



## Planning Services

# COMMITTEE REPORT

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### **APPLICATION DETAILS**

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| Application No:               | DM/22/01643/FPA   |
| Full Application Description: | Insertion of louvre into the southern elevation of building approved under DM/20/03644/FPA              |
| 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)<br>Tel: 03000 261 959<br>Email: george.spurgeon@durham.gov.uk |

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### **DESCRIPTION OF THE SITE AND PROPOSAL**

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#### 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 the building erected under planning permission DM/20/03644/FPA. The site is operated by Technimark who principally manufacture plastic injection moulded components for the medical, pharmaceutical, and healthcare industry. The site currently employees 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. 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.
3. 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 Aidan's 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).

4. 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.
5. The Technimark premises lie within the Middleton in Teesdale Conservation Area and within a designated Area of Higher Landscape Value (AHLV).

#### The Proposal

6. The application seeks planning permission for the insertion of a louvre into the south elevation of the taller eastern part of the newly constructed industrial building. Internally a mezzanine floor has been installed to the south of this part of the building and an air handling unit is intended to be fitted here to pump air into the building in order to create a pressurised and clean manufacturing space. The louvre would measure 1.5m wide by 1m tall and be finished in an olive green colour to match the existing cladding of the building. The louvre would be used in conjunction with internal high level HVAC ductwork that has been installed within the western part of the building.
7. The western part of the building was originally intended to be used for warehousing and is now stated to be used for manufacturing. However, the committee report for previous application DM/20/03644/FPA stated that the applicant previously advised that based on the anticipated level of growth of the business manufacturing would likely take place within the warehouse area within a few years. As the site is considered to operate under a B2 (general industrial) use this is not considered to amount to a material change of use which requires planning permission in its own right.
8. The applicant has explained that due to the growth of the business additional manufacturing space is now required. The louvre would enable the western part of the building to be used for production and to be operated as a clean room, by providing ventilation and bringing air into the building rather than to provide air extraction.
9. 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 disturbance affecting residential amenity.

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## **PLANNING HISTORY**

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10. Application DM/22/01877/FPA for the erection of extension to be used for manufacturing to the east of the newly constructed building is currently pending consideration.
11. 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.
12. 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.

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## **PLANNING POLICY**

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### **National Policy**

13. 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.
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 Page 73 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.

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

#### **National Planning Practice Guidance:**

24. 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)

25. *Policy 1 (Quantity of Development)* outlines the levels of employment land and housing delivery considered to be required across the plan period.
26. *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.
27. *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.

28. *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.
29. *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.
30. *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.
31. *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.
32. *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.

33. *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:**

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

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## **CONSULTATION AND PUBLICITY RESPONSES**

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#### **Statutory Consultee Responses:**

35. *Middleton in Teesdale and Newbiggin Parish Council* – Object to the application on the grounds that it would create additional noise disturbance for residents.

#### **Non-Statutory Responses:**

36. *Environmental Health Nuisance* – Advise that the submitted Noise Assessment 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 several conditions.

#### **Public Responses:**

37. The application has been publicised by way of 2 no. site notices, a press advertisement and individual neighbour notification letters. 5 no. letters of objection have been received in response, with a summary of the key areas of concerns as follows:

##### Residential Amenity

- The proposal would result in increased noise and other pollution,
- Locating the louvre to the east would have a significantly lower impact,
- The Noise Impact Assessment does not include cooling fans as local noise sources,
- Concerns over what the louvre may omit to the atmosphere,
- The proposal would see manufacturing machinery brought closer to residential properties.

##### Other Matters

- Work has been carried out well after the construction working hours of between 7.30am till 6pm on multiple occasions required by condition 13,

- Landscaping has not been carried out in a timely manner, condition 7 required planting to take place upon the substantial of the warehouses which was the summer of 2021 so planting should have taken place the autumn of 21 or beginning of 2022,
- Condition 10 required the car parking spaces to be constructed before the warehouse was occupied,
- The wall has been built using largely new stone and appears incongruous,
- The description of the proposal is misleading as the main detail is the relocation of manufacturing closer to the residential properties to the west.

### **Applicants Statement:**

38. 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.
39. Such has been the recent success of the business that on nearing completion of the warehouse building, that had been approved on 31st March 2021, Technimark found itself in urgent need of additional manufacturing floorspace and proposed using the western half of the building intended for warehousing manufacturing purposes. We were advised that the Council considers the entire Technimark site to be a Class B2 (general industry) use and that planning permission would not be required as the proposal did not constitute a change of use in planning terms.
40. Planning permission is required, however, for the insertion of a new louvre (air intake) on the south side of the eastern half of the building, hence this planning application. The louvre links internally to an air conditioning system serving the new manufacturing area. The planning application submission includes a Noise Impact Assessment, which demonstrates that at worst noise emissions from the new manufacturing facility would be 5 dB (daytime) and 4 dB (night time) below the background noise level and would not present any noise nuisance. In this regard, it is noted the Council's Nuisance Team agree with the findings and are content that the insertion of the louvre into the southern elevation of the building will not have a detrimental impact upon the amenities of the occupiers of nearby houses through noise impact.
41. The key planning consideration with regards to the proposal the subject of this application is visual impact. In this regard, it has been assessed that the proposed louvre, which will be colour co-ordinated with the composite wall cladding on the southern elevation of the building, will have minimal impact on the appearance of the building and a neutral impact upon the character and appearance of the Middleton-in-Teesdale Conservation Area. In this regard, the proposed development is considered acceptable.



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## **PLANNING CONSIDERATION AND ASSESSMENT**

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42. 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, residential amenity, landscape and visual impacts, and the impact upon designated heritage assets.

### Principle of Development

43. 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.
44. 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.
45. 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.

46. 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, and 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.

#### Residential Amenity

47. 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.
48. 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.

49. 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.
50. Objectors have raised concerns regarding the louvre resulting in additional noise and pollution. The application is supported by a Noise Impact Assessment which calculated the worst case rated plant sound impact to be between 5 dB (daytime) and 4 dB (night time) below the background sound level. The assessment concludes that the proposal would therefore have a low impact.
51. The Council's Environmental Health Officers (EHO) have reviewed this assessment and consider it to have been undertaken by appropriately qualified and competent consultants and to have followed appropriate methodologies. EHO concur with the conclusions of the assessment, confirming that it demonstrates that the application complies with the thresholds stated within the Council's Technical Advice Notes (TANS), indicating that the development will not lead to an adverse impact. Therefore, EHO have confirmed that the assessment demonstrates that noise from manufacturing activities and the insertion of the louvre will not have a detrimental impact upon neighbouring amenity. A condition is recommended to restrict the maximum level of noise emitted from the building and requiring the operator to provide a report demonstrating adherence to these levels within 28 days of being requested to do so by the LPA.
52. Due to the proximity of the building, in relation to residential properties, and that the activities that will be undertaken on a 24hr period, EHO also recommended conditions to restrict the timings of forklift truck movements and the delivery and collection of products involved in manufacturing, however this is secured by condition 15 and 16 of permission DM/20/03644/FPA and so it is not necessary to repeat them for this application which only seeks consent for the insertion of a louvre.
53. Objector's comments have been noted in relation to existing noise issues, however EHO have commented that no noise complaints have been received in relation to noise associated with manufacturing activities. A complaint was received in relation to noise associated with the construction of the new industrial buildings, and an objection has been received stating that the works breached the specified construction working hours specified by condition 13 of DM/20/03644/FPA, however the construction phase of the approved building has now been substantially completed.
54. It is noted that there are two emergency exit doorways on the western elevation of building F (fig. 2 of the noise assessment) which face towards receptors. EHO have recommended a condition to require these doors remain closed at all times, with the exception for opening in relation to emergency egress and maintenance of the doors. These doors were also shown on the approved site plan from application DM/20/03644/FPA and no such condition was imposed to require these doors to be kept closed. As this application seeks consent for the insertion of a louvre only, a condition seeking to require the doors to remain closed is not relevant to the development to be permitted and so such a

condition would not meet the six tests set out by NPPF Paragraph 56. Nevertheless, the applicant has indicated their intention for these doors to remain shut except in emergencies, Environmental Health also have statutory powers to address any nuisances should they arise.

55. Objectors have raised concerns that the proposal would see manufacturing machinery brought closer to residential properties. Whilst the building was initially stated to be used for warehousing and is now stated to be used for manufacturing, the site is considered to operate under a B2 (general industrial) use. The committee report for previous application DM/20/03644/FPA stated that the applicant advised based on the anticipated level of growth of the business, (anticipated to be around 8% per annum) there could be manufacturing within the warehouse area in approximately 3 years time (from the end of 2020). The applicant has explained that growth has been quicker than initially anticipated, with the number of staff having increased from 92 in December 2020 to 118 in August 2022 and annual revenue expected to have increased over the past two years by 65% at the end of 2022. Consequently, additional manufacturing space is required earlier than expected. The Noise Assessment submitted with application DM/20/03644/FPA was undertaken on the worst case scenario with manufacturing uses taking place in the proposed warehouse building. The committee report concluded at paragraph 143 that, *'even if manufacturing uses were to take place in the proposed warehouse, noise would be adequately contained within the building and would not adversely affect adjacent residents.'* EHO have reviewed the latest submitted noise assessment and the proposed plans and concluded that the amenity of neighbouring residents would not be adversely affected by the insertion of the louvre.
56. Objectors have also raised concerns over what the louvre may omit to the atmosphere. The applicant has confirmed that the louvre is proposed to be used for intake air flow only and will not be used for air extraction.
57. In summary, the insertion of the louvre is 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

58. The site lies within an Area of Higher Landscape Value (AHLV).
59. 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.
60. 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.

61. 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.
62. 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. Policy 38 of the CDP 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.
63. 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.
64. Views of the louvre would be limited to localised vantage points within Newtown and to southern side of Gas Lane and seen in the context of the existing industrial buildings. The louvre is proposed to be of a scale and olive green colour finish to match the existing building so would not appear unduly prominent. The louvre is unlikely to be visible from PRoW no.49 or elevated sections of the PRoWs within the North Pennines AONB to the south given their distance of around 125m and 650-700m away respectively and the use of a recessive olive green colour.
65. Therefore, it is considered that the proposal would have a neutral impact on the character and appearance of the AHLV and AONB, according with CDP Policy 6, 29, 38 and 39, Part 12 and 15 of the NPPF, and Section 85 of the Countryside and Rights of Way Act (2000).

#### Impact upon Designated Heritage Assets

66. The application site lies within the Middleton in Teesdale Conservation Area.

67. 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.
68. 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 substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
69. 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.
70. 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.
71. 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 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. The open pasture land to the south of the site provides a green buffer to the south of the conservation area, with the application site already having a very distinct industrial character which has been further established by the recently constructed building.
72. The louvre would not be visible from the B6282, the main road through the village and heart of the Conservation Area due to existing buildings, with views limited to localised vantage points within Newtown and to southern side of Gas Lane. The louvre would be seen in the context of the existing industrial buildings and is proposed to be of a scale and olive green colour finish to match the existing building so would not appear unduly prominent.
73. Therefore, it is considered that the proposal would have a neutral impact on the character and appearance of the conservation area, according with CDP Policy

6, 29, and 44, Part 12 and 16 of the NPPF, and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### Other Matters

74. Objectors have raised concerns that the landscaping approved under permission DM/20/03644/FPA has not been carried out in a timely manner. Condition 7 required planting to take place upon the substantial completion of the new industrial buildings and so is expected to take place within the next planting season (October 2022 – March 2023).
75. Objectors have made reference to condition 10 of permission DM/20/03644/FPA which required the car parking spaces to be constructed and demarcated by marking prior to the first use of the new building. The car parking spaces shown on the approved site plan have not yet been constructed due to a separate application coming forward on the site of the parking spaces for an extension to the new industrial building (reference DM/22/01877/FPA). At the time of writing, the approved buildings have not been used for warehousing or manufacturing and so there is no breach of this condition. It is noted that application DM/22/01877/FPA proposes the reconfiguring of the car parking spaces to accommodate an extension.
76. Objectors have raised concerns that the wall along the southern boundary of the site has been built using largely new stone and appears incongruous. Condition 9 of permission DM/20/03644/FPA required that the wall matched the previous wall, with there being nothing to prevent new stone being used as long as it matched. Inevitably new stone will take some time to weather down and it cannot be expected to resemble historic stone work immediately, however within a relatively short period of time it will be closer in terms of colour to surrounding historic walls. Whilst it is acknowledged that the new wall may be very marginally lower than the previous wall this is not to such an extent that it would materially conflict with the purpose of condition 9 or adversely affect the amenity of neighbouring residents.

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## **CONCLUSION**

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77. 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).
78. The application seeks planning permission for the insertion of a louvre into the south elevation of the building approved under DM/20/03644/FPA. It is concluded that this would not adversely affect the amenity of neighbouring residents and would have a neutral impact on the conservation area and AHLV.

Therefore, the proposal is considered to accord with relevant policies of the County Durham Plan and the NPPF.

79. 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. There are no material considerations which indicate otherwise and therefore the application is recommended for approval.

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## **RECOMMENDATION**

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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:

Site location plan L020033-043 REV A  
Proposed site layout and floor plan L020033-041 Rev A  
Existing and proposed south elevations L020033-042  
General arrangement of air handling unit 220134/001/GA Rev P2  
Mechanical services AHU01 HVAC schematic 501895007001 Rev C1

*Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy 6, 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. The rating level of noise emitted from building F, as annotated within the submitted Noise Impact Assessment 8524.3 Rev A undertaken by Apex Acoustics dated 9th May 2022, shall not exceed 43dB LAeq (1 hour) between 07.00-23.00 and 36dB LAeq (15 mins) between 23.00-07.00. The measurement and assessment shall be made according to BS 4142: 2014+A1: 2019. On written request by the local planning authority the operator shall, within 28 days, produce a report to demonstrate adherence with the above rating level.

*Reason: In the interest of residential amenity and in accordance with Policies 6, 29 and 31 of County Durham Plan and Parts 12 and 15 of the NPPF.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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

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## **BACKGROUND PAPERS**

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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



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| <p><b>Planning Services</b></p>   | <p>Insertion of louvre into the southern elevation of building approved under DM/20/03644/FPA</p> |  |
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|   | <p>Date: 14<sup>th</sup> September</p>  |  |