

# COMMITTEE REPORT

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## APPLICATION DETAILS

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Application No:	DM/22/03331/OUT
Full Application Description:	Outline Application seeking planning permission for a change of use of the land to E(g) (light industrial use), the erection of new building to support this change of use and associated works. All matters reserved except for access, scale and layout
Address:	Unit 1A Watling Street Industrial Estate, Leadgate, DH8 6TA
Name of Applicant:	Shane McDonald / Woodgen Ltd
Electoral Division:	Leadgate and Medomsley
Case Officer:	Jacob Reed Planning Officer 0300260826 <a href="mailto:jacob.reed@durham.gov.uk">jacob.reed@durham.gov.uk</a>

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## DESCRIPTION OF THE SITE AND PROPOSAL

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### The Site

1. The application site is located in the northwest fringe of the village of Leadgate adjacent to Watling Street Industrial Estate, in the northwest of the County. The application site measures approximately 0.85ha in area and encompasses an existing industrial premises operated by 'Woodgen'. The company operates gasification units and heat pumps fuelled by waste sawdust, to manufacture wood fuel briquettes. Additional land measuring approximately 0.58ha in area is also included within the application site, this includes 0.38ha of woodland and 0.20ha of grass land.
2. The site is located on the Highway Werdohl Way/Dere Street which links the wider industrial estate to residential dwellings on Watling Road. 'Woodgen' is the only industrial premises situated to the north of the highway, however to the south the wider industrial estate is located. Woodland and grass land surround the current industrial unit on three sides. The woodland forms part of the wider 'Watling Wood' a community woodland planted in the late 80's early 90's and

acts as a buffer to houses to the northeast and also serves as a recreational function with a number of informal access paths through the wood. The woodland is designated as Accessible Natural Green Space within the Council's Open Space Needs Assessment, with approximately 0.20ha of the application site falls within this designation. The land to facilitate the expansion of the site is currently in the Council's ownership and has been designated an Asset of Community Value under the Localism Act 2011.

3. Access to the site is taken from an access point in front of the existing building, leading to a storage yard to the east.

### The Proposal

4. The application seeks outline planning permission for the erection of a new industrial unit to the west of the existing unit on site, with details of access, layout and scale submitted for consideration. The proposal would measure approximately 35m in length by 28.5m in width with a total floor area of 997.5sqm and would have a ridge height of 9.4m. It is indicated that the building would be clad in corrugated metal sheeting to match the existing unit on site. An extensive hardstanding storage space and access road is proposed, with a new access point taken to the western site boundary.
5. The building would be sited to the west of the existing unit on site and would result in the loss of 0.38ha of woodland and 0.20ha of grass land. The building would be used under a B2 use class to supplement the existing use of the site. The supporting information sets out that the development would allow the applicant to separate out two distinct functions of their operations on the site. This is the fuelling of gasification units/heat pumps and the drying out of waste sawdust from the manufacturing, wrapping, storage and subsequent distribution of briquette fuel.
6. The applicant states that there are currently 5 full-time employees on site and with the proposed expansion of the business this would generate an additional 10 employees over the next 5 years. The site currently operates within the hours of 08:00am and 17:00pm, it is proposed that the development would keep these operational hours.
7. The application is being reported to planning committee as the agent sets out that the proposal would generate excess of 10 fulltime equivalent jobs, and the application has a recommendation for refusal.

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## **PLANNING HISTORY**

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8. The applicant sought planning permission in 2018 under DM/18/00226/FPA for the erection of an extension to side of factory and retention of containers this was a retrospective application and was approved in June 2018. In 2019 the applicant submitted an additional application DM/19/00527/FPA for the erection of an extension to rear which was approved in April 2019
9. In 2021 the applicant submitted an application (DM/21/02377/FPA) similar in nature to this current application, this was subsequently withdrawn as the applicant wished to address policy conflict concerns raised by the authority and to conduct public consultation for the scheme with the local residents.

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## **PLANNING POLICY**

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### **National Policy**

10. A revised National Planning Policy Framework (NPPF) was published in July 2018 (with updates since). The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
11. 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.
12. 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.
13. 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.
14. 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.
15. 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.
16. 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.
17. 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.

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

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

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

19. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; historic environment; design process and tools; determining a planning application; flood risk; healthy and safe communities; land affected by contamination; housing and economic development needs assessments; light pollution; natural environment; noise; public rights of way and local green space; planning obligations; use of planning conditions; and; water supply, wastewater and water quality.

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

### **Local Plan Policy:**

The County Durham Plan (CDP)

20. *Policy 1 (Quantity of Development)* outlines the levels of employment land and housing delivery considered to be required across the plan period.
21. *Policy 6 (Development on Unallocated Sites)* states the development on sites not allocated in the Plan or Neighbourhood Plan, but which are either within the built-up area or outside the built up area but well related to a settlement will be permitted provided it: is compatible with use on adjacent land; does not result in coalescence with neighbouring settlements; does not result in loss of land of recreational, ecological, or heritage value; is appropriate in scale, design etc to character of the settlement; it is not prejudicial to highway safety; provides access to sustainable modes of transport; retains the settlement's valued facilities; considers climate change implications; makes use of previously developed land and reflects priorities for urban regeneration.

22. *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.
23. *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.
24. *Policy 29 (Sustainable Design)* requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out 18 elements for development to be considered acceptable, including: making positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals. Provision for all new residential development to comply with Nationally Described Space Standards, subject to transition period.
25. *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.
26. *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.
27. *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.

28. *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 wastewater 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.
29. *Policy 39 (Landscape)* states that proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate mitigation measures where adverse impacts occur. Development affecting Areas of Higher landscape Value will only be permitted where it conserves and enhances the special qualities, unless the benefits of the development clearly outweigh its impacts
30. *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 or provide suitable replacement planting. The loss or deterioration of ancient woodland will require wholly exceptional reasons and appropriate compensation.
31. *Policy 41 (Biodiversity and Geodiversity)* states that proposal for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or as a last resort, compensated for.
32. *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.
33. *Policy 56 (Safeguarding Mineral Resources)* states 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. This is unless it can be demonstrated that the mineral in the location concerned is no longer of any current or potential value, provision can be made for the mineral to be extracted satisfactorily prior to the non-minerals development taking place without unacceptable adverse impact, the non-minerals development is of a temporary nature that does not inhibit extraction or there is an overriding need for the non-minerals development which outweighs the need to safeguard the mineral or it constitutes exempt development as set out in the Plan. Unless the proposal is exempt development or temporary in nature, all planning

applications for non-mineral development within a Mineral Safeguarding Area must be accompanied by a Mineral Assessment of the effect of the proposed development on the mineral resource beneath or adjacent to the site of the proposed development.

34. Residential Amenity Standards SPD (2020 Adopted version) – Provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed.

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

#### **Neighbourhood Plan:**

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

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## **CONSULTATION AND PUBLICITY RESPONSES**

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

36. *Highways Authority* – Raise no objections, advising that the applicant's Transport Statement sets out that the amount of movements in and out of the access it is not anticipated to exceed 7 weekly HGV movements and 10 weekly flat-bed vehicle movements on the access. The upgrade access points should be constructed in accordance with the requirements of Section 184(3) of the Highways Act 1980.

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

37. *Landscape Section* – Advise that the development proposal would result in a reduction in woodland and pasture, which would be changed to large modern industrial units, outdoor storage and access areas. The proposed industrial units would broadly relate to the character of the existing industrial areas to the south-west, south and south-east. However the removal of trees from the existing established woodland area would reduce the extent of natural green space and land with rural character. Major and adverse landscape effects would occur at site level and in areas immediately adjacent. Effects could be considered significant at site level due to the change from a maturing area of deciduous woodland to large industrial shed type buildings.
38. *Landscape Section (Trees)*: Advise that the land in question is currently a community woodland planted on reclaimed land which was initiated and supported by the community and which therefore provides direct benefit to them. The proposed mitigation includes enhanced management of the remaining woodland in the event this was approved however this does not provide compensation for the loss of the woodland, only improved management which may potentially be done in future by the community as the woodland continues to develop. The trees to be lost are considered to be of group amenity value and form part of the wider woodland.
39. *Ecology* – Raise no objection following submission of information relating to Biodiversity Net Gain requirements. It is however highlighted that further clarifications on the metric submitted is required but this could be controlled by condition and then considered reserved matters stage.

40. *Environmental Health* – Following the submission of additional information and clarification on the nature of the proposals, no objections are raised subject to conditions to control further investigations in relation to land contamination.
41. *Business Durham* Support the application due to the economic benefits it provides through job creation, economic growth and development of the green economy.

### **Public Responses:**

42. The application has been advertised by individual notification letters and site notice, 68 letters of objection have been received and 3 letters in support. Comments made have been summarised below:

43. Objections

- The woodland is an important link to local wildlife corridors and makes up the majority of the wildlife habitation within Leadgate.
- The woodland will mature over time and the immature sections are as important as the more established parts of the wood.
- Brownfield development should be prioritised over greenfield sites such as this and that there are plenty of alternative brownfield sites and vacant industrial units in Leadgate that the applicant could utilise.
- Development in the location proposed is inappropriate the site is already at its capacity and extending the boundary of the site into the woodland is going to have a negative impact upon the area.
- The woodland has great local and ecological value and as a result is designated as an asset of community value.
- The increase in production and traffic on the site has the potential for increased noise pollution.
- The proposal is of poor design and an eyesore

44. Support:

- Company and proposal help benefit the local economy through both job creation directly by the business and indirectly with business that are involved in the production line which has a positive impact upon Leadgate's economy.
- Proposal will provide employment for local people as the applicant has priorities hiring locals since the formation of the company the expansion of the business will only increase that.
- Council should encourage green enterprise expansion such as this business. Renewable energy should be at the forefront of decision making and the renewable by product of the manufacturing at this site has a positive impact upon the environment and the renewable goals of County Durham.

*The above 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/>*

### **Applicants Statement:**



45. In addition to the documentation submitted in support of this outline application to Durham County Council for determination, I wish to clarify some key points relating to the Proposed Development from the Applicant's perspective for the benefit of Committee Members.
46. We are committed to the operation of this site in North-West Durham and want to continue to provide local employment opportunities on-site and within the supply chain, which we have been doing since we purchased Unit 1a Watling in 2017. The current factory is arguably the only genuinely carbon negative biomass production facility in the UK and the Proposed Development will ensure the continued success of this innovative business providing renewable energy sector jobs within County Durham.
47. The Addendum to the Planning Statement provides the detail of the economic case which supports this proposal, but for the avoidance of doubt I want to stress the following key points:
48. When we originally purchased this site, we could not predict the exponential growth in demand for the logs and wood burning stove fuel alternatives which we have experienced in the last 3-years. Demand is currently outstripping supply, and with our operational outputs currently restricted, this demand cannot be met. We and Business Durham have invested a substantial amount of capital into upgrading facilities on-site to make them as advanced as possible within the existing footprint.
49. We have reached a point where we either must expand to improve the efficiency and safety of operations across this site or relocate the whole operation to our main site in Northumberland. This is not something that we wish to do and does not make sense from a commercial or personal perspective; particularly when we know that we are creating valuable jobs and experience for people that are looking for such opportunities in the local area.
50. Over the last few years we have sought an open and honest dialogue with not only the local community, but also Durham County Council and other key stakeholders to work collaboratively on our proposals. Notably I feel that the extensive pre-application engagement carried out by the team between January and September 2022 was successful as we used various interactive means of getting feedback on our proposals as well as offering local people the opportunity to let us know what improvements in Watling Wood they would like to see secured because of this development (e.g. social media, drop-in session, briefings, guided site visits, and an interactive website with map and online feedback forms).
51. Despite being able to allay many local residents' fears about the proposals, which lead to an appreciation that the loss of woodland was not as substantial and better management of the woodland would benefit the local community and Watling Wood, we acknowledge that a considerable number of public objections have been raised. It seems, however, that these objections would be made irrespective of proposals (even if they came from community members) and the numerous social, environmental, and economic benefits they could

secure if it resulted in any tree loss. The fact that tree specialists are in agreement that the condition of the woodland would be enhanced by tree-thinning is also a fundamental point which does not seem to be recognised by some members of the local community.

52. Critically, support from other voices within the local community should also not be overlooked when considering this scheme. The Addendum to the Planning Statement specifically highlights how several local organisations and individuals (including Richard Holden MP) support the development.
53. In terms of local policy requirements of Policies 26 (Green Infrastructure), 40 (Trees, Woodland and Hedges) and 41 (Biodiversity and Geodiversity) we have engaged positively with the Council to ensure that any harm is mitigated and that overall the benefits outweigh the harm. We believe we are compliant with these policies by;
  - enhancing the quality and amenity value of Watling Wood;
  - replacing individual trees lost as a result of the development to ensure that there is no overall reduction in tree canopy cover.
  - compensating for the loss of approximately 0.38 ha of mixed plantation woodland by enhancing 1.57 ha of Watling Wood which will bring this habitat from 'poor' to 'moderate' condition;
  - compensating the loss of 0.20 ha of neutral grassland by restructuring the woodland to provide sheltered, open habitat of use to invertebrates and birds (i.e. creation of 140m woodland rise) which will secure +10.43% biodiversity net gain.
54. In terms of other wider benefits of the off-site mitigation proposals, it is important to note that a vital element is the community engagement activities to support the wider management of Watling Wood over the long-term. To facilitate this, the Applicant has been working with support from a local organisation to develop a programme of volunteering amongst the local community. The proposed physical works and community activities (including creation of a volunteer network) were designed to complement the Council's approach, with the intention that proposed development would act as a catalyst improved woodland management over the long-term. Despite our positive and pragmatic approach to discussions, unfortunately we have been unable to arrive at a solution to compensate for the area of woodland lost which meets all the tests established in Policy 40 and is therefore acceptable to the Council.
55. The Planning Statement Addendum provides the necessary background to this point. It is nevertheless important to note we have had numerous meetings with DCC officers on this issue, and ultimately, it appears that the requirements of Policy 40 cannot be satisfied in this case. Even though we have offered a 3:1 ratio replacement of any trees lost from Watling Wood, as there is no identifiable site to plant an equivalent or improved area of publicly-accessible woodland, the Council has not accepted this; and therefore considers the application non-compliant.

56. I acknowledge that the Proposed Development is not fully-compliant with the County Durham Plan, but I believe we have submitted a compelling case for approval of this application and that the planning balance weighs clearly in its favour. Therefore, I respectfully request that Members vote to approve outline planning permission to secure local jobs and the numerous social and environmental benefits associated with this scheme.

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## **PLANNING CONSIDERATION AND ASSESSMENT**

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57. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development, loss of green infrastructure, ecology, design and residential amenity, highway safety and ground conditions.

### Principle of development

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

- b. does not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development;
  - c. does not result in the loss of open land that has recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigated or compensated for;
  - d. is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of, the settlement;
  - e. will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity;
  - f. has good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement;
  - g. does not result in the loss of a settlement's or neighbourhood's valued facilities or services unless it has been demonstrated that they are no longer viable;
  - h. minimises vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding;
  - i. where relevant, makes as much use as possible of previously developed (brownfield) land; and
  - j. where appropriate, it reflects priorities for urban regeneration.
61. The County Durham Plan defines 'the built-up area' as land contained within the main body of existing built development of a settlement or is within a settlement boundary defined in a Neighbourhood Plan. Areas falling outside this definition will be regarded as countryside. Whilst the existing building is allocated for industrial purposes under CDP Policy 2 the proposed site is not, considered to be well related to the settlement lying directly adjacent the wider Watling Industrial Estate. However, when assessed against the 10 criteria of CDP Policy 6 concerns are raised regarding the impact of the development and compliance with this policy. The location of the proposed unit and accompanying access is to be situated on woodland which forms part of the character of the area and has a recreational function to the local community. For this reason, the woodland has been designated an Asset of Community Value under the Localism Act 2011. Any impacts are considered in detail below in relevant sections.
62. CDP Policy 6 does recognise the wider socio-economic benefits of development, this aligns with the NPPF The applicant sets out that there are interdependent needs of sustainable development, including, economic, social and environmental elements. In this respect the proposed development would allow the applicant to separate out two distinct functions of their operations on the site. This is the fuelling of gasification units/heat pumps and the drying out of waste sawdust, from the manufacturing, wrapping, storage and subsequent distribution of briquette fuel, it is stated that this would allow a more efficient operation. The applicant states that there are currently 5 full-time employees on site and with the proposed expansion of the business this would generate an additional 10 employees over the next 5 years through a 500% increase in output from the site. The applicant suggests that the current operations have

created 50 jobs in the supply chain, and this would expand to 200 in the next 5 years. The applicant advises that it would be his intention to relocate the business out of the county if the current site is unable to expand. The applicant highlights also that there are existing socio-economic issues in the immediate area and the provision of additional jobs would be a significant benefit.

63. The employment and growth figures provided by the applicant have not been independently verified, and it has not been demonstrated that another unit in close proximity of the site that could serve the storage and distribution needs of the business. However, the general economic and linked social benefits of a development of this nature are recognised. It is also noted that Business Durham supports the application in principle, highlighting job creation, economic growth and the contribution to the green economy that the development would contribute to.
64. While the principle of the development could be considered acceptable and the socio-economic benefits of the development recognised, consideration is required to be given to the specific impacts of the development as considered below

#### Loss of Green Infrastructure

65. CDP Policy 6 sets out that development proposals should not result in the loss of open land that has recreational, ecological value or contributes to the character of the area which cannot be mitigated or compensated for. The policy also sets out that development proposals should not result in the loss of settlements valued facilities.
66. Policy 26 (Green Infrastructure) states that development will be expected to maintain and protect, and where appropriate improve, the County's green infrastructure network. The policy sets out that development proposals will not be permitted that would result in the loss of open space or harm to green infrastructure assets unless the benefit of the proposals clearly outweigh that loss or harm and an assessment has been undertaken to clearly show the open space or land is surplus to requirements. Where valued open spaces or assets are affected, proposals must incorporate suitable mitigation and make appropriate provision of equivalent or greater value in a suitable location, where appropriate there should be engagement with the local community.
67. 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. The policy sets out that proposals for new development resulting in the loss of woodland will not be permitted unless the benefits of the proposal clearly outweigh the impact and suitable replacement planting, either within the site or beyond the site boundary can be undertaken.
68. Part 8 of the NPPF sets out that existing open space and recreational land should not be built upon unless an assessment has been undertaken which has clearly shown the open space to be surplus to requirements, or the loss resulting from the proposed development would be replaced by equivalent provision in terms of quality and quantity.

69. As set out above the development proposals would result in a reduction in woodland and pasture amounting to approximately 0.38ha and 0.20ha respectively. The Councils Open Needs Assessment 2018 (OSNA) sets out that approximately 0.21ha of this area is designated as Accessible Natural Green Space, the site is also designated as an asset of community value under the Localism Act 2011. The woodland was planted as a community woodland planted on reclaimed land which was initiated and supported by the community in the late 80's early 90's. The level of objection raised in this, and previous applications is an indication of the value of the woodland both as a recreational benefit and social attachment to the local community. The OSNA does not set minimum targets for the provision of accessible green space or audit them, however as required by CDP Policy 26 and Part 8 of the NPPF an assessment is required to be undertaken to clearly show the open space is surplus to requirements when is proposed to be lost. This has not been undertaken by the applicant in conflict with these policies.
70. The applicant has presented a mitigation scheme which they consider meets the above policy requirements of achieving a 'greater value'. It is proposed to enhance 1.57ha of the adjacent Watling Wood, with the intension of brining the habitat from a poor to moderate condition. It is proposed that this would be achieved through the thinning of non-native trees and the creation of a more diverse shrub layer beneath the woodland canopy. It is also proposed to create a woodland rise of 140m in length through the woodland, it is calculated that these works would result in a 10.4% net biodiversity gain. A community engagement strategy to support the wider management of Watling Wood over the long term is also proposed. It is outlined that the proposed works would improve the accessibility and connectivity through the woodland to a greater number of people.
71. The Council currently maintains Watling Wood and it is advised by the Council's Landscape Section that the woodland is relatively young, and as part of the long-term management strategy wood thinning and maintenance works would routinely be undertaken in due course. While the proposed works would improve the biodiversity of the woodland, it is considered that they would have limited effect in boosting the recreational function of the woodland. Given the level of opposition to the scheme it is also unclear how effectively community engagement to support the wider management of the woodland would arise. It is also unclear as to what mechanism the applicant would secure the community engagement given that the woodland lies in Council ownership.
72. The applicant recognises that the strict requirements of Policies 26 and 40 of the CDP cannot be met by the proposed mitigation scheme. This is because these policies require equivalent or greater provisions, in that the quantum of woodland and open space lost needs to be re-provided in a suitable location. The proposed works to Watling Wood would not achieve this policy requirement. The applicant has offered a replanting ratio of 3:1 to be planted in the adjacent woodland or at an alternative location. However as already highlighted by the applicant Watling Wood is already overstocked and will require thinning as part of its future management, no other available sites within the locality have been identified as suitable locations for community woodland planting.

73. The applicant also makes a case that the Policy requirement to achieve a net biodiversity gain is at odds with the requirement of replacement on a like for like quantum basis. However as set out below CDP policies and the NPPF at this point in time only require developments to achieve a net biodiversity gain, not the 10.4% proposed in this development. Net biodiversity gain is also not required to be achieved specifically on or adjacent to an application site. Officers consider that there is no conflict with the aims of these policies.
74. In terms of community engagement, the applicant undertook consultation events prior to the re-submission of the application outlining their proposal in relation to the proposed mitigation strategy. Though the applicant's own submission the consultation event highlighted that the local community opposes the loss of the trees and has concerns on the remaining woodland. The submission does suggest a level of support for the mitigation strategy recognising the biodiversity net gain benefits. The applicant considers that the engagement events satisfy the policy requirements of CDP Policy 26. However, officers consider that true public engagement would have revolved around a strategy to understand aspirations and desires of the local community for the woodland rather than presenting a final scheme. It is also considered that the level of public opposition to the scheme reflects the lack of success of the community undertaken consultation. This was also reflected within the Council's consultation with a high level of objections with most objections wishing to emphasise the value the woodland has to them and the community and the harm the loss of some of this would cause.
75. Overall, an assessment to clearly show the open space is surplus to requirements has not been undertaken in conflict with CDP Policy 26 and Part 8 of the NPPF. Whilst a mitigation strategy has been presented to improve the quality and biodiversity of the woodland it is considered that this would not result in a greater recreational value over and above the open space lost in conflict with CDP Policy 26 and the works proposed would likely be undertaken though the standard management of the woodland as it matures. The development would not mitigate the quantum of woodland lost as required under CDP Policies 26 and 40. This policy conflict is required to be weighed in the planning balance, taking into account all material considerations.

## Ecology

76. CDP Policy 41 seeks to secure net gains for biodiversity and coherent ecological networks. Policy 43 relates to protected species and nationally and locally protected sites. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them.
77. An Ecological Impact Assessment has been submitted in support of the application. The assessment concludes that the development would not adversely impact on any ecological interests in the site, specifically protected species and their habitats or priority habitats. The Council's Ecology officer considered the methodologies and conclusions of the report sound and subject to the mitigation measures including a restriction on the timing of works, devising a suitable lighting scheme and habitat creation offers no objection to the application.

78. In terms of net gain, an associated report and metric has been submitted to demonstrate that a 10.4% improvement over base line could be delivered. This includes the before mentioned additional planting and management strategy within Watling Wood. Subject to agreeing the finer details of this strategy the Councils Ecology Officer advised that the indicated level of net gain could be achieved.
79. It is acknowledged that objectors have raised concerns regarding the impact the development may cause upon the wildlife and ecological value of the woodland however following review with the Council's Ecologist and the policies analysed above it is considered that the proposal does provide ecological benefit.
80. Overall, the development would not impact on the ecological interests of the site accordance with CDP Policies 41 and 43 and Part 15 of the NPPF. A 10.4% up lift in biodiversity net gain, in excess of policy requirement, could be achieved this is considered to represent a benefit to be weighed in the planning balance.

#### Design/visual impact

81. CDP Policy 6 d) requires that development on unallocated sites is appropriate in terms of scale, design, layout and location to the character, function, form and setting of the settlement. CDP Policy 29 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.
82. 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. The policy sets out that proposals for new development resulting in the loss of woodland will not be permitted unless the benefits of the proposal clearly outweigh the impact and suitable replacement planting, either within the site or beyond the site boundary can be undertaken.
83. Policy 39 of the County Durham Plan states proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals would be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects.
84. As set out above the development would result in the removal of approximately 0.38ha of woodland and 0.20ha of grassland. The land in question is read as part of the wider Watling Wood which provides a visual buffer between the wider industrial estate and residential properties to the northeast.
85. Although the application is in outline form, it is considered that the scale and inductive appearance of the proposed unit would broadly relate to the character of the existing industrial areas to the south. However, the removal of trees from the existing established woodland area would reduce the extent of natural green space and land with rural character. Although the submitted Arboricultural Implications Assessment concludes that the trees are of low value, the



Council's Landscape Officer considers that some of the tree specimens are semi mature and the trees as a group have a high amenity value. It is also advised that the visual effects of the development would be major and adverse in the context of users of the adjacent informal paths in the area.

86. Overall, whilst the design and appearance of the building would broadly relate to the character of the existing industrial areas. The loss of trees which are considered to have group value and read as part of the wider woodland, would result in a significant and adverse visual impact, in conflict with Policies 6, 29, 39 and 40 of the CDP and Parts 12 and 15 of the NPPF.

#### Highway Issues

87. Policy 21 (Delivering Sustainable Transport) requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment CDP Policy 21 outlines that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity, expecting developments to deliver well designed pedestrian routes and sufficient cycle and car parking provision. CDP Policy 6 criteria (e) requires development to not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity.
88. Specifically, the NPPF sets out at Paragraph 110 that safe and suitable access should be achieved for all users. In addition, Paragraph 111 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe.
89. The applicant proposes to upgrade the existing access onto the highway, which would run past the existing building extending around the back of the site and then exiting adjacent to the western site boundary. A one-way system would be implemented to ensure that deliveries could be taken off the highway.
90. A Transport Statement has been submitted in support of the application setting out that an anticipated 7 weekly HGV movements and 10 flat bed movements would occur on a weekly basis.
91. In reviewing the submitted information, the Highway Authority offers no objections to the proposals subject to agreeing the design and construction of the access points. On this basis it is considered that the development would not adversely impact on highway safety and a suitable means of access could be achieved. Conditions could control the parking layout and the provision of EV charging units. The development would accord with CDP Policies 6 and 21 and Part 9 of the NPPF in this respect.
92. The applicant considers that the development and resultant access works would result in an improvement to highway safety. It is advised currently HGV's and other vehicles reverse from the site from the vehicular access point. While the Highways Authority do not advise that the current access arrangements are unsafe and recognising the location of the unit in an industrial estate with relatively limited pedestrian movements, the proposed access arrangements would improve the current arrangements. This is a benefit to taken into account in the planning balance.

## Residential Amenity

93. CDP Policy 31 states that all new development that has the potential to lead to, or be affected by, unacceptable levels of air quality, inappropriate odours and vibration or other sources of pollution, either individually or cumulatively, will not be permitted including where any identified mitigation cannot reduce the impact on the environment, amenity of people or human health to an acceptable level. CDP Policy 29 e) seeks to minimise the impact of development upon the occupants of existing adjacent and nearby properties.
94. 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.
95. The nearest residential property is located approximately 300m away with intervening developments.
96. The Councils Environmental Health Nuisance Action Team initially raised concerns regarding the potential for the installation of additional installation of external air handling units relating to dust extraction. However, the applicant has provided clarity advising that it is not envisaged that additional units would be required, however this matter could be controlled by condition, along with agreeing the details of any other external plant. Given the established use of the site and potential control by condition no objections are raised from the Councils Environmental Health Nuisance Action Team.
97. It is considered that subject to appropriate conditions the development would not impact on the amenity of surrounding land users and would comply with Policies 6, 29 and 31 of the CDP and Parts 12 and 15 of the NPPF.

## Ground Conditions

98. Part 15 of the NPPF seeks to prevent unacceptable risks from pollution and land stability. Where a site is affected by contamination or where land stability issues arise, responsibility for securing a safe development rests with the developer and/or landowner. CDP Policy 32 seeks to resist development where the developer is unable to demonstrate that any existing despoiled, degraded, derelict, contaminated or unstable land issues can be satisfactorily addressed by appropriate mitigation measures prior to the construction or occupation of the proposed development
99. In this respect a Phase 1 ground investigation report with respect to land contamination has been submitted. The Council's Environmental Health Land Contamination Team agree with the conclusions and recommendations within the phase 1 report, and raise no objections, subject to the imposition of a contaminated land condition.
100. A coal mining risk assessment has been submitted setting out a programme of site investigations, including boreholes to establish the depth of any previous shallow coal mining activity. A mitigation strategy which may require localised site stability works though grouting may be required. These matters can be controlled by condition.

101. Subject to the above conditions, the proposals would satisfy the provisions of Part 15 of the NPPF and CDP Policy 32.

#### Drainage

102. CDP Policy 35 seeks to ensure that applications 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.
103. A drainage strategy at this stage, while recognising the extensive hardstanding's a scheme of attenuation and treatment will need to be devised. Given the nature of the application, it is considered that this matter can be addressed by a conditional approach and would not warrant an additional reason for refusal in accordance with Policy 35 of the CDP.

#### Other Matters

104. Policy 56 of the CDP seeks to safeguard mineral resources. Significant areas of the County fall into such mineral safeguarding areas, including the application site and wider area. Although a non-mineral development is proposed, it is not considered that the current proposals would sterilise mineral resource taking into account the scale of the site and residential setting. No objections are raised in this regard and the proposal does not conflict with Policy 56.

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## **CONCLUSION**

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105. NPPF Paragraph 12 states that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
106. The development would result in the formation of an additional industrial unit to facilitate the expansion and more efficient operation of an established business. Based on the applicants figures the development would result in the formation of an additional 10 full time jobs on the site and would also improve the access and manoeuvring around the site, to the benefit of all highway users.
107. However, the proposal would result in the loss of approximately 0.32ha of community woodland and 0.20ha of grass land. These areas have a recreational value and part of the site is designated as Accessible Natural Green Space in the Councils Open Space Needs Assessment. An assessment to clearly show the open space is surplus to requirements has not been undertaken in conflict with CDP Policy 26 and Part 8 of the NPPF. Whilst a mitigation strategy has been presented to improve the quality and biodiversity of the woodland it is concluded that this would not result in a greater recreational value over and above the open space lost in conflict with CDP Policy 26. The development would not mitigate the quantum of woodland lost as required under CDP Policies 26 and 40. Whilst a Biodiversity Net Gain of approximately

10.4% above baseline would be provided in excess of policy requirements, this is not considered to outweigh the identified policy even taking into account the other identified benefits of the scheme.

108. The loss of trees which are considered to have group value and read as part of the wider woodland, would result in a significant and adverse visual impact, in conflict with Policies 6, 29, 39 and 40 of the CDP and Parts 12 and 15 of the NPPF.
109. Other technical matters could be addressed by relevant conditions.
110. Overall it is concluded that the development conflicts with Policies 6, 26, 29, 39 and 40 of the County Durham Plan and Parts 8, 12 and 15 of the NPPF. While recognising the identified benefits of the scheme it is concluded that these benefits would not outweigh the identified policy conflict. There are no material considerations which indicate otherwise and therefore the application is recommended for refusal.

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## **RECOMMENDATION**

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That the application be **REFUSED** subject for the following reasons:

1. The development would result in the loss of woodland and grassland which is considered to provide an important recreational and amenity functional to the local area and community. An assessment to clearly show the open space is surplus to requirements has not been undertaken, while the proposed mitigation strategy would not make provision for an equivalent or greater value. The benefits arising from the development are not considered to clearly outweigh the harm arising from the loss of the open space and woodland. The development is considered contrary to Policies 6, 26, 39 and 40 of the County Durham Plan and Parts 8, 12 and 15 of the National Planning Policy Framework.

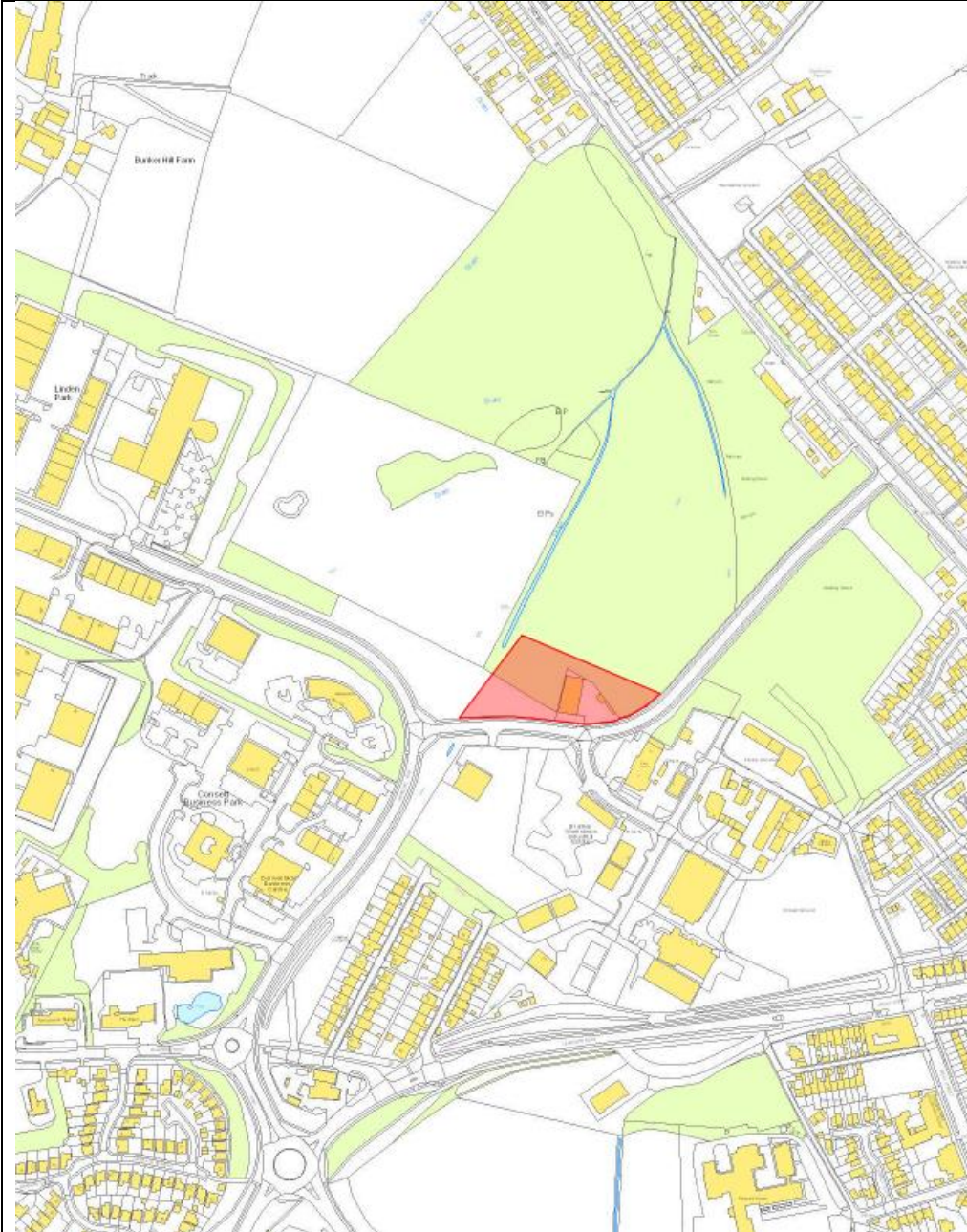
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## **BACKGROUND PAPERS**

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Submitted Application Forms, Plans and supporting documents  
National Planning Policy Framework  
The County Durham Plan (CDP)  
Residential Amenity Standards Supplementary Planning Document 2020  
Statutory consultation responses  
Internal consultation responses





<p><b>Planning Services</b></p>	<p>Outline Application seeking planning permission for a change of use of the land to E(g) (light industrial use), the erection of new building to support this change of use and associated works. All matters reserved except for access, scale and layout</p>	
<p>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</p>	<p>Comments</p>	
	<p>Date: 18<sup>th</sup> July 2023</p>	