

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/23/01412/FPA
FULL APPLICATION DESCRIPTION:	Reconfiguration and extension of Copart Peterlee site to develop additional car storage facilities (Use Class B8), boundary treatment, landscaping and associated infrastructure works.
NAME OF APPLICANT:	Copart UK Ltd
ADDRESS:	Unit 3, Hackworth Road North West Industrial Estate, Peterlee SR8 2JQ
ELECTORAL DIVISION:	Easington
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 9.5 hectares and includes the Copart current premises is located to the west of Hackworth Road at the northern end of the North West Industrial Estate, Peterlee. Copart is a global provider of online vehicle auction and remarketing services to automotive resellers such as insurance, rental car, fleet and finance companies.
2. The larger area of this application site is a large field put to pasture. A Public Right of Way, Footpath 10 runs west-east through the site adjacent to the northern boundary. The site lies within the major Hazard Sites Consultation Zone and the Shotton Airfield and Peterlee Drop Zone Safeguarding area.
3. The site is bounded on the north by pasture field and a field used as a solar farm. To the south lies further industrial premises used primarily for car storage/repair/recycling purposes and an area subject of a planning application under consideration for a waste material wet processing plant, waste recycling centre, concrete block manufacturing plant, biomass energy plant and associated offices, infrastructure and works (DM/20/02425/WAS). To the west is further pasture land. To the east is a further parcel of land in use for car storage.
4. The site is accessed from Hackworth Road and industrial estate roadways, which in turn join Shotton Road to the south which connects to the A19 via a roundabout, and local roads towards Durham and the A1(M).

Proposal:

5. This application proposes external car storage (Storage and Distribution (B8)) alongside boundary treatment, landscaping and associated infrastructure works. The storage would be within 10 areas within the western part of the site and enclosed with palisade security fencing with the westernmost part of the field to be planted with an area of scrub planting. New hedge planting would take place adjacent to the security fencing on the southern boundary. The PROW would be retained as an area of grassland adjacent to existing and proposed hedgerow and a new post and wire stock fence on the northern boundary.
6. Two new areas of concrete hardstanding would be created to the north and south of the current building. The proposal includes 8m high lighting columns and cameras.
7. The proposal would create 9 full time jobs in addition to the 47 currently on site. The opening times would be as the site currently operates (7am to 6pm Monday to Friday).
8. This application is being reported to the County Planning Committee as it relates to a site area over 4ha comprising a B8 use class.

PLANNING HISTORY

9. DM/14/01391/AD Display of three non-illuminated twin post signs (two at entrance and one located in the south east corner of the site) (retrospective application). (Approved).

PLANNING POLICY

NATIONAL POLICY

10. A revised National Planning Policy Framework (NPPF) was published in September 2023. 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. 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.
12. *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.

13. *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.
14. *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.
15. *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.
16. *NPPF Part 9 Promoting Sustainable Transport* - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
17. *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.
18. *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.
19. *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.

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

20. 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; transport assessments and statements; use of planning conditions.

LOCAL PLAN POLICY:

The County Durham Plan (October 2020)

21. *Policy 2 Employment Land* - supports business, general industrial and storage and distribution development within specified employment allocations and also protects other existing employment sites from being changed to non-employment uses, unless appropriate marketing has been undertaken or that the use would not compromise the main employment use and would comply with retail Policy 9 where main town centre uses are being proposed. Where a non-employment development is proposed on the protected employment sites, any existing jobs on site must be relocated. Specific further protection and safeguarding is outlined for land north of NETpark, at Integra 61 and Project Genesis, Consett.
22. *Policy 6 Development on Unallocated Sites* - supports 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.
23. *Policy 10 Development in the Countryside* - states that development will not be permitted unless allowed for by specific policies in the Plan or Neighbourhood Plan or unless it relates to exceptions for development necessary to support economic development, infrastructure development or development of existing buildings. The policy further sets out 9 General Design Principles for all development in the Countryside.

Provision for economic development includes: agricultural or rural land based enterprise; undertaking of non-commercial agricultural activity adjacent to applicant's residential curtilage. All development to be of design and scale suitable for intended use and well related to existing development.

Provision for infrastructure development includes; essential infrastructure, provision or enhancement of community facilities or other countryside based recreation or leisure activity.

Provision for development of existing buildings includes: change of use of existing building, intensification of existing use through subdivision; replacement of existing dwelling; or householder related development.

24. *Policy 14 Best and Most Versatile Agricultural Land and Soil Resources* - Development of the best and most versatile agricultural land, will be permitted where it is demonstrated that the benefits of the development outweigh the harm, taking into account economic and other benefits. All development proposals relating 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.

25. *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.
26. *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.
27. *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.
28. *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.
29. *Policy 28 Safeguarded Areas* – Within safeguarded areas development will be subject to consultation with the relevant authority and will be permitted within the defined consultation zones of the Major Hazard Sites and Major Hazard Pipelines, where it can be demonstrated that it would not prejudice current or future public safety. The Policy also requires that development would not prejudice the safety of air traffic and air traffic services, that there would be no unacceptable adverse impacts upon the operation of High Moorsley Meteorological Officer radar and the operation of Fishburn Airfield, Shotton Airfield and Peterlee Parachute Drop Zone Safeguarding Areas.
30. *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).
31. *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.

32. *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.
33. *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. Proposals for additional flood defences will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.
34. *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.
35. *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.
36. *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.
37. *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.

NEIGHBOURHOOD PLAN:

38. 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:

39. *Highway Authority* – Have raised no objection subject to informatives in relation to Street Works Permit Scheme and licence for working within the Highway.
40. *HSE* – Does not advise, on safety grounds, against the granting of planning permission.
41. *Active Travel England* – No comments have been provided.
42. *Environment Agency* – Have raised no objection, the development does not involve any foul water connection.
43. *Northumbrian Water* – No comments have been provided, the development does not involve any foul water connection.
44. *Drainage* – Have raised no objections. The submitted drainage strategy, while highly engineered, is acceptable.
45. *Shotton Airfield* – No comments have been provided.

INTERNAL CONSULTEE RESPONSES:

46. *Spatial Policy* – Note that whilst part of the existing business is located within the designated employment site as per the CDP, the proposed works in this application are considered to be on 'white land' outside of the designated employment site. Relevant national policies are identified as part 6 of the NPPF (Building a Strong, Competitive Economy) and Part 12 of the NPPF (Achieving Well-Designed Places). Relevant CDP Policies include Policy 2 Employment Land, Policy 6 Development on Unallocated Sites, Policy 10 Development within the Countryside, Policy 21 Sustainable Transport, Policy 27 (Utilities, Telecommunications and Other Broadcast Infrastructure), Policy 28 Safeguarded Areas, Policy 29 Sustainable Design, Policy 31 Amenity and Pollution, Policy 32 Despoiled, Degraded, Derelict, Contaminated and Unstable Land, Policy 35 Water Management, Policy 39 Landscape.
47. The Officer points out that Policy 2 (Employment Sites) of the CDP states undeveloped land and plots at the following employment sites and at proposed extensions to these

existing employment sites, as shown on the policies map, are allocated for B1 (Business), B2 (General Industrial) and B8 (Storage and Distribution) unless specifically stated. It is noted that the existing business is located within a designated employment area as provided by CDP Policy 2. However, the proposed extension to the business is not included with the employment area and is considered to be 'white land'. As the business is already established, from a policy perspective Officers consider that disaggregation would make little sense and it is reasonable to conclude that a split site wouldn't be desirable. Therefore, an expansion on to the 'white land' would be considered acceptable provided that any impacts are acceptable and the proposal accords with other policies within the CDP.

48. The Officer considers that Policy 6 (Development on Unallocated Sites) of the CDP is applicable that states that development of sites which are not allocated in the Plan or in a Neighbourhood Plan which are either (i) within the built-up area; or (ii) outside the built-up area (except where a settlement boundary has been defined in a neighbourhood plan) but well-related to a settlement, will be permitted provided the proposal accords with all relevant development plan policies and criteria listed in Policy 6. Policy 10 (Development in the Countryside) of the CDP is also identified as of relevance and this states that development in the countryside will not be permitted unless allowed for by specific policies in the Plan, relevant policies within an adopted neighbourhood plan relating to the application site or where the proposal relates to an exception listed in the policy. It is noted that the exceptions include at point b, where development is necessary to support the expansion of an existing business falling beyond the scope of a rural land-based enterprise.
49. In respect of Policy 21 (Sustainable Transport) of the CDP advises that the transport implications of development must be addressed as part of any planning application, where relevant this could include through Transport Assessments, Transport Statements and Travel Plans. Whilst Policy 21 advises that all development shall deliver sustainable transport, it is advised that only criterion c) appears applicable to the proposed development. Criterion c) advises, "ensuring that any vehicular traffic generated by new development, following the implementation of sustainable transport measures, can be safely accommodated on the local and strategic highway network and does not cause an unacceptable increase in congestion or air pollution and that severe congestion can be overcome by appropriate transport improvements."
50. *Landscape* – It is advised that the proposed landscape principles plan responds to previous concerns relating to the design of the proposals. The landscape principles plan is considered appropriate in terms of proposed species and approach but information regarding plant numbers, locations, establishment specifications, a landscape maintenance, specification, schedules of operations is requested to ensure that the landscape proposals would establish successfully and are sustainable.
51. *Trees* – There are no direct impacts on the existing trees therefore there is no objection. The loss of the hedge is accepted as the AIA identifies this hedge of relatively low value and as there will be ample compensation via new hedge, shrub and tree planting on the site which will enhance landscape and biodiversity value in future.
52. *Environment, Health and Consumer Protection (Nuisance)* – Confirm they are not aware of any matters concerning the premises and believe the proposed new enhanced alterations are within reasonable parameters for the current operational use. It is advised that this would indicate that the development will not lead to an adverse impact providing relevant good practice and guidance is complied with.

53. Considering, the scale of the development, it is considered that the construction phase is likely to be relatively brief and assuming works are kept within suitable hours (via an appropriate condition), it is not expected that the impact of this phase likely to lead to a breach of the levels stated in the TANS and it is advised that this would indicate that the development will not lead to an adverse impact. The Officer is satisfied, based on the information submitted with the application, and with a construction hours condition that the development is unlikely to cause a statutory nuisance.
54. *Environment, Health and Consumer Protection (Contaminated Land)* – Have no adverse comments to make and confirm there is no need for a contaminated land condition, informatives are confirmed as required in relation to unforeseen contamination.
55. *Environment, Health and Consumer Protection (Air Quality)* – With regards to the construction phase, the Officer advises that to mitigate any impact of dust emissions arising during this phase of the development the submission and approval of a Construction Environmental Management Plan is required prior to the commencement of work on site. It is also advised that the mitigation measures as set out in the air quality assessment should be reviewed and revised, where required, when details of the methods of working and plant to be used on site are known. In regards to the operational phase it is advised there is no need for any further assessment.
56. *Ecology* – Advise that the supplied Ecological Appraisal report is sufficient to inform the proposal in respect of protected species and habitats and no further survey is required. It is noted that the report contains mitigation for the loss of bird breeding opportunity on the existing site and 5 bird boxes are proposed to be installed in the new ecological mitigation area. The Ecology Officer advises that this number is increased to 10 boxes as it is a large area and should offer good bird foraging opportunity.
57. With regards to biodiversity net gain information, it is noted that the development is likely to achieve a net gain of 0.26 habitat units (1.5% BNG) and a gain of 1.26 hedgerow units (29.28% BNG). They consider this level of biodiversity net gain is acceptable. It is noted that a draft Habitat Management Plan for the biodiversity net gain mitigation has been submitted. Whilst the principles of this plan are acceptable it is advised that the final Habitat Management Plan must include for monitoring of the created habitats and reporting to DCC Planning on the results of the monitoring surveys in years 2,5,10,15,20 and 30 after habitat creation and will need to be secured through a S106 Agreement or similar.
58. *Public Rights of Way Officer* – Advise that their only concern is vegetation related and that it must be ensured that there is no vegetation overhang on the footpath at any time. It is noted that the proposal involves cutting the hedges yearly during the Winter months which should ensure the path is kept clear, it is suggested that regular inspections are carried out to check the path is not narrowed by vegetation. In general, it is advised that this Public Right of Way must not be blocked by any building, barriers, building material, waste or fencing either for the duration of any works or once works are complete. Any works carried out that impact or damage the surface of the footpath must be made good. It is advised that the safety of members of the public using the right of way must be ensured at all times. It is advised that if a temporary diversion or temporary closure of a Public Right of Way is going to be needed this will need to be discussed with the Temporary Road Closures Team directly.

PUBLIC RESPONSES:

59. The application was advertised in the local press, by site notice and by direct notification to neighbouring properties. No letters of objection or otherwise have been received.

The above is not intended to repeat every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at:

<https://publicaccess.durham.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

APPLICANTS STATEMENT:

60. The proposed development seeks to extend the existing car storage business use on the site which is considered a suitable use for the site given its established existing use, prior planning history and close proximity to the North West Industrial Estate to comply with Policy 2 of the Local Plan. This also aligns with Paragraphs 84 and 85 of the NPPF being adjacent to the settlement of Peterlee. The scheme has also been assessed against Policies 6 and 10 and found to meet the various criteria within these policies particularly to facilitate the growth of an existing successful business and be of an acceptable design approach. It will not also affect any nearby safeguarded areas including the sterilisation of minerals.
61. In granting permission for the application will result in the creation of 9 new jobs as well as the consolidation of the existing role of the site within the Copart business which currently employs 47 members of staff. There will also be indirect job creation through the construction period.
62. The scheme includes a new comprehensive landscaping and management strategy to ensure that visual impact is managed and reduced and is effectively screened from neighbouring uses. Additional green infrastructure assets will be provided on the extension to the west including 2.7ha of habitat creation to ensure a biodiversity net gain is attained. This accords with the objectives of Policies 26, 29, 39 and 41 of the Local Plan. In minimising visual impacts on the urban fringe the proposed development is also deemed to accord with the County Durham Landscape Strategy (2008).
63. The proposed development would not result in a net loss for area based habitats and for hedgerows with the creation of new habitats on the northern and western boundary. As a result, the Proposed Development delivers a 29.28% biodiversity net gain for hedgerows and 1.5% for area-based habitats, in accordance with Paragraph 174 of the National Planning Policy Framework and Policies 40 and 41 of the County Durham Plan.
64. The application site is accessible for the purposes of the proposed use and it is provided with suitable connections to the surrounding highway network. The projected increases of number of vehicles (staff and operational use) on the network is likely to be imperceptible. The proposed development is therefore in accordance with Policy 21 of the Local Plan and Paragraph 111 of the NPPF. The proposed use will also comply with Policies 21 and 29 of the Local Plan in relation to safety though the placing of lighting and CCTV.
65. The proposed development incorporates sustainable drainage measures within the scheme including an attenuation tank to control the flow of surface water across the site. The proposed development therefore complies with Policy 35 of the Local Plan and Paragraph 169 of the NPPF. The Public Right of Way along the northern boundary

of the site remains unaffected by the proposed development in accordance with Policy 26 of the Local Plan.

66. All other technical matters have been discussed and agreed with officers to comply with the relevant policies within the Local Plan and material considerations within the NPPF.
67. The proposed development therefore presents a sustainable form of development that unlocks a number of planning benefits including:
- Enabling the economic growth of a successful business on an existing employment site of similar use.
 - Creation of 9 new jobs as well as the consolidation of the existing Copart business which currently employs 47 members of staff.
 - Provision of 2.7 hectares of the site to be used for habitat creation through wild flower and scrub planting to deliver an on-site biodiversity net gain.
 - Provision of a new landscaping strategy that enhances hedgerow biodiversity by 29% across the site including the creation and maintenance of new hedgerow habitats on the northern and western boundaries
 - Provision of sustainable drainage measures on site in order to reduce surface water run off rates
 - Retention and incorporation of the Public Right of Way which remains unaffected.

PLANNING CONSIDERATIONS AND ASSESSMENT

68. 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, building a strong, competitive economy, amenity and pollution, design and landscape considerations, green infrastructure, ecology, locational sustainability, highway safety and access, flooding and drainage, contamination and land stability and other technical and material matters.

Principle of the Development

69. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. 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.
70. 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.

71. 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. As the CDP is up to date, paragraph 11(d) of the NPPF is not engaged.
72. Policy 2 of the CDP identifies protected current and allocated employment land on the North West Industrial Estate. However, the proposed site for the storage area is considered to be on 'white land' outside of the designated employment site. As the business is already established, from a policy perspective Officers consider that disaggregation would make little sense and it is reasonable to conclude that a split site would not be desirable. Therefore, an expansion on to the 'white land' would be considered acceptable provided that any impacts are acceptable and the proposal accords with other policies within the CDP.
73. As the proposed storage site is outside of the built-up area main CDP policies to assess the proposal against are policy 6 (Development on Unallocated Sites) and policy 10 (Development in the Countryside). Policy 6 advises that development of sites which are not allocated in the Plan or in a Neighbourhood Plan which are 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 meets 10 criteria (a-j). It is considered that the proposed storage site is well related to the settlement of Peterlee as it adjoins areas of urban/industrial form which make up part of the settlement on three sides. In this instance the relevant criteria are a, c, d, e, f, h and j which relate to compatibility, loss of open land, impacts to character of the area, highway safety, sustainability, flooding and urban regeneration. There is no conflict with these criteria and these issues are covered in more detail later in the report.
74. In addition to being unallocated, as this site extends into the countryside CDP policy 10 would also be applicable. This restricts development in the countryside unless allowed for by specific policies in the CDP or neighbourhood plan or where the proposal meets exceptions relating to economic development, infrastructure or development of existing buildings. As detailed above the proposal gains support from policy 6 of the CDP. The proposal would also gain support as an exception in respect of economic development as policy 10 supports the expansion of an existing business falling beyond the scope of a rural land based enterprise where it can be clearly demonstrated this it is, or has the prospect of being, financially sound and will remain so. The proposed expansion of this established business is reflective of the financial success of the business and there are no concerns in this regard.
75. Policy 10 of the CDP also requires developments to comply with design requirements (criteria l-t). The design of the site is considered in detail later in the report however there is not considered to be conflict with this policy.
76. Given the site is in general accordance with the above policies the proposal is considered acceptable in principle with regard to CDP Policies 6 and 10.

Building a strong, competitive economy

77. Paragraph 81 of the NPPF advises that decisions should help create the conditions in which businesses can invest, expand and adapt. It advises that significant weight be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Policy 6 criteria j of the CDP requires developments, where appropriate, to reflect priorities for urban regeneration. It is envisaged that the expanded site would enhance the role and importance of the Peterlee site within the wider business and consolidate the existing customer service operations, including 47 positions at Peterlee which would be and a further 9 jobs would be created. It would therefore build upon key County Durham regeneration ambitions of vibrant and successful towns, sustainable neighbourhoods, and being a top location for business. This aspect carries significant positive weight.

Amenity and pollution

78. 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.
79. 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.
80. With the site being located adjacent to an industrial estate the nearest receptors are the occupants of offices and commercial units on the industrial estate. As this is an already operational site the noise impacts from the use are known and Environmental Health Officers are satisfied that the new proposed extension to the site with its enhanced alterations are within reasonable parameters for the current operational use. This would indicate that the development will not lead to an adverse impact in terms of noise providing relevant good practice and guidance is complied with.
81. Considering the scale of the development, the construction phase is likely to be relatively brief and construction working hours can be made the subject of a condition to ensure noise levels do not harm amenity or cause a statutory nuisance.
82. The construction phase of the development would also be dust generating and the applicants have detailed mitigation measures within the AQ assessment which includes providing clear communications, site management and monitoring details and details of how the site would be prepared and maintained, how plant/machinery would be operated and details of waste management. Environmental Health Officers have advised that this mitigation needs to be updated once the construction contractors are known to reflect any changes to working methods and plant and this detail would need to form part of a Construction Environmental Management Plan (CEMP). The submission of which, and adherence to, any approved CEMP can be controlled via planning condition. There are no anticipated dust impacts during operation and no dust mitigation is required therefore at that stage.

83. No concerns have been raised by Environmental Health Officers in relation to light pollution which is as expected given the industrial context. The CEMP would control any impacts in terms of temporary lighting during construction.
84. Subject to adherence to conditions recommended as part of this report, it is considered that the impact of the development on nearby receptors in respect of noise, including noise from traffic and noise and dust during the construction phase, would not be significant as to justify withholding planning permission. Specific conditions are put forward by the Council's Environmental Health Officer's, which are designed to ensure that the amenity of local receptors would be preserved. With such conditions imposed, it is considered that, overall, the scheme would comply with CDP Policies 29 and 31 and Parts 12 and 15 of the NPPF.

Design and Landscape Considerations

85. 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.
86. Collectively, Policies 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. The policy also requires the minimisation of the use of non-renewable and unsustainable resources. In accordance with this policy landscaping should be appropriate to the context, create attractive views where possible, reflect local characteristics, create opportunities for wildlife, ensure landscaping is maintained and managed and in the case of edge of settlement development provide structural landscaping to provide a new settlement boundary.
87. Policy 40 of the CDP restricts development that would result in the loss of, or damage to trees of high landscape, amenity or biodiversity value unless the benefits of the proposal clearly outweigh the harm.
88. The proposed layout of the application site extends the site westwards and northwards which will make this a larger site in comparison to the applicant's current site on the estate; however, it will still reflect the general wider western and northern boundaries of this part of the industrial estate. The proposed enclosures are reflective of others on the perimeter of units on this industrial estate. In terms of sustainable design, a statement has been submitted to confirm the use of energy efficient lighting, landscape planting for shade and to offset CO₂ emissions and proposes suitable segregation, storage and collection of recyclable waste in addition to the biodiversity net gain and locational sustainability credentials of the site.
89. There are no landscape designations on or around the site nor are there any trees protected by a Tree Preservation Order on the site. The site is visible from the adjacent industrial estate premises to the east and south. Wider views from the south and east are obscured by existing industrial buildings and there are elevated views across the site from Public Footpath 10 Easington along the north boundary and more distant views from the B1283 road to the north.

90. The proposed development would result in the removal of an established area of open pasture and bring about an increase in urban and industrial character which would represent an incursion into the countryside to the north and west beyond the land which is currently categorised as urban. However, given the industrialised context and the substantial landscaping being proposed the level of harm would not be unacceptable and a robust future settlement boundary would be achieved.
91. With regards to the enjoyment of the PROW, the landscaping plan proposes scrub planting along part of the route but within the eastern part of the site the PROW would become between palisade fencing and new hedgerow with close views possible of the storage areas through the fencing, there will therefore be some loss of quality of southern views but this southern view has historically been of industrial land and therefore this is accepted. The position close to the industrial storage area at this part of the site is accepted as the PROW already runs close to the solar farm adjacent to the north therefore the experience is already of entering into an urban rather than rural area at this point.
92. The planting proposals within the site include, grassland/Wildflower Meadow, new hedging, new hedgerow trees, and proposed scrub planting alongside the existing hedgerows. However further detail is required in relation to plant numbers, locations, establishment specifications, maintenance, specification and schedule of operations to ensure that the landscape proposal would establish successfully and are sustainable. The applicants are agreeable to a landscaping scheme condition to ensure the delivery of the above.
93. To facilitate the development a line of hedgerow to the west of the current building on site would need to be removed. The Trees Officer is satisfied with this removal given the replacement planting that is being proposed. Mitigation measures such as protective fencing can prevent a risk of damage to the roots and aerial parts of the retained hedgerows as a result of construction related activities. A condition can ensure that appropriate measures as set out in BS 5837:2012 'Trees in relation to design, demolition and construction' are undertaken on site.
94. Subject to the aforementioned planning conditions, it is considered that the proposal would reinforce local character and sustainable design and landscaping and tree protection can be secured in accordance with Policies 29, 39 and 40 of the CDP and Part 12 of the NPPF.

Green Infrastructure

95. Policy 26 of the CDP requires Public Rights of Way to be maintained and improved where possible and only lost if a suitable alternative is achievable. It is welcomed that the PROW on site is to be maintained. The new hedgerow 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.

Ecology

96. 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.
97. 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.

98. Collectively, Policies 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.
99. 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.
100. The application is accompanied by a Preliminary Ecological Appraisal (PEA) that identifies that the site is 1.2 km from Tuthill Quarry SSSI but that due to the separation distance there are unlikely to be any functional links between the two sites. No impacts on the designated site are anticipated as a result of the proposed development. In terms of priority habitats, the PEA advises that there will be up to approximately 167 m of species-poor hedgerow that will be lost to facilitate access along the eastern side of the Site. In addition, a small gap will be provided in the northern hedgerow for access purposes and this will result in the loss of 15 m of hedgerow. The remaining hedgerows will be retained and the loss will be compensated for by additional hedgerow planting along the north-eastern boundary of the Site (to infill the existing gapped hedgerow); and the creation of new species-rich hedgerows along the southern and western boundaries. Providing protective measures are in place no negative impacts on the priority habitat 'hedgerows' are anticipated and there will be an enhancement of this habitat type.
101. In respect of Protected species, the development of the site will result in the loss of a small number of territories of locally common bird species, through the loss of short sections of hedgerow, arable land and increased disturbance within the site. The majority of the species recorded will, however, have the opportunity to use alternative foraging and/or nesting locations, due to the availability of suitable farmland habitats beyond the site boundary. Disturbance impacts are likely to be temporary in nature. The development will result in the loss of habitat for one pair of breeding skylark. The status of skylark in County Durham is described as being an abundant resident and common passage migrant that has shown some local declines in recent years. These declines are mainly in lowland, agricultural areas although it is still common. Based on the use of the land for arable production that is likely to be subject to rotational cropping, it is reasonable to assume that skylarks would be periodically displaced from the site depending on the crop type and management. The birds displaced from the development site will be likely to utilise available suitable habitat in the surrounding area. The site is on the edge of existing urban development associated with Peterlee with extensive areas of arable fields in the much wider area to the west and south. Taking this into account, the loss of habitat supporting one skylark territory is unlikely to significantly impact the conservation status of the local population.

102. The residual impact of habitat loss and disturbance on breeding birds is considered to be adverse but only at the site level. Appropriate timing of works or survey of active nest locations prior to any works would protect breeding birds as detailed in the PEA report. The report also contains mitigation for the loss of bird breeding opportunity on the site as 5 bird boxes are proposed to be installed in the new ecological mitigation area. The ecologist has requested that this be increased to ten as it is a large area and would offer a good bird foraging opportunity. This can be required by condition alongside to the adherence to the other mitigation detailed in the report.
103. In respect of Bats, the Security lighting may affect the use of the hedgerows by foraging and commuting bats, particularly common pipistrelle. The PEA advises that mitigation will be achieved by designing lighting with reference to relevant Bat Conservation guidance. Mitigation is also proposed by avoiding lighting the hedgerows and the newly created area of scrub by keeping the lighting columns as far away as possible from these habitat features and using downward directional LED luminaires and considering baffles, hoods or cowls where appropriate to minimise light spillage. With these mitigation features in place to reduce light spillage onto sensitive habitats, in combination with the additional scrub and hedgerow planting within the site which will enhance the foraging resource, the impact on bats is not considered to be significant. As above this mitigation can be controlled via condition.
104. The application has been supported by a biodiversity net gain assessment. Which indicates a net gain for area based habits and for hedgerows post development. For area-based habitats there will be an increase of 1.5% compared to the baseline situation, and for hedgerows there will be an increase of 29.28%. This level of biodiversity net gain is acceptable. The ecologist has detailed that the draft Habitat Management Plan principles are acceptable but requires a more detailed plan to include monitoring and reporting and that this be secured by way of a S106 and/or S39 agreement.
105. Subject to securing 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.

Locational Sustainability of the Site

106. 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.
107. 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.
108. 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.

109. 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.
110. The site and wider North West Industrial Estate performs acceptably in terms of accessibility other than by private motor vehicle. The closest bus stops to the application site that are serviced are located at Mill Hill, some 385m to the south east of the site boundary. There is a service to and from Peterlee town centre that operates from the stop, typically half hourly services, running from early morning to early evening Mon-Sat, thereby providing access to the site by means other than private vehicles. This distance to nearest bus stop is within the 'desirable' range of the Institution of Highways and Transportation (CIHT) "Providing for Journeys" document and is, therefore, towards the low 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 this distance may encourage use of public transport by those requiring access to the site. For these reasons, public transport opportunities are considered to be acceptable and the site continues to perform well against the requirements set out in Policy 21 of the CDP in this respect.
111. Given the location of the site some distance beyond residential areas of Peterlee and Shotton Colliery walking is not considered to be a reasonable option for those requiring access to this part of the Industrial Estate, despite the suggestions made within the submitted Transport Assessment.
112. In terms of cycle access, there are no cycleways provided along Hackworth Road or Mill Lane with the closest being located on Shotton Road to the south of the site and accessed via Mill Lane. Shotton Road provides an east-west link and provides an almost continuous cycle link from the industrial areas in towards Peterlee town centre. Peterlee roundabout is signalised and as such enables a traffic free crossing point over each lane of vehicle flows. It is generally considered that cycling could be considered a realistic mode of travel for journeys up to 5km. Based on this rule of thumb the area which could be accessed by a relatively short journey by bike includes the whole of Peterlee. In addition, Shotton Colliery to the west, Horden to the east and Easington to the north are all also all within relatively short range cycling distance to the site.
113. It is therefore the case that the application site performs acceptably in terms of access to public transport and modes other than the private motor vehicle. Furthermore, 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 would benefit this strategic employment site, with most of the estate now completed and operational with long established businesses.
114. Whilst no Travel Plan (TP) has been submitted to further improve upon accessibility, this is accepted given that this is an existing and long established business and as the proposal would not involve a significant increase in staff on site.
115. In summary, officers consider the proposal generally accords with the aims of Policy 21 of the CDP and paragraphs 104-113 of the NPPF.

Highway Safety and Access

116. 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.
117. 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.
118. The proposal would not generate significant additional vehicle movements above the present numbers, nonetheless the application is 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.
119. Access into the site would remain as existing via an existing bell mouth junction from Hackworth Road. Access from Mill Hill to Hackworth Road is via a standard priority junction. Mill Hill provides further access to various industrial and commercial uses within the industrial estate. To the south east it provides a link onto the Peterlee Roundabout which in turn provides a direct connection onto the A19. The A19 provides a north / south link connecting the east coast of England and provides strategic access across the UK. There is car parking within the site boundary for 70 vehicles for staff. As this in an informal arrangement this can increase or decrease as required.
120. There are no concerns raised by the Highway Authority relating to the access, layout or parking.
121. The Transport Statement details current trip generation and details how the site will operate following the expansion with an anticipated limited vehicle increases in the region of an additional 2 two way movements per hour which can be safely accommodated on the highway network. The proposal, therefore, cannot reasonably be considered to give rise to a 'severe' impact within the context of the NPPF.
122. 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.

Flooding and Drainage

123. 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.

124. 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.
125. 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 supporting information has 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.
126. 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 35 and 36 of the CDP and Part 14 of the NPPF.

Contamination and Land Stability

127. 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.
128. The site is a low-risk site in terms of Coal Mining Legacy and the groundworks are not significant therefore an informative in relation to Coal Mining Risk would be sufficient to address any risk.
129. In respect of contamination, a Phase 1 and Phase 2 Geo-Environmental site investigation report has been submitted and identifies the site to have a very low environmental risk rating and advises that remediation is not necessary at the site. Environmental Health Officers agree with the findings and conclusion but request an informative relating to unforeseen contamination. With such informatives 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

130. Policy 27 of the CDP seeks to ensure that commercial development is served by high speed broadband connection. As this is not a new development but an expansion of an existing operation whose operations are already heavily reliant on good internet connections this is not a concern at this site.
131. Policy 14 of the CDP advises that development of the best and most versatile agricultural land, will be permitted where it is demonstrated that the benefits of the development outweigh the harm, taking into account economic and other benefits. The policy also advises that all development proposals relating 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.

132. The site is predominantly grade 3a Good to Moderate agricultural land (60%) with 18.4% 3b land and also 10.5% non agricultural land. Whilst grade 3a land is considered to be Best and Most Versatile Land the applicants have set out the benefits of the case as being economic growth and job creation, and the environmental net gain from the new habitat creation and biodiversity enhancement to the site which they consider outweigh the loss of the agricultural land. Furthermore, as this is an existing business it would not be reasonable to expect the business to operate over a split site. These benefits are considered to outweigh the loss of the agricultural land and the operational requirements are not disputed.
133. In respect of soil, a soil resource management strategy has not been submitted but a condition can ensure these details are agreed prior to commencement. With such a condition the proposal is considered to accord with this policy.
134. Policy 28 of the CDP advises that within safeguarded areas development will be subject to consultation with the relevant authority and will be permitted within the defined consultation zones of the Major Hazard Sites and Major Hazard Pipelines where it can be demonstrated that it would not prejudice current or future public safety. Within the defined Shotton Airfield and Peterlee Parachute Drop zone safeguarding areas (including parachute landing areas), proposals for development which could adversely impact upon the operation or lead to closure of the facilities will be carefully considered. Proposals will be permitted where it can be demonstrated that they would not prejudice the safety of air traffic and air traffic services and they would not have an unacceptable adverse impact upon the operation of the Peterlee Drop Zone unless the benefits of the proposed development clearly outweigh the resulting harm. When considering relevant planning applications within the defined safeguarded areas the council will ensure that developers always consider both potential individual and cumulative impacts. Where demonstrated to be necessary mitigation will always be sought to either remove or reduce the potential impact upon each safeguarded area to acceptable levels.
135. Although the site is within a consultation zone of a Major Hazard Site (Laminox) the HSE does not advise, on safety grounds, against the granting of planning permission. Shotton Airfield has been consulted on the application but has have not responded. Nonetheless, only the proposed landscaping area is situated within the agreed 500-meter overshoot zone from the airfield, with the built/storage parts of the site outwith this area. Furthermore, this proposal does not involve hazards such as electric power lines, turbines, large areas of standing water or aerial hazards over 90m in height therefore it is not considered that the development alone or alongside the surrounding development would adversely impact upon the operations of the airfield. The proposal is therefore considered acceptable in terms of policy 28 of the CDP.
136. Part of the site is located within a mineral safeguarding area for glacial sand and gravel, as defined on the policies map of the CDP. CDP Policy 56 seeks to protect the County's mineral interests by preventing planning permission for non-mineral development that would lead to the sterilisation of identified resources, unless one of a number of limited circumstances apply. In this instance, the site has been previously worked and would be unlikely to be subject of future quarrying due to its position adjacent to the existing developed land and small size. Therefore, there is not considered to be policy conflict in respect of this policy.
137. Policy 25 of the CDP 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. In this instance an agreement under section 39 of the Wildlife and Countryside Act is required to ensure agreement and undertaking of final biodiversity Scheme and Management Plan.

138. 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

139. 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).
140. 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.
141. The storage site is an unallocated site within the countryside but generally complies with CDP policy and would allow for the expansion of a protected employment site of strategic importance for the Council with economic, employment and regeneration benefits. The principle of the development is, therefore, considered acceptable in accordance with Policy 2, 6 and 10 of the CDP and part 6 of the NPPF.
142. It is considered that conditions can ensure the development would not result in a level of harm to the amenity of local receptors 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.
143. The proposed layout of the application site and associated infrastructure would follow the form of the industrial estate. Given the industrialised context the effects on landscape character will be minimal, particularly with the significant landscaping proposed.
144. The Public Right of Way on site would be suitably maintained in accordance with CDP policy 26.
145. The development of the site would lead to the loss of species-poor hedgerow and the loss of a small number of territories for locally common bird species and one pair of breeding skylark. There is the potential that lighting would impact the use of the hedgerows by foraging and commuting bats. However, the mitigation proposed and advised by DCC ecology to be secured by condition would ensure suitable protection and alternative replacement habitat.

146. An appropriate level of BNG is proposed in accordance with Policies 41 and 43 of the CDP. A planning obligation can secure the delivery.
147. The site performs acceptably in terms of locational sustainability meeting the aspirations sought in Policy 21 of the CDP.
148. The development would not be prejudicial to highway safety or have a severe cumulative impact on network capacity and would deliver sufficient parking provision. in accordance with Policies 21 and 29 of the CDP as well as Part 9 of the NPPF.
149. The proposals are considered acceptable in respect of flooding and drainage subject to condition. The site is suitable for the proposed use in respect of contamination. There are no other technical concerns related to the proposals, which are broadly considered to be acceptable and in accordance with the aims of the County Durham Plan.
150. The loss of the Best and Most Versatile Land is justified given the economic and environmental benefits of the case and given the need to avoid a split site.
151. The proposal has generated no public interest.
152. In the overall planning balance, the negatives in terms of the loss of some best and most versatile agricultural land and the resultant urban incursion into the countryside and minor loss of wildlife habitat during construction are considered to be outweighed by the positive aspects of the development. These are most notably the benefits to Peterlee and the wider County Durham area of economic growth and benefits to be gained through the support of and delivery of strategic employment. The site benefits from being in a sustainable location and the proposal would result in significant new levels of ecological habitat creation and the creation of a robust new settlement boundary to screen this part of the estate. The proposals are considered acceptable in this respect and, it is therefore recommended that planning permission be granted.

RECOMMENDATION

That the application be APPROVED subject to a planning obligation securing a 30 year Habitat Management Plan for the biodiversity net gain mitigation on site 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 Site Plan	5318/13/E	15/08/23
Proposed Formation Levels	21166-700	10/08/23
Proposed Drainage Construction Levels	211660510 T01	10/08/23
Manhole Schedules	211660505	10/08/23
Proposed Drainage & Levels Layout	21166-500 T02	10/08/23
Preliminary Lighting Design	DR-E-63-001 Rev P5	18/05/23
Proposed Site Sections	5318-14b	18/05/23

Location Plan	5318-10	18/05/23
Landscape Principles	001A	18/05/23
BNG Metric		17/05/23
Arboricultural Impact Assessment		18/05/23
Dust Risk Assessment and Management		18/05/23
Flood Risk Assessment and Drainage Strategy		18/05/23
Lighting Assessment Report		18/05/23
Transport Statement		18/05/23

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 2, 21, 29, 31, 32, 35, 39, 40, 41 and 43 of the County Durham Plan and Parts 2, 4, 6, 8, 9, 12, 14 and 15 of the National Planning Policy Framework.

3. 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. Details of temporary lighting during construction.

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.

4. No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0730 to 1800 on Monday to Friday and 0730 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.

5. No development shall commence until a detailed landscaping scheme together with a time table for its implementation has been submitted to and approved in writing by the Local Planning Authority.

No tree shall be felled or hedge removed until the landscape scheme, including any replacement tree and hedge planting, is approved as above.

Any submitted scheme must be shown to comply with legislation protecting nesting birds and roosting bats.

The landscape scheme shall include accurate plan based details of the following:

Trees, hedges and shrubs scheduled for retention.

Details of hard and soft landscaping including planting species, sizes, layout, densities, numbers.

Details of planting procedures or specification.

Finished topsoil levels and depths.

Details of temporary topsoil and subsoil storage provision.

Seeded or turf areas, habitat creation areas and details etc. Details of land and surface drainage.

The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc.

The Local Planning Authority shall be notified in advance of the start on site date and the completion date of all external works.

Trees, hedges and shrubs shall not be removed without agreement within five years.

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. Required Pre-commencement as hedgerow removal required to facilitate the development and this requires timely replacement to ensure protection of species in accordance with the above policies.

6. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in accordance with the approved timetable for implementation.

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.

7. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges, indicated on the approved tree protection plan as to be retained, are protected by the erection of fencing, placed as indicated on the plan and comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar approved in accordance with BS.5837:2012.

No operations whatsoever, no alterations of ground levels, and no storage of any materials are to take place inside the fences, and no work is to be done such as to affect any tree.

No removal of limbs of trees or other tree work shall be carried out.

No underground services trenches or service runs shall be laid out in root protection areas, as defined on the Tree Constraints Plan.

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

8. The development shall take place in accordance with the mitigation measures outlined in part 4 of the Ecological Appraisal Proposed Extension of the Copart UK site, Peterlee by BSG Ecology dated 15th May 2023. Notwithstanding the above a total of ten bird boxes will be installed within the ecological mitigation area prior to the use of the new storage area commencing and these shall be 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.

9. No development shall commence until a soil resource management strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall clearly describe the proposed use of all soils on site and demonstrate that soil resources will be managed and conserved in a viable condition and used sustainably in line with accepted best practice. The strategy should detail soil handling, storage and replacement methods to be used appropriate to the grade of soil and intended after-use. The strategy shall also include details of the proposed soil depths upon replacement and plant and machinery to be used as well as, where appropriate, steps to prevent the spread of any soil-borne plant or animal diseases. If soils are to be removed from site, then details of quantities and a programme for removal shall be submitted. Thereafter, development shall take place in accordance with the approved details.

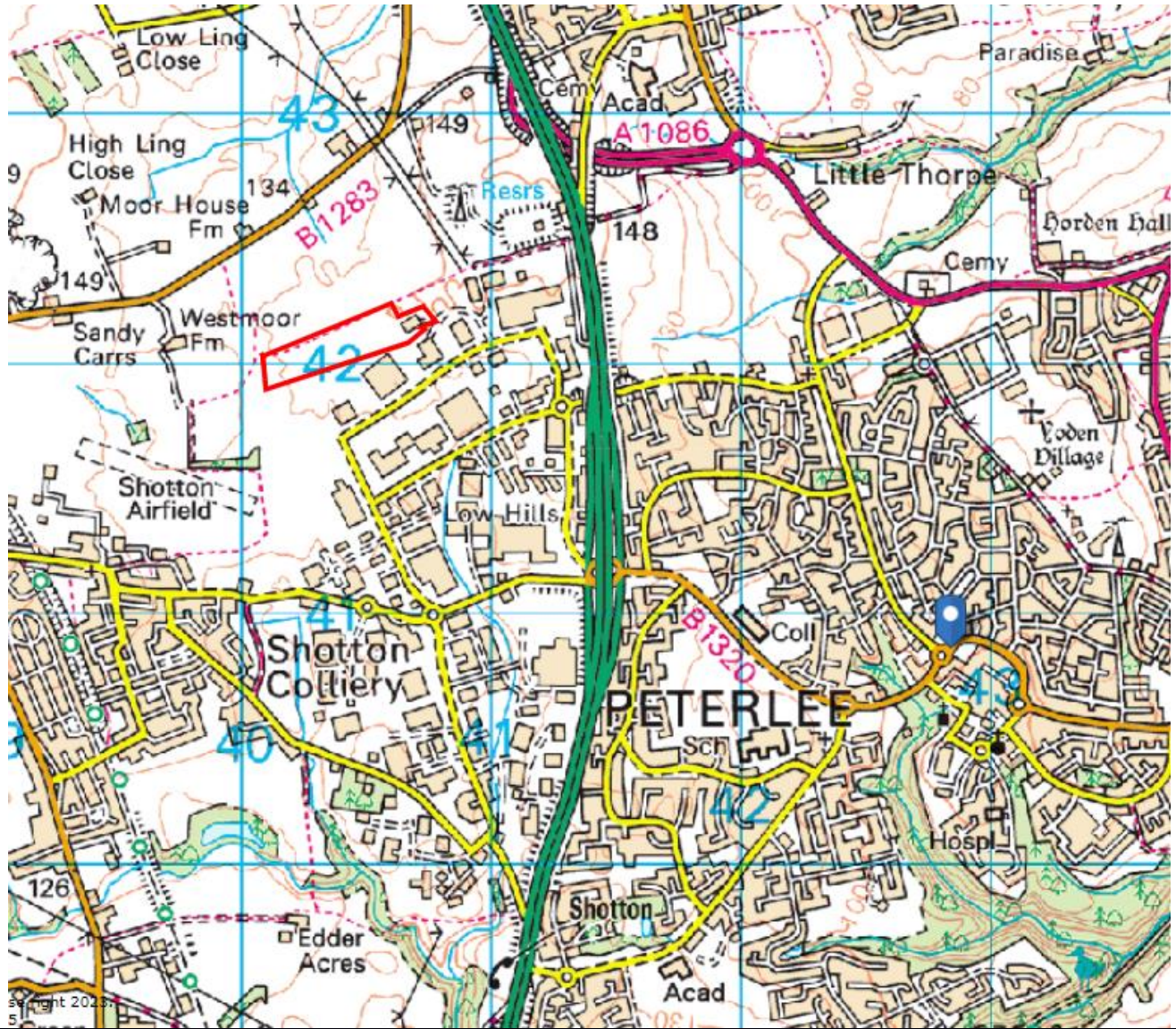
Reason: In the interests of the protection of soil resources and to comply with Policy 14 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required pre-commencement as groundworks will commence the development.

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 (2023)
- National Planning Practice Guidance notes
- County Durham Plan 2020
- Statutory, internal and public consultation responses



Planning Services

Reconfiguration and extension of Copart Peterlee site to develop additional car storage facilities (Use Class B8), boundary treatment, landscaping and associated infrastructure works.

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DM/23/01412/FPA

Date October 2023

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