



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

Application No:	DM/22/01877/FPA
Full Application Description:	Erection of extension to newly constructed building
Name of Applicant:	Mr Stephen Shaw
Address:	Units 1-6 Gas Lane Industrial Estate, Gas Lane, Middleton in Teesdale, DL12 0TN
Electoral Division:	Barnard Castle East
Case Officer:	George Spurgeon (Senior Planning Officer) Tel: 03000 261 959 Email: george.spurgeon@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

The Site

1. The application site is located on the southern fringe of the Village of Middleton in Teesdale to the south west of the County and relates to an industrial premises operated by Technimark who principally manufacture plastic injection moulded components for the medical, pharmaceutical, and healthcare industry. The site currently employs around 118 no. staff and operates across various shift patterns 24 hours per day. The existing Technimark site is considered to fall under a B2 general industrial use.
2. The site has recently been expanded for the provision of a new warehouse, creation of offices, formation of car park and other works under application DM/20/03644/FPA south eastern part of the site, which this proposal was intended to be used as a car parking area. This area has been laid in hardstanding but at the time of writing has not been used for parking with no spaces having been demarcated.
3. Access to the site is taken from the adopted highway Gas Lane, at the north-eastern corner of the site that leads to a central courtyard providing parking and

delivery access. There are pockets of undeveloped land and landscaping areas scattered around the site.

4. Immediately to the north of the site lies a paddock containing an agricultural building with allotments/gardens behind. Planning permission DM/18/00120/FPA and DM/20/00039/VOC granted consent for erection of a new build dwelling in the paddock to the north of the Technimark site, which is currently under construction. Beyond the paddock, St Aidans Chapel, a mid-20th century building, adjoins the B6282 on a triangular shaped site between Dale View and Gas Lane. To the east lies the highway Gas Lane, where a range of existing civic buildings including the fire station, village hall and primary and nursery school of late 20th century modern appearance are located. A cricket club, sewerage works, other industrial premises and a dwelling known as the Gables, lie further south along Gas Lane beyond the extent of the adopted highway. To the south of the site an undeveloped agricultural field leading to the River Tees is located along with footpath no. 49 (Middleton in Teesdale).
5. Land to the west of the site is of residential character, comprising a series of historic terraced dwellings at Newtown and River Terrace. Dwellings continue northwards along Masterman Place and Dale View to meet the B6282.
6. The Technimark premises lie within the Middleton in Teesdale Conservation Area and within a designated Area of Higher Landscape Value (AHLV).

The Proposal

7. The application seeks planning permission for the erection of an extension to the industrial building approved under application DM/20/03644/FPA. The extension would measure 15m wide by 51m long with an internal floor area of 760m², featuring a dual pitched roof with a ridge height of 7.8m (compared to 8m for the building it would adjoin) and an eaves height of 6.3m (matching the building it would adjoin). The extension would be in line with the southern elevation of the adjoining building and located 20.4m away from the eastern boundary of the site.
8. The extension would be finished externally in green profiled sheet cladding with brown flashings to match the recently built industrial building. The extension would be accessed internally through the existing building via roller shutter doors to its east side, with emergency doors located within its north and south elevations. The extension is proposed to be used for manufacturing which is in line with the B2 (general industrial) use of the site.
9. A 1.5m wide by 1m tall louvre is proposed to be installed within the south elevation of the recently built industrial building, with internal ductwork to connect to the extension. The louvre would be inserted to the right hand side of the louvre proposed under application DM/22/01643/FPA and would be finished in an olive green colour to match the existing cladding of the building.
10. The car parking arrangements approved under application DM/20/03644/FPA comprised 38 spaces in an 'L' shape to the south east corner of the site. The

extension necessitates a reconfigured arrangement whereby two rows comprising a total of 34 spaces would be sited. An additional 2 spaces would be created to the car parking area to the north east of the site. Overall, the site would feature 81 car parking spaces, reduced from 83 shown on the approved site plan from application DM/20/03644/FPA.

11. There is a distance of approximately 3.8m between the south west corner of the recently erected industrial building and the southern boundary of the site where a stone wall has been constructed, increasing to 4.8m from the south east corner of the proposed extension. A 1m planting strip comprising a hedgerow and trees is proposed along the southern boundary on the inside of the wall to help partially screen the existing and proposed buildings. A 2m high embankment has been created along the southern part of the western site boundary to which additional trees are proposed to be planted to help screen the existing recently constructed industrial building.
12. The application is being reported to planning committee at the request of the Middleton – in – Teesdale and Newbiggin Parish Council on the grounds of noise and loss of parking.

PLANNING HISTORY

13. Application DM/22/01643/FPA for the insertion of a louvre into the south elevation of the newly constructed industrial building is currently pending consideration.
14. EN/22/00331 Commencement of use of new warehouse without installation of parking bays or cycle storage etc in breach of conditions 10 and 11 of DM/20/03644/FPA. Planning application for extension to warehouse submitted.
15. EN/22/00014 Failure to comply with conditions 12 (construction management plan) and 13 (construction hours) of permission DM/20/03644/FPA construction hours. No breach
16. Planning permission DM/20/03644/FPA was granted in March 2021 for the erection of a new 1890sqm warehouse to the south of an existing manufacturing building to the western boundary of the site. The building has been constructed but at the time of writing is not yet operational. The building measures 57.3m in length and 37.2m in width. The building has two pitched roofs, one measuring 8m to ridge height and 6.3m to eaves height and the other on the lower western element, at a reduced height of 6.6m to ridge height and 5.3m to eaves. The taller building is to be used for warehousing with the other building closer to the western boundary of the site to be used for manufacturing. The building is set in by 13.8m from the western site boundary and a distance of 3.9m-4.9m from the southern boundary.
17. The small brick industrial units on the northern side of the site were first established in the early 1980's and extended to the south and west sides during the late 1980's and 1990's. Planning permission 6/2005/0143/DM granted

consent for a further extension to form the manufacturing building to the south west side of the site. Planning permission 6/2014/0012/DM granted consent for the storage building situated to the south east corner of the site.

PLANNING POLICY

National Policy

18. 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.
19. 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.
20. 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.
21. 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.
22. 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.
23. 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.

24. 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.
25. 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.
26. 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.
27. NPPF Part 15 Conserving and Enhancing the Natural Environment - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from Page 73 pollution and land stability and remediating contaminated or other degraded land where appropriate.
28. 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>

National Planning Practice Guidance:

29. 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; historic environment; design process and tools; determining a planning application; flood risk; healthy and safe communities; land affected by contamination; housing and economic development needs assessments; housing and economic land availability assessment; light

pollution; natural environment; noise; public rights of way and local green space; planning obligations; use of planning conditions; and; water supply, wastewater and water quality.

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

Local Plan Policy:

The County Durham Plan (CDP)

30. *Policy 1 (Quantity of Development)* outlines the levels of employment land and housing delivery considered to be required across the plan period.
31. *Policy 2 (Employment Land)* supports development of and extensions to B1, B2 and B8 developments within specified employment allocations, but also protects other existing employment sites from being changed to non-employment uses, unless appropriate marketing has been undertaken for employment uses, and that the use would not compromise the main use of the site for B class uses and would comply with retail Policy 9 where main town centre uses are being proposed.
32. *Policy 6 (Development on Unallocated Sites)* states the development on sites not allocated in the Plan or Neighbourhood Plan, but which are either within the built-up area or outside the built up area but well related to a settlement will be permitted provided it: is compatible with use on adjacent land; does not result in coalescence with neighbouring settlements; does not result in loss of land of recreational, ecological, or heritage value; is appropriate in scale, design etc to character of the settlement; it is not prejudicial to highway safety; provides access to sustainable modes of transport; retains the settlement's valued facilities; considers climate change implications; makes use of previously developed land and reflects priorities for urban regeneration.
33. *Policy 10 (Development in the Countryside)* states that development will not be permitted unless allowed for by specific policies in the Plan or Neighbourhood Plan or unless it relates to exceptions for development necessary to support economic development, infrastructure development or development of existing buildings. The policy further sets out 9 General Design Principles for all development in the Countryside.
34. *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.

35. *Policy 29 (Sustainable Design)* requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out 18 elements for development to be considered acceptable, including: making positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals. Provision for all new residential development to comply with Nationally Described Space Standards, subject to transition period.
36. *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.
37. *Policy 35 (Water Management)* requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. All new development must ensure there is no net increase in surface water runoff for the lifetime of the development. Amongst its advice, the policy advocates the use of SuDS and aims to protect the quality of water.
38. *Policy 36 (Water Infrastructure)* advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and waste water infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defense infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.
39. *Policy 38 (North Pennines Area of Outstanding Natural Beauty (AONB))* sets out that the AONB will be conserved and enhanced. In making decisions on development great weight will be given to conserving landscape and scenic beauty. Development in or affecting the AONB will only be permitted where it is not, individually or cumulatively, harmful to its special qualities or statutory purposes.
40. *Policy 39 (Landscape)* states that proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate mitigation measures where adverse impacts occur. Development affecting Areas of Higher landscape

Value will only be permitted where it conserves and enhances the special qualities, unless the benefits of the development clearly outweigh its impacts.

41. *Policy 41 (Biodiversity and Geodiversity)* states that proposal for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or as a last resort, compensated for.
42. *Policy 42 (Internationally Designated Sites)* states that development that has the potential to have an effect on internationally designated sites will need to be screened in the first instance to determine whether significant effects on the site are likely and, if so, will be subject to an Appropriate Assessment. Development will be refused where it cannot be ascertained, following Appropriate Assessment, that there would be no adverse effects on the integrity of the site, unless the proposal is able to pass the further statutory tests of 'no alternatives' and 'imperative reasons of overriding public interest' as set out in Regulation 64 of the Conservation of Habitats and Species Regulations 2017.
43. *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.
44. *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.

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

Neighbourhood Plan:

45. The application site is not located within an area where there is a Neighbourhood Plan to which regard is to be had.

CONSULTATION AND PUBLICITY RESPONSES

Statutory Consultee Responses:

46. *Middleton in Teesdale and Newbiggin Parish Council* – Do not specifically object to the application but consider that greater scrutiny of the benefits in terms of employment and wider economic benefits against the harm in terms of noise and loss of parking spaces warrants greater scrutiny.
47. *Highways Authority* – Consider the expected increase in the number of staff and vehicles at the site to be minimal and therefore offer no objections.

Non-Statutory Responses:

48. *Environmental Health Nuisance* – Advise that the submitted Noise and Odour Assessments demonstrates that the application complies with the thresholds stated within the TANS, indicating that the development will not lead to an adverse impact, and recommends conditions to secure adherence to these.
49. *Environmental Health Air Quality* – Confirm no further assessment is required.
50. *Environmental Health Contaminated Land* – Confirm there is no requirement for a contaminated land condition.
51. *Design and Conservation* – Reiterate their comments from application DM/20/03644/FPA where the proposal was considered to cause less than substantial harm to the significance of the conservation area and now advises that this proposal would add to the scale and mass of the approved building and compound the already identified harm. This harm should be weighed against the public benefits of the proposal which it is suggested should be in excess of those previously identified.
52. *Landscaping Section* – Reiterate their comments from application DM/20/03644/FPA where the proposal was considered to cause some harm to the special qualities of the AONB and important views, but that impacts could be reduced by additional mitigation planting. Now indicate their satisfaction with the landscape details provided, advising that the earth mound to the south west of the site would be suitable to establish seeding and pit planted trees provided it is stone picked, graded, and cultivated to a fine tilth prior to seeding and planting.
53. *Ecology* – Advise that the submitted Biodiversity Net Gain report and associated metric show that a net gain in biodiversity is possible on site, provided a number of habitats are created as detailed within the report. Recommends that the areas of retained and new grassland are shown on the landscaping plan and proposed seed mixes specified.

External Consultee Responses:

54. *AONB Partnership* – No response received.

Public Responses:

55. The application has been publicised by way of 2 no. site notices, a press advertisement and individual neighbour notification letters. 7 no. letters of objection have been received in response, with a summary of the key areas of concern as follows:

Residential Amenity

- The new building would generate additional noise pollution,
- Forklifts trucks with reverse beepers are audible from 6:30am to 10pm,
- An earth bank has been created along the southern boundary, with the landscape plan indicating trees to be planted on top of this which would reduce the effectiveness of their screening, reduce natural light, and affect their establishment and the integrity of the boundary wall potentially resulting in property damage,
- Three recent planning applications within the last 18 months have seen noise levels increase from 26 DbBA to 30DbBA,
- The 6 cooling fans are the most significant noise source not the River Tees as the Noise Report suggests, noise from cooling fans has increased now that they are enclosed by the new building,
- Figure 11 in the noise report shows the new buildings to be lower than the original buildings on the site which is not the case and could have led to predicted noise levels being underestimated.

Highway Safety and Parking

- A reduction in the number of car parking spaces is required to accommodate the new building but additional staff would be required,
- The new building would generate additional traffic including lorries and questions whether this is safe given the proximity to schools,
- Articulated lorries reduce visibility and obstruct access for residents along Gas Lane.

Other Matters

- The proposed materials are not sympathetic to the local area,
- The proposals would cause harm to the conservation area,
- The proposal would allow the production of additional non-recyclable products,
- Considers that Technimark are trying to exploit the planning system by submitting incremental extensions,
- Questions how many new workers have been hired in connection with the new buildings,
- Questions when the site begun operating for 24 hours a day and if neighbours were consulted.

Applicants Statement:

56. Technimark manufactures plastic injection moulded components for the medical, pharmaceutical and healthcare industry. The company has expanded at its Middleton-in-Teesdale site on three occasions within the last 20 years, most recently in 2021, with the creation of additional warehousing and manufacturing units and, of course, jobs. It is a significant local employer. When the previous application was submitted in December 2020, Technimark employed 90 people at its Middleton-in-Teesdale site, split between production and production support. Presently, 118 people are employed at the site and this is forecasted to increase to 145 people over the next few years.
57. Such has been the recent success of the business that on nearing completion of the warehouse building, that was approved on 31st March 2021, Technimark found itself in urgent need of additional manufacturing floorspace and intends using the western half of the building originally proposed for warehousing manufacturing purposes (as referred to by planning application ref: DM/22/01643/FPA, which is also being reported to Committee today). Growth of the business continues and Technimark foresee that additional floorspace will be required in the near future and in readiness for that had plans prepared that are the subject of this planning application. Providing a production unit on the western side of the site with the warehouse building in the centre and the future production unit on the eastern side makes for a more efficient layout both in terms of production and warehousing and for deliveries to and exports from the warehouse.
58. Expanding production at the site along with the production/manufacturing building will enable Technimark to cement its operations at Middleton-in-Teesdale, for the business to continue to grow and to increase employment. By the end of 2022, Technimark expect turnover to have increased by 65% compared with turnover at the end of 2020 and if this growth continues then it is anticipated to grow by a further 33% over the next 5 years. Of course, success at Technimark brings benefits to local businesses such as Middleton Forge and J Raine & Son Ltd, (both based in Middleton-in-Teesdale) who supply and fabricate various hardware items building materials; Teesdale Hotel who supply buffet food for meetings; McFarlane Family Butchers who prepare the Christmas hampers provided to staff; and the local Co-op and Samuel James Deli Café that are frequented by staff.
59. The proposed building is considered acceptable; it represents sustainable development; and it will not cause any significant adverse impacts upon the surrounding area in terms of visual amenity, noise, odour or traffic. Moreover, the development will not have any impact on the setting of any nearby listed buildings and although the proposed development may have a slight adverse impact upon the character and appearance of the Middleton-in-Teesdale Conservation Area, such impact would amount to 'less than substantial harm' and would be outweighed by the public benefits resultant from the development. Furthermore, the proposed landscaping to the site will provide significant

biodiversity net gain equating to 24% with regards to habitat and almost 1000% with regards to on-site hedgerows.

PLANNING CONSIDERATION AND ASSESSMENT

60. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development, locational sustainability residential amenity, landscape and visual impact, the impact upon designated heritage assets, highway safety and parking, drainage, ecology and sustainability.

Principle of Development

61. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP) is the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035 and is therefore considered up to date.
62. Paragraph 11c of the NPPF requires applications for development proposals that accord with an up to date development plan to be approved without delay. Paragraph 12 of the NPPF states 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.
63. CDP Policy 2 allocates employment land for industrial and businesses purposes to meet the needs of employment land over the Plan period. However, CDP Policy 6 recognises that in addition to the development of specifically allocated sites, there will be situation where future opportunities arise for additional new development over and above that identified, this includes for employment and economic generating uses. Policy 6 sets out the that the development of sites which are not allocated in the Plan which are either (i) in the built up area; or (ii) outside the built up area but well related to a settlement will be permitted provided the proposal accords with all relevant development plan policies and:
- a. is compatible with, and is not prejudicial to, any existing, allocated or permitted use of adjacent land;

b. does not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development;

c. does not result in the loss of open land that has recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigated or compensated for;

d. is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of, the settlement;

e. will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity;

f. has good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement;

g. does not result in the loss of a settlement's or neighbourhood's valued facilities or services unless it has been demonstrated that they are no longer viable;

h. minimises vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding;

i. where relevant, makes as much use as possible of previously developed (brownfield) land; and

j. where appropriate, it reflects priorities for urban regeneration.

64. The County Durham Plan defines 'the built up area' as land contained within the main body of existing built development of a settlement or is within a settlement boundary defined in a Neighbourhood Plan. Areas falling outside this definition will be regarded as countryside. In this respect, the site is not allocated for industrial purposes under Policy 2 but is located in a central position within the settlement around 400m away from the village centre, and with existing development to the west, north and north west, as well as beyond to the south of the site. Therefore, subject to a detailed analysis of the impacts of the development, including against the criteria of Policy 6 the development is considered to be acceptable in principle.

65. The NPPF sets that the purpose of the planning system is to contribute towards the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives. These are categorised as economic, social and environmental objectives. The assessment of the development against the social and environmental objectives are detailed below, however in terms of the economic objectives, Part 6 of the NPPF states that planning decisions should help create the conditions in which businesses can invest, expand and adapt.

It also stipulates that 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 particular in rural areas, Paragraph 84 of the NPPF states that planning decisions should enable the sustainable growth and expansion of all types of businesses in rural areas.

66. The applicant has explained that due to the growth of the business being quicker than expected back in 2020 when the application for new industrial buildings was submitted, and accounting for time to go through the planning and construction process, it is advised that additional manufacturing space will be required sooner than was initially expected. Technimark have advised that they expect their annual revenue for this year to exceed to annual revenue forecast by 2025 in December 2020. Since December 2020 the number of staff has increased from 92 to 118, with Technimark expecting this to exceed 120 by the end of the year. This is in line to exceed the 2020 forecast which predicted an increase in the number of staff to 120-130 by 2025. Technimark believe they can continue to grow their annual revenue over the next 5 years and add an additional 20-30 employees in the process.
67. The development would ensure medium term retention of the Technimark site within Middleton in Teesdale, securing the existing 118 no. jobs at the site and involving the expansion of the business to employ around 20-30 new members of staff over the next 5 years. Technimark also advise that they support a range of other local businesses in terms of sourcing supplies and services, daily essentials and corporate hospitality purposes.
68. Similarly to application DM/20/03644/FPA for the new industrial building, due to the need to expand the business if it is not possible to adapt the current site further a new site would need to be found as it would be inefficient and not economically viable to operate across 2 no. smaller sites given the nature and scale of production. There are understood to be no alternative sites within Middleton in Teesdale and so the relocation of the business could result in job losses in this area.
69. Having regard to the economic and employment benefits of the proposed extension, it is considered this broadly reflects priorities for urban regeneration, in accordance with criterion j) of Policy 6.

Locational Sustainability

70. CDP Policy 6 f) requires that new development within or outside but well related to existing settlements has good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement. CDP Policy 21 requires new development to deliver sustainable transport, including by providing appropriate, well designed, permeable and direct routes for walking, cycling and bus access, so that new developments clearly link to existing services and facilities together with existing routes for the convenience of all users.

71. NPPF Paragraph 105 states that planning should actively manage patterns of growth to support the objectives of sustainable transport, including opportunities to promote public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.
72. In this respect, the site is situated in a central position within Middleton in Teesdale around 400m from the village centre and would be easily accessible to local employees residing in the village on foot or by cycling. Similarly shops and services within the village would be accessible to employees during breaks or before or after work. Access to the site and to services in the village would be at the lower limits of the acceptable walking distance (800/1000m respectively) suggested by The Institution of Highways and Transportation (CIHT) in their document "Providing for Journeys".
73. There are east and west bound bus stops around 250m away on California Row to the east and around 420m at Horsemarket to the west. There are a range of daytime services Monday to Saturday to Barnard Castle and Langdon Beck via intervening settlements from these bus stops. Whilst appreciating the business operates 24 hours per day 7 days a week across various shifts and public transport may not be accessible to all employees for this reason, the site would be accessible to some day time shift workers residing in Barnard Castle and nearby settlements via public transport.
74. Having regard to the accessibility by sustainable modes of travel, the proportionality to the size of the settlement and service provision, it is considered the development over and above that already approved would accord with Policy 6 f), and Policy 21 of the CDP and Part 9 of the NPPF in this respect.

Residential Amenity

75. 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.
76. CDP Policy 31 states that all new development that has the potential to lead to, or be affected by, unacceptable levels of air quality, inappropriate odours and vibration or other sources of pollution, either individually or cumulatively, will not be permitted including where any identified mitigation cannot reduce the impact on the environment, amenity of people or human health to an acceptable level. CDP Policy 29 e) seeks to minimise the impact of development upon the occupants of existing adjacent and nearby properties.
77. In addition, CDP Policy 6 a) is permissible towards development on unallocated sites provided it is compatible with, and is not prejudicial to, any existing, allocated or permitted use of adjacent land.
78. The extension is proposed to be sited to the east elevation of the recently constructed industrial building away from the residential properties to the west.

The extension would be located approximately 85m away from the closest dwelling known as 'The Gables' which lies to the south east. No windows are proposed to be installed within the elevations of the extension. 'The Gables' is located adjacent to other existing industrial premises and the sewage treatment works and is separated from the site by a tree belt. Therefore, it is considered unlikely that noise from the car park would be discernible. It is also considered that given the tree belt and by use of a condition to agree precise details of external lighting, that occupiers of 'The Gables' would not be adversely affected by new lighting of the car park or from vehicle headlights.

79. Therefore, the physical development itself is not considered to adversely affect the amenity of any neighbouring residents in terms of visual dominance, overshadowing or loss of light due to the location of existing developments and separation distances.
80. Similarly to the previous application for the new industrial building, this proposal includes tree planting to the west side of the proposed warehouse to partially screen and soften the appearance of the building from the residential properties opposite. Residents have raised concerns that the trees could grow to a large height and cause loss of light and overshadowing themselves. The largest trees proposed would grow up to between 4.25m-6m tall (10no.), with the remaining trees growing up to 3m-3.5m tall (10no. to be closest to the western site boundary). The earth mound that has been created is approximately 2m high. The rear elevations of the adjacent residential properties to the west are located over 33m away from the western boundary of the site and the height of the proposed planting when established is not considered to reduce the light entering the rear windows. Given the length of the rear gardens of these properties, the trees are not considered to significantly reduce the amount of sunlight capable of entering their rear gardens. The proposals are consistent with the details approved under DRC/21/00292 relating to condition 7 of DM/20/03644/FPA. A condition is recommended to ensure adherence to the Landscape Management Specification approved under DRC/21/00292 to ensure the planting is adequately maintained, both to allow it to successfully develop and to ensure areas do not become overgrown or that trees/hedging do not become excessive in size.
81. The application is supported by a Noise Impact Assessment which calculated the worst case rated plant sound impact to be between 3 dB (daytime) and 2 dB (night time) below the background sound level. The assessment concludes that the proposal would therefore have a low impact. The calculated noise levels are 6 dB lower than the levels measured from the existing manufacturing space at the site. The application is also supported by an Odour Assessment which concluded that the predicted odour effect significance was negligible at all receptor locations.
82. The Council's Environmental Health Officers (EHO) have reviewed the submitted Noise Impact Assessment and Odour Assessment, considering them to have been undertaken by appropriately qualified and competent consultants and to have followed appropriate methodologies. EHO concur with the conclusions of the assessments, confirming that they demonstrate the

application complies with the thresholds stated within the TANS, indicating that the development will not lead to an adverse impact. Therefore, EHO have confirmed that the assessments demonstrate that noise and odour from the operation of the extension for manufacturing activities will not have a detrimental impact upon neighbouring amenity. A condition is recommended to secure adherence to the Noise and Odour Assessments.

83. Residents of the dwellings to the west of the site have raised concerns that three recent planning applications within the last 18 months have seen noise levels increase from 26 dBa to 30dBa. However, the most recent calculated noise level relating to this proposal still complies with the relevant thresholds, with the calculated noise levels being 6 dB lower than the levels measured from the existing manufacturing space at the site, and so refusal is not warranted on these grounds.
84. EHO have also reviewed the submitted Construction Management Plan (CMP) and consider this to provide satisfactory controls during this phase. A condition is recommended to secure adherence to the CMP.
85. Conditions are also recommended to restrict construction working hours, the timing of deliveries and collections of deliveries, and the timings of external forklift truck movements.
86. In terms of air quality, the site is located approximately 34 km to the south west of Durham City Centre and not nearby any of DCC's declared Air Quality Management Areas (AQMA). No air quality monitoring is undertaken in the vicinity of the site. There are existing sensitive receptors nearby the site including various residential properties, Middleton-In-Teesdale Primary School and various places of work. There are a number of ecological receptors to the south and south-west of the site including SSSIs and an AONB however these are over 350m from the proposed site boundary.
87. The Planning Statement notes that any additional vehicular activities will not go over and above those previously deemed acceptable as the proposed extension forms part of the business plan relating to application DM/20/03644/FPA for the newly constructed industrial building. Therefore, the IAQM screening criteria for further air quality assessment of the impacts of road traffic emissions in the construction and operational phases will not be exceeded and further assessment is not required.
88. The CMP includes the same mitigation measures as the previous planning application (DM/20/03644/FPA) and EHO recommended the complaints log for the previous development be reviewed. Technimark have confirmed that no complaints in relation to mud or other materials migrating onto the highway or dust were received during the construction of the recent industrial building.
89. In summary, the proposals are not considered to adversely affect the amenity of neighbouring residents, according with CDP Policy 6 a), 29 and 31, as well as Parts 12 and 15 of the NPPF.

Landscape and Visual Impacts

90. CDP Policy 6 d) requires that development on unallocated sites is appropriate in terms of scale, design, layout and location to the character, function, form and setting of the settlement.
91. 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. These are similar requirements to those outlined at Policy 6. Policy 39 also sets out that development affecting Areas of Higher Landscape Value (which the site is located in) will only be permitted where it conserves the special qualities of the landscape unless the benefits of development in that location clearly outweigh the harm. Policy 40 seeks to avoid the loss of existing trees and hedgerows unless suitable replacement planting is provided.
92. Parts 12 and 15 of the NPPF promotes good design and sets out that the planning system should contribute to and enhance the natural and local environment by (amongst other things) protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside.
93. The boundary of the North Pennines Area of Outstanding Natural Beauty (AONB) wraps around the north and west sides of Middleton in Teesdale. The village itself and the application site are not located within the AONB, however there are elevated, long distance views into the settlement from the AONB. CDP Policy 38 states that the North Pennines Area of Outstanding Natural Beauty (AONB) will be conserved and enhanced. In making decisions on development great weight will be given to conserving landscape and scenic beauty. Development in or affecting the AONB will only be permitted where it is not, individually or cumulatively, harmful to its special qualities or statutory purposes.
94. Section 85 of the Countryside and Rights of Way Act (2000) places a duty on local authorities and other public bodies to have due regard to the purpose of AONB designation (the conservation and enhancement of natural beauty) in the discharging of their functions. NPPF Paragraph 176 states that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.
95. The application seeks planning permission for an extension to an existing newly constructed industrial building and so the principle of an industrial building and associated car parking area in this location has already been established. The proposed extension would predominantly be seen in localised views from the Newtown area to the west and the southern section of Gas Lane, which is a private road.

96. The rear lane to the west of the properties on Newtown contains tall boundary walls along the western boundary, which together with the presence of the dwellings themselves, trees and other vegetation, and the existing recently constructed industrial building, would restrict views eastwards towards the site of the proposed extension from the public realm, generally only affording limited glimpses through private gardens.
97. To the south west, an unclassified road runs parallel to the north of River Terrace culminating with a stone boundary wall. The proposed extension would be visible from the public realm to the west of the stone boundary wall and the eastern end of the unclassified road, looking in a north east direction, although it would be seen in the context of the existing recently constructed industrial buildings and the unclassified road does not lead anywhere other than to access dwellings on River Terrace and so is most likely to be used by residents and their visitors.
98. A stone wall has been erected along the southern boundary as part of application DM/20/03644/FPA. Similarly to that approved application, landscaping is proposed in the form of the planting of a hedgerow and trees along the southern boundary, as well as trees to an earth mound along the southern part of the western boundary of the site. Landscaping Officers have indicated their satisfaction with the submitted details, advising that the earth mound would be suitable to establish seeding and pit planted trees provided it is stone picked, graded, and cultivated to a fine tilth prior to seeding and planting. A condition is recommended to secure the implementation of the proposed landscaping scheme in the next planting season, with the earth mound to be stone picked etc. prior to planting and with any failed planting within the first five years to be replaced. The landscaping scheme submitted with this application would supersede that approved under DM/20/03644. The use of matching materials to the existing industrial buildings (olive green profiled sheeting with brown flashings) is considered to be appropriate.
99. PRoW no.49, which also forms part of the route of the Teesdale Way, runs along the northern bank of the River Tees around 125m to the south of the proposed warehouse and car park and the proposed planting would help to partially screen the extension ensuring the visual impacts are not significantly adverse.
100. Views eastwards would be seen against the background of the existing industrial buildings and would not result in significant adverse visual impacts. Given the topography and intervening buildings and vegetation, the proposed development would not be visible from the B6282 to the north, which is the main road through Middleton in Teesdale.
101. The southern section of Gas Lane beyond the entrance to the application site is a private road serving the sewerage works, other industrial premises and a dwelling. There are no public rights of way along this track and it serves only these private premises. There is an existing stone boundary wall to the west side of the private, southern section of Gas Lane, however this would provide little screening. The new warehouse and car park would be prominent in views

from the private, southern section of Gas Lane, resulting in some localised landscape harm. However, this is not generally publicly accessible and would only be used by a small number of people accessing existing premises served by the private road.

102. The development would be visible from elevated sections of some PRowS within the North Pennines AONB to the north and south which provide long distance views of Middleton in Teesdale and the application site at a distance of around 650-700m away. It is acknowledged this would result in some residual landscape harm, although the extension would be seen in the context of the recently approved industrial building. The site is considered to be viewed as part of the built up area of the village rather than part of the open countryside and is well contained by natural and built features so would be viewed as part of the built up area rather than a feature or an intrusion into the landscape. Having regards to Section 85 of the Countryside and Rights of Way Act 2000 it is considered that the proposal would not compromise the statutory purpose of AONB designation, which is to conserve and enhance the natural beauty of the area. As such there would be no conflict with CDP Policy 38 or NPPF Paragraph 176.
103. The proposed extension would be of a large scale which would result in some localised visual and landscape harm. Use of an appropriate colour palette and landscaping would help to limit this harm but would not fully address all visual impacts and landscape harm associated with the development, although the extension would be seen in the context of the existing recently constructed industrial building. CDP Policy 39 states that development affecting AHLV will only be permitted where it conserves and, where appropriate enhances, the special qualities of the landscape, unless the benefits of the development in that location clearly outweigh the harm. This planning balance exercise is undertaken later in the report.

Impact upon Designated Heritage Assets and the AHLV

104. The application site lies within the Middleton in Teesdale Conservation Area and an Area of Higher Landscape Value (AHLV).
105. NPPF Paragraph 199 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). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
106. In line with this approach, CDP Policy 44 sets out 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. The policy permits flexibility in decision-making where harm is

found to the heritage assets, with a public benefit test referenced similar to that within Part 16 of the NPPF. This states at Paragraph 202 that where a proposed development 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.

107. NPPF Parts 12 and 16 also advocate the importance of achieving good design in new developments, which show sensitivity to heritage assets and the historic environment.
108. Given the location of the site within a conservation area regard is to be given to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. If harm is found this must be given considerable importance and weight by the decision-maker.
109. Middleton in Teesdale Conservation Area was designated in 1973 making it an early designation in conservation terms highlighting the longstanding quality of the built historic environment. The application site in part already has a very distinct industrial character, however the buildings of the current industrial estate are modest and generally relatively well integrated into their surroundings. The nearest buildings of interest are the nineteenth century Newtown to the west, a planned and co-ordinated development linked to the lead mining expansion of the time.
110. NPPF Paragraph 194 requires that applicants describe the significance of any heritage assets affected by development, usually by submission of a heritage statement. The Design and Conservation Officer does not consider that the submitted heritage statement identifies the significance of the site or reaches any substantiated conclusions about the impact the development would have upon significance. However, it is advised that had the application have been better supported and a revised statement addressing these matters provided, this would not change the Officer's conclusions relating to the heritage and design matters.
111. Whilst the scale and massing of the proposed warehouse is large, the area is well screened from the B6282, the main road through the village and heart of the Conservation Area due to existing buildings. It would be more visible in localised views within Newtown and to southern side of Gas Lane. As identified above, there would also be longer distance views from elevated public rights of way to the north and south. However, where seen the warehouse would be within the context of the settlement including adjacent existing industrial buildings, fire station and modern buildings at the Primary School. Proposed screen planting along the southern boundary, including the introduction of additional trees within the hedgerow and to the west adjacent to Newtown, would help to screen the development in localised views into the site from the conservation area.

112. The Design and Conservation Officer previously advised that the proposed new warehouse is of a scale and massing which does not reflect the historic or evolved grain of the settlement by encroaching into the previously undeveloped landscape buffer to the south of the site which has historically remained undeveloped and provided a green buffer to the south of the village and wrapping around the conservation area, albeit a significant area of green buffer would be retained. It was concluded that this localised and less than substantial harm should be balanced against any public benefits of the development. The Design and Conservation Officer has reiterated these comments, advising that the proposed extension would add to the scale and mass of the approved building and compound the already identified harm, however it is recognised that it is seen an infill extension in the context of existing development.
113. Overall, it is considered that the proposal would lead to localised less than substantial harm to the conservation area. While the level of harm is not considered to conflict with CDP Policy 6 or 10, in line with CDP Policy 44 and NPPF Paragraph 202 this level of harm must be weighed against the public benefits of the proposal. This planning balance exercise is undertaken later in the report.

Highway Safety and Parking

114. Criterion e) of CDP Policy 6 outlines that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity. Policy 21 reiterates the requirement of Policy 6 in addition to expecting developments to deliver well designed pedestrian routes and sufficient cycle and car parking provision. Similarly, Policy 29 advocates that convenient access is made for all users of the development together with connections to existing cycle and pedestrian routes.
115. The NPPF sets out at Paragraph 110 that safe and suitable access should be achieved for all users. In addition, Paragraph 111 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe.
116. The application would see the creation of an additional 760m² of manufacturing floor space. 81 car parking spaces would be available to serve the site, including 2 no. electric vehicle charging points, 8 no. car sharing spaces and 16 no. cycle parking bays. This equates to a total of two fewer car parking spaces than proposed by application DM/20/03644/FPA. Objectors have raised concerns over the extension resulting in fewer parking spaces with an increased number of staff being required, as well as additional traffic being generated.
117. Technimark have advised that they currently employ 118 people, with 70% of people driving to work and the remaining either walking/cycling/carsharing or getting a lift. This is forecasted to increase to around 145 no. staff. The applicant advises there are around 6 different shift patterns over a two week period operating from the site, meaning not all current employees are on site at the same time. The busiest period is stated to be between 8.00am and 5.00pm

where the site could have a maximum of 52 people onsite working. For a 20-minute period during the 2pm shift change-over, the site could currently have a maximum of 67 people onsite. At the time of the previous application this was forecast to increase to 80 people as a result of the new industrial building and this number remains the same now including the proposed extension, due to Technimark having introduced a new shift pattern meaning several people will change shift at 6pm rather than at 2pm.

118. Given the above, the Highway Authority considers the amount of parking to be adequate to meet the needs of staff and visitors.
119. In terms of vehicular trips, Technimark have advised that currently they accommodate approximately 17 vehicles per day, 8 no. articulated size vehicles and 9 no. transit / UPS vehicles (approximately 1 vehicle every 35 minutes). Technimark have stated that the number of vehicles entering and leaving the site per day is not expected to increase noticeably as the same number of vehicles have capacity to transport additional quantities of parts and materials.
120. It is noted that Gas Lane also serves the Primary School and Fire Station. School drop off and pick up times, as with any school, generate a high parking demand in the vicinity of the school. It is understood that the Fire Station is not permanently manned or subject to a high degree of emergency call outs. The proposed development relates to expansion of a well established industrial use. The estimate of additional employees is 27 no. over 5 years with a minimal increase in commercial vehicle movements, split between HGVs and smaller vans, across a working day is not deemed material to the continued use of Gas Lane. In addition, the applicant has confirmed that the respective peak periods of existing Gas Lane usage (school pick up and drop offs) are acknowledged, with their intention being to operate a time slot process for deliveries and collections to restrict commercial traffic during such periods once the site is fully operational.
121. The Highways Authority consider that the development is not likely to result in a significant change in terms of traffic and associated highway safety on Gas Lane, given the relatively low increase in vehicle movements.
122. Overall, whilst concerns on this matter are appreciated, the highway impacts of the proposed development are considered to be acceptable and in accordance with Policies 6, 10, 21 and 29 of the CDP as well as Part 9 of the NPPF.

Drainage

123. Part 14 of the NPPF seeks to resist inappropriate development in areas at risk of flooding, directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
124. CDP Policies 35 and 36 relate to flood water management and infrastructure. Policy 35 requires development proposals to consider the effects of the scheme

on flood risk and ensure that it incorporates a Sustainable Drainage System (SuDs) to manage surface water drainage. Development should not have an adverse impact on water quality. Policy 36 seeks to ensure that suitable arrangements are made for the disposal of foul water.

125. National advice within the NPPF and PPG with regard to flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to flood zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where a sequential test and some instances exception test are passed, informed by a site-specific flood risk assessment.
126. A Flood Risk Assessment has been submitted in support of the application. The application site is located within Flood Zone 1 (lowest risk of flooding) with land further to the south located within flood zones 2 and 3. The proposed drainage strategy is to collect surface water runoff via a series of rainwater pipes, swales and filter drains before discharging into a soakaway located beneath the south western car park, which would discharge into the ground. This approach would be in compliance with CDP Policy 35 and Part 14 of the NPPF. A condition is recommended to secure adherence to the Typical Drainage Details DR-C-3000 REV P02 approved under DRC/21/00104 and to agree hydraulic calculations in digital format.
127. Foul drainage would be disposed of into the public sewer. This approach is in accordance with the hierarchy specified in CDP Policy 36.
128. Overall, the proposed development is not considered to be at risk of flooding and would not increase flood risk elsewhere, in accordance with CDP Policies 35 and 36 and Part 14 of the NPPF.

Ecology

129. CDP Policy 41 seeks to secure net gains for biodiversity and coherent ecological networks. Policy 43 relates 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.
130. The submitted Biodiversity Net Gain report and associated metric show that a net gain in biodiversity is possible on site, provided a number of habitats are created as detailed within the report. This includes areas of new, and retained and enhanced grassland which are shown on the Landscaping Principals Plan. The County Ecologist initially requested some points of clarification regarding the Biodiversity Net Gain report, associated metric, and proposed seed mixes and planting schedules, but has indicated their satisfaction to the revised details that have been submitted. A condition is recommended to secure adherence to these details.

131. Overall, the Council's Ecologist has indicated their satisfaction with the information provided and that net gains in biodiversity can be achieved on site, according with CDP Policy 41 and Part 15 of the NPPF.
132. CDP Policy 42 states that development that has the potential to have an effect on internationally designated site(s), either individually or in combination with other plans or projects, will need to be screened in the first instance to determine whether significant effects on the site are likely and, if so, will be subject to an Appropriate Assessment. Development will be refused where it cannot be ascertained, following Appropriate Assessment, that there would be no adverse effects on the integrity of the site.
133. Earlier this year Natural England provided guidance for development proposals with the potential to affect water quality resulting in adverse nutrient impacts on habitats sites. In this instance, the site is located within 200m of the River Tees which flows into the Teesmouth & Cleveland Coast, which is a designated Special Protection Area (SPA) and Ramsar site (Wetlands of international importance) and is identified as a habitat site in unfavourable condition due to excessive nitrogen nutrients.
134. Applications within the catchment area of the Teesmouth & Cleveland Coast that would generate additional wastewater are required to be supported by information to demonstrate that it will not contribute additional significant nutrients, alone or in-combination directly to, or upstream of, any unfavourable location which is important for maintaining or restoring the sensitive designated interest features, otherwise mitigation through nutrient neutrality would be required.
135. In this instance, the application relates to industrial development. Natural England have advised that in relation to industrial development it is assumed that the people working at the site would also live nearby and so within the catchment area. This avoids the double counting of nutrient discharge. Therefore, the employees are thought to already generate wastewater that would be discharged to the catchment area from their homes. Following this logic, an extension to an industrial building with an increased number of staff would not result in an increase in nitrates being discharged into the catchment area. In addition, Technimark is understood to employ the majority of their staff from a relatively local area, likely also within the relevant catchment area. Therefore, the proposal is not considered to result in an increase in nitrates being discharged to the Teesmouth & Cleveland Coast and so no mitigation measures are required.
136. Overall, the proposals accord with CDP Policy 41, 42 and 43 as well as Part 15 of the NPPF.

In Response to Objectors Concerns

137. Objectors have raised concerns that forklift trucks with reverse beepers are audible from 6:30am to 10pm. Condition 15 of planning permission DM/20/03644/FPA states that, 'There shall be no external forklift truck

movements outside the hours 0600 to 2200hrs on any day.’ Therefore, the movement of forklift trucks from 6:30am-10pm complies with the requirements of this condition. It is recommended that this condition remains appropriate and is repeated for this application.

138. A concern was raised that Figure 11 in the noise report shows the new buildings to be lower than the original buildings on the site, which they contend is not the case and could have led to predicted noise levels being underestimated. Figure 11 is a 3D model that shows the position of the new buildings in relation to the residential properties to the west in order to predict noise transmission and propagation. The model does not show the pitched roofs of the recently constructed and newly proposed industrial buildings, with their height appearing to be of a similar height to the existing buildings on the site, which in actuality are lower. However, Environmental Health Officers have reviewed the Noise Impact Assessment and raise no concerns regarding the methodology used.
139. Concerns were raised that the 6 cooling fans to the south of the existing manufacturing building and the north west of the recently constructed industrial building are the most significant noise source not the River Tees as the Noise Report suggests, with noise from the cooling fans having increased now that they are enclosed by the new building. The applicant has confirmed that no additional cooling fan units are to be installed as a result of the proposed extension. The applicant has also advised that following a neighbouring resident complaining about the noise generated from the cooling fans, a new double panelled fence has been installed around the enclosed area of existing fans to help mitigate the risk of noise.
140. Objectors have raised concerns with the earth bank that has been created along the southern part of the western boundary of the site, including in relation to the planting proposed on top of this potentially reducing the effectiveness of their screening, affecting the establishment of the planting, and potentially damaging the stone boundary wall. Landscaping Officers have indicated their satisfaction with the submitted details, advising that the earth mound would be suitable to establish seeding and pit planted trees provided it is stone picked, graded, and cultivated to a fine tilth prior to seeding and planting and assuming the soil complies with the relevant specification. A condition is recommended to secure the implementation of the proposed landscaping scheme in the next planting season, with the earth to be stone picked etc. prior to planting and with any failed planting within the first five years to be replaced. Property damage is not a material planning consideration, but in any case there is a gap between the earth mound and the stone boundary wall to the west and so this is not expected to damage the wall.
141. Objectors have raised concerns that Technimark are trying to exploit the planning system by submitting incremental extensions. The applicant has explained that due to quicker than expected growth over the past few years the extension and additional manufacturing space it would provide is required sooner than was initially expected. Each planning application is judged on its own merits and officers are satisfied that the proposed extension when

considered alongside the existing recently constructed industrial buildings is appropriate in all respects.

142. An objector has questioned when the site begun operating for 24 hours a day and if neighbours were consulted. Industrial workshops were initially granted planning permission to be erected on this site in the 1980's. Extensions to link the workshops were approved in 1993. No conditions were imposed on these consents to restrict the hours of operation. Whilst the exact date the site begun operating for 24 hours a day is not known, this is understood to have been for a number of years and so it would not be reasonable or relevant to this application for an extension to impose a condition to restrict this now.

CONCLUSION

143. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The CDP is 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).
144. The development would cause less than substantial harm to the Middleton in Teesdale Conservation Area. As a result, both CDP Policy 44 and NPPF Paragraph 202 advise that this harm should be weighed against the public benefits of the proposal. These public benefits are considered to be greater than those associated with the erection of the new industrial building approved under DM/20/03644/FPA, now comprising of securing the existing 118 no. jobs at the site, the further expansion of the business to employ around 20-30 new members of staff in a range of positions over the next 5 years, and continued increased support a range of other local businesses in terms of sourcing supplies and services, daily essentials and corporate hospitality purposes.
145. Overall, it is considered that the identified public benefits that would arise from the development are sufficient to outweigh the identified less than substantial harm to the Conservation Area having regards to CDP Policy 44 and NPPF Paragraph 202.
146. Similarly, it is considered that the identified public benefits that would arise from the development would outweigh the identified landscape harm having regards to the requirements of CDP Policy 39.
147. It is concluded that the proposal would represent the development of a site that is well related to the existing settlement, is compatible with adjacent land uses, would not result in inappropriate back land development and does not result in the loss of land that has a recreational, ecological or heritage value. The development is considered appropriate in terms of scale, design, layout and location to the character, function, form and setting of the settlement. The development would not be prejudicial to highway safety and is considered to be

in a sustainable location. It is therefore concluded that the development would accord with relevant policies of the County Durham Plan and the NPPF.

148. All of the objections and concerns raised have been taken into account and addressed within the report. On balance the concerns raised were not considered sufficient to justify refusal of this application in light of the significant benefits of the scheme, and the ability to impose conditions to control detailed construction, design and operational matters. There are no material considerations which indicate otherwise and therefore the application is recommended for approval.

RECOMMENDATION

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

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

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

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

- Location Plan and Block Plan L020033 - 035 REV A
- Proposed Site Layout Plan L020033 - 030 - REV G
- Proposed Site Landscaping Principals and Additional Enhancements L020033 - 034 - REV B
- Detailed Landscape Proposals PH2 3798-3A
- Existing and Proposed North Elevations L020033-032
- Existing and Proposed South Elevations L020033 - 031 - REV B
- Existing and Proposed East Elevations and Overall West Elevation L020033 - 033 - REV B
- Impermeable Areas Plan DR-C-2010 P05
- Engineering Plan DR-C-2002 P06
- Mechanical Services AHU01 HVAC Schematic 501895007001 C1
- General Arrangement of Air Handling Unit A1-220134/001/GA

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy 6, 10, 29, 31, 38, 39 and 44 of the County Durham Plan and Parts 2, 4, 6, 8, 11, 12, 15 and 16 of the National Planning Policy Framework.

3. No development other than ground clearance or remediation works shall commence until hydraulic calculations in digital format in relation to surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be completed in accordance with the approved details. The development hereby approved

shall be undertaken in accordance with the Typical Drainage Details DR-C-3000 REV P02 approved under DRC/21/00104.

Reason: To ensure that surface water is adequately disposed of, in accordance with Policies 35 and 36 of the County Durham Plan and Parts 14 and 15 of the National Planning Policy Framework.

4. Details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority prior to the development hereby permitted being brought into use. The detail provided shall demonstrate adherence to the ILP guidance notes for the reduction of intrusive light. The external lighting shall be erected and maintained in accordance with the approved details thereafter.

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

5. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in the first available planting season (1st October 2022-31st March 2023). The landscaping shall be managed in accordance with the Landscape Management Specification undertaken by Rosetta Landscape Design received on the 9th September 2022. The earth mound that has been created to the south west of the site shall be stone picked, graded, and cultivated to a fine tilth prior to seeding and planting.

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

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

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

Replacements will be subject to the same conditions.

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

6. The development hereby approved shall be undertaken in complete accordance with the Construction Management Plan (Wardman Brown, April 2022).

Reason: To protect the residential amenity of existing and future residents from the development during construction works in accordance with Policy

31 of the County Durham Plan and Part 15 of the National Planning Policy Framework

7. In undertaking the development that is hereby approved:

No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 8000 to 1800 on Monday to Friday and 8000 to 1400 on Saturday.

No internal works audible outside the site boundary shall take place on the site other than between the hours of 8000 to 1800 on Monday to Friday and 0800 to 1700 on Saturday.

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

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

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

8. The development hereby approved shall be undertaken in complete accordance with the Noise Impact Assessment (Apex Acoustics, 8524.4 Rev B, 8th June 2022) and Odour Assessment (Apex Air, 8524.5, Rev B, 8th June 2022).

Reason: In the interests of residential amenity, in accordance with Policies 6, 29 and 31 of County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

9. There shall be no external forklift truck movements outside the hours 0600 to 2200hrs on any day.

Reason: In the interest's residential amenity, in accordance with Policies 6, 29 and 31 of County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

10. Prior to first use of the extension hereby approved, all 81 no. parking spaces depicted on drawing no.L020033 - 030 - REV G (Proposed Site Layout Plan) shall be constructed and demarcated by surface lining or marking to ensure they are used to maximum capacity. The car parking spaces shall thereafter be used solely for the parking of employee and visitor parking and not for any external storage or loading.

Reason: To ensure adequate parking is provided on site and remains available for this use at all times, in the interest of highway safety, in accordance with policies 6, 21 and 29 of the County Durham Plan and Part 9 of the National Planning Policy Framework.

11. Delivery and collection of products involved in the manufacturing process undertaken onsite shall only be undertaken between the hours of 0800 to 1900hrs on any day.

Reason: In the interest's residential amenity, in accordance with Policies 6, 29 and 31 of County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

12. Prior to first use of the new warehouse hereby approved 2 no. electric vehicle charging points and 16 no. bicycle parking spaces shall be installed in the locations shown on drawing no. L020033-005 Rev C (Proposed Site Layout Plan). The electric vehicle charging points and bicycle parking spaces shall be retained for the lifetime of the development.

Reason: To make access to the site more sustainable, in accordance with Policy 6 and 21 of the County Durham Plan and Part 9 of the NPPF.

13. The development shall be undertaken in strict accordance with the Biodiversity Net Gain Report undertaken by Naturally Wild dated 9th September 2022, and the Biodiversity Metric 3.0 Biodiversity Calculation R4 received on the 12th September 2022, and the Landscape Management Specification undertaken by Rosetta Landscape Design received on the 9th September 2022.

Reason: To ensure net gains in biodiversity are delivered on site in accordance with Policy 41 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
National Planning Policy Framework
The County Durham Plan (CDP)
Statutory consultation responses

Internal consultation responses
External consultation responses



<p>Planning Services</p>	<p>DM/22/01877/FPA</p> <p>Erection of extension to newly constructed building</p>	
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	<p>Date: 14th September</p>	