

COMMITTEE REPORT

APPLICATION DETAILS

| | |
|--------------------------------------|--|
| APPLICATION NO: | DM/22/01124/FPA |
| FULL APPLICATION DESCRIPTION: | Construction of employment uses (industrial/warehouse development) of 6 No. detached units totalling 14,354 sqm |
| NAME OF APPLICANT: | Arbucc (Drum) Ltd |
| ADDRESS: | Land to the West of Drum Industrial Estate Drum Road Chester-le-Street Durham |
| ELECTORAL DIVISION: | North Lodge |
| CASE OFFICER: | Louisa Ollivere, Senior Planning Officer 03000 264878, Louisa.ollivere@durham.gov.uk |

DESCRIPTION OF THE SITE AND PROPOSALS

Site:

1. The application site which extends to some 4 hectares is located to the west of Drum Road, on the western side of Drum Industrial Estate which itself lies to the northwest of Chester-le-Street. The site is allocated as employment land in the County Durham plan and is currently vacant and has been the subject of earth moving/land remodelling works following its former quarry use. The site benefits from an extant planning permission for a single B8 Distribution Unit of 17,151 sqm granted in 2012.
2. The site is bounded on the north by modern, existing logistics and industrial units of varying sizes and to the south by a group of smaller two storey business park units known as Lumley Court. To the west lies open pasture and the residential area of Perkinsville. To the east is the main Drum Road Estate road and older existing industrial units.
3. The land is accessed from Drum Road, which in turn joins the A693 to the south via a roundabout, and this dual carriageway directly links to Chester-le-Street town centre and Junction 63 of the A1 (M) to the north.

Proposal:

4. This application proposes the erection of 14,354sqm of Light Industrial (class E gii), General Industrial (B2) and Storage and Distribution (B8) uses split over 6 units ranging in size from 1120sqm to 4552sqm, together with associated car parking,

servicing and landscaped areas. 10% of the proposed floorspace would be provided as ancillary office space, some of which would be set at first floor level.

5. The proposed buildings follow a similar scale to that of the existing adjacent units of the same industrial uses on the estate. The proposed units varying from 9.5m to 11.6m in height. A strong coherent approach to the façade treatment is proposed using cladding, colour and articulation to provide a modern appearance. Car parking areas to each of the proposed buildings is to the side with rear or side service yard areas being proposed. Detailed landscaping proposals have been submitted proposing tree and shrub planting for each plot. The proposals will provide a total of 266no. parking spaces, including accessible and EV spaces. Each unit is proposed to have its own cycle shelter near to the entrance,
6. The site would be served by a new 7.3m wide internal estate road using the existing access point from Drum Road. This road connects to the A693 roundabout.
7. This application is being reported to the County Planning Committee as it relates to a non-residential development proposal in excess of 10,000sqm of floor space.

PLANNING HISTORY

8. 2/07/00191/FUL Erection of 11 no commercial units (Use Class B1) and 5 no self contained units (Use Class B2/B8) together with associated landscaping, roads and infrastructure Approved 15th August 2007.
9. 2/10/00192/EOT Application to extend time limit for the implementation of previously approved planning application 07/00191/FUL for the erection of 11 no. commercial units (B1) and 5 no. self contained units (B2/B8) together with associated landscaping, roads and infrastructure. Approved 23rd December 2011
10. 8/CMA/2/15 Proposed B8 storage and distribution unit with ancillary office accommodation and associated servicing, parking, infrastructure and landscaping Approved 28th November 2012.
11. DRC/14/00118 Discharge of conditions 3 (Materials), 4 (Landscaping Scheme), 6 (Surface Water Management) and 9 (External Lighting) of planning permission 8/CMA/2/15 Approved 29th October 2015.
12. DRC/14/00298 Discharge of condition 10 (energy consumption scheme) pursuant to approved planning reference 8/CMA/2/15.

PLANNING POLICY

NATIONAL POLICY

13. 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.
14. In accordance with Paragraph 219 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them,

according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.

15. *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.
16. *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.
17. *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.
18. *NPPF Part 8 Promoting Healthy and Safe Communities* - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive and safe communities. 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 community facilities and services should be adopted.
19. *NPPF Part 9 Promoting Sustainable Transport* - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
20. *NPPF Part 10 Supporting High Quality Communications* - The development of high speed broadband technology and other communications networks also plays a vital role in enhancing the provision of local community facilities and services. Local planning authorities should support the expansion of electronic communications networks, including telecommunications and high speed broadband.
21. *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.
22. *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.

23. *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.
24. *NPPF Part 15 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, sites of biodiversity or 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.
25. *NPPF Part 16 Conserving and Enhancing the Historic Environment* - Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

26. 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; climate change; determining a planning application; flood risk and coastal change; healthy and safe communities; light pollution; natural environment; noise; planning obligations; renewable and low carbon energy; travel plans, transport assessments and statements; use of planning conditions; water supply, wastewater and water quality.

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

LOCAL PLAN POLICY:

The County Durham Plan (October 2020)

27. *Policy 1 – Quantity of new development* - allocates 300ha of employment lands for office, industrial and warehousing purposes up to 2035 in order to meet employment land needs and deliver a thriving economy.
28. *Policy 2 – Employment Land* - sets out employment allocations throughout the County. In respect of this application, it is stated that at Drum Industrial Estate a total of 4.44 ha of land is suitable for B1 (Business), B2 (General Industrial) and B8 (Storage and Distribution) provided the development accords with other relevant development plan policies.
29. *Policy 21 – Delivering Sustainable Transport* – Requires planning applications to address the transport implications of the proposed development. All development shall 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.

30. *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.
31. *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.
32. *Policy 27 - Policy 27 (Utilities, Telecommunications and Other Broadcast Infrastructure)* - supports such proposals provided that it can be demonstrated that there will be no significant adverse impacts or that the benefits outweigh the negative effects; it is located at an existing site, where it is technically and operationally feasible and does not result in visual clutter. If at a new site, then existing sites must be explored and demonstrated as not feasible. Equipment must be sympathetically designed and camouflaged and must not result in visual clutter; and where applicable the proposal must not cause significant or irreparable interference with other electrical equipment, air traffic services or other instrumentation in the national interest. Requires that new residential and commercial development should be served by a high-speed broadband connection and to provide appropriate infrastructure to enable future installation.
33. *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).
34. *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 the development can be effectively integrated 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 to an acceptable level.
35. *Policy 32 - Despoiled, Degraded, Derelict, Contaminated and Unstable 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.

36. *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.
37. *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.
38. *Policy 39 – Landscape* – States that proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate mitigation measures where adverse landscape and visual impacts occur. Development affecting Areas of Higher landscape Value will only be permitted where it conserves and enhances the special qualities of the landscape, unless the benefits of the development clearly outweigh its impacts. Development proposals should have regard to the County Durham Landscape Character Assessment and County Durham Landscape Strategy and contribute, where possible, to the conservation or enhancement of the local landscape.
39. *Policy 40 – Trees, Woodlands and Hedges* – States that 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. Where trees are lost, suitable replacement planting, including appropriate provision for maintenance and management, will be required within the site or the locality.
40. *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 well as biodiversity net gains. Proposals are expected to protect geological features and have regard to Geodiversity Action Plans and the Durham Geodiversity Audit and where appropriate promote public access, appreciation and interpretation of geodiversity. Development proposals which are likely to result in the loss or deterioration of irreplaceable habitat(s) will not be permitted unless there are wholly exceptional reasons, and a suitable compensation strategy exists.

NEIGHBOURHOOD PLAN:

41. There is no Neighbourhood Plan for this area.

[The above represents a summary of those policies considered relevant. The full text, criteria, and justifications can be accessed at: <http://www.durham.gov.uk/article/3266/Development-Plan-for-County-Durham> \(Adopted County Durham Plan\)](http://www.durham.gov.uk/article/3266/Development-Plan-for-County-Durham)

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

42. *Highway Authority* - No objections but request full engineering details be made subject of a condition and an informative in relation to S38 requirements.
43. *National Highways* – No objection.
44. *The Coal Authority* – No objection.
45. *Northumbrian Water* – No objection.
46. *Drainage* – Approve the surface water management proposal and confirm the hydraulic calculations for the proposed development are acceptable.
47. *Pelton Parish Council* – Raise concerns about the industrial development being closer than the current buildings to Perkinsville and the potential for increased noise and pollution.
48. *North Lodge Parish Council* – Raise concerns that the parking levels only meet minimum requirements, that the landscaping scheme is limited, the lack of a link between the A693 and the C2C Cycle route and lack of streetlighting between the site and the nearest bus stop and the lack of financial contribution in respect of biodiversity improvement.

INTERNAL CONSULTEE RESPONSES:

49. *Business Durham* - confirm their full support for this application.
50. *Spatial Policy* – Advise that the application site is allocated under Policy 2 for employment uses; specifically, B1 (Business), B2 (General Industrial) and B8 (Storage and Distribution). As the site lies within Drum Industrial Estate, which is regarded as a protected employment site in the Plan the Officer advises that the proposed use is considered acceptable in principle. Policy 27 of the CDP in relation to high-speed broadband connection is also identified as relevant and the Officer advises that a condition to secure this infrastructure would be appropriate. The Officer advises that policies 21, 29, 31, 32, 35, 39 and 56 of the CDP would be relevant policies and that the requirements of the Council's Parking Standards need to be adhered to.
51. *Landscape* – Consider that the effects on landscape character will be minimal given the local site context but advise that there will be some impact on the character of the PROW and recommend further structural planting to the route of the PROW 7 to the north through the southerly extension of the landscape treatment to the north.
52. *Design* – Do not object. Officers advise that the scale, form and architecture of the proposed buildings reflect that typically found in industrial estate environments. The Officer notes that the applicant has introduced glazing features to ensure legible entrances to individual buildings and the location of these areas on each building gives animation to the main vehicular route through the site. It is considered that the use of differing cladding colours provides further visual interest and breaks up the overall mass of each building.
53. *Environment, Health and Consumer Protection (Nuisance)* – Raise no objections subject to conditions. These include requiring the recommendation of the Construction

Environmental Management Plan document and associated embedded documents be implemented and followed and also a condition restricting the times and days of operation during construction. In relation to the operational phase a condition is required in relation to a noise impact assessment in relation to machinery, plant and processing and that attenuation measures restrict the rating level of noise emitted, with the supply of reports when requested. Conditions are also required in relation to lighting.

54. *Environment, Health and Consumer Protection (Contaminated Land)* – Request conditions to require a phase 3 remediation strategy and phase 4 verification report and an informative in relation to unforeseen contamination.
55. *Environment, Health and Consumer Protection (Air Quality)* – Advise that the Construction Environmental Management plan has not been updated in respect of dust, debris and wheel wash control. They request a condition to ensure the submission and approval of a further Construction Environmental Management Plan to address these matters.
56. *Monitoring and Compliance Officer* – raise concerns in relation to the submitted working hours commencing at 0700 having an adverse impact on residential amenity.
57. *Archaeology* – No objection.
58. *Sustainable Transport Officer* - Drum remains very poor for access by public. A financial contribution would involve £80k per annum for a Mon-Fr daytime service. However, there is no certainty of commercial sustainability after the funding ends.
59. *Ecology* – Originally raised concerns in relation to a lack of detail over impacts on dingy skipper and possibly an Open Mosaic Habitat and how its loss would be mitigated on site or suitably compensated for. Since that time the Council and applicant's ecologist have explored options on site and off site to secure Biodiversity Net Gain and have identified a site in Sedgefield owned by the Council as a solution for achieving net gains. Ecology Officers have requested a minimum of 20 BNG units to be provided as acceptable compensation and this amounts to a contribution of £106,000.
60. *Public Rights of Way Officer* - Advises that public footpath no. 7 North Lodge Parish immediately abuts the west boundary of the site to be developed. It is advised that any proposed boundary fencing or planting must not encroach upon or obstruct the footpath. The Officer considers that it is inevitable that security fencing erected alongside the footpath will impact upon the aesthetic quality of the path, although it is assumed the path will retain an open aspect to the west.

PUBLIC RESPONSES:

61. The application was advertised in the local press, by site notice and by direct notification to neighbouring properties. Three letters of objection have been received in response to the consultation process whose concerns are summarised as follows:
 - The estate is becoming closer to residential properties and encroaching into Green Belt.
 - Noise and light pollution are already an issue from current uses.
 - There are no details of whether there are to be trees planted to screen the units from residential properties.
 - Lack of consultation in general in relation to development on the industrial estate.
 - The units on site are unsightly and mismatched in terms of appearance.

- The area suffers litter and fly tipping.
- There is a lack of road markings on the estate.

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/applicationDetails.do?activeTab=documents&keyVal=RAA8EEGDLQH00>

APPLICANTS STATEMENT:

62. The document submitted with the planning application titled “Planning Statement – Manufacturing and Distribution Units – Drum Industrial Estate” dated April 2022 sets out the basis of how the proposed development is in compliance with both National and Local Planning Policy on this site which is identified for such Employment Uses in the County Durham Plan, adopted in 2020.
63. This document also refers to the extant planning consent ref: CMA/2/15 dated 28 November 2012 for a larger footprint development on the site.
64. The submitted Design and Access Statement also refers to how the design of the development has encompassed the requirements of such policies and providing facilities to meet the demands of potential tenants and funding institutions.
65. Since the date of submission of the current planning application, in response to various Consultation comments which have resulted in minor revisions to some documents initially provided without any material amendment to the substantive proposal for development with approval achieved on the following elements of the proposal:
- Drainage Strategy and detailed design including Flood Risk
Highways, Traffic and Transport
Acoustics
Air Quality (subject to minor amendment to the submitted Construction Management Plan prior to commencement.
Landscaping
66. In terms of Policy, the only one which the proposal has been unable to be demonstrated as compliant is that of on-site Biodiversity Net Gain and it is proposed that agreement is reached for the applicant to provide a financial contribution for off-site mitigation by way of an S106 Agreement.
67. The Planning Statement referred to above concludes with the following text: “We believe we have produced a carefully considered proposal that fully respects the environment, is designed to an extremely high standard and will meet both the demands of our potential occupiers and the economic growth and employment opportunities of Chester-le-Street and County Durham as a whole. The proposals accord with both National and local planning policies and guidance. The built form and proposed land use will enhance the amenities of the area whilst providing a sustainable development with considerable economic and resource benefits for the community.”
68. Having demonstrated that the proposals are fully in accordance with the development plan and that significant benefits will result from these proposals, it is respectfully requested that this application is approved.

PLANNING CONSIDERATIONS AND ASSESSMENT

69. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues raised relate to the principle of development, locational sustainability, highway safety and access, impact on residential amenity, its layout, design and scale, impacts to ecology and other technical matters.

Principle of the Development

70. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP) is the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development.
71. For decision taking this means:-
- c) approving development proposals that accord with an up to date development plan without delay; or
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or,
 - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
72. Where a planning application conflicts with an up-to-date development plan paragraph 12 of the NPPF advises that permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
73. As the CDP is up to date, paragraph 11(d) of the NPPF is not engaged.
- Policy 1 of the County Durham Plan (CDP) allocates 300ha of employment land for office, industrial and warehousing purposes up to 2035 in order to meet employment land needs and deliver a thriving economy.
74. Policy 2 of the CDP identifies that there is approximately 4.44Ha of protected employment land on the Drum Industrial Estate allocated by the policy and which makes up most of this application site. This development would draw direct support from both Policies 1 and 2 of the CDP through the provision for B1 (now Class Egii), B2 and B8 uses within the 6no. buildings proposed. It should also be noted that the site benefits from an extant permission which could be built out and, therefore, there is a fallback position should this application not be approved. The current proposal would seek to build out 14,354 sqm of Egii/B2/B8, rather than 17,151 sqm of

consented B8 use within a single large building. It is, therefore, considered that industrial development has already been accepted in principle and is an acceptable use in this location on the industrial estate. This weighs in favour of this application.

Locational Sustainability of the Site

75. Policy 21 of the CDP requires all developments to deliver sustainable transport by providing appropriate, well designed, permeable and direct routes for walking, cycling and bus access, so that new developments clearly link to existing services and facilities together with existing routes for the convenience of all users. Policy 29 of the CDP requires that major development proposals provide convenient access for all users whilst prioritising the needs of pedestrians, cyclists, public transport users, people with a range of disabilities, and emergency and service vehicles whilst ensuring that connections are made to existing cycle and pedestrian networks.
76. 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.
77. 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.
78. 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.
79. Notwithstanding that the application site is allocated within the CDP for employment uses, it remains the case that the site and wider Drum Industrial Estate performs poorly in terms of accessibility other than by private motor vehicle. The closest bus stops to the application site that are serviced are located at North Road, some 1290m to the east of the site boundary. Westward, towards Perkinsville, the nearest bus stops are approximately 1325m away. There are several services that operate from these stops, typically half hourly services, running from early morning to late evening all week, and in theory, provide access to the site by means other than private vehicles. However, the distances to nearest bus stops are within the 'preferred maximum' of the Institution of Highways and Transportation (CIHT) "Providing for Journeys" document and are, therefore, towards 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.
80. The Council's Network Travel Manger has been consulted on the application and requested a £80k per annum contribution towards providing a Monday to Friday daytime bus service to the site. However, the Officer accepts that even if funding were provided that there would be no certainty of long-term commercial sustainability and advised that as driver shortages are hampering the ability to find contractors for such services there is no certainty that this contribution would attract operators. Furthermore, the proposed nature of low-density employment use (light industrial and warehouse) means the likely job numbers coupled with staggered shift patterns, would

mean it is difficult to see how any bus service (dedicated or extension to existing) could operate to serve the site on a commercial basis.

81. It is, therefore, conceded that it would not be reasonable to insist that this development provide such a contribution. 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.
82. For similar reasons and given the location of the site some distance beyond nearby settlements of Perkinsville, Pelton, South Pelaw and North Lodge, walking is not considered to be a reasonable option for those requiring access to the Industrial Estate, despite the suggestions made within the submitted Transport Assessment.
83. In terms of cycle access, the site does perform better, with the site lying in proximity to two Sustrans National Cycle Network route (NCN7 and NCN725) and within approximately a 15-20 minute ride across relatively easy terrain to Chester-le-Street, Birtley, Ouston, Perkinsville, Pelton, parts of Washington and some southern areas of Gateshead. Other local areas are accessible by bike, with many settlements within 30 minutes of the application site albeit some with more challenging terrain.
84. It therefore remains the case that the application site performs relatively poorly in terms of access to public transport and modes other than the private motor vehicle. 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. This application forms the majority of the remaining phases of the wider vision to secure the future of this strategic employment site, with most of the estate now completed and operational with long established businesses.
85. 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 Travel Plan (TP) which sets out initiatives to further improve upon the accessibility issues identified above. These include public transport season ticket loans, flexible working around public transport, cycle to work schemes, covered cycle parking and the provision of showers and changing facilities, car share schemes, EV parking provision and footway connections to the existing footway infrastructure and beyond. These TP measures would, in turn, provide opportunities to encourage employees of businesses at the estate to use sustainable travel modes immediately following occupation, rather than attempting a modal shift following establishment of non-sustainable travel habits. Whilst being comprehensive, the Framework Travel Plan does not meet the National Specification for Workplace Travel Plans PAS 500:2008 in respect of employee surveys and, therefore, an updated Travel Plan is required. This can be secured by way of an appropriate planning condition.
86. Whilst a link to the C2C from the Industrial Estate has been requested by North Lodge Parish Council this would be difficult to deliver due to changes in land levels and would not be likely to reduce the distance to the C2C from this site albeit it would reduce the need to cross the A693. Further streetlighting as suggested by the Parish Council would be unlikely to encourage significant uplift in respect of walking given the distances involved.
87. In summary, officers recognise that the development of the site would not fully accord with the aims of Policy 21 of the CDP and paragraphs 104,105 and 110 of the NPPF.

However, subject to a condition securing the updated Framework 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.

Highway Safety and Access

88. Objective 18 of the CDP seeks to ensure that new development is accessible, contributing to reducing the need to travel, thereby reducing the impacts of traffic and congestion on the wider environment, communities and health. In this context, the requirements of Policy 21 of the CDP requires that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity and that developments deliver well designed pedestrian routes and sufficient cycle and car parking provision. Similarly, Policy 29 advocates that convenient access is made for all users of the development together with connections to existing cycle and pedestrian routes.
89. 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.
90. The proposals have been supported by a Transport Statement (TS). This document considers the potential impacts of the development and the issues relating to highways safety, network capacity, access and other transport related issues.
91. The application proposes closing off a point of vehicular access to the north of the site. Access into the site would be via an existing bell mouth which is to be upgraded. Access into the Industrial Estate is made via the existing access road leading from the upgraded A693 roundabout. This access road is a single lane two-way carriageway with footways to either side, lighting and a 30mph speed limit. The highway network surrounding the site has already been substantially improved as part of previous phases of the development, on which these proposals would expand.
92. The original application has been amended to address layout concerns raised by the Highway Authority relating to junction width, substandard turning heads, rest bays on the main road and service verge width. In respect of parking the application proposes the provision of a total of 266 car parking spaces in accordance with DCC parking standards. The total car parking provision includes 15 parking spaces for disabled persons and 16 electric vehicle (EV) spaces. This is in line with DCC requirements for a minimum of 5% of car parking spaces to be provided for disabled persons and a minimum of 5% of spaces to be provided as active EV charging spaces. The bays for disabled persons are to be located adjacent to building entrances for easy access. Cycle parking is to be provided near each building for cyclists. Also, a total of 17 motorcycle parking spaces are to be provided at the development.
93. The Transport Statement considered trip generation from anticipated numbers associated with the uses proposed. The statement predicts that there would be 56 and 57 two-way vehicle trips during the worst-case weekday AM and PM peak hours, which

is an increase of only 3 and 2 two-way vehicle trips when compared to the permitted use previously approved for the site. While this level of traffic is not present on the network currently it is consented and so could be expected to come forward at some point in the future.

94. As the development has the potential to impact on the strategic road network, National Highways have been consulted. National Highways are satisfied with the submitted TS and the conclusions reached by the transport consultant which indicate that the proposed development would not result in severe residual cumulative impacts on the operation of the strategic highway network and that no mitigation is, therefore, required in this respect. 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. The proposal, therefore, cannot reasonably be considered to give rise to a 'severe' impact within the context of the NPPF.
95. Overall, the highway impacts of the proposed development are considered to be acceptable and in accordance with Policies 21 and 29 of the CDP as well as Part 9 of the NPPF.

Residential Amenity and pollution

96. 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.
97. 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.
98. 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 traffic noise assessment has been submitted in support of the application which concludes that changes to noise levels from traffic noise at nearest noise sensitive receptors (NSRs) would be negligible. The Environmental Health Officer (EHO) agrees with this conclusion.
99. In respect of plant and machinery no detail has been provided in relation to the potential impact of noise associated with industrial operations that could have an impact upon NSRs; no detail is provided in relation to any extraction systems, air-handling units, pneumatic transport systems, on site deliveries, that is loading/unloading of vehicles particularly at night, etc., which could give rise to external plant noise from impacting upon NSRs. Whilst it is appreciated that the exact use of the units and operations therein may be unknown at this stage of the development, Environmental Health advise that consideration must be given to the above potential impacts.
100. There have been past issues with noise from other industrial units within the estate impacting upon NSRs as highlighted by local residents, and this has led to the service of abatement notices. Therefore, it is agreed with the EHO that conditions will be

required to ensure that before any machinery, plant, or commercial process is operated, a detailed noise impact assessment and scheme of sound attenuation measures is required to be submitted to and approved in writing by the local planning authority. Furthermore, that the scheme of attenuation measures shall ensure that the rating level of noise emitted from plant, machinery, commercial process on the development site shall not exceed the background (LA90) by more than 5dB LAeq (1 hour) between 07.00-23.00 and 0dB LAeq (15 mins) between 23.00-07.00. The condition would also need to ensure that the measurement and assessment shall be made according to 2019 British Standards. Considering the separation distances between the development and the nearest noise source it is considered that these requirements can be reasonably met by the operator and it is not considered that the condition would significantly limit the future operations on the site.

101. During the construction phase the development would be noise, dust and light generating and, as such, the developer has submitted a Construction Environmental Management Plan (CEMP). Concerns were raised about early morning (7am) construction works and the developer has updated the CEMP to ensure more appropriate later starting construction and delivery hours of 08.00 to 18.00 Mon-Fri and 08.00 to 14.00 Saturdays . These times can be controlled via planning condition.
102. Lighting associated with the site could give rise to impact upon NSRs. The EHO, therefore, recommends a condition is necessary to ensure that prior to commencement of the development, a lighting impact assessment for the lighting scheme proposed, be agreed in writing with the Local Planning Authority.
103. 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 EHO's, which are designed to ensure that the amenity of local residents would be preserved.
104. In addition to the above, EHO's have considered the potential impacts of the development in respect of air quality. Air quality impacts are possible from all new development. An air quality assessment and construction management plan have been submitted in respect of this issue. In this case, the impacts are considered to be acceptable generally, however, further details are required in respect of dust. EHO's are satisfied that this can be controlled by way of a planning condition requiring an updated CEMP. With such a condition imposed, it is considered that, overall, the scheme would comply with Policies 29 and 31 and Parts 12 and 15 of the NPPF.
105. It is considered, therefore, that the impacts of the development to nearby residents can be suitable mitigated to ensure there are no unacceptable levels of pollution and to protect amenity in accordance with Policies 29 and 31 of the CDP, Part 15 and in particular Paragraph 127 of the NPPF.

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

106. 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.

107. Collectively, Policies 26, 29 and 39 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. Policy 29 of the CDP outlines that development proposals should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities. In addition to the above, Policy 29 of the County Durham Plan requires all major new non-residential development to achieve Building Research Establishment Environmental Assessment Method (BREEAM) minimum rating of 'very good'.
108. The proposed layout of the application site follows the broad ethos of this part of the industrial estate following established building designs. This continued use of building scales, materials palettes and layout would further reinforce the current level of design quality for the proposed building uses. The proposed glazing features ensure legible entrances to individual buildings and the location of these areas on each building gives animation to the main vehicular route through the site. The use of differing cladding colours provides further visual interest and breaks up the overall mass of each building. The scale of the proposed new buildings would be commensurate with previous planning permissions for development at the industrial estate locality. Conditions with regards to materials and hard landscaping can ensure that the site is delivered with a high-quality design consistent with other phases of the development.
109. An initial assessment in terms of sustainability has confirmed that the proposal would meet BREEAM 'Very Good' as a minimum. A condition should, therefore, be imposed to ensure that the development achieves a very good BREEAM rating.
110. There are no landscape designations on or around the site. Views of the site would be screened from the east and north by existing buildings. Views from the A693 to the south would be partly screened by a bund and vegetation. However, views of the site would be possible from residential properties to the west and from Public Rights of Way to the west and north. Given the industrialised context the effects on landscape character would be minimal and would not be dissimilar to the previous consent. In response to concerns over impacts to the enjoyment of the PROW, a landscaping plan has been submitted, which proposes structural planting along the western boundary to screen any fencing which would also partly screen the buildings over time. This would need to be maintained on a regular basis to ensure that it does not encroach onto the PROW and an informative can advise of this legal requirement. The detailed planting proposals within the site include, hedgerow, tree and grass planting, the delivery and management of which can be secured by way of a planning condition.
111. Subject to the aforementioned planning conditions, it is considered that the proposal would reinforce local character and sustainable design can be secured in accordance with Policies 26, 29, 39 and 40 of the CDP and Part 12 of the NPPF.

Ecology

112. 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.
113. Paragraph 180 of the NPPF 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, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

114. Collectively, Policies 26, 35, 41 and 43 of the CDP 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.
115. Policy 41 of the CDP requires proposals for new development to not be permitted if significant harm to biodiversity resulting from the development cannot be avoided, or appropriately mitigated, or, as a last resort, compensated for. Policy 43 relates to protected species and nationally and locally protected sites and similarly requires any development that would have an adverse impact on the ability of species to survive, reproduce and maintain or expand their current distribution to propose appropriate mitigation, or as a last resort compensation.
116. The application is accompanied by a Preliminary Ecological Appraisal (PEA) that identifies that the site has been subject to ecological surveys to understand baseline ecological conditions at the site. The ecological appraisal describes the site as semi-improved neutral grassland with areas of open mosaic characteristics, dense and scattered scrub, scattered trees and species with some poor hedgerow. The site possesses potential foraging and commuting areas for badgers. There are foraging and nesting opportunities for birds and a habitat suitable for invertebrates such as the Dingy Skipper and Small Heath butterfly. There are also foraging and sheltering opportunities for species such as Hedgehog. The assessment recommends mitigation against the effects of the site's development on the baseline conditions, including installing ecological features and habitat on site and adhering to ecological good practice in respect of investigations and timings etc. These measures can be secured through the imposition of an appropriate planning condition.
117. On the basis of the surveys undertaken, the Ecology Section raised concerns over potential impacts on the Dingy Skipper (UK priority Species) and potential loss of open mosaic habitats (UK Priority Habitat).
118. The application has been supported by a biodiversity net gain assessment. Calculations indicate a net loss for biodiversity on the site of -26.94%. To account for these losses, and to address the Concerns of the Ecology Section it is proposed to provide off-site biodiversity enhancement. This will require a comprehensive landscaping management plan which the Applicant is intending to secure by means of a financial contribution. A compensation package has been discussed with the Ecology Section which would result in the creation of improved habitat, providing net gains for biodiversity of 20 units. In order to deliver the net gain, a financial contribution of £106k 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. Within the mitigation hierarchy compensation through off-site delivery is regarded as a last resort but is accepted under policy 41 and 43 of the CDP.
119. Based on this, the proposals would secure suitable compensation for biodiversity alongside other additional enhancement measures which are not considered within the metric, including bat and bird boxes and bee bricks on site, habitat creation and landscape planting alongside species-specific habitat provisions.

120. 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 in accordance with CDP policies 41 and 43, and net gains for biodiversity would be achieved. The proposals would not be likely to directly affect European Protected Species.

Flooding and Drainage

121. Policies 35 and 36 of the CDP relate to flood water management and infrastructure. Policy 35 requires development proposals to consider the effects of the scheme on flood risk and ensure that it incorporates a Sustainable Drainage System (SuDs) to manage surface water drainage. Development should not have an adverse impact on water quality. Policy 36 seeks to ensure that suitable arrangements are made for the disposal of foul water.
122. National advice within the NPPF and PPG with regard to flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to flood zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where a sequential test and some instances exception test are passed, informed by a site-specific flood risk assessment.
123. The submitted Flood Risk Assessment confirms that the development lies in Flood Risk Zone 1 and at the lowest potential risk from flooding. The submitted drainage strategy and hydraulic calculations have been reviewed by the Council's Drainage and Coastal Protection Team in their capacity as Lead Local Flood Authority (LLFA), who have advised the details are acceptable. A condition can ensure that the development adheres to these details.
124. In relation to foul water, it is proposed to connect to the existing sewerage network. No objections are raised by Northumbrian Water, and as a drainage strategy has been accepted by the LLFA, a condition to ensure that the approved details are adhered to would suffice in relation this issue.
125. 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, 35 and 36 of the CDP and Part 14 of the NPPF.

Infrastructure

126. It is important to ensure that development proposals contribute to improvements in infrastructure capacity to mitigate for the additional demands that new development creates. By securing financial contributions through planning obligations, developers would help fund the physical, social and environmental infrastructure that is needed to make development acceptable and ensure that the development mitigates its impact upon existing infrastructure.
127. Policy 25 of the CDP supports securing developer contributions where mitigation is necessary to make the development acceptable in planning terms.
128. Paragraphs 55-58 of the NPPF explain the circumstances when it is appropriate for planning obligations to be used to mitigate the impacts of the development.

129. The developer is willing to enter into a Section 106 legal agreement to provide a financial contribution for off-site BNG mitigation. This is necessary to make the development acceptable and would accord with Policy 25.

Contamination and Land Stability

130. Policy 32 of the CDP requires sites to be suitable for use taking into account contamination and unstable land issues. Paragraph 183 of the NPPF requires sites to be suitable for their proposed use taking account of ground conditions and any risks arising from land instability and contamination.
131. Given the site is a high-risk site in terms of Coal Mining Legacy, a Coal Mining Risk Assessment was submitted with the application which identifies mitigation measures required to address risks from surface mining and mine shafts on site. The Coal Authority is satisfied with these mitigation measures and considers they can be addressed under Building Regulations.
132. In respect of contamination, a Phase 1 and Phase 2 Geo-Environmental site investigation report has been submitted and identifies risks associated with ground gas. Environmental Health Officers have considered this report, concluding that conditions would be required to ensure that the site is suitable for its intended use taking account of any risks arising from contamination. These conditions would relate to securing Phase 3 works (remediation works) and phase 4 (verification) reports. The Officer has also requested an informative relating to unforeseen contamination. With such conditions the site would be suitable for use and appropriately remediated in accordance with Policy 32 of the CDP and Paragraph 183 of the NPPF.

Other Matters

133. Policy 26 of the CDP seeks to ensure that development protect and enhance public rights of way and footpaths, green infrastructure and green corridors. Whilst PROW Officers raise concerns over fencing, this has been detailed as an adequate distance from the PROW. The landscaping proposed is adjacent to the Right of Way and must not encroach upon it. A management plan can ensure the landscaping is managed but an informative can be imposed to ensure the developers are aware the need to not obstruct or encroach upon the PROW which is a separate legal requirement.
134. Part 8 of the NPPF amongst other guidance advises on the need to create safe and accessible environments where crime and disorder and the fear of crime do not undermine the quality of life or community cohesion. Whilst there are concerns regarding litter and fly tipping, such Anti-social behaviour is not typically associated with the uses proposed. If this is a comment on the current vacant site then it is envisaged that the increased surveillance as a result of the development would reduce the likelihood of such issues in the locality.
135. Concerns have been raised by a local resident that the development is encroaching into the Green Belt, however, the site is not within the Green Belt, albeit it is surrounded by it.
136. It is noted that concerns have been raised over a lack of consultation in general in relation to development on the industrial estate. Whilst there are no details of any community consultation having been undertaken by the applicants, the Council have undertaken consultation above the statutory requirements with both a press and site notice and 343 neighbours being consulted.

137. The site is located within a mineral safeguarding area for coal, 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. In this instance, the site has been previously worked and, therefore, a minerals assessment is not required in this instance.
138. Soil is a fundamental and finite resource that fulfils many important functions and ecosystem services and some of the most fundamental impacts on this resource can occur as a result of construction activity. Where development proposals are permanent it is important that soil resources are used effectively on undeveloped areas of the site for landscape, habitat or garden creation or used appropriately on other suitable sites.
139. Policy 14 of the CDP requires all development proposals relation to previously undeveloped land must demonstrate that soil resources will be managed and conserved in a viable condition and used sustainably in line with accepted best practice. A soil resource management strategy has been submitted and is considered acceptable.
140. Policy 27 of the CDP outlines that new commercial development should be served by a high-speed broadband connection. Part 10 of the NPPF also has similar aims. Whilst there are no details in respect of this aspect a condition can be imposed to secure that the site incorporates infrastructure for fibre broadband.
141. 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

142. 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).
143. Where a planning application conflicts with an up-to-date development plan permission should not usually be granted. However, local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed
144. 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 a remaining phase of development at Drum Industrial Estate, which has seen earlier phases delivered and occupied. The principle of the development is, therefore, considered acceptable in accordance with Policy 2 of the CDP.

145. The site performs poorly in terms of locational sustainability. Measures proposed on site 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.
146. The development would not be prejudicial to highway safety or have a severe cumulative impact on network capacity and would deliver well designed pedestrian routes and sufficient cycle and car parking provision. in accordance with Policies 21 and 29 of the CDP as well as Part 9 of the NPPF.
147. It is considered that conditions can ensure the development would not result in a level of harm to the amenity of local residents which would justify withholding planning permission. The proposed industrial uses (including Class E uses) are typically noise producing uses however conditions can ensure that noise levels at receptors are at or below acceptable thresholds in accordance with the aims of Policies 29, 31 and 32 of the CDP. Conditions also ensure that noise and dust impacts during construction would be appropriately controlled and that lighting levels are not harmful to amenity.
148. The proposal achieves Building Research Establishment Environmental Assessment Method (BREEAM) minimum rating of 'very good'. The proposed layout of the application site follows the broad ethos of this part of the industrial estate following established building designs. Given the industrialised context the effects on landscape character will be minimal, particularly with landscaping proposed.
149. The development of the site would lead to the loss of priority species and habitat. To compensate for this, off-site mitigation is proposed in the form of off-site habitat improvement works at a site in Sedgfield. This compensation is accepted as a last resort in accordance with Policies 41 and 43 of the CDP. A section 106 legal agreement can secure the contribution. 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 a s106 agreement, the proposed development would result in suitable compensation for the on-site impacts resulting from the proposed development.
150. The proposals are considered acceptable in respect of flooding and drainage. Conditions can ensure the site is suitable for the proposed use 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.
151. The impacts to the adjacent public right of way are acceptable with the additional landscaping to screen the site and conditions can ensure this landscaping is appropriately managed
152. The proposal has generated limited public interest with three representations having been received. Concerns raised have been taken account and addressed within the report with suitable conditions proposed to mitigate their concerns.
153. In the overall planning balance, the adverse impacts and policy conflict 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 be APPROVED subject to a s106 legal agreement to secure the contribution on £106,000 to ensure the implementation and management of the off-site compensation measures on land in the ownership of the Council and subject to the following conditions:

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

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

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

| | | |
|---|-------------------|----------|
| PROPOSED BOUNDARY TREATMENT | PL011 REV A | 13/04/22 |
| PROPOSED CYCLE STORAGE | PL013 | 13/04/22 |
| PROPOSED SITE PLAN | PL03 REV F | 22/07/22 |
| PROPOSED SITE SECTIONS | PL04 REV A | 13/04/22 |
| UNIT 1 – PROPOSED PLANS,ELEVATIONS AND SECTION | PL05 REV D | 13/04/22 |
| UNIT 2 – PROPOSED PLANS,ELEVATIONS AND SECTION | PL06 REV D | 13/04/22 |
| UNIT 3 – PROPOSED PLANS, ELEVATIONS AND SECTION | PL07 REV D | 13/04/22 |
| UNIT 4 – PROPOSED PLANS, ELEVATIONS AND SECTION | PL08 REV D | 13/04/22 |
| UNIT 5 – PROPOSED PLANS, ELEVATIONS AND SECTION | PL09 REV D | 13/04/22 |
| UNIT 6 – PROPOSED PLANS,ELEVATIONS AND SECTION | PL10 REV D | 13/04/22 |
| PROPOSED SURFACE TREATMENT PLAN | PL12 REV A | 13/04/22 |
| LANDCAPE GENERAL ARRANGEMENT | POE_259_001 REV C | 09/09/22 |
| PLANTING PLAN | POE_259_002 REV B | 09/09/22 |
| SW DRAINAGE LAYOUT | S1456-01 F | 20/09/22 |
| FW DRAINAGE LAYOUT | S1456-02 C | 30/08/22 |
| EXTERNAL WORKS AND LEVELS | S1456-03 C | 30/08/22 |
| SITE LOCATION PLAN | PL01 | 13/04/22 |
| PROPOSED SITE SET UP PLAN | C218/SSP/001 | 05/05/22 |
| TRAFFIC ROUTING AGREEMENT PLAN | C218/TRP/001 | 05/05/22 |
| FILTER TRENCH DETAILS | 1456-05 B | 20/09/22 |
| WATER QUALITY PLAN | 1456-DD05 | 28/07/22 |
| TYPICAL DRAINAGE DETAILS | S1456-04 A | 20/08/22 |
| PHASE 1 PLOT DRAINAGE GENERAL ARRANGEMENT | 47561/O9 REV E | 08/09/22 |
| DRAINAGE NETWORK REFS | S1456-DD02 E | 23/09/22 |
| FRA & DRAINAGE STRATEGY | | 20/09/22 |

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 1, 2, 21, 29, 31, 32, 35, 36, 39, 30, 41 and 44 of the County Durham Plan and Parts 2, 4, 6, 8, 9, 11, 12, 14, 15 and 16 of the National Planning Policy Framework.

3. 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), B8 (Storage and Distribution) and Class Egii (Light Industrial) (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 surrounding area in accordance with Policies 29 and 31 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

4. 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.

5. No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0800 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: In the interests of residential amenity having regards to policy 31 of the County Durham Plan.

6. Before any machinery, plant, commercial process is in operation for each use, a detailed noise impact assessment and scheme of sound attenuation measures shall be submitted to and approved in writing by the local planning authority. The scheme of attenuation measures shall ensure that the rating level of noise emitted from plant, machinery, commercial process on the development site shall not exceed the background (LA90) by more than 5dB LAeq (1 hour) between 07.00-23.00 and 0dB LAeq (15 mins) between 23.00-07.00. The measurement and assessment shall be made according to BS 4142: 2014+A1: 2019. On written request by the planning authority the operator shall, within 28 days, produce a report to demonstrate adherence with the above rating level. Once agreed, all the measures shall be implemented in accordance with approved details.

Reason: In the interests of residential amenity having regards to Policy 31 of the County Durham Plan.

7. No building shall be occupied before a lighting impact assessment for the lighting scheme proposed, has taken place and been submitted to and agreed in writing with the Local Planning Authority. This should include the following, commensurate with the scale/type of lighting scheme provided:

A description of the proposed lighting units including height, type, angling and power output for all lighting

Drawing(s)/contour plans showing the luminance levels both horizontal and vertical of the lighting scheme to demonstrate that no light falls into the curtilage of sensitive neighbouring properties;

The Environmental Zone which the site falls within, in accordance with the Institution of Lighting Professionals Guidance on the Reduction of Obtrusive Light, to be agreed

with the LPA. The relevant light sensitive receptors to be used in the assessment to be agreed with the LPA in advance of the assessment.

Details of the Sky Glow Upward Light Ratio, Light Intrusion (into windows of relevant properties) and Luminaire Intensity.

The limits for the relevant Environmental Zone relating to Sky Glow Upward Light Ratio, Light Trespass (into windows) and Luminaire Intensity, contained in Table 2 (Obtrusive Light Limitations for Exterior Lighting Installations) of the Institute of Lighting Professionals Guidance on the Reduction of Obtrusive Light shall not be exceeded.

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.

8. Notwithstanding any details of materials submitted with the application prior to the construction of external walling or roofing on any building details of the make, colour and texture of all walling and roofing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

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

9. Notwithstanding any details of materials submitted with the application prior to the construction of hard paved areas to any building details of the make, colour and texture of all materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

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

10. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in the first available planting season following the practical completion of the development.

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

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

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

Replacements will be subject to the same conditions.

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

11. Prior to the first occupation of each building hereby approved a scheme for the ongoing maintenance of the areas of common parts and structural landscaping within the development shall be submitted to and approved in writing by the Local Planning Authority. 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 and 29 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

12. The development shall take place in accordance with the general protection measures outlined in part 4.2 of the Ecological Management and Monitoring plan. Bee bricks, Bat boxes and bird boxes will be installed prior to occupation of the units and retained or replaced in perpetuity.

Reason: To safeguard protected species in accordance with Policy 43 of the County Durham Plan and part 15 of the NPPF.

13. The scheme shall be developed in accordance with the submitted FRA & Drainage Strategy dated September 2022 and the Sustainable Urban Drainage (SuDS) Operation and Maintenance Plan dated September 2022.

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

14. No unit shall be occupied until an updated Framework Travel Plan conforming to BSI National Specification for Workplace Travel Plans (PAS500) guidance has been submitted to and agreed in writing by the Local Planning Authority. Once approved the Travel Plan must be adhered to for the lifetime of the development. Within six months of occupation Full workplace Travel Plans must be submitted to and approved in writing by the Local Planning Authority and 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.

15. No development shall commence until plans showing full engineering details of the proposed estate road have been submitted to and approved by the local planning authority. The development shall take place in accordance with the approved plans prior to occupation of any unit.

Reason: To ensure safe access in accordance with Policy 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.

16. The agreed scheme of electric vehicle charging points must be installed and available for use before occupation of each unit.

Reason: In the interests of sustainable construction and in accordance with Policy 29 of the County Durham Local Plan and Part 14 of the National Planning Policy Framework.

17. The agreed bike storage scheme must be installed and available for use before occupation of each unit.

Reason: To encourage sustainable transport modes of travel having regard to CDP Policy 21 and Part 9 of the NPPF.

18. Prior to the commencement of construction works a Phase 3 Remediation Strategy shall be produced and where necessary include gas protection measures and method of verification.

Reason: To ensure that the presence of contamination is identified, risk assessed and proposed remediation works are agreed in order to ensure the site is suitable for use, in accordance with Part 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure that the development can be carried out safely.

19. Remediation works shall be carried out in accordance with the approved remediation strategy. The development shall not be brought into use until such time a Phase 4 verification report related to that part of the development has been submitted to and approved in writing by the Local Planning Authority.

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

20. No building 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 for this development.

Reason: In the interests of sustainable development and in accordance with Policy 29 of the County Durham Plan and Part 2 of the National Planning Policy Framework.

21. The development shall be constructed with infrastructure in place to ensure that full fibre broadband connection for each unit is achievable.

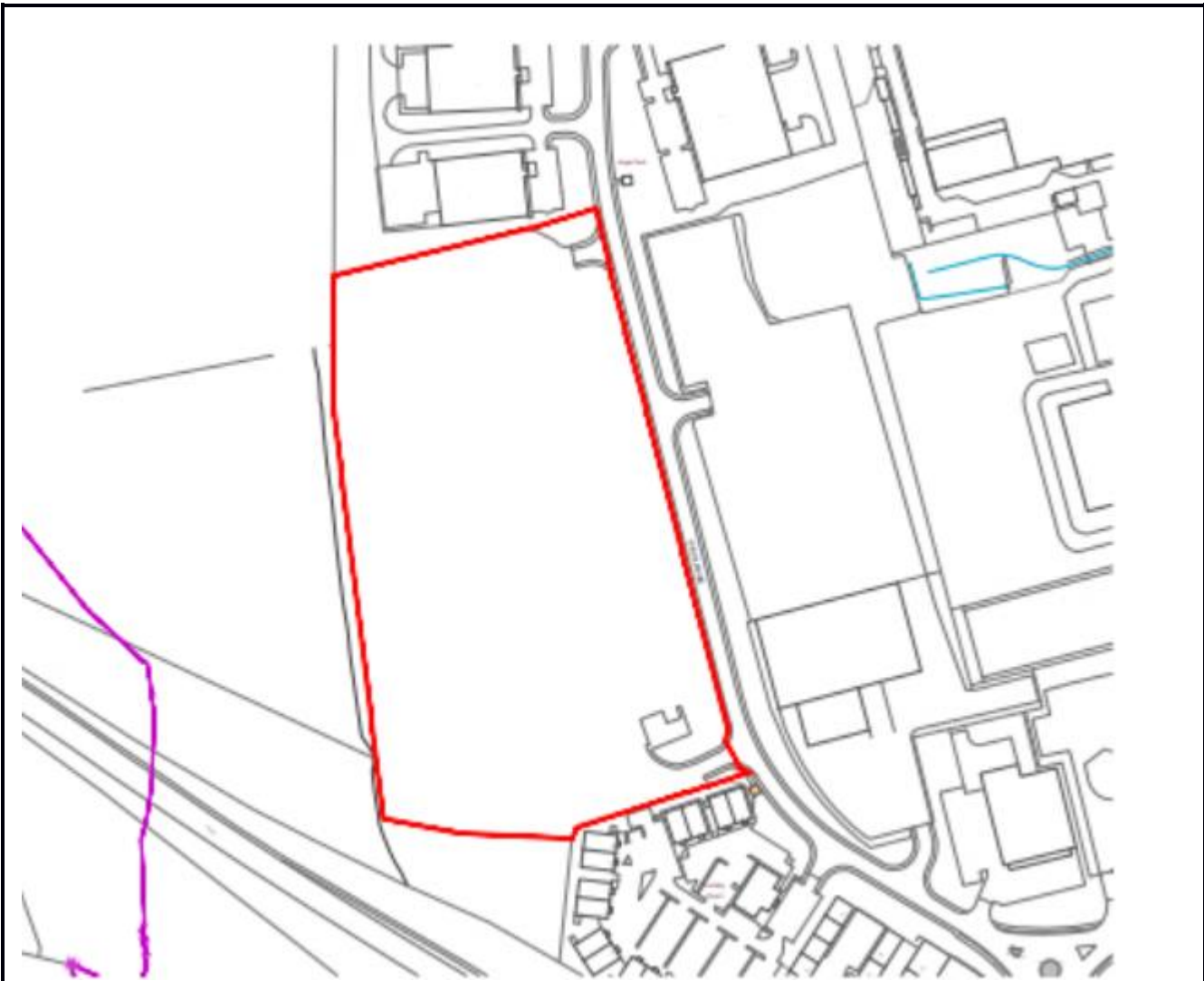
Reason: To ensure a high quality of development is achieved and to comply with the requirements of Policy 27 of the County Durham Plan and Part 10 of the NPPF.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2021)
- National Planning Practice Guidance notes
- County Durham Plan 2020
- Statutory, internal and public consultation responses



Planning Services

This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright.
 Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding.
 Durham County Council Licence No. 100022202 2005

Construction of employment uses (Industrial/warehouse development) of 6 No. detached units totalling 14,354sqm

DM/22/01124/FPA

Date November 2022

Scale Not to Scale