicated heritage policy within the CDP. Policy 44 sets out that development will be expected to sustain the significance of designated and non-designated heritage assets, including any contribution made by their setting. Development proposals should contribute positively to the built and historic environment and should seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets whilst improving access where appropriate. Consistent with Part 16 of the NPPF, Policy 44 similarly advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. CDP Policy 45 specifically relates to the Durham Castle and Cathedral World Heritage Site and advises that any development within its setting should sustain and enhance the significance of the designated asset whilst any harm will not be permitted other than in wholly exceptional circumstances.
74. CCQNP Policy CCQ3 Seeks to conserve a selection of locally designated heritage assets in a manner appropriate to their significance and support their enhancement. The identified locally valued heritage assets comprise of; Bowburn School; The Hemmel, Old Cassop; WW2 Air Raid Shelter, Parkhill; Colliery Winding Building, Crow Trees Local Nature Reserve; and Former School (School Villas), Tursdale.
75. Furthermore, the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty that, when considering whether to grant planning permission for a development which affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Any such harm must be given considerable importance and weight by the decision-maker. Under the Act, special attention to the desirability of preserving or enhancing the character and appearance of a conservation area must be equally considered.
76. Focusing firstly on the broad landscape and visual impacts of the rooftop PV modules, Landscape are a key consultee and have raised no objections. Landscape Officers highlight that the Amazon building is overlooked from the higher ground of the Limestone Escarpment in the vicinity of the site, including the Limestone Escarpment Ridge to the south and the southern spurs of the Northern Limestone Escarpment to the east. Receptors in that area include properties in parts of Ferryhill, Cornforth, Coxhoe, Quarrington Hill, minor roads, public rights of way and Local Nature Reserves (Crow Trees and Coxhoe Quarry Wood). Officers note that the Amazon building is also

commonly viewed by many from the A1(M) including when travelling northbound on higher ground to the south.

77. Landscape advise that whilst on higher ground there may be a degree of reflection from the roof mounted solar panels in certain weather conditions and thereby some visual impact could result. However, their conclusions are that no impact would be significantly harmful.
78. On lower ground and in the more immediate environs of the building, due a combination of the buildings significant height, incorporation of a rooftop parapet, height of the PV modules themselves and screening impacts of rooftop plant, the PV modules would not be visible.
79. In the more immediate environs of the building the greater visual impact would stem not from the PV modules themselves but the associated supporting infrastructure. On the north facing side of the building the impact of the mesh metal enclosed isolators and inverters and cabling would be less significant. This would be partly due to the greater separation of this part of the building to areas beyond its curtilage, together with the somewhat more secluded corner of the building the infrastructure would be located and the screening impacts of HGV parking and other paraphernalia.
80. The infrastructure on the southern side of the building would be more prominent, the scale of the run of isolators and inverters would be greater and this elevation and the building comes to within close proximity to the A688 and the many passing motorists thereon. Though a landscaped area is located between the building and the A688 in this area due to the nature of the land sloping down towards the A688 and the immature nature of the landscaping at present much of the equipment will be clearly visible and by its nature it is utilitarian in appearance.
81. That said and by necessity, largescale employment sites such as the Amazon warehouse and distribution building are environments dominated by functionality and there are many other design elements which are also utilitarian including those in existence on this side of the building such as two large sprinkler tanks and transformer compounds. Though the equipment will be visible to many utilising the A688 this will be largely passing motorists.
82. In respect to heritage assets, Bowburn Conservation Area is located approximately 1km north of the site, within which no listed buildings are located though the locally valued non-designated heritage asset of Bowburn School is situated. Also locally valued under the CCQNP in relatively close proximity to the site is the Former School at Tursdale, approximately 650m to the south of the site.
83. The nearest listed building is the Grade II Tursdale House approximately 1km west of the site. No other designated heritage assets are located within 1km of the site though beyond Tursdale House to the west is Hett Conservation Area approximately 1.4k from the site which contains the Grade II listed Slashpool House and High Grange Farmhouse and attached buildings.
84. Though a significant distance from the application site (approximately 6km), consideration for the potential of the Integra 61 development to affect the setting of Durham Castle and Cathedral World Heritage Site (WHS) has been given in past Integra 61 applications due to the scale of the overall development, scale of the setting of the WHS and any potential for long distance inversibility from higher ground for example.
85. As detailed above Landscape Officers have outlined that they consider no significantly harmful impacts would arise from the development. Similarly, Design and Conservation

have stated that the proposals would not significantly change the overall visual impact of the existing building, which was assessed as part of the original proposals. Design and Conservation raise no concerns as a result nor any harm to heritage assets as a direct result of the PV proposals themselves.

86. Consideration for the potential of glint and/or glare impacts are considered in the below pollution and amenity section of this report.
87. In conclusion in respect to visual, landscape and heritage impacts, with regard to the comments of Design and Conservation no harm to heritage assets is identified. No significant landscape or visual impacts are considered to result from the development. In close proximity the associated electrical plant and equipment will be utilitarian appearance but in the context of the site and nature of the development remain acceptable. The development is therefore considered to comply with relevant advice within the key CDP Policies 26, 29, 39, 44 and 45, Policy CCQ3 of the CCQNP and Parts 12, 15 and 16 of the NPPF. Policy CCQ4 of the CCQNP advocates that development should deliver beauty and successful place-making having regard to a number of maxims. The development is by its nature somewhat utilitarian and it could not be described as beautiful. However, the application is proposing development which is essentially functional equipment only, it is not seeking to express a particular design aesthetic or form of architecture as a building would. The development is considered to draw support from elements of Policy CCQ4 which advocate efficiency in terms of functionality and use of resources and overall it is considered that the proposal remains compliant with Policy CCQ4.

Pollution and Amenity

88. CDP Policy 31 is the principal CDP policy in respect to amenity and pollution and in summary advises that development will be permitted where it would result in no unacceptable impacts upon the health, living or working conditions or the natural environment and that can be integrated effectively with any existing business and community facilities. CDP Policy 29 requires, amongst its advice, that development minimises impact upon nearby occupiers and contributes towards healthy neighbourhoods, considering the health impacts of development and the needs of existing and future users. Parts 12 and 15 of the NPPF require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution.
89. The nearest residentially occupied properties to the development are Cornforth Moor Farm located approximately 300m from the site, the bungalow, The Forge and Ramsay Street, Tursdale each around 520m away, the southernmost sections of Parkhill (Cornforth Moor House and Park Avenue) approximately 650m away and properties within the under construction Persimmon estate within the wider Integra 61 site approximately 700m away. Extant planning permission for further housing also exists on land neighbouring the Persimmon estate to the west and south, albeit no development has commenced.
90. The potential for glint and glare is a consideration in relation to significant PV installations. Definitions vary but essentially glint is a momentary flash or bright light typically received by moving receptors or moving reflectors. Glare is a continuous source of bright light typically received by static receptors from large reflective surfaces.
91. Dedicated glint and glare analysis is undertaken in relation to some major solar developments, often where they are in relatively close proximity to airports/aerodromes for air safety considerations.

92. The application is not accompanied by a dedicated glint or glare study but includes some commentary on the matter. The commentary highlights that the application site is not within close proximity to an aerodrome or a functioning railway line with the East Coast mainline approximately 500m to the west. It is highlighted that the PV, rather than being ground mounted, is proposed atop of a roof in excess of 20m from ground level significantly reducing the potential for glint and glare impacts for receptors.
93. The resident who has submitted commentary and queries on the potential for them to receive glint and glare impact resides at Southlands in Parkhill. The proposed PV modules have a low profile and are set behind a higher parapet wall and, on most of the roof area, are also behind areas of plant/air handling units providing screening. The parapet height of the Amazon building is approximately 23m high and set at an AOD level of approximately 106m. The ground level of properties on Southlands are located at approximately 101m AOD and therefore much of the property and surrounding immediate area remains below the level of the PV modules. Tree belt screening also exist alongside the A1(M) between the site and Southlands. All these factors combine to lead officers to conclude that any glint or glare impact upon Southlands and more generally elsewhere is low.
94. Consultation exercises have been conducted with Landscape, Environment, Health and Consumer Protection, the Highway Authority and Network Rail and none have raised objection in respect to the potential for glint or glare nor requested that a detailed study in this regard be undertaken.
95. It is noted that the application site is within closer proximity to the remnants of the Leamside railway line. The Leamside line comes to within approximately 100m of the proposed siting of the PV modules. There are aspirations that the Leamside line could re-open and for this reason the line is safeguarded under CDP Policy 23. Similarly, the Policy also safeguards the Bowburn Industrial Access Road route which, should it come into fruition, would actually connect with the Integra 61 spine road off which the Amazon building is accessed. Policy 23 advises that development that would prevent the future development of the allocated and safeguarded transport routes and facilities will not be permitted.
96. The nearest sections of both the Leamside the line and line of the Access Road and, at some considerable distance farther from the site, are set at a level below that at which the PV modules would be set. As a result, concern in respect to any future glint or glare impact should the line be re-instated and Access Road be delivered in the future are reduced and it is considered that there is no evidence that the proposal would cause a preventative impact on the future aspirations of the Leamside line or Access Road proposal.
97. Overall, the potential for any reflective impact from the PV cells in this instance in relation to any nearby receptors is considered to be sufficiently low and would not result in an impact which would be harmful or warrant revision or objection to the proposals as a result.
98. In respect to any other pollution or amenity related impacts, solar development does not typically generate a significant amount of noise or vibration outside of the construction period and no specific noise or vibration assessment has been carried out. There is potential for some noise from the construction and operational periods. During the construction phase there is potential for noise from traffic delivering the solar panels and associated equipment and installation of the panels, though this would be for a temporary period.

99. Environment, Health and Consumer Protection advise that given the significant distance to the nearest sensitive receptor, any increase in noise as a result of the operation of the solar panels (and the ancillary equipment associated) would likely be inconsequential to the amenity of sensitive receptors.
100. No operational phase impacts of significance would occur in respect to matters such as dust, air quality impact or light. Some construction impacts could occur, again from vehicular movements involved for instance, but these would be temporary and not deemed significant.
101. Public representations include reference to plant/air handling unit proposals shown on plan. However, these already have planning permission and are in situ on the building and are not proposed as part of this application. They are identified on the plans for completeness and because they are present.
102. Overall, no pollution or amenity related impacts would emerge from the development that would be unacceptable and as a result the application is considered to remain compliant with relevant amenity, health and pollution advice within CDP Policies 29 and 31 and Parts 8, 12 and 15 and the NPPF, whilst the development is also considered to result in no compromising impact upon the safeguarded transport routes of the Leamside line and Bowburn Industrial Estate Access Road under CDP Policy 23.

Other Issues

Highway Issues

103. In respect to highways related issues, glint and glare is discussed above in broader terms, but the Highway Authority have raised no objections, considering that there are no highway safety concerns with the development. The operational phase of the development would result in no movements to the site save for some occasional maintenance. During the construction phase, vehicular trips would result to deliver and install the equipment but this would occur to a developed site with infrastructure and access already in place and no significant concerns are raised. As a result, the highways related implications of the development are considered acceptable and compliant with the relevant advice within CDP Policies 21 and 29 and Part 9 of the NPPF.

Ecology

104. Collectively, policies 26, 41 and 43 of the CDP seek to protect land of ecological value and secure net gains for biodiversity and coherent ecological networks as applicable. Policy 43 advises in relation to protected species and nationally and locally protected sites. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them. Ecology have confirmed that the development raises no ecological implications with no requirement for ecological survey work. No interference with European protected species (such as the loss of a bat roost) is identified as a result of the development and, therefore, a European Protected Species Licence is not required nor an assessment having regards to the Habitats Directive brought into effect by the Conservation of Habitats and Species Regulations 2017. The development is therefore considered acceptable from an ecological perspective and compliant with the relevant sections of the aforementioned CDP Policies and Part 15 of the NPPF.

Safeguarding

105. CDP Policy 28 relates to safeguarded areas and requires consultation, where necessary, in regard to the likes of hazardous sites and pipelines, airports/airfields and the Meteorological Office radar site at High Moorsley. The Met Office have been consulted on the application as they are required to be consulted in relation to any development in excess of 15.2m above the ground level in this location. However, elements of the building are actually already established at a height above which the PV would reach. No comments have been received from the Met Office.

Mineral Resources

106. CDP Policy 56 seeks to safeguard mineral resources advising that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within a Mineral Safeguarding Area unless the development meets specific criteria or constitutes an accepted exemption. The application site is within a mineral safeguarding area, underlain by coal. The specific circumstances of the development are slightly different to the defined list of exemptions within the appendix to CPD Policy 56. However, the circumstances are very much akin to cited exemptions such as that relating to infill development within a built-up frontage. The development relates to brownfield land and all the development works are affixed to existing development in situ. No sterilisation of mineral resources is considered to occur through the development and the proposals are considered to remain compliant with the thrust of the policy.

CONCLUSION

107. Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Council has an up-to-date development plan. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up-to-date development plan without delay (paragraph 11 c). Where a planning application conflicts with an up-to-date development plan, paragraph 12 of the NPPF advises that permission should not usually be granted, however, Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

108. The application proposes a renewable energy development in the form of a solar PV system. Relevant CDP and NPPF advice advocates the social, environmental and economic benefits that such development can bring and such development should be approved if its impacts are or can be made acceptable.

109. No unacceptable impacts have been identified and no harm to Integra 61 as an allocated employment site would result.

110. The development is considered to comply with the Development Plan and approval is, therefore, recommended.

RECOMMENDATION

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

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

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

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

Part 3 - Approved Plans

SOLAR PV SYSTEM GENERAL LAYOUT MME2-GL-01 received 14.05.2021

ARRAY LAYOUT 2149-010-D02 received 14.05.2021

SOLAR PV SYSTEM GENERAL LAYOUT MME2-GL-01 04 received 22.11.2021

EAST WEST AND NORTH ELEVATIONS DESIGN MME2-EL-05.1 02 received 22.11.2021

EAST AND SOUTH ELEVATIONS DESIGN MME2-EL-05.2 01 received 22.11.2021

NORTH ELEVATION DESIGN MME2-EL-03.01 02 received 22.11.2021

EAST ELEVATION DESIGN MME2-EL-03.2 02 received 22.11.2021

EAST AND WEST ELEVATIONS DESIGN MME2-EL-04.1 02 received 22.11.2021

DC CONTAINMENT AND INVERTERS ELEVATION DESIGN MME2-EL-04.2 02 received 22.11.2021

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 2, 21, 23, 25, 26, 28, 29, 31, 33, 39, 41, 43, 44 and 45 of the County Durham Plan and Parts 2, 4, 6, 8, 9, 11, 12, 14, 15, 16 and 17 of the National Planning Policy Framework.

3. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:

1. Details of methods and means of noise reduction/suppression.
2. Details of any contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure.
3. Details of provision for all site operatives for the loading and unloading of plant, machinery and materials.
4. Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period.
5. Details on the methodology for erecting the PV modules on the building
6. Detail of measures for liaison with the local community and procedures to deal with any complaints received.

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

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

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

4. Notwithstanding any details of materials submitted with the application none of the external features/equipment hereby approved to be installed/erected and listed below shall be installed/erected until full details of the appearance and colour finish of said features/equipment has been submitted to and approved in writing by the Local Planning Authority.
 - PV modules
 - All cabling trunking, trays and housing
 - All inverters, isolators, combiner panels and external switchboard equipment
 - All mesh enclosures/fencing and canopy features

Thereafter the development shall be constructed in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with Policies 29 and 39 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

5. 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 1300 on Saturday.

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

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

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

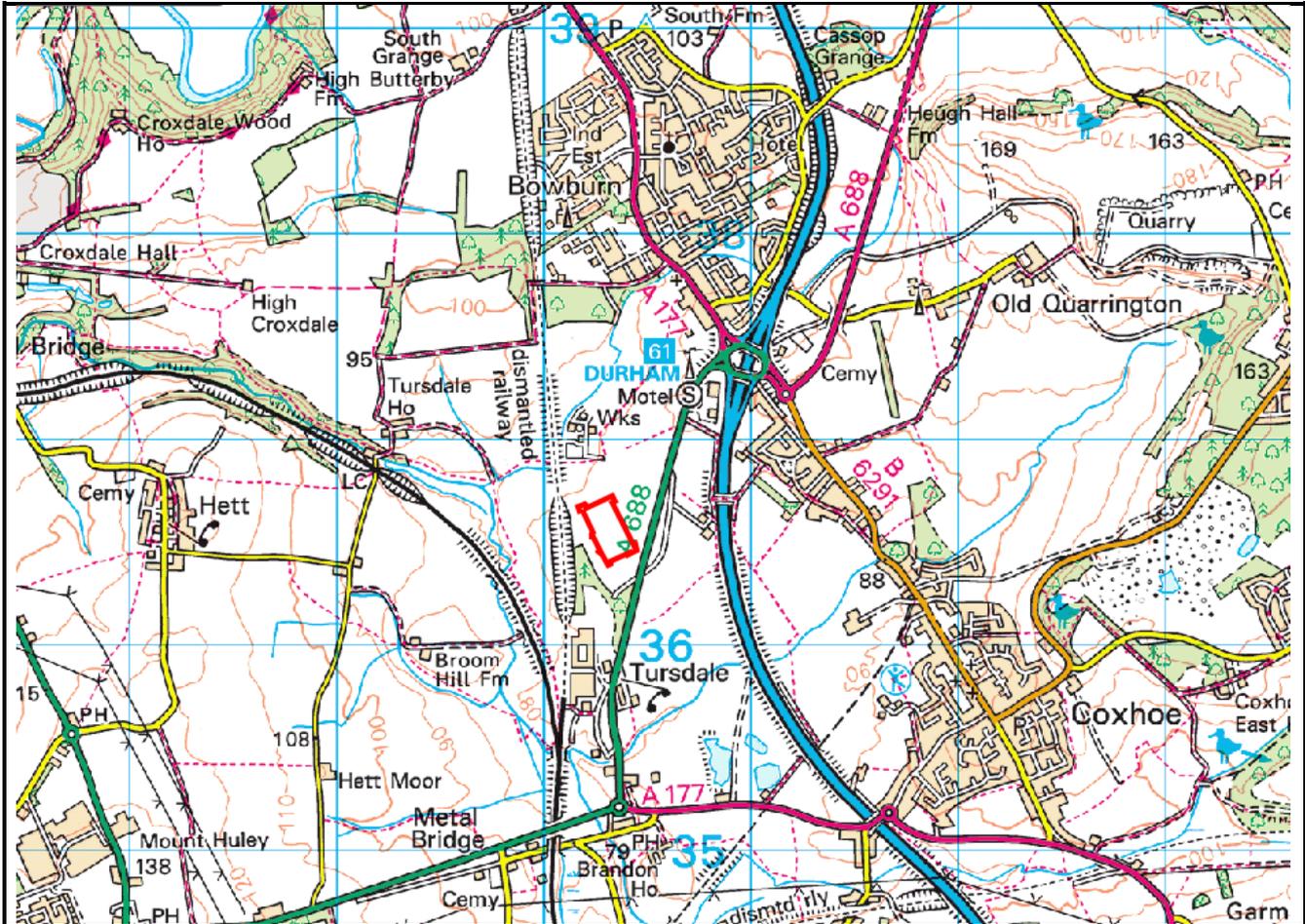
Reason: To protect the residential amenity of existing and future residents from the development in accordance with Policies 29 and 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework
- National Planning Practice Guidance notes
- County Durham Plan (2020)
- Cassop cum Quarrington Neighbourhood Plan
- Statutory, internal and public consultation response



Planning Services

DM/21/01744/FPA

Installation of photovoltaic system to warehouse roof and associated works

Amazon UK Services
Unit 1
Integra 61 West
Bowburn
Durham
DH6 5FG

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Comments

Date 5th April 2022

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