

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No: DM/21/02901/OUT

APPLICATION DESCRIPTION: Outline planning permission for Phase 2 of Jade Business Park in Murton, comprising a mix of B2 and B8 unit use with associated service yards, car parking and landscaping.

NAME OF APPLICANT: Durham County Council

ADDRESS: Jade Business Park,
Jade Enterprise Zone,
Murton
SR7 8RN

ELECTORAL DIVISION: Murton

CASE OFFICER: Andrew Inch, Strategic Development Manager
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DESCRIPTION OF THE SITE AND PROPOSALS

Background

1. Phase 1 of Jade Business Park (DM/19/01316) was granted approval in July 2019 for the erection of 7 units comprising of mixed B2 industrial use with integrated offices, service yards, car parking and landscaping. Phase 2 is an extension to the consented business park which proposes to wrap around and integrate with Phase 1.

The Site

2. The application site lies adjacent to the initial phase of development of Jade Business Park. It is broadly rectangular in shape and comprises of 14.45 hectares of grassland. The site is partially developed and located in the Hawthorn Development Zone, comprising of former Hawthorn colliery land which has been reclaimed. Jade business park is located just to the west of the A19 trunk road and the Durham Heritage Coastline and, at some distance, is surrounded by three communities: Murton, South Hetton and Hawthorn, Murton being the largest community. The site is bounded by a mix of farmland, woodland and remediated amenity land.

3. The business park is readily accessible with vehicular access into the site taken directly off the A182/A19 via a purpose-built carriageway which was constructed in 2008 and leads directly to it. The A182 provides southbound access to the A19 to the east via a dumbbell roundabout arrangement which provides access to Seaham, Dawdon and Parkside in addition to the wider highway network. The A182 junctions with the B1285, which leads north and provides access to the northbound carriageway of the A19, as well as residential areas of Murton and South Hetton in addition to the A690 and A1 (M) further west. A public bridleway (BW 29 Murton) crosses through the site (approx. E-W direction). A Sustrans National Cycle Network route (NCN1) also lies within close proximity to the site. Significant bus services are available on Church Lane, just beyond the north-eastern corner of the Park.
4. Two Sites of Special Scientific Interest (SSSIs) lie in close proximity of the development site with Hesleden Moor East lying approximately 460m to the east and Hesleden Moor West being located approximately 480m to the west. There are Local Wildlife Sites at Coop House Wood (two sites approximately 130m to the south and 420m to the east) and Hesleden Moor West (approximately 370m to the west) Hawthorn Conservation Area, containing a number of Grade II listed buildings, is located approximately 2.3km to the east of the proposed development. The nearest listed building to the site is the Grade II Church of The Holy Trinity, 870m to the north of the site.

The Proposal

5. The proposal seeks outline planning permission with all matters reserved for the development of the remainder of Jade Business Park (plots B, C and D) to provide B2 (General Industrial) and B8 (Storage and Distribution) commercial floorspace. The proposals have been revised during the course of the application to remove elements which sought uses falling within former Class B1 (Business), which now fall within Use Class E (Commercial, Business and Service). The proposals now focus on providing development to be occupied by only B2/B8 uses, with a maximum floorspace of 53,780 sqm. B2 use across the application site will be limited to a maximum of up to 27,406sqm with the remainder falling under B8 use. The floorspace envelopes for the building plots, as set out in the submitted parameters plan and are as follows:
 - Plot B – B2/B8 use across 4.57 ha, maximum of 13,690 sqm with 260 parking spaces
 - Plot C – B2/B8 use across 3.40 ha, maximum of 15,155 sqm with 288 parking spaces
 - Plot D - B8 use across 5.85 ha, maximum of 24,935 sqm with 237 parking spaces
6. As the application is submitted in outline form with all matters reserved, the overall layout of the proposed development will be the subject of future Reserved Matters applications as the park is developed, however the application has been supported by a proposed masterplan strategy for the site's development. In addition, indicative layout plans show that incidental offices may be incorporated within the envelope of a building or as a pod which sits in front of the building. Together with a green corridor and landscape frontage, landscaping in the car parking and the articulation of the offices, it is expected the scheme would provide an animated and attractive frontage to the development.
7. With regards to scale and design, the appearance of these plots would be subject of future Reserved Matters applications, although a Design Code has been submitted which envisages a development consistent with that undertaken on Phase 1. The document indicates that all of the units would be of contemporary aesthetic, typical of the form of unit proposed. They would be constructed from profiled metal sheets and composite flat panels. Additional materials will be used in specific locations such as

around entrances, offices or focal points in order to create contrast and local identity; the office provision will be predominantly glazed to provide greater animation to the front of each unit. The Parameters Plan and Design Code both indicate that overall scale would see buildings up to a maximum height of 20m constructed across the site.

8. The main vehicular access to the site would be via the existing link road taken off the A182. A secondary (emergency conditions only) access route is available from the substation access track to the north to allow the Park to remain accessible. The access road leads into the adopted highway and the junction with the B1285 Church Lane in Murton beyond.
9. Pedestrian footpaths are already in place along the existing access roads within the site. As part of the redevelopment of the site, an existing public right of way will need to be diverted. As this application is in outline form the detail of the diversion is not yet known.
10. This application is being reported to the County Planning Committee as it relates to a non-residential development proposal exceeding 10,000sqm floor space.

PLANNING HISTORY

11. In February 2007 an outline application (5/PLAN/2005/0955) for industrial development comprising B1 business use, B2 general industrial use and B8 storage and distribution was granted planning permission. The development was commenced but not completed. In July 2019 planning permission (DM/19/01316/FPA) was granted for planning history for the erection of 7 units (5 buildings) for B2/B8 industrial use with integrated offices and associated service yards, car parking and landscaping. As noted above this permission has been implanted in full.

PLANNING POLICY

NATIONAL POLICY

12. A revised National Planning Policy Framework (NPPF) was published in July 2021. The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
13. The following elements of the NPPF are considered relevant to this proposal.
14. *NPPF Part 2 - Achieving Sustainable Development.* The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
15. *NPPF Part 4 - Decision-making.* Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

16. *NPPF Part 6 – Building a strong, competitive economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
17. *NPPF Part 8 – Promoting healthy and safe communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
18. *NPPF Part 9 – Promoting sustainable transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
19. *NPPF Part 11 – Making effective use of land.* Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously developed or 'brownfield' land.
20. *NPPF Part 12 – Achieving well-designed places.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
21. *NPPF Part 14 – Meeting the challenge of climate change, flooding and coastal change.* The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
22. *NPPF Part 15 - Conserving and Enhancing the Natural Environment.* Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
23. *NPPF Part 16 - Conserving and Enhancing the Historic Environment.* Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

24. 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; determining a planning application; flood risk and coastal change; healthy and safe communities; historic environment; land affected by contamination; light pollution; natural environment; neighbourhood planning; noise; open space, sports and recreation facilities; town centres and retail; travel plans, transport assessments and statements; use of planning conditions; viability and; water supply, wastewater and water quality.

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

LOCAL PLAN POLICY:

The County Durham Plan:

25. *Policy 1 – Quantity of New Development.* Indicates a need for 300 hectares of strategic and general employment land for office, industrial and warehousing purposes across the plan period up to 2035.
26. *Policy 2 – Employment Land.* Supports business, general industrial and storage and distribution development within specified employment allocations and also protects other existing employment sites from being changed to non-employment uses, unless appropriate marketing has been undertaken or that the use would not compromise the main employment use and would comply with retail Policy 9 where main town centre uses are being proposed. Where a non-employment development is proposed on the protected employment sites, any existing jobs on site must be relocated. Jade Business Park is allocated as employment land in the Local Plan, contributing 18.85ha towards the overall figure sought in Policy 1. This includes land already developed out under Phase 1, including the access road into the Park.
27. *Policy 10 – Development in the Countryside.* Makes clear that development in the countryside will not be permitted unless allowed for by specific policies in the Plan, or where it relates to a number of exceptions listed within the policy which include certain forms of economic and infrastructure development, as well as the redevelopment of brownfield sites. The policy sets out a number of general design principles for all development in the countryside, which seek to ensure that the character of the area is appropriately preserved alongside the setting of heritage assets, amenity of residents and safety of the highway network amongst other factors.
28. *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.
29. *Policy 25 - Developer Contributions.* Advises that any mitigation necessary to make the development acceptable in planning terms will be secured through appropriate planning conditions or planning obligations. Planning conditions will be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations must be directly

related to the development and fairly and reasonably related in scale and kind to the development.

30. *Policy 26 – Green Infrastructure.* States that development will be expected to maintain and protect, and where appropriate improve, the County’s green infrastructure network. Advice is provided on the circumstances in which existing green infrastructure may be lost to development, the requirements of new provision within development proposals and advice in regard to public rights of way.
31. *Policy 28 – Safeguarded Areas.* Within safeguarded areas development will be subject to consultation with the relevant authority and will be permitted where it can be demonstrated that it would unacceptably adversely affect public safety, air traffic safety, the operation of High Moorsley Meteorological Officer radar.
32. *Policy 29 – Sustainable Design.* Requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out detailed criteria which sets out that where relevant development is required to meet including; making a positive contribution to an areas character and identity; provide adaptable buildings; minimise greenhouse gas emissions and use of non renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; providing suitable landscape proposals; provide convenient access for all users; adhere to the Nationally Described Space Standards (subject to transition period).
33. *Policy 31 - Amenity and Pollution.* Sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that they can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.
34. *Policy 32 – Despoiled, Degraded, Derelict and Contaminated Land.* Requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.
35. *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.
36. *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 defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.

37. *Policy 39 – Landscape.* Proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate mitigation measures where adverse impacts occur.
38. *Policy 40 - Trees, Woodlands and Hedges.* Proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges or provide suitable replacement planting. The loss or deterioration of ancient woodland will require wholly exceptional reasons and appropriate compensation.
39. *Policy 41 - Biodiversity and Geodiversity.* Restricts development that would result in significant harm to biodiversity or geodiversity and cannot be mitigated or compensated. The retention and enhancement of existing biodiversity assets and features is required as are biodiversity net gains. Proposals must protect geological features, have regard to Geodiversity Action Plans and the Durham Geodiversity Audit and where appropriate promote public access, appreciation and interpretation of geodiversity.
40. *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.
41. *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.
42. *Policy 56 Safeguarding Mineral Resources.* Sets out that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within a Mineral Safeguarding Area unless certain exception criteria apply.

NEIGHBOURHOOD PLAN POLICY:

43. There is no Neighbourhood Plan for this area.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

44. *National Highways* - The proposed traffic flows and junction assessments are acceptable. The proposed junction mitigation works at the A19 North/B1285 Dalton Park junction have been tested and are acceptable. National Highways recommend three conditions be attached to outline planning permission. Condition 1 to limit the total floorspace allocated for B2 use for reasons relating to trip generation by restricting B2 land use to a maximum

of 27,406sqm. Condition 2 to prevent occupation of the development until planned mitigation road works on the A19 North/B1285 Dalton Park junction as planned by Durham County Council for 2023 have been delivered. Condition 3 to secure the submission and approval of a construction phase traffic management plan to be adhered to through the life of the construction phase. Subject to these conditions being imposed, National Highways withdraw their previous objection.

45. *Highway Authority* – No objections. On the basis of the submitted information and relevant assessed junctions, it is considered that all the junctions work to an acceptable level with the development occupied in both the opening year and 10 years after opening. The current A19/A182/B1285 dumbbell roundabouts will be replaced by a signalised arrangement funded and delivered by the Council. A Stage 1 Road Safety Audit has been carried out and shown no significant issues. Parking is indicated to be provided in accordance with DCC standards; however, being an outline application, this could be dealt with in the reserved matters along with cycle parking and EV charging.
46. *Drainage and Coastal Protection (Lead Local Flood Authority)* – No objection, subject to a condition requiring the final design to be in accordance with the submitted Master Plan - Drainage Strategy Revision A 3rd February 2021, incorporating SuDS features for surface water treatment and attenuation of flows to QBAR rural rate as described in the document.
47. *Natural England* – No objection - based on the plans submitted the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.
48. *Northumbrian Water Limited* – No objection, provided the application is approved and carried out in strict accordance with the submitted document entitled “Drainage Strategy”, which states foul flows shall discharge via the existing on site private foul network which ultimately discharges to the public combined sewer at manhole 7102. All surface water flows shall discharge to the watercourse.

INTERNAL CONSULTEE RESPONSES:

49. *Spatial Policy* – No objections, the application proposes uses that the site is allocated for and therefore the principle of development is supported.
50. *Ecology* – No objections. No impacts are expected on statutory and non-statutory sites designated for nature conservation with no designated sites being directly impacted upon. Any potential recreational impacts on nearby Sites of Special Scientific Interest are mitigated for by the footpath routes avoiding the SSSIs and the provision of clear site signage. No negative impacts are expected on European Protected Species. Great Crested Newts are absent from the site. No significant impacts are expected on bird species. Common species of invertebrate will be impacted upon by development, this will be mitigated for through the provision of suitable native planting within the site and the off-site enhancement of grasslands. No significant impacts on invertebrates are expected.

An appropriate draft Biodiversity Management and Monitoring Plan has been provided which outlines the methods to be employed to deliver the required number of biodiversity units off-site. A financial contribution of £400,000 should be secured to deliver the management and monitoring of the off-site location for a minimum of 30 years.

51. *Landscape* - No objection. Acknowledge that the application site is allocated within the development plan and that the principle of development has therefore been established.

The submitted Design Code appropriately shows locations and dimensions of areas of existing woodland to be retained, which is an important element of the wider masterplan, considering the visual impact of proposed buildings. It is important that existing planting is retained, managed and supplemented with new strategic landscape buffers. In the early years of the development, the proposed buildings would, in combination with the existing buildings bring about a magnitude of change which would exceed low, as the upper facades of the buildings and rooftops would be noticeable from areas of settlement. Given the height of existing trees in comparison to the existing and proposed buildings, shown in the visual representation VP3, visual effects would be slight to moderate and adverse, which would exceed the conclusions made in the applicant's landscape appraisal. This again highlights the importance of retained trees and the success of supplementary planting, to meet with the longer-term predictions made in the submitted Landscape Appraisal.

All new planting proposals should be supplemented with management and maintenance objectives, specification, schedules of operations relating to frequency and timing and cross referenced to detailed planting plans and species lists (relevant to plant replacements). As mentioned previously, this phase should assimilate positively with the previous development phase to create a recognisable landscape character throughout the entire Business Park.

52. *Landscape (Trees)* - The submitted assessment and method statements are comprehensive and acceptable. The proposals would require the removal of two groups of trees and a section of three others, however their loss would not have a significant impact on amenity taking account of additional tree planting indicated in the proposed masterplan. There are no objections from an arboricultural perspective.
53. *Design & Conservation* – Advise that the amended design code reflects previous discussions with regard to the built development.
54. *Archaeology* – the former Hawthorn Mine and subsequent land reclamation works are likely to have destroyed any remains and therefore through pre-application discussions it has been determined that no further archaeological work is required.
55. *Sustainable Travel Team* - The site is considered very challenging with regards to ensuring good transport links and general access as it is highly unlikely that this will ever be a through route. The majority of units are proposed as low-density employment and that in itself is a negative for successful transport services but when coupled with staggered shift patterns, it is difficult to see how any service (dedicated or extension to existing) could operate to the site on a commercial basis. Taking into account the above, it looks unlikely that the shape of the existing public transport network will change in any meaningful way. For this reason focus of transport/access improvement should be on ensuring 'direct, suitable' footpath links to services at South Hetton and Murton. Though current measurements are a fair reflection of distance and it is true that services at South Hetton and Murton are frequent and provide good links to local and regional centres, the walking distances and routes are neither convenient nor suitable. The existing route however is partly on private land, unlit and is difficult to see how improvements can be made.
56. *Environmental Health (Air Quality)* - AECOM have independently reviewed the documents submitted with the application and note that the construction impact assessment omits nearby sites which may be emitting dust during the same period, however, otherwise concludes that it is largely suitable. The overall assessment of air quality in respect of operation is considered suitable, however a number of deficiencies within the submitted information will need to be addressed at reserved matters stage. These include a lack of reference to operational phase traffic impacts on nearby SSSIs

and lack of reference to IAQM guidance on the assessment of air quality impacts on designated nature conservation sites.

57. *Environmental Health (Contaminated Land)* - An intrusive site investigation is not considered necessary and ground gas protection measures are required. The importation of soils will be limited due to excess on site from earthworks. Given the information provided and in light of development of the wider site, there are no objections to the proposals and no requirement for pre-commencement conditions. A number of other conditions are recommended to secure remediation and verification in relation to potential ground contamination, alongside an informative to cover an eventuality where previously unforeseen contamination is found during construction.
58. *Nuisance Action Team* – Having considered the proposals, granting planning permission would potentially result in a statutory nuisance being created in relation to noise from road traffic leading to a change in acoustic character for nearby receptors. However, conditions seeking to control the level of noise from commercial operations and/or plant are sufficient to mitigate the potential of a statutory nuisance.
59. *Rights of Way Officer* – Murton bridleway 29 will be affected by the development and discussions are ongoing as to the diverted route. There is an un-investigated claim which comes into the site through the buildings already present, however there are no concerns overall and the claim could be accommodated on the diversion if founded.
60. *Business Durham* – No objections. The current demand for industrial units outpaces the existing supply of industrial space from businesses inside and outside the County. The proposed new development will go some way to alleviating this need by increasing the opportunities for inward investment and providing opportunities for local growing businesses.

EXTERNAL CONSULTEE RESPONSES:

61. *Durham Constabulary Crime Prevention Unit* – advice is provided in relation to specific detailed design measures that should be incorporated.

PUBLIC RESPONSES:

62. The application has been advertised by way of a press and site notice and individual notification letters to neighbouring residents. No representations have been received.

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

APPLICANTS STATEMENT

63. Jade Business Park in Murton is owned by the Council and was split into two phases. The Council funded Phase 1 of the development which was established in 2020, comprising seven new employment units within 156,000 sq. ft. of light industrial use. Buckinghamshire Properties Limited developed out Phase 1, supported by Durham Council, and Business Durham manages the Phase 1 accommodation with all seven units now fully let. These units currently employ 160 people with this expected to rise further to over 250 people in the next five years. Buckinghamshire Properties Limited is now in a position to complete the remaining Phase 2 of development at Jade, working with Durham Council once outline planning permission is granted, but this time with mainly private and commercial funding. This final phase of development will provide a further 550,000 sq. ft of floorspace with an additional seven units proposed, ranging in

size from 20,000 sq. ft. to 250,000 sq. ft. and when completed could support a further 1000 jobs.

64. The Jade application site, formerly known as Hawthorn Colliery, is wholly owned by the Council and was reclaimed from its previous use as a coal mine and coke works, one of a small group of Durham Collieries that would survive into the 1990s. The works ceased and were demolished, and the land reclaimed as part of the Hawthorn Development Zone projects. In 2007, outline planning consent was granted for the construction of a 22 hectare Industrial development that would accommodate storage and distribution and general industrial use comprising of 25 units. Remediation of the former coke works were completed and a high standard road linking the A19 with the site designated for the consented Hawthorn Industrial Estate was constructed by Durham County Council in 2011. A financial crisis in 2008 however had led to a global recession and the UK suffered a severe downturn stemming business development growth and as a result the consented Hawthorn development was not built. In 2015, the site was granted Enterprise Zone status as part of a wider North East Local Enterprise Partnership (NELEP) offering. Occupiers were given an incentive equivalent of up to £275,000 of rate relief up to March 2021 and NELEP receive the business rates for 25 years with some of these proceeds being used to invest in on-site infrastructure. The success of the first phase of Jade has provided an opportunity for the remainder of the site to be considered for further speculative development but this time funded directly by private development.
65. The Council Plan 2020 - 2023 includes the ambition “to create more and better jobs” by supporting businesses emerging from the pandemic and effects of lockdown and by developing a pipeline of projects and investment plans at major employment sites across the County. The Jade development site is the main employment land allocation in East Durham, providing more than 50% of the employment land allocated in the East Durham area for the Plan period (to 2035). Jade is one of the County’s five strategic employment sites, the only one in East Durham, and links to one of the key aspects of the County Durham Vision “*1.1 We will deliver a range of accessible employment sites across the county*”. Jade is also recognised in the North East Strategic Economic Plan as one of the region’s major employment sites and coupled with enterprise zone status, makes the employment proposition strategically significant for the region.
66. As evidenced by the recent Economic Review commissioned by the Council, more modern industrial space is needed to support the growth of small and medium enterprises and inward investment in the County. The case to bring forward speculative industrial development is stronger than ever but although rental yields are improving, there remains a key role for the Council, working in partnership with the private developers, in providing financial security to enable these schemes to go ahead. Realising the economic ambition of this proposal and effective use of remediated land could act as a catalyst for wider regeneration in the area.
67. Naturally Phase 2 will be an expansion of the Phase 1 Business Park development and this is best use of the location site with the existing high standard transport links and emerging opportunities to utilise renewable energy sources. The ambition is to capitalise and build on the success of Phase 1 to bring new opportunities to the area and provide a much-needed employment offer that will also complement the 3,285 new homes that are allocated to East Durham in the County Durham Plan. The proposed industrial and warehouse units would be offered to larger established companies that operate a modern management structure that would see the creation of safe and secure jobs with good working conditions.

PLANNING CONSIDERATIONS AND ASSESSMENT

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

The Principle of the Development

The Development Plan

69. 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 and is therefore relevant to the assessment of any proposals for development of the site. 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.
70. 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; or where there are no relevant development policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
- (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed;
 - or,
 - (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
71. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035. As there is an up to date development plan, paragraph 11(d) of the NPPF is not engaged. Policy 1 of the CDP sets out the need for new development across the plan period up to 2035, indicating that 300 hectares of strategic and general employment land for office, industrial and warehousing purposes is required.
72. The general thrust of the CDP is that it seeks to steer new development to locations which are sustainable, with Objective 5 seeking to maintain a clear hierarchy of vibrant, diverse and distinct retail centres that are the focus for commercial, retail, leisure, culture and other appropriate uses. Town Centres are therefore generally seen as the focus for new development across the plan area, and in this context Policy 10 seeks to limit development in the countryside unless allowed for by specific policies in the plan or where a number of exceptions apply.
73. The application site is located outside of the settlements of Murton and South Hetton. For planning purposes, the application therefore falls within the countryside where Policy 10 seeks to restrict development. Exceptions to this are set out within the policy,

which states that development 'will not be permitted unless allowed for by specific policies in the plan'.

74. The site has been allocated in the CDP through Policy 2 and is intended to deliver in excess of 18 hectares of employment land, contributing towards the overall employment land requirement sought across the plan area through to 2035 within Policy 1. In accordance with Policy 10, policy 2 is therefore the specific policy which allows for this development.
75. With good links to the strategic road network, Jade Business Park is one of 10 sites around the region that has been given Enterprise Zone status by the North East Local Enterprise Partnership (LEP). Businesses located within the Enterprise Zone, through the LEP, are intended to receive a number of benefits to drive economic growth. For this reason, nearly 20 hectares of land is allocated for development at the site.
76. Phase 1 of the site has already been delivered, having been granted planning permission under application DM/19/01316/FPA which included improvements to the access roads to enable their conversion to highway enabling unobstructed access to the site from the A19/A182 junction to the east. Phase 1 was completed in 2020 and all seven units are fully occupied.
77. This application relates to further phases of development of the business park, all of which sit within the allocation established in Policy 2. As a matter of principle, therefore, the proposed construction of additional development for uses falling within Use Classes B2 and B8 is considered to be acceptable and would contribute towards meeting the need for additional employment land across the County up to 2035 in line with the general economic strategy of the County Durham Plan and in accordance with CDP Policy 2.

Locational Sustainability of the Site

78. Policy 21 of the CDP makes clear that the transport implications of development must be addressed as part of any planning application. It requires that all development delivers sustainable transport and sets out a number of ways in which this is to be achieved. The policy seeks to facilitate investment in sustainable modes of transport, with preference to walking and cycling, and seeks to secure appropriate, well-designed and permeable 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.
79. Paragraph 104 of the NPPF makes clear that transport issues should be considered from the earliest stages of plan-making and development proposals. Reasons for this include so that opportunities to promote walking, cycling and public transport use are identified and pursued, and so that the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account.
80. Paragraph 105 of the NPPF states that the planning system should actively manage patterns of growth in support of these objectives and indicates that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. However, it does go on to say that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in decision making.
81. Paragraph 110 of the NPPF states that in assessing applications for development, it should be ensured appropriate opportunities to promote sustainable transport modes

can be, or have been, taken up; that safe and suitable access to the site can be achieved for all users; that the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance; and, that any significant impacts from the development on the transport network or on highway safety can be cost effectively mitigated to an acceptable degree.

82. Notwithstanding that the application site is allocated within the CDP for employment uses, it remains the case that the site falls beyond the established extent of both Murton and South Hetton. The closest bus stops to the application site are located at Grasmere Terrace in South Hetton, approximately 800m from the site boundary. Northward toward Murton, the nearest bus stops are approximately 1100m away. The services that operate from these stops are typically an hourly Monday to Saturday service, running from early morning to early/mid evening, and in theory provide access to the site by means other than private vehicles. However, as noted in past applications at the site, the distances to nearest bus stops are either within the 'preferred maximum' or 'beyond the preferred maximum' of the Institution of Highways and Transportation (CIHT) "Providing for Journeys" document and are, therefore, towards the higher end (or indeed beyond the higher end) of distances that people may reasonably be expected to walk to access bus services to or from their place of work. Guidance would, therefore, suggest that these distances may discourage use of public transport by those requiring access to the site.
83. The Sustainable Travel Team have been consulted on the application. As the site is in effect a cul-de-sac and over a mile from existing transport routes, it is conceded that the development would not justify a dedicated bus stop or a service diversion. As such, it is considered that the site continues to be poorly served by public transport opportunities given the distances to nearest bus stops and routes involved. For these reasons, public transport opportunities are considered to be limited and the site continues to perform poorly against the requirements set out in Policy 21 of the CDP in this respect.
84. For similar reasons and given the location of the site some distance beyond nearby settlements of Murton and South Hetton, walking is not considered to be a reasonable option for those requiring access to the business park despite the suggestions made within the submitted Transport Assessment.
85. In terms of cycle access, the site does perform better, with the site lying in proximity to a Sustrans National Cycle Network route (NCN1) and within approximately a 5-10 minute ride across relatively easy terrain of Murton and South Hetton. The larger settlements of Hetton-le-Hole, Houghton-le-Spring and Seaham are accessible by bike, with most areas within approximately 20-30 minutes of the application site.
86. In addition to the need to promote opportunities for sustainable transport set out in Paragraph 104, Paragraph 100 indicates that planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users. Policy 26 indicates that development will be expected to maintain or improve the permeability of the built environment and access to the countryside for pedestrians, cyclists and horse riders.
87. Policy 21 of the CDP seeks, amongst other requirements, to improve access to public transport links by providing direct routes for bus access, as well as delivering, accommodating and facilitating investment in sustainable modes of transport, including bus and rail transport. The Council's Accessibility and Network Planning Team have considered the approach taken within the submitted Transport Assessment (TA) and concludes that the site is not readily accessible to nearby bus stops. The proposed nature of low-density employment use (light industrial and warehouse) means the anticipated job numbers (up to 1250 inclusive of Phase 1) coupled with staggered shift

patterns, means it is difficult to see how any bus service (dedicated or extension to existing) could operate to serve the site on a commercial basis. As there is a no through road leading to the business park, diverting an existing public transport service would necessitate in excess of a 3 mile round trip diversion from the nearest current bus route.

88. Discussions have taken place with the Council's network travel manager, and it is accepted there is no cost justification for bus operators to divert their express service for this distance nor provide a dedicated service to Jade Business Park. There are still opportunities for staff to utilise public transport, particular those living on or near the route of the existing services, but there is currently no realistic prospect for a dedicated public transport service or bus stop at the Business Park site. Some improvements are recommended, one being the provision of suitable internal bus stop options to future proof the site, however, it is unlikely that they would facilitate any such improvements to public transport options at the site and would only serve to draw criticism from the public, as no service would operate here for the reasons considered above. Consultation with National Highways has identified that the nature of the business park as a cul-de-sac arrangement offers no scope for any increase in traffic flow from the site, and so employee numbers would be unlikely to reach levels which would justify a bus service, either private or public. The provision of bus stops within the site at this stage is therefore considered unnecessary and it would not be reasonable for the local planning authority to pursue these based on feedback from consultees.
89. It therefore remains the case that the application site performs relatively poorly in terms of access to public transport. Addressing this, regard must be had to the wider strategic context of delivering economic growth through the creation of much-needed areas of employment land across the County with good access to the strategic road network. These applications form additional phases of the wider vision to develop Jade Business Park into a strategic employment site, of which the initial phase has now been completed and is operational.
90. This overarching strategic aim needs to be considered in the overall planning balance and weighed against the failure of the development to fully achieve sustainable transport objectives. To that end, the applicants are proposing a park-wide Travel Plan (TP) which sets out initiatives to further improve upon the accessibility issues identified above. This TP provides measures which in turn provide opportunities to encourage employees of businesses at the park to use sustainable travel modes immediately following occupation, rather than attempting a modal shift following establishment of non-sustainable travel habits. The TP offers benefits for those accessing the site, in turn contributing towards improvements to the site's accessibility in line with physical interventions required as part of the development.
91. A public right of way which roughly crosses through the centre of the site (Murton Bridleway 29) was partly diverted as part of Phase 1 works and in consultation with the Rights of Way Team, Officers are aware of an un-investigated claim for a new right of way to be established, which comes into the site through buildings already present. To facilitate the site's further development, the existing right of way would need to be diverted further, which will necessitate a statutory consultation and formal process. Consistent with the consideration of previous applications, it is considered that the diversion of existing rights of way can deliver improvements to the network overall. The Rights of Way Team Officers are currently considering potential options and note that the un-investigated claim for a new right of way can be accommodated within any diversion.
92. The diversion of the existing bridleway is not the subject of this application and, as such, there are no details currently provided of the nature or route of the diversion required, however, Officers are satisfied that these can be accommodated. Officers are also

satisfied that the diversion of the existing bridleway and potential incorporation of the claimed route would be capable of delivering improvements to the existing network of public rights of way around the business park. In turn, the proposals would be capable of delivering improvements to the site's accessibility in line with the requirements of Policies 21 and 26 of the CDP. An application under Section 257 of the Town and Country Planning Act 1990 (as amended) for the diversion of the bridleway would follow any grant of outline planning permission.

93. In summary, officers recognise that the development of the site would not fully accord with the aims of Policy 21 of the CDP. However, subject to accordance with a condition securing the TP and its implementation going forward and having regard to the issues considered above, when weighed against the wider economic benefits of facilitating economic growth across the County through the development of the site and recognising that some improvements upon existing locational sustainability issues can be achieved through this application, it is considered that the proposals are acceptable overall. The proposed development would, therefore, be partially consistent with the aims of Policy 26 of the CDP, but wholly consistent with the aims of Policies 2 and 26 overall.

Highway Safety and Access

94. Objective 18 of the CDP seeks to ensure that new development is accessible, contributing to reducing the need to travel, thereby reducing the impact of traffic and congestion on the wider environment, communities and health. In this context, the requirements of Policy 21 of the CDP collectively seek to ensure the safety of the road network for all users and secure safe and suitable access.
95. Paragraph 111 of the NPPF makes clear that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Within this context, Paragraph 112 provides for a number of criteria against which new development proposals should be assessed, with Paragraph 113 indicates that all developments that will generate significant amounts of movement should be required to provide a Travel Plan (TP), and the application should be supported by a transport statement (TS) or transport assessment (TA) so that the likely impacts of the proposal can be assessed.
96. The proposals have been supported by a TA and, as referred to above, are accompanied by a site-wide TP. These documents have been updated during the course of the application to take account of feedback from National Highways, with the most recent TA dated August 2022. Collectively, these documents consider the potential impacts of the development and the issues relating to highways safety, network capacity, access and other transport related issues and reflect the areas shown on the parameters plan submitted in support of the application.
97. Access to the site has already been established through the grant of planning permission for the initial phase of the development, with key infrastructure in place for latter phases of development. Access into the park is made via the existing access road leading from the A19/A182/B1285 roundabout. This access road has recently been brought to an adoptable standard, with new signage, upgraded lighting and a new 50mph speed limit applied. The business park roads, roundabouts and paths were repaired and upgraded with new street lighting and a 30mph speed limit applied. A gated access road was incorporated as part of Phase 1 works to provide emergency access when the A19 is closed or gridlocked. The highway network surrounding the site has therefore been substantially improved as part of initial phases of the development, on which these proposals would expand.

98. The application proposes a series of further accesses taken from the existing road network within the site. These are shown within indicative layouts submitted with the application and would serve individual zones envisaged within it. Whilst these layouts are indicative, they provide an indication of the potential layout of the site, parking capacity and access arrangements for smaller and larger vehicles. These are generally considered acceptable bearing in mind the aspirations of the Travel Plan, with the detail to be brought forward as part of future applications dealing with reserved matters.
99. The TA considers trip generation from these layouts and draws on anticipated numbers of users based on the overall quantum of development being sought at outline stage. The trip generation is based on a 'worst-case scenario' in terms of vehicle numbers and forms the basis of the assessment based on Class B2 and B8 Uses. The floor space assessed is reflected on the parameters plan and indicative layout plan submitted in support of the proposals with the associated car parking provision for the B2 and B8 uses shown on the indicative layout plan and included within the assessment. The car parking provision is consistent with that suggested within the Parking and Accessibility SPD with warehousing and storage provision figure applied in respect of the B8 use in view of overall requirement to reduce traffic generation and promote more sustainable modes of transport.
100. As the development has the potential to impact on the strategic road network, National Highways have been consulted. Extensive discussions have been had between the LPA, the Applicants and National Highways to address concerns relating to matters affecting the strategic road network, including capacity issues and planned roadworks.
101. The upper parameters considered by National Highways see the quantum of development limited to 51,906sqm of B2/B8 uses, of which a maximum of 27,406sqm would be set aside for uses falling within Class B2 (General Industrial). At these levels, proposed traffic flows are considered to be acceptable, and the proposals would not raise any capacity issues on the local and wider strategic road networks. It is important to distinguish, however, that this scenario anticipates occupancy of the development commencing within 2023 coinciding with planned road improvements at the Dalton Park A19 North/B1285 junction, which are forecast to be completed that year.
102. National Highways note that a junction capacity assessment of the existing A19 North / B1285 junction layout has not been undertaken, with the baseline assuming that certain road improvements will have been undertaken at the point at which the units are ready for occupation. On the basis that these works are carried out in line with the current programme, the additional traffic generation from the development would be capable of being accommodated on the highway network within theoretical capacity during am and pm peak periods.
103. In order to ensure that this is the case, National Highways have recommended a condition be imposed preventing occupation until planned road improvements at junctions nearby the site have been undertaken. This would ensure that the strategic road network and junctions connected with it do not become overloaded by additional vehicles associated with the development. This condition is considered necessary given the absence of any assessment within the TA relating to the junction capacity of the existing A19/B1285 arrangements.
104. Looking to the future, as further phases of road improvements are undertaken around the A19 interchange, modelling undertaken by the Applicant's transport consultants indicates that junctions will continue to operate within theoretical capacity. The proposed infrastructure improvements anticipated to be delivered by 2024 at junctions nearby the site would be implemented in advance of those same junctions operating

beyond their theoretical capacity and, as such, it is concluded that the increase in vehicular traffic associated with the development can be accommodated on the highway network when factoring in planned road improvements.

105. In addition to this, National Highways recommend a condition be imposed limiting the amount of floorspace assigned for uses falling within Class B2 to a maximum of 27,406sqm. This is on the basis of the upper limits considered within the TA, thereby ensuring that any increase on these limits which would potentially impact upon safe operation of the strategic road network can be adequately assessed. A further condition is proposed to secure a construction method statement covering the construction phase of the development, to ensure continued operation of the strategic road network in the vicinity of the development site.
106. Subject to accordance with these conditions, there are no concerns raised by National Highways, and the proposals would not be considered prejudicial to the continued operation of the A19 trunk road in the vicinity of the application site.
107. The Highway Authority have similarly concluded that the proposals would not have a negative impact on the local road network in the vicinity of the site, that parking is to be provided in accordance with DCC standards and that further matters relating to the provision of cycle parking and EV charging can be dealt with at reserved matters stage.
108. Overall, the highways impact of the proposed development is considered to be acceptable, subject to the conditions recommended by National Highways, and is therefore deemed to be in accordance with the requirements of Policy 21 of the CDP and the aims of the NPPF.

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

109. Part 12 of the NPPF seeks to secure high quality design, with Paragraph 126 explaining that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 130 seeks to ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character; and establish or maintain a strong sense of place.
110. Collectively, Policies 26, 29, 39, 40 and 44 of the CDP seek to secure good standards of design in new development, whilst balancing the needs of the built, natural and historic environments and making clear that all development proposals will be required to achieve well designed buildings and places.
111. The application is submitted in outline form with all matters reserved. Details in respect of layout, scale, landscaping and appearance are therefore reserved for future consideration. However, indicative layouts have been submitted in support of the application and these are accompanied by a Design Code and proposed Parameters Plan. Together, these give an indication of how the development of the site could be achieved, with the Design Code's purpose to ensure that development of future phases of the business park are consistent with the initial one.
112. There are no landscape designations on or around the site, and the site is well screened in surrounding views given the existence of structure planting to the north and south. The natural topography also helps to obscure the site from medium to longer range views, particularly from the south and east. The site would be readily visible from short range views, particularly those from the surrounding highway network and network of public rights of way, given how flat and open the development site is.

113. Whilst the detailed development is reserved for future consideration, given the above it is considered necessary to ensure that certain design parameters are set at outline stage. In consultation with the Design and Conservation and Landscape Teams, a detailed Design Code has been submitted which envisages the development would be brought forward consistent with the initial phase of the business park in terms of its scale and appearance. Building heights will be similar to those already constructed, with smaller units reaching heights of 7 and 10m whilst larger units expected to reach 15m in height. In line with the parameters plan, the Design Code expects a maximum building height of 20m and sets out that the approach to appearance and landscaping will be a continuation of that implemented on Phase 1.
114. In respect of design, given the application is in outline form there are no objections from the Design and Conservation Team. The Design Code submitted is considered to be acceptable and would be capable of ensuring the delivery of a suitably designed scheme for the site which is consistent with Phase 1. The submitted Phase 2 Site Plan Option three shows landscape buffers which should enable the inclusion of landscape proposals discussed in the Design Code document. The Parameter Plan P03 also shows buffer planting to the Park Boundary to facilitate future screening, a green corridor and landscaped frontages, including those to be determined. This approach is appropriate to an outline planning application provided that the future landscape proposals are fully detailed through reserved matters and accord with the proposed Design Code.
115. The application has been supported by appropriate arboricultural surveys and assessments, which the Landscape Section consider are informative and acceptable. It is therefore important that existing planting is retained, managed and supplemented with new strategic landscape buffers. Given the height of existing trees in comparison to the existing and proposed buildings, visual effects would be slight to moderate and adverse, which would exceed the conclusions made in the applicant's landscape appraisal. This again highlights the importance of retained trees and the success of supplementary planting, to meet with the longer-term predictions made in the submitted Landscape Appraisal. Subject to an appropriately worded condition securing additional tree planting for visual attenuation, there are no objections from an arboricultural perspective from the Landscape Section.
116. In absence of any of the reserved matters being put forward for consideration at outline stage, it is considered necessary to impose a number of specific conditions relating to the detailed design and landscaping of the site. A further condition is recommended to ensure that development brought forward in future applications is done so in accordance with the Design Code, and in line with recommendations set out in the Arboricultural Impact Assessment, Method Statement and Tree Protection Plans. All new planting proposals should be supplemented with management and maintenance objectives, specification, schedules of operations relating to frequency and timing and cross referenced to detailed planting plans and species lists (relevant to plant replacements). As mentioned previously, this phase should assimilate positively with the previous development phase to create a recognisable landscape character throughout the entire Business Park.
117. Further conditions in respect of landscaping are also recommended, which would in turn help to secure improvements to the natural environment. Subject to accordance with those conditions, it is considered that the site can be delivered with a high-quality design consistent with that constructed across the initial phase of the development. The proposals are therefore considered acceptable in accordance with the aims of Part 12 of the NPPF, and Policies 26, 29, 39, 40 and 44.

Residential Amenity

118. CDP Policy 31 is the principal CDP policy in respect to amenity and pollution and in summary advises that development will be permitted where it would result in no unacceptable impacts upon the health, living or working conditions or the natural environment and that can be integrated effectively with any existing business and community facilities. CDP Policy 29 requires, amongst its advice, that development minimises impact upon nearby occupiers and contributes towards healthy neighbourhoods, considering the health impacts of development and the needs of existing and future users.
119. Part 8 of the NPPF provides advice on how development can achieve healthy, inclusive and safe places. 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.
120. The development is considered to be noise generating. At this stage the end users are unknown, however it is assumed that the possible sources of noise are from external plant, external operations and vehicle movements. A noise impact assessment has been submitted in support of the application which includes background monitoring in the locale to identify the existing background noise level. This in turn allows for the setting of relevant noise rating levels at the nearest residential properties, these being properties located at Woodlands and Windermere Road and East Little Coop House Farm. To ensure that noise arising from the development does not lead to significant reduction in amenity for these neighbouring properties the relevant noise levels can be affixed by condition. Considering the separation distances between the development and the nearest noise source it is not considered that the condition would significantly limit the operations on the site.
121. The Nuisance Action Team have considered the acoustic survey submitted by the Applicants consider that the grant of planning permission may result in a statutory nuisance being created. This is primarily linked to the noise from traffic which would be most noticeable during the night. The acoustic assessment indicates that night-time noise levels will be moderate adverse, leading to a change in acoustic character for certain nearby receptors. However, it is acknowledged that the assessment is based on a worst-case scenario and that in reality, due to the location of the site and separation distances involved, actual night-time use of the development is unlikely to significantly interfere with the amenity of nearby receptors, and it is therefore considered that the potential impacts are likely to be below 'moderate adverse'. The impact is likely to be lessened further through the removal of potential uses falling within Class E, which would be more likely to involve higher levels of trip generation.
122. Subject to adherence to conditions recommended as part of this report, it is considered that the impact of the development on nearby residents in respect of noise, including noise from traffic and during the construction phase, would not be so significant as to justify withholding planning permission. Specific conditions are put forward by the Council's Nuisance Action Team, which are designed to ensure that the amenity of local residents at Woodlands and Windermere Road, East Little Coop House Farm, Hesleden Moor East Farm and Barwick Street are all preserved.
123. In addition to the above, Environmental Health Officers have considered the potential impacts of the development in respect of land contamination and air quality. The site has been subject to testing and the initial phase one application considered potential for contamination across the wider site, including the Phase 2 and 3 area. On this basis, intrusive site investigations are not considered necessary to inform this development

proposal on the basis that a need for ground gas protection measures (CS2) has been identified for the wider site.

124. Air quality is not considered to be a significant issue based on the information provided, noting that the Travel Plan incorporates measures to reduce affects. The Air Quality Assessment submitted with the application is considered acceptable and subject to various mitigation measures being implemented during the construction phase and beyond, the proposals are considered acceptable in respect of air quality.
125. The development of the site, as with the initial phase, would involve infrastructure and lighting to serve car parks, roads and external public realm areas. The lighting assessment submitted in support of the application identifies a number of mitigation measures as part of the overall lighting strategy for the site, which the Nuisance Action Team recommend be secured by way of condition. They also suggest consideration be given to a curfew, however given the location, distances involved to nearby receptors and approach taken on the initial phase of the development this is not considered to be necessary.
126. Having regard to the above, it is considered that the proposals would not result in any adverse impact sufficient enough to justify withholding planning permission for the development. Although background noise levels are likely to be exceeded during night time as a result of traffic noise, these assumptions are based on a worst-case scenario and in reality, the potential impacts are likely to fall below the 'moderate adverse' referred to within the acoustic survey. Subject to the imposition of appropriately worded conditions, the proposals would preserve the amenity of existing residents and provide adequate accommodation for future users in line with the aims of the NPPF and in accordance with the requirements of Policies 6, 29, 31 and 32 of the CDP.

Ecology

127. Paragraph 174 of the NPPF makes clear that planning policies and decisions should contribute to and enhance the natural and local environment. It sets out a number of ways in which this can be achieved, including by minimising impacts on and providing net gains for biodiversity.
128. Paragraph 180 indicates that when determining planning applications, local planning authorities should apply a number of principles, the first of which indicates that if significant harm to biodiversity resulting from a development cannot be avoided, adequate mitigated, or, as a last resorted, compensated for, then planning permission should be refused.
129. Collectively, Policies 39, 40, 41 and 43 seek to protect and enhance the natural environment within the County, giving priority to protected species and designated landscapes, and with an emphasis on securing net gains for biodiversity. Policy 41 states that proposals for new development will be expected to minimise impacts on biodiversity by retaining and enhancing existing assets and features and providing net gains for biodiversity including by establishing coherent ecological networks. It makes clear that measures should be appropriate, consistent with the biodiversity of the site and contribute to the resilience and coherence of local ecological networks.
130. The application has been subject to extensive survey to understand baseline ecological conditions at the site. The ecological appraisal a diverse neutral grassland, with small areas of immature and semi-mature broadleaf plantation woodland. The site possesses potential foraging and commuting habitat for protected species of wildlife, with further surveys recording the presence of breeding birds and discounting the likelihood for great crested newts, although small numbers of smooth and palmate newts were recorded in

some ponds alongside common toad and frog. To mitigate against the effects of the site's development on these baseline conditions, it is proposed to provide hedgehog/reptile/amphibian hibernacula during woodland management, alongside the installation of bat and bird boxes across the site and within woodland. Off-site measures would provide mitigation for ground nesting species of birds. On the basis of the surveys undertaken the Ecology section are satisfied that there would be no direct impacts on Protected Species and, therefore, consideration of the derogation tests is not required in this case.

131. It is clear from the surveys undertaken that the site is of biodiversity value. Its development would result in significant net losses for biodiversity, resulting in a loss of valued habitat. In accordance with Policy 41 of the County Durham Plan, it is considered necessary for the proposals to mitigate or compensate for the impacts caused by the development.
132. The application has been supported by a biodiversity net gain assessment. Calculations indicate a net loss for biodiversity on the site of -65.53%. To account for these losses, it is proposed to provide off-site biodiversity enhancement. A comprehensive landscaping proposal is set out within the supporting surveys and assessments, all of which are proposed to be secured in the form of a management plan, which the Applicant is intending to secure by means of a financial contribution. The proposed compensation package has been assessed and would result in the creation of improved habitat, providing net gains for biodiversity of up to 4.97%. In order to deliver the net gain, a financial contribution of £400,000 would need to be secured to ensure the implementation and management of the off-site compensation measures on land in the ownership of the Council.
133. Based on this, the proposals would secure net gains for biodiversity alongside other additional enhancement measures which are not considered within the metric, including creation of hedgehog/reptile/amphibian hibernacula or habitat piles during woodland management, and installation of additional bat and bird boxes across the site to complement Willow tit boxes installed in Spring 2022.
134. Subject to securing the relevant financial contribution, an appropriate management plan and implementation of on-site compensation measures, it is considered that the impact of the proposals on the biodiversity value of the site would be suitably compensated for, and net gains for biodiversity would be achieved. The proposals would not be likely to directly affected European Protected Species. The proposals are considered to be acceptable in accordance with Policies 39, 40, 41 and 43 of the County Durham Plan, and acceptable in line with paragraphs 174 and 180 of the NPPF.

Flood Risk and Drainage

135. National advice within the NPPF and PPG with regard to flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to flood zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment.
136. The application is accompanied by a Flood Risk Assessment and Surface Water Management Strategy report which highlights that the application site is within Flood Zone 1 with a low flood risk probability. The drainage strategy is considered acceptable, with the LLFA recommending that the final design be undertaken in accordance with

this strategy by incorporating SuDS features for surface water treatment and attenuation of flows to QBAR rural rates as set out in the document.

137. In relation to foul water, it is proposed to connect to the existing sewerage network. No objections are raised by Northumbrian Water, subject to conditions requiring adherence to the Drainage Strategy submitted in support of the application. On this basis, no objections to the development on the grounds of flood risk or drainage are raised, and the application is considered acceptable in accordance with Policies 26, 29, 35 and 36 of the CDP.

Heritage and Archaeology

138. The Archaeology Team note that the site has been extensively quarried in the past and has since been restored. As a result, any below ground remains are likely to have been destroyed and as such there are no objections and no further archaeological work is considered necessary. The proposals are acceptable in this respect in accordance with the aims of Paragraph 194 of the NPPF and Policy 44 of the CDP.
139. There are no designated or non-designated heritage assets within proximity of the development site. Hawthorn Conservation Area, located approximately 2.29km to the east of the application site and a short distance beyond the A19, is an area designated for its architectural and historic interest which is home to a number of Grade II listed buildings. The nearest listed building to the site is the Grade II Church of The Holy Trinity, 870m to the north of the site.
140. The Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty that, when considering whether to grant planning permission for a development which affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Any such harm must be given considerable importance and weight by the decision maker.
141. Given the distances involved, topography of the landscape and abundance of screening at and around the site, it is considered that the proposals would not be read in context with the heritage assets identified above. There are no objections from the Design and Conservation Team in respect of these assets, and as a result it is considered that the proposal would not adversely impact on the setting of either the Conservation Area or listed buildings. Despite the lack of detail at this outline stage, on the basis of the parameters set out in the Parameters Plan and within the Design Code, there are no concerns on heritage grounds with the proposed development.
142. In the absence of any harm, the proposals would accord with Part 16 of the NPPF and the requirements of Policy 44 of the CDP. Having regard to the requirements of Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), Officers are satisfied that the setting of nearby listed buildings would be preserved and that the character of the Hawthorn Conservation Area would be preserved.

Other Issues

143. A small area of the site is located within a mineral safeguarding area for glacial sand and gravel, as defined on the policies map of the CDP. CDP Policy 56 seeks to protect the County's mineral interests by preventing planning permission for non-mineral development that would lead to the sterilisation of identified resources, unless one of a number of limited circumstances apply. One of these is where there is an overriding

need for the non-minerals development which outweighs the need to safeguard the mineral.

144. The wider site has been subject to extensive mineral workings in the past and has since been restored. Given this, the small size of the area in question and the fact that the site is allocated in the CDP for development, it is considered that a need for non-mineral development has been established. There is an overriding need for employment land across the plan area, with the site earmarked for the delivery of almost 20 hectares overall. On this basis, the proposals are considered acceptable in accordance with Policy 56 of the CDP and therefore no minerals assessment is considered necessary.
145. CDP Policy 28 states that within safeguarded areas, as shown on the policies map, development will be subject to consultation with the relevant authority and that individual and cumulative impacts are considered.
146. In this case, the site is located within the High Moorsely Meteorological Office Radar safeguarding area, where Policy 28 seeks to ensure that development demonstrates that there will be no unacceptable adverse impact upon operation of the site. Officers are satisfied at this stage that the site's development can be brought forward without adversely affecting the Met Office radar systems, with further consideration to this to be given at reserved matters stage once the overall scale of individual buildings is known.
147. CDP Policy 29 requires that all major new non-residential development to achieve Building Research Establishment Environmental Assessment Method (BREEAM) minimum rating of 'very good'. Given the outline nature of the proposals, it is considered that a condition can be imposed to secure this and ensure compliance with Policy 29.

Public Sector Equality Duty

148. Section 149 of the Equality Act 2010 requires public authorities when exercising their functions to have due regard to the need to i) the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct, ii) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and iii) foster good relations between persons who share a relevant protected characteristic and persons who do not share that characteristic. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

CONCLUSION

149. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Council has an up-to-date development plan, the County Durham Plan (CDP) adopted in 2020. 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 11c).
150. The site falls outside of any recognised settlement, and for planning purposes falls within the countryside. Policy 10 supports development in these locations where it is specifically allocated in policies elsewhere in the plan. The site is allocated for employment uses within Policy 2 of the CDP and is recognised as a site of strategic importance for the Council to deliver its economic strategy for the County through to 2035. The proposals relate to further phases of development at Jade Business Park, which has seen the initial phase delivered and occupied. The principle of the

development is, therefore, considered acceptable in accordance with Policies 2 and 10 of the CDP.

151. The site performs relatively poorly in terms of its locational sustainability; however, improvements are proposed to established rights of way around the site which would improve access to local services, facilities and public transport links. These would contribute towards promoting sustainable transport modes; however, Officers conclude that locationally the site would continue to perform below the aspirations sought in Policy 21 of the CDP. This shortfall presents a conflict with the aims of the CDP which needs to be considered against the wider economic benefits of developing the site for employment uses.
152. Overall, it is considered that the proposals would not result in a level of harm to the amenity of local residents which would justify withholding planning permission. Acoustic surveys acknowledge that worst case scenarios based on the proposals in their originally submitted form (including Class E uses) would result in minor adverse impacts on nearby receptors in terms of noise. The likelihood is that these effects would be lessened, with day-to-day operations anticipated to be consistently below the worst-case scenario on which the acoustic assessment has been made. Conditions are nonetheless recommended to ensure that this is the case and provide assurance that noise levels at receptors is at or below acceptable thresholds in accordance with the aims of Policies 29, 31 and 32 of the CDP.
153. Although indicative, the submitted plans provide for a suitable layout with adequate levels of parking and manoeuvring space. Subject to conditions there are no highway safety issues raised by this application, and both the Highway Authority and National Highways raise no objections. The proposals are considered acceptable in this respect in accordance with Policies 21 and 29 of the CDP.
154. Whilst all matters are reserved for future consideration, the Design and Access Statement and Design Code establish suitable design standards which would ensure an acceptable and consistent appearance across all phases of the development. Subject to consideration of further details are reserved matters stage, the proposals are considered acceptable in accordance with Policy 29 of the CDP.
155. The public right of way (Murton Bridleway 29) requires diversion as part of the site's development. No details are provided at this stage; however, it is anticipated that improvements can be made to the network, with consideration to be given to any diversion through Section 275 of the Town and Country Planning Act 1990 (as amended) in the future.
156. The development of the site would lead to the loss of habitat and without mitigation would result in adverse impacts upon the natural environment. To compensate for this, off-site mitigation is proposed in the form of habitat improvement works. As the council is the applicant it cannot enter into a legal agreement with itself to secure the contribution and therefore, the financial contribution is to be secured by way of a transfer of funds to the Council's Ecology section and any planning permission would be withheld until this has taken place. The financial contribution would assist in delivering a 30-year management plan in accordance with the framework identified in the Council's Biodiversity Compensation Strategy. Subject to accordance with relevant conditions, and subject to securing an internal transfer of funds, the proposed development would result in net gains for biodiversity in compensation for the on-site impacts resulting from the proposed development.
157. The proposals are considered acceptable in respect of flooding and drainage, and there would be no impact upon the setting of nearby designated heritage assets. No

archaeological work is required, and no further intrusive investigations are considered necessary across the site in respect of contamination. There are no other technical issues related to the proposals, which are broadly considered to be acceptable and in accordance with the aims of the County Durham Plan.

158. In the overall planning balance, the adverse impacts identified above are considered to be outweighed by the many positive aspects of the development, most notably the economic benefits to be gained through the delivery of strategic employment land in line with the Council's wider economic strategy for the County. The proposals are considered acceptable in this respect and, it is recommended that planning permission be granted.

RECOMMENDATION

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

- £400,000 to be used towards biodiversity enhancements as part of a 30-year management plan in accordance with the framework identified in Durham County Council's Biodiversity Compensation Strategy

and subject to the following conditions:

Reserved Matters

1. Approval of details of appearance, landscaping, layout and scale (hereinafter called 'the reserved matters') for each phase, or part thereof, (identified in the Parameters Plan – ref. 16077-FSA-XX-XX-DR-A-0205 Rev P03 – as Plots B, C and D) shall be obtained from the local planning authority before development of that phase is commenced.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

Time Limit

2. Applications for approval of reserved matters of each phase, or part thereof, shall be made to the Local Planning Authority before the expiration of three years beginning with the date of this permission. Thereafter, the development must be begun no later than the expiration of two years from the final approval of the reserved matters.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

Plans

3. The development hereby approved shall be carried out in strict accordance with the following approved plans:
 - Site Boundary Plan Ref. DCC JP2 001 revision B
 - Parameter Plan Ref. 16077-FSA-XX-XX-DR-A-0205 revision P03
 - Phase 2 Site Layout Plan (Option 3) Ref 21037-FSA-XX-XX-DR-A-0104 revision P05
 - Jade Phase 2 BNG Mitigation Site Littleton Ref. DCC JP2 002 revision A
 - Engineering Layout B1285 Dalton Park Signals Ref. 1430345_DCC_HE_DR_03_08 revision P01
 - B1285 A19 Dalton Park Signals Ref. DUR 151_02_22_1 Revision A

- Arboricultural Impact Assessment Retained Trees Plan Ref. AIA TPP Dated 30.6.20
- Arboricultural Impact Assessment Method Statement Ref. AMS TPP Dated 30.6.20
- Arboricultural Impact Assessment Method Statement Ref. AMS EXI Dated 30.6.20

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 1, 2, 21, 29 and 31 of the County Durham Plan and Parts 2, 4, 7, 9, 11 and 12 of the National Planning Policy Framework.

Land Use

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 2015 (as amended) (or any revocation and re-enactment of that order), the premises shall be used only for uses described within this application contained within Use Class B2 (General Industrial) and B8 (Storage and Distribution) of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any revocation and re-enactment of that order) and for no other use.

Reason: In the interests of the amenity of the area in accordance with Policies 29 and 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

5. Notwithstanding the detail contained within the application, there shall be no more than 53,780 sqm of overall floorspace of which no more than 27,406 sqm of floorspace shall be used for purposes falling within Use Class B2 (General Industrial).

Reason: To ensure the safe operation of the Strategic Road Network, in accordance with Policy 21 of the County Durham Plan.

Construction Phasing

6. Notwithstanding the detail contained within the application, a phasing plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, development shall not be brought forward other than in complete accordance with the Phasing Plan unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the safe operation of the Strategic Road Network, in accordance with Policy 21 of the County Durham Plan.

Construction Traffic Management Plan

7. No development within any phase shall be undertaken until a Construction Phase Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority in consultation with National Highways. Thereafter, development shall be carried out in accordance with the approved Construction Phase Traffic Management Plan.

Reason: To ensure the safe operation of the Strategic Road Network, in accordance with Policy 21 of the County Durham Plan.

Construction Management Plan

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

1. A Dust Action Plan including measures to control the emission of dust and dirt during construction.

2. Details of methods and means of noise reduction/suppression.
3. Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
4. Details of measures to prevent mud and other such material migrating onto the highway from all vehicles entering and leaving the site.
5. Designation, layout and design of construction access and egress points.
6. Details for the provision of directional signage (on and off site).
7. Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure.
8. Details of provision for all site operatives for the loading and unloading of plant, machinery and materials.
9. Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period.
10. Routing agreements for construction traffic.
11. Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
12. Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
13. Management measures for the control of pest species as a result of demolition and/or construction works.
14. Detail of measures for liaison with the local community and procedures to deal with any complaints received. The management strategy shall have regard to BS 5228 "Noise and Vibration Control on Construction and Open Sites" during the planning and implementation of site activities and operations.

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

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

Highway Mitigation Works

9. No development shall be occupied unless and until the road works at the A19 North/B1285 Dalton Park junction have been completed.

Reason: To ensure the safe operation of the Strategic Road Network, in accordance with Policy 21 of the County Durham Plan.

Contaminated Land

10. Remediation works shall be carried out in accordance with the approved remediation and verification strategy. No development within any phase shall not be brought into use until such time a Phase 4 verification report related to that part of the development has been submitted to and approved in writing by the Local Planning Authority.

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

Landscape Scheme

11. No development, other than site remediation works, shall commence within each phase, or part thereof, until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The landscape scheme in respect of that phase, or part thereof, shall include the following:

- Trees, hedges and shrubs scheduled for retention.
- Details of supplementary tree buffer planting to the Park boundary
- Details of hard and soft landscaping including planting species, sizes, layout, densities, numbers.
- Details of planting procedures or specification.
- Finished topsoil levels and depths.
- Details of temporary topsoil and subsoil storage provision.
- Seeded or turf areas, habitat creation areas and details etc.
- The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc.
- A timetable for the implementation of the various elements of the landscaping scheme including the landscape buffer planting, biodiversity mitigation measures, general landscaping within each of the plots.

All new planting proposals should be supplemented with management and maintenance objectives, specification, schedules of operations relating to frequency and timing and cross referenced to detailed planting plans and species lists (relevant to plant replacements). This phase should assimilate positively with the previous development phase to create a recognisable landscape character throughout the entire Business Park.

The approved landscaping scheme shall be implemented and completed in accordance with the approved details and timescales. Any trees or plants which die, fail to flourish or are removed within 5 years of completion of the development, phase or part thereof, shall be replaced in the next planting season with others of similar size and species. Replacements will be subject to the same conditions.

Reason: In the interests of the visual amenity of the area and to comply with Policies 26, 29, 39, 40 and 41 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

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

Reason: In the interests of the visual amenity of the area and to comply with Policies 26, 29, 39, 40 and 41 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

Noise Validation

13. The rating level of the noise emitted from commercial operations/plant (excluding vehicles travelling beyond the boundary of the site) shall not exceed the stated levels at the following locations:

- Woodlands and Windermere Road 42dB (1hr) 07.00 - 23.00 and 30dB LAeq (15 minutes) 23.00-07.00.
- East Little Coop House Farm, Hesledon Moor East Farm and Barwick Street 44dB (1hr) 07.00 - 23.00 and 33dB LAeq (15 minutes) 23.00-07.00.

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

Reason: To protect the amenity of local residents in accordance with Policies 29 and 31 of the County Durham Plan.

Working Hours

14. No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1400 on Saturday. No internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1700 on Saturday.

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

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

Reason: To protect the residential amenity of local residents and occupants of nearby premises from the development in accordance with Policies 29 and 31 of the County Durham Plan.

Travel Plan

15. No unit shall be occupied until a Travel Plan founded on the Framework Travel Plan submitted with the planning application and conforming to BSI National Specification for Workplace Travel Plans (PAS500) guidance has been submitted to and agreed in writing by the Local Planning Authority. The new Travel Plan shall replace the current Travel Plan established for Phase 1 and shall include measures that would apply to a fully occupied business park, that being the combined site employment of Phase 1 and Phase 2. Once approved the Travel Plan must be adhered to for the lifetime of the development.

Reason: In the interest of maintaining Strategic Road Network operation and safety in accordance with Policy 21 of the County Durham Plan with Part 9 of the National Planning Policy Framework.

Development Lighting

16. No building shall be occupied until details of any external lighting have first been 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.

Drainage

17. No development shall commence until a final foul and surface water drainage scheme based on Drainage Strategy Revision A 3rd February 2021 has been submitted to and

agreed in writing by the Local Planning Authority. Such scheme shall include SuDS features for surface water treatment and attenuation of flows to QBAR rural rate and shall ensure that foul flows discharge to the combined sewer at manhole 7102 and ensure that surface water discharges to the existing watercourse. The development shall thereafter be carried out in accordance with the agreed scheme.

Reason: To prevent the increased risk of flooding from any sources in accordance with Policies 35 and 36 of the County Durham Plan and Part 14 of the National Planning Policy Framework.

BREEAM

18. No building hereby approved shall be occupied until a final certificate has been issued certifying that BREEAM (or any such equivalent national level of sustainable building which replaces that scheme) rating 'very good' has been achieved.

Reason: In the interests of sustainable development and in accordance with Policy 29 of the County Durham Plan.

BACKGROUND PAPERS

- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2021) and NPP Guidance notes.
- County Durham Plan (2020)
- DCC Sustainable Urban Drainage Systems Adoption Guide 2016
- County Durham Parking and Accessibility Standards 2019
- Statutory, internal and public consultation responses



Planning Services

DM/21/02901/OUT
 Phase 2 of Jade Business Park in Murton, comprising a mix of B2 and B8 unit use with associated service yards, car parking and landscaping.

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Comments

Date 4th October 2022

Scale NTS